

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

Under a new law signed by Governor Perdue, parents of K-12 public school students in Georgia now have the option to enroll their child in any school within the local school district in which they now reside. The new law requires, among other things, that each school district establish a universal, streamlined process to manage such transfers by July 1, 2009.

This framework and the attached documents are provided to districts to help implement this process and to assist districts in determining whether current permissive school choice policies may satisfy the statutory requirements.

A. House Bill 251

The law itself has three distinct features:

- A parent/guardian can elect to send a child to another public school in the same school district as long as there is classroom space available at the school after its assigned students have been enrolled;
- If a parent elects to exercise this choice option, the parent assumes all costs associated with transporting the child to and from the selected school; and
- A student who transfers to another school pursuant to this law may, at his or her election, continue to attend such school until the student completes all grades of the school.

Note:

- Local school districts should create a prioritized list for student transfers consistent with Federal and State laws.

Students eligible for transfer under the unsafe school choice option (USCO) and students in Needs Improvement (NI) schools that must offer public school choice under No Child Left Behind, must get first priority for available seats at those schools in the district that are not in needs improvement.

If a parent requests a transfer to a school that does not have the services required by the current Individualized Education Plan (IEP) or Individualized Accommodation Plan (IAP), nothing in this framework requires the school to develop those services as long as they are available within the local school district.

Existing Georgia law already creates certain enrollment preferences. For instance, twins are given a statutory right to be enrolled in schools with their siblings, consistent with local policies. HB 251 should be construed in light of this and other existing law. As a result, districts may determine enrollment priorities, provided they do so in accordance with the provision of the HB 251.

- Any student transferring under this law shall be subject to the eligibility requirements of the Georgia High School Association.

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

- Some local school districts may have court-approved desegregation orders that address transfers. Depending upon the terms of the agreement, the desegregation order may take precedent over this law. Therefore, if there is a conflict between the Federal desegregation order and State law, the Federal desegregation order applies.

B. LEA Responsibilities

- By July 1, 2009, a district must establish a universal, streamlined process available to all students to implement the new transfer requirements.
 - Such local process shall include an explicit deadline for parents who want to submit transfer requests.
 - The deadlines set forth pursuant to this local process should give parents at least fourteen (14) days to apply for a school choice transfer.
- Annual notification – By July 1 of each year, districts shall notify parents regarding which schools have available space and which of these schools parents may choose to request a transfer for their children. Notification may be by letter, electronic means, or by other reasonable means.
 - A district may have a single enrollment period each year, provided it complies with the July 1 notification period. At its election, a district may also decide to accept students throughout the school year as additional space becomes available.
- This process does not apply to certain categories of schools:
 - Does not apply to charter schools, including all schools within charter systems that meet the definition of a charter school.
 - Does not apply to newly opened schools for a period of four years from the date a school opens. (e.g., those schools with available classroom space that opened in 2006-2007 would not have to offer or be available for public school transfers under this law until the 2010-2011 school year.)
 - Does not apply to schools with existing Investing in Educational Excellence (IE2) partnership contracts, provided the contracts grant a waiver of this law or is amended to allow such waiver.
 - Does not apply to districts with only one school at each level (i.e., one, primary school, one elementary school, one middle school, one high school, or one combination school).

C. Defining Capacity at the School Level

- The term “available classroom space” is not defined in the statute. In defining available classroom space, the Department recommends using the same definition of capacity already established with the implementation of the Georgia Special Needs Scholarship (GSNS) program two years ago. Under those terms, a school district is allowed to deny a parental request for transfer based on a lack of capacity for the following reasons:
 - 1) Capacity of the school building based on established health and safety provisions and
 - 2) Class-size capacity by grade and subject, based on State law and rule.

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

In addition, a local school district may deny a transfer based on a lack of capacity in order to ensure students for whom Federal law provides a selected space (e.g., for students transferring from needs improvement school or unsafe schools under No Child Left Behind; for students with disabilities whose Individualized Educational Plan (IEP) or Individualized Accommodation Plan (IAP) calls for placement at a particular school).

- A local school district should define available classroom space in its local process. It may define such space as permanent classroom space or it may include portable classroom space. Nothing contained in this framework, however, shall require a school to create space by using existing portable classrooms or locating additional portable classrooms on the school's property.

D. Apportioning Available Seats

- In the event a particular school has available space and the number of transfer requests exceeds the remaining available capacity, it is recommended that the school conduct a random lottery that provides each interested student with an equal chance to be admitted.
- The law allows a student who transfers to continue to attend that school until the student completes all grades of the receiving school. A transferring student who completes all grades available at the receiving school does not automatically receive enrollment preference to the feeder school. The local school district has discretion to determine the appropriate school for enrollment.

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

Public School Model Transfer Request Form

Parents: please complete this form and mail it to [Name of District Contact] and [mailing address].

Under a 2009 state law (O.C.G.A. § 20-2-2131), parents may request a transfer to another public school within their local school district. If you want to request a transfer, please complete the information below.

Parent Transfer Request Form (Parents Must Complete)

Student Information

Date _____ Student's Name _____

Grade _____ Birth Date _____ Age _____

Name of Custodial Parent or Guardian requesting transfer _____

Home Address _____

Street _____ City _____ State _____ ZIP _____
Phone _____ E-Mail (if available) _____

[District Name] School the student is zoned to attend in 2009-2010 _____

Name of School

Parent Request for School Transfer

I _____ am requesting a transfer for _____

Name of Parent/Guardian

Student's Legal Name

to attend one of the following other schools in the district. I fully understand that my child may only receive my first choice of schools if space is available at the time this request is approved by the local school district.

Parent/Guardian Ranked List of Schools for Transfer (where more than one school is available).

1) _____

2) _____

3) _____

Parent/Guardian Signature

Date

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

FOR SCHOOL SYSTEM USE ONLY

The [School District Name] has received this parental request from the parent/guardian/other on the following date:

[Time and Date Stamp]

District Decision

After consideration, the transfer request for _____
Student's Name GTID
to _____ was approved on _____.
School Name Date

After consideration, the transfer request is denied based on [To be determined by the local school district]

Name School System Official
(Please print)

Job Title

Representative's Signature

Date

Please make three copies of this form:

- One for the parent,
- One for the school, and
- One for the district to keep on file.

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

Sample School District-Parent Annual Choice Notification Letter
[School System Letterhead]

[Date]

[Parent Name Here]

[Address]

[City, State, Zip]

RE: Public School Choice for [School Year]

Dear [Parent Name Here]:

As the parent or guardian of a student currently enrolled in our school district, we are writing to notify you that under a new state law you may request to transfer your child to another public school in the [School District Name] for the upcoming 2009-2010 school year.

Parent Responsibilities

As a parent or guardian, you can request to have your child transferred to another public school within your school district of residence as long as the school district has determined that there is available classroom space at the school after all assigned students have been enrolled. Please keep in mind that if you choose to transfer your child to another school in the district, the law requires you to assume all costs and responsibilities related to the transportation of your child to and from the school as long as your child remains at that school.

For your convenience, the district's list of schools with available classroom space for the upcoming school year is attached. In order to process your request, you will need to complete and submit the attached "Transfer Request Form." Requests for transfers will not be accepted after the close of business on [Date].

Transfer requests will be reviewed and approved or denied on the basis of a lottery in the event a particular school has available space and the number of transfer requests exceeds the remaining available capacity. Once available classroom space is reached at a school, no more transfers will be accepted at that school. Since it is possible that you may not receive your first choice, you may indicate more than one choice on the enclosed Transfer Request Form.

If you have questions regarding this, please contact [Name of District Contact], [email address], and [direct phone number].

Sincerely,

[Superintendent's Name]

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

[District Name] List of Schools with Space for Public Choice

Elementary School(s) with capacity (by grade)

Grade	[insert Name of School]
K	
1	
2	
3	
4	
5	

Grade	[Insert Name of School]
K	
1	
2	
3	
4	
5	

Grade	[Insert Name of School]
K	
1	
2	
3	
4	
5	

Middle & High School(s)

Grade	[Insert Name of School]
6	
7	
8	
9	
10	
11	
12	

Georgia Department of Education
House Bill 251 (2009)
Public School Choice Framework

Grade	[Insert Name of School]
6	
7	
8	
9	
10	
11	
12	