



GaDOE Model Process for HB-251

June 15, 2009

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Choice Features of House Bill 251

- ▶ A parent/guardian may request a transfer for a child to another public school in the same school district as long as the district determines there is available capacity/space;
- ▶ Parents assume all costs associated with transporting the child to and from the selected school under this transfer option;
- ▶ A student who transfers to another school pursuant to this law may continue to attend such school until the student completes all grades of the school or requests a transfer back to their home school; and
- ▶ Parents must be notified regarding available school capacity/space by July 1 of any school year. Districts should clearly communicate their local policy.



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Priority of Transfers

- ▶ Local school districts must prioritize student transfers consistent with Federal and State laws.
 - Decisions about transfers requests should only be made after districts ensure that students living in each school's attendance zone have been enrolled.



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Priority of Transfers (cont'd)

- Students eligible for transfer under the unsafe school choice option (USCO) or 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 provide services aligned to a student's Individualized Education Plan (IEP) or Individualized Accommodation Plan (IAP), districts are not required to develop those services at another school.



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Defining Capacity

- ▶ A local school district should define available classroom space in its local process.
- ▶ Districts may define available classroom space as permanent classroom space, which may or may not include portable classroom space.
- ▶ Districts are not required to develop greater capacity at specific schools due to demand.
- ▶ Districts should consider future capacity needs based on projected growth.



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Denying a Transfer Request

A district may only deny a transfer under this law for one of the following reasons:

- Capacity of the school building based on established health and safety provisions;
- Class-size capacity by grade and subject, based on state law and rule;
- For students with disabilities (SWD) whose Individualized Educational Plan(IEP) or Individualized Accommodation Plan(IAP) specifies services only offered at a specific school(s) in the district; and
- To ensure students eligible for public school choice or Unsafe School Choice under federal law receive first priority for available seats.



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Apportioning Available Seats

- ▶ In the event a particular school has available space and the district determines that the number of transfer requests exceeds the remaining available capacity, a district should conduct a random lottery that provides each interested student with an equal chance to have their transfer request met.



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Exemption Categories

- 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 school’s opening date. For example, schools that opened in 2006–2007 school year would not 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 as long as the contract grants a waiver of this law.
- Does not apply to districts with only one school at each level (i.e., one, primary, one elementary, one middle, and one high school or one combination school).



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Other Considerations

- ▶ 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.
- ▶ If a school system is operating under a desegregation order, the terms of court 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.

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