

Georgia Department of Education
What Every Parent Needs to Know about House Bill 251

Q1. What are my rights and responsibilities as a parent with regards to this new state transfer option?

A1. A parent/guardian can request a transfer to send a child to another public school in the same school district as long as the district has determined that there is classroom space available at the school.

A parent/guardian assumes all costs associated with transporting the child to and from the selected school.

A student who transfers to another school under this law may continue to attend such school until the student completes all grades at the school. Once a transferring student completes all grades available at the receiving school, the student does not automatically receive enrollment preference to the feeder school.

Q2. Are school districts required to notify parents?

A2. Yes, school districts must annually notify parents by July 1 regarding which schools may have available space and which of these schools parents may request transfers to for their children.

Q3. How will I receive this annual notification?

A3. The school district may notify parents by letter, electronic means, or by other reasonable means (e.g., student handbooks, newspapers).

Q4. Can school districts limit parents to one enrollment period per school year?

A4. Yes, a district may have a single enrollment period each year, provided it complies with the July 1 notification period.

Q5. Can school districts prioritize transfer requests?

A5. Yes, local school districts must prioritize transfer requests based on existing Federal and State laws. Students eligible for transfer under the unsafe school choice option (USCO) or the public school choice options under No Child Left Behind, must get first priority for available seats at those schools in the district that are not in Needs Improvement (NI).

If a parent requests a transfer to a school that does not offer special education services required by the current Individualized Education Plan (IEP) or Individualized Accommodation Plan (IAP), a district is not required to develop those services at that school as long as those services are available at another school within the district.

Any high school athlete interested in transferring under this law shall be subject to the eligibility requirements of the Georgia High School Association.

Where applicable, a desegregation order may take precedent over the provisions of this state law.

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Q6. Can a school district deny my request?

A6. Yes, a school district may deny a parental request for transfer for any one of the following reasons:

- Lack of 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; or
- Lack of capacity based on choice for students required under federal law (e.g., for students transferring from NI schools 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).

Q7. How will school districts apportion the available seats at a given school, if there are more requests than seats?

A7. In the event a particular school has available space and the number of transfer requests exceeds the available capacity, the school will use a random lottery to determine which students receive any remaining available seats. Districts are not required to create new additional space at schools of choice.

Q8. Are there schools that would not be eligible for transfers under this state's law?

A8. Yes, the new transfer law does not apply to the following entities:

- Charter schools and charter schools in charter systems;
http://public.doe.k12.ga.us/pea_charter.aspx?PageReq=CIAPCharterSchools
- Newly opened schools for a period of four years from the date the school opens;
 - For example, schools that opened for the 2006-2007 school year would not have to offer or be available for public school transfers under this law until the 2010-2011 school year;
- 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); and
- Schools under an existing school district's "Investing in Educational Excellence" (IE2) partnership contract, provided the contracts grant a waiver of this law. For 2009, only Gwinnett County and Forsyth County have such contracts and waivers. You can find more information on IE2 contracts and districts as the following URL.
http://public.doe.k12.ga.us/pea_policy.aspx?PageReq=IE2