



Intradistrict Transfer Option: Public School Choice Framework

Parents of K-12 public school students in Georgia have the option to enroll their child in any school within the local school district in which they now reside. This state 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:

1. 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;
2. 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
3. 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) 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.
- 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.

- 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.