

A local educational agency shall identify for school improvement any elementary school or secondary school that fails for two (2) consecutive years to make adequate yearly progress as defined in the State's plan under Section 1111(b)(2).

The identification shall take place before the beginning of the school year following such failure to make adequate yearly progress.

TARGETED ASSISTANCE SCHOOLS

To determine if an elementary school or secondary school that is conducting a targeted assistance program under Section 1115 should be identified for school improvement, corrective action, or restructuring under this Section, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services under this part.

PUBLIC SCHOOL CHOICE

In the case of a school identified for school improvement, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement unless such an option is prohibited by State law.

RULE

In providing students the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under Section 1113(c)(1).

TRANSFER

Students who use the option to transfer shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.

Legal Reference: No Child Left Behind Act of 2001