

# **PUBLIC SCHOOL CHOICE**

## **Non-Regulatory Guidance**

**January 14, 2009**

### **Glossary**

**20 Percent Obligation:** The 20 percent obligation is the amount equal to 20 percent of an LEA's Title I, Part A allocation that an LEA must spend, subject to demand, on choice-related transportation, SES, or a combination of the two. If the cost of satisfying all requests for SES exceeds 5 percent of an LEA's Title I, Part A allocation, the LEA may not spend less than an amount equal to 5 percent on those services. Similarly, if the demand from parents of eligible students for transportation needed for public school choice exceeds 5 percent of the allocation, the LEA must spend the equivalent of at least 5 percent on choice-related transportation. The LEA has flexibility in allocating the remaining 10 percent [*Section 1116(b) (10); 34 C.F.R. §200.48(a) (2)*]. In addition, an LEA may, but is not required to, spend up to 1 percent of its 20 percent obligation (0.2 percent of its Title I, Part A allocation) on parent outreach and assistance related to public school choice and SES (See *Section K-1*).

**Adequate Yearly Progress:** Adequate yearly progress (AYP) is the measure of the extent to which students in a school demonstrate proficiency in reading/language arts and mathematics. It also measures the progress of schools in meeting other academic indicators, such as the high school graduation rate or school attendance rate. The same measure also applies to LEAs. Each State has its own definition of AYP, and these definitions have been approved by the United States Department of Education, included in State Accountability Workbooks, and are available on the USDOE's website at <http://www.ed.gov/admins/lead/account/stateplans03/index.html>. State definitions must reflect the objective of all students demonstrating proficiency by the end of school year 2013-2014 [*Section 1111(b) (2)*].

**Corrective Action:** A school identified for corrective action is a Title I school that has not made AYP for four years. In order to exit corrective action, the school must make AYP for two consecutive years [*Section 1116(b) (7)*].

**Eligible Student:** For purposes of the public school choice provisions, eligible students are all students enrolled in Title I schools that are identified for school improvement, corrective action, or restructuring. Note that this differs from eligibility for SES, which is limited to students from low-income families who are enrolled in schools in the second year of school improvement, in corrective action, or in restructuring [*Section 1116(b) (1) (E)*].

**Public School Choice:** Students who attend a Title I school identified for school improvement, corrective action, or restructuring are eligible to transfer to another public school in the LEA that is identified for school improvement, corrective action, or

restructuring. LEAs are required to make at least two transfer options available to students, if at least two options exist, and are responsible for paying for or providing transportation necessary for students to attend their new school. If available funds are insufficient to satisfy all requests for transportation, LEAs must give priority to the lowest-achieving, low-income students who request transportation [Section 1116(b) (1) (E)].

**Restructuring:** A school identified for restructuring is a school that has not made AYP for five or more years. The first year of restructuring may be used for planning; the plan for the restructured school must be implemented no later than the second year. In order to exit restructuring, the must make AYP for two consecutive years [Section 1116(b) (8)].

**School Improvement:** A school is identified for school improvement when it has not made AYP for two consecutive years. A school can be identified for a second year of school improvement if it does not make AYP for another year, after initially being identified for school improvement. In order to exit school improvement, the school must make AYP for two consecutive years [Section 1116(b) (1) (A)].

**Schoolwide Program:** A schoolwide program is a Title I program operated in a school that serves an eligible school attendance area in which not less than 40 percent of the students are from low-income families, or that has a school enrollment of which not less than 40 percent of the students are from such families, and that uses its Title I funds to upgrade the educational program of the entire school, rather than to provide services only to students identified as most at risk of failing to meet State standards [Section 1114].

**Supplemental Educational Services:** Supplemental educational services (SES) are additional academic services designed to increase the academic achievement of low-income students in schools identified for school improvement, corrective action, or restructuring. These services may include tutoring, remediation, or other educational interventions that are consistent with the content and instruction used by the LEA and are aligned with the State's academic content standards. SES is in addition to instruction provided during the regular school day. SES must be high quality, research-based, and specifically designed to increase the academic achievement of eligible students [Section 1116(e) (12) (C); 34 C.F.R. §200.47(b) (2) (iii) (C)].

**Targeted Assistance Program:** A targeted assistance program is a Title I program in which a school uses its Title I funds to provide services only to the students who have been identified as being most at risk of failing to meet State academic content and achievement standards [Section 111].