

**Georgia Department of Education  
House Bill 251 (2009)  
Public School Choice Framework  
Questions & Answers**

**Q. What are a school district's responsibilities under HB-251?**

A. By July 1, 2009, a district must establish and adopt a universal, streamlined process available to all students to implement the new transfer requirements. A district must annual notify parents by July 1 of each year regarding which schools have available space and which of these schools parents may choose to request a transfer for their children. A district may notify parents by letter, electronic means (email or Web site), or by other reasonable means (e.g., local newspaper). A local process shall include an explicit deadline for parents who want to submit transfer requests. Parents should be provided at least 14 days in which to apply. 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.

- The district notification may be in the form of a letter, electronic means, or by other reasonable means.

**Q. How is available classroom space defined?**

A. A local school district is tasked with defining available classroom space. A local school district may define available classroom space as permanent classroom space and may determine if portable classroom space is or is not included in its definition. Districts will want to consider factors such as projected enrollment, maximum class size, available teachers, etc.

**Q. Are districts required to develop greater available classroom space at specific schools due to demands for transfers under HB-251.**

A. Nothing in the Georgia Department of Education model framework requires local school districts to secure additional space.

**Q. Do districts need to prioritize available classroom space?**

A. Yes. Local school districts must prioritize student transfers consistent with Federal and state laws. 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.

**Q. How should a district apportion a limited number of available seats?**

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

**Q. Can a district deny a transfer request under HB-251?**

A. Yes. A district can deny a transfer request for any of the following reasons:

- Available classroom space of the school building based on established health and safety provisions;
- Class-size 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;
- To ensure students eligible for public school choice or unsafe school choice under federal law receives first priority for available seats.

**Q. Are there exemptions to the provisions in HB-251?**

A. Yes. The exemptions are listed below.

- The law does not apply to charter schools, including all schools within charter systems that meet the definition of a charter school.
- The law 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.
- The law 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.
- The law does not apply to districts with only one school at each level (i.e., one, primary, one elementary school, one middle school, and one high school or one combination school).

**Q. Are magnet schools included in the charter exemption? These magnets use a selective enrollment processes that encourage attendance, good behavior and parental involvement.**

A. HB 251 does not address transfers and magnet schools. There are no requirements to change enrollment criteria. However, enrollment criteria based on attendance, good behavior, and parental involvement does not appear to be common enrollment criteria. Enrollment criteria for magnet schools are typically based on prerequisites such as student achievement (e.g., math and science magnets) and/or students' talents (e.g., music, performing arts magnets). Please consult with your local school board attorney on how to best implement HB 251 in magnet schools.

**Q. What must be implemented if the district is under court-approved desegregation order?**

A. You should review your desegregation orders to determine if the orders address intra-district school transfers. If there is a conflict between the transfer provision(s) of the desegregation orders and the new state law, then the federal desegregation orders apply. You are encouraged to consult your local school board attorney if you have further questions about these issues.

**Q. How does this new choice law interact with existing state laws?**

A. 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.

**Q. How are student athletes treated if they transfer under HB-251?**

A. Any student transferring under this law shall be subject to the eligibility requirements of the Georgia High School Association. School districts should clearly communicate with parents regarding student athletic eligibility before transfer decisions are finalized.