

**PART 200—TITLE I—IMPROVING THE ACADEMIC
ACHIEVEMENT OF THE DISADVANTAGED
34 CFR Subtitle B**

§ 200.39 (c) (1) Except as provided in paragraph (c)(2) of this section, the LEA must prominently display on its Web site, in a timely manner to ensure that parents have current information, the following information regarding the LEA's implementation of the public school choice and supplemental educational services requirements of the Act and this part:

(i) Beginning with data from the 2007- 2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in public school choice.

(ii) Beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in supplemental educational services.

(iii) For the current school year, a list of supplemental educational services providers approved by the State to serve the LEA and the locations where services are provided.

(iv) For the current school year, a list of available schools to which students eligible to participate in public school choice may transfer.

(2) If the LEA does not have its own Web site, the SEA must include on the SEA's Web site the information required in paragraph (c)(1) of this section for the LEA.

**US Department of Education Non-Regulatory Guidance
Public School Choice – January 14, 2009**

D-8. What information regarding public school choice must an LEA display on its Web site?

An LEA is required to prominently display on its Web site the following information regarding public school choice:

1. Beginning with data from the 2007-2008 school year, and for each subsequent school year, the number of students who were eligible for and who participated in the public school choice option [34 C.F.R. §§200.39(c)(1)(i); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)]; and
2. For the current school year, a list of available schools to which students eligible to participate in public school choice may transfer [34 C.F.R. §§200.39(c)(1)(iv); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)].

An LEA should also consider including other information on its Web site that will help parents make informed choices. For instance, an LEA might wish to include the list of schools with students eligible for public school choice. An LEA might also include information on the academic achievement of the schools from which parents may choose, as well as other information on these schools, such as any special programs or facilities, the availability of before- or after-school programs, the professional qualifications of teachers, and parent involvement opportunities. LEAs should also include other information, such as the procedures and timelines that parents must follow in selecting a school for their child, how transportation will be paid for or provided, and the amount equal to 20 percent of the LEA's Title I, Part A allocation, which is the amount the LEA must spend for choice-related transportation and SES (referred to as the 20 percent obligation). An LEA might also include LEA and school contact information for parents to use if they have additional questions or seek more information. Finally, an LEA might also include a link to a downloadable form for parents to use to request to transfer their child to another school.

An LEA must also display on its Web site certain information on SES. For more information, see the Supplemental Educational Services Non-Regulatory Guidance, G-10, at: <http://www.ed.gov/policy/elsec/guid/suppsvcsguid.doc>.

D-9. When must an LEA post the information described in D-8 on its Web site?

An LEA must display this information in a timely manner to ensure that parents have current information on their public school choice options [34 C.F.R. §200.39(c)(1)]. Regarding the list of schools to which eligible students may transfer, an LEA must display this information sufficiently in advance of, but no later than 14 calendar days before, the start of the school year (i.e., contemporaneous with its required notification to parents). Regarding the number of students who were eligible for and who participated in public school choice in prior years, an LEA should display this information as soon as it becomes available.

Beginning with the 2008-2009 school year, an LEA must post data on the number of students who were eligible for and participated in public school choice during the 2007-2008 school year. For the 2009-2010 school year, the LEA must post data on the number of students who were eligible for and participated in public school choice during the 2007-2008 and 2008-2009 school years, and must post the list of transfer options for the 2009-2010 school year. An LEA must continue posting historical data on public school choice participation and eligibility, and its current list of transfer options, in subsequent school years accordingly.

D-10. Do all LEAs have to display information about public school choice on their Web sites?

An LEA must prominently display information on student eligibility and participation in public school choice, and the list of available transfer options, unless the LEA (1) does not have any Title I schools identified for school improvement, corrective action, or restructuring; (2) is not able to offer public school choice because it has no available schools to which students may transfer (see E-10); or (3) does not maintain a Web site, in which case the SEA must display the required information for the LEA (see L-3) [34 C.F.R. §200.39(c)(2)]. An LEA that does not have its own Web site and is required to display information about public school choice should notify its SEA before the start of the school year that it does not have its own Web site so that the SEA is aware of its obligation to post the required information on the LEA's behalf. In notifying the SEA, the LEA should provide the required information described in D-8.

An LEA that no longer has any Title I schools identified for school improvement, corrective action, or restructuring, or is no longer able to offer public school choice because it has no available schools to which students may transfer, is encouraged to continue to display on its Web site historical data on student eligibility for and participation in public school choice from prior school years, although it is not required to do so.

**US Department of Education Non-Regulatory Guidance
Supplemental Educational Services – January 14, 2009**

G-10. What information must an LEA include on its Web site about SES?

An LEA is required to prominently display on its Web site the following information regarding SES:

1. Beginning with data from the 2007-2008 school year, and for each subsequent school year, the number of students who were eligible for and the number of students who participated in SES [34 C.F.R. §§200.39(c)(1)(ii); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)]; and
2. For the current school year, a list of SES providers approved by the State to serve the LEA and the locations where services are provided [34 C.F.R. §§200.39(c)(1)(iii); 200.42(b)(5); 200.43(b)(5); 200.43(c)(1)(iii)].

An LEA should display this information on its Web site in a place that is visible and easy for parents to locate. Note that an LEA must list on its Web site all SES providers approved by the State to serve the LEA. This includes SES providers approved by the State that are located within the LEA, as well as in its general geographic location, and providers accessible through distance learning technology [34 C.F.R. §§200.37(b)(5)(ii)(A); 200.39(c)(1)(iii)].

An LEA also must display on its Web site information on aspects of public school choice. For more information, see the Public School Choice Non-Regulatory Guidance, D-8, at: <http://www.ed.gov/policy/elsec/guid/schoolchoiceguid.doc>.

G-11. By when must an LEA post this information on its Web site?

An LEA must post the information, described in G-10, in a timely manner to ensure that parents have current information on their options [34 C.F.R. §200.39(c)(1)]. An LEA must post information on approved providers as early in the school year as possible so that parents can access this information when making decisions about their child's participation in SES, and update this information periodically throughout the school year, as updates become necessary. Regarding the number of students who were eligible for and who participated in SES in prior years, an LEA should display this information as soon as it becomes available.

Beginning with the 2008-2009 school year, an LEA must post data on the number of students who were eligible for and participated in SES during the 2007-2008 school year, and must post the list of SES providers for the 2008-2009 school year. For the 2009-2010 school year, the LEA must post data on the number of students who were eligible for and participated in SES during the 2007-2008 and 2008-2009 school years, and must post the list of providers for the 2009-2010 school year. An LEA must continue posting historical data on SES participation and eligibility, and its current list of providers, in subsequent school years accordingly.

G-12. Do all LEAs have to display the SES information on their Web sites?

All LEAs must prominently display information on student eligibility and participation in SES, and the list of approved SES providers and location of services, unless the LEA (1) does not have any Title I schools in year two of improvement, in corrective action, or in restructuring; (2) is not able to offer SES because there are no approved providers able to serve in the LEA; or (3) is required to offer SES, but does not maintain a Web site, in which case the SEA must display the required information, on behalf of the LEA, on the SEA's Web site [34 C.F.R. §200.39(c)(2)]. An LEA that is required to offer SES but does not maintain a Web site should notify its SEA before the start of the school year that it does not have a Web site. An LEA must provide the information required so that the SEA can meet its obligation to post the required information on its own Web site. (See B-9.)

An LEA that no longer has any Title I schools identified for school improvement, corrective action, or restructuring, or is no longer able to offer SES because it has no available providers, is encouraged to continue to display on its Web site historical data on student eligibility for and participation in SES from prior school years, although it is not required to do so.

G-13. What other information should an LEA display on its Web site to help parents understand their SES options?

An LEA's Web site should include information on which providers are able to serve student with disabilities or LEP students, and other information, such as the LEA's SES timeline and procedures for student enrollment, to help parents make informed decisions about their SES options. Additionally, an LEA could include information, obtained from the SEA's Web site, on the LEA's 20 percent obligation and per-pupil allocation.