



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

Public High School Choice Timeline

Under Title 16, Section 822a

For implementation of Public High School Choice under 16 V.S.A. § 822a,¹ it is important to have a predictable process for students and families and to be sure all applications for students are received in time for consideration. Ideally, all Districts would follow the same schedule, for predictability and consistency, statewide. The Vermont Agency of Education, however, cannot mandate this. To that end, the Agency offers the following proposed timeline for school districts to consider. Many of the dates are based on the statute; others are recommended as a matter of practicality in order to allow structured steps that will meet the statutory end dates.

Preliminary Determinations by School Boards:

1. On or before February 1: school boards must determine and announce capacity (number) of students allowed to transfer in from other schools.²
2. On or before February 1: school boards may determine and announce number of students allowed to transfer out to other schools.³

Applications by Students/ Actions by Sending Schools:

3. On or before March 1: Students seeking to attend different schools for the next following school year must apply, in writing, for choice, to the schools where they reside.⁴
4. On or before March 5: Schools whose boards have set a limit on outgoing students and that receive applications to attend different schools in excess of that limit hold a nondiscriminatory lottery of outgoing applicants.⁵
5. Sending schools immediately transmit (electronically or fax) choice requests to potential first choice receiving schools.

¹ It is important to bear in mind that Section 822a expands, but does not necessarily limit, the range of “choice” arrangements involving multiple schools. Other arrangements creating even greater flexibility may be possible if jointly agreed by two or more schools, and if not inconsistent with law. Any such additional arrangements must, at minimum, be transparently open, equitably available, and orderly, so as to give all students who may want to exercise such choice open and fair possibilities of exercising such choice.

² 16 V.S.A. §822a(c)

³ §822a(b); sub-section (b) does not require a Board to set this limit, and does not specify a date, but February 1 is a practical cut-off for Boards that choose to set an outgoing limit.

⁴ §822a (e)(1)

⁵ §822a(d); no date set in statute, this date is suggested as a practical, clear time. Please note that under §822a(d)(2)(A), a school must give preference to a student who was denied in a prior year.

Actions by Receiving Schools:

6. On or before March 5: Upon receipt of incoming choice requests, schools that receive more applicants than they have incoming spaces promptly hold a first nondiscriminatory lottery.⁶

7. On or before March 10: receiving schools notify sending schools and families, in writing, of outcome of first lottery, if any, and where in the lottery students fell.⁷

Second Lottery:

8. On or before March 15: sending schools forward applications for students who did not receive their first choice to each student's second choice receiving school, and, if those applications exceed spaces at receiving schools that remain available after the first lottery, receiving schools promptly hold a second nondiscriminatory lottery.

6. On or before March 20: receiving schools notify sending schools and families of outcome of second lottery, if any, and where in the lottery students fell.

Third Lottery:

7. On or before March 25: applications for students who did not receive their second choice are forwarded to third choice receiving school, and, if those applications exceed spaces at receiving schools that remain available after the first and second lotteries, receiving schools promptly hold a third and final nondiscriminatory lottery.

8. April 1: receiving schools notify sending schools and families of outcome of third/ final lottery, if any, and where in the lottery students fell.⁸

Definitive and Final Decision by Students:

9. April 15: families must give decisive written notice of how they intend to exercise their school choice option to the sending school and any/ all receiving schools that have offered them openings.⁹ *Failure to timely make and communicate a clear decision risks forfeiture of choice.*

⁶ §822a(d); no date set in statute, this date is suggested as a practical, clear time. Please note that under §822a(f), a student who has previously exercised choice must be permitted to remain in the receiving school unless they graduate, move out of Vermont, or are expelled.

⁷ §822a(d); no date set in statute, this date is suggested as a practical, clear time.

⁸ §822a(e)(2); April 1 deadline is in statute

⁹ §822a(e)(3) April 15 deadline for definitively exercising choice is in statute. Note, under §822a(e)(4)and(5):

(4) After sending notification of enrollment, a student may enroll in a school other than the receiving high school only if the student, the receiving high school, and the high school in which the student wishes to enroll agree. If the student becomes a resident of a different school district, the student may enroll in the high school maintained by the new district of residence.

(5) If a student who is enrolled in a high school other than in the school district of residence notifies the school district of residence by July 15 of the intent to return to that school for the following school year, the student shall be permitted to return to the high school in the school district of residence without requiring agreement of the receiving district or the sending district.



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

Public High School Choice Frequently Asked Questions

What is Public High School Choice?

The legislature passed a law in 2012 (Title 16, Section 822a) allowing students at Vermont's 61 public high schools to apply to attend any other high school in grades 9-12. Before the new law passed, students could apply for school choice only within a region of which their high school was a member.

How do students apply for school choice, and when is the application due?

Applications are available at middle and high school's Guidance Office and are due no later than March 1 of each year.

Who signs the application?

If the student is under 18-year-old, both the student and the parent/guardian sign the application. Only student signs if he or she is 18-years-old or older.

Do students have to qualify for school choice? Do they have to give a special reason for applying?

No. It's only necessary that one be students in good standing at a school and in grades 8-11 when they apply.

What else is on the application, and do students have more than one choice?

Contact information for students and parents is needed, and the student's first choice – and second and third, if any – of high school he or she wants to attend.

Are there any limits on school choice?

Yes. A school may set limits on the number of students who may transfer from a school; and a school has to set limits on how many may enroll in the schools.

What are the transfer limits from schools, who sets them, and when are they set?

High school boards, each year by February 1, may limit the number of students allowed to transfer to five percent or resident enrolled students or 10 students, whichever is lower. These figures are cumulative, until the school reaches an upper limit on the total number of students allowed to transfer. That limit is 10 percent of resident students or 40 students, whichever is lower. Schools are also allowed to set higher limits, so that more students may transfer. When calculating the number of students who are allowed to transfer, schools include those who have already transferred to other schools and who have not graduated.

What are the capacity limits on how many students may enroll in other schools, who sets them, and when are they set?

School boards are also required each year by February 1 to set limits on their capacity to receive students through school choice. While there is no formula, schools have to consider program,

staff and grade, school building, adverse financial impact, or other factors, but they may not limit capacity based on the need to provide special education services.

How are applications handled?

After all applications are received by March 1, Guidance Office staff members enter the student's choice(s) of schools, in order of preference. Based on the transfer limits described above, the staff then determines whether the student will be allowed to transfer. If more students want to transfer than there are places available, a fair lottery is held, and students are assigned numbered places on a list.

The next step is for the Guidance Office to send names to all schools to which students are applying, including first, second, and third choices, if any.

Schools receiving requests to enroll shall – applying their capacity to receive a certain number of students – consider applications in order of preference. Students with first choice are considered first. If there are more first choice students than there are spaces available, a lottery is held. The step is released if there are spaces available after the first choice students are considered. Students not selected in lotteries shall be placed on a numbered waiting list.

The “receiving” schools notify the “sending” school of the results by March 27 of each year.

Students shall be notified in writing of the results of their applications no later than April 1 of each year.

What is the connection between the transfer limit of one school and the capacity limit of another?

The connection is that a student may be allowed to transfer from a school – either because there were fewer students who applied than the transfer limit, or because the student was chosen through a lottery – and the student's enrollment at the other school will be decided by that school's capacity limit. As described above, if more students seek enrollment than there are spaces, a lottery is held.

Is anyone given preference in the application process?

Yes, in 2012 the law was changed to give preference to applications who applied to transfer from a school in an earlier year, who were not chosen, and who apply again. If there is more than one such student, a lottery will be used to determine a numbered list. Those names from prior years are then placed on the applications list ahead of those applying for the first time. The selection process then proceeds as described above.

Although the legislature considered the question in 2012, brothers or sisters of students who enroll in other schools do not have preference in later years.

If accepted, when do students have to decide whether to attend the other school?

Students are required to accept or decline the school choice offer by April 15 of the current year. Depending on these decisions, places may open up on waiting lists.

If students transfer to another school, do they have to apply again each year?

No. Once students enroll in another school, they may remain until they graduate, unless they no longer live in Vermont or unless they are suspended or expelled. They may return to the school in their town of residence by giving notice to their home high school by July 15 of the year they intend to return.