

Office of Superintendent of Schools
Board Meeting of May 17, 2000

May 2, 2000

Deputy Superintendent of Schools
Henry C. Fraind

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE: INITIAL
READING 6Gx13- 5A-1.081, OPPORTUNITY SCHOLARSHIP PROGRAM
STUDENT TRANSFERS**

This item is submitted for consideration by the Board due to the enactment of the 1999 legislation, Section 229.0537 Florida Statutes, Opportunity Scholarship Program. This statute states that a student should not be compelled, against the wishes of the student's parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period. It further states that the Legislature shall make available opportunity scholarships in order to give parents and guardians the opportunity for their children to attend a public school that is performing satisfactorily. The proposed Board Rule outlines the procedures this district will follow in order to be in compliance with the mandates of this statute.

Attached are the Notice of Intended Action and the proposed new rule.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the promulgation of new Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 17, 2000, its intention to promulgate new Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers at its meeting of June 21, 2000.

PURPOSE AND EFFECT: To implement the provisions of Section 229.0537, Florida Statutes, which provides for opportunity scholarships to be available for parents/guardians of children who have attended or who are assigned to attend a school found by the state to be failing for 2 years in a 4-year period.

SUMMARY: The rule outlines the procedures the district will follow in order to be in compliance with the mandates of Section 229.0537, Florida Statutes, Opportunity Scholarship Program.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(20), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 229.0537; 229.57; 230.23005(10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 21, 2000, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 12, 2000, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Daniel Tosado
Supervisor: Dr. Henry C. Fraind
Date: May 2, 2000

Attendance**OPPORTUNITY SCHOLARSHIP PROGRAM STUDENT TRANSFERS****I. ELIGIBILITY**

- A. A public school student's parent or guardian may request and receive an Opportunity Scholarship Program Transfer in accordance with Section 229.0537 Florida Statutes, if:
1. by assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated as performance grade category "F," failing to make adequate progress, and that has had two school years in a four-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect; or
 2. the parent or guardian of a student who has been in attendance elsewhere in the public school system or who is entering kindergarten or first grade and has been notified that the student has been assigned to a school designated as performance grade category "F" for two school years in a four-year period for the next school year.

II. DISTRICT OBLIGATIONS

- A. For each student enrolled in or assigned to a school that has been designated as performance grade category "F" for two school years in a four-year period, the school district shall:
1. notify, in a timely manner, the parent or guardian of the student as soon as such designation is made;
 2. offer that student's parent or guardian an opportunity to enroll the student in [a school, located within the opportunity scholarship transfer zone designated to serve the student's residence school,] that has been designated by the state as a school performing higher than the school in which the student is currently enrolled or to which the student has been assigned, but not less than a school performance grade category "C";
 3. provide transportation to each student who is eligible for Opportunity Scholarship Program transfers to a school within the opportunity scholarship zone that serves the residence school; and

4. provide each eligible student with an opportunity to continue attending higher performance schools until the student graduates from high school.

III. OPPORTUNITY SCHOLARSHIP PROGRAM APPLICATION PROCESS

- A. The parent or guardian of an eligible student will receive an Opportunity Scholarship Program Transfer application form and instructions.
- B. The parent or guardian will submit completed application form to his/her residence school within the designated time frame.
- C. Residence school staff will verify student eligibility and will approve the transfer if the requested school is at or below 115 percent of its assigned permanent plus temporary program capacity as defined by the Attendance Boundary School Profile Form.
- D. School staff will advise parent or guardian that the transfer request has been approved.
- E. If school staff advises parent or guardian that the requested school has been denied, school staff will then offer alternate school(s) (at or below 115 percent of permanent plus temporary capacity) within the opportunity scholarship zone that serves the residence school.

IV. APPEAL PROCESS

The parent or guardian who does not accept the alternate school offered by school staff may appeal to the Division of Attendance Services.

Specific Authority: 230.22(2); 230.23(20) F.S.

Law Implemented, Interpreted, or Made Specific: Section 229.0537; 229.57; 230.23005(10) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: