

Financial Affairs
Richard H. Hinds, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING
6Gx13- 5A-1.081, OPPORTUNITY SCHOLARSHIP PROGRAM STUDENT
TRANSFERS**

The School Board of Miami-Dade County, Florida, announced on May 15, 2002 its intention to amend School Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers, at the meeting of June 19, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on May 20, 2002, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking-through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective June 19, 2002.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 15, 2002, its intention to amend Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers, at its meeting of June 19, 2002.

PURPOSE AND EFFECT: To incorporate No Child Left Behind transfers in accordance with 20 U.S.C. § 6316 and The John McKay Scholarship for Students with Disabilities Program transfer in accordance with Section 229.05371, Florida Statutes.

SUMMARY: The rule outlines the policy and procedures on school choice programs for student transfers.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 229.0537; 229.05371; 229.57; 230.23005(10), F.S.; 20 U.S.C. § 6316

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 19, 2002, 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 11, 2002 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 AMENDED 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: Ms. Debbie Karcher
Supervisor: Dr. Richard H. Hinds
Date: May 10, 2002

AttendanceOPPORTUNITY SCHOLARSHIP PROGRAM STUDENT TRANSFERS:
SCHOOL CHOICE PROGRAMS

I. ELIGIBILITY

A. OPPORTUNITY SCHOLARSHIP AND NO CHILD LEFT BEHIND

A-1. 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-a. 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 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-b. 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 for the next school year, to a school designated as performance grade category "F" for two school years in a four-year period ~~for the next school year~~.

2. A public school student's parent or guardian may request and receive a No Child Left Behind transfer in accordance with 20 U.S.C. § 6316, if the student is enrolled in a public school that has been designated performance grade category "F", failing to make adequate yearly progress, and that has had two consecutive years of such low performance.

B. MCKAY SCHOLARSHIP

1. A public school student's parent or guardian may request and receive a John McKay Scholarship for Students with Disabilities Program Transfer in accordance with Section 229.05371, Florida Statutes, if:

a. by assigned school attendance area or by special assignment, the student has spent the prior school year in a Florida public school in grades K-12; and

- b. the student is a student with a disability for whom an individual educational plan (IEP) has been written.

II. DISTRICT OBLIGATIONS

A. OPPORTUNITY SCHOLARSHIP AND NO CHILD LEFT BEHIND

A-1. 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, or for two consecutive years, the school district shall:

1.a. notify, in a timely manner, the parent or guardian of the student ~~as soon as~~ of such designation is made and provide an explanation of: (1) the reasons for the designation; (2) what the school and school district are doing to address those conditions; (3) how parents may become involved; and (4) all options available to parents or guardians under the statute;

2.b. 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.c. provide transportation to each student who is eligible for an Opportunity Scholarship or No Child Left Behind Program transfers to a school within the opportunity scholarship zone that serves the residence school; and

4.d. provide each eligible student with an opportunity to continue attending this higher performing school until the student graduates from high school.

B. MCKAY SCHOLARSHIP

1. For each student who meets the eligibility requirements of the John McKay Scholarship for Students with Disabilities Program, the school district shall:

a. notify, in a timely manner, the parent or guardian of the student of all options available;

- b. offer the student's parent or guardian an opportunity to enroll the student in another public school located within the scholarship transfer zone designated to serve the student's residence school if determined that the services written on the IEP can be appropriately delivered;
- c. provide transportation to a public school selected by the parent or guardian within the scholarship transfer zone; and
- d. provide each eligible student with an opportunity to continue attending a public school chosen by the parent or guardian until the student graduates from high school.

III. OPPORTUNITY SCHOLARSHIP PROGRAM APPLICATION PROCESS

A. OPPORTUNITY SCHOLARSHIP AND NO CHILD LEFT BEHIND

- A.1. A parent or guardian of an eligible student will receive an Opportunity Scholarship or No Child Left Behind Program Transfer application form and instructions.
- B.2. The parent or guardian will submit a completed application form to his/her residence school within the designated time frame.
- 3. In evaluating such transfer requests, priority shall be given to the lowest achieving children from low-income families.
- C.4. 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.5. School staff will advise the parent or guardian that the transfer request has been approved.
- E.6. If school staff advises the parent or guardian that the requested school has been denied, school staff will then offer alternate school(s) (at or below 115 percent of its permanent plus temporary capacity) within the opportunity scholarship zone that serves the residence school.
- 7. If no higher performing school in the opportunity scholarship zone is at or below 115 percent of its permanent plus temporary capacity, M-DCPS staff will allow a school or schools within the zone to exceed this utilization limit or designate an eligible school or schools outside of the zone to accommodate the transfer requests.

B. MCKAY SCHOLARSHIP

1. The parent or guardian of an eligible student shall submit the completed intent form to the student's assigned school within the designated time frame.
2. School staff will verify student eligibility and will approve the transfer if the requested school(s) is at or below 115 percent of its assigned permanent plus temporary program capacity as defined by the Attendance Boundary School Profile Form; and/or the exceptional student education (ESE) program at the requested school(s) is not over capacity as determined by the region ESE office.
3. School staff will advise the parent or guardian that the transfer has been approved after it has been reviewed and signed by the Region ESE Director or designee.
4. If school staff advises the parent or guardian that the requested school has been denied, school staff will then offer alternate school(s) within the scholarship transfer zone that has the appropriate exceptional student education program.

IV. APPEAL PROCESS

A. OPPORTUNITY SCHOLARSHIP AND NO CHILD LEFT BEHIND

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

B. MCKAY SCHOLARSHIP

The parent or guardian who does not accept the alternate school offered by school staff may appeal to the Region ESE Director.

Specific Authority: 230.22(2); 230.23(20), F.S.
Law Implemented, Interpreted, or Made Specific:

Section 229.0537; 229.05371;
229.57; 230.23005(10), F.S.: 20
U.S.C. § 6316.

History
New: 6-21-00

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA