

Business Operations  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: PROPOSED REPEAL OF SCHOOL BOARD RULE: INITIAL  
READING 6Gx13- 5A-1.12, NONRESIDENT TUITION**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS**

This item is submitted for consideration by the School Board to repeal Board Rule 6Gx13- 5A-1.12, Nonresident Tuition, which authorizes the district to charge a fee of \$50.00 for each nonresident student enrolling in school after the February FTE survey. The collection of fees based on the rule has been insignificant. During the 2003-2004 school year, the district collected \$11,150; \$8,900 during the 2002-2003 school year; and, in 2001-2002 \$3,400 was collected. The process has been identified as cumbersome and inefficient for school site collection as well as for district processing. Additionally, the specific statutory authority for this rule, 228.121 F.S., was repealed by the 2001 Florida Legislature and replaced by 1000.41 F.S. giving districts the authority and power to adopt any rules that supplement those prescribed by the State Board of Education.

Attached are the Notice of Intended Action and the rule proposed for repeal.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the repeal of Board Rule 6Gx13- 5A-1.12, Nonresident Tuition.

**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 repeal School Board Rule 6Gx13- 5A-1.12, Nonresident Tuition.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 13, 2005, its intention to repeal Board Rule 6Gx13- 5A-1.12, Nonresident Tuition, at its meeting of May 18, 2005

**PURPOSE AND EFFECT:** To discontinue the use of this rule in reference to the collection of a fee of \$50.00 for each nonresident student enrolling in schools after the February FTE survey.

**SUMMARY:** Board Rule 6Gx13- 5A-1.12, Nonresident Tuition, will be repealed because the collection of fees based on the rule has been insignificant and the process has been identified as cumbersome and inefficient for school site collection as well as for district processing.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:**  
230.22(2) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 228.121 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 18, 2005 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 May 9, 2005, 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 to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Leyva  
Supervisor: Ms. Ofelia San Pedro  
Date: March 30, 2005

Attendance**NONRESIDENT TUITION****I. Requirements to Pay Tuition**

Under the provisions of s. 228.121 F.S., nonresident students may be required to pay tuition in order to attend the public schools. This fee of \$50 per student is payable at the time the student is enrolled and is required regardless of length of time a student is in school. If there are questions as to the interpretation of this law, address these inquiries to the Division of Attendance Services.

**II. Definition of Nonresident**

For purposes of this law, a nonresident is defined as a person

- A. Who has lived in Florida less than one year; and
- B. Who has not purchased and occupied a home prior to the enrollment of the student; and
- C. Who has not filed a manifestation of domicile in the county where the student is enrolled.

**III. Exemptions**

No tuition will be charged to:

- A. A student whose parent(s) or legal guardian(s) is in the Federal military service or is a civilian employee of the military, the cost of whose education is provided in part or in whole by federal subsidy to state-supported schools
- B. A student whose parent(s) or legal guardian(s) is a migratory agricultural worker
- C. A student for whom the district will receive FTE funds during that fiscal year
- D. A student who resides in residential care facilities operated by State of Florida, Department of Children and Family Services
- E. A student who is homeless as defined in s. 228.041(35) F.S.

**IV. Principal's Responsibility**

Principals will require the parent(s) or guardian(s) to pay tuition or establish eligibility for exemption for students enrolling after the last FTE survey in the current fiscal year.

**V. Procedures for Enrolling Students Whose Parents Would be Required to Pay Tuition or Establish Eligibility for Exemption**

- A. If parents are not eligible to establish exemption from tuition, tuition must be paid immediately.
- B. If a parent wishes to establish eligibility for exemption from tuition, the form "Application for Exemption from Tuition," should be provided. This form should be explained in detail to the parent(s) or guardian(s) of the student. They should be instructed to provide the information requested and registration should proceed.
- C. When the parent has provided the required information to determine eligibility for exemption, it should be examined by the enrolling school official and if information is in order, the registration will proceed. These completed forms will be kept within the school in which the student first enrolls and not be transferred.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 228.121 F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-21-85; 6-26-91

Technical Change: 5-1-98