

Freddie Woodson, Associate Superintendent  
School Operations

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL  
READING 6Gx13- 5A-1.08, STUDENT TRANSFERS**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

This item is submitted for consideration by the School Board to amend School Board Rule 6Gx13- 5A-1.08, Student Transfers. In order to bring Miami-Dade County Public Schools into compliance with Class Size Reduction based on classroom enrollment by the 2009-2010 school year, the proposed amendments implement policies regarding student transfers, school enrollment and class size.

Major revisions to the rule are designed to:

- change the calculation methodology of capacity percentage from *assigned permanent program capacity* to *Florida Inventory of School Houses (FISH) capacity* (an inventory and numbering system used by the Florida Department of Education (FLDOE), that reflects the purpose for which each space was designed to be used);
- reduce the acceptable percentage of FISH school capacity for student transfers from 115% to below 110% in the 2006-2007 school year, below 105% in the 2007-2008 school year, below 100% in the 2008-2009 school year, and below 100% thereafter;
- assist Miami-Dade County Public Schools to meet Class Size Reduction based on classroom enrollment by the 2009-2010 school year;
- incorporate practice into Board Rule by allowing an administrative transfer to be denied or revoked due to poor attendance, tardiness, disruptive behavior;
- stipulate that transportation will not be provided for approved administrative transfers;
- initiate the student transfer process at the school level to allow the principal, or administrative designee, an opportunity to resolve the issues related to the transfer request, therefore allowing for student retention at the home school;
- eliminate curriculum transfers;
- outline the student transfer process for Out-of-County Transfers (not outlined in current Board Rule); and

- revise the appeal process to delineate two levels of appeal, Level I to the Regional Superintendent, or designated regional director, and Level II to the Associate Superintendent, School Operations, or designee, who acts as the Superintendent of Schools' designee.

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

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 5A-1.08, 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 amend School Board Rule 6Gx13- 5A-1.08, Student Transfers.

FW:pra

**NOTICE OF INTENDED ACTION:**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 11, 2006, its intention to amend School Board Rule 6Gx13-5A-1.08, Student Transfers, at its meeting of November 21, 2006.

**PURPOSE AND EFFECT:** The proposed amendments will clarify policies and procedures related to the student transfer process, as well as adjust the approved percentage of utilization by which transfers may be approved. This action will help bring Miami-Dade County Public Schools into compliance with Class Size Reduction based on classroom enrollment by the 2009-2010 school year.

**SUMMARY:** Board Rule 6Gx13-5A-1.08, Student Transfers, will be amended to reflect policies and procedures regarding the approval of requests for reassignment or transfer of students. Additionally, the allowable percentages of a school's Florida Inventory of School Houses (FISH) capacity for granting transfers will be gradually adjusted over a period of three years; below 110% in the 2006-2007 school year, below 105% in the 2007-2008 school year, below 100% in the 2008-2009 school year, and below 100% thereafter.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 1002.38; 1002.39; 1006.07 F.S.; Art. IX, § 1(a), Fla. Const.

**IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF** November 21, 2006, 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 November 6, 2006, 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Kathleen Caballero  
Supervisor: Mr. Freddie Woodson  
Date: September 27, 2006

## Attendance

### **STUDENT TRANSFERS**

#### Request for Transfer: General Policy

Students in the regular school program (K-12) are assigned to attend school on the basis of the actual residence of their parent or legal guardian and the attendance area of the school as approved by the Board. Regulations under which transfers may be made are as follows:

- I. General Regulations Pertaining to All Transfers
  - A. Transfers from one school to another in the county shall be made effective as of the close of school on a given day; where feasible, this should coincide with the end of the grading period. The receiving school shall assume responsibility for the student's attendance as of the next school day. If a transferring student has not reported prior to the receipt of the computer generated Notice of Withdrawal/Transfer, the receiving school should notify their assigned school social worker.
  - B. Separate transfers shall be issued for each student.
  - C. A student who requests and is eligible for a transfer may not be denied the transfer or school records withheld because of unpaid fees, lost books, etc.
  - D. When a student has been transferred to a school through an error by M-DCPS administration and the student has been enrolled in the school for 90 days, the student may elect to remain at said school or may return to the school to which he/she should have been originally assigned; however, if the transfer was based on fraudulent, false, or erroneous information provided to the school by the parent and/or student, the school may revoke the transfer and require that the student return to his previous school or to the appropriate school situated in and serving the area where the student resides.
  - E. If a student does not enroll in the new school (to which the transfer has been granted) within ten school days of the date of the district's approval of that transfer, that student's transfer will be revoked. Those transfers which were approved during the summer transfer period must be utilized during the first ten days of the school year or they will be revoked.

- F. ~~When a~~An administrative transfer is may be denied or revoked at any time due to poor attendance, tardiness, or disruptive behavior. for reasons set forth in this rule, If the transfer is revoked, the student will be assigned to the school that serves the verifiable residence address.
- G. When an administrative transfer has been approved, transportation will not be provided to the requested school.
- H. In those programs/schools where admission processes are defined by other Board rules, statutes, processes (e.g. magnets), the procedures articulated herein shall not supercede those guidelines.

## II. Bases upon Which Transfer May be Granted

- A. The student resides with parent or legal guardian and a change of residence occurs.

A student may be granted a transfer to another school when the student resides with his/her parent or legal guardian and a change of residence occurs placing the student in the attendance area of the school to which transfer is requested.

The parent or guardian shall secure the transfer from the sending school before being admitted to the new school. The parent shall apply for the transfer in person, and shall provide verification of the change of residence, including two of the following items:

1. Broker's or attorney's statement of parents' purchase of residence, or properly executed lease agreement;
2. Current Homestead Exemption card;
3. Electric deposit payment receipt or electric bill, bottom portion, showing name and SERVICE ADDRESS. If an electric deposit payment receipt is used as verification, the electric bill, bottom portion, must also be submitted to the school within 40 calendar days after registration. Failure to submit this electric bill, bottom portion, within 40 calendar days, will result in revocation of the transfer.

If the parent or guardian is unable to furnish the school with the requested electric deposit payment receipt, the student will be allowed to enroll in the new school, but must submit the electric bill, bottom portion, to the school within 40 calendar days.

Failure to submit this electric bill, bottom portion, to the school within 40 calendar days, will result in revocation of the transfer.

The receiving school ~~in which the student is currently enrolled~~ is responsible for securing verification of the change in residence within 40 calendar days of the student entering the school. ~~and for issuing the transfer.~~

When a change of family residence occurs after 90 school days in which a student is enrolled in a school which would place the student in a different attendance area, the student, upon the request of the parent, may complete the year in the present school. No transportation will be provided.

When a change of family residence occurs after 90 days in which a student is enrolled in grades 11 through 12, or is enrolled in the last grade offered at a school, which would place the student in a different attendance area, the student, upon the request of the parent, may remain in the present school through graduation (for grades 11 through 12), or the last grade offered at the school. No transportation will be provided.

B. Students with an Individual Education Plan (IEP) requesting to attend a school other than the school in which the student is enrolled, must meet with the Regional Center special education personnel to ensure that the programmatic needs of the student can be met at the requested school.

~~B.~~ C. The region Regional Ssuperintendent (or designated line regional director) may administratively assign or approve the reassignment or transfer of students when; the Florida Inventory of School Houses (FISH) capacity of the receiving school is below 115 110 percent in the 2006-2007 school year; below 105 percent in the 2007-2008 school year; below 100 percent in the 2008-2009 school year, and below 100% thereafter; of its assigned permanent program capacity, as defined by the Attendance Boundary School Profile Form and; The student must first be enrolled in the school which serves his/her residence address, and meet one of the following criteria:

~~1. The parent or guardian presents a written statement with supporting professional evidence to the effect that a health hardship exists if the student remains in the school to which originally assigned. This type of transfer must be submitted to the Division of Attendance Services and reviewed and~~

~~approved by the Review Team for Medical/Psychological Transfers~~

1. The parent or guardian who requests a student transfer must:

- enroll the non M-DCPS student in the school that serves his/her residence address before the request for transfer can be considered;
- complete a Student Transfer form, FM-3281, at that school;
- meet with the principal or designated administrator of that school in order to discuss the reason for the transfer and to attempt to resolve any possible issues at that school site;
- obtain the signature on the Student Transfer form of the principal or designated administrator with whom the parent/guardian met; and
- submit the Student Transfer form to the appropriate Regional Center for processing.

The student must meet the criteria and adhere to the procedures that follow:

a. Working Parent Hardship Transfer

The parent or guardian of a kindergarten through eighth grade student of a one-parent or one-guardian family unit who is employed, or a family where both parents or guardians are employed, requests a transfer on the basis that the normal school assignment presents a hardship involving before or after-school supervision. Such request shall be in the form of a signed statement from the employer(s) verifying the parent's/guardian's employment, work address, telephone number, working hours; a signed statement from the caregiver verifying the hours the student is cared for as well as the address and telephone number of the caregiver; and any other pertinent information setting forth the nature of the circumstances producing the hardship. This type of transfer must be reviewed annually through the Regional Center serving the assigned school.

b. Medical/Psychological Transfer

The parent or guardian presents a written statement with supporting professional evidence on the Medical Recommendation for Student Transfer form, FM-1713, to the effect that a health hardship and/or emotional problems exist that will be exacerbated if the student remains in the school

that serves his/her residence address, and will be alleviated at the requested school. exists if the student remains in the school to which originally assigned. This type of transfer must be initially discussed with the principal or designated administrator in an attempt to resolve any possible issues at that school and, if needed, the parent will submit the transfer form submitted to the Regional Center. The Regional Center will submit the completed Student Transfer form, FM-3281, and the Medical Recommendation for Student Transfer form, FM-1713, to the Division of Attendance Services, and reviewed and approved by tThe Review Team for Medical/Psychological Transfers will review the evidence and will approve/deny the transfer request.

c. Best Interest Transfer

An administrative assignment is deemed necessary by the Regional Superintendent and in the best interest of the student and the school.

- ~~2. The student is able to secure a vocational program offering or a course which furthers the goal of access to post-secondary educational training by transferring to another school and the Documentation for Secondary Curriculum Transfer Application Form, FM-3559 Rev. (11-00) has been properly executed by the parent(s) and/or guardian and the two principals concerned. Prior to issuing a curriculum transfer, consideration should be given to a shared-time educational program. This reassignment is effective only during the completion of the prescribed course of study.~~

~~All student transfer requests for curriculum programs shall be approved, in writing, by the sending senior high school principal prior to the assignment, reassignment or transfer of the student by the region superintendent (or designated line director). This procedure shall be required for all such transfers from one senior high to another senior high out-of-boundary or from a middle to a senior high out-of-boundary.~~

- ~~3. The parent or guardian of an student of a one-parent or one-guardian family unit who is employed, or a family where both parents or guardians are employed, requests a transfer on the basis that the normal school assignment presents a hardship involving before or after school supervision. Such request shall be in the form of a notarized affidavit setting forth the nature of the circumstances producing the hardship. This type of transfer~~



~~must be reviewed annually through the Region Office serving the residence address.~~

- ~~4. The region superintendent (or designated line director) has determined that an exceptional student can be better served by reassignment to a special program or a class in a school other than the one in which the student is enrolled.~~
- ~~5. The region superintendent (or designated line director) has determined that a change of school assignment may alleviate emotional problems of the student. This determination is based upon professional evidence presented by the parent or school personnel. This type of transfer request must be submitted to the Division of Attendance Services and reviewed and approved by the Review Team for Medical/Psychological Transfers.~~

## 2. Out-of-County Transfers

a. The parent or guardian who requests a student transfer to another county, but continues to reside in Miami-Dade County, must:

- enroll the student in the school that serves his/her residence address;
- complete the Out-of-County Transfer Request form provided by Attendance Services;
- submit the form to Attendance Services, who will review the application and transmit it to the requested county.

The parent or guardian is then notified of the approval/denial in writing by the receiving county. If approved, the parent withdraws the student from M-DCPS and enrolls the student in the approved school in the receiving county. The parent or guardian is responsible for transportation.

b. The parent or guardian who requests a student transfer into an M-DCPS school, but lives in another county, must:

- abide by the procedures in the residence county and complete an Out-of-County transfer request from that county; and
- await a letter of approval/denial from Attendance Services. (Upon receipt of the transfer information from the other county, Attendance Services reviews the application and FISH capacity of the requested school.

The determination is then based upon whether or not the receiving school is below the designated capacity as described in II.C.)

The parent or guardian is notified of the approval/denial in writing by Attendance Services. If approved, the parent or guardian withdraws the student from the school in the residence county, enrolls the student in M-DCPS (provides the approval letter to the school's registrar), and is responsible for transportation. If denied, there is no appeal process as the student is not a Miami-Dade County resident and M-DCPS is not obligated to educate the student.

~~6~~ 3. The ~~region~~ Regional Superintendent (or designated ~~line regional~~ director) has determined that students will be more adequately housed by transfer or reassignment to a school other than that which they would normally attend due to school capping. The Board shall be informed of all such transfers or reassignments.

~~7~~ 4. A student has been suspended, expelled or under the jurisdiction of the Courts, or in a similar situation, and the ~~region~~ Regional Superintendent (or designated ~~line regional~~ director) determines that an assignment to a school other than the normal school assignment would be in the best interest of the student and the school system.

~~8.~~ ~~An administrative assignment is deemed necessary and in the best interest of the student and the school.~~

G. D. M-DCPS permanent employees in the UTD bargaining unit may utilize student transfers in accordance with the provision in the M-DCPS/UTD Labor Contract, Article XXI, Section 2 Employee Rights, which reads in part:

"In addition, the Board agrees that employees who wish to enroll their children at the same worksite where they are employed shall not be prohibited from doing so, subject to the approval of the Regional Superintendent;" and when the M-DCPS employee:

- enrolls the non M-DCPS student in the school that serves his/her residence address;
- completes a Student Transfer form, FM-3281, at that school; and
- submits the Student Transfer form to the appropriate Regional Center for processing.

- ~~D.~~ E. Further provisions applicable to assignments pursuant to II. ~~B.~~ C and II. ~~G.~~ D above. For those administrative assignments or reassignments approved by the ~~region~~ Regional Superintendent (or designated ~~line~~ regional director) at the request of the parent where school bus transportation is not authorized by School Board Rules, the parent must agree to provide transportation to and from the new school assignment at reasonable hours. If the parent is unable to provide transportation within 30 minutes prior to the opening, and within 30 minutes after the closing time of school, the principal may recommend to the ~~region~~ Regional Superintendent that the assignment be revoked and the student be returned to the school serving the parent's residence address.

When a transfer is requested which would result in a change in administrative regions, it shall be the responsibility of the ~~region~~ Regional Superintendent or designated ~~line~~ regional director of the ~~region~~ Regional Center in which the student is currently enrolled to consult with the ~~region~~ Regional Superintendent or ~~designee~~ designated regional director of the ~~region~~ Regional Center to which a transfer is requested. The two ~~region~~ Regional Superintendents (or designated ~~line~~ regional directors) must be in agreement to effect the transfer. In the event the agreement is not reached, the matter will be referred to the Associate Superintendent, School Operations, or designee, who acts as the Superintendent of Schools' designee, for final resolution.

### III. Appeal Process

The parent or guardian who does not concur with the decision, ~~of the region superintendent (or designated line director)~~ may appeal the decision to deny or approve the administrative assignment, reassignment, or transfer of a student ~~to the Superintendent of Schools' designee.~~ as follows:

- Appeal Level I to the Regional Superintendent, or designated regional director;
- Appeal Level II to the Associate Superintendent, School Operations, or designee, who acts as the Superintendent of Schools' designee.

### IV. Athletic Eligibility of Students Administratively Assigned, Reassigned or Transferred

#### Senior High Schools

The following conditions shall become a part of the district residence and transfer policies with regard to athletic eligibility for all senior high school

students commencing with the successful completion of the eighth grade (as defined by the ~~pup~~ Student Progression Plan).

These requirements are in addition to the Florida High School Activities Association (FHSAA) and the Greater Miami Athletic Conference (GMAC) Bylaws.

- A. Any student who enrolls in a school other than the school serving his/her home address will forfeit athletic eligibility for one calendar year commencing from the date of enrollment. Ninth grade students who transfer into magnet schools/programs are exempt from this rule when applications are submitted on or before January 31 of the school year preceding the year for which admission is sought, and approved prior to the first day of fall practice or prior to the first day of school, whichever comes first.

A student who moves into another attendance area may represent the school that serves the new area provided the move is accompanied by a corresponding change in residence of the parent(s)/guardian(s), or other individual with whom the student has resided continuously for a full calendar year.

- B. Any student who is found to have falsified eligibility information shall lose athletic eligibility for one full calendar year from the date of discovery of the violation.
- C. Any student who is found to be attending a school out of his/her assigned attendance area without a properly executed approved student transfer, as defined in this rule, shall be assigned to the school that serves the verifiable residence address and forfeit athletic eligibility for a period of one full calendar year from the date of discovery of the violation. Assignments to alternative schools should not affect eligibility upon the student's return to his/her designated home school.
- D. A Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) consisting of one district level administrator, three senior high school principals, two senior high school athletic directors, one representative from the District Athletic Advisory Committee, and ~~the Director of~~ an administrator from the Division of Athletics/Activities and Accreditation, who serves as an ex-officio member, will review eligibility appeals of transferring student athletes. This committee will meet at least once a month. All results of appeals for athletic eligibility that are reviewed by the AETRC will be forwarded to the respective regional

superintendents and principals of the affected schools for information purposes.

- E. A student receiving any type of transfer into a senior high school must abide by all the FHSAA and GMAC Bylaws, and applicable school board rules pertaining to athletic eligibility.
  - F. Each senior high school will develop an athletic eligibility list for each sport and will identify the student transfers. Copies will be provided to region superintendents and the Director of the Division of Athletics/Activities and Accreditation prior to that sport's season.
  - G. Violations of the transfer policy with regard to athletic eligibility may result in forfeiture of athletic contest(s), fines, and/or probation. Penalties to be assessed will be determined by the Director of the Division of Athletics/Activities and Accreditation and Executive Secretary, GMAC.
  - H. The principal shall be responsible for control of the athletic programs, coaches, booster groups and student athletes.
- V. Transfers Pursuant to State or Federal Law, State Statutes, or School Board rules

Transfers granted pursuant to Section 1002.38 F.S., Opportunity Scholarship Program, Section 1002.39 F.S., The John M. McKay Scholarships for Students with Disabilities Program, or other federal or state law will be governed by the provisions of ~~School Board Rule 6Gx13-5A-1.081, Opportunity Scholarship Program Student Transfers,~~ applicable School Board rules.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1002.38; 1002.39; 1006.07 F.S.; Art. IX §1(a), Fla. Const.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Technical Change: 5-1-98

Amended: 6-12-77; 8-25-82; 3-20-85; 5-21-86; 3-17-99; 10-11-00; 6-19-02; 10-19-05