

Financial Services
Mr. Ron Y. Steiger, Chief Financial Officer

SUBJECT: INITIAL **READING: PROPOSED AMENDMENT TO POLICY 5131,
STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT**

COMMITTEE: **FISCAL ACCOUNTABILITY & GOVERNMENTAL RELATIONS**

**LINK TO
STRATEGIC
BLUEPRINT:** **EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

Under Section 1001.41(1) and 1001.43(10), F.S., the School Board is responsible for adopting and revising policies necessary for the efficient operation and general improvement of the school system, including ensuring that its policies are correct, comply with statutory requirements, and conform to current practices. In the 2018 legislative session, the Florida Legislature approved the expansion of state school choice scholarship programs and established the Hope Scholarship Program to provide the parent of a public school student who was subjected to an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offense, assault, threat, intimidation, or fighting at school, with a scholarship to transfer the student to another public school that has capacity or to attend an eligible private school.

Policy 5131, *Student Transfers and Controlled Open Enrollment*, is being amended to reflect this new scholarship program. A parent may request and receive a Hope Scholarship for students pursuant to Section 1002.40, F.S., if the student reports an incident of battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offenses, assault, threat or intimidation, or fighting at school. To receive a Hope Scholarship a parent must apply on the Department of Education website. Funds to attend a private school are available from the eligible nonprofit scholarship funding organization, and on a first-come, first-served basis. A parent may also apply for a transfer to another public school. If the public school is outside the County, they may apply for a transportation scholarship.

Attached are the Notice of Intended Action and the Policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

E-51

This item requests that the School Board authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Policy 5131, *Student Transfers and Controlled Open Enrollment*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedures Act to amend School Board Policy 5131, *Student Transfers and Controlled Open Enrollment*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 15, 2018 its intention to amend Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, at its regular meeting on October 10, 2018.

PURPOSE AND EFFECT: Amendments are proposed to Policy 5131, *Student Transfers and Controlled Open Enrollment*, to establish the Hope Scholarship program in accordance with new statutory requirements.

SUMMARY: Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed to be amended to establish the Hope Scholarship program in accordance with new statutory requirements.

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

LAWS IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1002.40(6) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of, October 10, 2018, which begins at 1:00 p.m., in the School Board Administration Building, 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 September 11, 2018 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, F.S.

A COPY OF THE PROPOSED AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 Northeast Second Avenue, Miami, Florida 33132.

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1 STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT

2 Students in the regular school program (K-12) are assigned to attend school based
3 on the actual residence of the parent and the attendance boundary of the school as
4 approved by the School Board in accordance with Policy 5120, Student School
5 Assignment and Attendance Boundary Committee. Students within the attendance
6 boundaries may not be involuntarily displaced by any transfer under this policy.
7 This policy governs all regular school transfers from one (1) school to another, except
8 for transfers to magnet schools and programs that are subject to specific admissions
9 requirements and/or random lotteries that are governed by Policy 2370, Magnet
10 Programs/Schools.

11 Transfers may be made as follows:

- 12 A. Transfers from one (1) school to another in the county shall be
13 effective as of the close of school on a given day. Where feasible,
14 this should coincide with the end of the grading period. The
15 receiving school shall be responsible for the student's attendance as
16 of the next school day. If a transferring student has not reported
17 prior to the receipt of the computer generated Notice of
18 Withdrawal/Transfer, the receiving school should notify their
19 assigned school social worker.
- 20 B. Transfers will not be processed during FTE weeks, or
21 State-mandated assessments.
- 22 C. Separate transfers shall be issued for each student.
- 23 D. A student who requests and is eligible for a transfer may not be
24 denied the transfer or have school records withheld because of
25 unpaid fees, lost books, etc.

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- 1 E. When a student has been transferred to a school through an error
2 by District administration and the student has been enrolled in the
3 school for ninety (90) days, the student may elect to remain at the
4 school or may return to the school to which s/he should have been
5 originally assigned. If the transfer was based on fraudulent, false,
6 or erroneous information provided to the school by the parent
7 and/or student, the school may revoke the transfer and require that
8 the student return to his/her previous school or to the appropriate
9 school serving the area where the student resides. Anyone who
10 knowingly makes a false statement in writing with the intent to
11 mislead a public servant in the performance of his/her official duty
12 is guilty of a second degree misdemeanor under F.S. 837.06. In
13 addition, anyone who knowingly makes a false verified declaration is
14 guilty of perjury, a third degree felony under F.S. 92.525.
- 15 F. If a student does not enroll in the new school (to which the transfer
16 has been granted) within ten (10) school days of the date of the
17 District's approval of that transfer, that student's transfer will be
18 revoked. Those transfers which were approved during the summer
19 transfer period must be used during the first ten (10) days of the
20 school year or they will be revoked.
- 21 G. Transfers may be denied or revoked at any time due to poor
22 attendance, tardiness, disruptive behavior which results in a
23 significant loss of instructional time, or if information provided to
24 the school by the parent and/or student for purposes of a transfer is
25 discovered to be fraudulent, false, or erroneous. If the transfer is
26 revoked, the student will be assigned to the school that serves the
27 verifiable residence address.
- 28 H. When an administrative transfer has been approved, transportation
29 will not be provided to the requested school.
- 30 I. These procedures shall not supersede admission procedures in
31 programs/schools where admission is governed by other Board
32 policies or processes (e.g. magnets).

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1 J. Where parents are divorced or separated, only the parent who
2 enrolled the student may request to transfer or withdraw the
3 student. The enrolling parent is responsible for providing
4 information that is truthful, accurate, and consistent with the most
5 recent court order governing their divorce, separation, or custody
6 matters.

7 K. The person transferring or withdrawing the student shall report in
8 person to the school to transfer or withdraw the student.

9 Transfers may be granted as follows:

10 A. The student resides with parent and a change of residence occurs
11 placing the student in the attendance area of the school to which
12 transfer is requested.

13 The parent shall secure the transfer from the sending school before
14 being admitted to the new school. The parent shall apply for the
15 transfer in person, and shall provide verification of the change of
16 residence, including two (2) of the following items:

17 1. broker's or attorney's statement of parents' purchase of
18 residence, or properly executed lease agreement;

19 2. current Homestead Exemption card;

20 3. electric deposit payment receipt or electric bill, bottom
21 portion, showing name and service address. If an electric
22 deposit payment receipt is used as verification, the electric
23 bill, bottom portion, must also be submitted to the school
24 within forty (40) calendar days after registration.

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- 1 If the parent is unable to furnish the school with the requested
2 electric deposit payment receipt, the student will be allowed to enroll
3 in the new school, but must submit the electric bill, bottom portion,
4 to the school within forty (40) calendar days. Failure to submit the
5 electric bill, bottom portion, within forty (40) calendar days or
6 inability of school to verify residence of student, will result in
7 revocation of the transfer or the student's reassignment to the
8 previous school.
- 9 The receiving school shall secure verification of the change in
10 residence within forty (40) calendar days of the student entering the
11 school.
- 12 When a change of family residence occurs after ninety (90) school
13 days in which a student is enrolled in a school which would place
14 the student in a different attendance area, the student, upon the
15 request of the parent, may complete the year in the present school.
16 No transportation will be provided.
- 17 When a change of family residence occurs after ninety (90) days in
18 which a student is enrolled in grades 11 through 12, or is enrolled
19 in the last grade offered at a school, which would place the student
20 in a different attendance area, the student, upon the request of the
21 parent, may remain in the present school through graduation (for
22 grades 11 through 12), or the last grade offered at the school. No
23 transportation will be provided.
- 24 B. Students with an Individual Education Plan (IEP) or 504 Plan
25 requesting to attend a school other than the school in which the
26 student is enrolled, must meet with the Region Special Education
27 (SPED) personnel to ensure that the programmatic needs of the
28 student can be met at the requested school.

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- 1 C. A parent may request a Parent Choice - Student Transfer. In this
2 case, the Region Superintendent (or designated region director) may
3 administratively assign or approve the reassignment or transfer of
4 students when the Florida Inventory of School Houses (FISH)
5 capacity of the receiving school is below 100%, the maximum
6 number of students does not exceed the mandates of State law
7 (F.S. 1003.03, Maximum Class Size), and the parent who requests a
8 student transfer must:
- 9 1. enroll the student in the school that serves the residence
10 address before the request for transfer can be considered;
- 11 2. complete a Parent Choice - Student Transfer form, FM-3281,
12 at the home school;
- 13 3. obtain the signature on the Parent Choice - Student Transfer
14 form, FM-3281, of the Principal or designated administrator
15 with whom the parent met; and
- 16 4. submit the Parent Choice - Student Transfer form, FM-3281,
17 to the appropriate Region for processing.

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1 **Administrative Transfers**

2 A. Working Parent Hardship Transfer

- 3 1. The parent of a kindergarten through eighth grade student of
4 a one (1) parent or one (1) guardian family unit who is
5 employed, or a family where both parents or guardians are
6 employed, requests a transfer on the basis that the normal
7 school assignment presents a hardship involving before or
8 after-school supervision. The request shall be in the form of a
9 signed statement from the employer(s) verifying the
10 parent's/guardian's employment, work address, telephone
11 number, working hours; a signed statement from the
12 caregiver verifying the hours the student is cared for as well
13 as the address and telephone number of the caregiver; and
14 any other pertinent information setting forth the nature of the
15 circumstances producing the hardship.
- 16 2. This type of transfer must be reviewed annually through the
17 Region serving the assigned school. These transfers should
18 not exceed the assigned percentage of FISH school capacity
19 for the current school year.

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- 1 B. Medical/Psychological Transfer
- 2 1. The parent presents a written statement with supporting
3 professional evidence on the Medical Recommendation for
4 Student Transfer form, FM-1713, to the effect that a health
5 hardship and/or emotional problems exist that will be
6 exacerbated if the student remains in the school that serves
7 his/her residence address, and will be alleviated at the
8 requested school. This type of transfer must be initially
9 discussed with the Principal in an attempt to resolve any
10 possible issues at that school and, if needed, the parent will
11 submit the transfer form to the Region. The Region will
12 submit the completed Parent Choice - Student Transfer form,
13 FM-3281, and the Medical Recommendation for Student
14 Transfer form, FM-1713, to the Federal and State Compliance
15 Office. The Review Team for Medical/Psychological Transfers
16 will review the evidence and will approve/deny the transfer
17 request. The decision of the Review Team is final and no
18 appeals will be permitted.
- 19 2. Best Interest Transfer: An administrative assignment is
20 deemed necessary by the Region Superintendent and in the
21 best interest of the student and the school.
- 22 C. Out-of-County Transfer
- 23 1. The parent who requests a student transfer to another
24 county, but continues to reside in Miami-Dade County, must:
- 25 a. enroll the student in the school that serves his/her
26 residence address;
- 27 b. complete the Out-of-County Transfer Request form,
28 FM-7374 provided by the Federal and State
29 Compliance Office; and

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- 1 c. submit the form to the Federal and State Compliance
2 Office, who will review the application and transmit it
3 to the requested county.
- 4 2. The parent who requests a student transfer into a District
5 school, but lives in another county, must:
- 6 a. follow the procedures in the residence county and
7 complete an Out-of-County transfer request from that
8 county; and
- 9 b. receive a letter of approval/denial from the Federal and
10 State Compliance Office;
- 11 Upon receipt of the transfer information from the other
12 county the Federal and State Compliance Office
13 reviews the application and FISH capacity of the
14 requested school. The determination will be based
15 upon whether or not the receiving school is below
16 100% capacity and the maximum number of students
17 does not exceed the mandates of State law
18 (F.S. 1003.03, Maximum Class Size).
- 19 c. The parent is notified of the approval/denial in writing
20 by the Federal and State Compliance Office. If
21 approved, the parent withdraws the student from the
22 school in the residence county, enrolls the student in
23 the District (provides the approval letter to the school's
24 registrar), and is responsible for transportation. If
25 denied, there is no appeal process since the student is
26 not a Miami-Dade County resident and the District is
27 not obligated to educate the student.

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- 1 3. Out-of-county transfer requests to a magnet school or
2 program must follow the procedures outlined in Policy 2370,
3 Magnet Programs/Schools. The letter of acceptance to the
4 magnet school or program must accompany the out-of-county
5 transfer request.
- 6 D. Capacity Transfer: The Region Superintendent has determined that
7 students will be more adequately housed by transfer or
8 reassignment to a school other than that which they would normally
9 attend due to school capping.
- 10 E. Disciplinary Transfer: A student has been suspended, expelled, or
11 under the jurisdiction of the courts, or in a similar situation, and
12 the Region Superintendent determines that an assignment to a
13 school other than the normal school assignment would be in the
14 best interest of the student and the school system.
- 15 F. Professional Courtesy Transfer
- 16 District permanent employees in the UTD bargaining unit may use
17 student transfers according to Article XXI, Section 2, Employee
18 Rights, C. Family Relationships of the District/UTD collective
19 bargaining agreement which reads in part:
- 20 Employees who wish to enroll their children at the same worksite
21 where they are employed shall not be prohibited from doing so,
22 subject to the approval of the Region Superintendent, and when the
23 District employee:
- 24 1. enrolls the nondistrict student in the school that serves the
25 resident address;
- 26 2. completes a Parent Choice - Student Transfer form, FM-3281,
27 at that school; and
- 28 3. submits the Parent Choice - Student Transfer form, FM-3281,
29 to the appropriate Region for processing.

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1 G. Charter School Transfers

2 1. The parent who requests a student transfer to a charter
3 school must enroll the non District student in the school that
4 serves the residence address.

5 2. Complete a Charter Schools - Transfer form, FM-7281, at the
6 home school.

7 For those administrative assignments or reassignments approved by the Region
8 Superintendent at the request of the parent where school bus transportation is not
9 authorized by Board policies, the parent must agree to provide transportation to and
10 from the new school assignment at reasonable hours. If the parent is unable to
11 provide transportation within thirty (30) minutes prior to the opening, and within
12 thirty (30) minutes after the closing time of school, the principal may recommend to
13 the Region Superintendent that the assignment be revoked and the student be
14 returned to the school serving the parent's residence address.

15 When a transfer is requested which would result in a change in administrative
16 regions, it shall be the responsibility of the Region Superintendent of the student's
17 home school to consult with the Region Superintendent of the requested school.
18 The two (2) region superintendents must be in agreement to affect the transfer. If an
19 agreement is not reached, the matter will be referred to the Superintendent.

20 **Appeal Process**

21 A parent may appeal the decision to deny or approve the administrative assignment,
22 reassignment, or transfer of a student as follows:

23 A. Appeal Level I to the Region Superintendent; and

24 B. Appeal Level II to the Administrative Director, Federal, and State
25 Compliance Office as the Superintendent's designee and whose
26 decision is final.

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1 **Opportunity Scholarship Program**

2 A. Eligibility

3 A parent may request and receive an Opportunity Scholarship
4 Program transfer, if:

5 1. by assigned school attendance area or by special assignment,
6 the student has spent the prior school year in attendance at a
7 public school that has been designated as earning a grade "F"
8 or three (3) consecutive "Ds" based on the Statewide
9 assessments conducted pursuant to F.S. 1008.22;

10 2. the student has been in attendance elsewhere in the District
11 and has been assigned for the next school year, to a school
12 designated as earning a grade of "F" or three (3) consecutive
13 "Ds" based on the Statewide assessments conducted
14 pursuant to F.S. 1008.22.

15 3. The student is entering kindergarten or first grade and has
16 been assigned to such school for the next school year.

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1 B. District Obligations

2 Transfers may be revoked at any time due to poor attendance or
3 tardiness which results in a significant loss of instructional time, or
4 if information provided to the school by the parent and/or student
5 for purposes of a transfer is discovered to be fraudulent, false, or
6 erroneous. If the transfer is revoked, the student will be assigned to
7 the school that serves the verifiable residence address.

8 1. For each student enrolled in or assigned to a school that has
9 been designated as performance grade category "F" or
10 three (3) consecutive "Ds" based on the Statewide assessment
11 conducted pursuant to F.S. 1008.22, the District shall:

12 a. timely notify the parent of all options available under
13 the statute;

14 b. offer the parent an opportunity to enroll the student in
15 a school located within the geographic transportation
16 service zone designated to serve the student's
17 residence school;

18 The designated school must have a performance grade
19 of "C" or better.

20 c. provide transportation to each student who is eligible
21 for an Opportunity Scholarship transfer to a school
22 within the geographic transportation service zone that
23 serves the eligible residence school if the student
24 resides more than two (2) miles from the selected
25 District school; and

26 d. provide each eligible student with an opportunity to
27 continue attending this higher performing school until
28 the student reaches the highest grade serviced by the
29 school.

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- 1 2. Designate an eligible school or schools based on the Florida
2 Inventory of School Houses (FISH) capacity below 100% and
3 the maximum number of students does not exceed the
4 mandates of State law (F.S. 1003.03, Maximum Class Size) to
5 accommodate the transfer requests. If no higher performing
6 schools in the geographic transportation service zone are
7 available, the Deputy Superintendent/Chief Operating
8 Officer, will identify eligible schools.

- 9 C. Application Process

- 10 1. A parent of an eligible student will receive an Opportunity
11 Scholarship Program Public School Application, FM-6042,
12 and instructions.

- 13 2. The parent will submit a completed application form within
14 the designated time frame.

- 15 3. The parent will select from a District approved list of eligible
16 schools.

- 17 4. District staff will verify student eligibility for the transfer.

- 18 5. District staff will advise the parent of the status of the
19 transfer request.

- 20 D. Appeal Process

- 21 A parent may appeal the decision to deny or approve the
22 administrative assignment, reassignment, or transfer of a student as
23 follows:

- 24 1. Appeal Level I to the Region Superintendent;

- 25 2. Appeal Level II to the Administrative Director, Federal, and
26 State Compliance Office as the Superintendent's designee and
27 whose decision is final.

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1 **John M. McKay Scholarship Program Transfer**

2 A. Eligibility

3 A parent may request and receive a John M. McKay Scholarships for
4 Students with Disabilities Program transfer pursuant to
5 F.S. 1002.39, if:

6 1. the student has been reported the preceding October and
7 February FEFP surveys in a Florida public school and will be
8 in grades PK-12; and

9 2. the student is a student with a disability for whom an
10 individual educational plan (IEP) or 504 Plan has been
11 written.

12 B. District Obligations

13 Transfers may be denied or revoked at any time due to poor
14 attendance or tardiness which results in a significant loss of
15 instructional time, (unless the student's absence is a manifestation
16 of their disability) or if information provided to the school by the
17 parent and/or student for purposes of a transfer is discovered to be
18 fraudulent, false or erroneous. If the transfer is revoked, the
19 student will be assigned to the school that serves the verifiable
20 residence address.

21 For each student who meets the eligibility requirements of the John
22 M. McKay Scholarships for Students with Disabilities Program, the
23 District shall:

24 1. notify the parent of all options available by April 1st of each
25 year and within (10) days of the child's IEP or 504 Plan
26 meeting;

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- 1 2. offer the student's parent an opportunity to enroll the student
2 in another public school that can appropriately provide the
3 services written on the IEP or 504 Plan, the Florida Inventory
4 of School Houses (FISH) capacity of the receiving school is
5 below 100%, and the maximum number of students does not
6 exceed statutory Class Size limits, to accommodate the
7 transfer requests;
- 8 If schools cannot be identified based on these guidelines, the
9 Deputy Superintendent/Chief Operating Officer, School
10 Operations, will identify eligible schools.
- 11 3. provide transportation to a public school selected by the
12 parent within the scholarship transfer zone if the student
13 resides more than two (2) miles from the selected public
14 school;
- 15 4. provide each eligible student with an opportunity to continue
16 attending the public school chosen by the parent until the
17 student completes the grade configuration of the school.
- 18 C. Application Process
- 19 1. The parent of an eligible student shall file intent to participate
20 on www.floridaschoolchoice.org.
- 21 2. The parent shall complete the McKay Scholarship Program for
22 Students with Disabilities form, FM-6063 and submit the
23 form to the Special Education (SPED) Center that serves the
24 child's home school.
- 25 3. SPED Center staff will verify student eligibility. Transfers will
26 be approved based on program, class size and building
27 capacity.

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1 4. SPED Center staff will advise the parent that the transfer has
2 been approved or denied.

3 5. If the requested school has been denied, SPED Center staff
4 will offer alternate schools that have the appropriate SPED
5 program.

6 Transfers will not be processed during FTE weeks and
7 State-mandated assessments.

8 D. Appeal Process

9 A parent may appeal the decision to deny or approve the transfer of
10 a student as follows:

11 1. Appeal Level I to the SPED Center Supervisor;

12 2. Appeal Level II to the Administrative Director, Federal, and
13 State Compliance Office as the Superintendent's designee and
14 whose decision is final.

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16 **Hope Scholarship Program Transfer**

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A. Eligibility

20 _____ A parent may request and receive a Hope Scholarship for
21 students pursuant to Section 1002.40, F.S. if:

22 1. the student reports an incident of battery, harassment,
23 hazing, bullying, kidnapping, physical attack, robbery, sexual
24 offenses, assault, threat or intimidation, or fighting at school
25 as those terms are defined in the Code of Student Conduct,
26 Policy 5500; and
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2. funds are available from the eligible nonprofit scholarship-funding organization, on a first-come, first-served basis.

3. Students enrolled in a charter school, the Department of Juvenile Justice programs, participating in virtual school, or distance learning program that receives state funding, or receiving any other educational scholarship are prohibited (i.e. McKay, Gardiner).

B. District Obligations

1. Upon receipt of a report of an incident, the pPrincipal -shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by s. 1006.09(6).

2. Within 24 hours after receipt of the report, the principal shall provide a copy of the report to the parent of the alleged offender and to the Superintendent.

3. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the principal shall notify the parent of the program and offer the parent the choice of (1) transferring the student to another school that has capacity based on the Florida Inventory of School Houses (F.I.S.H.) below 100% and the maximum number of students does not exceed statutory Class Size limits, to accommodate the transfer request or (2) requesting a scholarship to attend an eligible private school, subject to available funding. The notification must be provided to the parent on the Hope Scholarship Notification Form (IEPC-HS1) in accordance with State Board of Education Rule 6A-6.0951, F.A.C.

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1 4. A parent who chooses to enroll his or her student in a public
2 school located outside the district is eligible for a scholarship to
3 transport the student, if funding is available on a first-come,
4 first-served basis.

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7 C. Application Process

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9 1. To request a public school transfer, the parent shall complete
10 and submit a Hope Scholarship transfer application according
11 to procedures which will be specified on the application form.

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13 2. The application must be submitted to the appropriate Region
14 Office for processing. Once the transfer assignment has been
15 granted, the student must enroll in the receiving school within
16 ten (10) school calendar days from the application approval
17 date. Otherwise, the transfer assignment will be forfeited.

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20 3. The parent will be notified of the approval/denial in writing. If
21 approved, the parent withdraws the student from the current
22 school and enrolls the student in the receiving school. Any
23 requests that are denied due to capacity may apply for another
24 transfer option under this policy.

25 4. To request a private school, the parent of an eligible student may
26 file an intent to participate on www.floridaschoolchoice.org.

27 D. Appeal Process for Public School

28 A parent may appeal the decision to deny or approve the transfer of
29 a student as follows:

30 1. Appeal Level I to the Region Superintendent;

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32 2. Appeal Level II to the Administrative Director, Federal and
33 State Compliance Office as the Superintendent's designee and
34 whose decision is final.
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1 | For the purpose of continuity of educational choice, a Hope Scholarship shall remain
2 | in force until the student returns to public school or graduates from high school,
3 | whichever occurs first.
4 |

5 | **Athletic Eligibility**

6 | Athletic eligibility is governed by Policy 2431, *Interscholastic Athletics*.

7 | **Controlled Open Enrollment**

8 | Controlled open enrollment allows the School District to make K-12 school
9 | assignments using parents' indicated preferential educational choice in-county and
10 | out-of-county. This section of the policy does not apply to charter schools. Charter
11 | schools must adopt their own controlled open enrollment plan.

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1 In addition to the many other public school choice options available, students
2 residing in Miami-Dade County and any other school districts in the state of Florida
3 have the opportunity to apply to a school outside their assigned attendance
4 boundary school based on their home residence. Under F.S. 1002.31, students may
5 seek enrollment in any school that has not reached permanent capacity, as further
6 detailed below, and does not adversely affect the maximum class size restrictions
7 under F.S. 1003.03 as well as other planning considerations such as anticipated
8 enrollment growth and pending or planned boundary changes.

9 Controlled open enrollment assignments are approved based on the receiving
10 school's available capacity being at or below ninety percent (90%) of the Florida
11 Inventory of School Houses (F.I.S.H.). Available school capacity is determined by the
12 District based on the most current permanent F.I.S.H. percent utilization report,
13 minus any school concurrency capacity reservations issued in accordance with the
14 Interlocal Agreement for Public School Facility Planning (collectively, the "available
15 capacity"). The controlled open enrollment process will only be available following
16 the annual magnet application window and will remain open for not less than
17 four (4) weeks.

18 For controlled open enrollment, if the school's available capacity, as defined above,
19 would not be exceeded by the number of controlled open enrollment applications
20 received for that school when added to the projected student population, all
21 applicants for that school will be approved. Applicants selecting schools having
22 more applications than seats available will be subject to a random selection lottery.

23 Preference for controlled open enrollment shall be granted to:

- 24 A. dependent children of active duty military personnel whose move
25 resulted from military orders;
- 26 B. children who have been relocated due to a foster care placement in a
27 different school zone;
- 28 C. children who move due to a court ordered change due to separation
29 or divorce or the serious illness or death of a custodial parent; and
- 30 D. students residing in the School District.

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1 After all students meeting the criteria above are considered, a preference will be
2 provided for Miami-Dade County students who are: (1) siblings of students already
3 attending and who will continue to attend the requested school the following year, or
4 (2) who are Miami-Dade County siblings applying together to the same school.

5 Controlled open enrollment transfers are subject to approval by the Region
6 Superintendent. Transportation to and from the new school assignment will be the
7 responsibility of the parent.

8 Students assigned to a school under controlled open enrollment are not
9 automatically entitled to enroll in magnet or choice programs at the school unless
10 they meet eligibility requirements and there is capacity at the school or in the
11 program after the placement of any students on the waiting list for that particular
12 magnet or choice program.

13 Controlled open enrollment transfer assignments under this policy may be revoked
14 by the Principal due to a student's non-attendance, tardiness, conduct that
15 interferes with instructional time, improper before or after-school arrangements,
16 and/or the provision of fraudulent information provided by the legal guardian.
17 Upon revocation, the student will be reassigned to the school within the verifiable
18 residential attendance zone.

19 Students who are subject to a current suspension or expulsion order are not eligible
20 to apply for controlled open enrollment assignment. Students with disabilities are
21 eligible to apply for controlled open enrollment. However, the school of choice must
22 offer the program specified on the student's Individualized Education Plan (IEP).

23 Application Process

24 A. The parent enrolls the student in the school assigned by the
25 attendance boundary prior to requesting a transfer for all in-county
26 requests. The parent must then complete and submit a controlled
27 open enrollment transfer application according to procedures which
28 will be specified on the application form.

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- 1 B. The parent who requests a controlled open enrollment transfer to or
2 from another county must complete and submit a controlled open
3 enrollment transfer application according to procedures which will
4 be specified on the application form.
- 5 C. Applications are to be submitted for each student individually.
- 6 D. The application will be submitted to the appropriate Region Office
7 for processing.
- 8 E. Once the transfer assignment has been granted, the student must
9 enroll in the receiving school within ten (10) school calendar days
10 from the controlled open enrollment application approval date.
11 Otherwise, the transfer assignment will be forfeited and the seat
12 becomes available for the applicants on the waiting list.
- 13 F. The parent will be notified of the approval/denial in writing. If
14 approved, the parent withdraws the student from the current school
15 and enrolls the student in the receiving school for the following
16 school year. Any requests that are denied due to capacity may apply
17 for another transfer option under this policy.

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1 **Transfers Pursuant to Federal Law, State Statutes, or Board Policies**

2 Transfers granted pursuant to F.S. 1002.38, Opportunity Scholarship Program,
3 F.S. 1002.39, the John M. McKay Scholarships for Students with Disabilities
4 Program, or other Federal or State law will be governed by Board policies.

5 F.S. 92.525
6 F.S. 837.06
7 F.S. 1001.41(1), (2), (6)
8 F.S. 1001.42(4)(a), (22)
9 F.S. 1001.43(10)
10 F.S. 1002.31
11 F.S. 1002.38
12 F.S. 1002.39
13 F.S. 1002.395
14 F.S. 1002.40
15 F.S. 1003.03
16 F.S. 1006.07
17 F.S. 1006.09
18 F.S. 1006.15
19 F.S. 1013.35
20 SBE Rule 6A-6.0951, F.A.C.

21 Revised 4/15/15
22 Revised 3/9/16
23 Revised 5/24/17

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