

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT:            INITIAL READING: TO AMEND POLICIES 8462, *STUDENT ABUSE AND NEGLECT*; 2410, *SCHOOL HEALTH SERVICES PROGRAM*; 5320, *IMMUNIZATION*; 5330, *USE OF MEDICATIONS*; 5112, *ENTRANCE REQUIREMENTS*; AND 5131, *STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT***

**COMMITTEE:       PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT**

**LINK TO  
STRATEGIC  
BLUEPRINT:       SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT**

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend several Board policies related to student health, support and welfare. These amendments have been developed after review of current statutes and regulations, recommendations by NEOLA, Inc., the Board's policy consultant, and District practices. All have been drafted in collaboration with, and reviewed by, the Superintendent, Cabinet, and District staff of departments that will implement them.

In the interest of student safety and welfare, Policy 8462, *Student Abuse and Neglect*, incorporates the statutory notice contained in 1006.061(1) and 39.203, F.S., that a person who reports in good faith a suspicion of child abuse, abandonment, or neglect is immune from civil or criminal liability and may not be subject to detrimental employment action by reason of making such report. Pursuant to Section 39.201(2)(b), F.S., the amended policy also incorporates the website address for the Florida Department of Children and Families Online Child Abuse reporting form. For accuracy, the policy is proposed to be renamed *Student Abuse, Abandonment and Neglect*.

Pursuant to Section 381.0056, F.S. and F.A.C. 64F-6.002, the Board shall develop a school health services plan jointly with the Miami-Dade County Health Department and the local school health advisory committee. Amendments to Policy 2410, *School Health Services Program* are proposed to clarify procedures for updating and periodically reviewing the District's school health services plan in cooperation with the local school health advisory council and the Miami-Dade County Health Department. Additionally, the proposal is to amend references to the substantive requirements for the school health plan to clarify that all provisions required by 381.0056, F.S. and F.A.C. 64F-6.002(2) are required. ] Revised

**REVISED**

**G-1**

In the interest of preventing those communicable diseases for which immunization is required by the Department of Health, the amendments to Policy 5320, *Immunization*, clarify the authority of the Superintendent to issue temporary exemptions from the requirement that certification of student immunization be presented prior to admittance to or attendance in a public school in the District and the role of licensed physicians and the County Health Department in issuing permanent exemptions. Under certain conditions and in order to permit the students to attend class until their medical records can be obtained or until the immunizations can be obtained, the Superintendent issues temporary (up to 30-school-day) exemptions to students who transfer into the District, homeless students, students known to the Department of Children and Families as defined in Section 39.0016, F.S., students who are children of military families, and students who enter a juvenile justice program. The amendments provide further notice that all requests for permanent exemptions from immunization must be certified by a licensed physician and/or approved by the Department of Health.

Similarly, the amendments to Policy 5330, *Use of Medications*, clarify the roles of the medical providers and the Principal in authorization and administration of medication to students during school hours, as well as the requirement that all medications administered to students at school be prescribed by a medical provider. The policy is proposed to be renamed *Student Use of Medications*. ] Revised

In 2019, the Florida Legislature amended 1003.05, F.S., to specify that a student whose parents are pending transfer to a military installation within a school district while on active military duty pursuant to an official military order shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process. Amendments to Policy 5112, *Entrance Requirements* and Policy 5131, *Student Transfers and Controlled Open Enrollment*, incorporate this statutory update.

Attached are the Notice of Intended Action and policy amendments. Changes 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 to amend Board policies 8462, *Student Abuse and Neglect*; 2410, *School Health Services Program*; 5320, *Immunization*; 5330, *Use of Medications*; 5112, *Entrance Requirements*; and 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 Procedure Act to amend Board policies 8462, *Student Abuse and Neglect*; 2410, *School Health Services Program*; 5320, *Immunization*; 5330, *Use of Medications*; 5112, *Entrance Requirements*; and 5131, *Student Transfers and Controlled Open Enrollment*.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 12, 2020, its intention to amend Board policies 8462, *Student Abuse and Neglect*, 2410, *School Health Services Program*, 5320, *Immunization*, 5330, *Use of Medications*, 5112, *Entrance Requirements*, and 5131, *Student Transfers and Controlled Open Enrollment* at its regular meeting on March 18, 2020.

PURPOSE AND EFFECT: Board policies 8462, *Student Abuse and Neglect*, 2410, *School Health Services Program*, 5320, *Immunization*, 5330, *Use of Medications*, 5112, *Entrance Requirements*, and 5131, *Student Transfers and Controlled Open Enrollment*, are proposed to be amended to align them with recent changes in law, current Miami-Dade County Public Schools practice, and/or to remove provisions that are imprecise, duplicative or contradictory.

The amended version of Policy 8462, *Student Abuse and Neglect*, incorporates the statutory notice contained in 1006.061(1) and 39.203, F.S., that a person who reports in good faith a suspicion of child abuse, abandonment, or neglect is immune from civil or criminal liability and may not be subject to detrimental employment action by reason of making such report. It also incorporates the website address for the web-based reporting capability authorized by Section 39.201(2)(b). The policy is proposed to be renamed *Student Abuse, Abandonment, and Neglect*. The proposal for amending Policy 2410, *School Health Services Program* is to clarify procedures for updating and periodically reviewing the District's school health services plan in cooperation with the local school health advisory council and the Miami-Dade County Health Department. Additionally, the proposal is to amend references to the substantive requirements for the school health plan to clarify that all provisions required by 381.0056, F.S. and F.A.C. 64F-6.002(2) are required. The amendments to Policy 5320, *Immunization*, clarify the authority of the Superintendent to issue temporary exemptions to immunization requirements and the role of licensed physicians and the County Health Department in issuing permanent exemptions. The amendments to Policy 5330, *Use of Medications*, clarify the roles of the medical providers and the Principal in authorization and administration of medication to students during school hours, as well as the requirement that all medications administered to students at school be prescribed by a medical provider. The policy is proposed to be renamed *Student Use of Medications*. The amendments to Policy 5112, *Entrance Requirements* and Policy 5131, *Student Transfers and Controlled Open Enrollment*, are proposed to include the requirement in 1003.05(4), F.S., that a student whose parents are pending transfer to a military installation within a school district while on active military duty pursuant to an official military order shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process. ] Revised

SUMMARY: Revised Policy 8462, *Student Abuse, Abandonment, and Neglect*, encourages the continuation of child abuse reporting by including language regarding immunity from liability and access to the Department of Children and Families' online reporting system. Policy 2410, *School Health Services Program* is revised to conform to the current biennial procedures for updating and periodically reviewing the District's school health services plan. Amendments to Policy 5320, *Immunization*, clarify the authority of the Superintendent to issue temporary exemptions to immunization. Policy 5330, *Student Use of Medications*, is revised to specify the roles of the medical providers and the Principal in authorization and administration of medication to students during school hours. Policy 5112, *Entrance Requirements*, and Policy 5131, *Student Transfers and Controlled Open Enrollment*, are amended to specify that students of military parents are considered residents when a military transfer order is presented. In sum, the policies are amended to align them with recent changes in law, current District practice, and/or to remove provisions that are imprecise, duplicative or contradictory to the new policies.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), (3); 1001.42 (4), (8), (12), (28), 1001.51(14), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 39.01; 39.201 (2), (4); 39.203; 39.204; 39.205; 39.206; 1006.061(1), (2); 1012.98(12); 381.0056(4)(a); 1003.22(5)(b); 20 U.S.C. 1232h; 1006.062(1)(b); 1012.583, 1003.05(4), F.S.; 64F-6.002(2); 64D-3.046, F.A.C.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF March 18, 2020, 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 in Section 120.54(1), F.S., must do so in writing by March 11, 2020, to the Superintendent, 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)

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.



Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	STUDENT ABUSE AND NEGLECT
Code	8462
Adopted	May 11, 2011
Last Revised	April 15, 2015

#### **8462 - STUDENT ABUSE, ABANDONMENT, AND NEGLECT**

Any person, including teachers, administrators, support personnel, and other District and school personnel, who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, other person responsible for the child's welfare, or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Florida Department of Children and Families ("DCF") in a manner prescribed by this policy.

In addition, any person, including teachers, administrators, support personnel, and other District and school personnel who knows, or has reasonable cause to suspect that a child or student is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Department of Children and Families.

Any person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082, 775.083, or 775.084.

Prohibiting or delaying an employee or subordinate from making a report of known or suspected child abuse or neglect may constitute a violation of law even if the supervisor intends to make the report themselves.

Although reports of known or suspected child abuse or neglect should always be made by the person first learning of the incident, persons with additional information regarding the incident must provide the information to the appropriate authority as outlined in Florida State statutes and this policy.

#### Immunity from Liability

Under Florida law, any person, official, or institution participating in good faith in any act authorized or required by this chapter, or reporting in good faith any instance of child abuse, abandonment, or neglect to the Department of Children and Families or any law enforcement agency, shall be immune from any

civil or criminal liability which might otherwise result by reason of such action. Further, no school district employee may be subjected to detrimental changes in employment status by reason of his or her making such report.

#### General Definition of Child Abuse

Child abuse includes harm or threatened harm to a child's physical or mental health or welfare by the acts or omissions of a parent, legal guardian, adult household member, legal custodian, caregiver, or other person responsible for the child's welfare including an employee of any school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution legally responsible for the child's care. Harm to a child's health or welfare can occur when the parent or other person responsible for the child's welfare inflicts, or allows to be inflicted, upon the child physical, sexual, or mental injury that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Child abuse includes the neglect and abandonment of a child.

In determining whether harm has occurred, the following factors must be considered in evaluating any physical, mental, or emotional injury to a child:

- A. the age of the child;
- B. any prior history of injuries to the child;
- C. the location of the injury on the body of the child;
- D. the multiplicity of the injury; and
- E. the type of trauma inflicted.

#### Examples of Abuse, Neglect, and Abandonment

**Physical Injury** - the result of willful acts that produce injuries.

**Mental Injury** - an injury to the intellectual or psychological capacity of a child as evidenced by discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

**Neglect** - depriving a child, or allowing a child to be deprived of, necessary food, clothing, shelter, or medical treatment, although financially able to provide such care, or permitting a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired.

**Sexual Abuse** - allowing the commission of sexual battery or lewd and lascivious acts, against or in the presences of the child or sexually exploiting the child.

**Abandonment** - making no provision for the child's support and failing to establish or maintain a substantial or positive relationship with the child.

**Child in Need of Supervision and Care** - when a child that has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care.

**Additional Categories of Abuse** - Exploiting a child, or allowing a child to be exploited (hiring and employing; infliction of pain or suffering); exposing a child to a controlled substance or alcohol; using mechanical devices, unreasonable restraints, or extended periods of isolation to control children; engaging in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child; negligently failing to protect a child from inflicted physical, mental, or sexual injury caused by the acts of another; allowing a child's sibling to die as a result of abuse or neglect.

Additional definitions of child abuse can be found in F.S. 39.01.

#### Child Abuse Reporting Procedures

Complete the following procedures when reporting suspicion of child abuse, abandonment, neglect, or that a child is in need of supervision and care:

- A. Immediately report suspected abuse to the twenty-four (24) hour, toll-free DCF Central Abuse Hotline at 1-800-96- ABUSE (22873) or online at <https://www.myflfamilies.com/service-programs/abuse-hotline/report-online.shtml>. New allegations of child abuse require the immediate reporting of suspecting child abuse, neglect, and abandonment regardless of a child's current placement under the supervision of DCF.

The report should include the child's name, home address found in the Integrated Student Information System (ISIS) and on the Student Data Card, parent/guardian information, and any other identifiable information that will assist DCF in locating the child.

A determination should be made as to who perpetrated the abuse and where the incident occurred for appropriate law enforcement notification, and then no further questioning of the child by School Board employees shall take place.

Advise the Florida Abuse Hotline operator of whether the student is in school on the day that the report is made.

- B. Immediately notify (305) 995-COPS (2677) and the school site administrator that the abuse has been reported to the DCF Central Abuse Hotline.
- C. If the incident of suspected abuse alleges that a school board employee is the offender, follow the steps outlined above. Additionally, the site administrator must contact the Office of Professional Standards (OPS).
- D. School-site employees shall not contact the child's parent or guardian, including anyone who is in a parental relationship to a student or any person exercising supervisory authority over a child in place of the parent. The representative from DCF or law enforcement agency will contact the parent/guardian.
- E. Board employees shall not contact the alleged perpetrator. A representative from DCF or law enforcement will contact the alleged perpetrator.
- F. Maintain confidentiality of the report and suspected abuse at all times, notwithstanding providing information to officials for purposes of the investigation.
- G. Simply notifying a school site or work supervisor does not relieve the employee from the mandatory reporting requirements. School or other District personnel who are informed of suspected abuse, abandonment, and neglect are also obligated to report to the central abuse hotline.

No employee of the District shall be subject to reprisal or discharge because of his/her actions in reporting abuse, abandonment, or neglect pursuant to law and this policy.

No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other person, that the Board employee will not report this information as required by law and this Board policy.

#### Post-Reporting Procedures

- A. The person who reports the alleged abuse shall remain at the school and an appropriate Board employee shall remain with the child until a representative from DCF or law enforcement arrives on campus. At that point questioning of the child may resume, but only at the direction of either the DCF or law enforcement agency.
- B. In the event a report of suspected child abuse is made after regular school hours and a school administrator is unavailable because the report occurred after hours, the Board employee must be sure to inform the school administrator the following morning. Please note that the DCF Central Abuse Hotline must always be called.
- C. Do not maintain records or reports made pursuant to this policy as part of the student's educational record.
- D. Any school teacher or other school official or personnel who reports a case of child abuse may, at the time s/he makes the report, request that the department notify him/her that a child protective investigation occurred as a result of the report and may also request a written summary of the outcome of the investigation. DCF shall mail such a notice to the reporter within ten (10) days after completing the child protective investigation.
- E. After a call has been made to the hotline, all issues and concerns pertaining to the report should be directed to School Operations at 305-805-4600. Any issues and concerns occurring after business hours should be directed to 305-995- COPS (2677).

#### **Students Who Have Not Been Picked Up From School Or After School Care**

- A. If a student has not been picked up from school after dismissal, the principal or after school care manager shall make every effort to contact the parent/guardian or other authorized individuals listed on the Student Data /Emergency Contact Card.
- B. After two hours have passed from the regularly scheduled dismissal time, the principal may contact **1-800-96- ABUSE** (22873) to report the incident. This step should only be taken when all efforts have been exhausted with regard to contacting the parent/guardian or other authorized individuals on the student data card.

#### **DCF/Law Enforcement Investigations of Child Abuse**

- A. Arrival On Campus:

Upon arriving on campus, all personnel from DCF will be required to produce their State issued identification. School personnel shall examine and verify the identity of the DCF representative and may call the Abuse Hotline to confirm but shall not make a photocopy of the ID or request any additional identification document or information. Because immediate investigation of child abuse is critical, every effort must be made to prevent delay in verification.

Upon the initiation of an investigation by DCF and/or law enforcement agency, no additional investigation should be initiated by any school-site personnel. Depending on the nature of the allegations, a representative from one or both of those agencies has the authority to conduct an interview with a student on school premises during the school day and may come to school to do so. Upon arriving on campus the representative from DCF and/or law enforcement agency shall advise the principal of that agency's presence and purpose. Upon the presentation of proper identification, these individuals must be given access to the student.

## B. Interviewing Students

A school staff member known to the child may be present during the interview only under the following conditions if:

1. A representative from DCF or law enforcement believes that the school staff member(s) could enhance the success of the interview, and a school-site administrator has informed the alleged abused child that the child may have a staff member present and the child chooses to do so.
2. When a determination has been made to conduct an interview on school grounds, it should be conducted in an area that ensures confidentiality and avoids embarrassment to the student.

## C. Removal of Students From Campus

If the representative from DCF or law enforcement agency determines that the student is to be removed from school, this shall be done as inconspicuously and expeditiously as possible. Court orders shall not be required to commence an investigation or remove a child. The agency that removes the student from school shall be responsible for contacting that student's parent(s) or guardian(s).

A DCF employee who removes a child from campus must sign the student out of school pursuant to District policies and procedures.

Under no circumstance shall an alleged student witness be removed from the school or a school sponsored activity or event.

## D. Records and Information Sharing

Access to any records or information reasonably necessary to ensure appropriate services for the child or for the safety of the child should be provided to DCF/law enforcement. Such records and information are otherwise confidential and may be shared with DCF/law enforcement only through an interagency agreement and in accordance with Federal and State law.

## **Penalties For Failure To Comply With Mandatory Reporting Requirements**

- A. Any employee who is required to report known or suspected child abuse or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.
- B. A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system or in the records of any child abuse or neglect case, except as provided in F.S. 39.201 and 794.024 is guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or 775.083.
- C. A person who knowingly and willfully makes a false report of child abuse or neglect, or who advises another to make a false report, is guilty of a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection.



Any employee who fails to abide by this policy may be subject to disciplinary action, up to and including dismissal from employment.

Effective 7/1/11  
Revised 4/15/15

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Legal	F.S. 39.01
	F.S. 39.201
	F.S. 39.202
	F.S. 39.203
	F.S. 39.204
	F.S. 39.205
	F.S. 39.206
	F.S. 39.303 (DELETE)
	F.S. 1001.41 (DELETE)
	F.S. 1006.061
	F.S. 1012.98(12)



Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	SCHOOL HEALTH SERVICES PROGRAM
Code	2410
Adopted	May 11, 2011

#### 2410 - SCHOOL HEALTH SERVICES PROGRAM

The health services provided by the District shall supplement, not replace, parental responsibility, and shall appraise, protect, and promote student health. These services shall be designed to encourage parents to devote attention to child health, to discover health problems, and to encourage the use of the services of physicians, dentists, and community health agencies as needed.

The School Board shall cooperate with the Miami-Dade County Health Department in providing professional medical supervision in all school health matters as required by the School Health Services Act F.S. 381.0056.

The District, the local school health advisory council, and the Miami-Dade County Health Department shall jointly develop a school health services plan. The plan shall be completed biennially. Upon recommendation of the Superintendent, the plan shall be submitted to the Board for approval. ~~The administrative guidelines implementing this plan can be found in the Manual for School Health Facilitators.~~ Following Board approval, the plan shall be signed by the Superintendent and School Board Chairperson, County Health Department medical director or administrator and the district administrator of the County Health Department. [REVISED]

The plan shall be reviewed each year for the purpose of updating the plan. Amendments to the plan shall be submitted to the Board for approval and signed by the Superintendent and the County Health Department medical director or administrator. The services provided shall be dependent on the statutory requirements, local priorities and availability of resources. [REVISED]

The plan shall include the provisions required by Florida Statutes and Department of Health rules. for the following:

- A. ~~health-appraisal;~~
- B. ~~the periodic review of student health records for compliance with State statutes;~~
- C. ~~nurse assessment;~~
- D. ~~nutrition assessment;~~
- E. ~~a preventive dental program;~~
- F. ~~vision screening;~~
- G. ~~hearing screening;~~

- H. ~~scoliosis screening;~~
- I. ~~growth and development screening;~~
- J. ~~health counseling;~~
- K. ~~referral and follow up of suspected or confirmed health problems by the County Health Department;~~
- L. ~~meeting emergency health needs in each school;~~
- M. ~~county health department personnel to assist school personnel in health education and curriculum development;~~
- N. ~~referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;~~
- O. ~~consultation with a student's parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;~~
  
- P. ~~maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for the maintenance of health records for individual students must comply with Federal and State law;~~
- Q. ~~health information which will be provided by the school health nurse, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs, and~~
- R. ~~notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan.~~

~~If the District chooses to provide nonemergency physical exams or screenings, t~~The Board District shall directly notify the parents of students, ~~at least annually~~ at the beginning of the school year, that their children who are students in the District will receive specified health services as provided for in the District health services plan, as well as of the specific or approximate dates during the school year when ~~any non-emergency, invasive physical examination or screening is~~ the services are scheduled or expected to be scheduled ~~for students if examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of a specific student, or other students.~~ [REVISED]

If there is a need for an invasive physical examination or screening, the consent of the student's parent shall be obtained in writing prior to the procedure. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

A student will be exempt from any of the provided health services if his or her parent requests such an exemption in writing. ~~U~~nless the physical examination or screening is permitted or required by an applicable State law, ~~parents may refuse to allow the District to administer a nonemergency, invasive physical examination or screening upon written notification to the District.~~

## **Mental Health Services**

Mental health counseling services, case management services, and human and social services may be provided to students at a school site under mutual agreements with community-based public or private agencies. Each service provided shall be on a case-by- case basis with prior written approval of the student's parent ~~or guardian.~~

The Superintendent shall assist schools in providing information to children and families by providing a directory of referral sources for professional mental health services for children and families in need of such services. All schools should reference the Referral Sources for Children

and Families Manual for licensed mental health professionals. The following information should be listed in the directory:

- A. the location of a Referral Sources Manual;
- B. information on mental health referral;
- C. information on substance abuse referrals;
- D. phone numbers and addresses of mental health providers;
- E. a copy of the District's release letter for obtaining assistance;
- F. additional resource for outpatient/inpatient services;
- G. inpatient unit services for District children and adolescents; and
- H. employee assistance programs and contacts.

Effective 7/1/11

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Legal                      F.A.C. 64F-6.002 (added)  
                                    F.S. 381.0056  
                                    F.S. 1003.22  
                                    20 U.S.C. 1232h



Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	IMMUNIZATION
Code	5320
Adopted	May 11, 2011

### 5320 - IMMUNIZATION

~~All students shall be immunized against polio, measles, diphtheria, rubella (German measles), pertussis, tetanus, mumps, hepatitis B, and Haemophilus Influenzae in accordance with State law, unless specifically exempt for medical or religious reasons. All Pre-K and kindergarten students must also be immunized against varicella (chicken pox) or verification from the parent of a documented history of the disease. This policy applies to students who currently attend school in the District and those eligible to attend.~~

~~The Superintendent may exempt a student from immunization if a medical provider certifies on an official Florida immunization certificate, Part C, that immunization from a particular disease is medically contraindicated. The Superintendent may exempt a student from immunizations for religious reasons if an official Florida immunization certificate Form 681 is provided. The District shall grant homeless children a temporary exemption for thirty (30) school days to submit the certification of immunization.~~

Prior to admittance to or attendance in a public school in the District, grades Pre-K through 12, or any other initial entrance into a Florida public school, each child shall present, or have on file with the school a Florida Certification of Immunization (DH-680).

The Superintendent may exempt a student from immunization if:

- (1) The parent of the child objects in writing that the administration of immunizing agents conflicts with his or her religious tenets or practices. This exemption is issued by a County Health Department.
- (2) A physician licensed under the provisions of chapter 458 or chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;
- (3) A physician licensed under the provisions of chapter 458, chapter 459, or chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;
- (4) The Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

(5) An authorized school official issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained.

The Superintendent shall grant homeless children and children known to the Department of Children and Families as defined in Section 39.0016, F.S., a temporary exemption for thirty (30) school days to submit the Florida Certification of Immunization (DH680). The Superintendent is responsible for follow-up of each such student until proper documentation or immunizations are obtained.

The Superintendent may also issue an exemption for thirty (30) school days to children of military families and students who enter a juvenile justice program to permit the students to attend class until their medical records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for follow up of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

Certification of Immunizations shall be made on forms approved and provided by the Department of Health and shall become part of each student's permanent record, to be transfer when the student transfers, is promoted, or changes schools.

A student who has not completed immunization may not be admitted to school, except as provided by law.

Any child otherwise entitled to admittance to Pre-K or any other initial entrance into a Florida public school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

~~The administrative procedures implementing this rule are located in the Manual for School Health Facilitators.~~

Effective 7/1/11

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Legal                      F.A.C. 64D-3.046  
                                    F.S. 1003.22



Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	USE OF MEDICATIONS
Code	po5330
Adopted	May 11, 2011
Last Revised	October 7, 2014

### 5330 - STUDENT USE OF MEDICATIONS

The School Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or the child is disabled and requires medication to benefit from his/her educational program.

Medication shall include all medicines ~~including those~~ prescribed by a medical provider ~~and any including nonprescribed (over-the-counter) medications prescribed by a medical provider drugs, preparations, and/or remedies.~~ "Treatment" refers to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization. These definitions do not include sunscreen or its application. The use of sunscreen is governed by Policy 5330.02, Sun Safety. The use of medical marijuana is governed by Policy 5330.03. }REVISED

Prior to the administration of any prescribed medication by school staff, the student's parent shall provide to the Principal. ~~W~~ritten medication authorization signed by the child's medical provider, which grants to the Principal or designated staff member permission to assist in the administration of such medication and which explains the necessity for the medication/treatment to be provided during the school day, including when the student is away from school property on official school business. and parent shall be provided before any prescribed medication or treatment may be administered to any student during school hours. Parents may administer medication or treatment. The child's medical provider and the parent must also authorize in writing any self-medication by the student such as epi-pens and inhalers. Medication shall not be carried on a student's person in the school except as approved by the pPrincipal. Furthermore, no student is allowed to provide or sell any type of ~~over the counter~~ medication to another student.

~~Only m~~Medication will only be administered if received in its original container labeled with the date, the student's name, ~~and~~ exact dosage, and time for dosage(s) ~~will be administered.~~ The pPrincipal will designate person(s) to be responsible for accepting, counting, and administering the medication. The designated person(s) will complete a medication log for each student when

medication is administered. Medication will be counted and stored in the original container and stored in a locked cabinet. The ~~p~~Principal shall properly dispose of unused medication.

A licensed nurse is permitted to administer any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the ~~nurse~~~~staff member~~ has completed any necessary training.

Students who may require administration of an emergency medication may have the medication stored ~~locked~~ in the clinic/school office and administered according to this policy. Emergency medication must be immediately accessible in case of an emergency.

Inservice programs will be conducted for those authorized to administer medication.

Administrative procedures implementing this policy are found in the Manual for School Health Facilitators.

Effective 7/1/11  
Revised 10/7/14

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Legal                      F.S. 1006.062





Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	ENTRANCE REQUIREMENTS
Code	5112
Adopted	May 11, 2011
Last Revised	September 4, 2019

## 5112 - ENTRANCE REQUIREMENTS

All children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but have not attained the age of sixteen (16) years, except as otherwise provided in Florida law, are required to attend school regularly during the entire school term. All children enrolling in a District school shall meet the immunization requirements in F.S. 1003.22 and provide evidence of a physical exam. The person enrolling the student shall report in person to the school to enroll their school age child.

A child who attains the age of sixteen (16) during the school year is not subject to compulsory school attendance beyond the date upon which s/he attains that age if the child files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child. The District must notify the parent of the child's declaration of intent to terminate school enrollment.

### **Kindergarten**

Any child who will have attained the age of five (5) years on or before September 1st of the school year shall be eligible to enroll in kindergarten at any time during the year.

A transferring kindergarten student is eligible to be enrolled in the District if the entrance age requirements have been met outside Florida and the child had been regularly enrolled there.

Children entering kindergarten in the District for the first time must comply with F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before September 1st, in order to meet the Florida age requirement for kindergarten. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

### **First Grade**

Any child who has attained the age of six (6) years on or before September 1st of the school year and satisfactorily completed the requirements for kindergarten in a public school according to the District's

Student Progression Plan (Policy 5410) or in a nonpublic school from with the Board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades shall be admitted or promoted to the first grade at any time during the school year.

A transferring first grade student is eligible to be enrolled in the District if the entrance-age requirements have been met outside Florida and the child had been regularly enrolled there.

Children entering first grade in the District for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a non-public school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the District's Student Progression Plan (Policy 5410).

### **Initial Entry**

Every child initially entering a District school must prove age by an authentic document issued by a governmental agency. The school should attempt to verify age at the time of spring registration. State law (F.S. 1003.21) specifies the evidence which may be used for this purpose and also indicates that if the first prescribed evidence is not available, the next evidence obtainable in the order below shall be accepted:

- A. a duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;
- B. a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
- C. an insurance policy on the child's life which has been in force for at least two (2) years;
- D. a bona fide contemporary Bible record of the child's birth accompanied by an affidavit sworn to by the parent;
- E. a passport or certificate of arrival in the United States showing the age of the child;
- F. a transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or
- G. if none of this evidence can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these is available in the county, by a licensed practicing physician designated by the Board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.
- H. Children entering the District for the first time must comply with F.S. 1003.21 and with the District's Student Progression Plan (Policy 5410). Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.
- I. Upon a child's initial entry to a District school, the principal shall require evidence of a physical examination performed within one (1) year prior to the date of entry. An appointment for a physical examination by a county health officer, licensed physician, or chiropractor may be accepted provided the principal is given evidence of the physical examination within one (1) week of such examination. Students transferring into the District from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations

taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician.

- J. A child may be exempt from the required physical examination and/or immunization upon written request of the parent or guardian of such child stating objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

### **Proof of Age**

If acceptable proof of age is not presented when the child first seeks admission, the principal should enroll the student temporarily and give the parent thirty (30) calendar days to secure proper proof.

### **Birth Certificate**

The Division of Attendance Services will supply appropriate forms for making application for a birth certificate. Some parents may need help from school personnel in completing these applications. Providing such assistance will enable the school to be sure that the proper procedure has been followed. Original copies of birth certificates usually have an embossed seal imprinted on them. All photostatic copies not bearing this seal should be carefully evaluated to determine authenticity.

If questions arise which the school cannot answer regarding birth certificates, the principal should call the appropriate region director.

### **Student Disclosures**

Each student at the time of initial registration for school shall note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services by a school district that the student previously attended.

### **Verification of Residence**

Verification of a parent's residence via a Statement of Bonafide Residence - FM-7444 shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the Superintendent. The student shall reside with the parent placing the student in the attendance area of the school.

In addition, submission of two (2) of the following items are required:

- A. broker's or attorney's statement of parents' purchase of residence, or properly executed lease agreement;
- B. current Homestead Exemption card;
- C. electric deposit payment receipt or electric bill, bottom portion, showing name and service address.

If verification is not provided or acceptable, the Superintendent may verify the student's residence.

If an electric deposit payment receipt is used as verification, the electric bill, bottom portion, must also be submitted to the school within forty (40) calendar days after registration. If the parent 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 forty (40) calendar days.

When a change of family residence occurs after ninety (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 ninety (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.

Dependent children whose parents are transferred or are pending transfer to a military installation within the School District, while on active military duty, pursuant to an official military order, shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process (Policy 5131).

The Board authorizes the Superintendent to create, generate, communicate, store, process, use, and rely upon electronic signatures from a parent. District staff and parents shall comply with all the provisions of F.S. 668.50 regarding electronic records and electronic signatures.

Anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty is guilty of a second-degree misdemeanor of the second degree under F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a third-degree felony under F.S. 95.525.

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Revised 3/9/16  
Revised 4/25/18  
Revised 4/17/19  
Revised 9/4/19

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Legal	F.S. 92.525
	F.S. 837.06
	F.S. 1003.01
	F.S. 1003.05
	F.S. 1003.21
	F.S. 1003.22
	F.S. 1006.07(1)(b) (revised format)
	F.A.C. 6A-1.0985 (DELETE)
Cross References	F.S. 1006.15 (added)
	F.S. 1002.31 (Added)



Book	Policy Manual
Section	February 12, 2020 - <u>Initial</u> Reading
Title	STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT
Code	5131
Status	May 11, 2011
Last Revised	October 10, 2018

#### **5131 - STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT**

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

Transfers may be made as follows:

- A. Transfers from one (1) school to another in the county shall be 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 be responsible 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. Transfers will not be processed during FTE weeks, or State-mandated assessments.
- C. Separate transfers shall be issued for each student.
- D. A student who requests and is eligible for a transfer may not be denied the transfer or have school records withheld because of unpaid fees, lost books, etc.
- E. When a student has been transferred to a school through an error by District administration and the student has been enrolled in the school for ninety (90) days, the student may elect to remain at the school or may return to the school to which s/he should have been originally assigned. 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/her previous school or to the appropriate school serving the area where the student resides. Anyone who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty is guilty of a second degree misdemeanor under

F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a third degree felony under F.S. 92.525.

- F. If a student does not enroll in the new school (to which the transfer has been granted) within ten (10) 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 used during the first ten (10) days of the school year or they will be revoked.
- G. Transfers may be denied or revoked at any time due to poor attendance, tardiness, disruptive behavior which results in a significant loss of instructional time, or if information provided to the school by the parent and/or student for purposes of a transfer is discovered to be fraudulent, false, or erroneous. If the transfer is revoked, the student will be assigned to the school that serves the verifiable residence address.
- H. When an administrative transfer has been approved, transportation will not be provided to the requested school.
- I. These procedures shall not supersede admission procedures in programs/schools where admission is governed by other Board policies or processes (e.g. magnets).
- J. Where parents are divorced or separated, only the parent who enrolled the student may request to transfer or withdraw the student. The enrolling parent is responsible for providing information that is truthful, accurate, and consistent with the most recent court order governing their divorce, separation, or custody matters.
- K. The person transferring or withdrawing the student shall report in person to the school to transfer or withdraw the student.

Transfers may be granted as follows:

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

The parent 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 (2) 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 forty (40) calendar days after registration.

If the parent 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 forty (40) calendar days. Failure to submit the electric bill, bottom portion, within forty (40) calendar days or inability of school to verify residence of student, will result in revocation of the transfer or the student's reassignment to the previous school.

The receiving school shall secure verification of the change in residence within forty (40) calendar days of the student entering the school.

When a change of family residence occurs after ninety (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 ninety (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) or 504 Plan requesting to attend a school other than the school in which the student is enrolled, must meet with the Region Special Education (SPED) personnel to ensure that the programmatic needs of the student can be met at the requested school.
- C. A parent may request a Parent Choice - Student Transfer. In this case, the Region Superintendent (or designated region 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 100%, the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size), and the parent who requests a student transfer must:
  - 1. enroll the student in the school that serves the residence address before the request for transfer can be considered;
  - 2. complete a Parent Choice - Student Transfer form, FM-3281, at the home school;
  - 3. obtain the signature on the Parent Choice - Student Transfer form, FM-3281, of the Principal or designated administrator with whom the parent met; and
  - 4. submit the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

## **Administrative Transfers**

### **A. Working Parent Hardship Transfer**

- 1. The parent of a kindergarten through eighth grade student of a one (1) parent or one (1) 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. The 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.
- 2. This type of transfer must be reviewed annually through the Region serving the assigned school. These transfers should not exceed the assigned percentage of FISH school capacity for the current school year.

### **B. Medical/Psychological Transfer**

1. The parent 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. This type of transfer must be initially discussed with the Principal in an attempt to resolve any possible issues at that school and, if needed, the parent will submit the transfer form to the Region. The Region will submit the completed Parent Choice - Student Transfer form, FM-3281, and the Medical Recommendation for Student Transfer form, FM-1713, to the Federal and State Compliance Office. The Review Team for Medical/Psychological Transfers will review the evidence and will approve/deny the transfer request. The decision of the Review Team is final and no appeals will be permitted.
2. Best Interest Transfer: An administrative assignment is deemed necessary by the Region Superintendent and in the best interest of the student and the school.

C. Out-of-County Transfer

1. The parent who requests a student transfer to another county, but continues to reside in Miami-Dade County, must:
  - a. enroll the student in the school that serves his/her residence address;
  - b. complete the Out-of-County Transfer Request form, FM-7374 provided by the Federal and State Compliance Office; and
  - c. submit the form to the Federal and State Compliance Office, who will review the application and transmit it to the requested county.
2. The parent who requests a student transfer into a District school, but lives in another county, must:
  - a. follow the procedures in the residence county and complete an Out-of-County transfer request from that county; and
  - b. receive a letter of approval/denial from the Federal and State Compliance Office;  
  
Upon receipt of the transfer information from the other county the Federal and State Compliance Office reviews the application and FISH capacity of the requested school. The determination will be based upon whether or not the receiving school is below 100% capacity and the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size).
  - c. The parent is notified of the approval/denial in writing by the Federal and State Compliance Office. If approved, the parent withdraws the student from the school in the residence county, enrolls the student in the District (provides the approval letter to the school's registrar), and is responsible for transportation. If denied, there is no appeal process since the student is not a Miami-Dade County resident and the District is not obligated to educate the student.
3. Out-of-county transfer requests to a magnet school or program must follow the procedures outlined in Policy 2370, Magnet Programs/Schools. The letter of acceptance to the magnet school or program must accompany the out-of-county transfer request.



- D. Capacity Transfer: The Region Superintendent 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.
- E. Disciplinary Transfer: A student has been suspended, expelled, or under the jurisdiction of the courts, or in a similar situation, and the Region Superintendent 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.
- F. Professional Courtesy Transfer

District permanent employees in the UTD bargaining unit may use student transfers according to Article XXI, Section 2, Employee Rights, C. Family Relationships of the District/UTD collective bargaining agreement which reads in part:

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 Region Superintendent, and when the District employee:

1. enrolls the nondistrict student in the school that serves the resident address;
2. completes a Parent Choice - Student Transfer form, FM-3281, at that school; and
3. submits the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

G. Charter School Transfers

1. The parent who requests a student transfer to a charter school must enroll the non District student in the school that serves the residence address.
2. Complete a Charter Schools - Transfer form, FM-7281, at the home school.

For those administrative assignments or reassignments approved by the Region Superintendent at the request of the parent where school bus transportation is not authorized by Board policies, 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 thirty (30) minutes prior to the opening, and within thirty (30) minutes after the closing time of school, the principal may recommend to the Region 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 Superintendent of the student's home school to consult with the Region Superintendent of the requested school. The two (2) region superintendents must be in agreement to affect the transfer. If an agreement is not reached, the matter will be referred to the Superintendent.

**Appeal Process**

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

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

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

## **Opportunity Scholarship Program**

### **A. Eligibility**

A parent may request and receive an Opportunity Scholarship Program transfer, 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 earning a grade "F" or three (3) consecutive "Ds" based on the Statewide assessments conducted pursuant to F.S. 1008.22;
2. the student has been in attendance elsewhere in the District and has been assigned for the next school year, to a school designated as earning a grade of "F" or three (3) consecutive "Ds" based on the Statewide assessments conducted pursuant to F.S. 1008.22.
3. The student is entering kindergarten or first grade and has been assigned to such school for the next school year.

### **B. District Obligations**

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

1. For each student enrolled in or assigned to a school that has been designated as performance grade category "F" or three (3) consecutive "Ds" based on the Statewide assessment conducted pursuant to F.S. 1008.22, the District shall:
  - a. timely notify the parent of all options available under the statute;
  - b. offer the parent an opportunity to enroll the student in a school located within the geographic transportation service zone designated to serve the student's residence school;  
  
The designated school must have a performance grade of "C" or better.
  - c. provide transportation to each student who is eligible for an Opportunity Scholarship transfer to a school within the geographic transportation service zone that serves the eligible residence school if the student resides more than two (2) miles from the selected District school; and
  - d. provide each eligible student with an opportunity to continue attending this higher performing school until the student reaches the highest grade serviced by the school.
2. Designate an eligible school or schools based on the Florida Inventory of School Houses (FISH) capacity below 100% and the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size) to accommodate the transfer requests. If no higher performing schools in the geographic transportation service zone are

available, the Deputy Superintendent/Chief Operating Officer, will identify eligible schools.

### C. Application Process

1. A parent of an eligible student will receive an Opportunity Scholarship Program Public School Application, FM-6042, and instructions.
2. The parent will submit a completed application form within the designated time frame.
3. The parent will select from a District approved list of eligible schools.
4. District staff will verify student eligibility for the transfer.
5. District staff will advise the parent of the status of the transfer request.

### D. Appeal Process

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

1. Appeal Level I to the Region Superintendent;
2. Appeal Level II to the Administrative Director, Federal, and State Compliance Office as the Superintendent's designee and whose decision is final.

## **Hope Scholarship Program Transfer**

### A. Eligibility

A parent may request and receive a Hope Scholarship for students pursuant to F.S. 1002.40:

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

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 Principal 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 F.S. 1006.09(6).
2. Within twenty-four (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 fifteen (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 F.A.C. 6A-6.0951.

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

#### C. Application Process

1. To request a public school transfer, the parent shall complete and submit a Hope Scholarship transfer application according to procedures which will be specified on the application form.
2. The application must be submitted to the appropriate Region Office for processing. Once the transfer assignment has been granted, the student must enroll in the receiving school within ten (10) school calendar days from the application approval date. Otherwise, the transfer assignment will be forfeited.
3. The parent will be notified of the approval/denial in writing. If approved, the parent withdraws the student from the current school and enrolls the student in the receiving school. Any requests that are denied due to capacity may apply for another transfer option under this policy.
4. To request a private school, the parent of an eligible student may file an intent to participate on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).

#### D. Appeal Process for Public School

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

1. Appeal Level I to the Region Superintendent;
2. Appeal Level II to the Administrative Director, Federal and State Compliance Office as the Superintendent's designee and whose decision is final.

For the purpose of continuity of educational choice, a Hope Scholarship shall remain in force until the student returns to public school or graduates from high school, whichever occurs first.

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

#### A. Eligibility

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

1. the student has been reported the preceding October and February FIEFP surveys in a Florida public school and will be in grades PK-12; and
2. the student is a student with a disability for whom an individual educational plan (IEP) or 504 Plan has been written.

## B. District Obligations

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

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

1. notify the parent of all options available by April 1st of each year and within (10) days of the child's IEP or 504 Plan meeting;
2. offer the student's parent an opportunity to enroll the student in another public school that can appropriately provide the services written on the IEP or 504 Plan, the Florida Inventory of School Houses (FISH) capacity of the receiving school is below 100%, and the maximum number of students does not exceed statutory Class Size limits, to accommodate the transfer requests;

If schools cannot be identified based on these guidelines, the Deputy Superintendent/Chief Operating Officer, School Operations, will identify eligible schools.

3. provide transportation to a public school selected by the parent within the scholarship transfer zone if the student resides more than two (2) miles from the selected public school;
4. provide each eligible student with an opportunity to continue attending the public school chosen by the parent until the student completes the grade configuration of the school.

## C. Application Process

1. The parent of an eligible student shall file intent to participate on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).
2. The parent shall complete the McKay Scholarship Program for Students with Disabilities form, FM-6063 and submit the form to the Special Education (SPED) Center that serves the child's home school.
3. SPED Center staff will verify student eligibility. Transfers will be approved based on program, class size and building capacity.
4. SPED Center staff will advise the parent that the transfer has been approved or denied.
5. If the requested school has been denied, SPED Center staff will offer alternate schools that have the appropriate SPED program.

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

## D. Appeal Process

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

1. Appeal Level I to the SPED Center Supervisor;
2. Appeal Level II to the Administrative Director, Federal, and State Compliance Office as the Superintendent's designee and whose decision is final.

### **Athletic Eligibility**

Athletic eligibility is governed by Policy 2431, Interscholastic Athletics.

### **Controlled Open Enrollment**

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

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

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

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

Preference for controlled open enrollment shall be granted to:

- A. dependent children whose parents are transferred or are pending transfer to a military installation within the School District, while on active military duty, pursuant to an official military order, shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process; ~~of active-duty military personnel whose move resulted from military orders;~~
- B. children who have been relocated due to a foster care placement in a different school zone;
- C. children who move due to a court ordered change due to separation or divorce or the serious illness or death of a custodial parent; and
- D. students residing in the School District.

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

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

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

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

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

### **Application Process**

- A. The parent enrolls the student in the school assigned by the attendance boundary prior to requesting a transfer for all in-county requests. The parent must then complete and submit a controlled open enrollment transfer application according to procedures which will be specified on the application form.
- B. The parent who requests a controlled open enrollment transfer to or from another county must complete and submit a controlled open enrollment transfer application according to procedures which will be specified on the application form.
- C. Applications are to be submitted for each student individually.
- D. The application will be submitted to the appropriate Region Office for processing.
- E. Once the transfer assignment has been granted, the student must enroll in the receiving school within ten (10) school calendar days from the controlled open enrollment application approval date. Otherwise, the transfer assignment will be forfeited and the seat becomes available for the applicants on the waiting list.
- F. The parent will be notified of the approval/denial in writing. If approved, the parent withdraws the student from the current school and enrolls the student in the receiving school for the following school year. Any requests that are denied due to capacity may apply for another transfer option under this policy.

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

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

Effective 7/1/11

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Revised 5/24/17

Revised 10/10/18

Legal

F.S. 92.525

F.S. 837.06

F.S. 1001.41(1), (2), (6) (delete)

F.S. 1001.42(4)(a), (22) (delete)

F.S. 1001.43(10)

F.S. 1002.31

F.S. 1002.38

F.S. 1002.39

F.S. 1002.395

F.S. 1002.40

F.S. 1003.03

F.S. 1003.05

F.S. 1006.07

F.S. 1006.09

F.S. 1006.15

F.S. 1013.35

F.A.C. 6A-6.0951