

Financial Affairs
Richard H. Hinds, Chief Financial Officer

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

Board Rule 6Gx13- 5A-1.08, Student Transfers, includes policy and procedures for student transfers based on race which were part of the district's Court-ordered desegregation plan. On June 21, 2002, Judge William P. Dimitrouleas, United States District Court for the Southern District of Florida, granted unitary status to Miami-Dade County Public Schools, effective June 30, 2002. Consequently, this rule requires revisions.

In addition, while drafting these amendments, staff and legal counsel observed that the rule was in need of substantial reorganization and several technical changes. These revisions are reflected on the proposed amended rule.

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

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

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 5A-1.08, Student Transfers.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 15, 2002, its intention to amend School Board Rule 6Gx13- 5A-1.08, Student Transfers, at its meeting of June 19, 2002.

PURPOSE AND EFFECT: To present the policies and practices in a readable orderly manner, to make technical revisions, and to delete the provisions for majority to minority student transfers.

SUMMARY: The rule provides policies and practices for the transfer of students from one school to another.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2) and (6); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 229.0537; 229.05371; 230.23(6) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 19, 2002, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 11, 2002, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Marta Leyva
Supervisor: Dr. Richard H. Hinds
Date: May 2, 2002

Attendance**STUDENT TRANSFERS**

Request for Transfer: General Policy

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

I. General Regulations Pertaining to All Transfers

~~A. A student wishing to transfer from one school to another within the county 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 a change of residence. Verification shall include the following two items:~~

~~1. Broker's or attorney's statement of parents' purchase and residence, or properly executed lease agreement;~~

~~2. Electric deposit payment receipt or electric billing statement, bottom portion, showing name and SERVICE ADDRESS. If an electric deposit payment receipt is used as verification, the electric billing statement, bottom portion, must also be submitted to the school within 40 days after registration. Failure to submit this electric billing statement, bottom portion, within 40 days will result in revocation of the transfer.~~

~~If the parent or guardian is unable to furnish the school with the requested electric deposit payment receipt the student will be allowed to enroll in the new school, but must submit the electric billing statement, bottom portion, to the school within 40 days. Failure to submit this electric billing statement, bottom portion, to the school within 40 days will result in revocation of the transfer.~~

~~B. A.~~ Transfers from one school to another in the county shall be made effective as of the close of school on a given day; where feasible, this should coincide with the end of the grading period. The receiving school shall assume responsibility for the student's attendance as of the next school day. If a transferring student has not reported prior to the receipt of the computer generated Notice of Withdrawal/Transfer, the receiving school should notify the head their school social worker.

- ~~€ B.~~ Separate transfers shall be issued for each student.
- ~~Đ C.~~ A student who requests and is eligible for a transfer may not be denied the transfer or school records withheld because of unpaid fees, lost books, etc.
- ~~E.~~ ~~When a change of family residence occurs after the first 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.~~
- ~~F.~~ ~~When a change of family residence occurs after one semester (90 school days) in which a student is enrolled in grades 11 through 12, 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. No transportation will be provided.~~
- ~~G.~~ ~~A sixth grade student assigned to an elementary school outside the student's geographic community for the purpose of equalizing plant utilization may elect to continue in that school's feeder pattern for the middle and senior high school. Transportation will be provided in accordance with Board Rule 6Gx13- ~~3E-1.10~~, TRANSPORTATION--SPECIFIC PROCEDURES, if the student resides over two miles from the school.~~
- H D. When a student has been transferred to a school through an error by M-DCPS administration and the student has been enrolled in the school for 90 days, the student may elect to remain at said school or may return to the school to which he/she should have been originally assigned.
- ~~I.~~ ~~M-DCPS permanent employees in the UTD bargaining unit may utilize student transfers in accordance with the provisions in the M-DCPS/UTD Labor Contract, Article XXI, Section 2(c), EMPLOYEE RIGHTS which reads in part:~~
- ~~"In addition, the Board agrees that employees who wish to enroll their children at the same worksite where they are employed shall not be prohibited from doing so, as long as the requested student transfer does not exceed the caps as established by Board Rule 6Gx13- 5A-1.08, STUDENT TRANSFERS."~~
- J E. If a student does not enroll in the new school (to which the transfer has been granted) within ten school days of the date of the district's

approval of that transfer, that student's transfer will be revoked. Those transfers which were approved during the summer transfer period must be utilized during the first ten days of the school year or they will be revoked.

F. When a transfer is revoked for reasons set forth in this rule, the student will be assigned to the school that serves the verifiable residence address.

II. Bases upon Which Transfer May be Granted

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

A student may be granted a transfer to another school when the student resides with his/her parent or legal guardian and a change of residence occurs placing the student in the attendance area of the school to which transfer is requested. ~~The school in which the student is currently enrolled is responsible for securing verification of the change in residence and for issuing the transfer. (See I. A.)~~

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

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

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

The school in which the student is currently enrolled is responsible for securing verification of the change in residence and for issuing the transfer.

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

When a change of family residence occurs after 90 days in which a student is enrolled in grades 11 through 12, 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. No transportation will be provided.

- ~~B. In order to maintain and improve the school system's desegregated status, the School Board encourages students to transfer from schools where their race is highly represented to schools where their race is less predominant.~~

~~To accomplish this, the School Board has modified its traditional majority to minority transfer procedures. Specifically, for the purpose of capping majority to minority transfers, the cap shall be established at 5 percent above the districtwide ratios.~~

~~Students may transfer from any school where the student's race exceeds the established cap to any school where the student's race is less than the established cap.~~

~~A student transfer shall only be approved if the receiving school is below 115 percent of its assigned permanent program capacity as defined by the Attendance Boundary School Profile Form.~~

- ~~1. If a student requests assignment to the nearest available school, transportation will be provided in accordance with Board transportation policy.~~
- ~~2. If a student requests assignment to a specific school, no transportation will be provided.~~

~~EB. The region superintendent (or designated line director) may administratively assign or approve the reassignment or transfer of students when, the receiving school is below 400 115 percent of its assigned permanent program capacity as defined by the Attendance Boundary School Profile Form, and when: The student must first be enrolled in the school which serves his/her residence address, and the~~

meet one of the following criteria:

1. The parent or guardian presents a written statement with supporting professional evidence to the effect that a health hardship exists if the student remains in the school to which originally assigned. This type of transfer must be reviewed annually through the Region Office serving the residence address submitted to the Division of Attendance Services and reviewed and approved by the Review Team for Medical/Psychological Transfers.
2. The student is able to secure a vocational program offering or a subject essential for course which furthers the goal of access to post-secondary educational training by transferring to another school and agreeable arrangements have been made between the Documentation for Secondary Curriculum Transfer Application Form, FM-3559 Rev. (11-00) has been properly executed by the parent(s) and/or guardian and the two principals concerned. Prior to issuing a curriculum transfer, consideration should be given to a shared-time educational program. This reassignment is effective only during the completion of the prescribed course of study.

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

3. The parent or guardian of an elementary school student of a one-parent or one-guardian family unit with the parent who is employed, or a family where both parents or guardians are employed, requests a transfer on the basis that the normal school assignment presents a hardship involving before or after-school supervision. Such request shall be in the form of a notarized affidavit setting forth the nature of the circumstances producing the hardship. This type of transfer must be reviewed annually through the Region Office serving the residence address.
4. The region superintendent (or designated line director) has determined that an exceptional student can be better served by reassignment to a special program or a class in a school other than the one in which the student is enrolled.

5. The region superintendent (or designated line director) has determined that a change of school assignment may alleviate emotional problems of the student. This determination is based upon professional evidence presented by the parent or school personnel. This type of transfer request must be submitted to the Division of Attendance Services and reviewed and approved by the Review Team for Medical/Psychological Transfers annually through the Region Office serving the residence address.
 6. The region superintendent (or designated line director) has determined that students will be more adequately housed by transfer or reassignment to a school other than that which they would normally attend due to school capping. The Board shall be informed of all such transfers or reassignments.
 7. A student ~~who~~ has been suspended, expelled or under the jurisdiction of the Courts, or in a similar situation, and the region superintendent (or designated line director) determines that an assignment to a school other than the normal school assignment would be in the best interest of the student and the school system.
 8. An administrative assignment is deemed necessary and in the best interest of the student and the school.
- C. M-DCPS permanent employees in the UTD bargaining unit may utilize student transfers in accordance with the provision in the M-DCPS/UTD Labor Contract, Article XXI, Section 2 Employee Rights, which reads in part:
- “In addition, the Board agrees that employees who wish to enroll their children at the same worksite where they are employed shall not be prohibited from doing so, subject to the approval of the Region Superintendent.”
- D. Further provisions applicable to assignments pursuant to II. B. and II. C. above. For those administrative assignments or reassignments approved by the region superintendent (or designated line director) at the request of the parent where school bus transportation is not authorized by School Board Rules, the parent must agree to provide transportation to and from the new school assignment at reasonable hours. If the parent is unable to provide transportation within 30 minutes, prior to the opening and within 30 minutes after the closing time of school, the principal may recommend to the region superintendent that the assignment be revoked and the student returned to the school serving the parent's residence address.

~~In cases where the region superintendent (or designated line director) selects the school to which the student is to be assigned or reassigned, school bus transportation is to be provided, if the student resides over two miles from the assigned school.~~

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

III. Appeal Process

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

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

Senior High Schools

The following conditions shall become a part of the district residence and transfer policies with regard to athletic eligibility for all senior high school students commencing with the successful completion of the eighth grade (as defined by the pupil progression plan). These requirements are in addition to the Florida High School Activities Association (FHSA) and the Greater Miami Athletic Conference (GMAC) Bylaws.

- A. Any student who enrolls in a school other than the school serving his/her home address will forfeit athletic eligibility for one calendar year commencing from the date of enrollment. ~~An exception to this rule will be majority to minority transfers granted prior to the first day of the fall practice session or prior to the first day of the school year, whichever comes first.~~ Additionally, Ninth grade students who transfers into non-boundary magnet schools/programs are exempt from this rule when applications are submitted prior to July 4 on or before January 31 of the school year preceding the year for which admission is sought, and approved prior to the first day of fall practice or prior to the first day of school, whichever comes first.

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

- B. Any student who is found to have falsified eligibility information shall lose athletic eligibility for one full calendar year from the date of discovery of the violation.
- C. Any student who is found to be attending a school out of his/her assigned attendance area without a properly executed approved student transfer, as defined in this rule, shall be assigned to return to his/her base the school that serves the verifiable residence address and forfeit athletic eligibility for a period of one full calendar year from the date of discovery of the violation. Assignments to alternative schools should not affect eligibility upon the student's return to his/her designated home school.
- D. A Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) consisting of one district level administrator, three senior high school principals, two senior high school athletic directors, one representative from the District Athletic Advisory Committee, and the Director of the Division of Athletics/Activities and Accreditation, who serves as an ex-officio member, will review eligibility appeals of transferring student athletes. This committee will meet at least once a month. All results of appeals for athletic eligibility that are reviewed by the AETRC will be forwarded to the respective region superintendents and principals of the affected schools for information purposes.
- E. A student receiving any type of transfer into a senior high school must abide by all the FHSAA and GMAC Bylaws, and applicable school board rules pertaining to athletic eligibility.
- F. Each senior high school will develop an athletic eligibility list for each sport and will identify the student transfers. Copies will be provided to region superintendents and the Director of the Division of Athletics/Activities and Accreditation prior to that sport's season.
- G. Violations of the transfer policy with regard to athletic eligibility may result in forfeiture of athletic contest(s), fines, and/or probation. Penalties to be assessed will be determined by the Director of the Division of Athletics/Activities and Accreditation and Executive Secretary, GMAC.
- H. The principal shall be responsible for control of the athletic programs, coaches, booster groups and student athletes.

V. Transfers Pursuant to State or Federal Law

Transfers granted pursuant to Section 229.0537 F.S., Opportunity Scholarship Program, Section 229.05371 F.S., The John M. McKay Scholarships for Students with Disabilities Program, or other federal or state law will be governed by the provisions of School Board Rule 6Gx13- 5A-1.081, Opportunity Scholarship Program Student Transfers.

Specific Authority: 230.22(2) and (6); 230.23(~~20~~ 22) F.S.
Law Implemented, Interpreted, or Made Specific: 229.0537; 229.05371;
230.23(4)(a)(6); F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74
Technical Change: 5-1-98
Amended: 6-12-77; 8-25-82; 3-20-85; 5-21-86; 3-17-99; 10-11-00