

Office of Superintendent of Schools  
Board Meeting of March 9, 2016

February 22, 2015

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

**SUBJECT:      FINAL READING: PROPOSED ADOPTION OF NEW POLICY  
2431.05, *ATHLETIC TRAINERS*, AND AMENDMENTS TO POLICIES  
5112, *ENTRANCE REQUIREMENTS*, AND 5131, *STUDENT  
TRANSFERS***

**COMMITTEE:   INNOVATION, GOVERNMENTAL RELATIONS AND  
COMMUNITY ENGAGEMENT**

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

At its meeting of January 13, 2016, the Board approved Agenda Item G-4 ("Safety") which authorized the Superintendent to initiate rulemaking proceedings to adopt new Policy 2431.05, *Athletic Trainers*, regarding requirements for athletic trainers employed by the Board, and to amend Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, to clarify that student enrollment, transfers and withdrawals must be done in person at the school site.

Section 1012.46, F.S., allows school districts to establish and implement athletic injuries prevention and treatment programs utilizing athletic trainers. In accordance with the statute, athletic trainers must be licensed and may hold a teaching certificate. New Policy 2431.05, *Athletic Trainers*, provides that the School Board may employ athletic trainers who meet the statutory requirements. Trainers may only provide services under the direction of a physician. All athletic trainers must undergo applicable background screening required by law and Board policy.

In order to promote student safety and security, Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, are proposed to be amended to clarify that student enrollment, transfers and withdrawals must be done in person at the school site so that appropriate identification and other information can be obtained.

The Notice of Intended Action was published in the *Miami Daily Business Review* on January 19, 2016, posted in various places for public information and mailed to various organizations representing persons affected by the new and amended policies and to

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individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

In accordance with the Administrative Procedure Act, these new and amended policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the new and amended policies in the official records of The School Board of Miami-Dade County, Florida.

Attached is the Notice of Intended Action and the proposed new policy and policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~-words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to adopt new Policy 2431.05, *Athletic Trainers*, and amend Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, and to file these new and amended policies with The School Board of Miami-Dade County, Florida, to be effective March 9, 2016.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on January 13, 2016, its intention to promulgate new Policy 2431.05, *Athletic Trainers*, and to amend Board Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, at its meeting of March 9, 2016.

**PURPOSE AND EFFECT:** Section 1012.46, F.S., allows school districts to establish and implement athletic injuries prevention and treatment programs utilizing athletic trainers. In accordance with the statute, athletic trainers must be licensed and may hold a teaching certificate. New Policy 2431.05, *Athletic Trainers*, provides that the School Board may employ athletic trainers who meet the statutory requirements. Trainers may only provide services under the direction of a physician. All athletic trainers must undergo applicable background screening required by law and board policy.

In order to promote student safety and security, Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, are proposed to be amended to clarify that student enrollment, transfers and withdrawals must be done in person at the school site so that appropriate identification and other information can be obtained.

**SUMMARY:** In accordance with the Board's statutory responsibility to update and clarify its policies to promote a safe and healthy school environment, new Policy 2431.05, *Athletic Trainers*, provides requirements for athletic trainers employed by the Board. Policies 5112, *Entrance Requirements*, and 5131, *Student Transfers*, are proposed to be amended to clarify that student enrollment, transfers and withdrawals must be done in person at the school site.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1),(5), 1001.42 (4),(5),(8), 1001.43 (1),(11), F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** Chapter 468, 1001.42(4),(5),(8), 1001.43 (1),(11), 1012.46, 1012.56, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF March 9, 2016, 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 February 8, 2016, 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, F. S.

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

## **NEW POLICY**

### **2431.05 ATHLETIC TRAINERS**

The School Board may employ athletic trainers to provide services to student athletes involving the prevention, recognition, emergency care, treatment, and rehabilitation of sports injuries and may provide related educational and administrative services.

“Athletic training” means service and care provided by an athletic trainer related to the prevention, recognition, evaluation, management, disposition, treatment, or rehabilitation of a physically active student who sustained an injury, illness, or other condition involving exercise, sport, recreation, or related physical activity.

All full-time athletic trainers employed by the School Board must, at a minimum, be licensed as required by Chapter 468, Part XIII, F.S. To be employed as a Teacher/Athletic Trainer, an individual must also possess a professional or temporary certificate pursuant to 1012.56, F.S. Athletic trainers shall undergo background screening required under applicable law and Board policy.

Athletic trainers shall practice under the direction of a physician licensed under Chapters 458, 459, or 460, F.S., or otherwise be authorized by Florida law to practice medicine. The physician shall communicate his/her direction through oral or written prescriptions or protocols as deemed appropriate by the physician for the provision of services and care by the athletic trainer. An athletic trainer shall provide service or care in the manner dictated by the physician.

F.S. Chapter 468, 1012.46, 1012.56

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ENTRANCE REQUIREMENTS

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

10

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

18 **Kindergarten**

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

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

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

1    **First Grade**

2    Any child who has attained the age of six (6) years on or before September 1st of the  
3    school year and satisfactorily completed the requirements for kindergarten in a  
4    public school according to the District's Student Progression Plan (Policy 5410) or in  
5    a nonpublic school from with the Board accepts transfer of academic credit, or who  
6    otherwise meets the criteria for admission or transfer in a manner similar to that  
7    applicable to other grades shall be admitted or promoted to the first grade at any  
8    time during the school year.

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

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

20   **Initial Entry**

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

27           A.    a duly attested transcript of the child's birth record filed according  
28                to law with a public officer charged with the duty of recording births;

29           B.    a duly attested transcript of a certificate of baptism showing the  
30                date of birth and place of baptism of the child, accompanied by an  
31                affidavit sworn to by the parent;

32           C.    an insurance policy on the child's life which has been in force for at  
33                least two (2) years;

- 1 D. a bona fide contemporary Bible record of the child's birth  
2 accompanied by an affidavit sworn to by the parent;
- 3 E. a passport or certificate of arrival in the United States showing the  
4 age of the child;
- 5 F. a transcript of record of age shown in the child's school record of at  
6 least four (4) years prior to application, stating date of birth; or
- 7 G. if none of this evidence can be produced, an affidavit of age sworn to  
8 by the parent, accompanied by a certificate of age signed by a public  
9 health officer or by a public school physician, or, if neither of these  
10 is available in the county, by a licensed practicing physician  
11 designated by the Board, which certificate shall state that the health  
12 officer or physician has examined the child and believes that the age  
13 as stated in the affidavit is substantially correct.
- 14 H. Children entering the District for the first time must comply with  
15 F.S. 1003.21 and with the District's Student Progression Plan  
16 (Policy 5410). Students must have an immunization record on file  
17 at the school. Any student who does not have the proper  
18 immunization shall be temporarily excluded from attendance until  
19 compliance has been documented.
- 20 I. Upon a child's initial entry to a District school, the principal shall  
21 require evidence of a physical examination performed within one (1)  
22 year prior to the date of entry. An appointment for a physical  
23 examination by a county health officer, licensed physician, or  
24 chiropractor may be accepted provided the principal is given  
25 evidence of the physical examination within one (1) week of such  
26 examination. Students transferring into the District from a school  
27 within the State of Florida who have completed physical examination  
28 form as part of their school record need not be re-examined.  
29 Examinations taken out-of-state may be accepted if performed  
30 within one (1) year of entry and include documentation and reported  
31 on the official forms of the physician.
- 32 J. A child may be exempt from the required physical examination  
33 and/or immunization upon written request of the parent or  
34 guardian of such child stating objection to examination and/or  
35 immunization on religious grounds or for medical reasons certified  
36 by a competent medical authority.

1 **Proof of Age**

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

5 **Birth Certificate**

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

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

15 **Student Disclosures**

16 Each student at the time of initial registration for school shall note previous school  
17 expulsions, arrests resulting in a charge, and juvenile justice actions the student  
18 has had.

19 **Verification of Residence**

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

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

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



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

3 If an electric deposit payment receipt is used as verification, the electric bill, bottom  
4 portion, must also be submitted to the school within forty (40) calendar days after  
5 registration. If the parent is unable to furnish the school with the requested electric  
6 deposit payment receipt, the student will be allowed to enroll in the new school, but  
7 must submit the electric bill, bottom portion, to the school within forty (40) calendar  
8 days.

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

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

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

24 F.S. 92.525, 837.06, 1003.01, 1003.21, 1003.22  
25 F.A.C. 6A-1.098, 6A-1.0985

26 Revised 4/15/15

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STUDENT TRANSFERS

2 Students in the regular school program (K-12) are assigned to attend school based  
3 on the actual residence of the parent and the attendance area of the school as  
4 approved by the School Board. Transfers may be made as follows:

- 5           A. Transfers from one (1) school to another in the county shall be  
6           effective as of the close of school on a given day. Where feasible,  
7           this should coincide with the end of the grading period. The  
8           receiving school shall be responsible for the student's attendance as  
9           of the next school day. If a transferring student has not reported  
10          prior to the receipt of the computer generated Notice of  
11          Withdrawal/Transfer, the receiving school should notify their  
12          assigned school social worker.
- 13           B. Transfers will not be processed during FTE weeks, or  
14          State-mandated assessments.
- 15           C. Separate transfers shall be issued for each student.
- 16           D. A student who requests and is eligible for a transfer may not be  
17          denied the transfer or have school records withheld because of  
18          unpaid fees, lost books, etc.
- 19           E. When a student has been transferred to a school through an error  
20          by District administration and the student has been enrolled in the  
21          school for ninety (90) days, the student may elect to remain at the  
22          school or may return to the school to which s/he should have been  
23          originally assigned. If the transfer was based on fraudulent, false,  
24          or erroneous information provided to the school by the parent  
25          and/or student, the school may revoke the transfer and require that  
26          the student return to his/her previous school or to the appropriate  
27          school serving the area where the student resides. Anyone who  
28          knowingly makes a false statement in writing with the intent to  
29          mislead a public servant in the performance of his/her official duty  
30          is guilty of a second degree misdemeanor under F.S. 837.06. In  
31          addition, anyone who knowingly makes a false verified declaration is  
32          guilty of perjury, a third degree felony under F.S. 92.525.

- 1 F. If a student does not enroll in the new school (to which the transfer  
2 has been granted) within ten (10) school days of the date of the  
3 District's approval of that transfer, that student's transfer will be  
4 revoked. Those transfers which were approved during the summer  
5 transfer period must be used during the first ten (10) days of the  
6 school year or they will be revoked.
- 7 G. Transfers may be denied or revoked at any time due to poor  
8 attendance, tardiness, disruptive behavior which results in a  
9 significant loss of instructional time, or if information provided to  
10 the school by the parent and/or student for purposes of a transfer is  
11 discovered to be fraudulent, false, or erroneous. If the transfer is  
12 revoked, the student will be assigned to the school that serves the  
13 verifiable residence address.
- 14 H. When an administrative transfer has been approved, transportation  
15 will not be provided to the requested school.
- 16 I. These procedures shall not supersede admission procedures in  
17 programs/schools where admission is governed by other Board  
18 policies or processes (e.g. magnets).
- 19 J. Where parents are divorced or separated, only the parent who  
20 enrolled the student may request to transfer or withdraw the  
21 student. The enrolling parent is responsible for providing  
22 information that is truthful, accurate, and consistent with the most  
23 recent court order governing their divorce, separation, or custody  
24 matters.
- 25  
26 K. The person transferring or withdrawing the student shall report in  
27 person to the school to transfer or withdraw the student.

28 Transfers may be granted as follows:

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

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

- 36 1. broker's or attorney's statement of parents' purchase of  
37 residence, or properly executed lease agreement;

- 1                   2.     current Homestead Exemption card;
- 2                   3.     electric deposit payment receipt or electric bill, bottom  
3                   portion, showing name and service address. If an electric  
4                   deposit payment receipt is used as verification, the electric  
5                   bill, bottom portion, must also be submitted to the school  
6                   within forty (40) calendar days after registration.

7                   If the parent is unable to furnish the school with the requested  
8                   electric deposit payment receipt, the student will be allowed to enroll  
9                   in the new school, but must submit the electric bill, bottom portion,  
10                  to the school within forty (40) calendar days. Failure to submit the  
11                  electric bill, bottom portion, within forty (40) calendar days or  
12                  inability of school to verify residence of student, will result in  
13                  revocation of the transfer or the student's reassignment to the  
14                  previous school.

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

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

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

30                  B.     Students with an Individual Education Plan (IEP) or 504 Plan  
31                  requesting to attend a school other than the school in which the  
32                  student is enrolled, must meet with the Region Special Education  
33                  (SPED) personnel to ensure that the programmatic needs of the  
34                  student can be met at the requested school.

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

17 **Administrative Transfers**

- 18 A. Working Parent Hardship Transfer
- 19 1. The parent of a kindergarten through eighth grade student of  
20 a one (1) parent or one (1) guardian family unit who is  
21 employed, or a family where both parents or guardians are  
22 employed, requests a transfer on the basis that the normal  
23 school assignment presents a hardship involving before or  
24 after-school supervision. The request shall be in the form of a  
25 signed statement from the employer(s) verifying the  
26 parent's/guardian's employment, work address, telephone  
27 number, working hours; a signed statement from the  
28 caregiver verifying the hours the student is cared for as well  
29 as the address and telephone number of the caregiver; and  
30 any other pertinent information setting forth the nature of the  
31 circumstances producing the hardship.
  - 32 2. This type of transfer must be reviewed annually through the  
33 Region serving the assigned school. These transfers should  
34 not exceed the assigned percentage of FISH school capacity  
35 for the current school year.

1           B.    Medical/Psychological Transfer

2                   1.    The parent presents a written statement with supporting  
3                   professional evidence on the Medical Recommendation for  
4                   Student Transfer form, FM-1713, to the effect that a health  
5                   hardship and/or emotional problems exist that will be  
6                   exacerbated if the student remains in the school that serves  
7                   his/her residence address, and will be alleviated at the  
8                   requested school. This type of transfer must be initially  
9                   discussed with the Principal in an attempt to resolve any  
10                  possible issues at that school and, if needed, the parent will  
11                  submit the transfer form to the Region. The Region will  
12                  submit the completed Parent Choice - Student Transfer form,  
13                  FM-3281, and the Medical Recommendation for Student  
14                  Transfer form, FM-1713, to the Federal and State Compliance  
15                  Office. The Review Team for Medical/Psychological Transfers  
16                  will review the evidence and will approve/deny the transfer  
17                  request. The decision of the Review Team is final and no  
18                  appeals will be permitted.

19                  2.    Best Interest Transfer: An administrative assignment is  
20                  deemed necessary by the Region Superintendent and in the  
21                  best interest of the student and the school.

22           C.    Out-of-County Transfer

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

25                   a.    enroll the student in the school that serves his/her  
26                   residence address;

27                   b.    complete the Out-of-County Transfer Request form,  
28                   FM-7374 provided by the Federal and State  
29                   Compliance Office; and

30                   c.    submit the form to the Federal and State Compliance  
31                   Office, who will review the application and transmit it  
32                   to the requested county.

- 1                   2.     The parent who requests a student transfer into a District  
2                   school, but lives in another county, must:
- 3                   a.     follow the procedures in the residence county and  
4                   complete an Out-of-County transfer request from that  
5                   county; and
- 6                   b.     receive a letter of approval/denial from the Federal and  
7                   State Compliance Office;
- 8                   Upon receipt of the transfer information from the other  
9                   county the Federal and State Compliance Office  
10                  reviews the application and FISH capacity of the  
11                  requested school. The determination will be based  
12                  upon whether or not the receiving school is below  
13                  100% capacity and the maximum number of students  
14                  does not exceed the mandates of State law  
15                  (F.S. 1003.03, Maximum Class Size).
- 16                  c.     The parent is notified of the approval/denial in writing  
17                  by the Federal and State Compliance Office. If  
18                  approved, the parent withdraws the student from the  
19                  school in the residence county, enrolls the student in  
20                  the District (provides the approval letter to the school's  
21                  registrar), and is responsible for transportation. If  
22                  denied, there is no appeal process since the student is  
23                  not a Miami-Dade County resident and the District is  
24                  not obligated to educate the student.
- 25                  3.     Out-of-county transfer requests to a magnet school or  
26                  program must follow the procedures outlined in Policy 2370.  
27                  The letter of acceptance to the magnet school or program  
28                  must accompany the out-of-county transfer request.
- 29                  D.     Capacity Transfer: The Region Superintendent has determined that  
30                  students will be more adequately housed by transfer or  
31                  reassignment to a school other than that which they would normally  
32                  attend due to school capping.

- 1 E. Disciplinary Transfer: A student has been suspended, expelled, or  
2 under the jurisdiction of the courts, or in a similar situation, and  
3 the Region Superintendent determines that an assignment to a  
4 school other than the normal school assignment would be in the  
5 best interest of the student and the school system.
- 6 F. Professional Courtesy Transfer
- 7 District permanent employees in the UTD bargaining unit may use  
8 student transfers according to Article XXI, Section 2, Employee  
9 Rights, C. Family Relationships of the District/UTD collective  
10 bargaining agreement which reads in part:
- 11 Employees who wish to enroll their children at the same worksite  
12 where they are employed shall not be prohibited from doing so,  
13 subject to the approval of the Region Superintendent, and when the  
14 District employee:
- 15 1. enrolls the nondistrict student in the school that serves the  
16 resident address;
- 17 2. completes a Parent Choice - Student Transfer form, FM-3281,  
18 at that school; and
- 19 3. submits the Parent Choice - Student Transfer form, FM-3281,  
20 to the appropriate Region for processing.
- 21 G. Charter School Transfers
- 22 1. The parent who requests a student transfer to a charter  
23 school must enroll the non District student in the school that  
24 serves the residence address.
- 25 2. Complete a Charter Schools - Transfer form, FM-7281, at the  
26 home school.



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

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

#### 14 **Appeal Process**

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

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

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

#### 21 **Opportunity Scholarship Program**

22 A. Eligibility

23 A parent may request and receive an Opportunity Scholarship  
24 Program transfer, if:

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

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

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

8                   B.     District Obligations

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

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

19                 a.     timely notify the parent of all options available under  
20                 the statute;

21                 b.     offer the parent an opportunity to enroll the student in  
22                 a school located within the geographic transportation  
23                 service zone designated to serve the student's  
24                 residence school;

25                             The designated school must have a performance grade  
26                             of "C" or better.

27                 c.     provide transportation to each student who is eligible  
28                 for an Opportunity Scholarship transfer to a school  
29                 within the geographic transportation service zone that  
30                 serves the eligible residence school if the student  
31                 resides more than two (2) miles from the selected  
32                 District school; and



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

2 A. Eligibility

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

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

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

12 B. District Obligations

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

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

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

27 2. offer the student's parent an opportunity to enroll the student  
28 in another public school that can appropriately provide the  
29 services written on the IEP or 504 Plan, the Florida Inventory  
30 of School Houses (FISH) capacity of the receiving school is  
31 below 100%, and the maximum number of students does not  
32 exceed statutory Class Size limits, to accommodate the  
33 transfer requests;

- 1 If schools cannot be identified based on these guidelines, the  
2 Deputy Superintendent/Chief Operating Officer, School  
3 Operations, will identify eligible schools.
- 4 3. provide transportation to a public school selected by the  
5 parent within the scholarship transfer zone if the student  
6 resides more than two (2) miles from the selected public  
7 school;
- 8 4. provide each eligible student with an opportunity to continue  
9 attending the public school chosen by the parent until the  
10 student completes the grade configuration of the school.
- 11 C. Application Process
- 12 1. The parent of an eligible student shall file intent to participate  
13 on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).
- 14 2. The parent shall complete the McKay Scholarship Program for  
15 Students with Disabilities form, FM-6063 and submit the  
16 form to the Special Education (SPED) Center that serves the  
17 child's home school.
- 18 3. SPED Center staff will verify student eligibility. Transfers will  
19 be approved based on program, class size and building  
20 capacity.
- 21 4. SPED Center staff will advise the parent that the transfer has  
22 been approved or denied.
- 23 5. If the requested school has been denied, SPED Center staff  
24 will offer alternate schools that have the appropriate SPED  
25 program.
- 26 Transfers will not be processed during FTE weeks and  
27 State-mandated assessments.

1           D.     Appeal Process

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

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

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

8     **Athletic Eligibility**

9     The following conditions shall be a part of the District residence and transfer policies  
10    with regard to athletic eligibility for all senior high school students commencing with  
11    the successful completion of the eighth grade (as defined by the Student Progression  
12    Plan (Policy 5410)). These requirements are in addition to the Florida High School  
13    Activities Association (FHSAA) and the Greater Miami Athletic Conference (GMAC)  
14    Bylaws.

15           A.     Any student who enrolls in a school other than the home school  
16                     serving his/her home address will forfeit athletic eligibility for  
17                     one (1) calendar year commencing from the date of enrollment.  
18                     Ninth grade students who transfer into magnet schools/programs  
19                     are exempt from this rule when applications are submitted on or  
20                     before January 31st of the school year preceding the year for which  
21                     admission is sought, and approved prior to the first day of fall  
22                     practice or prior to the first day of school, whichever comes first.  
23                     Ninth, tenth, and eleventh grades students are exempt from this  
24                     rule when entering a new magnet schools/programs during the  
25                     school/program's initial year prior to the first day of fall practice or  
26                     prior to the first day of school, whichever comes first. A student  
27                     who moves into another attendance area may represent the school  
28                     that serves the new area provided the move is due to a full and  
29                     complete move by the students parent(s)/guardian(s), or other  
30                     individual(s) with whom the student has resided continuously for a  
31                     full calendar year.

32           B.     Any student who is found to have falsified eligibility information  
33                     shall lose athletic eligibility for one (1) full calendar year from the  
34                     date of discovery of the violation.

- 1 C. Any student who is found to be attending a school out of his/her  
2 assigned attendance area without a properly executed approved  
3 student transfer, as defined in this policy, shall be assigned to the  
4 school that serves the verifiable residence address and forfeit  
5 athletic eligibility for a period of one (1) full calendar year from the  
6 date of discovery of the violation. Assignments to  
7 magnet/alternative schools should not affect District/GMAC  
8 eligibility upon the student's return to his/her designated home  
9 school.
- 10 D. A Superintendent's Athletic Eligibility Transfer Review Committee  
11 (AETRC) consisting of one (1) District level administrator, three (3)  
12 senior high school principals, three (3) senior high school athletic  
13 directors, one (1) representative from the District Athletic Advisory  
14 Committee, and an administrator from the Division of  
15 Athletics/Activities and Accreditation, who serves as an ex-officio  
16 member, will review eligibility appeals of transferring student  
17 athletes. This committee will meet at least once a month. All  
18 results of appeals for athletic eligibility that are reviewed by the  
19 AETRC will be forwarded to the respective region superintendents  
20 and principals of the affected schools for information purposes.
- 21 E. A student receiving any type of transfer into a senior high school  
22 must abide by all the FHSAA and GMAC Bylaws, and applicable  
23 Board rules pertaining to athletic eligibility.
- 24 F. Violations of the transfer policy with regard to athletic eligibility may  
25 result in forfeiture of athletic contest(s), fines, and/or probation.  
26 Penalties to be assessed will be determined by the Director of the  
27 Division of Athletics/Activities and Accreditation and Executive  
28 Secretary, GMAC.
- 29 G. The principal shall be responsible for control of the athletic  
30 programs, coaches, booster groups and student athletes.

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

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

5 Handbook of the Florida High School Athletic Association  
6 F.S. 92.525, 837.06, 1001.41(1)(2), 1001.42(22), 1001.43(10), 1002.38, 1002.39  
7 F.S. 1006.07, 1006.15

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