

Financial Services  
Mrs. Judith M. Marte, Chief Financial Officer

**SUBJECT:                    FINAL READING: PROPOSED AMENDMENTS TO POLICY  
5131, STUDENT TRANSFERS**

**COMMITTEE:                FISCAL ACCOUNTABILITY**

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

At its regular meeting of April 5, 2017, the School Board approved Agenda Item E-51 (Proposed Amendments To Policy 5131, *Student Transfers*) authorizing the Superintendent to initiate rulemaking to amend Board Policy 5131, *Student Transfers*.

Policy 5131, *Student Transfers*, is being amended to change the name to *Student Transfers and Controlled Open Enrollment* and to reflect statutory requirements in accordance with Section 1002.31, F.S., mandating each district school board adopt a controlled open enrollment plan. The controlled open enrollment plan is in addition to the existing choice programs such as magnet schools, special programs, advanced placement, and dual enrollment. In addition, amendments are being made to clarify the applicability of this policy as it relates to student assignments under *Policy 5120, Student School Assignment and Attendance Boundary Committee*; and *Policy 2730, Magnet Programs/Schools*; and to align Policy 5131 with Policy 2431, *Interscholastic Athletics*.

Controlled Open Enrollment allows the school district to make K-12 school assignments using parents' indicated preferential educational choice for both in-county and out-of-county assignments where available capacity exists and such enrollment does not adversely affect the maximum class size restrictions under section 1003.03, F.S., as well as other programmatic and planning considerations such as anticipated enrollment growth and pending or planned boundary changes. Students who reside within the approved boundary of a school will continue to have a right to attend their assigned school and cannot be displaced by any transfer. Available permanent school capacity is determined by the District based on the most current Florida Inventory of School Houses (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"). Controlled Open Enrollment assignments are approved based on the receiving school's available capacity being at or below 90%. District permanent capacity determinations must be current and be identified on the District's website.

This policy provides a framework for applying for reassignment through Controlled Open Enrollment, including specifying that the window for applying shall open after the conclusion of the Magnet School Application period and shall remain open for not less than a four week period. Further, the policy provides for controlled open enrollment preferences to be assigned as required by statute including:

- Dependent children of active duty military personnel whose move resulted from military orders;
- Children who have been relocated due to a foster care placement in a different school zone;
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; and
- Students residing in the district.

Additional District preferences for siblings will also be provided. In the event a request for reassignment under Controlled Open Enrollment is not granted due to capacity, a parent may apply for any other transfer provided for under Policy 5131, including a Parent Choice Student Transfer. Finally, existing references to Athletic Eligibility within Policy 5131 are stricken to conform and refer to Policy 2431, *Interscholastic Athletics*, adopted by the Board at its meeting of March 15, 2017.

The Notice of Intended Action was published in the *Miami Daily Business Review* on April 10, 2017, and posted in various places for public information and mailed to various organizations representing persons affected by the amended policy and to 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, this amended policy is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed 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, adopt amendments to Board Policy 5131, *Student Transfers* and authorize the Superintendent to file the amended policy with the School Board of Miami-Dade County, Florida, to be effective May 24, 2017.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 5, 2017, its intention to amend Board Policy 5131, *Student Transfers*, at its regular meeting on May 24, 2017.

**PURPOSE AND EFFECT:** Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, amendments to this Board Policy are proposed to be adopted. Policy 5131, *Student Transfers*, is proposed to be amended to change the name to *Student Transfers and Controlled Open Enrollment* and to reflect new statutory requirements in accordance with Section 1002.31, F.S., mandating each district school board adopt a controlled open enrollment plan that allows a parent from any school district in the state to enroll his or her child in and transport his or her child to any public school that has not reached capacity. The controlled open enrollment plan is in addition to the existing choice programs such as magnet schools, special programs, advanced placement, and dual enrollment. In addition, amendments are being made to clarify the applicability of this policy as it relates to student assignments under Policy 5120, *Student School Assignment and Attendance Boundary Committee*; and Policy 2730, *Magnet Programs/Schools*; and to align Policy 5131 with Policy 2431, *Interscholastic Athletics*.

Controlled Open Enrollment allows the school district to make K-12 school assignments using parents' indicated preferential educational choice for both in-county and out-of-county assignments where capacity exists and such enrollment does not adversely affect the maximum class size restrictions under Section 1003.03, F.S., as well as other planning considerations such as anticipated enrollment growth and pending or planned boundary changes. The District may make determinations regarding available permanent school capacity based on the most current Florida Inventory of School Houses (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"). Controlled Open Enrollment assignments are approved based on the receiving school's available capacity being at or below 90%. District permanent capacity determinations must be current and be identified on the District's website. A framework for applying for reassignment through Controlled Open Enrollment is outlined, including the provision of options should a reassignment not be granted due to capacity. Districts must provide preferential treatment in their controlled open enrollment processes to:

- Dependent children of active duty military personnel whose move resulted from military orders;
- Children who have been relocated due to a foster care placement in a different school zone;
- Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent; and
- Students residing in the district.

Existing references to Athletic Eligibility within Policy 5131 are proposed to be stricken to conform and refer to Policy 2431, *Interscholastic Athletics*.

**SUMMARY:** Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, Policy 5131, *Student Transfers*, is proposed to be amended to change the name to *Student Transfers and Controlled Open Enrollment* and to reflect new statutory requirement mandating each district school board adopt a controlled open enrollment plan that allows a parent from any school district in the state to enroll his or her child in and transport his or her child to any public school that has not reached capacity. The controlled open enrollment plan is in addition to the existing choice programs such as magnet schools, special programs, advanced placement, and dual enrollment. In addition, amendments are proposed to clarify the applicability of this policy as it relates to student assignments under Policy 5120, *Student School Assignment and Attendance Boundary Committee*; and Policy 2730, *Magnet Programs/Schools*; and to align Policy 5131 with Policy 2431, *Interscholastic Athletics*. Existing references to Athletic Eligibility within Policy 5131 are stricken to conform and refer to Policy 2431, *Interscholastic Athletics*.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1), (2), (5), (6); 1001.42 (4), (8), (10), (11), (15); 1001.43 (1); 1001.49 (3), F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** 1001.41(6), 1001.42(4)(a), 1002.31, 1003.03, 1013.35, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING on May 24, 2017, 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 May 1, 2017, 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 POLICY 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.

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## STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT

4 Students in the regular school program (K-12) are assigned to attend school based  
5 on the actual residence of the parent and the attendance area boundary of the  
6 school as approved by the School Board in accordance with Policy 5120, Student  
7 School Assignment and Attendance Boundary Committee. Students within the  
8 attendance boundaries may not be involuntarily displaced by any transfer under  
9 this policy. This policy governs all regular school transfers from one school to  
10 another, except for transfers to magnet schools and programs that are subject to  
11 specific admissions requirements and/or random lotteries that are governed by  
12 Policy 2370, Magnet Programs/Schools.  
13

14 Transfers may be made as follows:

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

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

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

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

9 Transfers may be granted as follows:

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

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

- 17 1. broker's or attorney's statement of parents' purchase of  
18 residence, or properly executed lease agreement;
- 19 2. current Homestead Exemption card;
- 20 3. electric deposit payment receipt or electric bill, bottom  
21 portion, showing name and service address. If an electric  
22 deposit payment receipt is used as verification, the electric  
23 bill, bottom portion, must also be submitted to the school  
24 within forty (40) calendar days after registration.

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

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

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

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

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

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1 C. A parent may request a Parent Choice - Student Transfer. In this  
2 case The Region Superintendent (or designated region director) may  
3 administratively assign or approve the reassignment or transfer of  
4 students when the Florida Inventory of School Houses (FISH)  
5 capacity of the receiving school is below 100%, the maximum  
6 number of students does not exceed the mandates of State law  
7 (F.S. 1003.03, Maximum Class Size), and the parent who requests a  
8 student transfer must:

- 9 1. enroll the student in the school that serves the residence  
10 address before the request for transfer can be considered;
- 11 2. complete a Parent Choice - Student Transfer form, FM-3281,  
12 at the home school;
- 13 3. obtain the signature on the Parent Choice - Student Transfer  
14 form, FM-3281, of the Principal or designated administrator  
15 with whom the parent met; and
- 16 4. submit the Parent Choice - Student Transfer form, FM-3281,  
17 to the appropriate Region for processing.



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1 **Administrative Transfers**

2 A. Working Parent Hardship Transfer

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

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1           B.     Medical/Psychological Transfer

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

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

22           C.     Out-of-County Transfer

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

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

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

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

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



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1 **Opportunity Scholarship Program**

2 A. Eligibility

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

- 5 1. by assigned school attendance area or by special assignment,  
6 the student has spent the prior school year in attendance at a  
7 public school that has been designated as earning a grade "F"  
8 or three (3) consecutive "Ds" based on the Statewide  
9 assessments conducted pursuant to F.S. 1008.22;
- 10 2. the student has been in attendance elsewhere in the District  
11 and has been assigned for the next school year, to a school  
12 designated as earning a grade of "F" or three (3) consecutive  
13 "Ds" based on the Statewide assessments conducted  
14 pursuant to F.S. 1008.22.
- 15 3. The student is entering kindergarten or first grade and has  
16 been assigned to such school for the next school year.

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1           B.     District Obligations

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

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

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

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

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

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

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

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

9 C. Application Process

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

20 D. Appeal Process

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

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



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

2 A. Eligibility

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

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

12 B. District Obligations

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

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

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

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

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

- 11                  3.       provide transportation to a public school selected by the  
12                  parent within the scholarship transfer zone if the student  
13                  resides more than two (2) miles from the selected public  
14                  school;

- 15                  4.       provide each eligible student with an opportunity to continue  
16                  attending the public school chosen by the parent until the  
17                  student completes the grade configuration of the school.

18                  C.       Application Process

- 19                  1.       The parent of an eligible student shall file intent to participate  
20                  on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org).

- 21                  2.       The parent shall complete the McKay Scholarship Program for  
22                  Students with Disabilities form, FM-6063 and submit the  
23                  form to the Special Education (SPED) Center that serves the  
24                  child's home school.

- 25                  3.       SPED Center staff will verify student eligibility. Transfers will  
26                  be approved based on program, class size and building  
27                  capacity.

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

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

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

8                   D.     Appeal Process

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

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

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

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1 **Athletic Eligibility**

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

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

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

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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.~~

31  
32     Athletic eligibility is governed by Policy 2431, *Interscholastic Athletics*.  
33  
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## 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 Section 1002.31, F.S., 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 Section 1003.03, F.S., 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 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:

- Dependent children of active duty military personnel whose move resulted from military orders;
- Children who have been relocated due to a foster care placement in a different school zone,
- 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
- Students residing in the school district.

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2  
3 After all students meeting the criteria above are considered, a preference will be  
4 provided for Miami-Dade County students who are: (1) siblings of students already  
5 attending and who will continue to attend the requested school the following year; or  
6 (2) who are Miami-Dade County siblings applying together to the same school.  
7

8 Controlled Open Enrollment transfers are subject to approval by the Region  
9 Superintendent. Transportation to and from the new school assignment will be the  
10 responsibility of the parent.  
11

12 Students assigned to a school under controlled open enrollment are not  
13 automatically entitled to enroll in magnet or choice programs at the school unless  
14 they meet eligibility requirements and there is capacity at the school or in the  
15 program after the placement of any students on the waiting list for that particular  
16 magnet or choice program.  
17

18 Controlled Open Enrollment transfer assignments under this policy may be revoked  
19 by the Principal due to a student's non-attendance, tardiness, conduct that  
20 interferes with instructional time, improper before or afterschool arrangements  
21 and/or the provision of fraudulent information provided by the legal guardian. Upon  
22 revocation, the student will be reassigned to the school within the verifiable  
23 residential attendance zone.  
24

25 Students who are subject to a current suspension or expulsion order are not eligible  
26 to apply for Controlled Open Enrollment assignment. Students with disabilities are  
27 eligible to apply for Controlled Open Enrollment. However, the school of choice must  
28 offer the program specified on the student's Individualized Education Plan (IEP).  
29

30 A. Application Process:  
31

32 1. The parent enrolls the student in the school assigned by the attendance  
33 boundary prior to requesting a transfer for all in-county requests. The  
34 parent must then complete and submit a Controlled Open Enrollment  
35 Transfer application according to procedures which will be specified on the  
36 application form.  
37

38 2. The parent who requests a Controlled Open Enrollment Transfer to or  
39 from another county, must complete and submit a Controlled Open  
40 Enrollment Transfer application according to procedures which will be  
41 specified on the application form.  
42

43 3. Applications are to be submitted for each student individually.

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4. The application will be submitted to the appropriate Region Office for processing.
5. Once the transfer assignment has been granted, the student must enroll in the receiving school within ten 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.
6. 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.



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

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

12 ~~Handbook of the Florida High School Athletic Association~~  
13 F.S. 92.525, 837.06, 1001.41(1)(2), 1001.42(22), 1001.41(6), 1001.42(4)(a),  
14 1001.43(10), 1002.31, 1002.38, 1002.39, 1003.03, 1013.35.  
15 F.S. 1006.07, 1006.15

16 Revised 4/15/15  
17 Revised 3/9/16

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