

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

SUBJECT: INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 5131, STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT, AND 8660, TRANSPORTING STUDENTS BY PRIVATE VEHICLES

COMMITTEE: PERSONNEL, STUDENT, SCHOOL, & COMMUNITY SUPPORT

LINK TO STRATEGIC PLAN: SAFE, HEALTHY, & SUPPORTIVE LEARNING ENVIRONMENTS

Consistent with the Board’s statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Policies Board Policies 5131, *Student Transfers and Controlled Open Enrollment*, and 8660, *Transporting Students by Private Vehicles*.

Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for amendment to conform to changes required by SB 2524 (2022), amending Florida Statutes, Section 1002.31, *Controlled open enrollment; Public school parental choice*. The statutory changes now require each District capacity determination identified on the school district website(s) to be updated by grade level every 12 weeks. Additionally, each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under Fla. Stat. s. 1002.45(1)(e)4.¹ Furthermore, the statutory changes require the District to adopt and post on its website information on transportation options provided to students. The District is also required to maintain a waitlist of students who are denied access due to capacity and to notify parents when space becomes available. Students must be accepted at District schools throughout the school year as capacity becomes available. The proposed revisions also conform the policy to the repeal of F.S. 1002.39, *John McKay Scholarship for Students with Disabilities*, and adoption of F.S. 1002.394, *Family Empowerment Scholarship Program*.

¹ The statutory requirements for determining capacity by grade level and updating websites every 12 weeks, as well as the virtual school capacity determinations, also apply to charter schools. Charter school governing boards are responsible for any applicable policy revisions and implementation of these statutory requirements.

Board Policy 8660, *Transporting Students by Private Vehicles*, is proposed for amendment to implement changes to federal regulations related to transportation of students in vehicles other than a school bus owned, operated, rented, contracted, or leased by the District. Such vehicles must be designed to transport fewer than ten (10) students or be a multifunction school activity bus, as defined by 49 C.F.R. § 571.3 if designed to transport more than ten (10) persons. The title of the policy is also recommended for revision for accuracy.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and proposed policies with strikethroughs and underlines are attached.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policies 5131, *Student Transfers*, and 8660, *Transporting Students by Private Vehicles*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 19, 2022, its intention to amend Board Policies 5131, *Student Transfers and Controlled Open Enrollment*, and 8660, *Transporting Students by Private Vehicles*, at its meeting of December 14, 2022.

PURPOSE AND EFFECT: Board Policies 5131, *Student Transfers and Controlled Open Enrollment*, and 8660, *Transporting Students by Private Vehicles*, are proposed for amendment to align them with recent legislation and current practice.

SUMMARY: Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for amendment to conform to changes required by HB 2524 (2022), amending Florida Statutes, Section 1002.31, *Controlled open enrollment; Public school parental choice*. The statutory changes now require each District capacity determination identified on the school district website(s) to be updated by grade level every 12 weeks. Additionally, each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under Fla. Stat. s. 1002.45(1)(e)4. Furthermore, the statutory changes require the District to adopt and post on its website information on transportation options provided to students. The District is also required to maintain a waitlist of students who are denied access due to capacity and to notify parents when space becomes available. Students must be accepted at District schools throughout the school year as capacity becomes available. The proposed revisions also conform the policy to the repeal of F.S. 1002.39, *John McKay Scholarship for Students with Disabilities*, and adoption of F.S. 1002.394, *Family Empowerment Scholarship Program*. Board Policy 8660, *Transporting Students by Private Vehicles*, is proposed for amendment to implement changes to federal regulations related to transportation of students in vehicles other than a school bus owned, operated, rented, contracted, or leased by the District. Such vehicles must be designed to transport fewer than ten (10) students or be a multifunction school activity bus, as defined by 49 C.F.R. § 571.3 if designed to transport more than ten (10) persons. The title of the policy is also recommended for revision for accuracy.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(4), (10).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1002.31; 1002.394; 1002.45.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF December 14, 2022, 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 November 16, 2022, to the Superintendent, Room 912, at the same address.

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

COPIES OF THE PROPOSED AMENDED 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.



Book	Policy Manual
Section	October 19, 2022 - <u>Initial</u> Reading
Title	STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT
Code	5131
Status	<u>Initial</u> Reading
Adopted	May 11, 2011
Last Revised	April 29, 2020

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

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

I. Transfer Process

Transfers may be made as follows:

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

who knowingly makes a false verified declaration is guilty of perjury, a ~~third degree~~third-degree felony under F.S. 92.525.

- F. If a student does not enroll in the new school (to which the transfer has been granted) within ten (10) school days of the date of the District's approval of that transfer, that student's transfer will be revoked. Those transfers which were approved during the summer transfer period must be used during the first ten (10) days of the school year or they will be revoked.
- G. ~~Transfers may be denied or revoked at any time due to poor attendance, tardiness, disruptive behavior which results in a significant loss of instructional time, or if information provided to the school by the parent and/or student for purposes of a transfer is discovered to be fraudulent, false, or erroneous. If the transfer is revoked, the student will be assigned to the school that serves the verifiable residence address.~~ Transfers may be denied or revoked at any time due to excessive absences, tardiness, or disruptive behavior resulting in a significant loss of instructional time (unless the student has been absent for statutorily authorized therapies or behavior that is a manifestation of the student's disability); improper before or after school arrangements; if the information provided to support the purpose of the transfer is fraudulent, false, or erroneous; or as otherwise outlined in Section III of this policy. If the transfer is revoked by the Principal, the student will be assigned to the school that serves the verifiable residence address.
- H. When an administrative transfer has been approved, transportation will not be provided to the requested school.
- I. These procedures shall not supersede admission procedures in programs/schools where admission is governed by other Board policies or processes (e.g. magnets).
- J. Where parents are unmarried, divorced, or separated, only the registering parent ~~who enrolled the student~~ may request to transfer or withdraw the student. The enrolling-registering parent is responsible for providing information that is truthful, accurate, and consistent with the most recent court order governing their divorce, separation, or custody matters.
- K. The person transferring or withdrawing the student shall report in person to the school to transfer or withdraw the student.

II. Change of Residence & General Parent Request Transfers

Transfers may be granted as follows:

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

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

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

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

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

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

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

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

- B. Students with an Individual Education Plan (IEP) or 504 Plan requesting to attend a school other than the school in which the student is enrolled, must meet with the Region Exceptional Student Special-Education (ESESPED) personnel to ensure that the programmatic needs of the student can be met at the requested school.
- C. A parent may request a Parent Choice - Student Transfer. In this case, the Region Superintendent (or designated region director) may administratively assign or approve the reassignment or transfer of students when the Florida Inventory of School Houses (FISH) capacity of the receiving school is below 100%, the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size), and the parent who requests a student transfer must:
 1. enroll the student in the school that serves the residence address before the request for transfer can be considered;
 2. complete a Parent Choice - Student Transfer form, FM-3281, at the home school;
 3. obtain the signature on the Parent Choice - Student Transfer form, FM-3281, of the Principal or designated administrator with whom the parent met; and
 4. submit the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

III. Administrative Transfers

A. Working Parent Hardship Transfer

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

B. Medical/Psychological Transfer

1. The parent presents a written statement with supporting professional evidence on the Medical Recommendation for Student Transfer form, FM-1713, to the effect that a health hardship and/or emotional problems exist that will be exacerbated if the student remains in the school that serves his/her residence address⁷; and will be alleviated at the requested school. This type of transfer must be initially discussed with the Principal in an attempt to resolve any possible issues at that school and, if needed, the parent will submit the transfer form to the Region. The Region will submit the completed Parent Choice - Student Transfer form, FM-3281, and the Medical Recommendation for Student Transfer form, FM-1713, to the Federal and State Compliance Office. The Review Team for Medical/Psychological Transfers will review the evidence and will approve/deny the transfer request. The decision of the Review Team is final and no appeals will be permitted.
2. Best Interest Transfer: An administrative assignment is deemed necessary by the Region Superintendent and in the best interest of the student and the school.

C. Out-of-County Transfer

1. The parent who requests a student transfer to another county, but continues to reside in Miami-Dade County, must:
 - a. enroll the student in the school that serves his/her residence address;
 - b. complete the Out-of-County Transfer Request form, FM- 7374 provided by the Federal and State Compliance Office; and
 - c. submit the form to the Federal and State Compliance Office, who will review the application and transmit it to the requested county.

2. The parent who requests a student transfer into a District school, but lives in another county, must:
 - a. follow the procedures in the residence county and complete an Out-of-County transfer request from that county; and
 - b. receive a letter of approval/denial from the Federal and State Compliance Office;

Upon receipt of the transfer information from the other county the Federal and State Compliance Office reviews the application and FISH capacity of the requested school. The determination will be based upon whether or not the receiving school is below 100% capacity and the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size).

- c. The parent is notified of the approval/denial in writing by the Federal and State Compliance Office. If approved, the parent withdraws the student from the school in the residence county, enrolls the student in the District (provides the approval letter to the school's registrar), and is responsible for transportation. If denied, there is no appeal process since the student is not a Miami-Dade County resident and the District is not obligated to educate the student.

3. Out-of-county transfer requests to a magnet school or program must follow the procedures outlined in Policy 2370, Magnet Programs/Schools. The letter of acceptance to the magnet school or program must accompany the out-of-county transfer request.

D. Capacity Transfer: The Region Superintendent has determined that students will be more adequately housed by transfer or reassignment to a school other than that which they would normally attend due to school capping.

E. Disciplinary Transfer: A student has been suspended, expelled, or under the jurisdiction of the courts, or in a similar situation, and the Region Superintendent determines that an assignment to a school other than the normal school assignment would be in the best interest of the student and the school system.

F. Professional Courtesy Transfer

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

Employees who wish to enroll their children at the same worksite where they are employed shall not be prohibited from doing so, subject to the approval of the Region Superintendent, and when the District employee:

1. enrolls the nondistrict student in the school that serves the resident address;
2. completes a Parent Choice - Student Transfer form, FM-3281, at that school; and

3. submits the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

G. Charter School Transfers

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

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

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

IV. Appeal Process

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

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

V. Opportunity Scholarship Program

A. Eligibility

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

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

B. District Obligations

~~Transfers may be revoked at any time due to poor attendance or tardiness which results in a significant loss of instructional time, or if information provided to the school by the parent and/or student for purposes of a transfer is discovered to be fraudulent, false, or erroneous. If the transfer is revoked, the student will be assigned to the school that serves the verifiable residence address.~~ Transfers may be denied or revoked at any time due to excessive absences, tardiness, or disruptive behavior resulting in a significant loss of instructional time (unless the student has been absent for statutorily authorized therapies or behavior that is a manifestation of the student's disability); improper before or after school arrangements; if the information provided to support the purpose of the transfer is fraudulent, false, or erroneous; or as otherwise outlined in Section III of this policy. If the transfer is revoked by the Principal, the student will be assigned to the school that serves the verifiable residence address.

1. For each student enrolled in or assigned to a school that has been designated as performance grade category "F" or three (3) consecutive "Ds" based on the Statewide assessment conducted pursuant to F.S. 1008.22, the District shall:
 - a. timely notify the parent of all options available under the statute;
 - b. offer the parent an opportunity to enroll the student in a school located within the geographic transportation service zone designated to serve the student's residence school;

The designated school must have a performance grade of "C" or better.
 - c. provide transportation to each student who is eligible for an Opportunity Scholarship transfer to a school within the geographic transportation service zone that serves the eligible residence school if the student resides more than two (2) miles from the selected District school; and
 - d. provide each eligible student with an opportunity to continue attending this higher performing school until the student reaches the highest grade serviced by the school.
2. Designate an eligible school or schools based on the Florida Inventory of School Houses (FISH) capacity below 100% and the maximum number of students does not exceed the mandates of State law (F.S. 1003.03, Maximum Class Size) to accommodate the transfer requests. If no higher performing schools in the geographic transportation service zone are available, the Deputy Superintendent/Chief Operating Officer, will identify eligible schools.

C. Application Process

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

2. The parent will submit a completed application form within the designated time frame.
3. The parent will select from a District approved list of eligible schools.
4. District staff will verify student eligibility for the transfer.
5. District staff will advise the parent of the status of the transfer request.

D. Appeal Process

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

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

VI. Hope Scholarship Program Transfer

A. Eligibility

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

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

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

B. District Obligations

1. Upon receipt of a report of an incident, the Principal shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by F.S. 1006.09(6).
2. Within twenty-four (24) hours after receipt of the report, the Principal shall provide a copy of the report to the parent of the alleged offender and to the Superintendent.
3. Upon conclusion of the investigation or within fifteen (15) days after the incident was reported, whichever occurs first, the Principal shall notify the parent of the program and offer the parent the choice of (1) transferring the student to another school that has capacity based on the Florida Inventory of School Houses (F.I.S.H.) below 100% and the maximum number of students

does not exceed statutory class size limits, to accommodate the transfer request or (2) requesting a scholarship to attend an eligible private school, subject to available funding. The notification must be provided to the parent on the Hope Scholarship Notification Form (IEPC-HS1) in accordance with F.A.C. 6A-6.0951.

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

C. Application Process

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

D. Appeal Process for Public School

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

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

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

~~John M. McKay Scholarship Program Transfer~~

~~A. Eligibility~~

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

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

~~B. District Obligations~~

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

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

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

~~If schools cannot be identified based on these guidelines, the Deputy Superintendent/Chief Operating Officer, School Operations, will identify eligible schools.~~
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- ~~3. provide transportation to a public school selected by the parent within the scholarship transfer zone if the student resides more than two (2) miles from the selected public school;~~
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- ~~4. provide each eligible student with an opportunity to continue attending the public school chosen by the parent until the student completes the grade configuration of the school.~~

~~C. Application Process~~

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

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

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

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~~D. Appeal Process~~

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

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

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

VII. Athletic Eligibility

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

VIII. 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 policies and plans.

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

Controlled open enrollment assignments are approved based on the receiving school's available capacity being at or below ninety percent (90%) of the Florida Inventory of School Houses (F.I.S.H.). Available school capacity is determined by the District based on the most current permanent F.I.S.H. percent utilization report, minus any school concurrency capacity reservations issued in accordance with the Interlocal Agreement for Public School Facility Planning (collectively, the "available capacity"). The controlled open enrollment process will only be available following the annual magnet application window and will remain open for not less than four (4) weeks. The capacity information provided on the District website(s) will be updated every twelve (12) weeks and shall be by grade level at each school. The District shall maintain a waitlist of students who are denied access for that school year due to capacity and notify parents when space becomes available. Students may be accepted throughout the school year as capacity becomes available. Capacity for District virtual school programs shall be determined based on the enrollment requirements established under F.S. 1002.45(1)(e)4.

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.

A. Preferences for Controlled Open Enrollment

Preference for controlled open enrollment shall be granted to:

1. dependent children whose parents are transferred or are pending transfer to a military installation within the School District, while on active military duty, pursuant to an official military order, shall be considered a resident of the school district for purposes of enrollment when the order is submitted to the school district and shall be provided preferential treatment in the controlled open enrollment process;
2. children who have been relocated due to a foster care placement in a different school zone;
3. 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
4. students residing in the School District.

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

Controlled open enrollment transfers are subject to approval by the Region Superintendent. Transportation to and from the new school assignment will be the responsibility of the parent. Transportation options available in the community include Metro Passes, Special Transportation Services (STS) and Accessible (ADA) Transit Services provided through the Miami-Dade Department of Transportation and Public Works. Reimbursement for transportation may be available in certain circumstances. Additional funds for transportation may be available under F.S. 1002.395 and F.S. 1011.68. Links to information regarding transportation options available in the District are posted on the District's Federal and State Compliance webpage.

In addition to transportation options set forth elsewhere in this policy, transportation options are available to students with disabilities under certain conditions set forth in F.S. 1002.394. District transportation options for students with disabilities who request a transfer under the Florida Empowerment Scholarship Unique Abilities (FES-UA) in accordance with Section IX below include schools within the scholarship transfer zone that can meet the implementation requirements of the student's current IEP. Choice options provided to a parent must be based on space availability and be consistent with a free appropriate public education for the student and other students attending in the option requested. Transfer options may be further limited by a student's need for a particular type of specialized transportation.

Students assigned to a school under controlled open enrollment are not automatically entitled to enroll in magnet or choice programs at the school unless they meet eligibility

requirements and there is capacity at the school or in the program after the placement of any students on the waiting list for that particular magnet or choice program.

~~Transfers may be denied or revoked at any time due to excessive absences, tardiness, or disruptive behavior resulting in a significant loss of instructional time (unless the student has been absent for statutorily authorized therapies or behavior that is a manifestation of the student's disability); improper before or after school arrangements; if the information provided to support the purpose of the transfer is fraudulent, false, or erroneous; or as otherwise outlined in Section III of this policy. If the transfer is revoked by the Principal, the student will be assigned to the school that serves the verifiable residence address. Controlled open enrollment transfer assignments under this policy may be revoked by the Principal due to a student's non-attendance, tardiness, conduct that interferes with instructional time, improper before or after school arrangements, and/or the provision of fraudulent information provided by the legal guardian. Upon revocation, the student will be reassigned to the school within the verifiable residential attendance zone.~~

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

B. Application Process

1. The parent enrolls the student in the school assigned by the attendance boundary prior to requesting a transfer for all in-county requests. The parent must then complete and submit a controlled open enrollment transfer application according to procedures which will be specified on the application form.
2. The parent who requests a controlled open enrollment transfer to or from another county must complete and submit a controlled open enrollment transfer application according to procedures which will be specified on the application form.
3. Applications are to be submitted for each student individually.
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 (10) school calendar days from the controlled open enrollment application approval date. Otherwise, the transfer assignment will be forfeited and the seat becomes available for the applicants on the waiting list.
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.

IX. Family Empowerment Scholarship Program (FES)

A. General FES Requirements

Pursuant to F.S. 1002.394, by January 1 of each year, the District shall inform all households within the district receiving free or reduced-priced meals under the National School Lunch Act of their eligibility to apply to the department for a Family Empowerment Scholarship (FES). The form of such notice shall be provided by the department, and the school district shall include the provided form in any normal correspondence with eligible households. Such notice is limited to once a year.

Upon the request of the FDOE, the District shall coordinate with the FDOE to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student who participates in the FES Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a private school shall provide locations and times to take all statewide assessments. The District is responsible for implementing test administrations at a participating private school, including the: (1) provision of training for private school staff on test security and assessment administration procedures; (2) distribution of testing materials to a private school; (3) retrieval of testing materials from a private school; (4) provision of the required format for a private school to submit information to the District for test administration and enrollment purposes; and (5) provision of any required assistance, monitoring, or investigation at a private school.

The District must publish information about the FES Program on the District's website homepage. At a minimum, the published information must include a website link to the FES Program published on the Department of Education website as well as a telephone number and e-mail that students and parents may use to contact relevant personnel in the school district to obtain information about the scholarship.

The District shall report all students who are receiving an FES scholarship. Students receiving a scholarship shall be reported separately from other students reported for purposes of the Florida Education Finance Program. A school district shall be held harmless for students who are receiving a scholarship under the FES program from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b. during the first school year in which the students are reported.

B. Family Empowerment Scholarship Unique Abilities (FES-UA) Program Transfers:
1. Eligibility

A parent may request and receive an FES-UA for Students with Disabilities Program transfer pursuant to F.S. 1002.394 if the student is a student with a disability for whom an individual educational plan (IEP) has been written.

The parent of a student with a disability who does not have an IEP in accordance with F.S. 1002.394(3)(b)4., or who seeks a reevaluation of an existing IEP, may request an evaluation and IEP meeting from the District in order to obtain or revise a matrix of services.

a. Students with established eligibility

The District shall notify a parent who has made a request for an IEP that the District is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request. The District shall conduct a meeting and develop an IEP and a matrix of services within 30 days after

receipt of the parent's request in accordance with State Board of Education rules.

b. Students without established eligibility

For a student who does not meet the State Board of Education ESE Eligibility under rule 6A-6.0331, the 30-day rule will take effect upon determination of eligibility.

The District must accept the diagnosis and consider the service plan of the licensed professional providing the diagnosis pursuant to 1002.394(3)(b)4.

The District must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year. The District must provide the student's parent and the Florida Department of Education (FDOE) with the student's matrix level within 10 calendar days after its completion. FDOE is responsible for notifying the parent and the organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level. The District may change a matrix of services only if the change is a result of an IEP reevaluation or to correct a technical, typographical, or calculation error.

2. District Obligations

For each student who meets the eligibility requirements of the FES-UA, the District shall:

a. Notify the parent of all options available by January 1st of each year, and within 10 days after an IEP meeting is held, the District shall notify the parent of a student of all options available pursuant to F.S. 1002.394 and offer that student's parent an opportunity to enroll the student in another public school in the District.

b. Offer the student's parent an opportunity to enroll the student in another public school that can appropriately provide the services and/or program written on the IEP, for which the Florida Inventory of School Houses (FISH) capacity of the receiving school is below 100%, and the maximum number of students does not exceed statutory or programmatic class size limits. If schools cannot be identified based on these guidelines, the District will identify any other available options. The options provided to the parent must be based on space availability and be consistent with a free appropriate public education for the student and other students attending in the placement options provided.

3. Transportation options are available to students with disabilities under certain conditions set forth in F.S. 1002.394. District transportation options for students with disabilities who request a transfer under the FES-UA include schools within the scholarship transfer zone that can meet the implementation requirements of the student's current IEP. Choice options provided to a parent must be based on space availability and be consistent with a free appropriate public education for

the student and other students attending in the option requested. Transfer options may be further limited by a student's need for a particular type of specialized transportation.

4. The parent is not required to accept the offer of enrolling the student in another public school in lieu of requesting a scholarship. However, if the parent chooses the public-school option, the student may continue attending the public school chosen by the parent until the student graduates from high school. As set forth in this policy, the parent may choose another public school in the District and the District shall provide transportation to the public school selected by the parent. Choice options provided to a parent must be based on space availability and be consistent with a free appropriate public education for the student and other students attending in the option requested.
5. The parent may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district that has available space and has a program with the services agreed to in the student's IEP already in place, and that school district shall accept the student and report the student for purposes of the school district's funding pursuant to the Florida Education Finance Program. The school district in which a participating student resides must notify the student and his or her parent about the locations and times to take all statewide assessments under s. 1008.22 if the student chooses to participate in such assessments.
6. Transfers may be denied or revoked at any time due to excessive absences, tardiness, or disruptive behavior resulting in a significant loss of instructional time (unless the student has been absent for statutorily authorized therapies or behavior that is a manifestation of the student's disability); improper before or after school arrangements; if the information provided to support the purpose of the transfer is fraudulent, false, or erroneous; or as otherwise outlined in Section III of this policy. If the transfer is revoked by the Principal, the student will be assigned to the school that serves the verifiable residence address.

X. Transfers Pursuant to Federal Law, State Statutes, or Board Policies

Transfers granted pursuant to this policy F.S. 1002.38, Opportunity Scholarship Program, F.S. 1002.39, the John M. McKay Scholarships for Students with Disabilities Program, or any other Federal or State law will be governed by all applicable Board policies. Transfers and revocation of transfers must be in accordance with state and federal law, including statutes governing students with disabilities.

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Legal References:

[F.S. 1002.394](#)

[F.S. 1002.45](#)

F.S. 92.525

F.S. 837.06

F.S. 1001.43(10)

F.S. 1002.31

~~[F.S. 1002.39](#)~~

F.S. 1002.38

F.S. 1002.395

F.S. 1002.40

F.S. 1003.03

F.S. 1003.05

F.S. 1006.07

F.S. 1006.09

F.S. 1006.15

F.S. 1013.35

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8660 - **ALTERNATIVE TRANSPORTATION METHODS**~~TRANSPORTING STUDENTS BY PRIVATE VEHICLES~~

I. Regular Transportation - In School Buses

School buses, as defined in Florida statutes, shall be used for all regular transportation of students, pre-kindergarten through grade 12. "Regular transportation" or "regular use" means transportation to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location. School buses are to be used whenever practical.

II. Regular Transportation - In Other Vehicles

Regular transportation of students in motor vehicles other than school buses may occur only when the transportation is:

- A. for a physically handicapped or isolated student and the Board has elected to provide for the transportation of the student through written contracts or agreements;
- B. part of a comprehensive contract for a specialized educational program between the Board and a service provider for instruction, transportation, and other services;
- C. provided through a public transit system; or
- D. is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions but is not customary transportation between a student's residence and such sites; and
- E. for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not customary transportation between a student's residence and such sites.

When the **regular** transportation of students is provided, as authorized **above in this policy**, in a vehicle other than a school bus that is owned, operated, rented, contracted, or leased by the District, the following provisions shall apply:

- A. The vehicle must be ~~a passenger car or multipurpose passenger vehicle or truck, as defined in 49 C.F.R. Part 571,~~ designed to transport fewer than ten (10) students **or be a multifunction school activity bus, as defined in 49 C.F.R. Part 571.3, if designed to transport more than ten (10) persons.** Students must be transported in designated seating positions and must use the occupant crash protection system provided by the manufacturer unless the student's physical condition prohibits such use.
- B. An authorized vehicle may not be driven by a student on a public right-of-way. An authorized vehicle may be driven by a student on school or private property as part of the student's educational curriculum if no other student is in the vehicle.
- C. The driver of an authorized vehicle transporting students must maintain a valid driver license and must comply with the requirements of the District's locally adopted safe driver plan, which includes a review of driving records for disqualifying violations.

III. Transportation by Private Vehicles

