

Office of the General Counsel
Walter J. Harvey, General Counsel

SUBJECT: **INITIAL READING: PROPOSED AMENDMENTS TO SCHOOL BOARD POLICIES 2431, INTERSCHOLASTIC ATHLETICS, 5131, STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT, AND 5120, STUDENT SCHOOL ASSIGNMENT AND ATTENDANCE BOUNDARY COMMITTEE**

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 policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking proceedings to amend Board Policies 2431, *Interscholastic Athletics*, 5131, *Student Transfers and Controlled Open Enrollment*, and 5120, *Student School Assignment and Attendance Boundary Committee*.

Board Policy 2431, *Interscholastic Athletics*, is proposed for amendment pursuant to Board Agenda Item H-16, *Mid-Season Transfers for Interscholastic Athletics*, sponsored by Board Member, Dr. Dorothy Bendross-Mindingall, and approved by the Board at its regular meeting of October 19, 2022. Revisions are proposed to better organize the policy and to specify reasons for good cause to permit students to continue playing sports upon receiving a mid-season transfer. Good cause will include students who receive a transfer pursuant to Section II.A. of Policy 5131 and present extenuating circumstances to the Athletic Eligibility Transfer Review Committee (AETRC).

Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for amendment to enhance the overall organization of the policy and clarify the categories of student transfers. Additionally, the proposed amendments 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*.

Board Policy 5120, *Student School Assignment and Attendance Boundary Committee*, is proposed for amendment to clarify that declining enrollment and ability to conduct a viable educational program, as well as the impact of changes to other school boundaries, are factors that the Attendance Boundary Committee takes into consideration when reviewing proposed attendance areas regarding school boundaries.

The policy amendments were drafted in collaboration with, and reviewed by the Superintendent, Cabinet, and District staff. The Notice of Intended Action and 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 2431, *Interscholastic Athletics*, 5131, *Student Transfers and Controlled Open Enrollment*, and 5120, *Student School Assignment and Attendance Boundary Committee*.

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.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 14, 2022, its intention to amend Board Policies 2431, *Interscholastic Athletics*, 5131, *Student Transfers and Controlled Open Enrollment*, and 5120, *Student School Assignment and Attendance Boundary Committee*, at its meeting of January 18, 2023.

PURPOSE AND EFFECT: Board Policies 2431, *Interscholastic Athletics*, 5131, *Student Transfers and Controlled Open Enrollment*, and 5120, *Student School Assignment and Attendance Boundary Committee*, are proposed for amendment as a result of legislative updates and Board action.

SUMMARY: Board Policy 2431, *Interscholastic Athletics*, is proposed for amendment pursuant to Board Agenda Item H-16, Mid-Season Transfers for Interscholastic Athletics, sponsored by Board Member, Dr. Dorothy Bendross-Mindingall, and approved by the Board at its regular meeting of October 19, 2022. Revisions are proposed to better organize the policy and to specify reasons for good cause to permit students to continue playing sports upon receiving a mid-season transfer. Good cause will include students who receive a transfer pursuant to Section II.A. of Policy 5131 and present extenuating circumstances to the Athletic Eligibility Transfer Review Committee (AETRC). Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for amendment to enhance the overall organization of the policy and clarify the categories of student transfers. Additionally, the proposed amendments 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. 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 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 5120, *Student School Assignment and Attendance Boundary Committee*, is proposed for amendment to clarify that declining enrollment and ability to conduct a viable educational program, as well as the impact of changes to other school boundaries, are factors that the Attendance Boundary Committee takes into consideration when reviewing proposed attendance areas regarding school boundaries.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: Fla. Stat. ss. 1001.41(1), (2); 1001.42(4), (8), (10), (20); 1001.43(1).

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: Fla. Stat. ss. 1000.05; 1001.32; 1001.42(4); 1001.51(6); 1002.20; 1002.31; 1002.38; 1002.394; 1002.40; 1002.45; 1003.02; 1003.03; 1003.05; 1003.21; 1006.07; 1006.15; 1006.195; 1006.20.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF January 18, 2023, 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 January 13, 2023, 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	December 14, 2022 - <u>Initial</u> Reading
Title	INTERSCHOLASTIC ATHLETICS
Code	2431
Status	<u>Initial</u> Reading

2431 - **INTERSCHOLASTIC ATHLETICS**

I. Interscholastic Athletic Program

The District's program of interscholastic athletics shall include all activities relating to competitive sport contests, games, or events involving individual students or teams of students from high schools in this District with those from a high school in another district. Middle school/K-8 center athletic teams may not play out-of-county or against out-of-county teams within the county. All students shall be permitted to select their own school team sports activities without duress or interference by any employee.

All high schools may become members of and be governed by the Florida High School Athletic Association (FHSAA) rules and regulations.

All high school students in FHSAA-member schools shall comply with the eligibility requirements established by the FHSAA and/or other applicable member associations. The School Board may adopt more stringent rules of eligibility to be met by all students participating in the interscholastic program, including but not limited to requirements that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event. Individual verification will be done at the school site.

There shall be no organized program of interschool competition of a varsity pattern for elementary school children in any activity. Boxing, tackle football, and other body contact sports shall not be included in any program for children in ~~the~~ elementary schools.

No student shall be excused from a class or supervised study for an extended period of consecutive days to participate in interscholastic athletics.

The Superintendent shall develop appropriate administrative procedures for the operation of the athletic program which provide:

- A. the District shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician;
- B. any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation;
- C. ~~in order to~~ minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, and athletic trainers should never dispense, supply, recommend, or

permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes;

- D. the Superintendent is to ensure that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

~~In order to~~To support the FHSAA's program to strengthen sportsmanship, ethics, and integrity, the Board may:

- A. adopt policies (upon recommendation of the administration) ~~which that~~ reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;
- B. reinforce the concept that participation in athletic activities ~~are~~is a privilege, not a right;
- C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;
- D. support and recognize participants, coaches, school administrators, and fans who display good sportsmanship;
- E. recognize the value of school athletic activities as a vital part of education.

Regulations to be observed by school personnel are found in the Interscholastic Athletic Manual and in the Middle Schools and K-8 Centers Program Administrative Athletic Procedures Manual, and are on file in the Office of Board Recording Secretary, the Citizen Information Center, and the Office of the Board Clerk.

The Division of Athletics/Activities and Accreditation shall:

- A. provide the schools with consistent, unified leadership in their athletic programs.
- B. provide athletic opportunities to all high school and middle school students.
- C. develop and recommend policies for Board consideration that will continue the development of athletics within the overall educational program.
- D. carry out and administer the Board's policies through the Office of the Superintendent.
- E. interpret Board policy to the extent necessary to provide guidance for schools in areas not specifically covered by policy.
- F. provide the management leadership on a countywide basis to enable all students to develop their individual athletic capabilities and receive maximum benefit from balanced, well-managed, and well-operated athletic programs.

II. Greater Miami Athletic Conference (GMAC)

Other than Christopher Columbus High School, non-public schools shall not be permitted to become members of the GMAC.

The Executive Committee of the GMAC shall consist of: president, first vice president, second vice president, immediate past president, two (2) delegated principals (north and south), two (2) delegated athletic directors (north and south), an FHSAA board representative, a representative of the secondary principals group, and four (4) members-at-large. The Administrative Director of the Division of Athletics/Activities and Accreditation and the GMAC Executive Secretary serve as non-voting, ex-officio members. Two (2) members from the same school may not serve on the executive committee at the same time.

The executive secretary shall be responsible for supervision of the high school athletic program as prescribed in the bylaws, standing rules, and policies of the GMAC, and shall be the executive officer of this conference.

The Administrative Director of the Division of Athletics/Activities and Accreditation shall:

- A. administer a special trust fund ~~shall~~ to aid schools in financial distress by assessment of each GMAC member school, on a one-time basis, an amount not to exceed \$1,000. The exact amount of assessment will be determined by the Administrative Director of the Division of Athletics/Activities and Accreditation based on the number of sports offered at an individual school.
- B. develop procedures for distribution and repayment. Should the fund fall below a reasonable level, each school will be notified of the additional assessment and will issue a check made payable to the Greater Miami Athletic Conference where the special trust fund is maintained.
- C. develop and enforce special directives as shall be necessary to provide uniform policy within the District and to ensure an effective athletic program in the various senior high schools.
- D. standardize the operations of the athletic departments in all high schools.
- E. manage all athletic events in the District, within the policies of the GMAC, FHSAA, and Board policies, as applicable.
- F. help all schools to develop their athletic capabilities.
- G. help develop realistic athletic budgets.

III. Interscholastic Athletic Eligibility

The eligibility requirements of F.S. 1006.15 and the following conditions apply to athletic eligibility for all ~~senior~~ high school students commencing with the successful completion of the eighth grade as defined by Policy 5410, *Student Progression Plan*. These requirements are in addition to all academic and conduct eligibility requirements contained in Board Policies ~~5845~~, *Student Activities*, ~~Board Policy 5500~~, *Student Conduct and Discipline*, and those of the FHSAA and the GMAC Bylaws.

In accordance with State law, "~~eligibility to~~ participate" includes, but is not limited to, participating in tryouts, off-season conditioning, summer workouts, preseason conditioning, in-season practice, or contest.

Students enrolled in home education, virtual schools, and magnet schools or charter schools that do not offer the sport, are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned pursuant to Policy 5120 (attendance boundary) or for which the student could choose to attend pursuant to Policy 5131 (student transfers and controlled open enrollment) and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy. Home education students must also fulfill the Florida home education requirements.

Students enrolled in non-FHSAA member private schools consisting of 125 students or fewer are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned according to Policy 5120 or for which the student could choose to attend pursuant to Policy 5131 and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy.

In accordance with State law, students granted transfers in accordance with applicable eligibility and transfer policies shall be immediately eligible to participate in high school athletic programs at the new school.

IV. Mid-Season Transfers

However, a student may not participate in a sport if the student participated in that same sport at another school on or after the official start date of the sport during that school year (mid-season transfer), unless the student meets one (1) of the following criteria:

- A. dependent children of active military duty personnel whose move resulted from military orders;
- B. children who have been relocated due to a foster care placement in a different school zone;
- C. children who move due to a court ordered change in custody due to separation or divorce, or serious illness or death of a custodial parent; or
- D. students who are otherwise authorized only under the following good cause circumstances:
 - 1. students who have fully and completely moved to a new residence in Miami-Dade County from another Florida county or another state;
 - 2. students who are involuntary reassigned by the Board during the school year to a different school pursuant to Policy 5120 or Policy 5131 for reasons other than athletic or disciplinary;
 - 3. students who transfer within the first twenty (20) days of the school year to magnet schools or programs that are subject to specific admissions requirements and/or random lotteries that are governed by Policy 2370, *Magnet Programs/Schools*;
 - ~~3.4.~~ students who receive a transfer pursuant to Section II.A. of Policy 5131 and present extenuating circumstances to the Athletic Eligibility Transfer Review Committee (AETRC), notwithstanding the rule on involuntary transfers as referenced in 2. above.
 - ~~4.5.~~ all good cause mid-season transfer eligibility requests must be reviewed and approved by the Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) prior to engaging in athletic participation

~~Students enrolled in home education, virtual school or a charter school are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned according to Policy 5120 or Policy 5131 (home school or controlled open enrollment) and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy. Home education students must also fulfill the Florida home education requirements.~~

~~Students enrolled in non-FHSAA member private schools consisting of 125 students or fewer are eligible to participate in a District interscholastic sport at the public school to which the student would be assigned according to Policy 5120 or Policy 5131 (home schools or controlled open enrollment) and must fulfill the same academic and nonacademic requirements as any other participant under state law and Board policy.~~

~~Any student or parent who is found to have falsified enrollment, transfer, or eligibility information shall be declared athletically ineligible to participate for at least one (1) full calendar year from the date of discovery of the violation or as otherwise determined by the AETRC.~~

V. Athletic Eligibility Transfer Review Committee (AETRC)

In cases where a student's athletic eligibility is disputed, the Superintendent's Athletic Eligibility Transfer Review Committee (AETRC) will review the circumstances prior to the student engaging in athletic participation.

The AETRC consists of one (1) District-level administrator, three (3) senior high school principals, three (3) senior high school athletic directors, one (1) representative from the District Athletic Advisory Committee, and an administrator from the Division of Athletics/Activities and Accreditation, who serves as an ex officio member. The AETRC shall review all requests for mid-season transfers based on good cause as defined in this policy. The Committee will meet at least once a month. All AETRC decisions regarding athletic eligibility

that are reviewed by the AETRC will be forwarded to the Region Superintendent and principal of the affected schools for information purposes. AETRC decisions are final.

VI. Penalties for Violations

A student receiving any type of transfer into a senior high school must abide by all State laws, the FHSAA and GMAC Bylaws, and applicable Board policies pertaining to athletic eligibility, as may be applicable.

Any student or parent who is found to have falsified enrollment, transfer, or eligibility information shall be declared athletically ineligible to participate for at least one (1) full calendar year from the date of discovery of the violation or as otherwise determined by the AETRC.

Violations of the transfer policy ~~with regard to~~regarding athletic eligibility may result in forfeiture of athletic contest(s), fines, and/or probation. Penalties to be assessed will be determined by the Director of the Division of Athletics/Activities and Accreditation and Executive Secretary, GMAC.

The principal shall be responsible for control of the athletic programs, coaches, booster groups, and student athletes.

A student's eligibility to participate in any interscholastic athletics and/or extra-curricular activity may not be affected by any alleged recruiting violation until final disposition of the allegation pursuant to F.S. 1006.20.

In accordance with State law, students who are permitted to participate in interscholastic and/or extra-curricular activities at a public school in which they are not enrolled are subject to the Board's *Code of Student Conduct* for the limited purpose of establishing and maintaining the student's eligibility to participate in the school-related function. These students must comply with the specific requirements contained in F.S. 1006.15 that govern their ~~particular circumstances~~circumstances.

Effective 7/1/11
Revised 3/15/17
Revised 4/25/18
Revised 6/22/22

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Legal References: F.S. 1002.20
 F.S. 1006.07
 F.S. 1006.08
 F.S. 1006.09
 F.S. 1006.15
 F.S. 1006.18
 F.S. 1006.195
 F.S. 1006.20

Adoption Date: **05.11**
Classification:
Revised Dates: ; **06.22**



Book	Policy Manual
Section	December 14, 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. Guidelines for all Student Transfers

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.
- L. 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 Education (ESE) personnel to ensure that the programmatic needs of the student can be met at the requested school.
- M. For those transfers 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 that serves the verifiable residence address.

N. 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 attendance boundary school to consult with the Region Superintendent of the requested school. The two (2) Region Superintendents must agree to implement the transfer. If an agreement is not reached, the matter will be referred to the Superintendent.

~~K.~~

II. Parent Choice & Administrative Transfers

A. Types of Transfers

1. Employment/Working Parent Hardship Transfer

The parent of a 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 attendance boundary 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.

This type of transfer must be reviewed annually through the Region serving the attendance boundary school. These transfers should not exceed the assigned percentage of FISH school capacity for the current school year.

2. 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:

- a. enrolls the student in the school that serves the student's residence address;
- b. completes a Parent Choice - Student Transfer form, FM-3281, at that school; and submits the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

3. Change of Residence - The student's family changes residence but requests to remain in the school that the student attended before the change of residence.

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

For students in grades 11 or 12 and students enrolled in the last grade offered at a school, when a change of family residence occurs ninety (90) days after the student is enrolled that would place the student in a different attendance boundary, 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.

In addition to the procedures in Section II.B. below, the parent must apply for the change of residence transfer in person at the student's new attendance boundary school, and provide verification of the change of residence, including two (2) of the following items:

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

4. Medical/Psychological Transfer

The parent obtains a written statement with supporting documentation from a medical/psychological professional on the Medical Recommendation for Student Transfer form, FM-1713, to the effect that a health hardship and/or emotional problem exists that will be exacerbated if the student remains in the current school 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 issues at that school and, if the transfer is still requested, the parent must submit a completed Parent Choice - Student Transfer form, FM-3281 form, and the Medical

Recommendation for Student Transfer form, FM-1713 to the Region Office. 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 documentation and will approve/deny the transfer request. The decision of the Review Team is final, and no appeals will be permitted.

5. Charter School Transfer

- a. The parent who requests a student transfer to a charter school must enroll the student in the student's assigned attendance boundary school.
- b. The parent must complete a Charter School - Transfer form, FM-7281, at the student's assigned attendance boundary school.

6. Out-of-County Transfer

- a. The parent who requests a student transfer to another county, but continues to reside in Miami-Dade County, must contact the county of choice to request a student transfer.
- b. The parent who requests a student transfer into a Miami-Dade County school, but lives in another county, must:
 1. complete the Out-of-County Transfer Request form, FM-7707, and submit it to the Federal and State Compliance Office for processing; and
 2. the Federal and State Compliance Office reviews the application and FISH capacity of the requested school. The determination will be based upon whether 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).
 3. 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.

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.

7. 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.

8. Best Interest Transfer

An administrative assignment is deemed necessary by the Superintendent or Region Superintendent and in the best interest of the student and the school.

9. 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.

B. Procedures

Unless otherwise specified above, a parent who requests a student transfer must:

1. enroll the student in the attendance boundary school before the request for transfer can be considered;
2. complete a Parent Choice - Student Transfer form, FM-3281, at the attendance boundary 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 submit the Parent Choice - Student Transfer form, FM-3281, to the appropriate Region for processing.

The Region Superintendent (or designated administrator) may administratively assign or approve the 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).

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

~~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.

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

-

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

-

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

-

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

-

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

-
- 1. ~~enroll the student in the school that serves the residence address before the request for transfer can be considered;~~
-

2. ~~complete a Parent Choice—Student Transfer form, FM-3281, at the home school;~~
-
3. ~~obtain the signature on the Parent Choice—Student Transfer form, FM-3281, of the Principal or designated administrator with whom the parent met; and~~
-
4. ~~submit the Parent Choice—Student Transfer form, FM-3281, to the appropriate Region for processing.~~

Administrative Transfers

A. Working Parent Hardship Transfer

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

B. Medical/Psychological Transfer

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

C. Out of County Transfer

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

- a. ~~enroll the student in the school that serves his/her residence address;~~
-
- b. ~~complete the Out of County Transfer Request form, FM 7374 provided by the Federal and State Compliance Office; and~~
-
- c. ~~submit the form to the Federal and State Compliance Office, who will review the application and transmit it to the requested county.~~

2. ~~The parent who requests a student transfer into a District school, but lives in another county, must:~~

- a. ~~follow the procedures in the residence county and complete an Out of County transfer request from that county; and~~
-
- b. ~~receive a letter of approval/denial from the Federal and State Compliance Office;~~

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

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

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

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

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

F. ~~Professional Courtesy Transfer~~

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

~~Employees who wish to enroll their children at the same worksite where they are~~

~~employed shall not be prohibited from doing so, subject to the approval of the Region Superintendent, and when the District employee:~~

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

~~G. Charter School Transfers~~

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

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

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

~~Appeal Process~~

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

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

III. Opportunity Scholarship Program

A. Eligibility

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

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

F.S. 1008.22;

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

B. District Obligations

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

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

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.

IV. 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, harassment, assault, or battery; threat or intimidation, or fighting at school as those terms are defined in the Code of Student Conduct, Policy 5500 and F.S. 1006.09(6); 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., Family Empowerment Scholarship, Florida Tax Credit~~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 Scholarships for Students with Disabilities Program transfer pursuant to F.S. 1002.39, if:~~

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

~~B. District Obligations~~

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

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

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

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

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

~~C. Application Process~~

- ~~1. The parent of an eligible student shall file intent to participate on www.floridaschoolchoice.org.~~
 - ~~2. The parent shall complete the McKay Scholarship Program for Students with Disabilities form, FM-6063 and submit the form to the Special Education (SPED) Center that serves the child's home school.~~
 - ~~3. SPED Center staff will verify student eligibility. Transfers will be approved based on program, class size and building capacity.~~
 - ~~4. SPED Center staff will advise the parent that the transfer has been approved or denied.~~
 - ~~5. If the requested school has been denied, SPED Center staff will offer alternate schools that have the appropriate SPED program.~~
- ~~Transfers will not be processed during FTE weeks and State mandated assessments.~~

~~D. Appeal Process~~

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

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

~~**Athletic Eligibility**~~

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

V. 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 VI. 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 school 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~~that are 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~~that are 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.

VI. 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 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.

VII. Athletic Eligibility

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

VIII. 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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Revised 4/15/15
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Revised 10/10/18
Revised 4/29/20

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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. 1002.38
~~F.S. 1002.39~~
F.S. 1002.395
F.S. 1002.40
[F.S. 1003.02](#)
F.S. 1003.03
F.S. 1003.05
[F.S. 1003.21](#)
F.S. 1006.07
F.S. 1006.09
F.S. 1006.15
F.S. 1013.35
F.A.C. 6A-6.0951

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Book	Policy Manual
Section	December 14, 2022 - <u>Initial</u> Reading
Title	STUDENT SCHOOL ASSIGNMENT AND ATTENDANCE BOUNDARY COMMITTEE
Code	5120
Status	<u>Initial</u> Reading

5120 - **STUDENT SCHOOL ASSIGNMENT AND ATTENDANCE BOUNDARY COMMITTEE**

The assignment of students to District schools shall be consistent with the best interests of students and the best use of District resources.

Attendance Areas 2022-2023

The Superintendent is responsible for proposing attendance areas for District schools. The Superintendent will be assisted in this task by School Operations, the Office of School Facilities, and the Attendance Boundary Committee (ABC).

The Offices of School Facilities and School Operations will provide the Attendance Boundary Committee and the community with proposed attendance boundary changes for schools in 2022-2023. Community input on these boundary changes will be solicited at regional community meetings. Individuals who wish to present alternate recommendations will be assisted by region staff. Any alternate proposals must be reviewed through the same process as the Superintendent's proposals. Community and ABC meetings will be held to present the attendance boundaries established for 2022-2023. The Superintendent is authorized to develop administrative procedures to implement this process.

The ABC will take the following factors into consideration when reviewing proposed attendance areas regarding school boundaries: declining enrollment and ability to conduct a viable educational program, compliance with class size reduction mandate, impact on special education programs, use of available student stations within contiguous areas, degree and extent of transportation, programmatic impact due to lack of student housing, reduction of the number of schools students must attend, integrity of feeder systems, assignment of students from new residential developments to specific schools prior to completion of developments, construction of new schools, impact of changes to other school boundaries, promotion and maintenance of diverse school enrollments, and prevention, reduction or elimination of racial isolation to the extent practicable.

Staff in School Operations, Office of School Facilities, Information Technology Services, Department of Transportation, Research Services, Office of Diversity Compliance, and Office of Intergovernmental Affairs, Grants Administration and Community Engagement, will assist

the Superintendent in providing data, analyze proposed attendance areas, and prepare recommendations for submission to the School Board.

The Board-approved school attendance zones for the current school year are contained in the following documents:

- A. Attendance Zones Previously Approved by the Board - 2021-2022;
- B. Attendance Zone Recommendations and Related Administrative Actions – 2022-2023.

Copies of these documents are incorporated by reference in this policy and are on file in the Office of Board Recording Secretary and in the Citizen Information Center.

No assignment to schools or attendance schedules shall discriminate against students on the basis of gender, race, religion, disability, national origin, sex, color, ethnic or national origin, marital status, genetic information, age, political beliefs, sexual orientation, gender identification, social and family background, linguistic preference, medical reason, pregnancy, childbirth, medical condition to pregnancy, handicap, handicap against a student or employee, and any other legally prohibited basis.

The parent of siblings who are assigned to the same grade level and school may request that the school place the siblings in the same classroom or in separate classrooms. This request must be made no later than five (5) days before the first day of school each school year or five (5) days after the first day of attendance of the students if the students are enrolled in school after the school year commences. The school is not required to meet the request if there is factual evidence indicating a specific placement is better for the student than that requested by the parent.

The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student.

Whenever school boundaries are revised, every effort shall be made to continue a student in the elementary school to which s/he was initially assigned.

Wherever possible and advisable in the interests of students in non-magnet schools and programs, siblings shall be assigned to the same school. Assignment of siblings of students to magnet schools and programs is governed by Policy 2370.

The Superintendent shall assign incoming transfer students to schools, grades, and classes that provide each student the greatest likelihood of realizing their fullest educational potential.

The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.

Request for Student Transfers

A student may be permitted to attend a school other than the school serving the parents' residential area as stipulated in Policy 5131.

Nonresident Students

Students who are not residents of Miami-Dade County may attend District schools as stipulated in Policy 5131.

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Revised 6/23/21
Revised 6/22/22

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Legal References:

- F.S. 1000.05
- F.S. 1001.32
- F.S. 1001.41
- F.S. 1001.42
- F.S. 1001.51
- F.S. 1002.20
- F.S. 1002.31
- [F.S. 1003.02](#)
- [F.S. 1003.21](#)
- F.S. 1003.06

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