

Financial Services  
Mr. Ron Y. Steiger, Chief Financial Officer

**SUBJECT:** **INITIAL READING: PROPOSED REPEAL AND REPLACEMENT OF POLICY 5131, *STUDENT TRANSFERS AND CONTROLLED OPEN ENROLLMENT***

**COMMITTEE:** **PERSONNEL, STUDENT, SCHOOL & COMMUNITY SUPPORT**

**LINK TO STRATEGIC PLAN:** **INFORMED, ENGAGED, & EMPOWERED STAKEHOLDERS**

Consistent with the Board's responsibility to periodically review and update its policies to conform to changes in District practice and legislation, authorization is requested for the Superintendent to initiate rulemaking proceedings to repeal and replace School Board Policy 5131, *Student Transfers and Controlled Open Enrollment*. The proposed policy would also align with House Bill 1403 (2024), which substantially revised § 1002.40, Florida Statutes, to remove specific Hope Scholarship requirements, as well as §§ 1002.394(4) and 1002.395(6), Florida Statutes, which authorize parents who are awarded scholarships to contract directly with public schools to secure services, including classes.

The proposed replacement Policy 5131 would be newly titled, "School Choice and Controlled Open Enrollment," and would remove or revise outdated and unnecessary provisions from the existing policy, giving parents greater flexibility in placing their children in District schools of their choice. Specifically, the replacement policy would be updated with policy-specific definitions; remove references to certain School Choice and controlled open enrollment preferences that are no longer necessary; delete repeated or unnecessary application and school-placement procedures; and incorporate or delete references to District forms. The policy would also be reorganized and shortened for clarity and ease of reference.

This proposed policy was drafted in collaboration with the Office of the General Counsel, the Office of Innovation & School Choice, and the Office of School Leadership and Performance. The policy was also presented to school principals and affected District departments for their input. The Notice of Intended Action and the repealed and replaced policy are attached.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 repeal and replace Policy 5131, *Student Transfers and Controlled Open Enrollment*.

**Revised  
E-51**

## **NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 16, 2025, its intention to repeal and replace School Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, at its meeting of June 18, 2025.

**PURPOSE AND EFFECT:** School Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed for repeal and replacement to conform to current District practices. The replacement policy would remove outdated and unnecessary requirements. The replacement policy would additionally conform to House Bill 1403 (2024).

**SUMMARY:** School Board Policy 5131, *Student Transfers and Controlled Open Enrollment*, is proposed to be repealed and replaced based on updates to District practices and recent legislation. The proposed replacement Policy 5131 would be titled, "School Choice and Controlled Open Enrollment," and would remove or revise outdated and unnecessary provisions from the existing policy, giving parents greater flexibility in placing their children in District schools of their choice. Specifically, the replacement policy would be updated with policy-specific definitions; remove references to certain School Choice and controlled open enrollment preferences that are no longer necessary; delete repeated or unnecessary application and school-placement procedures; and incorporate or delete references to District forms. The policy would also be reorganized and shortened for clarity and ease of reference. Additionally, the replacement policy would align with House Bill 1403 (2024), which altered Hope Scholarship requirements, and §§ 1002.394(4) and 1002.395(6), Florida Statutes, which authorize parents who are awarded scholarships to contract directly with public schools to secure services.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** Fla. Stat. ss. 120.81; 1001.41(6); 1001.42; 1002.31(3).

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** Fla. Stat. ss. 1001.34, 1001.36, 1001.43(10), 1002.20(6), 1002.31, 1002.38, 1002.394, 1002.395, 1002.40, 1003.02, 1003.03, 1003.05, 1006.15, 1002.44; Fla. Admin. Code r. 6A-6.0951.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF June 18, 2025, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by May 13, 2025, 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 REPEALED AND REPLACED 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.

## 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 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 misdemeanor under F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a 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 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 may request to transfer or withdraw the student. The 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.

## 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.

### III. Opportunity Scholarship Program

#### A. Eligibility

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

1. by assigned attendance boundary school 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

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;

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).

##### **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](http://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.

## **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 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.

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 assigned 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 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 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 ten (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 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. 92.525  
F.S. 837.06  
F.S. 1001.43(10)  
F.S. 1002.31  
F.S. 1002.38  
F.S. 1002.394  
F.S. 1002.395  
F.S. 1002.40  
F.S. 1002.45  
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  
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Book	Policy Manual
Section	April 16, 2025 – <u>Initial</u> Reading
Title	<b>SCHOOL CHOICE AND CONTROLLED OPEN ENROLLMENT</b>
Code	5131
Status	<u>Initial</u> Reading

### 5131 - SCHOOL CHOICE 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 other student's placement under this policy. This policy governs controlled open enrollment and all student School Choice placements from one M-DCPS public school to another, except for placements in magnet schools and programs that are subject to specific admissions requirements and/or random lotteries that are governed by Policy 2370, *Magnet Programs/Schools*. Except as expressly provided, this policy does not apply to placements in charter schools, private schools, or out-of-county schools.

#### I. Definitions

- A. Choice application: A registering parent's application to place a student in a District school of that parent's choice.
- B. Choice placement: The District school a student is approved to enroll in upon successful processing of a Choice application.
- C. Enrolled school: The District school in which a student is currently enrolled (which may or may not be the student's residence school).
- D. Receiving school: The District school a student enrolls in and attends upon successful processing of a Choice application.
- E. Residence school: The District school to which a student is automatically assigned based on the residence of the student's registering parent.

## II. Process Applicable to Controlled Open Enrollment, School Choice and Scholarship Program Placements

A. Unless otherwise specified in this policy, the following process applies to all controlled open enrollment, School Choice, and scholarship placements:

1. To initiate a placement request, a registering parent must complete the applicable application form(s), which will then be transmitted to the applicable Region Superintendent's designee for evaluation. In completing this application, the 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, as applicable. } Revised

2. The Region Superintendent's designee must then review whether the Florida Inventory of School Houses (F.I.S.H.) capacity of the receiving school is below 100% or the maximum number of students does not exceed the mandates of State law (see F.S. 1003.03, Maximum Class Size). } Revised

a. If the receiving school is at capacity, the Choice application will be denied, and the denial may be appealed by the parent as delineated in Section II.D.

b. The Choice application may alternatively be denied based on the student's 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; or if the information provided in support of the placement is fraudulent, false, or erroneous.

3. If the Choice application is granted, the parent must withdraw the student from the enrolled school and enroll the student in the receiving school in accordance with this policy and Policies 5130, *Withdrawal from School*, and 5112, *Entrance Requirements*, as applicable, for the placement to become effective.

B. The District may revoke a placement under this policy 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; or if the information provided in support of the placement is fraudulent, false, or erroneous.

C. The District additionally reserves the right to administratively place a student in a school other than the student's enrolled school when:

1. the Region Superintendent's designee has determined that the student will be more adequately served by the administrative placement; } Revised
2. the Region Superintendent's designee has determined that another placement would be in the best interest of the student and the student's enrolled school; or } Revised
3. the student has been suspended, expelled, or is under the jurisdiction of the courts, or in a similar situation, and the Region Superintendent's designee determines that the administrative placement would be in the best interest of the student and the District. } Revised

D. Unless otherwise specified in this policy, the parent applicant may appeal the decision to deny or revoke an application or placement, or the decision to administratively place a student, by:

1. Appealing to the Region Superintendent (Level I); and
2. Appealing the Region Superintendent's decision to the Administrative Director of the Federal and State Compliance Office (Level II), whose decision is final. } Revised

### III. **Controlled Open Enrollment**

Pursuant to F.S. 1002.31, controlled open enrollment is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor. 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 can apply to schools other than their residence or enrolled schools. Under F.S. 1002.31, students may seek enrollment in any school that has not reached permanent capacity, as further detailed below, if doing so does not adversely affect the maximum class size restrictions under F.S. 1003.03 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 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)(d)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.

All controlled open enrollment placements are subject to approval process outlined in Section II.D.

} Revised

A. Preferences for Controlled Open Enrollment

1. Preference for controlled open enrollment shall be granted to:
  - a. dependent children of active duty military personnel whose move resulted from official military orders and/or whose parents are transferred or are pending transfer to a military installation within the District (these parents shall be considered residents of the District for purposes of enrollment once the applicable military order is submitted to the District);
  - 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 the serious illness or death of a custodial parent; and
  - d. students residing in the District.
2. After all students meeting the criteria above are considered, preference will be given to Miami-Dade County students who are: (a) siblings of students already attending and who will continue to attend

the requested school the following year or (b) Miami-Dade County siblings applying together to the same school.

#### B. Controlled Open Enrollment Transportation Options

1. Transportation to and from the receiving school 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 Office website.
2. In addition to transportation options set forth above and 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 placement under the Florida Empowerment Scholarship Unique Abilities (FES-UA) in accordance with Section V.C., 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. Placement options may be further limited by a student's need for a particular type of specialized transportation.

#### C. Applicability to Magnet Programs

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 the program 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.

#### D. Exceptions

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).

### IV. **Choice Application and Placement Requirements**

## A. Choice Application Requirements

1. Choice applications are to be completed by the student's registering parent, including when parents are unmarried, divorced, or separated. The District will provide support to parents who need assistance completing the application. The 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, as applicable. Separate applications must be completed for each student.
2. Students whose choice applications are processed during FTE week will be placed in the receiving school after FTE week has ended.
3. Choice applications will be reviewed and approved by the Region of the receiving school with input from the receiving school's principal. Where feasible, approval of the application should coincide with the end of the grading period.
4. Choice applications for students with IEPs or Section 504 Plans must be reviewed by Exceptional Student Education (ESE) personnel to ensure that the students' programmatic needs can be met at the receiving school.
5. A Choice application may not be denied, and a student's school records may not be withheld, because of unpaid fees, lost books, or any other outstanding debts to the District. Such outstanding debts will, however, be transferred to the student's receiving school.
6. Once a Choice application is approved, the registering parent is responsible for withdrawing the student(s) from the enrolled school in accordance with Policy 5130, and enrolling the student(s) in the receiving school in accordance with Policy 5112, within ten (10) school days. Choice placements approved during the summer period must be exercised within the first ten (10) days of the school year or they will be revoked. Failure to timely withdraw the student(s) from the enrolled school and enroll the student(s) in the receiving school will result in the Choice application approval being revoked.

## B. Choice Placement Requirements

1. Choice placements shall become effective once the student is in attendance at the receiving school, at which point, the receiving school will be responsible for the student's attendance.
2. Transportation to the receiving school will not be provided. Parents are responsible for ensuring transportation to and from the receiving school.

3. When a student has been placed in a receiving school through an error by District administration, and the student has been enrolled in the school for ninety (90) days or more, the student may elect to remain at the school or may return to the residence school. If the placement was based on fraudulent, false, or erroneous information provided in the Choice application, the Choice placement may be revoked at any time, and the student will be required to report to the residence school. 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 misdemeanor under F.S. 837.06. In addition, anyone who knowingly makes a false verified declaration is guilty of perjury, a third-degree felony under F.S. 92.525.

C. Choice Placement Preferences

1. Employment Hardship

- a. Preference will be given to single-parent/guardian households, or households where both parents/guardians are employed, when the location of the student's residence school presents a hardship involving before or after-school supervision.
- b. This placement based on preference must be reviewed annually through the Region serving the student's residence school. These placements should not exceed the assigned percentage of F.I.S.H. capacity for the current school year.

2. Professional Courtesy

District permanent employees who wish to enroll their children at the same worksite where they are employed shall be permitted to do so. All requests must be submitted through the Parent Choice Student Transfer process and in accordance with this Policy.

- D. These requirements shall not supersede admission procedures in programs/schools where admission is governed by other Board policies or processes (e.g., magnets).

V. **Scholarship Program Placements**

A. Opportunity Scholarship Program

1. Eligibility

- a. Pursuant to F.S. 1002.38, a parent may request and receive an Opportunity Scholarship Program placement if:

- i. 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 earned a grade of "F" or three consecutive grades of "D," and the student's attendance occurred during a school year in which such designation was in effect;
  - ii. the student has been in attendance elsewhere in the District and has been assigned to such a school for the next school year; or
  - iii. the student is entering kindergarten or first grade and has been assigned to such a school for the next school year.
- b. This does not apply to students enrolled in schools offering Department of Juvenile Justice programs.

## 2. District Obligations

- a. 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:
- i. timely notify the parent of all options available under this statute;
  - ii. 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 (provided that the designated school has a performance grade of "C" or better);
  - iii. if the placement is accepted by the parent, provide transportation to the student if the student resides more than two (2) miles from the selected District school; and
  - iv. provide the student with an opportunity to continue attending this higher performing school until the student reaches the highest grade serviced by the school.
- b. Designations of schools under this section must be based on the F.I.S.H. capacity of the school being below 100% and the maximum number of students not exceeding the mandates of State law (F.S. 1003.03, Maximum Class Size). If no higher performing schools in the geographic transportation service zone are available, the Deputy Superintendent/Chief Operating Officer will identify other eligible schools.

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

## B. Hope Scholarship Program

### 1. Eligibility

Pursuant to F.S. 1002.40, a parent may request and receive a Hope Scholarship if his or her child is a student who 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 applicable Code of Student Conduct (Policy 5500) and State Board rules.

### 2. District Obligations

- a. 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).
- b. 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.
- c. Upon conclusion of the investigation or within fifteen (15) days after the incident was reported, whichever occurs first, the principal shall:
  - 1. offer the parent the choice of placing the student in another school that has capacity if the F.I.S.H. is below 100% and the maximum number of students does not exceed statutory class size limits;
  - 2. notify the parent of their eligibility to apply for a scholarship to attend an eligible private school under F.S. 1002.394 and 1002.395; and
  - 3. provide the parent a Hope Scholarship Notification Form (M-DCPS FM-7709) in accordance with F.A.C. 6A-6.0951.

### 3. Application Process

- a. To request a Hope Scholarship placement, the parent must complete and submit a Hope Scholarship application in accordance with the procedures specified on the application form.
- b. The application must be submitted to the appropriate Region Office for processing. The parent will then be notified of the approval/denial in

writing. If the placement is approved, the parent must withdraw the student from the enrolled school and enroll the student in the receiving school within ten (10) school days from the application approval date. Otherwise, the placement will be forfeited.

- c. Any parent whose Hope Scholarship application is denied due to capacity may apply for another placement option under this policy.
  - d. To request a private school, the parent of an eligible student may file an intent to participate on [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org). Parents are required to inform the District when the parent withdraws a student to attend a private school under this program.
4. Term

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.

#### C. Family Empowerment Scholarship (FES) Program

The District will comply with all applicable requirements and prohibitions of F.S. 1002.394, hereby incorporated by reference. Parents and students are expected to meet the eligibility criteria and comply with the scholarship responsibilities of F.S. 1002.394. Pursuant to this statute, the District may contract with parents to provide FES program services, including classes. These students will be considered as attending a public school on a part-time basis as authorized under F.S. 1002.44.

#### D. Florida Tax Credit Scholarship (FTC) Program

The District will comply with all applicable requirements and prohibitions of F.S. 1002.395, hereby incorporated by reference. Parents and students are expected to meet the eligibility criteria and comply with the scholarship responsibilities of F.S. 1002.395. Pursuant to this statute, the District may contract with parents to provide FTC program services, including classes. These students will be considered as attending a public school on a part-time basis as authorized under F.S. 1002.44.

### VI. **Inter-County and Charter School Enrollments**

#### A. Inter-County Enrollments

- 1. A parent who resides in Miami-Dade County and requests a student enrollment in another county's school must contact the school district of that county to request an enrollment. If the enrollment in the other county is approved, the parent must withdraw the student from this District and enroll the student in the other district's school. If the

placement is denied, then any appeal must be sought with the other school district.

2. A parent who resides in another county and requests a student enrollment in a Miami-Dade County school must complete the application process set forth in Section IV.A. of this policy. If the application is denied or the placement is revoked, there will be no appeal process, as the student is not a Miami-Dade County resident.
3. Enrollments of out-of-county students in magnet schools or programs 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 student's enrollment request.

#### B. Charter School Enrollments

A parent who requests a student enrollment in a charter school must have the enrollment approved by the charter school before withdrawing the student from the current District school. If the placement in the charter school is approved, the parent must withdraw the student from the current District school before enrolling the student in the charter school.

### VII. **Athletic Eligibility**

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

### VIII. **Placements Pursuant to Federal Law, State Law, or Board Policies**

Placements made pursuant to this policy or any other Federal or State law will be governed by all applicable Board policies. Applications, placements, and the denial or revocation thereof must be in accordance with state and federal law, including statutes governing students with disabilities.

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Legal References:

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