

## The School Board of Leon County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Leon County were adopted on September 4, 2012, and were in effect beginning September 5, 2012.

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### **5120 - SCHOOL CHOICE**

Students may attend a school other than their zoned school if they have been granted a choice assignment in accordance with this policy.

School choice is available in the following order:

- A. active military
- B. sibling support
- C. grandfathering
- D. over to under capacity
- E. employee choice
- F. hardship (not available for at/over-capacity schools)
- G. magnet programs (if selected)
- H. McKay Scholarships (subject to capacity)
- I. controlled open enrollment (subject to lottery, depending on capacity of requested school)

### **Timelines**

A student who is granted a school choice, reassignment or controlled open enrollment request must register with the approved school on or before June 28th in order to attend the approved school the following school year. The registered student must be in attendance at the approved school on the first day of the new school year, unless the parent has notified the School Choice Office in advance. Failure to timely register or attend the first day of school will result in the cancellation of the school choice, reassignment, or controlled open enrollment approval.

### **Number of Reassignment Requests**

Each student may apply for a maximum of three (3) choice programs in any one (1) year. Students are encouraged to apply for the programs in which they are most interested.

## Capacity Defined

A school shall be at capacity for non-home-zoned students when the school has reached ninety-five percent (95%) of the permanent student station utilization rate as recommended under the Florida Inventory of School Houses (FISH) or has reached grade level capacity.

For staffing purposes, the student populations at schools already exceeding the ninety-five percent (95%) threshold will be gradually reduced over the next four (4) years.

The capacity of each public school in the District shall be identified on the District's website at [www.leonschools.net](http://www.leonschools.net).

## Transportation

**School Choice and Reassignment Students** - Unless otherwise stated, for all reassignment and school choice options, transportation shall be provided by parent/legal guardian. Depending on seat availability, requests for bus transportation may be honored on existing routes. Priority will be given to home-zoned students.

## School Choice Options

Applications for all school choice assignments must be submitted within the designated time frame. Time frames are published on the Board website by December for applications for the following school year. Unless otherwise stated, all school choice, reassignment and controlled open enrollment requests must be submitted online by the advertised deadline. All students who are approved must abide by the District's attendance policy and the Student Code of Conduct.

- A. **Active Military:** Dependents of active duty military personnel whose move resulted from military orders. (F.S. 1002.31(c)(1))
- B. **Sibling Support:** Students who have siblings enrolled at a school other than their home-zone school may apply for reassignment to that same school based on sibling support. The student must be attending the school the same year as the requested reassignment. Students assigned for sibling support may remain at the assigned school until they change levels.

Documentation must be provided to prove sibling status by way of birth certificate, court order, foster placement, marriage certificate, or proof of living as siblings in the same household for at least one (1) year.

- C. **Grandfathering:** In order to provide educational continuity, students who have entered and attended their home-zoned school for at least one (1) year by virtue of their previous residence in the school attendance zone, initial acceptance into a magnet or choice program, or documented choice option, may continue to attend that school for the last two (2) years of elementary school (4th or 5th grade), or the last year of middle (8th grade) or high school (12th grade). All attendance and discipline requirements must be met.

Students are required to comply with the attendance, behavior, and drop-off/pick-up procedures.

- D. **Over to Under Capacity:** Any student assigned to a school that is over ninety-five percent (95%) capacity may attend any school under capacity.
- E. **Employee Choice:** Parents/Guardians who reside in the District and are employed not less than half time by the Board may request that their child/children attend another school. Those students whose parents/guardians reside in Florida outside of the District must be employed full-time by the Board in order to request that their child/children attend a District school.

Upon separation of the employee from employment with the Board, the student's school assignment will continue through the remainder of the school year. At the start of the next school year, the student must attend his/her home-zone or home district school unless qualified and approved for reassignment.

An exception shall be made for new District employees who shall have two (2) weeks from the start of employment to submit a request.

- F. **Hardship:** When a student has a documented economic or medical condition, a hardship request may be submitted to attend a school other than the student's home-zoned school. Hardship requests are reviewed by the hardship committee on a monthly, case -by-case basis. The student must remain enrolled at his/her current/home-zoned school until hardship approval has been granted. Applications will not be accepted for over-capacity schools.

Appeals may be considered for hardship cases only. All appeals must be made within ten (10) working days of receipt of the committee's denial and must include as much detail as possible regarding the hardship. Should the committee deny a request due to over capacity an appeal will not be accepted. However, the appeal maybe amended to list another school that has available capacity.

- G. **Magnet Programs/Schools:** A student from any school zone may apply for up to three (3) Board-approved magnet schools or programs. If all requirements for eligibility and application timelines are met, the student may enroll in the program of his/her choice. Transportation is provided for some but not all magnet programs. Special considerations listed below under the controlled open enrollment section apply to magnet programs/schools as well.

A student who successfully completes a District magnet program will have priority for enrollment in an approved articulated magnet program at the next middle or high school level.

- H. **McKay Scholarship Program:** District ESE students who are eligible for McKay ESE Scholarships must submit in writing their request for the following school year and are subject to available space at a different public school in the District or a participating private institution. In order to be eligible for the McKay Scholarship Program, a student must apply

for the program on the Florida Department of Education's School Choice website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) prior to withdrawing from public school. The student must have an Individual Education Plan (IEP) or Section 504 Accommodation plan and:

1. have been enrolled and reported for funding in a Florida public school for the school year prior to applying for a scholarship (Grades K-12); or
2. have been an ESE pre-kindergarten student who was enrolled and reported for funding in a Florida public school during the school year prior to applying for a scholarship and was at least four (4) years of age; or
3. have attended the Florida School for the Deaf and Blind during the previous school year's student membership surveys (Grades K-12).

ESE students are eligible to apply to all programs and eligible schools including controlled open enrollment. If accepted to the school, an IEP team may convene to ensure the IEP can be implemented.

- I. **Controlled Open Enrollment:** The Board shall permit a program of controlled open enrollment as set forth herein and in accordance with Florida law. "Controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational school choice as a significant factor F.S. 1002.31(1).

## Special Considerations

Pursuant to F.S. 1002.31, the District's controlled open enrollment program is in addition to the educational choice options provided herein. Special considerations under this policy include:

- A. **Pre-Kindergarten (Pre-K):** Because Pre-K is not a mandatory program, controlled open enrollment options are not available for Pre-K students. (F.S. 1002.20)
- B. Students with an Individual Education Plan (IEP) or a Section 504 accommodation plan are eligible to apply to all programs and eligible schools that have capacity. The IEP Team may convene to ensure the student's IEP or accommodation plan can be implemented. The school must reserve the seat while the IEP team considers the student's needs. If the IEP team determines the IEP or accommodation plan cannot be appropriately implemented at the requested school, the student may be denied. If denied, an IEP team will make a recommendation of another school that will meet the needs of the student. The parent/guardian shall be involved as a member of the IEP team.
- C. Students who are subject to a current alternative school placement, suspension, or expulsion order are not eligible for a controlled open enrollment assignment.

## Eligibility for Participation in the Controlled Open Enrollment Program

In addition to the public school choice programs available under Florida law and provided in the District pursuant to the policies listed above, a parent of a student under the age of eighteen (18) or an eligible student who lives in the District or in any other school district in the State of Florida who is not subject to a current alternative school placement, expulsion or suspension may seek to enroll in a public school in the District that has not reached capacity, subject to the maximum class size pursuant to F.S. 1003.03 and Section 1, Art. IX of the Florida Constitution.

Consideration of applications will be based on the current capacity of each school in the District. Only controlled open enrollment applications that list schools having available capacity will be considered as eligible for the lottery. Once a school has reached capacity, hardship applications will not be accepted.

## Lottery

After the close of the application period, the District shall conduct a lottery as described below. A lottery will not be required in the event that there are fewer applicants than available seats.

- A. **Step 1:** Applicants will be separated by classification. (*See below.*)

Classification	Criteria
Classification 1	Reside in the District and qualify for preference in at least one (1) of the following ways: <ol style="list-style-type: none"> <li>1. Dependent children of active duty military personnel whose move results from military orders.</li> <li>2. Children relocated due to foster care placement in a different school zone.</li> <li>3. 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.</li> </ol>
Classification 2	Applicants who reside in the District but who do not qualify for preference under State law. Applicants do not meet any of the criteria for preference set forth under the criteria for Classification 1.
Classification 3	Out-of-District applicants who qualify for preference under State law:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children relocated due to foster care placement in a different school zone.
3. 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.

#### Classification 4

Out-of-District applicants who do not qualify for preference under State law. Applicants in this classification do not reside in the District and are not eligible for preference under State law.

#### B. **Step 2:**

Applicant names will be sorted into appropriate classification category. Applicant names will be selected randomly within each classification to fill open, available seats. This process will be conducted for each classification category, beginning with Classification 1, until available seats are filled. The process will then be conducted for Classification 2, then Classification 3, then Classification 4, until available seats are filled.

Regardless of classification, if a student's first, second, or third choice of school does not have capacity, the student's application will be denied.

### **Review of Applications**

Once the controlled open enrollment application deadline has passed and the applications have been sorted into classification groups, the Superintendent or designee will review all fully completed applications received to ensure that the information in the application is true and correct and that the school(s) listed in the application have available capacity.

The approved applicants will be notified in writing and shall register with the approved school on or before June 28th.

Failure to register by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application.

If any capacity remains once the deadline passes for students to enroll at their chosen school and revocation has occurred, the District will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have had their approval revoked must wait for the next application window to open before submitting a new application.

Applications do not carry over and must be resubmitted for each school year.

## Maintaining Appropriate Socioeconomic, Demographic and Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, should a concern arise regarding socioeconomic, demographic or racial balance in one or more of the District's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with Florida and Federal law. The Superintendent shall then make the appropriate recommendations to the Board.

## Impact of Residential Development

Due to unexpected enrollment increases caused by a new residential development, the Superintendent may provide additional school choice options for a restricted area of the School District for a period of up to five (5) years. Choice options will be provided at all grade levels.

## Appeals

No appeal of a school choice denial will be accepted except in cases of hardship as set forth above.

## Voluntary Return to the Zoned School

Upon request by the parent or guardian, a student may be permitted to return to his/her home-zoned school. In order to protect the student's academic best interest, it is recommended that students do so at the end of the marking period or semester, unless extenuating circumstances are present.

## Revocation of School Choice, Reassignment, and Controlled Open Enrollment/School Choice

The principal of a school attended by a student who has been granted a choice assignment under this policy may recommend to the Superintendent or designee that the student's assignment be revoked due to behavior, attendance, or false information. The Superintendent or designee will review and make a determination regarding the revocation recommendation. The Superintendent's determination is final.

Upon formal written notification, the student shall be required to return to his/her home-zone school or home-zoned county and shall be ineligible for school choice or reassignment for the next academic year. The following shall justify grounds for revocation of a reassignment:

- A. evidence of providing false statements or information as described herein;
- B. failure to participate in the selected magnet program;
- C. violation of attendance requirements in Policy [5200](#) - Compulsory School Attendance; or
- D. while on reassignment, a student may not exceed five (5) early parent pick-ups or late pick-ups in a calendar month, or ten (10) early parent pick-ups or late parent pick-ups in a ninety (90) calendar-day period;

If this happen, the reassignment will be revoked and the student will be returned to his/her home-zoned school. Supervision is provided thirty (30) minutes before school and after school; students must be picked up within that time frame.

- E. violation of the discipline requirements in Policy [5500](#) - Student Conduct/Discipline, which results in the imposition of formal or severe consequences.

### **False Information**

Parents/Legal guardians and adult students shall be responsible for ensuring the accuracy of all information contained within any application submitted to the District. Students assigned under this policy based on false, incorrect, or inaccurate choice documentation or other false information, including homeless status, shall be immediately reassigned to their home-zoned school by the Superintendent, or if out of county, withdrawn to their county district of residence.

State law provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty commits a misdemeanor of the second degree. Additionally, a person who knowingly makes a false declaration under penalties of perjury commits a felony of the third degree. (F.S. 92.525 and 837.06)

F.S. 1000.05  
F.S. 1001.41  
F.S. 1002.20  
F.S. 1002.31  
F.S. 1003.06  
F.S. 1006.15

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