

## Board Meeting Agenda Item Executive Summary

**Supt.'s Office Use Only**

**Board Meeting** 4-1-08

**Agenda** Action

**Item No.** \_\_\_\_\_

<b>Board Meeting Date:</b>	April 1, 2008
<b>Submitted By:</b>	W. Daniel Boyd, Jr., Superintendent
<b>Item Description:</b>	Amendment to Policy 5120, <i>Assignment Within District</i> -- Second Reading

**Purpose and Explanation:**

The Board approved this proposed policy amendment on February 19, 2008. The Notice of Intent to Amend Rule was published in the Gainesville Sun on February 29, 2008. A public hearing was not requested.

The proposed amendment would:

1. Delete the words "in the following order of priority" from the first paragraph, giving the Board flexibility in considering the various factors for school zoning.
2. Add a new third paragraph to the first page, to address the potential impact on school enrollments of students from new developments. The amendment provides that the Superintendent will review the potential impact of students from new developments no later than 30 days after the development is submitted for approval to a local government development review committee. If it appears that students from the development would cause school(s) to be over-enrolled, the Superintendent may recommend that the Board change the school(s) of assignment for the development.

Changes recommended from the draft presented at the first reading:

- At page 1, line 24, change "students" to "schools", for clarification.
- At page 1, line 26, delete the word "crowded" and replace with the word "over-crowded", for clarification.
- At page 1, line 27, insert the words "the site plan or plat for", to provide a specific beginning point in the approval process for the Superintendent's review timeline.

**Recommended Action:** The Superintendent recommends that the Board approve the proposed amendment to Policy 5120, *Assignment Within District*, as presented.

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<b>Funding Source (Description):</b>	<b>Amount:</b>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <b>Staff Attorney Review &amp; Approval</b>   <i>(For Contracts Only)</i> </td> <td style="width: 50%; padding: 5px;"> Date:   Initial: </td> </tr> </table>	<b>Staff Attorney Review &amp; Approval</b>  <i>(For Contracts Only)</i>	Date:  Initial:	<p style="text-align: center;">ADDITIONAL INFORMATION</p> <p>Yes: _____ No: _____</p>
<b>Staff Attorney Review &amp; Approval</b>  <i>(For Contracts Only)</i>	Date:  Initial:		



1 This policy may be accomplished by means that include, but are not necessarily  
2 limited to, school choice options and establishment and location of magnet  
3 programs. Where necessary and appropriate, consideration shall be given to  
4 subdivision of schools into schools-within-a-school. A school-within-a-school  
5 shall operate within existing resources and shall be implemented through use  
6 of flexible scheduling, team planning, and curricular and instructional  
7 innovation to organize groups of students with groups of teachers as smaller  
8 units, so as to functionally operate as a smaller school.

9 The establishment of attendance zones and the granting of school choice  
10 assignments and zoning exceptions shall be accomplished in accordance with  
11 the requirements and limitations imposed by Article IX, Section 1 of the Florida  
12 Constitution (the Class Size Amendment), and implementing law and  
13 regulation.

#### 14 **School Assignment Rules**

15 Students are assigned to attend school on the basis of the primary legal  
16 residence of the parent, legal guardian, other person with legal custody, or the  
17 adult student and the attendance zone of the school as provided by the Board.  
18 A student who has been adjudicated to be dependent or delinquent pursuant to  
19 F.S. Chapter 39 shall be assigned by the Superintendent to that school best  
20 meeting the special needs of the student.

21 A principal or other person so designated by the principal or Superintendent  
22 shall require reasonable proof of primary legal residency. Reasonable proof of  
23 primary legal residence shall include at least two (2) of the following documents:  
24 homestead exemption, mortgage deed, lease or rental agreement, electric utility  
25 bill, property tax record, or other form of documentary proof. When the parent,  
26 legal guardian, other person with primary legal custody, or an adult student  
27 lives in a residence belonging to someone else, reasonable proof shall consist of  
28 the documentation listed above together with a sworn statement by him/her  
29 and the property owner stating the relationship and anticipated length of stay.  
30 The sworn statement shall be in a form prepared by the Superintendent or  
31 designee. In all cases, the Superintendent shall have the right to make an  
32 independent investigation and to make the final determination as to the  
33 primary legal residence of the student.

34 It is the responsibility of the parent, legal guardian, other person with legal  
35 custody, or adult student to promptly notify the currently-assigned school of  
36 any change in the primary residential address and provide appropriate  
37 documentation.

1 Any student found to be attending a school to which s/he is not or should not  
2 be assigned shall be transferred to his/her assigned school. If the situation  
3 resulted from school system error, the transfer shall be affected at the  
4 beginning of the next school year. If the situation was not the result of school  
5 system error, the transfer will take effect immediately.

6 Students may attend a school other than their attendance-zone school if they  
7 have been granted a zoning exception, a choice assignment, or have been  
8 admitted into a magnet program. Students who are granted a zoning exception  
9 must register at the new school within one (1) week of receiving notice of the  
10 exception or it will be rescinded. Students who are granted a choice assignment  
11 or admission to a magnet program must register at the new school by the date  
12 established by the Superintendent or designee or it will be rescinded.

13 The Superintendent may assign or re-assign students on a case-by-case basis  
14 to schools or programs located in or out of their assigned zone for the health,  
15 safety, or welfare of the student, other students, or staff.

16 **School Choice**

17 A. **Choice Assignment Rules**

- 18 1. Students may be granted choice assignments to schools  
19 that are not crowded and would not become crowded as a  
20 result of such assignments. Students with disabilities may  
21 be granted choice assignments to schools under the  
22 provisions of the McKay Scholarship Program.
- 23 2. Applications for choice assignments must be submitted  
24 within the designated time frame.
- 25 3. If the school's projected capacity would be exceeded by the  
26 number of choice applications when added to the projected  
27 student population, admission will be granted by lottery.  
28 The Superintendent shall establish a weighting system for  
29 lottery selection which will give him/her probabilities for  
30 selection of students whose socio-economic characteristics  
31 would add diversity to the school's population, students  
32 with siblings in the chosen school, and students who have  
33 previously attended the chosen school.

- 1                   4.     Subject to item "E" below, choice assignments are in effect  
2                   until the student completes the final grade offered at the  
3                   chosen school, unless the student is reassigned during an  
4                   earlier year to another school zone due to overcrowding at  
5                   the school of choice, in which case the student may apply  
6                   for a zoning exception to stay at the school of choice should  
7                   grounds exist pursuant to "Zoning Exceptions" below.
- 8                   5.     A student's choice assignment may be revoked by the  
9                   principal when the student accrues one (1) or more Level III  
10                  or IV discipline referrals within the school year, or when the  
11                  student accrues three (3) or more lesser offenses. The  
12                  choice assignment may also be revoked by the principal  
13                  when the student accrues six (6) or more unexcused  
14                  absences within a school year, or ten (10) or more tardies  
15                  within a school year.
- 16                  6.     The Board does not provide transportation to students with  
17                  choice assignments except as otherwise provided by law.

18            B.     **Magnet School/Program**

19                   The Board operates a number of magnet programs for elementary,  
20                   middle, and high school students. Magnet programs have pre-  
21                   established criteria for admission which vary by school/program.  
22                   These admission criteria and application procedures will be made  
23                   available to interested persons through the  
24                   school where the program is located.

25                   For any school year, parents, legal guardians, other persons with  
26                   legal custody, or adult students may apply for admission of the  
27                   student to a maximum of two (2) magnet programs and if admitted  
28                   to both must signify their choice by registering the student by the  
29                   date established by the Superintendent or designee.

30                   Transportation may be provided for magnet enrollees in the  
31                   discretion of the Superintendent or as may be required by  
32                   applicable law.

33

1           C.       **Charter Schools/Home School**

2                   In addition to choice within schools operated by the Board,  
3                   parents may elect for students to attend charter schools that have  
4                   been approved by the Board or to home school students in  
5                   accordance with State law.

6       **Zoning Exceptions**

7       Whenever possible, zoning exceptions shall be requested by June 30th prior to  
8       the start of the academic year. Parents may request individual assignment  
9       exceptions for the following reasons:

10           A.       **Medical or Psychological Need**

11                   A request may be made if the student has a medical or  
12                   psychological condition that requires attendance at a different  
13                   school from the one assigned. A written order from a licensed  
14                   physician or licensed mental health professional is required for a  
15                   transfer based on medical or psychological need. The order must  
16                   include:

- 17                   1.       a description of the student's condition;
- 18                   2.       the reason this condition requires the removal of the  
19                   student from his/her zoned school;
- 20                   3.       the reason this condition requires the enrollment of the  
21                   student in the requested school;
- 22                   4.       the duration of time for which the zoning exception is  
23                   needed.

24                   Requests made for psychological reasons must include the  
25                   diagnostic category from the latest edition of the American  
26                   Psychiatric Association's *Diagnostic and Statistical Manual*.

27           B.       **Parents Employed by Board**

28                   Children of full-time Board employees may be transferred to the  
29                   school site at which their parents are employed, or in the case of  
30                   elementary school children, to the school "paired" with the work

1 site. Children of full-time Board employees may also be granted  
2 zoning exceptions on a space-available basis. These transfers are  
3 granted with the understanding that the arrangement will not  
4 interfere with the work hours or the responsibilities of the  
5 employee and that s/he must arrange before and/or after-school  
6 care for the child.

7 C. **Under Enrolled Schools**

8 The student's parent, legal guardian, other person with primary  
9 legal custody, or an adult student may request attendance at a  
10 school that has a projected enrollment below projected capacity. A  
11 transfer may be granted if the requested school has sufficient  
12 capacity.

13 D. **Change of Residence**

14 If the primary legal residence of the parent, legal guardian, other  
15 person with primary legal custody, or the adult student will  
16 change within three (3) months of the beginning of the school  
17 year, a zoning exception may be granted based upon written  
18 evidence of the pending move. The evidence may consist of a  
19 legally binding purchase and sale agreement or lease. If such  
20 person changes his/her primary legal residence during the school  
21 year, request may be made for an exception allowing the student  
22 to complete the school year in the school the student is presently  
23 attending.

24 E. **Students Entering Senior Year**

25 If a change in primary legal residence occurs after the beginning of  
26 a student's junior year, application may be made for a zoning  
27 exception to permit the student who completes the junior year at a  
28 particular school to complete the senior year at that school.

29

1           F.       **Certain Students Affected by Attendance Zone Changes**

2                               Students entering the final grade at their school who are re-  
3                               assigned to another school zone pursuant to zone line amendment  
4                               may apply for an exception allowing them to complete the final  
5                               grade at the current school. In connection with the adoption of  
6                               attendance zone changes, the Board may provide for additional  
7                               exceptions on such terms and conditions as the Board may  
8                               determine to be appropriate under the circumstances.

9           G.       **Students Commuting Daily from Another County**

10                              If a parent, legal guardian, other person with primary legal  
11                              custody, or an adult student has his/her primary legal residence  
12                              in a county  
13                              other than this county, s/he may apply for an exception.

14                              If approved for school attendance in the District, the student  
15                              normally will be assigned to the school closest to the student's  
16                              residence, provided the school is not crowded and would not  
17                              become crowded as a result of such assignment.

18                              A student on suspension or who has been expelled cannot be  
19                              approved for transfer to the District. To receive final approval, an  
20                              out-of-county student may be required to provide a written release  
21                              from the home district's school board.

22           H.       **Temporary Supervision within the County**

23                              A student who lives within the District but whose parent, legal  
24                              guardian, or other person with primary legal custody lives outside  
25                              the county may be enrolled if, in accordance with applicable law, a  
26                              relative or other responsible adult accepts in writing the  
27                              temporary supervision of the student from the parent and will  
28                              become the guardian of the student within 120 days.

29

1           I.       **Hardship**

2                   The student's attendance in the assigned school creates  
3                   substantial and undue hardship for the family. The hardship must  
4                   be based upon unusual facts and circumstances applicable to the  
5                   individual parent, legal guardian, other legal custodian, or adult  
6                   student in question. Hardship exceptions shall be granted based  
7                   upon a case-by-case analysis of such facts and circumstances.

8       **Zoning Exception Rules**

9       The following provisions apply to all zoning exceptions:

- 10           A.       District zoning administrators will consult with both principals  
11                   before granting a zoning exception.
- 12           B.       The student must remain in the assigned school until a zoning  
13                   exception is granted.
- 14           C.       The student's behavior and school attendance may be considered  
15                   when reviewing requests for assignment exceptions.
- 16           D.       A student's zoning exception may be revoked by the principal  
17                   when the student accrues one (1) or more Level III or IV discipline  
18                   referrals within the school year, or when the student accrues three  
19                   (3) or more lesser offenses. The zoning exception may also be  
20                   revoked by the principal when the student accrues six (6) or more  
21                   unexcused absences within a school year or ten (10) or more  
22                   tardies within a school year.
- 23           E.       The Board is not responsible for providing transportation to  
24                   students with zoning exceptions.
- 25           F.       A person who is denied a zoning exception may appeal to a zoning  
26                   exception review committee designated by the Superintendent.  
27                   The decision of the review committee shall be final.
- 28           G.       In reviewing requests for hardship zoning exceptions,  
29                   consideration shall be given to whether the requested school is  
30                   crowded or is projected to be crowded.

**THE SCHOOL BOARD OF  
ALACHUA COUNTY**

STUDENTS  
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1           H.     A student who is a nonresident of Alachua County may apply for a  
2                     zoning exemption to attend a school in this District upon being  
3                     released from his/her home district.

4           I.     With the exception of children of full-time Board employees who  
5                     are nonresidents of the District, students whose primary legal  
6                     residence is in the District shall be given preference over  
7                     nonresident students with respect to the granting of zoning  
8                     exceptions, admission to magnet programs, and school choice.

9

10 F.S. 1000.05, 1001.41, 1002.20, 1002.31

11

12 Adopted: July 17, 2007

13 Revised: \_\_\_\_\_