

## Chapter 5 – Students

### CONTROLLED OPEN ENROLLMENT 5.21

#### SCHOOLS OF CHOICE: CONTROLLED OPEN ENROLLMENT

- I. The policy shall govern the process required to participate in the controlled open enrollment process mandated by section 1002.31, Florida Statutes. This process shall be referred to as the *Jackson County Schools of Choice Program*. All traditional district schools shall be classified as a school of choice under section 1002.31, Florida Statutes in accordance with the terms of this policy. Nothing in this policy shall be interpreted to conflict with federal or state law. In the event of such conflict, this policy shall be interpreted to avoid said conflict.

- II. Definitions

The following terms shall have the meanings prescribed below for purposes of this policy:

- a. **Academic program** – A series of courses (two or more) that are aligned in the same major area of study.
- b. **Applicant** – The parent or legal guardian of a student or a student of majority age of 18 or greater.
- c. **Available capacity** – The number of student seats at a school not assigned, or projected to be assigned, to a student as calculated and determined by the District based on permanent capacity.
- d. **Choice assignment** – An assignment to a school made pursuant to this policy.
- e. **Controlled open enrollment** – A public education delivery system that allows the District to make student school assignments using parents’ indicated preferential educational choice as a significant factor as provided in this policy.
- f. **District** – The School District of Jackson County
- g. **District Employee** – A parent or legal guardian who is an employee of the School District of Jackson County.
- h. **Homeless** – Shall have the meaning set forth in school board policy 5.14.
- i. **Permanent capacity** – The number of student stations available and utilized for the educational program delivered in the permanent educational facility structure that is based on the State Requirements for Educational Facilities (SREF) and as identified in the Florida Inventory of School Houses.
- j. **School-based employee** – A parent or legal guardian who is an employee of the School District of Jackson County whose work location is a specific school.
- k. **Siblings** – Two or more students in the same family unit and residing in the same residence.
- l. **Student’s Residence** –

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- i. The student’s residence shall be that place where the student’s parents/legal guardians spend at least four nights between Sunday and Friday.
    - ii. The student’s residence when the parents are separated, but not subject to a court entered custody order, or an order of shared parenting, shall be the parent’s home in which the student primarily lives.
    - iii. The student’s residence shall be the residence of the legal guardian/primary residential parent when a student is the subject of a custody order under chapters 39 or 61, Florida Statutes.
    - iv. The student’s residence shall be the residence of the student’s legal guardian when the student’s parent(s) is physically or mentally unable to properly care for the student or because of home conditions necessitate the student’s removal for protection.
  - m. **Zoned School** – The school a student is assigned to attend based on the student’s residence and the geographical boundaries of the school board adopted attendance area.
- III. Attendance within Geographical Residential Boundaries
- a. Unless otherwise provided in this policy, attendance at each school shall be limited to those students whose parents or legal guardians reside within the geographical boundaries of the school board adopted attendance area. These attendance areas are established by the school board as set out in school board policy 5.20 for Jackson County School District. While students have a right to an education under the laws, no right exists to attend a particular school, and a decision to deny a request to attend another school, or to reassign the student under the terms of school board policy does not affect the substantial interest of the child.
  - b. Students requiring exceptional student education services will be staffed into the appropriate school in accordance with exceptional student educational procedures, and are not subject to the requirements of this policy, unless applying for a choice assignment. Students assigned to a school for pre-k services are not provided preferential treatment for purposes of this policy for kindergarten school assignment.
  - c. Proof of residence shall be required for initial enrollment or transfer of a student from one attendance area to another in the district, including a change of a student’s residential address. The parent or legal guardian enrolling the student shall furnish the street address of the student’s residence that is subject to verification by the school board. A minimum of two forms of proper

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documentation shall be required to establish proof of residency. Proper documentation of residence shall constitute:

- i. The parent or legal guardian’s valid Florida identification card or driver’s license;
- ii. A copy of a current utility bill in the parent or legal guardian’s name;
- iii. A copy of a current motor vehicle registration in the parent or legal guardian’s name;
- iv. A valid lease agreement with rent receipt or property deed with tax receipt showing homestead exemption; or
- v. Other valid documentation deemed acceptable under procedures established by the Superintendent/designee, such as procedures being designed to allow for unique conditions that may arise.

#### IV. Controlled Open Enrollment Process

##### a. Eligibility and conditions for choice assignment.

- i. Beginning in the 2017-2018 school year, controlled open enrollment shall be available to all K-12 students residing with their parent or legal guardian in the State of Florida. Information on the application process shall be posted on the District website for the benefit and convenience of the public.
- ii. Schools of choice classifications based on available capacity.
  1. Each District school is hereby deemed a school of choice and shall be identified by the Superintendent or designee as having one of the following schools of choice classifications:
    - a. *At or over capacity schools.* Schools with a projected enrollment at or exceeding ninety percent (90%) of permanent capacity shall be subject to the controlled open enrollment process for that school year but applications will be limited to siblings of a student attending the requested school or to reasonably accommodate the work location of a school-based employee.
    - b. *Limited capacity schools.* Schools with a projected enrollment ~~between~~ below ninety percent (90%) of permanent capacity shall be subject to the controlled open enrollment process for that year but applications will be limited to the preferential treatment provisions in paragraph IV.D.2 and will not proceed to the lottery specified in D.3 unless approved in the sole discretion of

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the Superintendent or designee based on available capacity projections.

All Schools shall be listed on the District website under one of these classifications.

- iii. A student who is subject to a current expulsion or suspension from any public or private school is ineligible to apply for a choice assignment.
  - iv. Any student granted a choice assignment may continue to the highest grade level of the approved school until:
    1. The student is expelled or suspended;
    2. The student is withdrawn from enrollment at the school by the parent or legal guardian;
    3. The parent or legal guardian of the student requests a change in school assignment;
    4. It is determined by the District that the application for controlled open enrollment was based on inaccurate, false, or misleading information; or
    5. The choice assignment is revoked by the school principal, upon concurrence of the superintendent or designee, based on unsatisfactory academic performance, behavior or attendance. Upon completion of the highest grade level of the approved school, the student shall return to his or her zoned school absent approval of an additional choice assignment.
  - v. No choice assignment shall be granted on behalf of a student which conflicts with the student's Individual Education Plan (IEP) or Section 504 Plan. Prior to approval of a choice application, the District may convene a team to ensure that the requested assignment can be implemented.
  - vi. The Applicant for a choice assignment assumed full responsibility of the student's transportation to the nearest established bus stop or the school site if the choice assignment is granted as long as bus capacity is available.
  - vii. A student may receive only one choice assignment in a school year.
  - viii. A parent or legal guardian may discontinue a choice assignment within a school year at the end of a grading period or semester.
- b. Application period.
- i. Applications for a choice assignment under this policy for the upcoming school year shall be submitted during the preceding school year at the designated time as determined by the Superintendent or designee. Applications filed after this deadline may be denied on that basis alone

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unless the application is based on: a) an alternate school placement necessary to comply with an order of a court with competent jurisdiction; b) a sibling of a student requiring and assigned to a school for exceptional student education services at a school other than the zoned school; c) the relocation of the parent/legal guardian; d) the transfer of a school-based employee; or e) a requested school that has substantial capacity as defined in section IV.A.2.

### c. Application

- i. Application for a choice assignment shall be submitted in the format specified by the Superintendent or designee. The application shall afford the opportunity for the applicant to declare a first and second preferred choice of school assignment.
- ii. A principal may revoke a choice assignment for violations of the code of student conduct, absenteeism or unsatisfactory academic performance. The principal must establish the standards for revocation in writing to the parent or legal guardian. Revocation of choice assignment shall render that student ineligible to apply for a choice assignment for the following year. Revocation of a choice assignment is not subject to the appeal process set forth in section IV (E) of this policy.
- iii. The District may request additional documentation from the applicant as part of the evaluation process. If that documentation is not provided within (14) calendar days of the request of the District, the application may be denied without further action.

### d. Evaluation of applications

- i. No student residing within the District shall be displaced by a student residing in another district for purposes of this policy.
- ii. Applicants meeting any of the following criteria shall be provided preferential treatment upon the complete and timely applications for a choice assignment after all students residing in the District have been assigned, or planned for assignment, to a school:
  1. Dependent children of active duty military personnel whose move resulted from military orders;
  2. Children who have been relocated due to foster care placement in a different school attendance zone within the District;
  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. Nothing herein shall be interpreted to grant a

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court jurisdiction to order a school assignment absent these circumstances;

4. Student residing within the District.
  5. Child of school-based employee assigned at the requested school;
  6. Siblings of a student attending the requested school; and
  7. Students with a current John McKay Scholarship.
  8. Children attending a school of choice during the 2016-17 school year will be allowed to attend the same school of choice for the 2017-18 school year.
- iii. *Lottery.* A random lottery will be utilized when pending applications exceed available capacity at a limited capacity school as defined in section IV.A.2. If a student cannot be accommodated at his or her first choice assignment, then applications shall be subject to a random lottery for a potential second choice assignment.
- iv. *Notification of outcome; acceptance; forfeiture.*
1. The District shall notify the Applicant of its decision on this application by U.S. mail or by email.
  2. An Applicant granted a choice assignment shall register the student at the school and provide records and documents required for registration in accordance with District policy and procedures. If the student fails to begin attending classes at the assigned school by the third day of the new school year, the choice assignment shall be deemed forfeited. If the student resides within assignment, he or she will be then assigned to a zoned school or as otherwise required by a Section 504 plan or Individual Education Plan (IEP).
- e. Appeals.
- i. An Applicant may appeal the denial of a choice assignment if received by the District Student Placement Committee within 15 calendar days of the date stamped denial notification. The basis for the appeal shall be set forth in the format specified by the District. Review of the appeal shall be confined to the documentation provided by the Applicant. The appeal shall be reviewed and decided by the committee in a manner consistent with the law. The appeal applicant will be notified of the decision of the appeals committee no later than 5 calendar days prior to the first student day. Review by the committee and superintendent, or designee, shall be informal and non-evidentiary. Notwithstanding any other policy of the

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Board, the decision of Superintendent or designee shall be final and non-appealable.

- ii. Notwithstanding the opportunity for appeal, no expectation for, or entitlement to, a choice assignment shall exist for a school that is at or over capacity as defined in section IV.A.2 of this policy.
- f. Interscholastic and intrascholastic extracurricular activities.
  - i. Interscholastic and intrascholastic extracurricular activities eligibility will not be reasonably delayed or denied if a choice assignment is granted under this policy.
  - ii. A student granted a choice assignment may not participate in a sport if the student participated in that same sport at another school during that school year unless the student meets one of the following criteria:
    - 1. Dependent children of active duty military personnel whose move resulted from military orders;
    - 2. Children who have been relocated due to a foster care placement in a different school zone; or
    - 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.Nothing herein shall be interpreted to conflict with, or modify, any applicable rules or standards applicable to such activities established outside of this policy.
- g. Annual report; other compliance issues.
  - i. The District shall annually report the number of students exercising public school choice pursuant to this policy and as otherwise determined by law.
  - ii. As required by state law, beginning in the 2017-2018 school year and subsequent school years, notwithstanding any policy to the contrary, all District schools shall calculate compliance with maximum class size pursuant to section 1003.03(4) based on the average number of students at the school level.
- h. Misleading or false evidence
  - i. In addition to the criminal penalty associated with the making of a false or misleading statement, if it is discovered that misleading or false evidence was presented in support of an application for choice assignment, the student shall be reassigned immediately to the school within the appropriate geographic attendance area.

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- ii. Failure to report a change in address shall be deemed evidence of intent to circumvent this policy and shall result in the application for choice assignment being denied or revocation of the choice assignment.

**STATUTORY AUTHORITY:**

**LAWS IMPLEMENTED:**

**STATE BOARD OF EDUCATION RULE(S):**

**HISTORY: ADOPTED:**

**REVISION DATE(S):**

**FORMERLY:**