

|               |   |
|---------------|---|
| Book          | Policy Manual   |
| Section       | 5000 Students   |
| Title         | PARENTAL CHOICE: CONTROLLED OPEN ENROLLMENT (OUT-OF-ZONE AND SCHOOL CHOICE) |
| Code          | po5120  |
| Status        | Active  |
| Adopted       | August 20, 2008   |
| Last Revised  | April 9, 2024   |
| Last Reviewed | October 9, 2018   |

## 5120 - PARENTAL CHOICE: CONTROLLED OPEN ENROLLMENT (OUT-OF-ZONE AND SCHOOL CHOICE)

### Introduction

Pursuant to Florida statutes, the School Board shall designate a geographic zone for each school. The school serves a geographic area from which resident children shall be assigned. Proof of residency (address) is addressed in Policy 5112.

Parental choice applications (out-of-zone or school choice) shall be submitted online through the District website.

The assignment of a child attending a school for Exceptional Student Education (ESE) may be on a basis other than a geographic zone and, therefore, is not a subject of this policy.

The assignment of a child to a school (not to include an exceptional student program assignment) in a geographic zone other than the school normally designated is referred to as an "out-of-zone" or "school choice" assignment.

This policy was established to allow parents or legal guardians of elementary, middle, and high school students, under specified conditions, to request another school of enrollment outside of their geographic zone. School capacity and class size restrictions apply. Implementation of this policy is subject to the conditions set forth herein.

Since Pre-K is not a mandatory program, parental choice options are not available for Pre-K students.

The District shall be responsible for implementing and publicizing this policy, as well as processing applications.

Employees of the District may not initiate contact with anyone in an effort to recruit students for a particular school's athletic program or to discourage participation in another school's athletic program. District employees who take part in such activities are subject to disciplinary action (see Policy 2431).

### Out-of-Zone

Out-of-zone requested under parental choice are for parents or legal guardians with documented needs or hardships. Consideration for out-of-zone requests shall be limited to one (1) of the following criteria:

#### A. Residency (Address) - documentation required

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.
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.
4. If a change in residence occurs during the student's junior or senior year of high school, the student shall be allowed to finish the junior and/or senior year to graduate with his/her cohort.
5. If a change in residence occurs during the school year, but subsequently is changed again to the original residence, the child shall be permitted to remain in the second school only if the change of residence occurs during the last grading period of the year.
6. A student who has attended the school prior to the change in residence (as assigned) for at least twenty (20) school days of the current school year and the request is to remain at the current school for the remainder of the current school year.
7. A change in residence for the student and parent or legal guardian will occur during the school year based on one (1) of the following criteria:
  - a. The place of residence will change within six (6) months due to new construction and signed documentary evidence in the form of a construction contract or sales agreement is presented to indicate the change. The District reserves the right to verify that progress toward completion of construction is being made, on a continual sixty (60) day review, up until a full and complete move into the new home is accomplished.
  - b. The place of residence will change within sixty (60) days due to the purchase of an existing home and signed documentary evidence in the form of a sales agreement is presented to indicate the change.
  - c. The place of residence will change within sixty (60) days due to executing a lease of a home and signed documentary evidence in the form of a lease is presented to indicate the change.
  - d. The place of residence will change temporarily (less than six (6) calendar months) during the course of the school year.
8. A child who is the sibling of students with disabilities concurrently attending special ESE programs due to IEP placement at the same school requested.

## B. Supervision (elementary and middle school only) – documentation required

Evidence is presented that a problem in supervision exists with before or after-school care for elementary and middle school children, which can be corrected by circumstances involved at another school such as a provision for transportation or adult supervision. Letters from employers documenting work days and hours and letters from child care providers documenting location, days, and hours of care shall be required.

## C. Medical - documentation required

Written recommendation of a licensed psychologist or medical practitioner who has professional knowledge of the child's condition and who thereby attests that in his/her professional opinion the child has a specifically diagnosed medical or psychological problem that is severe enough to cause significantly debilitating effects on the child's physical or psychological health and is likely to be significantly relieved if a school assignment change is made.

The parents or legal guardians shall be required to sign a release granting permission for District personnel and the recommending psychologist or medical practitioner to exchange any information deemed by the District to be relevant to a decision regarding the request.

## D. Curriculum – verification by District staff required

Middle and high school students residing in the Everglades City School geographic zone may request assignment to another school for curriculum reasons and agree to provide for transportation to and from the out-of-zone school or the closest bus stop for that school. Mileage reimbursement shall not be paid by the Board.

## E. Guardianship - documentation required

A request from a state student welfare agency, the juvenile court, or similar agency maintaining a jurisdiction over the child is presented.

## F. Boundary Modification – applicable specific to grade five (5) students only and verification by District staff required

Students who will be in grade five (5) during the year a boundary modification is implemented may request to remain at the current school for that year only. No transportation will be provided by the District.

## School Choice

Parents or legal guardians exercising parental choice may also do so without respect to or limitations upon their reasons. Applications received during the priority window that do not qualify for out-of-zone status shall be entered into a lottery, pending space available. The lottery shall be conducted by levels (e.g., elementary and secondary) and by family in order to avoid splitting families with two (2) or more children concurrently in the same level. A family shall have only one (1) entry in the lottery at each level regardless of the number of children.

Parents or legal guardians who enroll students for the first time in the District have a one-time option to apply for parental choice at the time of their enrollment. Applications will be approved on a space-available basis.

With the exception of students who are enrolling for the first time in the District, no school choice applications will be accepted for the current school year after the application closes.

## Application and Approval Process

The priority window for the following school year shall be for a forty (40) day period during the second semester of the current school year. The forty (40) day priority window will be set and publicized for the upcoming school year by January 1st. Applications may not be accepted prior to the priority window. Documented evidence shall be submitted at the time of application to consider the application request. Applications for the next school year must be submitted no later than June 30. Applications received after the deadline will not be considered.

Priority status will be given to those applications submitted during the priority window. Out-of-zone applications shall take priority over school choice applications. Students residing in the District shall receive priority over students residing outside of the District. Preferential treatment shall be given to the following out-of-zone reasons based on the preceding categories: residency, District employees, siblings, and students residing in the District.

Once out-of-zone applications have been approved, school choice applications submitted during the priority window shall be considered for the lottery, pending any remaining space available.

Out-of-zone applications submitted after the priority window may be considered, pending remaining space available and if all other applications received within the priority window were approved. Consideration will be given to out-of-zone requests first. An additional lottery may take place for school choice applications if additional spaces remain.

Denials for school choice are not appealable.

Out-of-zone and school choice applications that are not selected, due to capacity or the lottery, will be placed on a waitlist. Applications not selected shall remain on the waitlist for the remainder of the school year. As capacity becomes available, waitlist applications will be approved based on grade level and order the application was received.

## Order of Approvals

### A. Out-of-zone applications submitted during the priority window based on the following categories:

1. residency, District employees, and siblings for students residing in the District
2. residency, District employees, and siblings for students residing outside the District
3. remaining out-of-zone reasons for students residing in the District
4. remaining out-of-zone reasons for students residing outside the District

### B. School choice applications submitted during the priority window (lottery).

### C. Out-of-zone applications submitted after the priority window.

### D. School choice applications submitted after the priority window (lottery).

## Restrictions

Applications approved under this policy are limited to available capacity (school capacity and class size restrictions). Capacity will be determined annually based upon enrollment projections contained in the Five (5) Year Capital Improvement Plan and class-size compliance. A list shall be maintained and updated every twelve weeks on the District website which shall include each school's capacity along with indication as to whether such capacity has been reached.

Parents exercising parental choice under this policy must provide transportation to and from any school other than that to which the student is regularly assigned.

Parents whose children are subject to a current expulsion or alternative placement are not eligible to request parental choice.

Once a request is approved and a student is in attendance under parental choice, approval shall not be rescinded based upon lack of available capacity.

Approvals shall remain through the highest grade at that level (e.g., elementary, middle, or high). New requests are required when a change in level takes place (e.g., elementary to middle, and/or middle to high). No expectation should be made for acceptance into feeder pattern schools.

Once a request is approved and a student is in attendance, excessive absences, tardies, and/or behavior in violation of the District's *Code of Student Conduct* may result in the parental choice assignment being rescinded.

A scheduling difficulty or a circumstance arising from course conflicts in scheduling shall not constitute sufficient reason to grant a request for an assignment through parental choice.

For athletic participation for transfer students, refer to Policy 2431.01.

A student who enrolls in the District through the District's controlled open enrollment program is immediately eligible to participate in interscholastic and intra-scholastic extra-curricular activities. However, a student may not participate in a sport if the student participated in that same sport at another school during the school year. For eligible criteria refer to Policy 2431.01.

A child shall not be enrolled in a parental choice school until notice of approval has been received.

If a student assigned to a school through parental choice fails to enroll in that school within five (5) days of the start of the school year, the student will forfeit the parental choice assignment and will not be considered eligible for parental choice that school year.

If it is discovered that misleading or false evidence was presented in support of the application, the child shall be reassigned immediately to the school within the appropriate geographic zone.

### **Appeal**

The process for out-of-zone appeals is outlined in the controlled open enrollment plan located on the District website [www.collierschools.com/ParentalChoice](http://www.collierschools.com/ParentalChoice). Questions regarding appeals should be directed to the Department of Student Assignment.

Revised 11/20/08

Revised 4/15/10

Revised 8/16/11

Revised 7/31/12

Revised 4/11/17

Reviewed 10/9/18

Revised 10/11/22

Revised 3/7/23

Revised 4/9/24

© Collier 2024

|       |              |
|-------|--------------|
| Legal | F.S. 1000.05 |
|       | F.S. 1001.41 |
|       | F.S. 1002.20 |
|       | F.S. 1002.31 |
|       | H.B. 7029    |