

6Gx53-4.014 OUT OF ZONE STUDENT TRANSFERS:

I. Purpose: The purpose of this policy is to establish consistent procedures to fairly and equitably administer requests for student reassignment, or out of zone attendance transfers consistent with the Polk County School Board's policies on facility utilization/capacity and enrollment.

II. Enforcement of Attendance Zones: It is the policy of the Polk County School Board that all students attending the public schools are required to attend the school serving the attendance area within which they actually reside, unless a student has been admitted to a magnet school, has been administratively reassigned pursuant to the Student Code of Conduct, or has requested and been granted an out of zone transfer.

A. Verification of Residence: When an adult seeks to register a student entering a school in the Polk County District for the first time or re-entering the system after interrupted attendance, or notifies the school system of a change in residence that would alter the student's school attendance, the enrolling adult shall verify the student's actual physical residence by submitting one or more of the following:

1. Birth Certificate: The student's birth certificate establishing that the student is a child of the adult registering the child, unless the student's cumulative folder already contains an official copy. Other lawful document(s) may be used to establish birth in accordance with F.S. 1003.21.
2. Guardianship Documentation: The complaint or petition for and a court order establishing legal guardianship of the student.
3. Custody Documentation: If a student's parents are divorced, the parent with whom the student resides shall be required to furnish a copy of the court order awarding primary residential care.
4. Juvenile Court/DCF: An un-emancipated student below the age of 18 registering alone and who does not identify a parent, guardian or other adult with whom he or she resides shall be referred to the juvenile court or the Florida Department of Children and Family Services.

5. Address Verification: When an adult seeks to register a student for original entry or reentry in Polk County District Schools or to report a change of address which affects school assignment, documents verifying the residence address of the adult with whom the student resides must be presented in two of the following categories:

(a) Property tax records, mortgage documents on apartment or home lease (affidavit may be used where parent and student reside with someone else and do not have their own residence documents of ownership or lease);
or

(b) Current utility bill; or

(c) Voter precinct or voter registration documents; or

(d) Documentation of participation in a governmental benefit program; or

(e) If the adult is neither the parent nor the legal guardian of the student, evidence of the student's actual physical residence with the adult registering the child (which shall be accepted only as prima facie evidence of residence subject to physical verification by the School District's staff).

B. Other Changes of Custody: Where an adult other than a parent has been awarded custody of or appointed guardian of a student and one or both of the student's parents reside within the Polk County School District, the actual physical residence with the custodian or guardian shall serve as the basis of the student's assignment. The Department of Children and Family Services or the juvenile court may make these determinations on the basis of risk to the child. Voluntary requests for changes in custody or guardianship by parents residing elsewhere in the school district shall be reviewed on a case-by-case basis.

III. District Transfers: Intra-District transfers shall be initiated by the parent or guardian and shall be granted only if justified on non-discriminatory educational or other grounds and only if there is space available in the school to which transfer is sought. Space available will be defined as follows: schools reaching

90% of FISH capacity for elementary schools and 80% for secondary schools will result in the schools being closed to transfers. The determination that a school is over capacity for student transfers will be made jointly by the Facilities Department and the Senior Director who supervises this school. This list will be posted to the web and will be updated frequently. Transfers shall be limited to the following grounds:

A. Magnet School Attendance: When a student is admitted to a magnet school, the student will be treated as having been granted a transfer from the school serving the attendance zone within which he or she resides to the magnet school during the period of the student's attendance at the magnet school.

B. Exceptional Student Placement: When a student is determined, in accordance with the Special Programs and Procedures for Exceptional Students adopted by the Polk County School Board, to require an educational placement in a school other than the one serving the attendance area of his or her residence, the student will be treated as having been granted a transfer. Additionally, the McKay Scholarship for Students with Disabilities Program offers Florida students with special needs the opportunity to attend a participating private school or public school. Students opting to participate in this program will be treated as choice students, not transfer students. Pursuant to Florida Statute 1002.39(5) the options available will be determined by the School District and may be subject to capacity limitations and/or the ability of the public school to provide the required services for the individual student. Applications for McKay Scholarship public school option will be determined by July 3.

C. High School Course Availability: Courses for which student transfer applications will be considered as follows:

1. Advanced Placement (AP) courses for which the student qualifies. The student must have exhausted all courses in the same subject area at their zoned school. The student must qualify academically to be enrolled in the subject. The qualifications will be based on grade point average, both overall and in the subject area of the proposed subject, test results as available, and teacher recommendation.

2. The second, third, or fourth year of a sequential course where the student was successful in previous years of study and the course is not available at the student's zoned school.

3. Academies: Each high school will establish a maximum enrollment number for each academy and will allow transfer students only after the students at the school have been allowed to enroll. The cutoff for this process will be April 1 after which students from other high schools may apply.

4. The acceptance of high school students for transfer based on course availability will be done by May 1 for the new school year.

D. Title I: Children attending a Title I school in need of improvement, as defined in state and federal law, will be allowed to transfer to another school that is not so designated. School choices will be determined by the district. Those transferring may remain in the school of transfer until completing the highest grade in that school. Transportation will be provided for a limited number of those students, as long as the school is in need of improvement.

E. District Employees: Employees of the Polk County school system shall be permitted to transfer and enroll their children at the school buildings to which the employees are assigned. There shall be no other special transfer privilege available for children of School District employees.

F. Homelessness: A student in a homeless situation as defined in state and federal law has the right to remain at his/her school of origin (last school enrolled or attended by student) or to enroll in the zoned school based on the student's current address.

G. No Contact Orders: The School District will make reasonable efforts to enable students to comply with judicial No Contact Orders.

H. Charters: Since conversion charter school students cannot be required to attend their formerly zoned school, the school board will establish attendance zones for students who opt out of the charter school. Capacity at the sending charter school or the receiving traditional public school will not impact the ability of these students to enroll.

I. Other: Approval for transfer may be granted by the superintendent's office for reasons including, but not limited to, certified bullying, and other serious issues.

J. Change of Residence: Transfer for change of residence may occur in the following circumstances:

1. A student must attend the school in the new attendance zone if the move occurs prior to October 1; if the move occurs after October 1, the student will have a choice of remaining in the school or attending the school in the new attendance zone. If, however, the student is in the second semester of the eleventh grade when the move occurs, the student may remain in his or her formerly assigned school through graduation, provided that the student attains senior status at the beginning of the next school year.

2. A student may attend the school in the new attendance zone if the parents have a home under construction and is scheduled to be completed within a ninety-day period.

K. Hardship: Students who objectively demonstrate that extreme hardship would result from being required to attend the school serving the attendance zone in which they reside may be granted transfers to attend other schools under the following conditions only:

1. Day Care: Availability of day care will not be considered as a basis for a hardship.

2. Medical Reasons: If a hardship transfer is requested for medical reasons, including emotional or psychiatric reasons, the parent or guardian must present a physician's statement describing the medical condition of the student and include specific medical reasons justifying the request. Proximity to the treating physician's office location will not alone justify a reassignment unless the medical problem is of sufficient severity to qualify the student for exceptional education within the meaning of P.L. 94-142, as amended.

L. Military Students: Dependent children of active duty military personnel may request an out of zone transfer pursuant to F.S. 1003.05.

M. Existing Student Transfers in effect for 2007/2008:

1. Students who have transfers for Medical Conditions, Adequate Yearly Progress, McKay Scholarship, No Contact Orders, Conversion Charter Subzones, Military Students, or Minority/Majority will be allowed to remain on transfer until they matriculate from their final grade level at that school (usually 5th, 8th, or 12th).

2. High school students who have transfers for Course Availability will be allowed to stay only when they are continuing to take a class in the approved subject area.

3. Students who have other transfers for School Board Employee, Superintendent's Office, or Homelessness, are contingent and their status may change.

N. Siblings: Siblings will not be granted transfers unless space is available and they have been approved for transfer as described in this policy.

IV. Inter-District Transfers: Inter-District transfers (between districts) are governed by Section 1001.42, Florida Statute. The statute permits a transfer if there is an annual resolution by the Polk County School Board and the school board of the affected school District or Districts setting out the terms and conditions for which reassignments may be permitted. Inter-District transfers for exceptional education students require reassignments where necessary to provide appropriate educational placements. Inter-District transfers may be allowed under the same provisions as intra-district transfers if the parent or guardian or a regular education student makes the request.

V. Timeline:

A. Applications for student transfer will be taken starting April 1.

B. High School transfers will be determined by May 1.

C. Elementary and middle school transfers will be determined after AYP placements are completed.

D. Applications for AYP transfers will be accepted during a window of time in the spring and/or summer. AYP transfers will be allowed only at the beginning of each school year.

VI. Revocation of Out of Zone Student Transfers:

A. The assigned senior director shall review and approve the revocation of a student's out of zone transfer.

B. Transfers may be revoked for academic or attendance concerns or discipline offenses:

1. Continuous acts (two or more) of serious misconduct resulting in multiple out of school suspensions or assignment to an alternative education program.

The School Board of Polk County, Florida
Policy 4.014

2. Any (1) offense or infraction that would constitute a Level 7 or Level 8 consequence based on the Student Code of Conduct.
3. Student absences totaling: 10 total per semester and/or 2 unexcused absences per semester
4. Failure to meet the minimum scholastic or academic expectations of the course or program of study for which the transfer was granted. r was granted.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statutes 1002.39; 1003.05; 1003.429; 1003.433; Mills, et al. v. The School Board of Polk County, Florida; and Parents Involved in Community Schools v. Seattle School District.

Adopted: July 26, 1972

Readopted: April 28, 1987

Amended:

December 18, 1974

April 23, 1980

October 13, 1982

April 27, 1983

July 11, 1984

July 22, 1986

August 25, 1992

August 14, 2001

May 30, 2006

March 18, 2008