

Related Board Policies

5120 - ASSIGNMENT WITHIN DISTRICT

I. Generally.

- A. The Board directs that the assignment of students to schools within this District be consistent with the best interests of students and the best use of the resources of this District.
- B. The Board shall determine annually the school attendance areas of the District and shall expect the students within each area to attend the school so designated. The Board shall adhere to the rule-making requirements set forth in Bylaw 0131 and F.S. Chapter 120 when creating or revising school attendance boundaries.
- C. The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified by:
 - 1. considerations of safe student transportation and travel;
 - 2. convenience of access to schools;
 - 3. financial and administrative efficiency;
 - 4. the effectiveness of the instructional program;
 - 5. a wholesome and educationally sound balance of student populations.
- D. No assignment to schools or attendance schedules shall discriminate against students on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes").
- E. The Superintendent or designee may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student.
- F. The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.
- G. Whenever possible and advisable in the best interests of the students, siblings shall be assigned to the same school.

II. Controlled Open Enrollment

A student may be permitted to attend a school other than the school serving the parents'/legal guardians' residential area by following the procedures established in Policy 5121 - Controlled Open Enrollment.

***NOTE: Because it is being recommended that the School Board adopt a new, proposed Policy 5121 Controlled Open Enrollment, the following provisions have been amended and incorporated into that new, proposed Policy 5121 Controlled Open Enrollment which is why the provisions are stricken below.**

Legal

F.S. 1000.05

F.S. 1001.41

F.S. 1002.20

F.S. 1002.31

F.S. 1003.06

Revised 4/22/08
Revised 4/28/09
Revised 4/27/10
Revised 6/24/10
Revised 6/14/11
Revised 2/23/16
Revised 7/9/19

Cross References

po5121 – CONTROLLED OPEN ENROLLMENT

5121 – Controlled Open Enrollment

The School 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’/legal guardians’ indicated preferential educational school selection as a significant factor.

I. Components of the District’s Controlled Open Enrollment Program

The District’s Controlled Open Enrollment Program:

- A. Adheres to Federal desegregation requirements;
- B. Allows parents/legal guardians to declare school preferences, including placement of siblings within the same school;
- C. Provides a lottery procedure to determine student assignment and establishes an appeals process for hardship cases;
- D. Addresses the availability of transportation;
- E. Maintains existing academic eligibility criteria for public school choice programs pursuant to Florida law;
- F. Identifies schools that have reached capacity, as determined by the District; and
- G. Ensures that preferential treatment is provided to individuals as set forth in Florida law.

II. Eligibility for Participation in the Controlled Open Enrollment Program

- A. In addition to the public school choice programs available under Florida law a parent/legal guardian 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 current 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, Article IX of the Florida Constitution.
- B. A District school shall be at “capacity”:
 - 1. Once the school has reached ninety percent (90%) total capacity as set forth in the Florida Inventory of School Houses (FISH) and/or
 - 2. Once the number of enrolled students in the District school equals or exceeds the number of seats available for each of the grade levels and/or programs offered in the school.
- C. The Assistant Superintendent of Equity, Innovation and Choice may “freeze” a school to new incoming Educational Location Option (ELO) requests regardless of the projected student enrollment to total capacity ratio, if the Assistant Superintendent, with the input of representatives from Facilities and/or Leading and Learning, determines that this restriction is in the best interest of the District.

- D. "Capacity" as defined herein is subject to program-specific enrollment limitations. Programs with enrollment limitations may include, but are not limited to, self-contained Exceptional Student Education (ESE), career-tech, magnet, International Baccalaureate (IB), Cambridge, and other academic programs that require student-teacher ratios less than the FISH capacity for that space.
- E. The public schools in the District that have reached capacity, therefore, "frozen" to accepting students, shall be identified on the District's website at www.eic.brevardschools.org.

III. Educational Program Opportunity (EPO)

- A. A student may apply to attend a school other than his/her zoned school of attendance for the purposes of attending an Educational Program Opportunity (EPO) at another school.
- B. Applications for an EPO can be found on the District's website at www.eic.brevardschools.org and shall be submitted to the Division of Equity, Innovation and Choice for approval.
- C. An EPO applicant must be a Florida resident at time of application with documentation of residency.
- D. Should a specific program be offered at a student's zoned school of attendance, he/she would **not** be eligible to apply to another school for the same program.
- E. The approval of a student to attend a school other than his/her zoned school of attendance for the purposes of attending an EPO is valid for as long as the student participates in said program at the identified school.
- F. An EPO student must return to his/her zoned school of attendance at the end of the semester if he/she no longer participates in the program.

IV. Educational Location Option (ELO)

- A. A student may apply to attend a school other than his/her zoned school of attendance by completing an application requesting an Educational Location Option (ELO).
- B. Applications for an ELO can be found on the District's website at www.eic.brevardschools.org and shall be submitted to the Division of Equity, Innovation and Choice for approval.
- C. An ELO applicant must be a Florida resident at time of application with documentation of residency.

V. Non-Resident Students

- A. Students who are not residents of Brevard County may attend a school in the District upon compliance with Florida laws governing admission of students to the schools of the State.
- B. A non-resident student may not displace students who reside in the District.

VI. McKay Scholarship

New McKay Scholarship students may be approved at the requested school(s) if:

- A. Student enrollment is projected to be no more than ninety percent (90%) of the total capacity of the school for the following school year; and
- B. The student's Individual Education Plan (IEP) can be implemented at the school; and
- C. The personnel allocation plan can be implemented for the student's matrix level; and
- D. The school has no more than twenty-two percent (22%) ESE students, excluding gifted.

VII. Applications and Preferential Treatment

- A. Applications to participate in the District's controlled open enrollment program are available online.
- B. Timelines are determined annually and posted on the webpage of Equity, Innovation and Choice.
- C. Computer access is available upon request at each District school or the Division of Equity, Innovation and Choice.
- D. Applicants will be required to identify their requested school or specific program within the application.
- E. An applicant who is subjected to suspension or expulsion, or a student assigned to the Department of Juvenile Justice program that cannot be served at the requested school, and any student who has a current IEP that is served in a categorical unit is not eligible for Educational Location Option (ELO) or an Educational Program Opportunity (EPO).
- F. After the close of the application period and the determination of capacity at each school, an electronic lottery shall be conducted whereby each processed application will be assigned a random number in accordance with Florida law.
- G. Applications are grouped accordingly:

Tier 1 – Special Consideration

Applicants included in this tier who reside in the District but are unable to apply during the application window are entitled to preferential treatment in at least one (1) of the following ways:

- A. Dependent children of active military personnel whose move resulted in military orders ("in transition");
- B. Children who have been relocated due to foster care placement in a different boundary zone; and/or
- C. Children who move due to court-ordered change in custody or, due to separation or divorce or serious illness or death of a custodial parent/legal guardian.

Tier 2 – Site-Based Employee Preference

District employees working at a school are considered to be site-based employees of that school and qualify for the site-based employee preference. Capacity restrictions do not apply to site-based employees. Furthermore, children of site-based employees working at a School of Choice must meet the entry requirements.

Tier 3 – Sibling Preference

Family member(s) of a current student who is residing at the same residence as his/her sibling, who will also begin his/her attendance at the same school during a year in which the current student is attending the school, qualify for sibling preference. Siblings who do not begin their attendance at the school while the current student is attending the school do not qualify for sibling preference.

Tier 4 – Family Preference

A student whose sibling has been offered a seat through the lottery process qualifies for the family preference for the next available seat in the applicable grade level or program. These family preference students must meet the entry requirements.

Tier 5 – District Students

Children who reside in the District are entitled to apply but do not meet the qualifications of Tier 1-4 under state law. Accordingly, there is no District preference for these students.

Tier 6 – Out-of-District Students

Students who reside in another county within the state and are not entitled to preferential treatment under state law are known as out-of-district students. Under F.S. 1002.31, students who reside outside the District may not displace a student from within the District.

VIII. Lottery

- A. The lottery involves the assignment of a random number to each application (one (1) number is assigned to siblings in the same grade level/twins/triplets unless otherwise requested). Each tier shall have a separate lottery and seats are offered as capacity in the school, grade level, or program allows. Applicants not offered a seat will be waitlisted in rank order. Waitlisted applicants may be offered a seat, up until two (2) weeks before the first day of school, as seats become available.
- B. At the designated time, as indicated on the published timeline, notification of the application status is available via the family dashboard on the District's website. Information will include whether a seat has been offered or placed into an assigned waitlist position. Families will have two (2) weeks (fourteen (14) calendar days) in which to accept the seat offered as well as to sign an electronic commitment letter. A student may only commit to one (1) school or program. Commitment to more than one (1) school or program will result in forfeiture of all seats accepted. Upon seat acceptance, a student may then register at that school.

IX. Appeals

- A. Applicants who are not accepted for enrollment may appeal to the Assistant Superintendent of Equity, Innovation and Choice. The appeal form and deadline is posted on the division's webpage www.eic.brevardschools.org.
- B. The appeal must be submitted in writing, must be based on a hardship, and must include as much detail and documentation as possible regarding the hardship.
- C. "Hardship" includes, but is not limited to, the following:
 - 1. Medical and/or psychological matters;
 - 2. Law enforcement matters; and/or
 - 3. Any other circumstances demonstrating a student hardship.
- D. Appeals will be considered by an Appeals Team consisting of representatives from Student Services, Leading and Learning, Facilities, and/or school administrators. The Assistant Superintendent of Equity, Innovation and Choice shall facilitate the meeting and sit as a non-voting member of the Appeals Team. The decision of the Appeals Team is final. Applicants will be notified by e-mail of the team's decision.

X. Completion of Highest Grade Level

- A. A student who enrolls through the District's controlled open enrollment program may remain at his/her current school until the completing of the highest grade at the school.
- B. After completing the highest grade at that school, a student who resides in another school zone and wants to transition to the next level of the academic program must reapply for enrollment through the controlled open enrollment process.

XI. Open Enrollment Revocation

Approval of an Educational Location Option (ELO) or Educational Program Opportunity (EPO) may be revoked for any of the following reasons:

- A. Poor attendance;
- B. Inappropriate behavior;
- C. Unacceptable grades due to lack of academic effort by the student;
- D. Excessive tardies or late pick-up after school of the student; and/or
- E. Falsification of address or entrance documents.

XII. Transportation

- A. Regional Busing may be available to students who apply for an Educational Program Opportunity (EPO) outside their zoned school of attendance.

- B. Students attending a school other than their zoned school of attendance on an Educational Location Option (ELO) are not eligible for Regional Busing. Transportation is the responsibility of the parent/legal guardian.

XIII. Interscholastic and Intra-scholastic Extra-curricular Activities

- A. A student who is approved to attend his/her requested school through the District's controlled open enrollment process, and enrolls in the school, 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 participates in that same sport at another school during that school year, unless the student meets one (1) 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;
 - 3. Children who move due to a court-ordered change in custody due to separation or divorce, or serious illness or death of a custodial parent/legal guardian; and/or
 - 4. Authorized for good cause as defined by the Florida High School Athletic Association (FHSAA).
- B. A student who believes "good cause" exists to deviate from this portion of the policy must submit a written request to the Assistant Director of Student Activities identifying the facts and circumstances that the student believes establishes "good cause."

XIV. Non-traditional Students and Extra-curricular Activities

In accordance with FHSAA, parents/legal guardians of a non-traditional student who wishes to participate in a sport at a school for which the student is not zoned must follow the procedures in this policy and apply through the ELO process within the determined deadlines.

XV. Assistance to Transitioning Students from Military Families

Students of military families may be faced with numerous transitions during their school years. The District, in compliance with Florida law, will promote practices that will assist the military families transitioning to Brevard County. Through collaboration, a memorandum of agreement between the District and the local military installation has been developed and implemented to provide special consideration to students for admission under the District's controlled open enrollment processes and who meet applicable eligibility requirements.

XVI. Implementation Flexibility

The Board grants to the Superintendent flexibility in the placement of students under this policy due to extenuating circumstances. The Superintendent or designee shall notify the Board in writing of any exceptions to this policy.

F.S. 1002.31
F.S. 1002.50
F.S. 1003.03
F.S. 1003.05
F.S. 1003.06
F.S. 1005.05
F.S. 1006.15
F.S. 1013.35
Section 1, Art. IX, Florida Constitution

Adopted 7/9/19

Cross References

po2271 - POSTSECONDARY ENROLLMENT PROGRAMS

po2370 - EDUCATIONAL OPTIONS

po2421 - CAREER AND TECHNICAL EDUCATION PROGRAMS

po2431 - INTERSCHOLASTIC ATHLETICS

po5120 - ASSIGNMENT WITHIN DISTRICT

po9800 - CHARTER SCHOOLS