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NEW POLICY - VOL. 17, NO. 2

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' indicated preferential educational school choice as a significant factor. The District's controlled open enrollment program is in addition to the educational choice options provided by Policy 2271 - Articulation and Access to Florida College System Institutions; Policy 2370 - Educational Options; Policy 2370.01 - Virtual Instruction; Policy 2421 - Career and Technical Education; and Policy 9800 - Charter Schools.

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 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. affords parents of students in multiple session schools preferred access to controlled open enrollment;
- E. maintains socioeconomic, demographic, and racial balance;
- F. addresses the availability of transportation;
- G. maintains existing academic eligibility criteria for public school choice programs pursuant to Florida law;
- H. identifies schools that have not reached capacity, as determined by the District; and
- I. ensures that preferential treatment is provided to individuals as set forth in Florida law.

Eligibility for Participation in the Controlled Open Enrollment Program

In addition to the public school choice programs available under Florida law and provided in the District pursuant to the policies listed above, a parent 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 a 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, Art. IX of the Florida Constitution.

In determining the capacity of each District school, the Board shall incorporate the specifications, plans, elements, and commitments contained in the District's educational facilities plan and the long-term work programs required under Florida law.

~~A District school shall be at "capacity"~~

~~{OPTION—Choose one of the following}~~

~~☐ once the school has reached ____% capacity as set forth in the Florida Inventory of School Houses (FISH)
() for each of the grade levels and/or programs offered in that school.~~

~~☐ once the number of enrolled students in a District school equals or exceeds the number of
() permanent student stations for each of the grade levels and/or programs offered in that school.
() seats available for each of the grade levels and/or programs offered in that school.~~

~~☐ _____~~

~~{END OF OPTION}~~

Schools of choice classifications based on available capacity

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.

Limited capacity schools – Schools with a projected enrollment between eighty-five percent (85%) and 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 outlined in phase 1 of the lottery procedures. Limited capacity schools will not implement a full lottery process unless said lottery is directed by the Superintendent.

Substantial capacity schools – Schools with a projected enrollment of less than eighty-five percent (85%) of permanent capacity shall be eligible for the controlled open enrollment process for that year and, if choice applications exceed available capacity a random lottery shall be initiated.

"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) programs, career-tech programs, magnet programs, international baccalaureate programs, advanced placement courses, and other academic programs that require student-teacher ratios less than the FISH capacity for that space.

The capacity at each public school in the District shall be identified on the District's website at www.madison.k12.fl.us. _____.

[] The capacity information provided on the website shall be by grade level and/or specific program offered at each District school.

Application and Preferential Treatment

Applications to participate in the District's controlled open enrollment program for the upcoming school year shall be submitted ~~accepted~~ beginning on March 1 _____ and no later than the last student attendance day of the school year. ~~ending on~~ _____. Applications are available online or in-person at each school and the District School Board Office. ~~and Applications may~~ must be submitted prior no later than _____ to the last student attendance day of the school year. _____ ~~[] in-person [] online~~.

[OPTION: IF DESIRED, CHOOSE ONE OF THE FOLLOWING TWO OPTIONS]

[X] Applications received after the deadline ~~will not be considered~~ may be denied on that basis alone 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 other than the zoned school; c) the relocation of parent/legal guardian; d) the transfer of a school-based employee or e) a requested school that has substantial capacity.

[X] Applications ~~received after the deadline will be processed in accordance with the late-filed applications procedures below.~~ for the school year currently in progress shall be processed only for conditions which likely will enhance a student's academic achievement or to satisfy legal requirement but not for schools that are at or over capacity.

{END OF OPTION}

Computer access is available at each District school for parents to complete the application. Applicants will be required to identify their primary school of choice in the application and may include ~~including~~ up to one ~~alternates~~ alternate choices, ~~ranked in order of preference.~~ Applicants will also be required to identify specific programs, if any, in which they want to enroll at their preferred and alternate school choices.

An applicant's failure to disclose information (e.g., being subject to suspension or expulsion, having a current IEP, being assigned to a Department of Juvenile Justice program, et cetera) that would be relevant to the District's determination that the applicant could be served in a program at his/her preferred or alternate schools and therefore would be accepted shall constitute grounds for revocation of approval to enroll under this policy.

After the close of the application period and the determination of capacity at each school, the District shall conduct a lottery as described below and then process the applications according to the random numbers assigned.

Applications shall be grouped accordingly:

A. Phase 1

Applicants in this phase shall reside in the District and also qualify for preferential treatment in at least one of the following ways:

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. Students in multiple session schools.

B. Phase 2

Applicants included in this phase reside in the District but are entitled to no other preferential treatment.

C. Phase 3

Applicants included in this phase do not reside in the District but are entitled to preferential treatment in at least one of the following ways:

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. students in multiple session schools.

D. Phase 4

Applicants included in this phase are not entitled to preferential treatment under State law.

Lottery

The lottery will be conducted by

☒ two (2) or more staff members designated by the Superintendent.

☐ _____

The lottery involves the assignment of a random number to each applicant (siblings shall be paired unless requested otherwise). Separate lotteries will be conducted for applicants in Phases 1 through 4. Random numbers will be selected, and the applications in each phase shall be placed in order of their selection.

Review of Applications

Once the application period ends and the lottery has been conducted, the District will review all fully completed applications received by the application deadline. Consideration of applications will be based on the current capacity of each public school in the District. (See definition of "capacity" above). Only those schools identified in the application will be considered by the District.

A. Phase 1: Applicants Residing in the District Entitled to Additional Preferential Treatment

The District will review the Phase 1 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school. The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 - Assignment Within District.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

Approved applicants will be notified in writing and shall have ~~ten~~ (10) school days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within ~~five~~ (5) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[☒] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 1 applications will be maintained on a waiting list in order of lottery number assigned

~~() until two (2) weeks before the first day of school.~~

~~() until the first day of school.~~

(☒) until the end of the third day of the new school year. _____ (date).

~~() _____~~

B. Phase 2: Applicants Residing in the District Not Entitled to Additional Preferential Treatment

If capacity is available after Phase 1, the District will process applications from applicants residing in the District not entitled to additional preferential treatment.

The District will review the Phase 2 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 – Assignment Within District.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have 10 ~~(10)~~ calendar days to enroll at the school where s/he has been offered the opportunity to enroll. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within five ~~(5)~~ days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[☒] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 2 applications will be maintained on a waiting list in order of lottery number assigned

~~() until two (2) weeks before the first day of school.~~

~~() until the first day of school.~~

☒ until until the end of the third day of the new school year (date).

☐ _____.

C. Phase 3: Applicants Residing Outside the District Entitled to Preferential Treatment

If capacity is available after Phases 1 and 2, the District will process applications from applicants residing outside the District who are afforded preferential treatment as set forth above.

The District will review the Phase 3 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have 10 (10) calendar days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within five (5) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities.

Applicants who have their approval revoked must submit a new application.

[☒] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 3 applications will be maintained on a waiting list in order of lottery number assigned

☐ ~~until two (2) weeks before the first day of school.~~

☐ ~~until the first day of school.~~

☐ until the end of the third day of the new school year (date).

☐ _____.

D. Phase 4: All Remaining Applicants Not Entitled to Preferential Treatment

If capacity is available after Phases 1 through 3, the District will process applications from applicants residing outside the District not entitled to preferential treatment.

The District will review the Phase 4 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have ten (10) calendar days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within five (5) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities. Applicants who have their approval revoked must submit a new application.

[] If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 4 applications will be maintained on a waiting list in order of lottery number assigned

~~() until two (2) weeks before the first day of school. () until the first day of school.~~

(X) until the third day of the new school year (date).

() _____.

Appeals

~~Applicants who are not accepted for enrollment may appeal to [] the Superintendent [] _____ within _____ calendar days of receipt of the District's notice advising them that their application was denied. If the last day for appeal falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.~~

An applicant may appeal the denial of a choice assignment if received by the district prior to the start of the school year.

The appeal must be submitted in writing, must be based on hardship, and must include as much detail as possible regarding the hardship. Review of the appeal shall be confined to the documentation provided by the applicant. Appeals will be reviewed and decided considered by ~~[] the Superintendent [] _____ and the decision of [] the Superintendent [] _____ is final.~~ an appeals committee appointed by

the Superintendent. The decision of the committee may be appealed to the Superintendent, or designee, within ten (10) days of the decision of the committee. The decision of the Superintendent or designee shall be final and non-appealable.

Applicants will be notified in writing of ~~[] the Superintendent's []~~ _____'s the decision.

"Hardship" includes, but is not limited to, the following:

- ☐ medical and/or psychological matters
- ☐ law enforcement matters
- ☐ employment needs
- ☐ any other circumstances demonstrating a hardship

~~[]~~ _____.

~~{OPTIONAL SECTION}~~

~~[] Late-Filed Applications~~

~~Applications received after the application deadline will be reviewed and considered after processing all applications in Phases 1 through 4, as well as the deadline for appeals. Late-filed applications will be approved only if a hardship exists and there is capacity in the school(s) that the student has listed as his/her preference(s) on the application.~~

~~Late-filing applicants who are not accepted for enrollment may appeal to _____ within ____ calendar days of receipt of the District's notice advising them that their application was denied.~~

~~If the last day for appeal falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.~~

~~The appeal must be submitted in writing, must be based on hardship, and must include as much detail as possible regarding the hardship. Appeals will be considered by [] and the decision of [] the Superintendent~~

~~[] _____ is final.~~

~~Applicants will be notified in writing of the _____'s decision.~~

~~No applications will be accepted after _____.~~

~~{END OF OPTIONAL SECTION}~~

Students Residing in the District

Students residing in the District (including charter school students) will not be displaced by a student from another school district seeking enrollment under the District's controlled open enrollment program.

Completion of Highest Grade Level

A student who enrolls in the District through the District's controlled open enrollment program may remain at his/her current school until completion of the highest grade at the school.

After completing the highest grade at the school, a student who resides in another school district and wants to transition to the next level of the academic program in this District must reapply for enrollment through the controlled open enrollment program.

After completing the highest grade at the school, a student who resides in the District and wants to transition to the next level of the academic program at a school other than the one to which s/he would be assigned in accordance with Policy 5120 - Assignment Within the District must reapply for enrollment at his/her preferred school, as well as (an) alternate school(s), through the controlled open enrollment program.

Maintaining Appropriate Socioeconomic, Demographic, and Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is

committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, should a concern arise regarding socioeconomic, demographic, or racial balance in one or more of the District's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with Florida and Federal law. The Superintendent shall then make the appropriate recommendations to the Board. () It should be noted that as of _____
[insert date policy was adopted/revised] there are no racially isolated buildings within the School District.

Transportation

[CHOOSE ONE THE FOLLOWING TWO OPTIONS]

[OPTION 1]

[X] The District does not provide transportation to students enrolling under this policy unless otherwise required by State or Federal laws.

[END OF OPTION 1]

~~**[OPTION 2]**~~

~~**[]** Subject to seating availability and after taking into account the transportation needs of students currently attending District schools, the District may provide transportation to students under this policy on an established bus route to and from the school to which they have been granted admission unless otherwise required by State or Federal laws.~~

~~**[END OF OPTION 2]**~~

Interscholastic and Intra-scholastic Extracurricular Activities

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 that school year, unless the student meets one (1) of the following criteria:

- A. Dependent children of active duty military personnel whose move resulted from military orders.
- B. Children who have been relocated due to a foster care placement in a different school zone.
- C. 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.
- D. Authorized for good cause.

"Good cause" is defined in Policy 2431.01 – Participation by Transfer Students.

A student who believes "good cause" exists must submit a written request to the Superintendent _____ identifying the facts and circumstances the student believes establishes "good cause". The Superintendent will consider the written request and make a recommendation to the Board during a publicly noticed meeting.

Revocation of Choice Assignment

A principal may petition the superintendent or designee to revoke a choice assignment for severe and/or excessive violations of the code of student conduct, absenteeism or unsatisfactory academic performance. The principal must establish the standards for revocation in writing to the superintendent or designee for approval. If the petition for revocation is approved it must be communicated to the parent or legal guardian in writing within five (5) school days. Revocation of a choice assignment shall render that student ineligible to apply for a choice assignment for the following school year. Revocation of a choice assignment is not subject to an appeals process. The superintendent's decision shall be deemed final.

Misleading or false evidence

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 students shall be reassigned immediately to the school within the appropriate geographic attendance area.

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

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[F.S. 1002.20](#)

[F.S. 1002.31](#)

[F.S. 1003.03](#)

[F.S. 1013.35](#)

[Section 1, Art. IX, Florida Constitution](#)

Legal	Section 1, Art. IX, Florida Constitution
	F.S. 1002.20
	F.S. 1002.31
	F.S. 1003.03
	F.S. 1013.35

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