



## **POLICY 5.01**

**4-C** I recommend that the Board adopt the proposed revised Policy 5.01, entitled “Student Assignment.”

[Contact: Kristin Garrison, PX 48935.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on September 1, 2010.
- Revisions to this policy include:
  - clarification of the primary residence of a minor
  - limited options for siblings for remaining at a school when boundaries change
  - a revised method of communicating community information meetings
  - updated forms and statutory references
  - consistency with Policy 5.011
- Paragraph 1(e) has been added, allowing the Superintendent/Designee to assign a student to any District school where such a decision is in the best interest of the student, school, District or other good cause reason, (such as meeting class size reduction).

## POLICY 5.01

### STUDENT ASSIGNMENT

#### 1. General Criteria

- a. All students in Palm Beach County schools shall be assigned annually to the school which they are to attend under the authority of the Board and by direction of the Superintendent.
- b. Students shall be assigned to schools based on residence of the student/parent(s)/legal guardian as stated below, within the attendance boundaries which have been established by the Board in a manner which maintains a unitary school system consistent with Policy 1.04.
  - i. The residence of a minor student shall be the ~~domicile~~ primary residence of his/her parent, parent is defined in Fla. Stat. § 1000.21 (5) (which includes a legal guardian) as defined in Fla. Stat. § 1000.21(5) (which includes a legal guardian), and which may involve, if a dispute exists, the primary residential custody shown by an applicable court decision or order. The residence of a student who is emancipated, as set forth in School Board Policy 5.072, married or above the age of majority shall be his/her domicile the primary residence of the student. If an issue arises as to any student's primary residence, the issue shall be decided by the processes stated within School Board Policy 5.011.
  - ii. ~~As set forth in Policy 5.011, the~~ The Superintendent/Designee may, ~~in unique and hardship cases,~~ determine residence based upon review and approval of supporting documentation, and if applicable a legitimate Affidavit of Person Acting as Parent form (PBSD 1543) and/or Affidavit of Residence form (PBSD 1866), as incorporated therein ~~the use of a notarized statement executed by the parent or legal guardian granting a general power of attorney and general custody of a student to a resident of Palm Beach County consistent with Policy 5.014.~~
  - iii. Exceptions to this residency requirement are stated within School Board Policy 5.011 (1)(a), (4), and (5).
- c. When attendance boundaries are changed, elementary and secondary students with one (1) year remaining in their present school will have the option of remaining at that school, but this shall not automatically entitle the student to District transportation. Younger siblings of the student(s) with (1) year remaining will not be included within this provision. Families that wish for their siblings to remain together must enroll the student(s) in the new attendance boundary for the primary residence of the student/parent(s)/legal

38 guardian or seek an alternative method of student assignment as stated within  
39 sub-paragraph 1(d) below. When considering attendance boundary  
40 adjustments, the Board, by exercising its own discretion, may extend this  
41 option to other students with more than one (1) year remaining, so long as the  
42 extension is in conformance with the attendance zone criteria in section (2)  
43 below. Boundary changes that affect limited grade levels of specified SAC  
44 zones over a multiyear period may require a transportation cost analysis by  
45 the District Transportation Department to determine the feasibility of  
46 transportation routes and cost implications. Grade levels of students may be  
47 assigned annually, with or without transportation, to the school which they are  
48 to attend under the authority of the Board and by direction of the  
49 Superintendent.

50 d. Alternative methods of student assignment, such as choice enrollment,  
51 administrative reassignments as set forth in Policy 5.015, and/or program  
52 decisions (magnet, gifted, ESE), will supersede provisions for student  
53 assignment in this policy to the extent they are inconsistent with the  
54 attendance zone criteria. Admissions of siblings who are not in the alternative  
55 method of assignment are governed by reassignment Policy 5.015. Per  
56 School Board Policy 5.011 Section (1)(a), absent an approved alternative  
57 method of assignment or reassignment, students must attend the school in the  
58 school attendance boundary where the student/parent(s)/legal guardian  
59 resides as set forth herein.

60 e. The Superintendent/Designee may assign a student to any District school  
61 when it is determined by the Superintendent/Designee that it is in the best  
62 interest of the student, school (preserving health, safety, welfare, or learning  
63 environment of the school), school district (such as meeting Class Size  
64 Reduction), or for other good cause reasons that the student be involuntarily  
65 assigned to a school outside the attendance boundary from where the student  
66 resides. A student so assigned, however, may be reassigned to the student's  
67 zoned school or another out of zone school as deemed appropriate by the  
68 Superintendent/Designee. This authority is independent of any other provision  
69 of this policy.

## 70 2. Attendance Zone Criteria

71 a. When drawing attendance boundaries, the School Board, Superintendent,  
72 District staff and the Advisory Boundary Committee must review the student  
73 capacity of each facility for reasonable efforts to achieve optimal utilization.  
74 Boundary decisions must consider the District's concurrency policy and the  
75 applicable portion of the executed *Interlocal Agreement for Public School*  
76 *Concurrency* recorded on January 25, 2001, ORB 12272, PG 973 for Palm  
77 Beach County, as amended from time to time, that pertains to assignment of  
78 students. A copy of this agreement is available at the Board Office.

- 79           b. All boundary recommendations and decisions shall also consider the following  
80           criteria:
- 81           i. The creation or modification of boundaries shall not knowingly promote  
82           inequitable student assignment as related to transportation time and  
83           distance for all racial and ethnic groups of students, as it relates to  
84           loading of school centers.
- 85           ii. Zone boundaries should be as compact as possible to minimize bus  
86           travel time and facilitate student participation in extra-curricular activities.  
87           The district will adhere to applicable state and federal laws, including  
88           Florida Administrative Code Chapter 6-A, when creating attendance  
89           zones.
- 90           iii. The student capacity of each facility should be considered and initial  
91           enrollments set to ensure optimal utilization, while allowing for growth  
92           wherever needed.
- 93           iv. The movement of students from current school attendance zone  
94           configurations should be minimized to the greatest extent possible, if not  
95           in conflict with other parameters.
- 96           v. The creation of "islands" or "fingers" that isolate distinctly identifiable  
97           ethnic/racial groups shall be avoided.
- 98           vi. To the maximum extent possible, a feeder system in which two (2) to  
99           (three) (3) middle schools "feed" a high school; and two (2) to four (4)  
100           elementary schools "feed" a middle school should be created. (The  
101           majority of each school's students should come from a minimum number  
102           of feeder schools). Feeder systems should be developed on projected  
103           growth patterns, the projected locations of new schools, and the possible  
104           abandonment of existing facilities.
- 105           vii. The integrity of subdivisions should be maintained. (NOTE: developments  
106           such as planned unit developments (PUDs) may consist of multiple  
107           distinct subdivisions.)
- 108           viii. Based on the School Board's finding that promoting socioeconomic  
109           diversity of the student population within schools has an educational basis  
110           supported by research, data concerning the socioeconomic status of  
111           students (based on free and reduced-price lunch data) may be  
112           considered in determining student attendance boundaries, provided that:
- 113           A. the data is just one of many factors considered and does not receive  
114           disproportionate weight, and generally should not result in  
115           substantially greater transportation times; and

116           B. use of such data is for race-neutral educational reasons not  
117           motivated by racial/ethnic considerations and is not a proxy for  
118           consideration of race/ethnicity.

119           ix. The health, safety, and welfare of the students in the learning  
120           environment, as determined by the Superintendent, may also be  
121           considered.

122 3. **Attendance Boundary Time Line.**-- It is intended that all attendance boundary  
123 changes be adopted by the Board no later than January of each calendar year for  
124 the following school year, although it is recognized that this preferred deadline may  
125 not be met for reasons such as the number of boundary changes and any  
126 controversy surrounding proposed changes.

127 4. **Boundary Development or Amendment Process**

128 a. District staff reviews scheduled opening dates of new schools, implementation  
129 of magnet/choice schools or programs, and the enrollment, capacity, and  
130 feeder patterns of each school.

131 b. Staff targets schools impacted by the opening of new schools, implementation  
132 of magnet/choice schools or programs, or construction of new residential  
133 developments, and schools with conditions such as over- or under-enrollment  
134 that may be eased through boundary changes.

135 c. Staff drafts initial boundary proposals and identifies schools impacted by  
136 possible boundary changes. The District's Advisory Boundary Committee  
137 ("ABC") reviews and discusses these proposals at open public meetings and  
138 may suggest modifications or request alternative proposals. In their review of  
139 and recommendations on District school attendance boundaries, ABC  
140 members shall consider and follow the attendance zone criteria within  
141 Sections (1) and (3) above, and any other applicable Board Policies and  
142 requirements of law.

143 d. Upon that identification, District staff shall provide notice through multiple  
144 information outlets, so that parents and members of communities that staff  
145 believes in good faith may potentially sustain an impact due to a possible  
146 boundary change will have an opportunity to be aware of regular ABC  
147 meetings, community input meetings, and public Board workshops and  
148 hearings related to boundary adjustments. Written notification shall include the  
149 proposals related to the possible boundary adjustment and should be sent at  
150 least one (1) week prior to the meeting, or immediately upon scheduling of  
151 such meeting if less than one (1) week. Notification types shall include but are  
152 not limited to:

153 i. Written notification to the principal and school advisory council ("SAC")

- 154 chair of schools potentially impacted by boundary change;
- 155 ii. Written notification to municipal managers and chairs of municipal  
156 education boards of municipalities potentially impacted by boundary  
157 change;
- 158 iii. Providing regular ABC meeting dates to local media outlets; and
- 159 iv. Posting of regular ABC meeting, community input meeting, and public  
160 Board workshop and hearing dates, times and locations on the School  
161 District's web site.
- 162 e. ~~Posting of regular ABC meeting, community input meeting, and public Board  
163 workshop and hearing dates, times and locations on the School District's web  
164 site.~~
- 165 f. Members of the public will be given an opportunity to address the ABC  
166 regarding any agenda item at the public meetings, consistent with Policy  
167 5.012(7)(j)(ii), after the presentation by staff but before deliberations by the  
168 ABC. Speakers may be limited to a maximum of three (3) minutes each.
- 169 g. Members of the public who purport to represent or speak on behalf of others,  
170 such as homeowners associations or municipal education boards, should  
171 provide evidence of such representation or group opinion such as by citing a  
172 recent and relevant survey, petition, or resolution when contacting or  
173 appearing before ABC or staff. This information shall also be cited on their  
174 ABC speaker card.
- 175 h. Community informational meetings are conducted by the ABC. Notification  
176 letters or other more economical methods of notification will ~~shall also~~ be ~~sent~~  
177 used to communicate with ~~to~~ parents of children who are listed within the  
178 District's current database and may be affected by a proposed change within  
179 one (1) year of the proposed effective date of the change. For example, if a  
180 middle school boundary change is recommended, parents of fourth, fifth, sixth  
181 and seventh graders who reside in the potentially affected areas will be  
182 notified ~~sent the letters~~.
- 183 i. Staff prepares a summary of community informational meetings, with any  
184 requested boundary revisions, within five (5) business days after the meeting.
- 185 j. ABC presents its recommendations to the Superintendent. Dissenting  
186 viewpoints may also be presented to the Superintendent. The ABC's minutes  
187 will reflect the vote and a brief explanation of dissenting views.
- 188 k. The Superintendent makes a final recommendation to the Board, generally  
189 within two (2) weeks of the ABC presentation, and this recommendation may

190 differ from the ABC's recommendation.

191 l. The Board holds a workshop with ABC and District staff on proposed  
192 boundary changes.

193 m. Staff prepares and has published a 14-days' rule-development notice.  
194 Afterwards, the Board holds a public rule-development workshop/hearing  
195 meeting ("development reading") in which citizens may appear before the  
196 Board to discuss attendance boundary recommendations for the coming  
197 school year.

198 n. Staff prepares and has published a 28-days' rule-adoption notice. Afterwards,  
199 the Board holds a hearing meeting ("second reading") on the attendance  
200 boundaries proposed for adoption. Attendance boundary decisions made at  
201 this meeting are final unless substantive changes are made, and then a final  
202 adoption vote is scheduled in the future (to occur after another 28-days'  
203 rulemaking notice).

204 5. **Choice Options and Controlled Open Enrollment.**-- The Board recognizes that,  
205 within the parameters of applicable choice programs or controlled open enrollment  
206 plan, parents may choose to have the student attend a school other than the  
207 school that the student would attend under the regular attendance zone  
208 assignment.

209 a. Choice Programs.-- Various choice-based programs are available in this  
210 District, such as virtual instruction programs, magnet schools, career  
211 academies, alternative schools, special programs, advanced placement, dual  
212 enrollment, and public charter schools, as stated in Fla. Stat. § 1002.31(2), (8).

213 b. Controlled Open Enrollment.-- "Controlled open enrollment" means "a public  
214 education delivery system that allows school districts to make student school  
215 assignments using parents' indicated preferential school choice as a  
216 significant factor." Fla. Stat. § 1002.31(1). Such system may be offered in this  
217 District, as allowed by Fla. Stat. § 1002.31(2).

218 i. Pursuant to Fla. Stat. § 1002.31(2), controlled open enrollment shall be *in*  
219 *addition to* the existing choice programs that are listed in subsection  
220 (3)(a).

221 ii. Any controlled open enrollment plan offered by the District shall have  
222 prior approval of the School Board and shall include the elements  
223 required by law, such as: consideration of an application process; a  
224 parental-preference declaration process; encouragement of placing  
225 siblings in the same school; a lottery-based assignment procedure; an  
226 appeals procedure for hardship cases; procedures to maintain  
227 socioeconomic, demographic, and racial balance; availability of

228 transportation; parental involvement; and a clearinghouse of information  
229 designed to assist parents in making informed choices, pursuant to Fla.  
230 Stat. § 1002.31(5).

231 iii. If a significant percentage of students assigned to a given school choose  
232 to leave that site in favor of another school, the District will seek to  
233 determine whether a problem is perceived with the assigned school, and  
234 take steps to ameliorate such problems.

235 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42~~(22)~~ (25)  
236 LAWS IMPLEMENTED: Fla. Stat. §§ 163.3180(13); 1001.32(2); 1001.41(6);  
237 1001.42(4)(a); 1002.31  
238 HISTORY: 2/18/72; 4/06/83; 07/09/01; 10/13/03; 4/5/2006; 12/10/2008; \_\_\_/\_\_\_/2010



Legal Signoff:

The Legal Department has reviewed proposed Policy 5.01 and finds it legally sufficient for adoption by the Board.

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Attorney

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Date



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
DEPARTMENT OF LEGAL SERVICES

### Affidavit of Person Acting as Parent

The purpose of this form is to verify the status of a person acting as parent. Complete this affidavit and submit to the student's school. Only notarized forms will be accepted. This form does not apply to homeless students as defined by Florida Statute 1003.01 (12).

I, *(name of guardian/person acting as parent)* \_\_\_\_\_  
am acting as parent for the following named child or children *(print name of child or children)*:

I *(person acting as parent/guardian)* am currently residing with the above-named child(ren) at the residential address below in Palm Beach County, and this is the child(ren)'s primary residence. The primary residence is defined as the home in which the child(ren) spends most of his/her (their) time. Exceptions may include court-approved custody agreement granting primary or dual custody. *(street /city/zip code)*:

This verification is necessary in order for the child or children named above to attend *(school name)*:

Pursuant to Florida Statutes §1000.21, I qualify as a person acting as "Parent" under the following circumstance (check one only)

- Guardian of a student (legal guardianship papers are required)
- Person in a parental relationship (Proof Required - written notarized statement from the natural parent or guardian explaining why they are unable to perform in a parental role is required. Provide address and telephone number of natural parent below.)
- Person exercising supervisory authority over a student in place of a parent (Proof Required - written notarized statement from the natural parent or guardian explaining why they are unable to perform in a parental role is required. Provide address and telephone number of natural parent below.)

Address of natural parent: \_\_\_\_\_

Natural parent telephone number(s): \_\_\_\_\_

I understand that falsification of this information may result in the withdrawal of my child(ren) from this school and that falsifying my residence when enrolling my child(ren), may be referred to law enforcement for prosecution.

Florida Statutes §837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree. Additionally a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the third degree.

**I agree to immediately notify the School District of any future changes in address or living arrangement of this child(dren). Under penalties of perjury, I hereby declare that I have read this document and the above facts are true and correct.**



\_\_\_\_\_  
*Signature of Person Acting as Parent/Guardian*

\_\_\_\_\_  
*Date*

**STATE OF FLORIDA, COUNTY OF PALM BEACH**

Sworn to (or affirmed) and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), by \_\_\_\_\_

Who is personally known to me or who produced as identification \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public – State of Florida

\_\_\_\_\_  
Print, Type, or Stamp Commissioned Name of Notary Public, Commission Number and Expiration Date



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
PLANNING DEPARTMENT

## Affidavit of Residence

The purpose of this form is to verify that the child (ren) listed below reside(s) within the boundaries for the school in which he/she is attending, absent an approved alternative method of assignment or reassignment. Complete and date this form, sign under oath before a notary, and return to the front office of your child (ren)'s school.

Absent an approved alternative method of assignment or reassignment, all students in The School District of Palm Beach County shall be assigned annually to the school which they are to attend under the authority of the Board and by direction of the Superintendent, pursuant to School Board Policy 5.01 and Policy 5.011. Students shall be assigned to schools under these policies based on residence of the student/parent/legal guardian within the attendance boundaries which have been established by the School Board.

1. a,  I, (name of parent/legal guardian/person acting as parent) \_\_\_\_\_  
am the parent/legal guardian of the following named child (ren) (print name of child [ren])  
\_\_\_\_\_  
\_\_\_\_\_

**OR b,**  I am the following named emancipated student \_\_\_\_\_

2. a,  I (parent/legal guardian) am currently residing with the above-named child(ren)

**OR b,**  I am the emancipated above-named student living:  
at the residential address below in Palm Beach County, and this is the child(ren)'s/my primary  
residence. The primary residence is defined as the home in which the child(ren) spends most of his/  
her (their) time.  
\_\_\_\_\_

3. My contact phone number(s): \_\_\_\_\_

4. This verification is necessary in order for the child(ren) named above to attend (school name)  
\_\_\_\_\_

5. I understand that falsification of this information may result in the withdrawal of my child(ren) from this school and that falsifying my residence when enrolling my child(ren), may be referred to law enforcement for prosecution.

*continue on page 2*

**Affidavit of Residence continued**

Student Name \_\_\_\_\_

- 6. Florida Statutes §837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree. Additionally a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the third degree.

**I agree to immediately notify the School District of any future changes in address or living arrangement of these child(ren). Under penalties of perjury, I hereby declare that I have read this document and the above facts are true and correct:**

\_\_\_\_\_  
*Signature of Parent/Legal Guardian/Emancipated Student*

\_\_\_\_\_  
*Date*

**STATE OF FLORIDA, COUNTY OF PALM BEACH**

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_

by \_\_\_\_\_ Who is personally known to me or who produced as  
identification \_\_\_\_\_ .

\_\_\_\_\_  
*Signature of Notary Public - State of Florida*

\_\_\_\_\_  
*Print, Type, or Stamp Commissioned Name of Notary Public, Commission  
Number and Expiration Date*

- 7.  **OPTIONAL** I hereby give permission for the school or District to share my and my child's address and related information with other government agencies, such as County Property Appraiser Offices, for the purpose of verifying my child's residence.

\_\_\_\_\_  
*Signature of Parent/Legal Guardian/Emancipated Student*

\_\_\_\_\_  
*Date*

If the child(ren) is/are temporarily living with the parent/legal guardian and/or someone else at the address indicated on page 1. See Paragraph 2(f) of Policy 5.011.

Name and contact information of Owner/Lessor/Lessee: \_\_\_\_\_

I, the Owner, Lessor, or Lessee at the above address, declare that the above named child(ren) or emancipated student are living at this address.

Florida Statutes §837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree. Additionally a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the third degree.

Under penalties of perjury, I hereby declare that I have read this document and the above facts are true and correct.:

\_\_\_\_\_  
*Signature of Owner/Lessor/Lessee*

\_\_\_\_\_  
*Date*