



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 June 15, 2011.
- Revisions to this policy include:
 - clarification of the primary residence of a minor for determining a student’s assigned school
 - limited options for siblings for remaining at a school when boundaries change
 - courtesy notice of boundary change to known or planned residential developments in the affected area
 - a revised method of communicating community information meetings
 - revised forms and updated statutory references
 - consistency with Policy 5.011
- Paragraphs 1(e) and (f) have been added, allowing the Superintendent/Designee, through the area office, to assign an individual student to any District school to preserve the health, safety or welfare of a school.
 - This provision applies, to an individual and does not constitute a boundary change. Compliance is still required with other School Board policies. Selection of the school will be based on, but not limited to, factors as appropriate program, distance from student’s home, and transportation.
 - The Superintendent may bring to the School Board for approval a plan for meeting Class Size Reduction with non-boundary change solutions.

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, ~~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.~~ Parent is defined in Fla. Stat. § 1000.21(5) (which includes a legal guardian). 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 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 5.011.~~
 - 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 multi-year 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. Nothing herein shall prevent the Superintendent or designee, in or through the
61 area office, from making individual student moves that are implemented for the
62 purposes of preserving the health, safety or welfare of a school.
- 63 i. This provision applies to individual, as opposed to group, student
64 assignments and does not constitute a boundary change.
- 65 ii. Compliance is still required with other School Board policies, such as
66 School Concurrency and unitary status.
- 67 iii. The selection of the school will be based on, but not limited to, such
68 factors as complying with other district policies, the appropriate program,
69 distance from the student's home, and transportation.
- 70 f. Notwithstanding the foregoing, the Superintendent may bring to the School
71 Board for approval a plan for meeting Class Size Reduction (CSR)
72 requirements that involves non-boundary change solutions such as school
73 enrollment caps, partnership agreements between adjacent schools of the
74 same type, and other alternative strategies identified in CSR plans.

75 2. **Attendance Zone Criteria**

- 76 a. When drawing attendance boundaries, the School Board, Superintendent,
77 District staff and the Advisory Boundary Committee must review the student
78 capacity of each facility for reasonable efforts to achieve optimal utilization.
79 Boundary decisions must consider the District's concurrency policy and the
80 applicable portion of the executed *Interlocal Agreement for Public School*
81 *Concurrency* recorded on January 25, 2001, ORB 12272, PG 973 for Palm
82 Beach County, as amended from time to time, which pertains to assignment of
83 students. A copy of this agreement is available at the Board Office.
- 84 b. All boundary recommendations and decisions shall also consider the following
85 criteria:
- 86 i. The creation or modification of boundaries shall not knowingly promote
87 inequitable student assignment as related to transportation time and
88 distance for all racial and ethnic groups of students, as it relates to
89 loading of school centers.
- 90 ii. Zone boundaries should be as compact as possible to minimize bus
91 travel time and facilitate student participation in extra-curricular activities.
92 The district will adhere to applicable state and federal laws, including
93 Florida Administrative Code Chapter 6-A, when creating attendance
94 zones.
- 95 iii. The student capacity of each facility should be considered and initial
96 enrollments set to ensure optimal utilization, while allowing for growth
97 wherever needed.
- 98 iv. The movement of students from current school attendance zone
99 configurations should be minimized to the greatest extent possible, if not
100 in conflict with other parameters.
- 101 v. The creation of "islands" or "fingers" that isolate distinctly identifiable
102 ethnic/racial groups shall be avoided.
- 103 vi. To the maximum extent possible, a feeder system in which two (2) to
104 (three) (3) middle schools "feed" a high school; and two (2) to four (4)
105 elementary schools "feed" a middle school should be created. (The
106 majority of each school's students should come from a minimum number
107 of feeder schools). Feeder systems should be developed on projected
108 growth patterns, the projected locations of new schools, and the possible
109 abandonment of existing facilities.
- 110 vii. The integrity of subdivisions should be maintained. (NOTE: developments
111 such as planned unit developments (PUDs) may consist of multiple
112 distinct subdivisions.)

113 viii. Based on the School Board's finding that promoting socioeconomic
114 diversity of the student population within schools has an educational basis
115 supported by research, data concerning the socioeconomic status of
116 students (based on free and reduced-price lunch data) may be
117 considered in determining student attendance boundaries, provided that:

118 A. the data is just one of many factors considered and does not receive
119 disproportionate weight, and generally should not result in
120 substantially greater transportation times; and

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

124 ix. The health, safety, and welfare of the students in the learning
125 environment, as determined by the Superintendent, may also be
126 considered.

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

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

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

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

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

148 d. Upon that identification, District staff shall provide notice through multiple
149 information outlets, so that parents and members of communities that staff

150 believes in good faith may potentially sustain an impact due to a possible
151 boundary change will have an opportunity to be aware of regular ABC
152 meetings, community input meetings, and public Board workshops and
153 hearings related to boundary adjustments. Written notification shall include the
154 proposals related to the possible boundary adjustment and should be sent at
155 least one (1) week prior to the meeting, or immediately upon scheduling of
156 such meeting if less than one (1) week. Notification types shall include but are
157 not limited to:

158 i. Written notification to the principal and school advisory council ("SAC")
159 chair of schools potentially impacted by boundary change;

160 ii. Written notification to municipal managers and chairs of municipal
161 education boards of municipalities potentially impacted by boundary
162 change;

163 iii. Providing regular ABC meeting dates to local media outlets; and

164 iv. Posting of regular ABC meeting, community input meeting, and public
165 Board workshop and hearing dates, times and locations on the School
166 District's web site.

167 v. A courtesy notice will be sent to owners of any known planned residential
168 developments within the area affected by a proposed boundary change.

169 e. Members of the public will be given an opportunity to address the ABC
170 regarding any agenda item at the public meetings, consistent with Policy
171 5.012(7)(j)(ii), after the presentation by staff but before deliberations by the
172 ABC. Speakers may be limited to a maximum of three (3) minutes each.

173 f. Members of the public who purport to represent or speak on behalf of others,
174 such as homeowners associations or municipal education boards, should
175 provide evidence of such representation or group opinion such as by citing a
176 recent and relevant survey, petition, or resolution when contacting or
177 appearing before ABC or staff. This information shall also be cited on their
178 ABC speaker card.

179 g. Community informational meetings are conducted by the ABC. Notification
180 letters or other more economical methods of notification (such as ParentLink)
181 will shall also be sent used to communicate to with parents of children who are
182 listed within the District's current database and may be affected by a proposed
183 change within one (1) year of the proposed effective date of the change. For
184 example, if a middle school boundary change is recommended, parents of
185 fourth, fifth, sixth and seventh graders who reside in the potentially affected
186 areas will be sent the letters notified.

- 187 h. Staff prepares a summary of community informational meetings, with any
188 requested boundary revisions, within five (5) business days after the meeting.
- 189 i. ABC presents its recommendations to the Superintendent. Dissenting
190 viewpoints may also be presented to the Superintendent. The ABC's minutes
191 will reflect the vote and a brief explanation of dissenting views.
- 192 j. The Superintendent makes a final recommendation to the Board, generally
193 within two (2) weeks of the ABC presentation, and this recommendation may
194 differ from the ABC's recommendation.
- 195 k. The Board holds a workshop with ABC and District staff on proposed
196 boundary changes.
- 197 l. Staff prepares and has published a 14-days' rule-development notice.
198 Afterwards, the Board holds a public rule-development
199 workshop/hearingmeeting ("development reading") in which citizens may
200 appear before the Board to discuss attendance boundary recommendations
201 for the coming school year.
- 202 m. Staff prepares and has published a 28-days' rule-adoption notice. Afterwards,
203 the Board holds a hearingmeeting ("second reading") on the attendance
204 boundaries proposed for adoption. Attendance boundary decisions made at
205 this meeting are final unless substantive changes are made, and then a final
206 adoption vote is scheduled in the future (to occur after another 28-days'
207 rulemaking notice).
- 208 5. **Choice Options and Controlled Open Enrollment.**-- The Board recognizes that,
209 within the parameters of applicable choice programs or controlled open enrollment
210 plan, parents may choose to have the student attend a school other than the
211 school that the student would attend under the regular attendance zone
212 assignment.
- 213 a. Choice Programs.-- Various choice-based programs are available in this
214 District, such as virtual instructional programs, magnet schools, career
215 academies, alternative schools, special programs, advanced placement, dual
216 enrollment, and public charter schools, as stated in Fla. Stat. § 1002.31(2), (8).
- 217 b. Controlled Open Enrollment.-- "Controlled open enrollment" means "a public
218 education delivery system that allows school districts to make student school
219 assignments using parents' indicated preferential school choice as a
220 significant factor." Fla. Stat. § 1002.31(1). Such system may be offered in this
221 District, as allowed by Fla. Stat. § 1002.31(2).
- 222 i. Pursuant to Fla. Stat. § 1002.31(2), controlled open enrollment shall be *in*
223 *addition to* the existing choice programs that are listed in subsection

- 224 (3)(a).
- 225 ii. Any controlled open enrollment plan offered by the District shall have
226 prior approval of the School Board and shall include the elements
227 required by law, such as: consideration of an application process; a
228 parental-preference declaration process; encouragement of placing
229 siblings in the same school; a lottery-based assignment procedure; an
230 appeals procedure for hardship cases; procedures to maintain
231 socioeconomic, demographic, and racial balance; availability of
232 transportation; parental involvement; and a clearinghouse of information
233 designed to assist parents in making informed choices, pursuant to Fla.
234 Stat. § 1002.31(5).
- 235 iii. If a significant percentage of students assigned to a given school choose
236 to leave that site in favor of another school, the District will seek to
237 determine whether a problem is perceived with the assigned school, and
238 take steps to ameliorate such problems.

239 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42~~(22)~~ (25)
240 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 163.3180(13); 1001.41(6);
241 1001.42(4)(a); 1002.31
242 HISTORY: 2/18/72; 4/06/83; 07/09/01; 10/13/03; 4/5/2006; 12/10/2008;___/___2011

Legal Signoff:

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

Attorney

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 and the use of the form is subject to the provisions within School Board Policy 5.011. 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). The Acceptance of the statements within this affidavit shall be at the discretion of the school principal/designee and may be based upon verified documented proof. Submittal of this form does not guarantee enrollment at this school. The person acting as parent has the burden to show that the students' residence is not incident to the students' eligibility to enroll in a particular school's boundary.

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
DEPARTMENT OF LEGAL SERVICES

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. Students shall be assigned to schools based on residence of the student/parent/guardian within the attendance boundaries which have been established by the School Board.

I, *(name of parent/guardian/person acting as parent)*: _____
am the parent/guardian of the following named child(ren) *(print name of child(ren))*:

I *(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)*:

Name and contact information of Owner/Lessor: _____

My contact phone number(s): _____

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

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(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/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