



**SCHOOL DISTRICT OF PALM BEACH COUNTY
PLANNING DEPARTMENT**

**EMERGENCY RULE: Attendance Boundary Recommendation
Berkshire Elementary School**

I recommend the School Board an emergency rule to revise implementation, until August 2007, of portions of boundary changes approved on January 11, 2006 for Berkshire, Cholee Lake, and Melaleuca Elementary Schools.

- On January 11, 2006, the School Board unanimously adopted boundary changes for Berkshire, Cholee Lake, and Melaleuca elementary schools to take effect in August 2006.
- The modernized campus of Berkshire Elementary School will not be available for students in August 2006, and there is no space on the temporary Berkshire campus for additional students.
- Immediate Board action is needed, as delaying notification will cause an immediate danger to the public welfare by creating a hardship for families and schools who will be unaware of accurate school assignments for hundreds of students and who will be unable to prepare for the coming school year. The Emergency Rulemaking Notice is attached hereto.
- Under this recommendation, implementation of boundary assignment from Berkshire Elementary School to Melaleuca Elementary School for kindergarten through fifth grade students in SAC 162 will occur in August 2007.
- Because of overcrowded conditions at Cholee Lake Elementary School and some available space at Melaleuca Elementary School, the approved boundary assignment from Cholee Lake Elementary School to Melaleuca Elementary School for kindergarten through third grade students in SAC 172A (split) will be implemented in August 2006, as previously approved.
- Under this recommendation, fourth and fifth grade students from SAC 172A (split) will remain assigned to Cholee Lake Elementary School for the 2006-2007 and 2007-2008 school years. District transportation will be provided for these students.
- Families in SAC 172A (split) with students assigned by grade levels to both Cholee Lake and Melaleuca elementary schools will have the option for siblings to attend Melaleuca Elementary School together.
- Principals of the three schools had input into the development of this alternative boundary assignment plan.
- This emergency rule would take effect on March 16, 2006 and would be in effect for up to 90 days or until superseded by regular rule adoption on the same subject. Regular development substantially identical to the proposed emergency rule will be proposed on March 29 or April 5, 2006.

BOARD GOAL(S): 6 **KEY RESULT(S):** 10

LEGAL SIGN-OFF: _____ **Yes** **N/A**

CONTACT: Joseph M. Moore/Joseph M. Sanches

FINANCIAL IMPACT	There is no financial impact.

AGENDA ITEM

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA
NOTICE OF PROPOSED EMERGENCY RULE (BOUNDARIES) AND PUBLIC HEARING

RULE TITLE: Attendance boundary changes for three schools in Palm Beach County for the 2006-2007 and 2007-2008 school years.

RULE NUMBER: Unnumbered emergency rule in Chapter 9.

SUBJECT AREA TO BE ADDRESSED BY THE RULE DEVELOPMENT: Recommending an emergency rule for changes in attendance boundaries for Berkshire, Cholee Lake, and Melaleuca elementary schools, to delay or gradually phase-in certain boundary changes that were previously approved by the Board on January 11, 2006.

PURPOSE AND EFFECT: This action implements the School Board's power to assign students to schools and adopt school attendance areas as deemed necessary by it for the efficient operation of the District school system. Specifically, there will be a delay or gradual phase-in of certain boundary changes previously approved by the Board on January 11, 2006, affecting Berkshire, Cholee Lake, and Melaleuca elementary schools because the modernized campus of Berkshire Elementary School will not be available for students in August 2006, and there is no space on the temporary Berkshire campus for additional students.

SPECIFIC RULEMAKING AUTHORITY: F.S. 1001.41(1) and (2); 1001.42(22).

LAWS IMPLEMENTED: F.S. 1001.41(1) and (6); 1001.42(4)(a).

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC WELFARE: Immediate Board action is needed, as delaying notification would create a hardship for families and schools who will be unaware of accurate school assignments for hundreds of students and who will be unable to prepare for the coming school year.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: This notice is being published, as soon as possible, in the newspaper and on the District's Web site and by distribution to the schools to inform the affected persons and the public, and action will be taken at a public meeting with due public notice.

CONTACT PERSON FOR THE EMERGENCY RULE: Kristin K. Garrison, Director, Planning Department, 3300 Forest Hill Blvd., Suite C-110, West Palm Beach, FL 33406.

THE PRELIMINARY TEXT of the Proposed Emergency Rule may promptly be obtained without cost from the District's Office of Public Affairs.

PUBLIC HEARING: This emergency rule adoption will be considered at a hearing within the regular Board meeting on **March 15, 2006**, anticipated to begin at 5:00 p.m., in the School Board Chambers at 3300 Forest Hill Blvd., West Palm Beach, Fla. The hearing is open to the public. A copy of the agenda will be available in advance from the Office of Public Affairs.

UPON APPROVAL BY THE BOARD, THIS EMERGENCY RULE WILL TAKE EFFECT ON MARCH 16, 2006 and will remain in effect for 90 days thereafter or until superseded by regular rulemaking on the same subject. Substantially the same amendments will simultaneously be developed and recommended for adoption through the regular rulemaking process, beginning with a first reading anticipated to occur on March 29 or April 5, 2006.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is asked to advise the agency at least 48 hours before the workshop by contacting the Board Clerk at 434-8139.

If any person decides to appeal any decision made by the School Board with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal would be based.

SUMMARY OF EMERGENCY RULE (PROPOSED BOUNDARIES) AFFECTING THREE ELEMENTARY SCHOOLS:

It is proposed that:

1. The implementation of the following boundary change adopted by the School Board on January 11, 2006, and scheduled for implementation in August 2006, be deferred until August 2007.

Melaleuca to Berkshire:

Elementary school students residing in an area bounded on the north by the West Palm Beach Canal; on the east by the canal east of Kirk Rd., extended; on the south by the centerline of Summit Blvd. and on the west by the centerline of Military Trail be assigned from Melaleuca Elementary School to Berkshire Elementary School beginning in August 2007.

2. The implementation of the following boundary change that was adopted by the School Board on January 11, 2006, and was scheduled for implementation in August 2006, be phased-in by grade levels as follows.

Cholee Lake to Melaleuca:

Elementary school students residing in an area bounded on the north by the centerline of Summit Blvd.; on the east by the centerline of Military Trail; on the south by the centerline of Forest Hill Blvd and on the west by the centerline of Haverhill Rd. be assigned from Cholee Lake Elementary School to Melaleuca Elementary School beginning in August 2006, following the phased-in grade level implementation schedule described below:

- a. School year 2006-2007: Students in kindergarten through third grades residing in the area described above be assigned to Melaleuca Elementary School. Students in fourth and fifth grades residing in the same area remain assigned to Cholee Lake Elementary School.
- b. School Year 2007-2008: Students in kindergarten through fourth grades residing in the area described above be assigned to Melaleuca Elementary School. Students in fifth grade residing in the same area remain assigned to Cholee Lake Elementary School.

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