

MILFORD SCHOOL DISTRICT  
906 LAKEVIEW AVENUE  
MILFORD DE 19963  
(302) 422-1600

POLICY

5205

**SCHOOL CHOICE PROGRAM**

I. **ESTABLISHMENT AND STATEMENT OF PURPOSE**

The General Assembly of the State of Delaware enacted an enrollment choice program within the public school system of the State for the school year beginning July 1, 1996. It is the goal of the General Assembly to increase access to educational opportunity for all children throughout the State regardless of where they may live.

II. **DEFINITIONS**

For the purposes of this policy, the following terms shall have the following meanings:

- A. "District of Residence" shall mean any reorganized school district in which the Parent of a student resides.
- B. "Parent" shall mean parent or legal guardian of the child.
- C. "Receiving District", "District", "Board of Education" or "Board" shall mean the Milford School District. Since the District includes more than one school, if a Parent of a child applies to enroll his or her child in a public school program within the District of Residence other than the school in which the child would normally be enrolled based on his or her residence, the Milford School District shall also be considered the Receiving District under this policy.
- D. "Good Cause" shall mean a change in a child's residence due to a change in family residence, a change in the state in which the family residence is located, a change in child's Parent's marital status, a change caused by a guardianship proceeding, placement of a child in foster care, adoption, participation by a child in a foreign exchange program, or participation by a child in substance abuse or mental health treatment program, or a similar set of circumstances consistent with this definition of "Good Cause."
- E. "Working days" shall mean working days as determined by the District's administrative calendar.

### III. APPLICATION PROCEDURE

- A. Any Parent of a school age child may apply to enroll his or her child in a school or program in the District by submitting a written application, on a form provided by the State Board of Education, to the District and to the District of Residence no later than the second Wednesday of January for enrollment during the following year for grades 1 through 12, or by, the first day of school for enrollment in a kindergarten program.
- B. If a Parent of a school age child fails to file an application by the established deadlines and Good Cause exists for the failure to meet the deadline, or if the application is to enroll a child in a kindergarten program, this District and the District of Residence shall accept and consider the application in the same manner as if the deadline had been met.
- C. A separate application must be submitted for each student.
- D. Only one application may be submitted for each student, and must indicate the top three (3) choices for school choice.
- E. An application must be submitted for the sibling of a student already enrolled in a District school. A sibling is not granted automatic approval to attend a choice school.
- F. An application must be submitted for non-resident students who are currently attending Milford Schools by special permission.
- G. A student will be enrolled in a choice school until they complete the program and/or grade level configuration of the school:
- Morris - End of Grade K
  - Banneker - End of Grade 5
  - Mispillion - End of Grade 5
  - Ross - End of Grade 5
  - Central Academy - End of Grade 8
  - Milford High School - End of Grade 12
- H. A timely choice application must be submitted in order for a student to be considered for enrollment in the school housing the next grade combination.

#### IV. WITHDRAWAL OF APPLICATION

- A. The Parent of a school age child may withdraw the application at any time prior to action on the application by the Board by giving written notice to the Milford Board of Education and the Board of the District of Residence.

#### V. PROCEDURES FOR PROCESSING AN APPLICATION

- A. Within ten working days of receiving an application, the Milford School District shall transmit a notice to the District of Residence that it has received the application.
- B. The Board of Education shall take action no later than the last day of February of the school year preceding enrollment to approve, place on a waiting list, or disapprove an application for admission to a program in grades 1 through 12, and no later than June 15 of the school year preceding enrollment to approve, place on a waiting list, or disapprove an application for admission to a kindergarten program.
- C. For an application filed in accordance with III.B. The Milford Board of Education shall take action to approve or disapprove the application no later than 45 days after it has been received.
- D. The Milford Board of Education shall transmit a notice of its action to the Parent of the child and to the Board of Education of the District of Residence within five working days after taking action.
- E. Applications must be submitted by mail or in person to the following address:  
School Choice Office, Milford School District, 906 Lakeview Avenue, Milford, Delaware 19963.

#### VI. CRITERIA FOR CONSIDERATION AND APPROVAL OF APPLICATIONS

- A. Priority will be given to the following categories of students in the order listed:
  - 1. Returning students who continue to meet the requirements for the program or school, including students graduating from one school to another within a single program.
  - 2. Students who meet the requirements for the program or school and who seek to attend based upon the residence of the student's parent within the designated feeder pattern, if any, for the school; and
  - 3. Siblings of students already enrolled in the school who will be returning to the school for the following academic year, providing the

sibling seeking priority meet the requirements for the school or program. Siblings of students living in the district may be given priority over siblings not living in the district.

The MSD may next give priority to the following students:

- Children of school employees; as long as they otherwise meet the criteria of the program or school.
- Students living within the MSD.
- Students with the school or program designated as a first, second, or third choice on the standard written application form.

- B. Applications received after the applicable deadline due to "good cause" shall be considered in the order set forth in paragraph III.B. above.

## VII. Duration of Enrollment in Receiving District

### A. 14 Delaware Code §407.

(a)(1) A pupil accepted for enrollment in a school or program pursuant to this chapter shall be entitled to remain enrolled therein until graduation from the school or completion of the program provided that the pupil continues to meet the requirements for such school or program, provided however, that upon the concurrence of the boards of both the district of residence and the receiving district, a pupil's right to remain enrolled may be terminated prior to graduation form or completion of the program where such termination is based upon the pupil's

- a. Failure to continue to comply with the receiving district's requirements for attending school or class, or
- b. Multiple violations of, or one or more serious violations of, the MSD's student code of conduct.

(2) A pupil accepted for enrollment in a school or program pursuant to this chapter shall remain enrolled therein for a minimum of 2 years unless, during that 2-year period,

- a. A pupil graduates from the school or completes the program;
- b. The pupil's parent or parents cease to be residents of the pupil's original district of residence;
- c. At the conclusion of any academic year during such 2-year period, the pupil ceases to meet the academic requirements for such school or program;

- d. If daycare was indicated on the relevant choice application as a reason for seeking enrollment, or if daycare was a reason for granting priority to consideration of or granting of the relevant choice application, or the provider of daycare services to the pupil ceases doing business or relocates to a location so distant from the original location as to render the original combination of daycare and choice enrollment no longer reasonably practicable for the pupil or the parent or parents of such pupil; or
  - e. The board of the district of residence, the MSD Board, and the parent or parents of the pupil agree for any reason to terminate such enrollment;
  - f. The provisions of paragraphs (a)(2)a through (a)(2)e, of this section shall apply unless the receiving district, at its sole discretion, agrees to maintain a child in a choice placement. Due to the unique educational and developmental needs of primary age children, on a case by case basis, districts may grant exceptions to allow students in grades kindergarten through grade three to remain in school choice even if they fail to meet required educational standards.
- (b) Notwithstanding the provisions of subsection (a) of this section, a parent may apply to terminate that parent's own child's enrollment in the receiving district prior to the expiration of the minimum period established in subsection (a) of this section by submitting a written application, on a form provided by the Department of Education, to the child's then-existing district of enrollment no later than December 1 for enrollment during the following school year.
- (c) If a parent of a child fails to file an application by the deadline of December 1 and good cause exists for the failure to meet the deadline, the child's then-existing district of enrollment shall accept and consider the application in the same manner as if the deadline has been met.
- (d) The parent of a child may withdraw the application at any time prior to action on the application by the board of the child's then-existing district of enrollment.
- (e) Within 10 working days of receiving an application to withdraw, the child's then-existing district of enrollment shall transmit a notice to the district of residence that it has received the application.
- (f) The board of the child's then-existing district of enrollment shall take action to approve or disapprove the application no later than December 15 of the school year preceding enrollment.
- (g) The board of the receiving district shall transmit a notice of the board's action to the parent of the child and to the board of the district of residence within 5 working days after board action.
- (h) The action of a board in a child's then-existing district of enrollment to accept an application to terminate enrollment pursuant to this section shall be final; however, nothing in this subsection shall

prohibit a board in its sole discretion from conditioning its approval of termination pursuant to this section upon acceptance of the child into another district or program pursuant to an application submitted in accordance with chapter.

Unless accepted for enrollment in a school or program in another district pursuant to this chapter, a child whose enrollment in a receiving district concludes or terminates pursuant to this section shall automatically be re-enrolled in the child's district of residence for the ensuing school year. Any such student shall be enrolled by the district of residence according to the feeder pattern in which the child's parent resides unless, pursuant to the provisions of §405(b) of this title, all available space has been filled by returning students, in which case the student shall apply and be considered for enrollment in any other school in the district of residence in which there is space available in accordance with the provisions of this chapter.

#### VIII. CAPACITY

Applications will be considered in the order listed under the Admittance Criteria. If the capacity of the school or program cannot accommodate all of the students in one of the listed categories, a lottery will be conducted to determine which applications in such a category will be accepted.

- A. After making provisions for the accommodation of all students regularly assigned to each district school, the Superintendent or his designee will determine the number of spaces available for CHOICE APPLICATIONS to each district school.

#### IX. DURATION OF ENROLLMENT IN THE MILFORD SCHOOL DISTRICT

- A. A student will be enrolled in the choice school until completion of the program and/or grade level combination or configuration of the school:
- Morris - End of Grade K
  - Banneker - End of Grade 5
  - Mispillion - End of Grade 5
  - Ross - End of Grade 5
  - Central Academy - End of Grade 8
  - Milford High School - End of Grade 12
- B. A student accepted for enrollment in a District school or program shall remain enrolled for a minimum of two years unless, during the two year period, the student graduates from the school or completes the program, the student's parent(s) cease to be residents of the student's original District of Residence, or at the conclusion of any academic year during the two year period, the student ceases to meet the academic requirements of the school/program or fails to satisfactorily comply with the District's code of conduct.

- C. A student who fails to meet the academic requirements of the choice school will not be permitted to return the next school year. Meeting the academic requirements is defined as meeting district standards for promotion to the next grade, and/or completion of the necessary credits to be on track for graduation.

X. TERMINATION OF ENROLLMENT

1. Enrollment in a choice school will be automatically terminated upon the completion of the program or completion of the last grade level contained in the choice school.
2. A parent may apply to terminate enrollment in the Milford Schools at the end of a school year by providing the withdrawal application to the Superintendent by December 1.
3. An application to withdraw may be accepted after December 1 if the deadline was missed due to "good cause". Good cause is as defined in the definitions and application procedures.
4. The District will send the parent notice that the application to withdraw has been received and a copy will be sent to the student's District of Residence.
5. Approval or disapproval of the application to withdraw will take place by December 15, or within 15 days of receipt of the application to withdraw, whichever is later.
6. The enrollment of choice students will be terminated for lack of effort to achieve a passing grade in any course or subject area, violation of the district's attendance and lateness (tardiness) policies or violation of the Student Code of Conduct at a level that would result in a hearing of any type. The superintendent or his/her designee will conduct a formal hearing to terminate the enrollment of a choice student for any of the above reasons. Upon termination, a certified letter will be sent to the student and to the district of residence notifying them of the termination of enrollment and the expectation that the student will enroll as a student in the district of residence.

XI. TRANSPORTATION

- A. The Parent of a student from another school district enrolled in a Milford School is responsible for transporting the student to their choice school without reimbursement or the Parent can deliver the student to the nearest regular bus route with available space that serves the choice school. Parents are responsible for picking up their children at the bus stop when school is dismissed early or if the opening of school is delayed.

XII. INTERSCHOLASTIC SPORTS

- A. Students shall be governed by the Rules of the Delaware Secondary School Athletic Association with regard to eligibility of transferring students.
- B. A student enrolled in grades ten through twelve, inclusive, shall not be eligible to participate in interscholastic athletic contests or competitions during the first year of enrollment in the choice school if the student was enrolled in a different choice school during the preceding school year unless the interscholastic sport was not offered at the previous school.

XIII. CREDITS/GRADUATION

- A. A student who has enrolled in the District and who has met the district's graduation requirements shall be granted a diploma by the district. The District shall accept credits toward graduation requirements awarded by another school district.

ADOPTED: 10/23/95; 8/21/00

REVISED: 3/26/12; 10/28/13