

## SCHOOL CHOICE PROGRAM

### 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.

### DEFINITIONS

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

“Capacity” means the maximum number of students that a program or school can contain as determined solely by considerations of physical space, physical resources, and class size for each grade level.

“Designated Feeder Pattern” is the progression from an elementary school to a designated middle school, followed by a designated high school, based upon the student’s residence within the District attendance territory.

"District of Residence" shall mean any reorganized school district in which the Parent of a student resides.

“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 within 60 days of obtaining a new lease or mortgage, a change in a 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, a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4112D of Title 14, or participation by a child in a substance abuse or mental health treatment program, or a set of circumstances consistent with this definition of "good cause."

"Parent" shall mean parent, relative caregiver or legal guardian of the child.

“Persistently Dangerous School” shall mean a school which has 5 or more unsafe incidents for every 100 students enrolled which occurred during the 3 previous consecutive fiscal years as outlined DE Admin. Code, Title 14, section 608.

"Projected Enrollment" shall mean the total number of returning students and new attendance zone students the district anticipates will enroll for the following academic year.

"Receiving District", "District", "Board of Education" or "Board" shall mean the Indian River 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 Indian River School District shall also be considered the

Receiving District under this policy.

"Receiving Local Education Agency" shall mean any public authority legally constituted by the State as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions, other than the school district of residence, which administers any school or program in which a student seeks to enroll including any receiving district. Where the local education agency is the school district of residence that includes more than 1 school or more than 1 program within any school providing instruction at a given grade level, and a parent of a child entering such grade level applies to enroll that parent's child in a public school program within the district of residence other than the program in which the child would normally be enrolled based on the child's place of residence, district of residence should also be considered to be a receiving local education agency.

"Returning Student" shall mean;

- A student currently enrolled within the Indian River School District and has moved out of that school's attendance territory and requesting to return to that school until completion of that building grade level.
- A choiced student currently enrolled in a program seeking to move to the next building level within the designated feeder pattern.

*Returning students that are not included in this definition are;*

- *Choice students enrolled in the district's Spanish Immersion, IB and STEM programs who are terminated or withdraw from that particular program.*
- *Any SDSA student attempting to move to another IRSD school building other than his/her home school.*
- *In-district students who have been assigned to a district school due to the redesign of school attendance boundaries.*
- *Any in district or out-of-district student moving to the next building level who are not in an approved program*

"Unsafe School Choice Option" shall mean a choice option for students who attend a school identified as persistently dangerous or students who are victims of a violent felony while in or on the grounds of a school in which the student attends. Parents may use the open enrollment School Choice application or the Good Cause School Choice application to apply to a safe school in the Indian River School District in these instances.

"Working Days" shall mean working days as determined by the District's administrative calendar.

#### APPLICATION PROCEDURE/WITHDRAWAL

Title 14, Chapter 4, § 403 (a) Any parent of a school age child may apply to enroll his or her child in a school program in the District, including the Southern Delaware School of the Arts (S.D.S.A.), by submitting a written application provided by the Department of Education to the District and to the District of Residence. This

application process begins on or after the first Monday in November and ends on the second Wednesday in January for enrollment during the following school year. However, a parent may apply to the district until the first day of the school year for enrollment in a kindergarten program during that school year. The Indian River School District Pre-K, and Howard T. Ennis are not open to school choice.

Applications can be submitted online at [www.schoolchoicede.org](http://www.schoolchoicede.org).

Title 14, Chapter 4, § 403 (b) If a Parent of a school age child fails to file an application by the established deadlines of subsection (a) of this section 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.

The approval of a choice application for a school or program does not entitle the student to move to the school housing the next grade combination (i.e. K-5; 6-8; 9-12). 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.

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 Board of Education and the Board of the District of Residence.

### DISTRICT PROCEDURES

Within 10 working days after an application deadline, the district shall transmit a notice to the district of residence that it has received the application.

The board of education shall take action no later than the last day of February of the school year preceding enrollment to approve 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 or disapprove an application for admission to a kindergarten program. SDSA may act on applications accepted in accordance with the provisions of § 403(a) of Title 14 to fill remaining availability.

With respect to any application filed in accordance with the provisions of § 403(b) of Title 14, the district shall take action to approve or disapprove the application no later than 45 days after receipt thereof, unless the application is received prior to a lottery conducted as outlined in a local education agency's enrollment policy in the case of over-enrollment.

The board of education of the 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.

The parent who applied for the child shall notify the board of the district in writing no later than the third Friday in March, whether an offer is accepted or rejected.

No later than November 30 of each year, the board of the district shall transmit to the Department of Education notice of the capacity of each school in the receiving district for the following academic year and the projected enrollment for the following academic year. The

capacity and projected enrollment figures may be revised until January 30.

No later than October 31 of each year, the district shall hold at least 1 public information session about choice opportunities available in schools and programs in its district for the coming academic year.

#### APPROVAL CRITERIA OF APPLICATIONS

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.
- 3) In-district siblings of in-district students who are already enrolled in the program or school and who will be returning to the program or school for the following academic year provided that the siblings meet the requirements for the program or school. Exiting students are not considered siblings for this enrollment preference.
- 4) Out-of-district siblings of out-of-district students who are already enrolled in the program or school and who will be returning to the program or school for the following academic year provided that the siblings meet the requirements for the program or school. Exiting students are not considered siblings for this enrollment preference.
- 5) Students of employees holding a permanent position that meets the state requirements as a pension eligible position; as long as they otherwise meet the criteria of the program or school and reside in the State of Delaware
- 6) District students.
- 7) Non-district students.

After the district has admitted all qualifying students consistent with the criteria in this policy, the district shall use a lottery process to admit additional students and generate a ranked waiting list.

The district shall accept applications in a manner consistent with the policy adopted pursuant to this subsection until there is a lack of capacity in each school and program within the district. Students who meet the district's criteria for acceptance in the policy but who are not selected due to a lack of capacity in the school or program shall be placed on a ranked waiting list maintained by the district until the first day of the district's school year for which they applied.

The district may disapprove an application because of a lack of capacity in a particular program or school. For the purposes of this policy, "lack of capacity" means that the school or program calculates projected enrollment for the following academic year to be at least 85% of its building capacity.

#### DURATION OF ENROLLMENT IN THE INDIAN RIVER SCHOOL DISTRICT

1) A pupil accepted for enrollment in a school or program pursuant to this policy 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. However, 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 from or completion of the program where such termination is based upon the pupil's:

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

2) A pupil accepted for enrollment in a school or program 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 the reason for the school choice request/approval was a student's daycare circumstance and the daycare circumstance is no longer relevant.
- e. The board of the district of residence, the board of the receiving district, and the parent or parents of the pupil agrees for any reason to terminate such enrollment.
- f. The provisions of this section (2a-2e) shall apply unless the 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, the district may grant exceptions to allow students in grades kindergarten through grade 3 to remain in school choice even if they fail to meet required educational standards.
- g. The pupil's parents or guardians wish to terminate the agreement due to a reported, recorded, and substantiated instance of "bullying" against their child as defined in § 4112D of Title 14.

A parent may apply to terminate that parent's own child's enrollment in the district prior to the expiration of the minimum period established in section 1 of this policy by submitting a written application 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. 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 had been met.

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.

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.

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.

The board of the 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.

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, 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) Title 14 (*Criteria for Approval or Disapproval*) 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.

### TRANSPORTATION

The parent of any child enrolled in a district, other than the district of residence, or enrolled in a school within the district of residence, other than the school in which the child would normally be enrolled based upon the residence of the child's parent(s), shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the receiving district 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.

The Southern Delaware School of the Arts is an Indian River School District magnet school. Students who wish to attend must enroll utilizing state school choice regulations. The transportation regulations cited above for school choice students prohibit the use of state funds for student transportation. However, House Bill No. 225, Section 343, states “Notwithstanding the provisions of any state law to the contrary, the Red Clay Consolidated School District is authorized to utilize state transportation dollars to fund students traveling from routes to and from the Cab Calloway School of the Arts and Conrad Schools of Science and the Indian River School District is authorized to utilize state transportation dollars to fund students traveling from routes to and from the Southern Delaware School of the Arts.”

### INTERSCHOLASTIC SPORTS

Any student enrolled in grades 9-12 must meet eligibility guidelines outlined in DIAA Regulation 1009, Section 2.4 "Eligibility, Transfers." All other DIAA athletic eligibility requirements must also be adhered to in order for students to be eligible to participate in interscholastic athletics.

### PUPILS SUSPENDED, EXPELLED, OR TRUANT IN DISTRICT OF RESIDENCE

If a child for whom an application has been submitted has been suspended, expelled, or has been absent from school without a valid excuse for more than 15 school days during a school year, in the district of residence, the board of the receiving district may, in its sole discretion, refuse to consider the application or refuse to approve the application, or refuse to enroll the child in the receiving district until the child has been reinstated in the district of residence. Having said this, the board of the district of residence shall not re-enroll any student who has been expelled to make a student eligible for School Choice.

### CREDITS/GRADUATION

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.

### FUNDING

The district of residence, the receiving district and the new district of enrollment will agree to pro-ration of student funding in the event of a mid-year termination of a choice enrollment.

### INTRA-DISTRICT CHOICE

Where the district of residence includes more than one school or more than one program within any school providing instruction at a given grade level, a parent of a child entering such grade level may apply to enroll that parent's own child in any public school program within the district of residence other than the program in which the child would normally be enrolled based on the child's place of residence in the manner provided in this policy, and in such cases, the district shall also be considered to be the receiving district for all purposes of this policy, except that the provisions of § 408 Title 14 (*State and Local Education Funding*) shall not apply to any such applications or changes in enrollment.

**The School Choice Program falls under Delaware State Law-Title 14, Chapter 4.**

Adopted 10/24/95

Reviewed 5/10/21

Revised 1/28/97, 11/23/98, 11/23/99, 12/18/01, 8/26/03, 12/16/03, 3/28/06, 11/24/09, 4/17/12, 10/27/14, 10/28/15, 5/24/16, 9/26/16, 10/24/17, 10/22/18, 12/16/19, 6/22/20, 10/26/20, 1/25/21, 7/1/21, 10/28/24