

# SMYRNA SCHOOL DISTRICT

## District Policy

Article: 5000 Students

Title: School Choice Program

Policy #: 5109

### School Choice Program

Chapter 4, Title 14, Delaware Code: School District Enrollment Choice Program, establishes an enrollment choice program within the public school system of the state of Delaware. The goal is to “increase access to educational opportunity for all children throughout the State regardless of where they may live.”

“For the school year commencing July 1, 1996, and each succeeding school year, a Parent residing within this State may enroll that parent’s child in a public school in any school district in the manner provided in this chapter. The forms prescribed and policies adopted pursuant to this chapter shall be available on the websites of the school districts and the Department of Education.”

In accordance with §405, Criteria for Approval or Disapproval, each district shall adopt...a policy regarding the order in which applications...shall be considered... and the criteria by which such applications shall be evaluated.

### School Choice Program

#### Application Procedures:

1. The application form provided by the State Board must be fully completed and submitted to the receiving local education agency on or after the first Monday in November and on or before the second Wednesday in January for enrollment in grades 1-12 during the following school year, or for students applying for kindergarten by the first day of the school year.
2. Applications will be accepted after such deadlines if the deadline was missed for good cause. Good cause includes:
  - a. Change in family residence;
  - b. Change in the state in which the family residence is located;
  - c. Change in the student’s parent’s marital status;
  - d. Change in legal guardianship;
  - e. Placement in foster care;
  - f. Adoption;
  - g. Participation in a foreign exchange program;
  - h. A recorded or reported instance of bullying against the child as defined in *14 Del. C. §4112D*;
  - h. Student’s participation in a substance abuse or mental health treatment program; or
  - i. Circumstances consistent with the definition of good cause.
2. Applications are to be filled out by parents who want to send their children to a different school than the one they currently attend – either in the District or out of the District. The parent shall indicate on the standard form the schools and programs to which the parent is applying on behalf of his or her child, as well as the parent’s order of preference of the schools or programs.
3. A separate application must be submitted for each student.

4. 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.
5. An application must be submitted for any situation formerly handled by special permission, including the accommodation of child-care needs.
6. 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 configuration (i.e., K; 1-4; 5-6; 7-8; 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 configuration.
8. Within ten working days after the application deadline, the receiving district shall transmit a notice to the district of residence that it has received the application.
9. Acceptance or non-acceptance of the application will take place before the end of February for grades 1-12 and by June 15 of the school year preceding enrollment.
10. With respect to applications filed in accordance with §403(b) for good cause, the board of the receiving local education agency will take action to approved or disprove the application no later than 45 days after receipt of the application, unless the district conducts a lottery, and the application is received before the lottery.
11. Initial invitations to choice schools must be accepted or rejected by the applicant no later than the third Friday in March. If no response is received, the invitation will be considered to have been rejected.
12. Applications must be submitted by mail or in person to the following address: Assistant Superintendent, Smyrna School District, 82 Monrovia Ave. Smyrna, DE 19977-1493.

**Application Considerations:**

The District will give priority 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. District students who meet the requirements for the school or program 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. Siblings of students already enrolled in the school who will be returning to the school for the following academic year, provided that such siblings meet the requirements for the program or school. Priority may be given to siblings of students who live in the district over siblings of students who do not live in the district;
4. The receiving district may next give priority to students who have designated the program or school as a first, second, or third choice; students who live within the district; and students whose parents are employed by the District, as long as they otherwise met the criteria of the program or school;

5. After the receiving district has admitted all qualifying students, the receiving district shall use a lottery process to admit additional students and generate a ranked waiting list.

#### **Additional Criteria for Acceptance for Enrollment**

1. An application will not be accepted for a student who has been expelled from another school district until that district reinstates the student. If a child for whom an application has been submitted pursuant to this chapter has been suspended or 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.
2. Applications may be disapproved because of a lack of capacity in a particular program or school. 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. Lack of capacity means that the school or program calculates projected enrollment for the following academic year to be at least 85% of its capacity.
3. Students who meet the receiving local agency's criteria for acceptance, but who are not selected due to lack of capacity in the school or program, shall be placed on a waiting list maintained by the receiving local education agency until the first day of the receiving local education agency's school year for which they applied.

#### **Duration of Enrollment**

1. A student will be enrolled in the school or program in the receiving district until completion of the program or graduation of the school, provided that the student continues to meet the requirements for such school or program.
2. A student's right to remain enrolled may be terminated prior to graduation from or completion of the program where the termination is based on the student's failure to comply with the receiving district's requirements for attending school or class, or multiple violations of, or one or more serious violations of the receiving school district's code of conduct.
3. A student accepted for enrollment in a school or program shall remain enrolled in the school or program for a minimum of 2 years, unless during the 2-year period, a student graduates from the school or completes the program, or at the conclusion of the academic year during such 2-year period, the student ceases to meet the academic requirements for such school or program, or the student's parents or guardians wish to terminate the agreement due to a reported and recorded instance of "bullying" against their child as defined in 14 *Del. C.* § 4112D.
4. Meeting the academic requirements is defined as meeting the district standards for promotion to the next grade level and/or completion of the necessary credits to be on track for graduation.
5. The student's parents or guardians are permitted to terminate the agreement due to a reported and recorded instance of "bullying" against their child as defined in 14 *Del. C.* § 4112D.
6. A parent may apply to terminate his/her child's enrollment in the receiving district prior to the expiration of the minimum period outlined in this 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.

### **Transportation**

Transportation to and from the choice school must be provided by the parent/guardian without reimbursement to and from a point on a regular bus route of the receiving district.

### **Interscholastic Sports**

A student enrolled in grades 10 through 12 in a receiving district shall not be allowed to participate in the interscholastic sports program during the first year of enrollment in any receiving district if the student attended a different receiving district the preceding year unless the sport was not offered at the previous receiving district.

### **Termination of Choice Enrollment**

Enrollment in a choice school will automatically be terminated upon the completion of the receiving district's program or the student's completion of the last grade level in the receiving district's school.

Approved by the Board of Education, December 13, 1995  
Revision approved by the Board of Education, January 15, 1997  
State Revision, August 10, 1997  
State Revision, September 9, 1998 – approved by Board of Education, November 18, 1998  
Revision approved by the Board of Education, February 16, 2011  
Revision approved by the Board of Education, December 19, 2012  
Revision Approved by the Board of Education, August 21, 2013  
Revision Approved by the Board of Education, November 16, 2016