

**Procedure 3010-P(1): Open Enrollment - Procedures****Status: Adopted****Original Adopted Date:** 02/2015 | **Last Revised Date:** 08/11/2025 | **Last Reviewed Date:** 07/14/2025

Open Enrollment Application forms are available on the State Department of Education website OR at Dietrich School District OR on the District's website. Students who reside in the District and move out of their school attendance zone during the school year must initiate an Open Enrollment request to stay in their school. The application, together with the student's cumulative record, special education file, IEP, or other applicable documents, if any, shall be submitted to the receiving district no later than February 1 for enrollment during the following school year. The District will not admit any student prior to viewing that student's records from their previous school districts.

The District has the option of accepting a student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District.

No tuition shall be charged when a student from another school attendance area or other Idaho school district attends a District school as described in this procedure and the related District policy.

**Application for District Students**

1. For students who reside in the District, the parent/guardian completes the Open Enrollment Application form and submits it to the principal of their attendance zone school (home school).

**Application for Out-of-District Students**

For students who reside outside the District boundary, the parent/guardian shall complete the Open Enrollment Application form and submit it to the principal of the school they wish to attend (receiving school).

**Decision Regarding Application**

Once the receiving school principal receives the application from an in-District or out-of-District parent/guardian, along with the student's file from their home district, the principal or designee makes a recommendation to approve or not approve the transfer using the criteria set forth in Policy 3010.

The principal sends the form to the Superintendent, who shall:

Form a team of at least three people to consider Open Enrollment Applications. All members of the team must be knowledgeable about:

1. The student;
2. The student's disciplinary record;
3. The student's attendance record ;

4. The student's disability, if applicable; and
5. The placement options, given the District's capacity limits.

This team shall include the Superintendent, the principal, principal of the building the student wishes to attend, and the Superintendent's designee. After reviewing the student's file, the team shall have discretion to review and accept or deny the open enrollment applications on a case by case basis, utilizing and applying the factors noted above.

Applications will normally be considered on a "first-come first-serve" basis. Idaho Code does not discuss granting priority like this. It appears to be neither prohibited nor required.) However, in situations where openings are limited and applications are received in a similar timely fashion, the Superintendent may give priority if a student:

1. Resides in the Dietrich School District and seeks enrollment in another District school;
2. Has a brother or sister enrolled at the requested school;
3. Has a parent/guardian who is employed by the District;
4. Has a unique situation or extraordinary circumstances; or
5. Seeks full-time enrollment rather than part-time enrollment.

Any non-resident student placed by court order under the Idaho Youth Rehabilitation Act or the Child Protection Act and residing in a licensed home, agency, or institution located within the District shall be enrolled and shall not be charged tuition.

Homeless children as defined by the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77), may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of the homeless child.

The Superintendent will notify the parent/guardian of their decision no later than March 31.

If the request for open enrollment is denied, the denial will include a written explanation. If the application is denied because classroom capacity has been reached at the school of choice, the denial will include information about other schools in the District that are below capacity. All parents/guardians whose open enrollment application for a student is denied shall be provided with notice of the denial and information about their options to appeal the denial.

If the request for open enrollment is approved, the notification will inform the parents of the following:

1. Parents must provide transportation or get student to the nearest District bus stop, if space is available;
2. Parents must notify the District by February 1 of each year regarding their intention to re-enroll their child under the Open Enrollment program;
3. That open enrollment may be revoked if the student presents issues of chronic absenteeism, commits serious disciplinary infractions, is expelled, or if the receiving school exceeds maximum capacity with resident students within their first two years of admission;

## Grounds for Denial of Application

Factors which may cause an Open Enrollment Application to be denied include:

1. A school, grade, or program(s) has lack of available classroom space and/or staff, such as when the current enrollment is at or above the following capacity limits:

Grade	Class Size
K-1	<b>15</b>
2-3	<b>15</b>
4-6	<b>15</b>
7-12	<b>15 per core teacher</b>
Special Education classroom, Self-Contained	<b>An average of 6 students per teacher</b>
English Language Learners (ELL)	<b>15 per full-time ELL teacher</b>

2. The student has been suspended or expelled in their home district.
3. The student has a documented history of repeated serious disciplinary infractions. This includes infractions which could be grounds for suspension or expulsion, or if the student has a conviction, or adjudication, of offenses outlined in IC 20-252A(5) or other criminal offenses listed in chapter 9, 61, or 66 in Title 18, Idaho Code. Such convictions or adjudications are required to be disclosed by the student's parent/guardian at the time of applying for open enrollment, and failure to disclose will result in a denial of open enrollment to the student.
4. The student has issues of chronic absenteeism. A student is considered chronically absent if the student is absent 10% or more school days during the school year.
5. It is determined that information on the Open Enrollment Application has been misrepresented or was incomplete.

However, if the student has a 504 plan or IEP and the disciplinary or absenteeism issues are a manifestation of the disability, this shall not be grounds for denial of the application.

## Revocation of Open Enrollment

As long as an open enrollment student's parent/guardian has, before the preceding February, notified the District of their intention to re-enroll the student the Superintendent shall treat that student as if they reside in that school's attendance area. However, the District reserves the right to remove an open enrollment student if:

1. The student has a documented history of chronic absenteeism;
2. The student has a documented history of repeated serious disciplinary infractions, or has a conviction or adjudication of offenses outlined in IC 20-252A(5) or other criminal offenses listed in chapter 9, 61, or 66 in Title 18, Idaho Code. Such convictions or adjudications are required to be disclosed by the student's parent/guardian at the time of applying for open enrollment, and the failure to disclose qualifies to revoke open enrollment status;
3. The student has been expelled.
4. The number of resident students exceeds the capacity limits set in this procedure. A student's open enrollment cannot be revoked on these grounds if a student has attended the receiving school for more than two consecutive school years. If a student's enrollment is revoked for this reason, the District may offer information about other District schools that may be able to accept open enrollment students.

If a student's open enrollment is revoked, the parent/guardian may appeal the revocation to the Board within five school days.

The Board of the receiving school must render a decision to the parent/guardian at their next regular meeting, and the Board must issue their decision in writing. The decision of the Board may be appealed to the State Board of Education.

If a student who is a resident of another district applies to this District and is accepted under the terms of this policy and fails to attend they shall be ineligible to apply again for open; enrollment in this District.

### Students with Disabilities

In-district and out-of-district students with disabilities are not treated differently from students without disabilities with respect to consideration for placement in the school of their choice, unless the District has made an individual determination that disability-related needs of a particular student with a disability cannot be reasonably met at the school of their choice. Additionally, students applying who have a 504 plan or IEP may not be denied enrollment or have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student's disability.

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### **Legal References**

IC § 33-1401

### **Description**

Transfer of Pupils - Definitions

IC § 33-1402

Enrollment Options

IC § 33-1404

Districts to Receive Pupils

IC § 33-1409

Measuring and Reporting Capacity

IC § 33-1410

Student Appeals

IC § 33-2001

Education of Exceptional Children - Definitions

**Cross References****Code**

2240

3080

**Description**

Class Size

Nonresident Student Attendance Policy