

Building principals or other designee will administer attendance boundaries policies and procedures, including those applicable to open enrollment. Open enrollment includes both in-district transfers as defined in Policy 631 and transfers of students residing outside of the district.

**Guidelines**

1. Traditionally, students are required to attend the school in the attendance area and within the district boundaries of the residence of their parent/guardian (the student's "home school"), except as may otherwise be provided in Policy 631 for homeless youth or those placed by court order.
2. An open enrollment application is for an individual school within the district. A student granted open enrollment must attend the school of admission by the district and cannot engage in any in-district transfer process. If a student enrolled through the open enrollment process wishes to attend a different school within the district their next open enrollment application should be directed to the school they wish to attend.
3. Priority for open enrollment will be given to district students.
4. All requests for open enrollment are considered on a first-come, first-served basis and will be accepted only on a space available basis at the desired school or in the desired program.
5. The open enrollment process is in addition to specific processes or procedures for schools that have their own separate enrollment procedures (i.e., schools of choice, CTE programs, charter programs, etc.). Both processes must be successfully completed for an open enrollment student to participate in one of these specialized programs. Students with disabilities may open enroll into the district consistent with district policies but all placement decisions will be made by the student's IEP or Section 504 team. This includes placement in special programs such as extended resource programs or specialized schools for students with disabilities.
6. Students admitted through the open enrollment process do not need to reapply annually unless they are seeking to enroll in a different school. However, parents/guardians of open enrolled students must provide notice to the receiving school of intent to re-enroll their student in the same school. Once a student has been admitted through the open enrollment process to the same school for a second consecutive year, the student may complete their education at such school and will not be denied enrollment unless their approved open enrollment application has been revoked as outlined in Policy 631 and these procedures.
7. Approved open enrollment applications do not guarantee specific classes for any student.
8. State and district athletic eligibility rules and regulations govern participation in athletic and activity programs. In no case is an employee of the district to recruit students outside

of their attendance area. Discipline for violation of this policy/procedure may involve actions up to and including dismissal.

## **Procedures**

1. Parents/guardians must complete the open enrollment application form. Applications are available at district schools and on the district's website. Although applications will be accepted at any time throughout the year, priority will be given to those applications received prior to February 1 for the next ensuing school year.
2. Parents/guardians must notify the home school or district of its open enrollment application and request that the home school or district forward the student's cumulative record, including academic history, disciplinary history, and disability evaluations, IEP/504 plan, if any.
3. The superintendent, building principals or designee will review the open enrollment application and approve or deny the transfer by completing the appropriate section of the open enrollment application. All decisions will be made within sixty (60) days.
4. Applications are considered on a first-come, first-served basis, provided that priority may be given if a student:
  - Has a parent employed by the district (excluding temporary employees and contractors);or
  - Has a sibling enrolled at the requested school.
5. If the request is approved, the notice to parents will inform the parents/guardians of the following:
  - Parents/guardians are responsible for providing transportation or get the student to the nearest district bus stop, if space is available;
  - Annual reapplication to the same school is not required, but parents/guardians are responsible for notifying the school by February 1 of their intent to re-enroll;
  - Reasons for which an open enrollment or transfer application may be revoked.
  - Students enrolled in special programs such as special education, CTE, English Language Learner (ELL), alternative school or other specialized programs must meet the requirements and procedures established for those programs;
  - For students with disabilities, all procedures relating to transportation and revocation of open enrollment will comply with applicable requirements of the Individuals with Disabilities Education Act (IDEA) or Section 504.
6. If the request is denied, the notice to parents/guardians will inform the parents/guardians of the following:
  - The reasons for the denial;
  - If the denial is due to a lack of available space, information about other district schools that are below maximum enrollment, if any;
  - The appeal process.
7. Prior to revoking a student's approved open enrollment application, the building principal or designee will provide written notice to the student's parent/guardian of the circumstances that jeopardize the student's status at the transfer school.

8. For students with disabilities, prior to revoking a student's approved open enrollment application, the district will follow all procedures required under the IDEA or Section 504.
9. For transfers that are revoked as provided in these procedures, the notice to parents/guardians will inform parents of the following:
  - The reasons for the revocation;
  - For revocations due to growth, information about other schools within the district that are below maximum enrollment, if any;
  - For revocations due to reasons other than growth, a statement that the student is ineligible to reapply for a transfer to district schools; and
  - Appeal procedures.

### **Transfer Considerations**

In reviewing an open enrollment request, space available considerations must recognize and allow for growth within the school's home attendance area during the summer months and school year. At the secondary level, to allow for growth in the school's home attendance area, core classroom size per grade level is the standard used to determine maximum enrollment for the purpose of the open enrollment guidelines. For all grade levels, maximum enrollment takes into consideration the student/teacher ratios set forth below, specialized program capacity limitations, staffing levels, and building capacity. Maximum enrollment for district schools are set forth below:

Maximum capacity at Wendell Elementary School, Wendell Middle School, and Wendell High School is the current number of advisory classes times the secondary subject area maximum class size, as described below

The following student/teacher ratios are applicable in all open enrollment considerations:

<b><u>Grade</u></b>	<b><u>Student/Teacher Ratio</u></b>
K-3	20
4-6	26
Middle School/Jr. High	160 teacher load
High School	160 teacher load
Alternative School (7-12)	18 average daily class load
Special Education Resource Room	Case load per teacher of 20 students
Special Education Extended Resource Room	No greater than 5 students per room
Special Education Programs	No greater than 12 students per full-time special education teacher
ELL programs	No greater than 20 students per full-time ELL teacher

Reasons for denial of an open enrollment application include:

1. The student has a history of chronic absenteeism, including tardies.
2. The student was expelled from his/her previous district for any of the reasons set forth in Idaho Code §33-205(1).
3. The student has a documented history of significant disciplinary infractions. Factors to be considered in making this determination may include:
  - Whether the student is in good standing with the most recently attended school in terms of conduct and attendance;
  - Whether the student demonstrates a record free of truancy;
  - Whether the student demonstrates a clean behavior record in the school last attended for a period of at least one (1) year;
  - Whether the student's presence poses a detriment to the health and safety of other students and/or staff, based on the student's documented disciplinary history;
  - Whether the student disenrolled in lieu of discipline from a previous school; or
  - Whether the student has been denied enrollment at another school due to behavior detrimental to the health and safety of other students.
4. The requested receiving school does not have space available as determined by comparing the maximum enrollment to the number of students actually enrolled.
5. The student has a conviction or adjudication for any of the offenses under Idaho Code §20-525A(5), or chapters 9 (assault and battery), 61 (rape), or 66 (sex crimes), title 18, Idaho Code.
6. It is determined that the information provided on the open enrollment application has been misrepresented or is incomplete.

### **Revocation of Open Enrollment Transfer**

Transfer approvals may be revoked for any of the following reasons:

1. The student has been chronically absent from school as defined in Policy 631.
2. The student has committed repeated, serious disciplinary infractions as defined in district policy and/or student handbooks. Serious disciplinary infractions are generally those that result in long-term suspensions or expulsion proceedings and include situations where the student disenrolls in lieu of expulsion.
3. The student has a conviction or adjudication for any of the offenses under Idaho Code §20-525A(5) or chapters 9 (assault and battery), 61 (rape), or 66 (sex crimes), title 18, Idaho Code.
4. The school in which the student is enrolled exceeds the maximum enrollment of resident students due to growth, provided, however, that the transfer approval of a student who has attended the same district school for two (2) consecutive years will not be revoked for reasons solely due to growth.
5. It is determined that the information provided on the open enrollment application has been misrepresented or is incomplete.

**Appeal Procedures**

When a transfer request is denied or an approved transfer is revoked as provided in these procedures, the parent/guardian of the student may request an administrative review of that decision by the board of trustees. The request must be made in writing to the superintendent or designee within five (5) school days of receiving the written denial or revocation notice. The appeal will be considered at the next regularly scheduled meeting of the board of trustees. The board's decision will be issued to the parent/guardian in writing.

The parent/guardian may appeal the board of trustees' decision to the State Board of Education ("SBE") within ten (10) school days of receiving the board of trustees' written decision. The SBE will consider the appeal at its next regularly scheduled meeting, where the parent/guardian and a representative from the district may address the SBE. The district has no authority over the appeal procedures that may be prescribed by the SBE.

**LEGAL REFERENCE:**

42 U.S.C. §11301 *et seq.* – McKinney-Vento Homeless Assistance Act

20 U.S.C. §1400 *et seq.* – Individuals with Disabilities Education Act

29 U.S.C. §701 *et seq.* – Rehabilitation Act of 1973 (Section 504)

Idaho Code Sections

33-205 – Denial of School Attendance

33-506 – Organization and Government of Board of Trustees

33-512 – Governance of Schools

33-1002B – Pupil Tuition-Equivalency Allowances

33-1401 *et seq.* – Transfer of Pupils

IDAPA 08.02.02.110 – Personnel Standards

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