

The board of trustees recognizes that parents/guardians of students residing in the district may desire to enroll their student in a school other than the student's home school. Likewise, the board recognizes that parents/guardians residing outside of the district may desire to enroll their student in schools within the district. The purpose of this policy and the accompanying procedures (631P) is to establish guidelines for enrollment in district schools consistent with Idaho law. Parents/guardians of Idaho students who desire to enroll their students in district schools, or in a district school other than the student's home school, may apply for enrollment consistent with the requirements of this policy. All transfer applications will be considered without regard to the student's residential address, ability, disability, race, ethnicity, sex, or socioeconomic status.

### ***DEFINITIONS***

As used in this policy and in 631P, the following terms apply:

"Chronic absenteeism" means absences of at least ten percent (10%) of school days during a school year, regardless of the reason for such absence. For purposes of open enrollment procedures, chronic absenteeism includes late arrivals (tardies) and late pick-ups.

"In-district transfer" means a transfer of a student to a school other than their home school as determined by district school zones and boundaries.

"Home school" means the student's school based on his/her residential address as determined by district school zones and boundaries.

"Receiving school/transfer school" means the student's school approved for enrollment through an open enrollment application.

### **APPLICATION**

Parents/guardians of out-of-district students seeking to enroll in the district and parents/guardians of a student seeking an in-district transfer must apply for admission to a specific school on a form provided by the Idaho State Department of Education (SDE) or a district-provided form that is substantially similar. The application must be submitted to the desired district school by February 1 for priority enrollment during the following school year. Applications received after February 1 will be considered based on school capacity as set forth in this policy and accompanying procedures (631P). Priority for enrollment in district schools will be given to in-district transfers.

The notice of application must also be given to the home district *or school*. At the time of application, the parent/guardian must request that the home district or school forward the student's accumulative record. The home district or school has ten (10) days to forward a certified copy of the transferred student's record, unless the provisions of Idaho Code §18-4511 apply.

The superintendent, building principals or other designee will review and accept or deny applications. The district or receiving school within the district will notify the applicant within sixty (60) days of the decision. If the request for enrollment in the district or enrollment in another school in the district is denied, the denial will include a written explanation.

The district may deny an open enrollment application for one or more of the following reasons:

1. The student was expelled by the previous district for any of the reasons identified in Idaho Code §33-205(1).
2. The student has a documented history of significant disciplinary issues. Documentation may include, but is not limited to, records indicating the student has been denied enrollment due to behavior detrimental to the health and safety of other students, or has disenrolled in lieu of discipline, or other disciplinary records from the student's previous school.
3. The student has a documented history of chronic absenteeism, *as defined herein*.
4. 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.
5. The receiving school within the district does not have space available according to the capacity limits set by the board of trustees.

For students accepted for enrollment in district schools, the student's parent/guardian need not reapply for acceptance to the same school for the next school year. However, the parent/guardian must provide notice to the district or receiving school of intent for the student to reenroll by February 1 on a form provided by the district. Students moving from elementary school to [select one: middle school or junior high] or from [select one: middle school or junior high] to high school must reapply for enrollment as provided in this policy.

Students who are enrolled at the same district school for two (2) consecutive years may complete his/her education at the school without providing notice unless the student's transfer approval has been revoked as provided in this policy and 631P.

## **SCHOOL CAPACITY AND REPORTING**

The district establishes maximum enrollment for each grade level at each school within the district and uses such maximum enrollment to determine space available for purposes of making decisions on all transfer applications. Maximum enrollment is determined based on desired student/teacher ratios; program, class, and grade level capacity; and building capacity, as well as

growth within a school's home attendance area. For secondary grades, the district may use core classroom size per grade level as the standard to determine maximum enrollment.

Provided that the district meets the minimum sample size necessary to prevent unlawful release of personally identifiable student data, the district will, at least four (4) times during the school year, publish on its website the space available at each grade level at each school. Space available is determined by comparing the maximum enrollment to the number of students actually enrolled.

As required by Idaho law, the district will report to the state reporting system the space available at each grade level, school, and in each program, the number of transfer applications, the number of accepted transfer students, and the number of denied applications. Such reporting will occur not less than four (4) times during the school year.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

Students attending district schools through any of its enrollment options are subject to and required to follow the same policies, regulations, and school rules as any regularly enrolled student during the times that students are present at school or any school-related event or activity. Such policies, regulations and rules will include, but are not limited to, those relating to attendance, grades, prerequisites, classroom conduct, and discipline.

## **SPECIAL STATUS AND COURT ORDERED STUDENT PLACEMENT**

Nothing in this policy shall override any student's rights under the McKinney-Vento Homeless Assistance Act, the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act. The district will allow any student eligible under McKinney-Vento, IDEA or Section 504, who is otherwise qualified to participate in school programs, to enroll in schools and programs of the district under the same criteria and conditions as all other students and receive accommodations in the general education courses if eligible. In addition, non-resident students who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts and reside in licensed homes, agencies, and institutions will be received and admitted by the school district in which the facility is located without payment of tuition.

Prior to revocation of an approved open enrollment application of students with disabilities who have an Individualized Education Program (IEP) or Section 504 plan, the district will follow all procedures required by the IDEA or Section 504.

## **TRANSPORTATION**

For those students attending this district's schools from out-of-district, the parent/guardian will be responsible for transporting the student to and from the school or to an appropriate bus stop within this district, provided that the district may provide transportation for students with disabilities as may be required by the student's IEP or Section 504 plan. For those students

attending another school, rather than their assigned school within this district, the parent/guardian is responsible for transporting the student to an appropriate bus stop.

## **PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**

Transfer students, whether in-district or out-of-district, may be ineligible to compete in athletic activities governed by the Idaho High School Activities Association (“IHSAA”) due to such transfer. Students and their parents/guardians who are considering a transfer are encouraged to review IHSAA rules and are responsible for obtaining information on athletic eligibility from the IHSAA.

## **PREVENTING OR RECRUITING POTENTIAL OPEN ENROLLMENT STUDENTS**

Neither the district nor its employees will take any action to prevent or prohibit application by a student to attend school in another school district or to attend another school within the district. In no event is the district or any employee of the district to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including termination dismissal.

## **REVOCAION OF OPEN ENROLLMENT**

The district may revoke the open enrollment status of a student for one or more of the following reasons:

1. The student is chronically absent, *as defined herein*.
2. The student commits repeated, serious disciplinary infractions.
3. The student commits disciplinary infractions that result in expulsion for any of the reasons identified in Idaho Code §33-205.
4. 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.
5. The school in which the student is enrolled exceeds the maximum enrollment of resident students due to growth, provided that open enrollment will not be revoked under this criteria if the open-enrolled student has attended the same school for two (2) consecutive years.



**LEGAL REFERENCE:**

Idaho Code Sections

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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