

## Policy 3141 | Kimberly

### OPEN ENROLLMENT FOR STUDENTS WHO RESIDE WITHIN AND OUTSIDE THE DISTRICT POLICY/PROCEDURE

#### Open Enrollment by Students Who Reside Within and Outside the District

The Board of Trustees recognizes that some of its patrons may want to enroll their children in a different school than the school that serves the attendance area in which they reside. The Board also recognizes that some out-of-District parents/guardians may want to send their child to a District school. Therefore, this policy is adopted to allow all in-District and out-of-District patrons to choose among this District's schools under specified conditions. In making a decision on a student's open enrollment application, the District shall consider the needs of the student requesting the transfer as well as the other students affected by the transfer and will accept students if capacity allows.

The District will prioritize applications from students who live within the District and may deny students for one or more of the following reasons:

1. The student was expelled by the previous District;
2. The student has a documented history of significant disciplinary issues or history of chronic absenteeism. However, 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.
3. The student has a documented history of chronic absenteeism.
4. The receiving school within the District does not have space available according to the capacity limits set by the Board of Trustees.

Students may attend school in other than the resident student's school under the following circumstances:

1. State Enrollment Options Program;
2. When the resident and non-resident districts mutually agree; or
3. When the resident district and an out-of-state school district mutual agree;
4. Except when such transfer would work a hardship on the receiving school district

## **STATE ENROLLMENT OPTIONS PROGRAM**

Whenever the parent or guardian of a student determines it is in the best interest of the student to attend a school other than the student's resident school, the parent/guardian must apply annually for admission to the out of district/non-resident school on a form provided by the State Department of Education. 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 February 1 deadline may be modified by mutual agreement of the resident and out of district/non-resident school. Notice of the application must be given to the student's residence district.

Students with disabilities are not treated differently from non-disabled students 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 due to appropriate consideration of teacher and staff, resources, program availability, hardship to the District, Declaration of Hardship and/or other factors.

An administrator who is knowledgeable of the student, the student's academic history, the student's disability who has been designated by the Superintendent shall evaluate data, if any, and/or the placement options. The Designee has discretion to review and accept or deny the Open Enrollment applications on a case-by-case basis.

The out of district/non-resident school will have 60 days in which to consider the application. The district may deny out-of-district/non-resident student enrollment for circumstances that constitute a hardship, or fall within the scope of any Hardship Declaration including, but not limited to, enlarged student-teacher ratios; overcapacity of any program such as special education, classes, as well as overcapacity of any grade level, or building; or any other factors pertaining to staffing, student-teacher ratios, case load and/or to protect the health, safety, and welfare of its existing students and/or its educational processes. If the application is denied, the out of district/non-resident school must provide a written explanation of the denial of enrollment.

No tuition shall be charged when a student attends an out of district/non-resident school under the State's Enrollment Options Program.

## **MUTUAL AGREEMENT OF RESIDENT AND NON-RESIDENT IDAHO DISTRICTS**

The boards of trustees of a resident and out of district/non-resident district may agree in writing, on an annual basis, that students may be allowed to attend school in the non-resident district.

## **MUTUAL AGREEMENT OF RESIDENT DISTRICT AND AN OUT-OF-STATE DISTRICT**

The Board of Trustees may agree in writing, on annual basis, that a resident student attend school in the nearest appropriate school district in a neighboring state. Such agreement shall state the rate of tuition and cost of transportation, if any, to be paid by the district. The agreement will be entered into the records of the Board of Trustees. A copy must be filed with the State Board of Education.

The Board of Trustees may, upon approval of the State Board of Education, enter into an agreement with the governing body of a school district in another state for education and/or transportation of an out-of-state student. The rate of tuition, cost of transportation as well as other appropriate costs shall be specifically addressed in the agreement. The agreement will be entered into the records of the Board of Trustees with a copy to be filed with the State Board of Education

## **ADMISSION PROCEDURES**

The Kimberly School District may accept open enrollment applications for any school in the district. Preference is given to students that live within the district and siblings already enrolled in KSD.

Open enrollment forms are available at the Kimberly School District Office. Applications will be accepted at any time throughout the school year, although the general period for accepting applications will be February 1 for the following school year. In the event there is capacity for open enrollment applications, it will be on a first come first served basis. Once an open enrollment student is accepted to a district school, they do not need to apply for the ensuing year and will give notice to the receiving school using a form prescribed by the district. Once a pupil has been enrolled at the same school for a second consecutive year, the pupil may complete their education at such school, unless the pupil's approved transfer has been revoked pursuant to reasons identified in this policy. Each time a current open enrollment student seeks attendance to another district school which they are not a resident, they will need to apply as a new opened enrollment student.

## **REVIEW APPROVAL PROCESS**

Any student desiring to continue attending the Kimberly School District from an out-of-district school and any new out-of-district student applying for admission must meet certain criteria as listed below:

1. Request, complete, and submit an Open Enrollment Application.
2. A copy of the student's latest report card may be required to be attached with the new applications.
3. Students who wish to continue attending as an open enrollment student for a second year must ~~be returned to~~ provide the district notice by the 1<sup>st</sup> Monday in April and the parent or guardian will be notified of their child's acceptance or rejection on or before the last Friday in May.
4. Applications for new open enrollment students must be returned to the district and the parent or guardian will be notified of their child's acceptance or rejection on or before the 1<sup>st</sup> day of school.

The following criteria will be utilized in rejecting open enrollment students under ordinary conditions at any time:

1. Students who have been suspended.

2. Students with a record of drug, alcohol, and/or tobacco abuse.
3. Students suspected of being involved with weapons, explosives, or gang activities.
4. Students who have a record of fighting or are incorrigible.
5. Students who have a record of continuous discipline problems or have exhibited chronic attendance problems. **A student that is absent 10% of the time or greater is considered chronic absenteeism.**
6. Students who have committed vandalism and/or theft.
7. Students residing in the Kimberly School District will be admitted prior to out of district/non-resident students. If after new students are enrolled, the school or grade level will exceed maximum building capacity, as listed below, the student requesting open enrollment application may be rejected. Current enrollment for each school, including number of “openings” will be updated on the district’s website quarterly.

	<u>Grades</u>	<u>Maximum</u>
School Grades (Per Building)	K-1	3 classrooms of 20 students 60 maximum
School Grades (Per Building)	2-3	3 classrooms of 22 students 66 maximum
School Grades (Per Building)	4-5	3 classrooms of 25 students 75 maximum
School Grades	6-12	120 Per Grade Level

\*Students beyond the maximum program size as listed below:

\*Special Education

Pre-School	15 students (per class)
Elementary	15 students (per teacher)
Middle School	15 students (per teacher)
High School	15 students (per teacher)
Extended Resource	6 students (per teacher)

8. Students who move from the district during the year must complete an application to continue the school year as an open enrollment student. Continued enrollment is subject to this policy concerning “admission procedures” as an “open enrollment student.”
9. Parents/students who falsify their address will be asked to withdraw immediately, once the school becomes aware of their actions.

Exceptions to the above capacity limits or ratios, in prioritized form, shall include the following:

1. Open enrollment pupils whose parents are an employee of Kimberly School District or Rise Charter School. For purposes of this policy an employee is defined as being scheduled for employment a minimum of 15 hours a week during the school year or has accepted a supplemental contract with the school district. Employees must adhere to admission procedures as outlined above.
2. District to district agreements wherein a sending school district contracts with a receiving school district to educate a specific individual(s) or groups.
3. Students who reside out of the district, but whose parent's own property in the district and have plans to build a residence on that property, and the building permit has been issued, will be recognized as a student who resides in the district. Parents still must file an open enrollment form. If at the end of one year, the residence is still not completed, the student's status will be reviewed.
4. Current opened enrolled students within the district who have not been expelled or exhibited a history of significant disciplinary issues and/or chronic absenteeism.

### **HARDSHIP EXCEPTION**

In the following circumstances, the District may determine that a hardship exists when acceptance of an open enrollment student(s) would:

1. Require the hiring of additional staff, the provision of educational services not currently provided in the school, or the crowding of existing classes;
2. Cause an excessive number of students in a particular building or program (i.e., when the total number of students exceeds the building or program numbers as noted above.
3. Would cause disruption of the education process. The District will consider the following criteria in making this determination:
  - Is the student in good standing with the most recently attended school in terms of academics, conduct and attendance;
  - Can the student demonstrate a record free of truancy;
  - Can the student demonstrate a clean behavior record in the school last attended for a period of at least one year;
  - Would the student's presence pose a detriment to the health and safety of other students and/or staff;
  - Has the student been suspended or expelled from any other school district?

### **IDAHO YOUTH REHABILITATION/CHILD PROTECTIVE ACT**

Any out of district/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**

Homeless children as defined by the Steward 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 such homeless child.

## **TRANSPORTATION**

Parents or guardians of a student accepted under this open enrollment policy will be responsible for transporting the accepted student. If bus space is available, then the students accepted under the enrollment policy may be transported from an appropriate, established bus stop within the district boundaries. However, this may not apply to students with disabilities who have transportation identified in their IEP as a related service.

## **VARSITY SPORTS**

It is recommended that a student who is considering submitting an enrollment application to this district, and who anticipates participating in a sport governed by the Idaho High School Activities Association (IHSAA) should review IHSAA rules prior to submitting their open enrollment application. Certain school transfers could lead to a student being ineligible to play at the varsity level for one year.

## **OTHER CONDITIONS**

The District will not admit any student prior to viewing that student's records from the student's previous school districts.

The Board will not admit any student who is expelled from another school district.

New or continued enrollment of such open enrollment students will be subject to the District's discretion and such students may be denied enrollment, re-enrollment, or continued enrollment in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

An open enrollment out-of-district/ non-resident student who becomes eligible for special education during the school year will be allowed to complete the school year as an open enrollment student, however, the student may be re-evaluated and/or his or her enrollment status may be reviewed prior to enrollment for the following year, and depending upon circumstances, such enrollment may be denied in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

## **APPEALS PROCESS**

If a transfer request is denied or an approved transfer is revoked, the pupil's parents may request an administrative review by the Kimberly School Board of Trustees within five (5) school days of receiving the written notice of the denial or revocation. If denied by the Kimberly School Board of Trustees a parent may then appeal the decision to the Idaho State Board of Education within ten (ten) school days of receiving the written notification.

### **Legal Reference:**

IC §33-512	Governance of Schools
IC §33-1401	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

### **Policy History:**

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