

STUDENT PERSONNEL

Series 500

Policy Title: NON-RESIDENT STUDENTS

Code: 502.9

Open Enrollment Procedures

Open Enrollment Application forms are available at the Lapwai School District Office. 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 annually 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.

Out-of-district open enrollment is a program that spans one school year at a time. Parents/guardians must reapply annually no later than February 1 for enrollment during the following school year. The Superintendent will notify the parent/guardian of the decision no later than March 31st.

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.

Idaho Code 33-1405 requires out-of-state student tuition be charged to those students whose home district is outside of Idaho.

A student who plans to participate in a varsity sport governed by the Idaho High School Activities Association (IHSAA) should review IHSSA rules prior to submitting an Open Enrollment Application. Certain school transfers will lead to a student being ineligible to play at the varsity level for one year. No pupil shall gain eligibility to participate in extracurricular activities in violation of policies governing such eligibility as a result of transfer under the open enrollment policy.

Review Process and Non-Resident Requirements

For students who reside outside the Lapwai School District boundary, the parent/guardian shall complete the Open Enrollment Application form and submit it to the Lapwai School District Office.

The Superintendent will review the request form and data from applicable documents with the school Principal. They will have the discretion to review and accept or deny open enrollment applications on a case by case basis, utilizing and applying the factors outlined in this policy and the applicable records including:

1. The student;
2. The student's disciplinary record;
3. The student's attendance record;
4. The student's disability, if applicable;
5. The placement options, given the student's academic history;
6. The student's disability evaluation data, if any, and/or
7. The placement options.

Applications will be considered on a first-come first-serve basis. However, in situations where openings are limited and applications are received in a similar timely fashion, the District may give priority if a student:

1. Has a brother or sister enrolled at the requested school;
2. Has a parent/guardian who is employed by the Lapwai School District;

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 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 the homeless child.

If the request for open enrollment is denied, the denial will include a written explanation. All parents/guardian 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 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 a 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	20
2-3	20
4-6	26
7-12	160 students per teacher per day
Self-Contained Special Education Classroom	An average of 6 students per teacher

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

4. includes infractions which could be grounds for suspension or exclusion.
5. 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.
6. If it is determined that the Open Enrollment Application has been misrepresented or 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 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;
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.

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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8/21/23

Legal References:
Section 33-205 I.C.

Related References:
Official Opinion of State Attorney General-August 19, 1976