

Section J: Students  
Title Open Enrollment  
Code JBCD  
Status Active  
Adopted December \_\_, 2023

The Board of Education permits resident students to transfer to a school outside of the student's attendance area, subject to capacity and meeting good standing requirements (see Board policy JBCB). Additionally, Kansas law requires the Board to allow nonresident students to enroll in and attend the schools of the District, subject to capacity and meeting good standing requirements. In order to accept students during Open Enrollment, the Board has adopted this policy.

Nothing in this policy should be construed to guarantee placement of a student in any particular school, grade level, or program in the District. Placement in any grade level, school building, or program shall be limited to those students determined to be eligible and qualified for such placement. All students, regardless of residency, may be assigned or transferred to or from any school or program at the discretion of the superintendent or their designee.

Details concerning Open Enrollment, as well as continued enrollment processes for nonresident students, may be found in this policy. Details concerning In-District transfer of resident students, as well as continued transfer of In-District Transfer students, may be found in Board policy JBCB. General processes on enrollment documentation, assignment to buildings and classes, etc., may be found in Board policy JBC.

### Definitions

For the purposes of this policy, the following definitions apply.

“Nonresident student” means a student who resides in Kansas and who is enrolled and in attendance at or seeking to enroll and attend a school located in a Kansas district where such student is not a resident.

“Open Enrollment” means the window beginning June 1 and ending June 30 when the District accepts applications from nonresident students and any other Shawnee Mission student desiring to attend another school.

“Parent” means and includes natural parents, adoptive parents, stepparents, and foster parents.

“Person acting as parent” means:

- A. A guardian or conservator; or
- B. a person, other than a parent, who:
  - i. Is liable by law to maintain, care for or support the child;

- ii. has actual care and control of the child and is contributing the major portion of the cost of support of the child;
- iii. has actual care and control of the child with the written consent of a person who has legal custody of the child; or
- iv. has been granted custody of the child by a court of competent jurisdiction.

“Receiving school district” means a school district of nonresidence of a student who attends school in such school district.

“Sibling” means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister, a foster brother or foster sister.

#### Determining Capacity for Open Enrollment

The superintendent or designee has the responsibility for studying capacity in each school of the District and at each grade level within each school and for making recommendations to the Board regarding the District’s capacity to accept students during Open Enrollment. To make recommendations to the Board to assist with determining capacity, the superintendent or the superintendent’s designee(s) shall do the following:

The superintendent or designee shall develop recommendations on capacity and classroom student-to-teacher ratios in each grade level in each school serving kindergarten students and students in grades one through eight. Such recommendations may be based on, but not be limited to, the following factors:

- Present classroom student-teacher ratios in each grade level in each school;
- projected enrollment shifts based on the resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends; and
- maximum capacity of the classroom and associated learning, activity, and common area spaces.

The superintendent or designee shall develop recommendations on capacity and student-to-teacher ratios for each school building or program serving students in grades nine through twelve. Such recommendations may be based on, but not be limited to, the following factors:

- Present building or program student-teacher ratios;
- projected enrollment shifts based on the resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends;
- anticipated demand for particular courses or programming; and
- maximum capacity of the classroom and associated learning, activity, and common area spaces.

On or before May 1 of each year, the superintendent shall present the recommendations concerning capacity and student-to-teacher ratios to the Board for adoption or modification, and the Board shall determine, for each grade level in each school building of the District for the next succeeding school year, the following:

- Capacity based on the study conducted by the superintendent or the superintendent’s designee;

- the estimated number of students expected to attend school in the District; and
- the estimated number of open seats available during Open Enrollment at each grade, building, or program.

On or before June 1 of each year, the District shall publish the estimated number of open seats available in each grade level for each school building of the District for the next succeeding school year on the District's website.

From June 1 through June 30, District administration will accept Open Enrollment applications. Applications from nonresident students who have a parent who is a current District employee also will be accepted and processed during the earlier window for In-District Transfers.

If the number of qualified applications for a grade level, school building, or program is less than the number of available seats for that grade level, school building, or program, the qualified students who submitted applications and who meet all applicable criteria will be accepted.

If the number of applications for a grade level, school building, or program is greater than the number of available seats for the grade level, school building, or program, District administration will first select qualified students for approval using the below priority in filling open seats and then, if there are still available seats, randomly select from the qualified students using a confidential lottery process. This process shall be completed on or before July 15 of each year.

The District will provide to the parent or person acting as a parent of a student who was not accepted in Open Enrollment the reason for the nonacceptance or denial and an explanation of the selection process.

#### Priority in Filling Open Seats

The following categories of students shall be allowed to enroll as if resident students:

- Any child who is in the custody of the Department for Children and Families and who is living in the home of a current enrolled nonresident student;
- Any nonresident student who has a parent or person acting as parent employed by the District, while the parent or person acting as a parent remains employed by the District; or
- any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence, as outlined in Board policy JBCA.

If one of these exceptions no longer applies to the student, the student's enrollment status would be subject to review.

Subject to having capacity, the District will give priority in Open Enrollment according to the below-listed order of lottery exceptions in the order in which they were received, without the necessity of going through the open seat lottery.

1. Qualified students who are a sibling of a current transfer student (meaning a current In-District Transfer student or current enrolled nonresident student).
2. Any qualified nonresident student who is a military student as defined in K.S.A. 72-5139, with priority given when the student is first accepted and, if necessary, at any other time the District considers transfer applications.

Subject to capacity, all other qualified students will be entered into the random lottery.

#### Prohibitions Regarding Open Enrollment Provisions of this Policy

The District shall not:

- Charge tuition or fees to any nonresident student who transfers to the District pursuant to this policy, except fees that are otherwise charged to every student enrolled in and attending school in the District (nonresident students, like all students, will be responsible for payment of applicable fees for fee-based programs); or
- accept or deny a nonresident student transfer based on ethnicity; national origin; gender; income level; disabling condition; proficiency in the English language; or measure of achievement, aptitude, or athletic ability; or any other reason prohibited by law.

Except for a child in the custody of the Department for Children and Families or a child who is experiencing homelessness, a nonresident student shall not transfer more than once per school year to one or more receiving school districts pursuant to the provisions of this policy or authorizing Kansas law.

#### Resident Students who Move Outside the District During a School Year

When a student moves outside the District (but remains a Kansas resident) after the beginning of a school year, they will be permitted to continue enrollment and attendance in the District until such student graduates from high school, reaches the age of 21 (if the student is a student with an exceptionality, not solely eligible for gifted services under an individualized education program), or receives a G.E.D., unless such student is no longer deemed by District administration to be in good standing. The student will not be required to submit an application during Open Enrollment.

#### Transportation of Nonresident Students

The District, by virtue of being a receiving school district of a nonresident student, shall not be required to provide transportation to nonresident students unless otherwise required to do so by state and/or federal law.

#### KSHSAA Eligibility

Nothing in this policy or state law shall exempt a nonresident student who transfers into the District from the requirements of the Kansas State High School Activities Association ("KSHSAA") regarding eligibility to participate in KSHSAA activities.

#### Information Share with the Kansas State Department of Education

The superintendent shall submit or have submitted to the Kansas State Department of Education this policy, the number of nonresident student transfers approved and denied in each grade level and whether the denials were based on capacity or in accordance with the policy's terms, as required.

#### Nonresident Student Continued Enrollment

A nonresident student who has been accepted for enrollment and attendance at a District school shall be permitted to continue enrollment and attendance in the District until such student graduates from high school, reaches the age of 21 (if the student is a student with an exceptionality, not solely eligible for gifted services under an individualized education program),

or receives a G.E.D., unless such student is no longer deemed by District administration to be in good standing.

Except as otherwise specified herein, nonresident students who have previously been accepted for enrollment by the District will be allowed to continue enrolling in the District as specified above. The District will not require parents to resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student unless the District provides notification to the parent, person acting as a parent, or student that enrollment is not going to be continued for reasons specified as follows.

#### Good Standing Criteria

A nonresident student may be denied enrollment or continued enrollment for not being in good standing. Nonresident students admitted to the District shall be evaluated by District administration to determine standing for continued enrollment. Nonresident students may be denied continued enrollment for the next grading period based on the results of these evaluations. However, if the student has a disability, the student's ability to meet these expectations shall be considered prior to denying continued enrollment in the District. Similarly, administration shall consider the adverse impact of homelessness on a student's attendance and any resulting suspensions or expulsions before making a determination on the continued enrollment of a student who is homeless. As part of this reflection, administration shall consider the obstacles a homeless student faces to arrive at school on time or each day due to housing instability, lack of transportation, or lack of other basic resources that can hinder consistent attendance.

A nonresident student failing to meet one or more of the following criteria as verified by official school records will automatically be deemed not in good standing and may be denied enrollment continued enrollment based solely thereon.

- Maintaining no less than a "C-" in every course on every quarterly grade report.
- No suspensions or expulsions during the student's school career, and no major school disciplinary incidents during the previous two (2) school years;
- No more than ten (10) absence events, excused or unexcused, during the previous school year (tardies to school or class may accumulate as absences).

Further, a nonresident student meeting one or more of the following criteria will automatically be deemed not in good standing and may be denied enrollment or continued enrollment based solely thereon:

- The nonresident student or the student's parent or person acting as a parent provided false or fraudulent information in the application process;
- The nonresident student is not a resident of Kansas;
- The nonresident student is currently under a period of suspension or expulsion from any school district, and such suspension or expulsion will not expire until after the next school year has begun (students with pending suspension or expulsion proceeding in another school district will not be admitted in the District until such suspension or expulsion proceedings have been concluded).