Appendix 9

BOE Agenda Item Executive Summary
Date: November 13, 2023

Topic: Final Review: Proposed Update to Learning Services Policy

Current Policy	Proposed	Title	Notes
P5506	NA	Non-Resident Enrollment and Admission	Update policy to meet state statute (K.S.A. 72-3123) which allows nonresident students to attend schools in USD 259 if there are open seats.

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P5506 NON-RESIDENT ENROLLMENT AND ADMISSION

BOARD POLICY:

At the discretion of the administration, students who do not meet the criteria of residence for school purposes as defined in Kansas statutes (K.S.A. 72-3122 et seq.) may be enrolled in Unified School District 259 schools and programs, provided the enrollment occurs prior to September 20 of the current school year and the students are in attendance prior to September 20. ~~The administration is authorized to waive the September 20 deadline when severe hardships or very unique circumstances warrant special considerations.~~ The decision to waive the September 20th attendance deadline is a matter entrusted to the discretion of the superintendent or the superintendent's designee. Kansas law (K.S.A. 72-3123) requires the board to allow nonresident students to enroll in and attend the schools of the district if the board's capacity determination finds there are open seats for such students.

Administrative Implemental Procedures:

1. **Details concerning the open enrollment and continued enrollment processes for nonresident students may be found in this policy, while general processes on enrollment documentation, assignment to buildings and classes, etc., may be found in BOE policy 5505.**
2. **For the purposes of this policy, the following definitions apply.**
    - **a. "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:**
        - **i. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;**
        - **ii. An institution that provides a temporary residence for individuals intended to be institutionalized; or**
        - **iii. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.**
    - **b. "Nonresident student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.**
    - **c. "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents.**
    - **d. "Person acting as parent" means:**
        - **i. A guardian or conservator; or**
        - **ii. A person, other than a parent, who:**
            1. **is liable by law to maintain, care for or support the child;**
            2. **has actual care and control of the child and is contributing the major portion of the cost of support of the child;**
            3. **has actual care and control of the child with the written consent of a person who has legal custody of the child; or**

4. **has been granted custody of the child by a court of competent jurisdiction.**

e. **"Receiving school district" means a school district of nonresidence of a student who attends school in such school district.**

f. **"Sibling" means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.**

3. **Determining Capacity for Nonresident Enrollment - The superintendent or designee has the responsibility for studying capacity in each school of the school district and at each grade level within each school and for making recommendations to the board regarding the district's capacity to accept nonresident students. To make recommendations to the board to assist with determining capacity, the superintendent or the superintendent's designee(s) shall do the following.**

   a. **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:**

      i. **Present classroom student-teacher ratios in each grade level in each school;**

      ii. **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**

      iii. **Maximum capacity of the classroom and associated learning, activity, and common area spaces.**

   b. **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:**

      i. **Present building or program student-teacher ratios;**

      ii. **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;**

      iii. **Anticipated demand for particular courses or programming; and**

      iv. **Maximum capacity of the classroom and associated learning, activity, and common area spaces.**

4. **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, for each grade level in each school building of the school district for the next succeeding school year, the following:**

a. **Capacity based on the study conducted by the superintendent or the superintendent's designee;**

b. **The number of students expected to attend school in the school district; and**

c. **The number of open seats available to nonresidents at each grade, building, or program level.**

5. **On or before June 1 of each year, the district shall publish the number of open seats available to nonresident students in each grade level for each school building of the district for the next succeeding school year on the school district's website.**

6. **From June 1 through June 30, district administration shall accept applications from nonresident students.**

   a. **If the number of applications for a grade level in a school building is less than the number of available seats for that grade level in the school building, the nonresident students shall be accepted for enrollment and attendance at the school district, except as provided below for nonresident students regarding continued enrollment.**

   b. **If the number of applications for a grade level in a school building is greater than the number of available seats for the grade level in the school building, district administration shall randomly select nonresident students using a confidential lottery process. This process shall be completed on or before July 15 of each year.**

7. **The district shall provide to the parent or person acting as a parent of a nonresident student who was not accepted for or denied enrollment at such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.**

8. **Priority in Filling Open Seats - Subject to having capacity to enroll nonresident students, the district shall give priority in enrollment to the following nonresident students, who shall receive open seats without necessity of being selected through the open-seat lottery:**

   a. **Any sibling of a nonresident student who was accepted to enroll in and attend school in the district, with priority given when the nonresident student is first accepted and, if necessary, at any other time the district considers transfer applications; and**

   b. **Any 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.**

   c. **Regardless of capacity determinations, the following categories of students shall be allowed to enroll as if resident students:**

      i. **Any child who is in the custody of the Department for Children and Families and who is living in the home of a nonresident student who transfers to the district;**

ii. **Any nonresident student who has a parent or person acting as parent employed by the district, ~~shall be permitted to enroll in and attend school in the district as if the student is a resident of the district~~ while the parent or person acting as a parent remains employed by the district; or**

iii. **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.**

d. **If one of these exceptions in AIP 8 no longer applies to the student, the student's enrollment status would be subject to review under the terms for continued enrollment under this policy.**

9. **The district shall not:**

   a. **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; or**

   b. **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.**

10. **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.**

11. **Effective August 1, 2021, the non-resident student's parent or person acting as parent is responsible for transportation of the student to and from school.**

12. **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.**

13. **Information share with KSDE - 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.**

14. **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.**

15. **Except as otherwise specified herein, nonresident students who have previously been accepted for enrollment by the school district will be allowed to continue enrolling in the district as specified in AIP 14. 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 the upcoming school year for reasons specified as follows.

16. **Regardless of capacity to accept nonresident students at a nonresident student's grade level or in the student's designated school or program, an individual student may be denied continued enrollment for not being in good standing. Nonresident students admitted to the district shall be evaluated each spring by district administration to determine standing for continued enrollment.**
17. **Students may be denied continued enrollment for the next school year 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. 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.**
18. **A student meeting one or more of the following criteria shall automatically be deemed not in good standing and may be denied continued enrollment for the following school year based solely thereon.**
    - **a. The nonresident student failed to maintain a 90% attendance rate in the last school year, excluding excused absences and/or any relevant student handbook language;**
    - **b. The nonresident student or the student's parent or person acting as a parent provided false or fraudulent information in the application process;**
    - **c. The nonresident student is not a resident of Kansas;**
    - **d. The student is currently under a period of suspension or expulsion from any Kansas school district, and such suspension or expulsion will not expire until after the next school year has begun.**
    - **e. The student has had three or more out of school suspensions in the current school year, excluding suspensions a manifestation determination determined to be a manifestation of the student's disability or a failure on the part of school staff to implement an individualized education program, Section 504 plan, or behavior intervention plan;**
    - **f. The student has been given a long-term suspension or expulsion by the district in the current school year.**
19. **Parents shall be informed of any administrative decision not to continue enrollment of a nonresident student no later than June 30th.**
20. Special education students and regular education students will be treated equally under this policy. Non-resident students will not be admitted to schools, classes, or programs that are full.
21. Non-resident students and their ~~lawful custodians~~ **parents or person acting as parent** may apply to attend district Magnet Schools ~~or complete an application for special assignment~~. ~~Please refer to P5511 – Special Assignment of Students.~~

a. Magnet applications for non-resident students must be received in the Magnet Admissions Office by the application deadline to be considered for a magnet school placement if space is available after all in-district applicants are assigned.
b. The random selection for magnet schools will give preference to students who reside within the district boundaries over non-district resident students.
c. Non-district resident students who are admitted to magnet schools must be in attendance prior to September 20.
d. A student who lives outside the district boundaries but whose parent is on staff ~~at a magnet school~~ **within the district will receive a priority placement for their first-choice magnet school if an application is submitted on-time.** ~~may be considered as a district resident student for the magnet school at which the parent is employed. The student will be given consideration for placement at that school given space is available.~~
e. Non-resident sibling priority* will be given ~~into elementary magnet~~ **to K-12 magnet** schools if the application is received by the deadline and space is available after in-district siblings are assigned. ~~This non-resident sibling priority will not apply to middle magnet schools or Northeast Magnet High School~~.
   *Sibling priority is defined as follows: Student applying must have a sibling currently attending their first choice ~~elementary~~ magnet school, which includes any outgoing 5th, **8th and 12th** graders for the following fall.

~~22. Students attending USD 259 who are non-residents are subject to all rules and regulations governing attendance, behavior, etc.~~

23. ~~Effective August 1, 2021, the non-resident student's lawful custodian is responsible for transportation of the student to and from school.~~

~~24. An eleventh grade student who completes that grade and was a resident at least at the beginning of the eleventh grade, may return to the same school for their senior year.~~

~~25. Students from foreign countries seeking admission to USD 259 schools will be handled in accordance with federal laws and procedures originating from the Immigration and Naturalization Services, United States Department of Justice. Foreign students and foreign exchange students are included in this group. (See BOE Policy 5507 - Enrollment/Certification/Graduation of Foreign Students.)~~

The Board attorney has approved this policy as to legal form and content.

Administrative Responsibility: Student Records and Enrollment Services
Latest Revision Date: ~~May 2021~~ **November 2023**
Previous Revision Date: ~~June 2015 P5506~~ **May 2021 P5506**