

OPEN ENROLLMENT

The District has an open-enrollment program as set forth in A.R.S. 15-816 et seq. The open enrollment program described in this policy shall be placed on the District website and made available to the public on request.

No tuition shall be charged for open enrollment, except as authorized by applicable provisions of A.R.S. 15-764, 15-797, 15-823, 15-824, and 15-825.

Definition

Nonresident pupil means a pupil who resides in this state, but not in this District, and who is seeking enrollment in this District.

Resident pupil means an eligible child who:

- A. Resides in this District and lives with the parent or legal guardian;
- B. Resides in this District and is married or is an emancipated minor;
- C. Resides in this District and is eighteen (18) years of age or older;
- D. Is homeless and attended a school in this District at the time of becoming homeless;
- E. Has been issued a current certificate of educational convenience by the County School Superintendent; or
- F. Is a child of nonresident teaching and research faculty of community college districts and state universities, or of nonresident graduate or undergraduate students of community college districts and state universities, and whose parent's presence at the community college district or state university is of international, national, state, or local benefit.

Enrollment Options

Eligible District resident pupils may enroll in this District or another school district. Nonresident pupils may enroll in schools within this District, subject to the procedures that follow.

Information and Application

The Superintendent shall prepare a written information packet concerning the District's application process, standards for acceptance or rejection, and policies, regulations, and procedures for open enrollment. The packet will be made available to everyone who requests it.

The information packet shall include the enrollment application form and shall advise applicants that they must submit enrollment applications on or before May 1 of each year to be considered for enrollment during the following school year.

Capacity

The Superintendent shall annually estimate how much excess capacity may exist to accept pupils other than eligible District resident pupils. The estimate of excess capacity shall be made for each school and grade level and shall take into consideration:

- A. District resident pupils, including those issued certificates of educational convenience and those required to be admitted by statute. The District shall consider whether the school has the capacity to serve additional pupils without adversely impacting educational opportunities

for these eligible resident pupils already attending school. Factors to be considered in making this determination include but are not limited to:

1. Physical capacity of the school building and classrooms;
 2. Availability of staff (i.e., administrators, teachers, other certificated employees, related service providers);
 3. Capacity of specific grade levels, core and elective courses, and relevant special programs; and
 4. Availability of other resources.
- B. The enrollment of eligible children of persons who are employed by the District.
- C. Nonresident pupils who were enrolled in the school the previous year.
- D. Nonresident pupils who are currently enrolled and who are in good standing when the application is made or considered for enrollment for the following year. A currently enrolled nonresident pupil will not be in good standing if the pupil has had chronic attendance or serious disciplinary problems or has failed to meet standards for academic effort during the current school year.

The Governing Board shall make the final determination of excess capacity. The excess-capacity estimates shall be made available to the public in January of each year.

Enrollment Priorities

If the Governing Board has determined that there is excess capacity to enroll additional pupils, such pupils shall be selected on the basis of designated priority categories from the pool of pupils:

- A. Who have properly completed and timely submitted applications; and
- B. Who meet admission standards.

Enrollment priorities and procedures for selection shall be in the order and in accordance with the following:

- A. Enrollment preference shall be given first to:
 1. nonresident pupils who are currently enrolled and in good standing when the application is made for enrollment for the following year. A currently enrolled pupil will not be in good standing if that pupil has had chronic attendance or serious disciplinary problems or has failed to meet standards for academic effort during the current school year.
 2. Any sibling who is otherwise eligible and who would be enrolled concurrently with such pupils.
 3. Otherwise eligible children of persons who are employed by the District.
 4. Otherwise eligible children who are in foster care or who meet the definition of unaccompanied youth prescribed in the McKinney Vento Homeless Assistance Act.

If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

- B. Enrollment preference shall next be given to nonresident pupils who were not enrolled in the school the previous year, and who are not siblings of those pupils or children of persons employed by the District. Again, if capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

Enrollment preference may be given to children who are in foster care.

Admission Standards

Admission is only one (1) year. Each enrolled nonresident pupil must timely reapply for admission each year for the following school year.

By signing and/or submitting the District's open enrollment application form, both pupil and parent(s) or guardian(s) agree that they will comply with all policies and regulations of the District and all school rules, including but not limited to standards for academic effort, conduct and attendance. Pupils who are approved for open enrollment status in the District must abide by Governing Board policies and school regulations for student conduct, including, but not limited to, those pertaining to regular and punctual attendance. *Failure to comply with school rules is a breach of agreement and may constitute cause for open enrollment revocation.*

Before revocation for breach of agreement, an informal hearing with the student, parent/guardian and other appropriate persons will be conducted. The Superintendent or designee shall explain the alleged conduct that violates the rules or regulations. Parents/guardians shall be given an opportunity to respond. After the hearing, the hearing officer shall decide if revocation of open enrollment status is appropriate.

Admission may be denied or even revoked upon finding that a nonresident pupil, parent or guardian has withheld or misrepresented information on or related to the application.

If falsification of information is suspected, an informal due process hearing will be held in order that the parent(s)/guardian(s) or emancipated pupil may be presented with the information pertaining to the withholding or falsification charges and have the opportunity to respond to any charges.

The District may additionally deny admission to:

- A. Any pupil who has been expelled from the District or from any other educational institution, or who is in the process of being expelled.
- B. Any pupil of this District who is under District suspension at the time the application is submitted or who will be under suspension at the beginning of the year to which the application for admission is being made.
- C. Any pupil or former pupil from this or from any other public or private educational institution who withdrew from this or from that other institution in lieu of facing the imminent possibility of either expulsion or long-term suspension.
- D. Any nonresident pupil with a record of excessive absences that cannot be adequately explained by accident, illness, and/or other reason(s) for nonattendance that is/are to the District's satisfaction considered necessary and important. Absences may be considered excessive when the number of absent days exceeds ten percent (10%) of the number of required attendance days prescribed in A.R.S. 15-802(B)(1), per 15-803(B).
- E. Any nonresident pupil of this District who is out of compliance with any condition or disciplinary action imposed by this District.
- F. Any nonresident pupil who has failed to comply with conditions of probation imposed by juvenile court pursuant to A.R.S. 8-301, *et seq.*
- G. Any nonresident pupil with a change in placement within an active individualized education plan (IEP), if that change in placement, which was altered through procedures in compliance with applicable special education laws, would require entrance into a program that is already at capacity.
- H. Any nonresident pupil who fails to maintain adequate academic progress, i.e.:

1. Fails to maintain a "C" (2.00) average or above or
2. Fails to attend and apply oneself within both regular classes and the District's school tutoring program or another comparable tutoring program, and fails to make material progress toward attaining a "C" average or better.

This District shall also not admit a pupil if the admission of the pupil would violate the provisions of a court of order of desegregation or agreement by a school or district with the United States Department of Education for Civil Rights directed toward remediation of alleged or proven racial discrimination.

Notification

The District shall notify the emancipated pupil, parent, or legal guardian in writing by May 15 whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or rejected. The District shall also notify the resident school district of an applicant's acceptance or placement on a waiting list. If the applicant is placed on a waiting list, the notification shall inform the emancipated pupil, parent, or legal guardian of the date when it will be determined whether there is capacity for additional enrollment in a school. If the pupil's application is rejected, the reason for the rejection shall be stated in the notification.

Once an applicant has been accepted and notified, the emancipated applicant or non-emancipated applicant's parent or guardian must deliver written confirmation to the District within two (2) weeks of notification. Failure to timely do so may result in that applicant's deletion from the accepted applicant file.

As provided by A.R.S. 15-816.07, the District and its employees are immune from civil liability for decisions relative to the acceptance or rejection of the enrollment of a nonresident pupil when the decisions are based on good faith application of this policy and the applicable statutory requirements and standards.

Transportation of Pupils Admitted Through Open Enrollment

A resident pupil is eligible for District transportation on routes within the attendance boundaries of the school to which the student has been accepted for open enrollment. It is the responsibility of the parents or guardians of the resident pupil to have the pupil at a designated pickup point within the receiving school's transportation area.

Nonresident open enrollment pupils are eligible for District transportation from a designated pickup point on a bus route serving the attendance area of the school to which the pupil has been admitted, or as may be otherwise determined by the District.

The District *may* provide transportation for open enrollment nonresident pupils who meet the economic eligibility requirements established under the national school lunch and child nutrition acts for free or reduced-price lunches:

A. of not more than twenty (20) miles to and from:

1. the school of attendance, or
2. a pickup point on a regular District transportation route, or
3. for the total miles traveled each day to an adjacent district.

The District *shall* provide transportation for nonresident pupils with disabilities whose individualized education program (IEP) specifies that transportation is necessary for fulfillment of the program:

- A. of not more than twenty (20) miles to and from:
 - 1. the school of attendance, or
 - 2. a pickup point on a regular District transportation route, or
 - 3. for the total miles traveled each day to an adjacent district.

Exception

Should there be excess capacity remaining for which no applications were submitted by the date established, the Superintendent, upon approval by the Board, shall authorize additional enrollment of nonresident pupils:

- A. Up to the determined capacity.
- B. On the basis of the order of the completed applications submitted after the notification date established in this policy.
- C. Without regard to enrollment preference.
- D. As long as admission standards are met.
- E. Whose applications are submitted by or before May 1 of the school year for which the application is being submitted.

Adopted: May 2, 2018

LEGAL REF.:

A.R.S.

8-371

15-764

15-797

15-816 *et seq.*

15-823

15-824

15-825

15-841

15-922

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,
as amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.:

EEAA - Walkers and Riders

IIB - Class Size

JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABD - Admission of Homeless Students

JG - Assignment of Students to Classes and Grade Levels

Note: The following conditions apply to the open-enrollment program:

1. An attendance application must be completed and submitted between February 1st and May 1st.
2. Enrollment is subject to the capacity limit established for the school and/or its grade levels.
* The special education program at Cochise Elementary School is currently at capacity. If your child qualifies as a special education student they will be added to the waiting list.
3. On or before May 31st, the parent or legal guardian will be notified in writing whether the application has been accepted, rejected, or placed on a waiting list.
4. Transportation for the student may be the responsibility of the parent or legal guardian.
5. Providing false information on this form may result in the application being denied or admission being revoked.

The signatory affirms that the student will abide by the rules, standards, and policies of the school and the District if enrolled.

Admission is for one (1) year. By signing and/or submitting the District Open Enrollment application form, both pupil and parent(s) or guardian(s) agree that they will comply with all policies and regulations of the district and all school rules, including, but not limited to standards for academic effort, conduct and attendance.

Signature of Parent or Legal Guardian

Date

FOR DISTRICT USE ONLY * DO NOT WRITE BELOW THIS LINE

Student Number _____

Date/Time Filed _____

Accepted

Placed on waiting list

Rejected - Reason for rejection:

District Administrator

Date

Copies sent by school to applicant.

Date sent: _____