

Board Policy 3010: Open Enrollment

Status: ADOPTED

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The Board of Trustees of Mountain Home School District No. 193 (MHSD193) believes that to promote quality education for all students, students who reside out of the District, or outside of their attendance zone, may apply to attend school in Mountain Home School District. The Board of Trustees of the Mountain Home School District No. 193, in conformance with Idaho Code, Sections 33-1402 and 33-1404, hereby adopt the following written guidelines governing the admission of nonresident students by 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.

Mountain Home School District No. 193 (MHSD193) is an open enrollment district, and tuition may be waived for out-of-district students who attend this District's schools pursuant to the terms of this policy.

Students may transfer to MHSD without payment of tuition as long as the District in which the student resides provides a full program or similar educational opportunity for students of grades K-12, and special programs.

Mountain Home School District (MHSD) will take no action to prohibit or prevent application by its students to attend school at another District or to attend another school within this District.

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, or disenrolled in lieu of discipline, by the previous District.
2. The student has a conviction or adjudication of offenses outlined in IC 20-52A(5) or other criminal offenses listed in chapter 9, 61, or 66 in Title 18, Idaho Code. Such convictions or adjudications are required to be disclosed by the student's parent or legal guardian at the time of applying for open enrollment, and failure to disclose will result in a denial of open enrollment to the student.
3. 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.

4. The receiving school within the District does not have space available according to the capacity limits set by the Board of Trustees.

The process outlined in this policy is required for admission to any school within the District and shall be initiated again when a change in grade warrants a change in school – such as when the pupil wishes to continue open enrollment into middle school or high school.

Due process for all students remains the same regardless of which school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy. At the time of application, the District will provide the student's parent/guardian a list of eligible reasons for denial or revocation of open enrollment.

TRANSPORTATION

For those students attending this District's schools from out-of-district, the parent/guardian will be responsible for transporting the student to and from the school or to an appropriate bus stop within this District. If bus space is available, then students accepted under the open enrollment policy may be transported from an appropriate, established bus stop within District boundaries. However, this may not apply to students with disabilities who have transportation identified in their IEP as a related service need.

For those students attending another school, rather than their assigned school within this District, the parent/guardian is responsible for transporting the student to and from the school or to an appropriate bus stop.

IHSAA SPORTS/ACTIVITIES

A student who plans to participate in a varsity sport and/or activity governed by the Idaho High School Activities Association (IHSAA) should review IHSAA rules prior to submitting an open enrollment application form. Certain school transfers will lead to a student being ineligible to participate at the varsity level for one calendar year (365 days).

Eligibility rules for participating in extracurricular activities shall apply to students who request to attend a different school as described in this policy and any related procedures.

It is recommended that a student who is considering submitting an open enrollment application to this District and who anticipates participating in a sport governed by the Idaho High School Activities Association (IHSAA) 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.

APPLICATION/APPROVAL PROCESS

Open enrollment applications will be available and may be submitted at any time throughout the year; applications must be submitted annually. However, those applications submitted by February 1 of the year preceding the school year of enrollment will receive first consideration for open enrollment in the indicated grade. This deadline shall be waived in the case of students who move out of their attendance zone during the school year. The District may also consider other applications submitted after February 1. The Open Enrollment application form is provided by the Idaho State Department of Education (SDE), or can be found on our [District website](#). The application must contain the student's cumulative school record.

A copy of the notice of application must be given to the home district for approval. The parent/guardian must first receive approval from their home school district to transfer to this district. The parent/guardian must then submit the written letter of approval from the home district to the principal of the school they want to enroll their child. They would then get permission from this District's school principal using the same out of district application form. The principal will either approve or deny the request and forward the application to the superintendent. The superintendent will either approve or deny the open enrollment and forward all approved open enrollment out of district applications to the Board for approval. The Clerk of the Board will send an approval letter to the parent/guardian, to the home district, and the principal of the gaining building.

In situations where openings are limited and applicants have met the prescribed deadlines, the Superintendent or designee may give priority to certain students. Priorities for initial Open Enrollment or continuation of Open Enrollment include, but are not limited to the following:

- Students who were enrolled the prior year under Open Enrollment at the requested school and reside within the District boundary, but outside the attendance area, and whose siblings attend the school.
- Students residing in the District boundary, but outside the attendance area within 1.5 miles of the school in which they are applying to open enroll.
- Students residing in the District boundary, but outside the attendance area.
- Students whose parents are employed by the District.
- Students residing outside the District boundary, whose sibling(s) attend the school.
- Students residing outside the District boundary. The Superintendent or designee may deviate from the above priorities in order to take into consideration unique circumstances or extraordinary factors.

The priorities listed above are in order of consideration for openings in space-limited schools.

The Superintendent or designee may deny an open enrollment request when such enrollment would have a negative impact on the efficient use of District resources.

Nonpublic or public charter school students may not Dually Enroll solely for special education. The Dual Enrollment statute does not establish an entitlement to FAPE (Free

Appropriate Public Education) for a student with a disability. This means that there is no individual right to receive some or all special education services that the student would receive if enrolled in public school. Dually Enrolled nonpublic or public charter school students could also be eligible to receive services that have been agreed upon through the District and private school/charter school consultation process. These services would be delivered through a service plan.

MAXIMUM CAPACITY

The District will only accept an open enrollment student if the grade level and/or programs they require are below the capacity limits specified in 3010P. The District shall report, at least four times during the school year, the space available at each grade level, by school, using these capacity limits and will post it prominently on the District website.

The Superintendent shall establish a procedure for:

1. Determining which students are chosen when classroom space allows the admission of some, but not all, qualified applicants;
2. Notifying parents/guardians of the possible reasons for denial or revocation;
3. Notifying parents of the action taken on the open enrollment application, including the reasons for the denial of any application;
4. Removing a student from a transfer school, including the grounds for removal, parent notification, and the appeal process; and
5. Notifying parents/guardians of the appeal process available to them in the event their student's application is denied.

RE-ENROLLMENT

Open Enrollment students do not need to re-apply to maintain their enrollment at the school in which they're enrolled; However, the parent/guardian shall notify the District of their intention to re-enroll on an annual basis no later than February 1. The District will provide a form for parents/guardians that will serve as a notice of intent to re-enroll.

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.

REVOCATION OF OPEN ENROLLED STATUS

Open enrollment students are required to comply with all District policies. The District reserves the right to remove an open enrolled student at any time because of unacceptable behavior, false or misleading information on the open enrollment application, lack of academic progress, poor attendance, issues with late drop-off and/or pick-up time, or other circumstances which interfere with the learning environment as determined by the Superintendent or designee.

The District may revoke a student's enrollment if one or more of the following occurs:

1. The student is chronically absent.
2. The student commits repeated, serious disciplinary infractions.
3. The student has been expelled.
4. The student is convicted or adjudicated, or their parent/guardian failed to disclose conviction or adjudication at time of enrollment, of offenses outlined in IC 20-52A(5), or other criminal offenses listed in chapter 9, 61, or 66 in Title 18, Idaho Code.
5. The number of resident students exceeds the capacity limits set in Procedure 3010P. 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 shall offer information about other District schools that may be accepting open enrollment students.

Students under consideration of revocation who have a 504 plan or IEP may not have enrollment revoked if the behavior resulting in disciplinary action or chronic absenteeism is a manifestation of the student's disability.

The Superintendent, principal, or designee shall inform the parent(s)/guardian(s) of behavior that jeopardizes the student's status at the transfer school. If a student's open enrollment is revoked, open enrollment is not appealable to the Board.

The superintendent or designee will review and accept or deny the applications. This District will notify the applicant within sixty (60) days if the request for enrollment in this District or enrollment in another school is denied, the denial will include a written explanation. The denial of an application for open enrollment is not appealable to the Board.

Applicant shall receive an answer as to acceptance within 60-days of receipt of the application; if enrollment is denied, the denial will include a brief written explanation. The denial of an application for open enrollment is not appealable to the Board.

Being granted Open Enrollment in any given year does not guarantee nor indicate that it will be granted in any subsequent year. Each year is reviewed on an individual basis, depending upon the school and individual circumstances.

The Board of Trustees may upon agreement between the home school district and this District, or between the affected schools within this District, waive the deadline for applications.

DISTRICT HARDSHIP:

1. The MHSD may receive and admit students transferring outside of the district whose tuition is paid by the district in which the student resides, or waived by MHSD, or other legal

obligation, except when such transfer would constitute a hardship on this District or the receiving school within this District.

2. MHSD reserves the right to and may deny or remove out-of-District enrollments (students) for circumstances that constitute a hardship including, but not limited to, school or program overcrowding; unacceptable behavior; false or misleading information on the application; lack of academic progress; poor attendance; issues with late arrival/pick-up times; other circumstances that interfere with the learning environment as determined by the Superintendent or designee; enlarged student-teacher ratios; overcapacity of any program, class, grade level, or building; or to protect the health, safety, and welfare of its existing students, and/or its educational processes.
3. In order to attract and keep quality employees, any employee of Mountain Home School District may enroll their children at any time and without payment of tuition.
4. This District is concerned about its class size and the effect enlargement of the student-teacher ratios will have upon the educational program. Therefore, this District has determined that admission of students in excess would create a hardship on the District, its teachers, staff, students, and educational program:

The District will not consider previous academic achievement, athletic or other extracurricular ability, disabling conditions, or proficiency in the English language in the acceptance or rejection of applications for out-of-district students.

STUDENT APPEALS

If an open enrollment application request is denied or revoked, a parent/guardian may request an administrative review by the Board. The parent/guardian must request the review within five school days of receiving the written denial notice. The Board shall consider the appeal at its next regularly scheduled meeting and issue its decision in writing.

STUDENT RIGHTS AND RESPONSIBILITIES

All student's rights and responsibilities remain the same regardless of what school they attend within the District and regardless of where the student resides once accepted under the open enrollment policy.

COURT ORDERED STUDENT PLACEMENT

Non-resident students who are placed by court order under provisions of the Idaho juvenile corrections or child protective acts and reside in licensed homes, agencies, and institutions will be received and admitted by the school district in which the facility is located without payment of tuition.

HOMELESS STUDENTS

Homeless children and youth as defined by the McKinney-Vento Homeless Assistance Act 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 that child.

PREVENTING OR RECRUITING POTENTIAL OPEN ENROLLMENT STUDENTS

Neither the District nor its employees will take any action to prohibit or prevent application by a student to attend school in another school district or to attend another school within the District. In no event is the District, or an employee of the District to recruit students outside of their attendance area. Violation of this policy may involve disciplinary action up to and including dismissal.

INELIGIBLE STUDENTS:

If a student applies and is accepted in this District from out of district, but fails to attend, that student will be ineligible to apply again for an enrollment option in this district.

A student who has been suspended, expelled, or may otherwise be lawfully denied enrollment is ineligible for enrollment in this District pursuant to the provisions of this policy.

EVALUATION OF POLICY

Annually, the Superintendent shall report to the Board the effect of this policy. The report should include the number of open enrollment requests accepted or denied by each school, the reasons for denial, and any unanticipated results of this policy.

Legal References

IC § 20-525A(5)
IC § 33-205
IC § 33-506
IC § 33-512
IC § 33-1002B
IC § 33-1401
IC § 33-1402
IC § 33-1404
IC § 33-1409
IC § 33-1410
IC § 33-2001
IDAPA 08.02.02.110
IHSAA Rule Handbook
20 U.S.C. §1400 *et seq.*
29 U.S.C. §701 *et seq.*
42 U.S.C. §11301 *et seq.*

Description

Expungement of Record - Exceptions
Denial of School Attendance
Organization and Government of Board of Trustees
District Trustees - Governance of Schools
Pupil Tuition-Equivalency Allowances
Transfer of Pupils - Definitions
Enrollment Options
Districts to Receive Pupils
Measuring and Reporting Capacity
Student Appeals
Education of Exceptional Children - Definitions
Personnel Standards

Individuals with Disabilities Education Act
Rehabilitation Act of 1973 (Section 504)
McKinney-Vento Homeless Assistance Act

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