Section:	J: Students
Title:	Non-Resident Student Enrollment Procedures
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Nonresident Student Enrollment (See JBC, JBCA, JBCB, and JQKA)

Kansas law 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. To determine the district's capacity to accept nonresident students at each grade level in each district school, the board has adopted this policy.

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 board policy JBC.

This policy does not apply to any virtual school, as defined by Kansas law, or to any school located on a military installation.

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 without application and acceptance through this policy.

Any student in custody of the Department for Children and Families who has attained the age of eligibility for school attendance shall be permitted to enroll in and attend any school in any school district of the state or remain enrolled in and continue attending school in the student's school of origin without application and acceptance through this policy.

Any foreign exchange student who resides, or will reside, with a host family in the district may be permitted to enroll in and attend school in the district as if the student were a resident and shall not be subject to the open-seat lottery for enrollment and attendance purposes.

Definitions

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

"Homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is:

A. 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;
B. an institution that provides a temporary residence for individuals intended to be institutionalized; or
C. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

Except as otherwise provided in this policy, "nonresident student" means a child of school age, pursuant to Kansas law, 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.
"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 non-residence 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 or a foster brother or foster sister.
“Employee” means any individual working regularly in a Turner facility under the supervision of the Superintendent, or designee, excluding any temporary or substitute employee.

Determining Capacity for Non-Resident 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:

1. 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 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.

2. 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 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 1st 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 school district for the next succeeding school year, the following:

- Capacity based on the study conducted by the superintendent or the superintendent's designee;
- the number of students expected to attend school in the school district; and
- the number of open seats available to nonresidents at each grade, building, or program level.

On or before June 1st 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.

From January 1st through June-15th, district administration shall accept applications from nonresident students seeking to enroll in and attend the district in the next school year.

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, unless the nonresident student is deemed not in good standing.

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 deemed in good standing using a confidential lottery process.

This process shall be completed on or before July 15th of each year. 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 on or before July 30th of each year.**

If capacity for nonresident student enrollment remains after the aforementioned application, and enrollment process has concluded, district administration may consider applications for enrollment submitted.

Priority in Filling Open Seats

Regardless of capacity determinations, the following categories of students shall be allowed to enroll as if a resident student if they are deemed to be in good standing by district administration:

- 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.
- students that relocate outside the district in the fourth consecutive semester of enrollment as a resident and the student is in good standing.
- any resident of the district wishing to enroll in a school building other than the designated attendance building for their address.

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:

- any sibling of a nonresident student who is enrolled in and attending school in the district or who is 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.
- 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.

If one of these exceptions no longer applies to the student, the student's enrollment status would be subject to review based upon the considerations for determining good standing in this policy.

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; 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, 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.

Transportation of Nonresident Students

Neither a resident school district nor a receiving school district shall be required to provide transportation to nonresident students unless otherwise required by applicable law. If space is available on district transportation vehicles, the district may assign nonresident students an in-district bus stop to and from which transportation may be provided by the district for nonresident students when space is available. The district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

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 annually 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.

Non-Resident Continuing Enrollment

A nonresident student who has been accepted for enrollment and attendance in the district 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.

Nonresident students who have been accepted for enrollment by the school district will be allowed to continue enrollment in the district as specified above. The district will not require parents of such students or adult or emancipated students to resubmit a new application each school year.

Criteria for Nonresident Enrollment (Good Standing)

Regardless of capacity to accept nonresident students an individual student may be denied enrollment or continued enrollment for not being in good standing. Nonresident student applicants for enrollment and nonresident students already enrolled in and attending school in the district shall be evaluated by district administration to determine standing for enrollment or continued enrollment.

Students may be denied enrollment or 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 enrollment or 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.

The nonresident student meeting one or more of the following criteria shall automatically be deemed not in good standing and may be denied enrollment based solely thereon.

- The nonresident student is in violation of the Kansas compulsory attendance statute KSA 72-3121, inexcusably absent three (3) consecutive days, five (5) absences in a semester, or seven (7) absences in a school year or unexcused tardiness to school exceeds 20 day;
- 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 unless the student was enrolled in a public school in Kansas during 2016-17 and attended public school in Kansas the immediate preceding school year;
- the student has had two or more in or out of school suspensions in the current school year, excluding suspensions 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; or
- the student was issued a long-term suspension or expulsion by a school district during the student's school career.

Parents shall be informed of any administrative decision to discontinue enrollment of a nonresident student already enrolled in and attending school in the district by June 15.

The superintendent, or designee, is authorized to re-admit a continuing nonresident student not in good standing on a probationary basis due to extraordinary circumstances. A current nonresident student who is determined not to be in good standing shall complete an appeal application detailing the extraordinary circumstance for review and approval.

If district administration denies the initial enrollment application of a nonresident student due to the school district deeming the nonresident student as not in good standing, the parent or person acting as a parent of such student may appeal the decision to the board.

Any student who has been denied enrollment or continued enrollment due to being deemed not

in good standing may reapply for nonresident enrollment in subsequent school years.

Appeal Process

If a nonresident student's application for initial enrollment is denied because the student is determined not to be in good standing, the parent or person acting as a parent may appeal the administrative decision to the board.

If a parent or person acting as a parent wishes to appeal this decision, a written request for an appeal must be submitted to the clerk of the board within 10 days of receiving notice the student's application has been denied for lack of good standing. Such request shall include the individual's reasons for disagreeing with the administration's decision.

The board shall consider any appeal of these decisions and any supplemental documentation provided therewith at the next regularly scheduled board meeting following receipt of the request for appeal, and the board's designee shall notify the requestor of the result of the appeal in writing within 10 days of the board's decision thereon.