

JFB OPEN ENROLLMENT

The District has an open-enrollment program as set forth in A.R.S. 15-816 and A.R.S.15- 816.01 *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.

School District policies shall include the information required by A.R.S. 15-816.01 (I) that is needed to request enrollment and that is consistent with guidance and state and federal law regarding pupil privacy and civil rights, and information regarding the provision of transportation or resources for transportation.

The policies must be easily accessible from the home page on each school's website and be available in English and in Spanish or in any other language used by a majority of the populations served by the school or School District.

A school district shall update on each school's website the school's capacity and whether the school is currently accepting open enrollment students, by grade level, at least once every twelve (12) weeks unless there are no changes to report for the individual school.

If a school has any other separate capacity by specialized program, the information required pursuant to this subsection shall also be posted by specialized program.

Schools shall accept pupils throughout the school year as capacity allows. Pupils who are denied access due to capacity shall be informed that they are on a wait list and of the details regarding the process prescribed in A.R.S. 15-816.01(E).

Pupils shall be selected as seats become available.

A school district shall enroll at any time any resident pupil who applies for enrollment to the school district.

A school district shall give enrollment preference to and reserve capacity for all of the following:

- A. Resident pupils.
- B. Pupils returning to the school from the prior year.
- C. Siblings of pupils already enrolled.

A school district may give enrollment preference to children who:

- A. Are in foster care.
- B. Meet the definition of unaccompanied youth prescribed in the McKinney-Vento Homeless Assistance Act (P.L. 100-77; 101 Stat. 482; 42 United States Code Section 11434a).
- C. Attend a school that is closing.

If a school remains open as part of a boundary change and capacity is available, students assigned to a new attendance area may stay enrolled in their current school.

A school district may give enrollment preference to and reserve capacity for all of the following:

- A. Pupils who are children of persons who are employed by or at a school in the School District.
- B. Resident transfer pupils and their siblings.
- C. Pupils who meet additional criteria established and published by the School District Governing Board.

If remaining capacity at a school, as determined by the School District Governing Board, is insufficient to enroll all pupils who submit a timely request, the school or School District shall select pupils through an equitable selection process such as a lottery (but not limited to a lottery), except that preference shall be given to the siblings of a pupil selected through an equitable selection process such as a lottery.

Except as provided in A.R.S. 15-816.01, a school that is operated by a school district may not limit admission based on any of the following:

- A. Ethnicity or race.
- B. National origin.
- C. Sex.
- D. Income level.
- E. Disability.
- F. Proficiency in the English language.
- G. Athletic ability.

General

For the purposes of this policy a nonresident student is a state resident who resides outside of the District's boundaries but who seeks to enroll in the District.

The Superintendent shall develop and implement an administrative regulation and any other documents needed to administer the District's open enrollment program.

Admission Criteria

The Superintendent shall determine if nonresident students will be admitted without tuition, in accordance with the following criteria:

- The school in which the student seeks to enroll has the capacity to serve the student without adversely impacting educational opportunities for resident students attending their resident school.

Factors to be considered in making this determination include, but are not limited to the following:

- Physical capacity of the school building and classrooms.
Student count capacity of 12 students in the requested class (including combination classrooms).

- Availability of staff personnel (i.e., administrators, teachers, other certificated employees, related service providers).
- Student capacity of an average daily membership weighted student count of 12 in relevant unique population programs.

Under definition of unique population programs: ELL (English Language Learner), HI (Hearing Impaired), MD (Multiple Disabilities), A (Autism), SID (Severe Intellectual Disability), OI (Orthopedic Impairment), P-SD (Preschool Severe Delay), DD (Developmental Delay), ED (Emotional Disability), MIID (Mild Intellectual Disability) SLD (Specific Learning Disability), SLI (Speech Language Impairment), OHI (Other Health Impairment), MOID (Moderate Intellectual Disability), VI (Visual Impairment), TBI (Traumatic Brain Injury), MDSSI (Multiple Disability with Severe Sensory Impairment), Gifted, and 504 Plans

- Availability of other resources.
 - The estimate of existing capacity shall take into consideration 1) District resident students attending school, 2) students attending District schools pursuant to certificates of educational convenience, 3) students required by statute to be admitted, 4) continuing open enrollment students and their siblings, and 5) children of employees who have applied for open enrollment. (In order to encourage qualified employees to join the staff, children of employees will be enrolled without payment of tuition.)

A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

Procedures

Application procedures for initial open enrollment or open enrollment after a break in attendance:

- The student's parent/guardian completes the District's open enrollment application and returns it to the school or the District administrative office. Applications are available at the school, the District's administrative office, and on-line.
- Applications for initial open enrollment acceptance will be considered on a first-come, first-served basis during the applicable school year and should be submitted on or before March 15 of each year to be considered for enrollment during the following school year.
- Determination of acceptance for the following school year will be made annually by June 15.
- The Superintendent or the Superintendent's designee will notify the student's parent/guardian regarding the students' enrollment opportunities at the school within two (2) weeks of the determination date.

Transportation of Students Admitted Through Open Enrollment

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

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

The District may provide transportation for open enrollment nonresident students 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 thirty (30) 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 transfer students with disabilities whose individualized education program (IEP) specifies that transportation is necessary for fulfillment of the program:

- A. of not more than twenty (30) 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.

Enrollment Criteria for Continuing Students

Students enrolled under the open enrollment policy must submit an enrollment application form each year in order to be considered for "continuing enrollment" (defined as previously accepted without a break in attendance). The District will give enrollment priority to continuing open enrollment students and their siblings, as long as the enrollment of such students may be accomplished in accordance with the District's admission criteria. In addition to the capacity considerations previously described, the following criteria shall be used to evaluate continued open enrollment eligibility and may result in the denial of open enrollment for subsequent years:

- A. The student, or the student's parent or guardian, has engaged in misconduct by providing false or misleading information to the District or to any District employee, including information requested or required on any open enrollment application;
- B. The student is currently under long-term suspension or expulsion or has been involved in a series of five (5) or more short-term suspensions during the current school year;
- C. The student withdrew from school to avoid possible long-term suspension or expulsion;
- D. The student has a record of excessive absences, truancy and or tardy arrival to school (for purpose of this policy excessive absences shall be defined as ten [10] or more unexcused absences and/or for tardy arrival, ten [10] or more tardies in any school year);

E. The student is not in compliance with any condition of disciplinary action imposed by this District or with any condition imposed by a juvenile court pursuant to A.R.S. [8-301](#) et seq.; or

F. The student has been adjudicated delinquent or convicted of a crime.

School principals will notify parents if their student will be denied admittance for the following school year. The letter of notification will include reasons for denial and the data upon which the decision was based.

Notification

The District shall notify the emancipated pupil, parent, or legal guardian in writing as promptly as possible whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or rejected.

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 student when the decisions are based on good faith application of this policy and the applicable statutory requirements and standards.

Budgetary Impact of Open Enrollment

Application of this policy and corresponding administrative regulations is intended to accommodate open enrollment students within District staffing allocations. It is not intended to permit over enrollment which requires additional expenditures for staffing.

LEGAL REF.:

A.R.S.

8-371

15-341

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