

# 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](#).

### **Definition**

*Nonresident pupil* means a pupil who resides in this state and who is seeking enrollment in a school district other than the school district in which the pupil resides.

### **Enrollment Options**

District resident pupils may enroll in 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 15 of each year to be considered for enrollment during the following school year.

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

- A. Enrollment preference shall be given to nonresident pupils who were enrolled in the school the previous year and who still meet the

enrollment admission criteria and any siblings who would be enrolled concurrently with such pupils. If capacity is not sufficient to enroll all of these pupils, they shall be selected on the basis of the date and time of application.

B. Enrollment preference shall next be given to nonresident pupils who were not enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected in basis of the date and time of application.

A school shall not admit a pupil if notice is received from the resident school before April 1 that the admission of the pupil would violate the provisions of a court order of desegregation or agreement by a school with the United States Department of Education Office for Civil Rights.

### **Capacity**

The Superintendent shall annually estimate how much excess capacity may exist to accept transfer 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.
- 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.

The Governing Board shall make the final determination of excess capacity. The excess-capacity estimates shall be made available to the public in April 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 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 to nonresident pupils who were enrolled in the school the previous year and any sibling who would be enrolled concurrently with such pupils. 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 be given to nonresident pupils who were not enrolled in the school the previous year. 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**

A pupil who has been expelled by any school district in the state or who is not in compliance with a condition of disciplinary action imposed by any other school or school district or with a condition imposed by the juvenile court shall not be admitted. Acceptance may be revoked upon finding the existence of any of these conditions.

The following circumstances may result in denial of admission or permission of an open enrollment student:

- A. The student, or his or her parent or guardian, has engaged in misconduct by providing false or misleading information to Little Red School, Santa Cruz Elementary District No. 28, including information requested or required on any open enrollment or admission application. If Little Red School suspects falsification of information in the enrollment packet, a due process hearing will be held in order that the parent(s)/guardian may be presented with the information pertaining to the falsification charges and have the opportunity to respond to any charges.

B. The student while enrolled in Little Red School or as a result of attendance in any other public or private school, is currently under suspension or exclusion, has in the past been suspended or expelled, or has been involved in a series of disciplinary problems which would have resulted in suspension or expulsion from Little Red School.

C. The student, while attending Little Red or any other public school or private school, withdrew from school to avoid possible suspension or expulsion.

D. The student, while attending Little Red School or any other public or private school has a record of excessive absences or trancies as defined in A.R.S. [15-803](#) or has been withdrawn from school for ten (10) consecutive unexcused absences pursuant to A.R.S. [15-901](#).

1. Pursuant to A.R.S. [15-803](#)(A) "It is unlawful for any child between six and sixteen years of age to fail to attend school during the hours school is in session." A child failing to attend school during the hours school is in session is truant unless excused to A.R.S. [15-802](#), [15-803](#), [15-901](#).

2. A.R.S. § [15-803](#)(B) states "A child who is habitually truant or who has excessive absences may be adjudicated an incorrigible child as defined in section [8-201](#)." Absences may be considered excessive when the number of absent days exceeds ten percent (10%) of the number of required days prescribed in section [15-802](#), subsection B, paragraph 1.

3. A.R.S. § [15-803](#)(C) provides these additional definitions:

a. "Habitually truant" means a truant child who is truant for at least five (5) school days within a school year.

b. "Truant" means an unexcused absence for at least one (1) class period during the day.

E. At the time of review of the applications under open enrollment, if the student is not in compliance with any condition of disciplinary action imposed by Little Red School or any other public or private

school, or with any condition imposed by a juvenile court pursuant to A.R.S. [8-301](#) *et seq.*

## **Notification**

The District shall notify the emancipated pupil, parent, or legal guardian in writing by May 25 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.

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.

## **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 ten (10) 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 ten (10) 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.

Adopted: September 14, 2021

LEGAL  
A.R.S.  
[8-371](#)  
[15-341](#)  
[15-764](#)  
[15-797](#)  
[15-816](#) et

REF.:

seq.

[15-823](#)

[15-824](#)

[15-825](#)

[15-841](#)

[15-922](#)

## **FB-R ©**

REGULATION

### **OPEN ENROLLMENT**

#### **Selection Process**

All applicants will be accepted if there is sufficient capacity. If there is insufficient capacity, applicants will be selected from the submitted applications for enrollment on the basis of the date and time of application except where policy may indicate otherwise. After May 25, pupils shall be selected for enrollment from the waiting list in the order in which the pupils were placed on the waiting list, or as otherwise provided by policy.

## **Capacity School year 2023-2024 Approved by the board January 16, 2024**

Discuss/Approve pursuant to IHB, IHBA, IHBB, and policy regulations IIB-R determination of school capacity for Special Education Programs capacity of 16:1 (16 students per 1 teacher), then on open enrollment students pursuant to Policy JFB and Policy Regulations JFB-R, reserving two additional seats to accommodate additional students moving into the district for school year 24-25; the capacity can be exceeded by additional students moving into the district.

# **IHB ©**

## **SPECIAL INSTRUCTIONAL PROGRAMS**

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall ensure that procedures provide educational opportunities for individuals with disabilities and shall accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

A. The District will ensure that all children with disabilities, between the age of birth (0) through twenty-one (21) years, within the boundaries of the District, including children with disabilities who are homeless or wards of the state, and children with disabilities attending private schools or home schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated.

B. A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).

C. A full and individual initial evaluation will be conducted by the public education agency before the initial provision of special



education and related services to a child with a disability in accordance with 34 C.F.R. 300.300–300.311 of the IDEA regulations. A reevaluation of each child with a disability will be conducted by the public education agency in accordance with 34 C.F.R. 300.300–300.311 of the IDEA regulations.

D. Procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, A.R.S. Title 15, chapter 7, and its regulations, and the State Board of Education rules [R7-2-401](#).

E. The District shall ensure that an individualized education program (IEP) is developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility by the District in accordance with 34 C.F.R. 300.320 – 300.325 of the IDEA regulations. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.

F. To the maximum extent appropriate, opportunities for the least restrictive environment, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory in accordance with 34 C.F.R. 300.114 – 300.117 of the IDEA regulations.

G. The District shall establish, maintain, and implement procedural safeguards that meet the requirements of 34 C.F.R. 300.300 – 300.311 of the IDEA regulations. Parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.

H. The District will ensure that protection of the confidentiality of any personal identifiable data, information, and records collected or maintained by the District will be in accordance with 34 C.F.R. 300.611-300.627.

I. To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school

year (ESY) services shall be made available and implemented as necessary.

J. Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.

**K. Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.**

L. The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of IDEA.

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative education setting, another setting, suspension, or expulsion in accordance with IDEA Regulations 34 C.F.R. 300.530 through 300.536.

For the purpose of this policy as it relates to a child with a disability, *home school district* means the school district in which the person resides who has legal custody of the child as provided in A.R.S. [15-824](#). If the child is a ward of the state and a specific person does not have legal custody of the child or is a ward of this state and the child is enrolled in an accommodation school pursuant to A.R.S. [15-913](#), the home school district is the district the child last attended or, if the child has not previously attended a public school in this state, the school district within which the child currently resides.

The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

Adopted: October 09, 2018

LEGAL

REF.:

A.R.S.

[15-761](#)

[15-761.01](#)

[15-763](#)

[15-763.01](#)

[15-764](#)

[15-765](#) to [15-769](#)

[15-771](#)

[15-773](#)

[15-881](#)

[15-1181](#) to [15-1185](#)

[15-1201](#) to [15-1205](#)

[36-555](#)

A.A.C.

[R7-2-401](#)

[R7-2-402](#)

[R7-2-403](#)

[R7-2-405](#)

[R7-2-601](#)

[R7-2-602](#)

[R7-2-603](#)

20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

34 C.F.R. Part 300

CROSS

REF.:

[IIB](#) -

Class

Size

[IKE](#) -

Promotion

and

Retention

of

Students

[IKF](#) -

Graduation

Requirements

[JKD](#) -

Student

Suspension

[JKE](#) -

Expulsion

of

Students

[JR](#) - Student Records