

A “resident student” is any child who has attained the age of eligibility for school attendance and: (1) lives with a parent or a person acting as a parent who is a resident of the district; (2) lives in the district as a result of placement by a district court or the Kansas secretary for child and families; or (3) is “homeless” as defined by Kansas law. For purposes of this policy, “parent” means the natural parents, adoptive parents, step-parents and foster parents. For purposes of this policy, “person acting as a parent” means a guardian or conservator, a person liable by law to maintain, care for or support the child, a person who has actual care and control of the child and contributes the major portion of the cost of support of the child or a person who has actual care and control of the child with written consent of a person who has legal custody of the child or person who has been granted custody of a child by a court of competent jurisdiction. (See JQKA) Non-resident Students (See JBCC) Non-resident students are those who do not meet the definition of a resident student.

**Enrollment Restriction**

No student, regardless of residency, who has been suspended or expelled from another school district will be admitted to the district until the period of such suspension or expulsion has expired. Students with pending suspension or expulsion proceedings in another school district will not be admitted to the district until such suspension or expulsion proceedings have been concluded.

**Enrollment Procedures**

The superintendent shall establish orderly procedures for enrolling all students, including pre-enrollment, changes in enrollment, normal enrollment times and communication to parents and to the public. Subject to the above restrictions, resident students are eligible to enroll in either the district’s in person learning or virtual learning programs.

**Part-Time Enrollment**

Any child residing in the district may enroll part-time to attend any courses, programs, or services offered by the district if the child:

- is also enrolled in a nonaccredited private elementary or secondary school or in any other private, denominational, or parochial school as required by law;
- requests to enroll part-time in the district; and
- meets the age of eligibility requirements for school attendance.

District administrators shall make a good faith attempt to accommodate scheduling requests of students enrolling in the district in these situations but shall not be required to make adjustments to accommodate every such request.

Part-time students, other than those specified previously in this policy, may enroll with the administration's permission if they complete all paperwork in a timely fashion and are in attendance no later than September 19. Such part-time students may be admitted only to the extent that staff, facilities, equipment, and supplies are available, and the students follow the district's student conduct policies and rules.

### **Identification of Student**

All students enrolling in the district for the first time shall provide required proof of identity. Students enrolling in kindergarten or first grade shall provide a certified copy of their birth certificate, a certified copy of the court order placing the child in the custody of the Secretary of the Department for Children and Families, or other documentation which the board determines to be satisfactory. Students enrolling in grades 2-12 shall provide a certified transcript, similar pupil records, or other documentary evidence the board deems satisfactory.

The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by federal or state law. The district will work with the Department for Children and Families, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

If proper proof of identity of the student is not provided within 30 days of enrolling, the superintendent or designee shall notify local law enforcement officials as required by law and shall not notify any person claiming custody of the child.

### **Enrollment Information**

The enrollment documentation shall include a student's permanent record card with a student's legal name as it appears on the birth certificate, or as changed by a court order and the name, address, telephone number of the lawful custodian. The records shall also provide proper proof of the identity of the student.

### **Assignment to a School Building, Grade Level or Classes**

Resident students will ordinarily attend school buildings according to school boundaries as set by the board of education. Any student desiring to attend a school outside the attendance area in which the student resides may do so only with the prior written permission of the superintendent or his/her designee. Non-resident students will be assigned by the superintendent or his/her designee.

If required by law, students placed in foster care or students who are homeless may be educated in their “school of origin” instead of the building corresponding to the assigned attendance area. (For definition of “school of origin”, see regulations for JBCA and JBCB.)

Assignment to a particular grade level or particular classes shall be determined by the building principal based on the educational abilities of the student.

### **Transferring Credit**

In the middle and high school, full faith and credit shall be given to units earned in other accredited schools at the time the student enrolls in the district, unless the principal determines there is valid reason for not doing so. For online credit approval procedures after enrollment, see board policy IIGBG.

### **Transfers from Non-Accredited School**

Students transferring from non-accredited schools will be placed by the principal. Initial placement will be made by the principal after consultation with parents or guardians and guidance personnel. Final placement shall be made by the principal based on the student’s documented past educational experiences and performance on tests administered to determine grade level placement.

Approved: November 13th, 2023

### Cross References

IIBGB - Online Learning Opportunities

JBCA - Homeless Students

JBCB - Foster Care Students

JBCC – Enrollment of Nonresident Students

JQKA - Foreign Exchange Students

**Enrollment of Nonresident Students**  
(See JBC, JBCA, JBCB, and JQKA)

**JBCC**

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. In order to determine the district's capacity to accept nonresident students at each grade level in each district school and for each program, the board has adopted this policy.

Nothing in this policy should be construed to guarantee placement of a non-resident student in any particular school, grade level or program in the district. Placement in any grade level, school building or program shall be limited to those students determined to be eligible and qualified for such placement. Resident students will have first priority and preference should there be capacity in any school building or program. All students regardless of residency may be assigned or transferred to or from any school or program at the discretion of the superintendent or his/her designee. No student, regardless of residency, who has been suspended or expelled from another school district will be admitted to the district until the period of such suspension or expulsion has expired. Students with pending suspension or expulsion proceedings in another school district will not be admitted to the district until such suspension or expulsion proceedings have been concluded.

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.

**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.

"Nonresident student" means a student 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.

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"Receiving school district" means a school district of nonresidence of a student who attends school in such a 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.

## **Determining Capacity for Nonresident 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 each program 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.

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 be 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.

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 be 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 1 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:

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

On or before June 1 of each year, the district shall publish the estimated number of open seats potentially available to nonresident students in each grade level or program for each school building of the district for the next succeeding school year on the school district's website.

From June 1 through June 30, district administration shall accept applications from nonresident Students. If the number of qualified applications for a grade level, school building or program is less than the number of available seats for that grade level, school building or program, qualified nonresident students will be accepted for enrollment and attendance in the school district, except as provided below for nonresident students regarding continued enrollment.

If the number of applications for a grade level, school building or program is greater than the number of available seats for the grade level, school building or program, district administration shall randomly select from the qualified nonresident students using a confidential lottery process. This process shall be completed on or before July 15 of each year. The district will provide to the parent or person acting as a parent of a nonresident student who was not accepted for or denied enrollment in such school district the reason for the nonacceptance or denial and an explanation of the nonresident student selection process.

### **Priority in Filling Open Seats**

Subject to having capacity to enroll nonresident students, the district will give priority in enrollment to the following nonresident students (provided they are otherwise qualified), who shall receive open seats without necessity of being selected through the open-seat lottery:

- Any sibling of a nonresident student who was 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;
- any child who is in the custody of the Department for Children and Families and who is living in the home of a nonresident student who transfers to the district:

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- any nonresident student who has a parent or person acting as parent employed by the district shall be permitted to enroll in and attend school in the district as if the student is a resident of the district while the parent or person acting as a parent remains employed by the district;
- any nonresident students residing outside of the state of Kansas but attending school in the district during the 2023-2024 school year shall be treated as if resident students and not required to apply for nonresident status, although continued enrollment may be evaluated each year under the factors outlined below; or
- 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.

If one of these exceptions no longer applies to the student, the student's enrollment status would be subject to review under the terms for continued enrollment under 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, or 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**

The district, by virtue of being a receiving school district of a nonresident student, shall not be required to provide transportation to nonresident students unless otherwise required to do so by state and/or federal law, as a related service through a student's individualized education program, or as an accommodation pursuant to the student's Section 504 plan. 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. The district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

### **KSHSAA Eligibility**

#### **Enrollment of Nonresident Students**

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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 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, as required.

#### Nonresident Student Continued Enrollment

A nonresident student who has been accepted for enrollment and attendance at a district school 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.

Except as otherwise specified herein, nonresident students who have previously been accepted for enrollment by the school district will be allowed to continue enrolling in the district as



specified above. The district will not require parents to resubmit a new application each school year and will advance the previous application of an enrolled student amending only the grade placement of the student unless the district provides notification to the parent, person acting as a parent, or student that enrollment is not going to be continued for the upcoming school year for reasons specified as follows. Regardless of capacity to accept nonresident students at a nonresident student's grade level or in the student's designated school or program, an individual student may be denied continued enrollment for not being in good standing. Nonresident students admitted to the district shall be evaluated each spring by district administration to determine standing for continued enrollment.

Students may be denied 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 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.

### **Enrollment of Nonresident Students**

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

- The nonresident student failed to maintain a 90% attendance rate in the last school year, excluding excused absences under board policy JBD and/or any relevant student handbook language;
- 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;
- the student is currently under a period of suspension or expulsion from any Kansas school district, and such suspension or expulsion will not expire until after the next school year has begun (Students with pending suspension or expulsion proceeding in another school district will not be admitted to the district until such suspension or expulsion proceedings have been concluded.);
- the student has had three or more out of school suspensions in the current school year, excluding suspensions a manifestation determination 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 has been given a long-term suspension or expulsion by the district in the current school year.

Parents shall be informed of any administrative decision not to continue enrollment of a nonresident student no later than \_\_\_\_\_.

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KASB Recommendation – 6/23