



Section: J: Students

Title: Non-Resident Student Enrollment Procedures

Number: JBCC

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I. 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.

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.

"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.

II. 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 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:

- 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 1 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 June 1 through June 30, district administration shall accept applications from nonresident students. 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, except as provided below for nonresident students regarding continued enrollment. 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 using a confidential lottery process.

This process shall be completed on or before July 15 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.

III. Priority in Filling Open Seats

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 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;
- 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 child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.
- 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.

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.

IV. 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.

V. Transportation of Nonresident Students

The district, by virtue of being a receiving school district of a nonresident student, will not 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 when space is available. The district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.

VI. 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.

VII. 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.

VII. Non-Resident Continuing Enrollment

Students enrolled as **nonresident students or resident students that relocate outside of 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. The student's standing will be reviewed at the end of the school year and the student and parents will be notified by the district of their eligibility to return by June 15.

VIII. Criteria for Nonresident Enrollment (Good Standing)

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;
- 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 the district during the student's school career.

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. The student must complete an appeal application detailing the extraordinary circumstance for review and approval.