

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.

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.

Definitions

Resident transfer pupil means a resident pupil who is enrolled in or seeking enrollment in a school that is within the school district - but outside the attendance area - of the pupil's residence.

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 February 1 of each year to be considered for enrollment during the following school year.

Capacity

The Superintendent shall annually estimate how much excess capacity exists to admit open enrollment students. The estimate of excess capacity shall be made for each school, grade level, class and special program, and shall take into consideration:

- A. District approved staffing levels and ratios; and
- B. Limitations imposed as a result of the District's physical facilities and required equipment; and
- C. The anticipated number of District resident pupils in each school, grade level, class and special program, school attendance areas; and
- D. The anticipated number of nonresident pupils required by law to be admitted in each school, grade level, class and program, including students holding certificates of educational convenience.

For a student who qualifies for services under the IDEA, program capacity means that the District has existing staff, equipment and physical facilities required to provide an appropriate individualized educational program, including related services, to the student. For a student who qualifies for services under §504 of the Rehabilitation Act or the Americans with Disabilities Act, program capacity means that the District has existing staff, equipment and physical facilities to provide appropriate accommodations to the student.

Qualifying Pupils

To the extent that excess capacity exists allowing the admission of open enrollment pupils, such pupils shall be selected from the pool of qualifying pupils within each of the priority categories that are designated below.

A qualifying pupil is one who:

- A. Has properly completed and timely submitted an Open Enrollment Application Form or, if the pupil currently attends a District school as an open enrollment pupil, has properly completed and timely submitted a District enrollment packet for the following school year; and
- B. Meets the District's open enrollment admission standards.

The District's open enrollment admission criteria are applicable, each year, to both pupils who do not currently attend school in the District as well as those who currently attend School in the District as either a resident student or an open enrollment student.

Open Enrollment Priorities

Enrollment priorities for admission of open enrollment pupils are as follows:

- A. *First priority.* First priority status is reserved for pupils who currently attend District schools as open enrollment pupils and who are the children of District employees. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.
- B. *Second priority.* Second priority status is reserved for pupils who currently attend District schools as open enrollment pupils but are not children of District employees. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.
- C. *Third priority.* Third priority status is reserved for pupils who are children of District employees but who do not currently attend District schools as open enrollment pupils. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.
- D. *Fourth priority.* Fourth priority status is reserved for siblings of resident transfer pupils who currently attend District schools as open enrollment pupils and will do so during the subsequent school year. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.
- E. *Fifth priority.* Fifth priority status is reserved for siblings of nonresident transfer pupils who currently attend District schools as open enrollment pupils and will do so during the subsequent school year. If capacity is not sufficient to enroll all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.
- F. *Sixth priority.* Sixth priority status is reserved for resident transfer pupils who are not currently attending District schools as open enrollment pupils. If capacity is not sufficient

to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.

G. *Seventh priority.* Seventh priority status is reserved for nonresident transfer pupils who are not currently attending District schools as open enrollment pupils. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.

H. *Eighth priority.* Eighth priority status includes all pupils who apply for open enrollment after the February 1 deadline for applications for open enrollment admission for the subsequent school year. Priorities one (1) through seven (7) are reserved for students who apply on or before the February 1 deadline. Failure to comply with the February 1 deadline may, in the discretion of the District administration, be waived with respect to pupils who currently attend the District either as resident students or as open enrollment students. If capacity is not sufficient to admit all pupils in this category, they shall be selected by means of a random selection process designated by the Superintendent.

Open Enrollment Admission Standards

To be admitted as an open enrollment pupil, including admission of a current open enrollment pupil for the subsequent school year, the pupil must meet the following admission criteria:

A. During the past twenty-four (24) months, the pupil has not experienced significant problems related to excessive absences or tardiness.

B. During the past twenty-four (24) months, the pupil has been able to achieve reasonable academic progress.

C. During the past twenty-four (24) months, the pupil has not received a long-term suspension or expulsion.

D. During the past twenty-four (24) months, the pupil did not withdraw from a school because of a pending or anticipated long-term suspension or expulsion hearing.

E. During the past twenty-four (24) months, the pupil has not been subject to four (4) or more disciplinary referrals, regardless of whether such referrals resulted in the student being suspended or expelled.

F. During the past twenty-four (24) months, the pupil has not had significant negative interactions with law enforcement or the juvenile justice system.

G. Information set out on the pupil's Open Enrollment Application Form or otherwise provided to the District by the pupil or the pupil's parent/guardian is not incomplete, misleading, untruthful or inaccurate.

A pupil admitted or approved for admission as an open enrollment pupil may have such admission or approval revoked if it is later determined that information provided by the pupil or the pupil's parent/guardian is incomplete, misleading, untruthful or inaccurate.

The District, in its sole discretion, may schedule a meeting with a pupil who seeks initial admission, or continuing admission, as an open enrollment student. The pupil's parent(s) or legal guardian(s) will be invited to attend any such meeting. The purpose of the meeting will be to review whether special circumstances warrant initial open enrollment admission, or continuing open enrollment admission, as applicable, of the pupil despite concerns about any of the above-listed open enrollment admission criteria.

Notification of Open Enrollment Status and Possible Revocation

A pupil who, on or before February 1, submits a completed Open Enrollment Application Form to the District shall, on or before June 1, be provided written notice that indicates whether that pupil's application to attend a District school as an open enrollment student has been approved or denied, or alternatively whether the pupil has been placed on a waiting list pending a final determination of capacity or the receipt of additional information relating to whether the pupil meets the District's open enrollment admission criteria. The District shall also notify the resident school district of an applicant's acceptance or placement on a waiting list.

A pupil who currently attends a District school as an open enrollment pupil and who timely submits an enrollment packet for the following school year shall, on or before May 1, be provided written notice that indicates whether the pupil's request to continue attending a District school as an open enrollment pupil has been approved or denied, or alternatively whether the pupil has been placed on a waiting list pending a final determination of capacity or the receipt of additional information relating to whether the pupil meets the District's open enrollment admission criteria.

If the pupil is placed on a waiting list, the notification shall state the date by which the District will determine whether the pupil's request to attend, or continue attending, a District school as an open enrollment pupil will be approved or denied.

A notice that denies a pupil's open enrollment application shall state the basis of the denial, and such denial may be appealed as set out in the following section of this policy.

A pupil admitted or approved for admission as an open enrollment pupil may have such admission or approval revoked if it is later determined that information provided by the pupil or the pupil's parent/guardian is incomplete, misleading, untruthful or inaccurate. A pupil shall be provided written notice of any revocation of open enrollment status, with such notice setting out the basis of the revocation. Revocation of open enrollment status may be appealed as set out in the following section of this policy.

Written notices issued pursuant to this section shall be provided to the pupil's parent(s) or legal guardian(s) unless the pupil is emancipated, in which case such notices shall be provided to the pupil.

Appeal of Denial or Revocation of Open Enrollment Status

The District's denial of a pupil's request for either initial or continuing open enrollment status, or the District's revocation of open enrollment status, may be appealed pursuant to the procedures set out in this section. Any such appeal must be requested and must be processed by the pupil's parent(s) or legal guardian(s) unless the pupil is emancipated, in which case the appeal must be requested and processed by the pupil.

An appeal of denial or revocation of open enrollment status must be requested within ten (10) calendar days of the date the pupil or parent/guardian receives notice of the denial or revocation. The appeal request must be in writing, state the name of the pupil, and set out in detail the basis of the appeal (i.e., why the parent/guardian or pupil believes that the District's denial or revocation of open enrollment status is wrong or otherwise should be reversed). The appeal shall be submitted to the District Superintendent's Office with a copy being sent to the principal of the school the pupil seeks to attend, or continue attending, as an open enrollment student.

Not less than three (3) nor more than fifteen (15) calendar days of the Superintendent's receipt of an appeal of denial or revocation of open enrollment status, the Superintendent or someone designated by the Superintendent (the "Designee") shall set a meeting. The following persons shall be invited to attend the meeting: the student's parent/guardian (unless the student is emancipated), the student, one (1) or more District administrative representatives that can provide information about the basis of the denial or revocation, and the Superintendent or Designee.

The Superintendent or Designee, as applicable shall conduct the meeting in an informal manner. The pupil's parent/guardian and/or student, as applicable, shall be given an opportunity to present information and arguments in support of their position. An administrative representative shall be given the opportunity to present information and arguments in support of the denial or revocation of open enrollment status. Any person in attendance may pose reasonable questions to any other person in attendance at the meeting.

Within seven (7) calendar days following the meeting, the Superintendent or Designee shall issue a written decision. The decision will:

- (1) Affirm the denial or revocation of open enrollment status; or
- (2) Reverse the denial or revocation and admit the pupil as an open enrollment pupil; or
- (3) Conditionally admit the pupil as an open enrollment pupil subject to specified conditions.

The decision of the Superintendent or Designee is final.

Open Enrollment Applications Received After February 1

Should there be excess capacity remaining for which no applications were submitted by February 1 of each year, the Superintendent may authorize the admission of additional open enrollment pupils who apply for such status after February 1 if such pupils meet the District's open enrollment admission criteria.

Resident Pupils who Move Outside a School's Attendance Area

A resident pupil who moves outside of a school's attendance area may remain in the school the pupil is attending for the remainder of that academic year, but thereafter may only continue in that school if the pupil applies for and is admitted as an open enrollment pupil.

Transportation

Flowing Wells Unified School District does not provide transportation services to open enrollment pupils. However, the District may allow open enrollment pupils to use District transportation services at existing routes and stops to the extent capacity exists after the transportation needs of its pupils who are not open enrollment pupils have been met. When the number of open enrollment transportation requests exceeds capacity limitations, priority for such services will be based on the priority categories set out in the Open Enrollment Priorities section of this policy.

Miscellaneous

In addition to the possibility of having open enrollment status denied or revoked, open enrollment pupils are subject to the District's student discipline policies and student conduct codes, and such pupils may be suspended or expelled for misconduct subject to the procedures set out in the applicable student discipline policies and procedures.

Written notices issued pursuant to this policy shall be provided to the pupil's parent(s) or legal guardian(s) unless the pupil is emancipated, in which case the notice shall be provided to the pupil.

Timelines set out in this policy may be modified by the Superintendent for good cause.

Adopted: November 23, 2021