

## Amendment to the Open Enrollment Act

Summary: The Open Enrollment Act stipulates that a student may attend any public school or program in the state. The legislation allows the parents of the student to apply for attendance in any nonresident school, either within or outside the district of residence. The nonresident school would advise the parent within a reasonable time if the application was accepted. No school district can be obligated to change existing school structures or program guidelines. No school can reject an application except for lack of space, existing eligibility criteria, desegregation plan requirements, expulsion record or late enrollment. Provisions are made for transportation within the nonresident district and, under some circumstances, within the resident district. School districts shall be required to post selected information on their websites concerning schools and the open enrollment process to facilitate informed decisions by parents. Except under certain conditions, students accepted through the open enrollment process are entitled to remain enrolled in the school of choice through the entire school year.

### Section 1. Purpose

- A. The purpose of this Act is to improve educational achievement and to enhance the opportunity for parental choice in education by providing additional options to pupils in the state to enroll in public schools and educational programs throughout the state without regard to pupil residence.

### Section 2. Establishment.

- A. The [insert state educational agency] shall establish an enrollment options program to enable pupils residing in the state to attend any public school or program within the district of residence, or any public school or program in a nonresident district within the state without requiring nonresident pupils to pay tuition.

### Section 3. Application Procedures.

- A. The parent or legal guardian of a pupil wishing to attend a nonresident school or program, either within or outside the district of residence, shall submit an application to the nonresident school district of choice.
- B. The parent or legal guardian may submit an application at any time by completing the form provided by the state educational agency. shall submit an application for a particular school year at a time set and on a form provided by the state educational agency.
- C. A school district may give enrollment preference to:
  - a. Siblings of students already enrolled through the open enrollment policy;
  - b. Secondary students who have completed 10<sup>th</sup> grade and, due to family relocation, become nonresident students, but express the desire to remain in a specific school to complete their education;
  - c. Students who are children, grandchildren, or legal wards of employees;
  - d. Students whose legal residences, though geographically within another county, are more proximate to a school within the receiving county, whether calculated by miles or transportation time; and

~~—Students who reside in a portion of a county where topography, impassable roads, long bus rides, or other conditions prevent the practicable transportation of the student to a school within the county, and a school within a contiguous county is more easily accessible.~~

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~~B.—Upon agreement of the resident and nonresident districts, the deadlines in this section may be waived.~~

#### Section 4. Desegregation Plans.

- A. A school district that has a desegregation plan approved by the State educational agency, but a court, or by the United States Department of Education, Office of Civil Rights, may, in accordance with regulations of the state educational agency, limit the number of pupils who transfer into (or out of) the district under this Act if necessary to ensure compliance with the plan.

#### Section 5. Basis for Decision.

- A. In implementing the provisions of this Act, no school district shall be required to:
- Make alterations in the structure of a requested school or to make alterations to the arrangement or function of rooms within a requested school; or
  - Establish and offer any particular program in a school if such program is not currently offered in such school; or
  - Alter or waive any established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance; or
  - ~~Enroll any student pursuant to this article in any program or school after [annual enrollment date].~~
- B. Any school district may deny any of its resident pupils or any nonresident pupils from other school districts within the state permission to enroll in particular programs or schools only for any of the following reasons:
- Lack of space or capacity within a particular program or school requested, in which case, priority shall be given to resident students applying for admission to such program or school.
  - The school requested does not offer appropriate programs or is not structured or equipped with the necessary facilities to meet special needs of the pupil or does not offer a particular program requested.
  - The pupil does not meet the established eligibility criteria for participation in a particular program, including age requirements, course prerequisites, and required levels of performance.
  - A desegregation plan is in effect for the school district, and such denial is necessary in order to enable compliance with such desegregation plan.
  - The student has been expelled, or is in the process of being expelled, for the reasons specified in [insert statutory reference].

#### Section 6. Notification.

~~—In implementing the provisions of this Act, a school district shall adopt a policy requiring notification of a pupil's acceptance or denial no later than two weeks after the application is submitted. ~~accepted applicants within a reasonable amount of time of the application being submitted.~~~~

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## Section 7. Interdistrict Transportation.

- A. If requested by the parent of a pupil participating in the program under this Act, the nonresident district shall provide transportation within that district. The parent shall be responsible for transporting the child without reimbursement to and from a point on a regular bus route of the receiving district.

## Section 8. Graduation.

- A. A district serving a nonresident pupil under this Act shall accept credits toward graduation that were awarded to that pupil by another district and shall graduate a nonresident pupil if the pupil meets the nonresident district's own graduation requirements.

## Section 9. Information.

- A. In order to enable a parent to make an informed decision about enrollment options under this Act, each school district that operates a website shall make open enrollment information as easily available to parents as possible by including the following information on the school district's website:
  - a. One or more web pages that summarize school district open enrollment policies and procedures for interdistrict and intradistrict open enrollment into district schools;
  - b. Information concerning enrollment into the district's charter and magnet schools, if different than district schools;
  - c. Information concerning the eligibility of a student to participate in school activities if the student has transferred from one school to another school, either within the school district or within another school district;
  - d. Information concerning the open enrollment application process, including how and where to obtain an application and when and how notification of acceptance occurs;
  - e. Information concerning the student selection process;
  - f. Information concerning open enrollment timelines, including how long an enrollment shall remain valid;
  - g. The number of available seats in each school, broken down by grade level;
  - h. The number of open enrollment applications that were accepted in the previous school year;
  - f.i. The number of open enrollment applications that were denied in the previous school year, along with the reason for each denial;
  - g.i. Contact information for one or more individuals employed by the school district who are responsible for answering questions from parents concerning the open enrollment process; and
  - h.k. A tab or link on the home page of the school district website that links viewers to open enrollment information, is clearly labeled with language that includes the words "open enrollment" or "~~school choice~~," and is available at all times of the year.

## Section 10. Continuing Enrollment.

- A. Except as otherwise provided in subsection (B) of this section, any pupil who enrolls in a nonresident school or program pursuant to this article Act may remain enrolled in that school or program through the end of the school year.
- B. This section shall not apply if:

- a. The nonresident pupil is expelled pursuant to statute from the school or program;
- b. The nonresident pupil is excluded from the school or program for any of the reasons described in paragraphs (a) to (d) of subsection A of Section 5.

#### Section 11. Appeals.

A. The [insert state] Department of Education shall establish a process whereby a parent or guardian of a student may appeal to the State Superintendent the refusal of a school district to accept the transfer of the student. If during the appeal process, the State Superintendent discovers that the education and welfare of the student could be enhanced, the State Superintendent may direct that the student may be permitted to attend a school in the receiving school district.

#### Section 12. Reporting Requirements.

A. Each school district shall report annually to the State Department of Education the number of resident and nonresident student transfers approved by the school district for the preceding school calendar year, as well as the number of resident and nonresident student transfer applications denied and the reasons for those denials. On or before June 30 of each year, the State Department of Education shall compile the information from the school districts and report the information to the [insert legislative committees].

#### Section 131. Definitions.

- A. The term “school” means a school that is operated or authorized by a public school district or other recognized educational agency, and that provides elementary or secondary education in accordance with state law.
- B. “Parent” means the natural or adoptive parent or legal guardian of a dependent child.