

Nonresident Student Attendance Policy

Students may attend school in other than the resident student's school under the following circumstances:

1. State Enrollment Options Program;
2. When the resident and non-resident districts mutually agree; or
3. When the resident district and an out-of-state school district mutual agree;
4. Except when such transfer would work a hardship on the receiving school district

State Enrollment Options Program

Whenever the parent or guardian of a student determines it is in the best interest of the student to attend a school other than the student's resident school, the parent/guardian must apply annually for admission to the non-resident school on a form provided by the State Department of Education. The application, together with the student's cumulative record, special education file, IEP, or other applicable documents, if any, shall be submitted to the receiving district.

Students with disabilities are not treated differently from non-disabled students with respect to consideration for placement in the school of their choice, unless the District has made an individual determination that disability-related needs of a particular student with a disability cannot be reasonably met at the school of their choice due to appropriate consideration of teacher and staff, resources, program availability, hardship to the District, Declaration of Hardship and/or other factors.

The Superintendent, principal, or designee and a designated team will; as a part of a group of at least three persons who are knowledgeable of the student, the student's academic history, the student's disability evaluation data, if any, and/or the placement options; have discretion to review and accept or deny the Open Enrollment applications on a case by case basis.]

The non-resident school will have 60 days in which to consider the application. The district may deny out-of-district student enrollment for circumstances that constitute a hardship, or fall within the scope of any Hardship Declaration including, but not limited to, enlarged student-teacher ratios; overcapacity of any program such as special education, classes, as well as overcapacity of any grade level, or building; or any other factors pertaining to staffing, student-teacher ratios, case load and/or to protect the health, safety, and welfare of its existing students and/or its educational processes. If the application is denied, the non-resident school must provide a written explanation of the denial of enrollment.

No tuition shall be charged when a student attends a non-resident school under the State's Enrollment Options Program.

The parent/guardian of a non-resident student is responsible for transporting the student to and from the school or to a bus stop within the non-resident district.

Eligibility rules for participating in extracurricular activities shall apply to non-resident students. Any suspended or expelled student will not be eligible to attend a non-resident school under the provisions of this law.

Idaho Youth Rehabilitation/Child Protective Act

Any non-resident student placed by court order under the Idaho Youth Rehabilitation Act or the Child Protection Act and residing in a licensed home, agency, or institution located within the District shall be enrolled and shall not be charged tuition.

Homeless Children

Homeless children as defined by the Steward B. McKinney Homeless Assistance Act (P.L. 100-77), may attend any school district or school within a district without payment of tuition when it is determined to be in the best interest of such homeless child.

Other Conditions

The Board will not admit any student prior to viewing that student's records from the student's previous school districts.

The District has the option of accepting a nonresident student who does not meet the criteria set forth herein, if the student agrees to special conditions of admission, as set forth by the District. If a student applies and is accepted in this district from out of district, but fails to attend, that student will be ineligible to apply again for an enrollment option in this district.

The Board will not admit any student who is expelled from another school district.

New or continued enrollment of such open enrollment students will be subject to the District's discretion and such students may be denied enrollment, re-enrollment, or continued enrollment in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

An open enrollment out-of-district student who becomes eligible for special education during the school year will be allowed to complete the school year as an open enrollment student, however, the student may be re-evaluated and/or his or her enrollment status may be reviewed prior to enrollment for the following year, and depending upon circumstances, such enrollment may be denied in accordance with the District's Open Enrollment Policy, this District's Hardship Declaration and/or other factors.

Legal Reference: I.C. § 33-1400 et seq. Transfer of Pupils

I.C. § 33-205

Denial of School Attendance

Policy Reference: 3010P Open Enrollment Procedure

Policy History:

Adopted on: 12-13-2011

Revised on: 2/19/19

Reviewed on: 12/17/2018