

## OPEN ENROLLMENT PROCEDURES AS A SENDING DISTRICT

The parent or legal guardian of a resident student wishing to open enroll out of the Waterloo Community School District, under the Open Enrollment Act of 1989, shall file a formal application with this District.

### A. DEADLINES

#### 1. Students Entering First through Twelfth Grades

A parent or legal guardian wishing to open enroll a student shall notify the Superintendent or his/her designee of that intention by filing a formal application on or before March 1 for enrollment in the district of choice the following school year. Parents who have good cause, as defined by law, for failing to meet the March 1 deadline shall make an open enrollment request by September 1.

#### 2. Students Entering Kindergarten

A parent or legal guardian wishing to open enroll a kindergarten student shall make application by September 1 of the year in which the child will enter kindergarten.

### B. APPLICATION AND NOTICE PROCEDURES

The application to open enroll out of the District shall be made on application forms developed by the State Department of Education and available at the Waterloo Community School District's Education Service Center or online at [www.iowa.gov/educate](http://www.iowa.gov/educate). These forms are available beginning the first workday after July 1 in the calendar year prior to the start of the school year desired for open enrollment.

The date of the filing of any application for open enrollment shall be recorded on the application.

The Superintendent or his/her designee shall be responsible for reviewing and processing open enrollment requests. The Superintendent will act on applications filed by March 1 no later than June 1 of the school year preceding the school year for which the application is made. Action on good cause applications and kindergarten applications received after March 1 will be taken within 30 days of receipt. Notice will be provided to the parent/legal guardian within five days of the Superintendent's action and, if approved, to the receiving district within five days.

### C. BASIS FOR APPROVAL OR DENIAL BY THE WATERLOO COMMUNITY SCHOOL DISTRICT

#### 1. Participation in an Academic Program Not Available in the Resident District

Applications for open enrollment so that the student can participate in an academic program offered by the receiving district and not available in the Waterloo Community School District will be approved.

The academic program must be available to the applicant student in the first year of open enrollment. The student must enroll in that program in order to qualify under this basis for open enrollment.

Applicants should note the specific program desired so that the curriculum can be reviewed prior to an approval. These students are not subject to the District's Diversity Plan (see C. 4. below).

2. Siblings of Open Enrolled Students

Applications of siblings who reside in the same household of a currently open enrolled student will be approved to attend the same receiving district as the open enrolled sibling. These students are not subject to the District's Diversity Plan (see C. 4).

3. Continuous Education

A current student of another Iowa public school district in grades K-12, whose legal residence changes to the Waterloo Community School District, will be allowed, if desired, to continue his/her education for the remainder of the school year under Iowa Administrative Code 281-17.8 (7) as an open enrolled student in the former district, with no interruption of the K-12 educational program. An open enrollment request must be filed with this district and the former resident district for the student to continue beyond the current school year. These students are not subject to the District's Diversity Plan (see C. 4).

4. Diversity Plan-Based Decisions, for Students Not Qualifying Under Program, Sibling, or Continuous Rules (C. 1-3 above).

The Superintendent's decision will be based on the impact approval of the application would have on the District's Diversity Plan (available online at [www.waterloo.k12.ia.us](http://www.waterloo.k12.ia.us)), which is designed to promote the diversity of the District and avoid minority student isolation.

District schools are clustered to provide maximum opportunities for parents/legal guardians to have a choice of attendance centers. Assignment to a school other than that serving the attendance area in which the child lives is on a space available basis. See the policies, Voluntary Student Transfer Program, 501.8, and Special Permission, 501.9.

Each fall, data shall be collected by the Director of School and Community Relations on the number of students who are eligible for Free or Reduced Lunch, hereafter referred to as Low Socioeconomic Status (SES), enrolled in each school cluster on the official enrollment count day, October 1. The number of students who are Low SES, and the corresponding number of students who are not Low SES, and therefore defined for this purpose as High SES, at each school cluster will be used in the following procedures:

- a. All applicants for open enrollment out of the District will be asked to designate whether their household is either eligible for Free or Reduced Lunch or not eligible for Free or Reduced Lunch.

1. A household who is new to the District and who designates eligibility for FRL will complete a financial status form to verify that eligibility for purposes of the open enrollment process.
  2. In the case of a household which has a student currently attending the Waterloo Schools and that designates eligibility for FRL, that eligibility may be verified by information maintained on the District's student information system.
  3. If a household has not already been determined to be eligible for Free or Reduced Lunch and wishes to apply for that status, the applicant may do so at the time of applying for open enrollment.
  4. If the applicant does not check either eligible or not eligible for FRL, the student will be treated as High SES.
- b. All Low SES applicants will be placed on a Low SES waiting list by their respective school cluster for further consideration; all High SES applicants are placed on a High SES waiting list by their respective school cluster for further consideration.
  - c. As an open enrollment application to come into the cluster is received, for either a Low SES or High SES student, a corresponding Low SES or High SES application for open enrollment out of the school cluster will be recommended for approval.
  - d. Names will be selected at random from the relevant SES and cluster list.
  - e. As new kindergarten or "good cause" [as defined by Iowa Code section 282.18(2); 281-IAC rule 17.7] applications are received after March 1 and no later than the September 1 deadline, they will be eligible for selection in the same manner as the earlier-filed applicants.

#### D. SEVERE HEALTH NEEDS OR PERVASIVE HARASSMENT

In the case of applications in which severe health needs or allegations of pervasive harassment are reported to the District (on or accompanying the open enrollment application), each case will be investigated. If the severe health need is substantiated or the allegation of pervasive harassment is founded, and if Waterloo Schools cannot adequately address the student's needs, each case will be addressed on its own merits in the best interests of the affected child. Applicants should provide information about the health or harassment situation, including the names of any District staff who have worked to address the situation.

#### E. HARDSHIP EXCEPTIONS

If the parent or legal guardian wishes to request a "hardship" exception for an application that would otherwise not be granted under these procedures, a request for consideration, detailing the information that could justify an exception to the basis for approvals stated in section C. above should be made in writing to the Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702. This information should accompany the original application for open enrollment, if possible.

Recognizing that each family's situation is unique and that each applicant for open enrollment has reasons which are personally important, the Board of Education is responsible for applying its policies equitably and consistently.

"Hardship" generally means severe suffering or privation. Hardship applies to a circumstance in which excessive and painful effort of some kind is required, as enduring acute discomfort from cold, or battling over rough terrain. For the purposes of open enrollment exceptions, it should be based on conditions beyond the control of the parent or guardian, in the past, present, or future.

Some examples of situations which probably do not rise to the level of a possible hardship exception to the open enrollment rules could be:

- Preference for a specific day care provider
- Continuity of services (such as continuing in a physical location where preschool has been provided near or in an elementary school building)
- Transportation arrangements
- Continued association with a familiar peer group
- Work schedules of parents or guardians

Some examples of situations which may result in a hardship exception are:

- Release of student from treatment with recommendation from care provider for change of peer group
- Ongoing difficulties in resident district school that may be remedied by placement in a different district

Some examples of situations which should be brought to the attention of the District for consideration under other provisions of this policy are;

- Severe health or pervasive harassment (see section D above)
- Unique educational programs offered in another district (see section C1 above)

The Superintendent will review these requests and respond in writing to the parent or legal guardian within 30 days. If the Superintendent does not approve the application, an appeal may be filed in accordance with paragraph K. below.

#### F. EXPIRATION OF WAITING LISTS

The waiting list of applications will expire on September 1 of the year for which the request was made. This is the last possible date for application for the school year that includes that particular September. A request for open enrollment for a succeeding year requires the filing of a new application.

#### G. WITHDRAWALS OF APPLICATIONS/RETURNS TO THE RESIDENT DISTRICT

A parent/legal guardian may withdraw an application for open enrollment out of the District at any time. Upon written notice to both the Waterloo Community School District and the receiving district, students who have open enrolled in may return to the WCSD.

## H. SPECIAL EDUCATION STUDENTS

An application for a special education student will first be considered under the bases of C.1-4. The application to open enroll to another district shall only be approved if the receiving district maintains a special education instructional service which is appropriate to meet the child's educational needs and the caseload for the receiving district is adequate to meet the student's educational needs.

The District shall pay the receiving district the actual cost incurred in providing the appropriate special education services. If the parent or legal guardian of the child moves to a different district during the course of the academic year, the child's first district of residence shall be responsible for payment of the cost, including special education costs, to the receiving district for the balance of the school year for which the move took place.

If the appropriateness of the special education service in the resident district is questioned by the parent, then the parent should request a due process hearing. If the appropriateness of the special education service in the receiving district is at issue, the determination of appropriateness shall be with the Director of Special Education of the Area Education Agency in which the receiving district is located. Questions regarding appropriateness of special education services shall be directed to the District's Assistant Superintendent of Secondary Education and Special Education. The special education student will remain in the resident/sending district until the final determination is made.

## I. TRANSPORTATION RESPONSIBILITIES OF THE SENDING DISTRICT

It shall be the responsibility of the parent or legal guardian to provide transportation for the child(ren) to and from the receiving district. Open enrollment students that meet the economic eligibility requirements as established by the Department of Education and the State Board of Education shall receive transportation assistance from the Waterloo Community School District as follows:

1. The student involved in open enrollment must be enrolled in a district that is contiguous to the Waterloo Community School District.
2. The Waterloo Community School District shall provide transportation for the student to a point that is a designated stop on a regular bus route of the contiguous receiving district, or as an alternative, the Waterloo Community School District shall pay the parent or legal guardian for providing this transportation.
3. The Waterloo Community School District will not be obligated to expend more than the average cost per pupil transported amount established for the District for the previous school year.

## J. NOTICE TO BE PROVIDED

By September 30 of each year, the District shall notify parents and legal guardians of open enrollment deadlines, transportation assistance, and possible loss of athletic eligibility for open enrollment students through the media.

## K. APPEAL PROCEDURES

A denial by the Superintendent of an open enrollment request may be appealed to the Board of Education. Notice of the intent to appeal should be provided in writing to the Director of School and Community Relations, 1516 Washington Street, Waterloo, IA 50702, within 30 days of the receipt by the applicant of the notice of denial.

Appeals of the Board's decision must be filed through an Iowa District Court unless the application was filed because the child was a victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. These two issues may be appealed to the Iowa State Board of Education under the procedure in Iowa Code Chapter 290.

All appeals shall be in the form of an affidavit signed by the parent or legal guardian, and it shall state in a plain and complete manner what the parent or legal guardian feels to be the basis for appeal.

Legal Ref.: Iowa Code §§ 139A.8; 274.1; 279.11; 282.1, .3, .8, .18; 299.1 (2013).  
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501.17-R Transportation Of Open Enrollment Students By Receiving Districts

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