

## OPEN ENROLLMENT PROCEDURES AS A RECEIVING DISTRICT

The parent or legal guardian of a nonresident student wishing to open enroll into the Waterloo Community School District shall file a formal application with the resident district and the Waterloo Community School District.

### A. DEADLINES

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

The application shall be filed on or before March 1 in order to be eligible for enrollment the following school year. Parents or legal guardians 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 into 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, in the administrative office of the resident district, 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 will act on applications filed by March 1 no later than June 1 of that year. Action on good cause applications and kindergarten applications received after March 1 will be taken within 30 days of receipt. The Superintendent or his/her designee shall notify in writing the parent or legal guardian and the school district of residence of any action taken by the Superintendent within five (5) days of the action.

### 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 may participate in an academic program offered by the Waterloo Schools and not available in the student's resident district will be approved by the WCSD if space is available.

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 may be reviewed prior to an approval. These students are not subject to the District's Diversity Plan (see C. 4).

2. Siblings of Open Enrolled Students

Applications of siblings who reside in the same household of students who are currently open enrolled in the Waterloo Community School District will be approved. These students are not subject to the District's Diversity Plan (see C. 4).

3. Continuous Education

A resident student of the Waterloo Community School District whose legal residence changes to another Iowa public school district in grades K-12, 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 Waterloo Community School District, with no interruption of the K-12 educational program. An open enrollment request must be filed with this District and the new resident district for the student to continue beyond the current school year. The application will be approved. 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 decision to approve 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. Applicants for open enrollment into the Waterloo Schools will designate the school into which they wish to enroll their child. The applicant may also designate a second and third choice if desired.
- b. All applicants for open enrollment into the District will be designated as either Low SES (that is, eligible for Free or Reduced Lunch) or High SES. A financial status form, completed by the applicant, will determine whether the student will be designated as Low SES or High SES for purposes of the open enrollment process.

- c. All Low SES applicants will be placed on a Low SES waiting list by their respective school cluster for further consideration; all eligible High SES applicants will be placed on a High SES waiting list by their respective school cluster for further consideration.
- d. As an open enrollment out of the District, from a specific cluster, application is received, for either a Low SES or High SES student, a corresponding Low SES or High SES application for open enrollment into the school cluster will be approved.
- e. Names will be selected at random from the relevant SES and cluster list.
- f. 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 this situation.

#### E. HARDSHIP EXCEPTION

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 sections 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 P. 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 DISTRICT

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

#### H. ASSIGNMENT OF STUDENTS TO SCHOOLS

Assignments to schools of students who are open enrolled into the District will be made so that the entry of the student into the Waterloo school supports the socioeconomic status (SES) balance of the cluster to which that school belongs.

Every effort will be made to accommodate parental or guardian requests relative to specific attendance centers that qualify under the above rules. However, the Waterloo Community School District reserves the right to determine attendance center assignments for all students enrolled in the District.

#### I. CLASSROOM SPACE

The Superintendent shall consider classroom space when making decisions regarding open enrollment into the District and may refuse an application if insufficient classroom space exists. In the event that one or more siblings or step siblings, residing in the same home, submit requests for the same academic year, and insufficient classroom space exists in one or more of the grades requested, the Superintendent may waive the criteria for insufficient classroom space for those students affected in order to prevent the division of a family between two school districts.

Criteria for insufficient classroom space are outlined in Board Policy 601.3, Insufficient Classroom Space.

**J. SUSPENSION/EXPULSION**

Application to open enroll a student who has been suspended or expelled in the district of most recent attendance, will not be approved until the student has been reinstated in that district.

**K. SPECIAL EDUCATION STUDENTS**

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

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.

**L. RESTRICTIONS ON PARTICIPATION IN INTERSCHOLASTIC ATHLETIC CONTESTS AND COMPETITIONS**

Generally, a student in grades nine through twelve who open enrolls is ineligible for varsity athletic competition during the student's first 90 consecutive school days of enrollment in the receiving district. Refer to Policy 510.5, Athletic Transfer Rule, for further details.

**M. STUDENT GOVERNANCE**

An open enrolled student shall be governed by the rules and policies established by the Board of Education of the Waterloo Community School District.

**N. TRANSPORTATION RESPONSIBILITIES OF THE RECEIVING DISTRICT**

**ADMINISTRATIVE REGULATION**

The parent or legal guardian of a student that has been accepted for open enrollment in the Waterloo Community School District shall be responsible for transporting the child(ren) to and from the District without reimbursement from this District. Students may be provided bus transportation by the Waterloo Community School District to and from a point on a regular school bus route of the District if this designated stop meets the transportation guidelines as established by the Waterloo Community School District (one or more miles—elementary; two or more miles—middle; three or more miles—high school) from the school designated for attendance by the Superintendent or his/her designee. The Waterloo Community School District shall not send buses into a resident district solely for the purpose of transporting an open enrollment student.

#### O. 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.

#### P. 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).  
281 I.A.C. 17.  
1990 Op. Att'y Gen. 75.

Cross Ref.: 501.12 State-Enacted Open Enrollment Program  
501.17 Transportation Of Open Enrollment Students By Receiving Districts  
601.3 Insufficient Classroom Space

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