

OPEN ENROLLMENT PROCEDURES AS A RECEIVING DISTRICT

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

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 Schools Education Service Center, in the administrative office of the resident district, or online at 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 SCHOOLS

1. Siblings of Open Enrolled Students

Approval for one child in a family does not guarantee approval for other children in the same family.

2. Continuous Education

A resident student of the Waterloo Schools 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 Schools, 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.

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

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 and appeal may be filed in accordance with paragraph O. below.

F. 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 Schools and the resident district, students who have open enrolled in may return to their resident district.

G. 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 Schools supports the socioeconomic status (SES) balance of the cluster to which that school belongs, as long as there are openings.

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 Schools reserves the right to determine attendance center assignments for all students enrolled in the District.

H. 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.

I. 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.

J. 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 Schools 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.

K. 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.

L. STUDENT GOVERNANCE

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

M. TRANSPORTATION RESPONSIBILITIES OF THE RECEIVING DISTRICT

The parent or legal guardian of a student that has been accepted for open enrollment in the Waterloo Schools 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 Schools 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 Schools (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 Schools shall not send buses into a resident district solely for the purpose of transporting an open enrollment student.

N. 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.

O. 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.
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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