

Book	Policy Manual
Section	Policies for the Board 43.2
Title	Revised INTER-DISTRICT OPEN ENROLLMENT
Code	po5113
Status	
Adopted	January 28, 2004
Last Revised	January 19, 2021

## **Revised Policy - Vol. 43, No. 2**

### **5113 - INTER-DISTRICT OPEN ENROLLMENT**

The Board of Education ~~permits~~ shall permit the enrollment of students from all other districts in the District's schools or programs any Ohio district in a school or program of this District, provided each enrollment is in accordance with State laws and regulations of the State concerning Inter-District Open Enrollment, the provisions of this policy, and the administrative guidelines established to implement this policy. This shall include open enrollment of a student who is not a native student of the District if the student's parent is an active duty member of the armed forces of the United States who is stationed in Ohio and who provides the District with a copy of the parent's official written order verifying the parent's status as an active duty member of the armed forces.

The following definitions shall apply:

~~[IF OPTION #2 IS SELECTED, THE FOLLOWING DEFINITIONS ALSO APPLY]~~

#### **Active Duty Member**

A member of the armed forces of the United States who is on full-time duty.

#### **Adjacent District**

A school district having territory that abuts the territory of this District whose border is contiguous to a border of this District.

#### **Adjacent-District Student**

A resident student entitled pursuant to R.C. 3313.64 or 3313.65 to attend school in an adjacent district of an adjacent district who enrolls, or seeks to enroll, in this District.

#### **Armed Forces**

Armed forces means the United States army, navy, air force, space force, marine corps, and coast guard.

~~[THE DEFINITIONS BELOW APPLY TO OPTION #2 and #3]~~

#### **Home School District**

The school district from which a student who is open enrolling in this District emanates the student emanates.

## **Open-Enrollment**

State mandated options, policies, and regulations concerning the Board's authority to adopt resolutions regarding intra-district and inter-district enrollment policies and guidelines. Inter-district open enrollment permits the admission of students to this District from adjacent districts or any other district in Ohio.

## **Native-District Student**

A student entitled pursuant to R.C. 3313.64 or 3313.65 to attend school in this District who resides in this District and is referred to in the statute as a Resident Native Student.

## **Other-District**

A school district located in Ohio that has territory outside of the territory of this District. Any school district in Ohio.

## **Other-District Student**

A student entitled pursuant to R.C. 3313.64 or 3313.65 to attend school in an other district. A resident student of any other district who enrolls, or seeks to enroll, in this District.

## **Tuition Student**

A student who attends school in this District based on the payment of tuition in accordance with R.C. 3317.08. A non-resident student who is enrolled in this District on a tuition basis.

## **Program**

Any one of the specific course offerings of this District.

## **Program Size**

The restrictions on the number of students in a program due to circumstances unique to that specific program, the terms of a collectively-bargained, negotiated agreement, and/or financial or operating conditions of the District.

## **Racial Balance**

"Racial" refers to minorities classified as African-American, Asian-American, Hispanic-American, or Native-American students. "Balance" refers to the percentage of "racial" students in a District program, classroom, or school.

## **Racially Isolated Building**

A racially isolated building refers to a School District building in which the racial composition of the students varies significantly from the overall composition of the School District.

## **Maintaining Appropriate Racial Balance**

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, the Board will give individual consideration to each applicant seeking enrollment under this policy, so that all factors that may contribute to student body diversity are meaningfully considered in admissions decisions. It is the intent of the Board to maintain an appropriate racial balance as required by law.

Should a concern arise regarding racial balance in one or more of the District's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with State and Federal law. The Superintendent shall then make the appropriate recommendations to the Board.

## **Enrollment of a Student of a Military Family**

Enrollment of a military child shall comply with the same procedures required by law for other open enrollments. No tuition may be charged for military children who enroll under the exception.

Additionally, a student enrolled under the District's open enrollment policy exception for military children may continue to attend school in the District and receive transportation services for the remainder of the school year if the student's parent is discharged or released from active duty. After the conclusion of that school year, the student is not eligible to attend school in the District under the exception, as long as the student does not have a parent on active duty.

The Superintendent shall prepare administrative guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and ~~establish procedures that~~ provide for the following:

- A. Application procedures, including deadlines for application and for notification of students and the Superintendent of the applicable district whenever the District approves an application submitted by a student whose parent is an active duty member of the U.S. armed forces stationed in Ohio.

and

- B. Procedures for admitting open enrollment applicants free of any tuition obligation to the District's schools/programs including, but not limited to:
  1. The establishment of District capacity limits by grade level, school building, and education program;
  2. A requirement that all native students wishing to be enrolled in the District will be enrolled and that any other students previously enrolled in the District will receive preference over first-time applicants; and
  3. Procedures to ensure that the District maintains an appropriate racial balance in its schools. Specifically, the Board reserves the right to object to the Open Enrollment of a District student to another district in order to maintain an appropriate racial balance. If the Board of a student's home school district objects to a transfer of one of its students to this District for the same reason, this Board will deny the transfer unless the tuition fee is paid for the student.

The District's Inter-District Open Enrollment procedures shall not include any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills. **[DRAFTING NOTE: If the Board wants to restrict admission on the basis of academic, athletic, artistic, or other skills, the Board may submit a plan proposing such restricted admission to the Ohio Department of Education and Workforce ("DEW"); if the DEW approves the plan, the Board will need to remove the preceding sentence and make other relevant revisions to the policy to address the restricted admission's criteria and procedures.]**

The District will also not limit an applicant's admission because of the student's disability, unless the services described in the student's individualized education program ("IEP") are not available in the District's schools. Further, the District will not refuse an applicant's admission due to the child's limited English language proficiency. Finally, an applicant will not be rejected because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten (10) consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the District will deny admission to said applicant.

The Board will provide information about this policy, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in Ohio.

The District will accept all credits toward graduation earned in other district schools by another district student or a native student.

If necessary to maintain an appropriate racial balance, the District may object to the enrollment of a native student in an adjacent or other district.

**[DRAFTING NOTE: If the Board of Education receives funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq. (as amended), it may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten percent (10%) of its students are included in the determination of the U.S. Secretary of Education made under 20 U.S.C.A. 238(a).]**

Upon request of a parent, and provided the Board offers transportation to native students of the same grade level and distance from school under R.C. 3327.01, the District will provide transportation for the student within the boundaries of this District, except that the District shall only pick up and drop off a student without a disability at a regular school bus stop designated in accordance with the Board's transportation policy. ( ) The Board will reimburse an open-enrolled student's parent for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the Federal poverty line. **[END OF OPTION] [DRAFTING NOTE: The preceding option is purely discretionary.]**

The Superintendent shall report to the DEW all information required by R.C. 3319.981.

- A. ~~Nondiscrimination on the basis of grade level, including preschool disabled; academic ability; English language proficiency; or any level of artistic, athletic, or extra-curricular skills. A student's application cannot be denied because of disciplinary action in his/her home school, except for a suspension or expulsion for ten (10) consecutive days or more that occurs in the current semester or the semester immediately preceding the application. If the District does not currently provide services required for a disabled, adjacent district student, his/her application may be denied.~~
- B. ~~Application procedures including the criteria by which applications from adjacent district and other district students shall be reviewed and prioritized. District students and any adjacent district or other school district students previously enrolled under the provisions of this policy shall be given priority.~~
- C. ~~Maintenance of appropriate racial balance in District schools, classrooms, and programs.~~
- D. ~~Communications with applicants and their parents concerning this policy and the District's guidelines, including the timelines for application and notification of acceptance or rejection.~~
- E. ~~Athletic eligibility complies with State regulations and the provisions set forth by the Ohio High School Athletic Association.~~
- F. ~~Any transportation provided by the District for an adjacent district or other district student takes place within established bus routes and bus stops within the District.~~
- G. ~~Set District capacity limits by grade level, school building, and educational program.~~

~~The Board reserves the right to object to the Open Enrollment of a District student to another district in order to maintain an appropriate racial balance. If the Board of a student's home school district objects to a transfer of one of its students to this District for the same reason, this Board will deny the transfer unless the tuition fee is paid for the student.~~

This policy shall be reviewed annually by the Board to determine whether to adopt a resolution to continue the policy or to rescind Inter-District Open Enrollment. Additionally, the Superintendent shall annually review the level of diversity existing within the District's programs, grades and/or schools to assess whether the application of this policy has resulted in an adverse effect on racial balance. As a part of ~~the Superintendent's~~his/her review, the Superintendent will be responsible for determining whether there is a legal basis for the Board to use the "maintenance of appropriate racial balance" language of R.C. 3313.98. Should this review indicate that the racial balance in one **(1)** or more of the District's programs, grades and/or schools has been adversely affected, the Superintendent shall consult with legal counsel to determine what, if any, appropriate steps should be taken, including, but not limited to, policy revisions or other actions necessary to comply with State and Federal law. The Board reserves the right to modify the conditions under which Inter-District Open Enrollment would continue for any particular program, classroom, or school.

Revised 6/3/04

Re-adopted 3/06

Revised 11/14/06

Revised 3/10/09

Revised 3/25/14

Revised 1/15/19

Reviewed 1/14/20

**A.C. 3301-48-02**

**R.C. 3313.98, 3319.981, 3319.982**

Legal

A.C. 3301-48-02

R.C. 3313.98, 3319.981, 3319.982