

OPEN ENROLLMENT PROCEDURES AS A SENDING DISTRICT

The parent or legal guardian of a resident student wishing to open enroll out of the Waterloo Schools, 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 Schools Education Service Center 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 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 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 current student of another Iowa public school district in grades K-12, whose legal residence changes to the Waterloo Schools, 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.

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.

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)

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 J. below.

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

G. SPECIAL EDUCATION STUDENTS

An application for a special education student will first be considered under the basis of C.1-2. 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.

H. 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 Schools as follows:

1. The student involved in open enrollment must be enrolled in a district that is contiguous to the Waterloo Schools.
2. The Waterloo Schools 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 Schools shall pay the parent or legal guardian for providing this transportation.
3. The Waterloo Schools will not be obligated to expend more than the average cost per pupil transported amount established for the District for the previous school year.

I. 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.

J. 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.: 501.17 Transportation Of Open Enrollment Students By Receiving Districts
501.17-R Transportation Of Open Enrollment Students By Receiving Districts

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11/14/02
4/29/04
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