

## **Open Enrollment for Nonresident Students**

### *Enrollment Policy*

In accordance with W.Va. Code § 18-5-16(c), the Board shall allow nonresident students to enroll in any school within the district

If there are more applications received than spaces available during a given open enrollment period, then the Superintendent shall fill the available spaces by a random lottery selection as set forth herein, provided that the Superintendent may first give enrollment preference, in no particular order, to the following applicants:

1. Siblings of students already enrolled through the open enrollment policy;
2. Secondary students who have completed 10th grade and, due to family relocation, become nonresident students, but express the desire to remain in a specific school to complete their education;
3. Students who are children, grandchildren, or legal wards of any employee of the county school system, including any and all school service personnel;
4. Students whose legal residences, though geographically within another district, are more proximate to a school within the receiving district, whether calculated by miles or transportation time; and
5. Students who reside in a portion of a district where topography, impassable roads, long bus rides, or other conditions prevent the practicable transportation of the student to a school within the district, and a school within a contiguous district is more easily accessible.

To the extent that space remains available after the Superintendent's issuance of any and all enrollment/transfer preferences, nonresident student applications shall then be selected through a random lottery drawing, which shall take place at the county board office and witnessed by two central office employees as designated by the Superintendent. Notice of the random lottery drawing shall be provided in advance to all parents or legal guardians of nonresident student applicants.

All nonresident student applications properly submitted shall be drawn and numbered for enrollment consideration. Nonresident student applicants whose names are selected in order, up to the capacity limitations determined by the Superintendent, shall be permitted to enroll for the upcoming school year. All nonresident student applicants not enrolled pursuant to the random lottery drawing shall be placed on a waiting list in the order in

### *Appeal Process*

The parent or guardian of any nonresident student whose application for transfer is timely filed but denied by the Superintendent may file an appeal with the Board within thirty (30) days of the denial of the transfer application. The appeal shall state the reasons for which the denial was improper. Any request for hearing shall be conducted in accordance with state law and the policies and procedures as set forth by the West Virginia State Board of Education.

The Board shall issue a decision regarding any transfer request within thirty (30) days following the appeal of the Superintendent's denial, or in the case of a hearing request within thirty days (30) from the requested hearing. A parent or guardian of any nonresident student whose transfer denial is upheld by the Board may appeal such decision in accordance with the rules established by the state board of education.

### *Transportation*

Any nonresident student who receives approval to transfer to any school within the district may be transported by the school district's bus on an established route that is accessible to the student. The Board may also provide adequate means of transportation to nonresident students, subject to the following:

1. The Board is not required to uniformly provide nonresident student transportation, and may consider whether a nonresident student meets the eligibility criteria for free or reduced-price lunch and milk established within the Richard B. Russell National School Lunch Act (42 U.S.C. 1758); and
2. The Board shall provide transportation to and from the school of attendance, or to and from an agreed pickup point on a regular transportation route, or for the total miles traveled each day for the nonresident student to reach the school of enrollment if the nonresident student is a student with disabilities and has an individualized education program that specifies that transportation is necessary for fulfillment of the program.

The school district's transportation policies for nonresident students shall be made available on the Board's web site.

### *Publication of Open Enrollment Policy Materials*

In furtherance of this policy, the Board shall make publicly available on its web site a copy of this policy, all other information required to be made publicly available pursuant to this policy, as well as any and all other information necessary for implementation of the open enrollment process.

*Additional Guidelines*

In addition to the requirements set forth herein, the Superintendent shall prepare guidelines for the implementation of this policy in a manner that complies with relevant state laws and guidelines and shall establish procedures that provide for the following:

1. Compliance with Federal and State discrimination laws;
- 2.

### *Calculation of Net Enrollment*

Whenever a nonresident student is transferred on a full-time basis from one district to another pursuant to this policy, the district in which the student is transferred shall include such student in its net enrollment.

Whenever a nonresident student chooses to return to a school of his or her residence after the second month of any school year, the following shall apply:

1. The district of residence may issue an invoice to the county from which the student transferred for the amount, determined on a pro-rata basis, that the district of residence otherwise would have

