

Open Enrollment Policy

J-1050 © JFB OPEN ENROLLMENT

The District has an open-enrollment program as set forth in 22-1-4 NMSA 1978.

Definitions

Resident transfer pupil means a resident pupil who is enrolled in or seeking enrollment in a school that is within the school district - but outside the attendance area - of the pupil's residence.

Nonresident pupil means a pupil who resides in this state and who is seeking enrollment in a school district other than the school district in which the pupil resides.

Enrollment Options

District resident pupils may enroll in another school district or in another school within this District. Resident transfer pupils and nonresident pupils may enroll in schools within this District, subject to the procedures that follow.

Information and Application

The Superintendent shall prepare a written information packet concerning the District's application process, standards for acceptance or rejection, and policies, regulations, and procedures for open enrollment. The packet will be made available to everyone who requests it.

The information packet shall include the enrollment application form and shall advise applicants that they may submit enrollment applications to be selected or receive early placement on the waiting list for enrollment if their applications are received between March 1 and April 30 of each year. Those received outside of those months will be added to a waiting list in the order received and may be considered following the placement of students already on waiting lists in enrollment preference categories. All nonresident transfer pupils enrolled and pupils seeking enrollment must reapply yearly.

Transfers shall be made at the beginning of a semester. If an emergency arises or reasonable justification can be provided, the school principal will review a request for variance. In the event the principal negates the request, the matter may be presented to the Superintendent and ultimately to the Board for a decision. Transfer students will be expected to remain in the school of their choice until the close of the semester in which they are enrolled. Nothing in this open enrollment policy shall prevent the District from placing a pupil at any time in a school based upon the best interest of the student and school provided capacity is available.

Capacity

The Superintendent shall annually estimate how much excess capacity may exist to accept transfer pupils. The estimate of excess capacity shall be made for each school and grade level and shall be based upon 22-10A-20 NMSA 1978 regarding teacher/student ratios with consideration for school growth factors.

The determination of excess capacity shall be made following the determination of expected enrollment of those residents within each school attendance area, resident transfer students enrolled the previous semester, children of Española Public School employees and homeless students. The class size determination shall be made based upon student placement.

Enrollment Priorities

If the Superintendent has determined that there is excess capacity to enroll additional pupils, such pupils shall be selected on the basis of designated priority categories from the pool of pupils:

- Who have properly completed and submitted applications; *and*
- Who meet admission standards.

Enrollment priorities and procedures for selection shall be in the order and in accordance with the following:

- Enrollment preference shall be given to **resident transfer pupils who reside within the school district and request a transfer from a school ranked as a school that needs improvement or one subject to corrective action**. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to **nonresident pupils who were enrolled in the school the previous year**. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to **resident transfer pupils who were not enrolled in the school the previous year**. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to **nonresident pupils who were not enrolled in the school the previous year**. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- Enrollment preference shall be given to **out-of-state residents after all others**. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

Admission Standards

A student who has been expelled during the last twelve (12) months by any school district or private school in the United States or who is not in compliance with a condition of disciplinary action based on behavior detrimental to the welfare or safety of other students or school employees imposed by any other school or school district in the United States within the last twelve (12) months shall not be admitted. Acceptance for enrollment may be revoked upon finding the existence of any of these conditions.

Notification

Notification shall be given prior to the beginning of the semester for those selected on the basis of (1) the student's enrollment priority category, and then (2) the order of the student's entry on the waiting list.

The District shall notify the emancipated pupil, parent, or legal guardian in writing whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or denied enrollment. If the applicant is placed on a waiting list, the notification shall inform the emancipated pupil, parent, or legal guardian of the time when it will be determined whether there is capacity for additional enrollment in a school. If the pupil's application is rejected, the reason for the rejection may be stated in the notification.

Exception

Should there be excess capacity remaining for which no applications were submitted by the dates established, the Superintendent, upon approval by the Board, shall authorize additional enrollment of pupils:

- Up to the determined capacity.
- On the basis of the order of the completed applications submitted after the notification date established in this policy.
- Without regard to enrollment preference.
- As long as admission standards are met.
- Whose applications are submitted prior to the beginning of a semester.

**Hearing and Appeal Procedure
for Denial of Enrollment**

A student may appeal the denial of enrollment or reenrollment for attendance by requesting a hearing with the Superintendent of Schools within ten (10) days of receiving notification. Such hearing shall be on an informal basis, providing the student the opportunity to present factual information that would contradict the information leading to the denial. An electronic record shall be made of the hearing. Upon completion of the hearing the Superintendent shall render a decision in writing. The student may request that the decision of the Superintendent be reviewed by the Board within five (5) days of receipt of the Superintendent's decision. The Board shall receive the request and review the record to determine if the Superintendent's decision to deny enrollment was based upon reasonable information of expulsion or detrimental behavior as provided for in 22- 1-4 NMSA 1978. A determination by the Board that the reasons were within statutory guidelines would affirm the Superintendent's decision, a determination to the contrary would allow the enrollment or reenrollment if the student based upon the priorities of this policy.

Adopted: date of manual adoption

LEGAL REF.:

[22-1-4 NMSA](#) (1978)

[22-10A-20 NMSA](#) (1978)

[42 U.S.C. 11301](#), McKinney-Vento Homeless Assistance Act of 2001

CROSS REF.: [JF](#) - Student Admissions

[JFAA](#) - Admission of Resident Students

[JFAB](#) - Admission of Nonresident Students

[JG](#) - Assignment of Students to Classes and Grade Levels