

ENROLLMENT AND ASSIGNMENT OF STUDENTS

I. Enrollment Requirements

A. Age Requirements

1. Kansas law establishes the minimum school entrance age for primary first-year and kindergarten students as follows:
 - a. Any student who will attain the age of six years on or before August 31 of any school year is eligible to attend the elementary grades in the school in which the child resides;
 - b. Any student is eligible to attend first grade in this state regardless of age if they meet one of the following:
 - i. Has completed a kindergarten course entered and attended in this state, or
 - ii. As a resident in another state and while residing in such other state, had entered and was in attendance in first grade in such state or who had completed in such state a kindergarten course maintained by a public school or by an accredited private, denominational, or parochial school. This requirement will be waived for students coming from countries other than the United States if it would effectively deny the student access to education. The Director of Demographics, in consultation with the superintendent or designee shall determine the documentation necessary to establish proof of identity, age and residency in this circumstance.
 - c. Any student who will attain the age of five years on or before August 31 of any school year shall be eligible to enter kindergarten;
 - d. Any child who was a resident in another state and while residing in such other state had entered and was in attendance in kindergarten in such state shall be eligible to attend kindergarten in this state regardless of age.
2. Head Start enrollees must be three (3) or four (4) years old on or before August 31 of the school year. Enrollees must meet the Head Start performance standard requirements for enrollment and will be accepted on a space available basis.
3. Participants in at-risk preschool programs must be four years of age on or before August 31 of the school year in which they are enrolled.

B. Proof of Identity and Immunizations

1. Any student enrolling in USD 501 for the first time shall be required to present the appropriate “proof of identity” to demographics,
2. New enrollees in preschool, Head Start, kindergarten, or first grade must also present (1) a certified copy of the child's birth certificate or (2) a certified copy of the court order placing the child in the custody of the Secretary for Children and Families.

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3. **Students enrolling in grades two through twelve, a certified transcript from the previous school attended must be presented; and if the child is from a school district outside the state of Kansas, a certified birth certificate may be required. Proof of identity shall be presented within thirty days from the date of enrollment. If it is not received within the time period, the designated records manager of the receiving school shall immediately give written notice to the Topeka Police Department-- Juvenile Division. The appropriate proof of identity documents shall be placed in and remain a part of the student's cumulative record.**
4. **As required by law, any student enrolling in USD 501 for the first time shall present an immunization certificate, subject to certain statutory exceptions (see Policy No. 8300, Physical Examinations and Immunizations).**

C. Enrollment of New Students

1. **A student who enrolls into a USD 501 school from another school district including a private or parochial school, must complete all the enrollment requirements required of resident students.**
2. **A student who enrolls into a USD 501 school from an elementary or secondary school, including a private or parochial school, which is accredited by the Kansas State Board of Education or the comparable governmental agency in another state will be admitted, given credits, and placed at the appropriate grade level as indicated by the records forwarded from the school previously attended.**
3. **A student who enrolls into a USD 501 school from a home school or an elementary or secondary school which is not accredited by the Kansas State Board of Education or the comparable governmental agency in another state will be placed at the appropriate grade level and given course credits as determined by a committee appointed by the superintendent or designee. The committee will examine and consider the academic records of the student, instruction previously received, the accreditation status of the school(s) previously attended, the certification of staff of school previously attended, and any other information deemed relevant by the committee in determining appropriate grade level placement and award of credits. The principal of the receiving school shall have the right to administer standardized or locally prepared proficiency tests to such student to aid the committee in determining the appropriate placement of the student and award of credits. Students whose native language is not English will be evaluated by district personnel to determine language skills and appropriate placement.**
4. **Pursuant to K.S.A. 72-6120, USD 501 reserves the right to refuse to enroll any student, regardless of residency, who is currently suspended or expelled from any school by any school district.**

II. Resident Students Attendance

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A. Statutory Requirements

1. **Kansas law establishes resident student eligibility to attend USD 501 schools as follows:**
 - a. **Any child who has attained the age of eligibility for school attendance may attend school in the district in which the child lives if:**
 - i. **the child lives with a resident of the district and the resident is the parent or a person acting as parent of the child;**
 - ii. **the child lives in the district as a result of placement therein by a district court or by the Secretary for Children and Families; or**
 - iii. **the child is a homeless child.**
 - b. **As used in this section,**
 - i. **“parent” includes stepparent(s) and foster parent(s);**
 - ii. **“person acting as a parent” means a legal guardian or a person other than a parent who is liable by law to maintain, care for or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted legal custody of the child by a court; and**
 - iii. **“homeless child” means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.**
2. **Any student who is eighteen (18) years of age or older may establish his or her own legal residence within the district pursuant to law.**

B. Determining Residence for School Assignment

The attendance center to which a student is assigned is determined by where the student resides, not by the address of the person who claims the legal right to make educational decisions on behalf of the student. A student will be deemed to reside where s/he sleeps on Sunday through Thursday nights during the school year. Any person enrolling a student may be required to complete a notarized affidavit of residence, under penalty of perjury. The existence of a court-ordered guardianship, including a limited guardianship for school attendance purposes, will not automatically establish the student's residence with the guardian.

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As a Kansas charter school, Hope Street Academy may approve in-district transfer requests consistent with the state approved charter, applicable state statutes and/or waivers. Hope Street Academy shall not be restricted by this regulation if a student transfer benefits the student. However, provisions governing nonresident students in section III of this policy shall apply to students seeking admission to Hope Street Academy Charter School.

D. Change of Residence within the District

If the person who establishes a student's eligibility for attendance in the district moves into the attendance area of another district school during the regular school year, the student may remain enrolled until the end of the regular school year in the school in which the student was enrolled immediately prior to the move within the district. Unless the student qualifies for transportation under the provisions of Regulation 8025-02 or is eligible under IDEA, transportation to the prior school will not be provided.

E. A student who is eighteen (18) years of age or older may establish his or her own legal residence within the district pursuant to law.

F. The Governor and legislators of the state of Kansas may enroll their children in any school within the district.

III. Enrollment of Nonresident Students

A. Kansas law requires the board to allow nonresident students to enroll in and attend the schools of the district if the board's capacity determination finds there are open seats for such students. In order to determine the district's capacity to accept nonresident students at each grade level in each school, the board has adopted this policy.

B. Definitions

For the purposes of this policy, the following definitions apply:

- 1. "Homeless child" means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:**
 - a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;**
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or**
 - c. A public or private place not designed for, or ordinarily used as, as a regular sleeping accommodation for humans.**
- 2. "Nonresident student" means a student who is enrolled and in attendance at or seeking to enroll and attend a school located in a district where such student is not a resident.**

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“Parent” means and includes natural parents, adoptive parents, stepparents, and foster parents.

“Person acting as parent” means:

- a. A guardian or conservator; or**
- b. A person, other than a parent, who:**
 - i. Is liable by law to maintain, care for, or support the child;**
 - ii. Has actual care and control of the child and is contributing the major portion of the cost of the support of the child;**
 - iii. Has actual care and control of the child with the written consent of a person who has legal custody of the child; or**
 - iv. Has been granted custody of the child by a court of competent jurisdiction.**

3. “Receiving school district” means a school district of nonresidence of a student who attends school in such district.

4. “Sibling” means a brother or sister of the whole or half blood, adoptive brother or sister, a stepbrother or stepsister or a foster brother or foster sister.

C. Determining Capacity for Nonresident Enrollment

The superintendent or designee will study the capacity in each school and at each grade level within the school for making recommendations to the board on the district’s capacity to accept nonresident students. To assist with determining capacity, the superintendent or designee shall:

- 1. Develop recommendations on capacity and classroom student-to-teacher ratios in each grade level in each school serving kindergarten students and students in grades one through eight. Such recommendations may be based on, but not limited to, the following:**
 - a. Present classroom student-teacher ratios in each grade level in each school;**
 - b. Projected enrollment shifts based on resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends; and**
 - c. Maximum capacity of the classroom and associated learning, activity, and common area spaces.**
- 2. The superintendent or designee shall develop recommendations on capacity and student-to-teacher ratios for each school building or program serving students in grades nine through twelve. Such recommendations may include, but not be limited to, the following:**

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- a. Present building or program student-teacher ratios;
 - b. Projected enrollment shifts based on the resident student population, which may include a percentage adjustment for anticipated growth or decline based on documented enrollment trends;
 - c. Anticipated demand for particular courses or programming; and
 - d. Maximum capacity of the classroom and associated learning, activity, and common area spaces.
3. On or before May 1 of each year, the superintendent shall present the recommendations concerning capacity and student-to-teacher ratios to the board for adoption or modification, and the board shall determine, for each grade level in each district school building for the next school year, the following:
- a. Capacity based on the study conducted by the superintendent or designee
 - b. The number of students expected to attend school in the school district; and
 - c. The number of open seats available to nonresidents at each grade, building or program level;
- D. On or before June 1 of each year, the district shall publish *on the district's website* the number of open seats available to nonresident students in each grade level for each district school building for the next school year.
- E. From June 1 through June 30, district administration shall accept applications from nonresident students.
1. If the number of applications for a grade level in a school building is less than the number of available seats for that school building grade level, the nonresident students shall be accepted for enrollment and attendance, except as provided below for nonresident students regarding continued enrollment.
 2. If the number of applications for a grade level in a school building is greater than the number available seats for the grade level in the school building, district administration shall randomly select nonresident students using a confidential lottery process. This process shall be completed on or before July 15 of each year.
 3. The district shall provide to the parent or person acting as a parent of a nonresident student who was not accepted for or denied enrollment, the reason for non acceptance or denial and an explanation of the nonresident student selection process.
- F. Subject to capacity to enroll nonresident students, the district shall give priority in enrollment to the following nonresident students, who shall receive open seats without the necessity of being selected through the open-seat lottery:
1. Any sibling of a nonresident student who was accepted to enroll in the district, with

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- priority given when the nonresident student is first accepted and, if necessary, at any other time the district considers nonresident transfer applications;
2. Any nonresident student who is a military student as defined in K.S.A. 72-5139, with priority given when the student is first accepted and, if necessary, at any other time the district considers nonresident transfer applications;
 3. Any student who is in the custody of the Department for Children and Families and is living in the home of a nonresident student who transfers to the district;
 4. Any nonresident student who has a parent employed by the district shall be permitted to enroll in and attend school in the district as if the student is a resident of the district while the parent remains employed by the district;
 5. Any nonresident students residing outside of the state of Kansas but attending school in the district during the 2023-2024 school year shall be treated as if a resident student and not required to apply for nonresident status, although continued enrollment may be evaluated each year under the factors outlined below; or
 6. Any student who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

If one of these exceptions no longer applies to the student, the student's enrollment status would be subject to review under the terms for continued enrollment under this policy.

- G. A nonresident student shall not transfer more than once per school year to one or more receiving school districts except for a student in the custody of the Department for Children and Families or a child who is experiencing homelessness.
- H. The district shall not be required to provide transportation to nonresident students unless otherwise required to do so by state and/or federal law. If space is available on district transportation vehicles, the district may assign nonresident students an in-district bus stop to and from school. The district shall ensure that transportation for nonresident homeless students is provided comparably to that of housed students.
- I. A nonresident student who transfers into the district shall be required to follow the requirements of the Kansas State High School Activities Association (KSHSAA) regarding eligibility to participate in KSHSAA activities.
- J. The superintendent or designee shall submit to the Kansas State Department of Education (KSDE) this policy, the number of nonresident student transfers approved and denied in each grade level and whether the denials were based on capacity or in accordance with the policy's terms.
 1. A nonresident student accepted for enrollment shall be permitted to continue enrollment and attendance in the district until such student graduates from high school, reaches the age of 21 (if the student is a student with an exceptionality, not solely eligible for gifted services under an individualized education program), or receives a

- G.E.D., unless the student is no longer determined to be in good standing.
2. Except as otherwise specified herein, nonresident students who have previously been accepted will be allowed to continue enrolling in the district. The parents are not required to resubmit a new application each school year and the previous application of an enrolled student will advance unless the district provides notification to the parent or student that enrollment is not going to be continued for not being in good standing.
- K. A student may be denied continued enrollment for not being in good standing regardless of capacity to accept nonresident students at a nonresident student's grade level or in the student's designated school or program. Nonresident students admitted to the district shall be evaluated each spring by district administration to determine standing for continued enrollment.
1. Students may be denied continued enrollment for the next school year based on the results of these evaluations. However, if the student has a disability, the student's ability to meet the good standing expectations shall be considered prior to denying continued enrollment in the district.
 2. The administration shall consider the adverse impact of homelessness on a student's attendance and any resulting suspensions or expulsions before making a determination on the continued enrollment of a homeless student.
 3. Administration shall consider the obstacles a homeless student faces to arrive at school on time each day due to housing instability, lack of transportation, or lack of other basic resources.
 4. A student meeting one or more of the following criteria shall automatically be deemed not in good standing and denied continued enrollment:
 - a. The student failed to maintain a 90% attendance rate in the last school year, excluding excused absences;
 - b. The student received an "F" grade in 2 classes during the previous semester.
 - c. The student or the student's parent or person acting as a parent provided false or fraudulent information in the application process;
 - d. The student is not a resident of Kansas;
 - e. The student is currently under a period of suspension or expulsion from any Kansas school district, and such suspension or expulsion will not expire until after the next school year has begun.
 - f. The student has had two or more short term out-of-school suspensions in the current school year, excluding suspensions where a manifestation determination review (MDR) determined to be a manifestation of the student's disability or a failure on the part of school staff to implement an individualized education program (IEP), Section 504 plan, or behavior intervention plan; or

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- g. the student has been given a long-term suspension or expulsion by the district in the current school year.**

5. Parents shall be informed of any administrative decision not to continue enrollment of a nonresident student no later than July 15th.

IV. Student Assignment to Schools within the District

- A. In order to make the optimum use of district school facilities, designated attendance areas for all schools shall be established by the Board of Education. Students residing within the attendance area of a school shall attend that school, except as otherwise provided by policies of the Board of Education. A minor student shall be deemed to reside where their parent or the person acting as a parent resides. A student who lives in the district as a result of placement by a district court or the Secretary for Children and Families shall be deemed to reside at the location where so placed.**
- B. Topeka Public Schools reserves the right to assign students, including students in alternative programs and nonresident students, to participate in extracurricular educational experiences or to attend classes in locations other than the student's school assigned by residence or school assigned upon nonresident enrollment. Such assignment shall be directed by the principal of the student's school assigned by residence or nonresident enrollment (or approved transfer school) with approval of the superintendent or designee.**
- C. Unless otherwise authorized by the superintendent or designee, students may be assigned to attend a school other than the school assigned by residence or where originally assigned as a nonresident student, if class sizes at the school in the home attendance area at the student's grade level have reached capacity enrollment. If enrollment in the school assigned by residence is denied, transportation pursuant to the 1.75 mile distance to the school where the student is assigned will be provided. Transportation will not be provided to nonresident students reassigned.**
- D. Nonresident students shall be assigned to the district school building based on building capacity as determined in Section III.**

V. Student Transfers within the District

- E. If the person determining eligibility of a student for school attendance in USD 501 desires that the student attend a school other than the school assigned by residence or the assigned school if a nonresident student, a written application for transfer of enrollment to another school shall be submitted to the superintendent of schools or designee. All applications for transfer of enrollment will be reviewed annually and either approved or denied by the superintendent of schools or designee. Except as provided in paragraph V D or Section III of this policy, upon approval, the student transfer will remain in effect until the student completes the highest grade at the assigned school, or a new transfer is approved.**
- F. All district transfer requests shall be submitted to the Demographics Department. Except**

when extended by the superintendent, applications for transfer or for admission to a magnet school or any school that is not the school of residence must be submitted after January 1 and no later than March 31 for fall admission in the next school year. Applications for transfer of enrollment at times other than the designated period are not allowed unless good cause is shown.

- G.** An application for transfer will be approved only for (a) a majority race student who requests transfer of enrollment to a school which has a higher minority race percentage than their home/nonresident attendance area school or (b) a minority race student who requests transfer of enrollment to a school which has a lower minority race percentage than their home/nonresident attendance area school. Minority race percentages for each school in the district will be established on September 20, or the day closest to September 20, of each school year, and such percentages will be used to evaluate proposed transfers of enrollment until new percentages are established for the next school year.
- H.** All applications for transfer of enrollment shall be considered on a "first come, first-served" basis. Each application for transfer of enrollment shall be evaluated for its effect upon both the school assigned by residence, or upon initial nonresident enrollment and the proposed receiving school, considering the following factors in addition to those stated elsewhere in Board of Education policies:
1. Class sizes of the sending and proposed receiving schools;
 2. The estimated instructional capacity (E IC) of the sending and proposed receiving school;
 3. School closure;
 4. Location of special programs;
 5. Diversity at the sending and proposed receiving schools;
 6. Historical cohort groups.
 7. Instructional capacity of receiving school.
 8. The class size of receiving school.
 9. The availability of certified staff to teach the student transfer.
 10. Minimum attendance rate of 90% in originating school.
 11. Grade point average of at least 2.0 in originating school and not failing two classes in previous semester.
 12. No more than two out of school suspensions in previous school year and no expulsions.
- I.** The applicant shall be notified in writing of the approval, denial or cancellation of the application for transfer of enrollment.

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- J. In special circumstances, at the building administrator’s request and or the written request of the student's parents or guardian, a review committee composed of the superintendent of schools and appointed administrators of the district may assign a student to a school other than the school they would be eligible to attend under Board of Education policies.**
- K. Unless the student qualifies for transportation under Regulation 8025-02, if an application for transfer of enrollment is approved, the parent or person acting as parent shall have full responsibility for the transportation of the student to the receiving school.**
- L. Secondary school students who have been approved for voluntary transfer of enrollment shall be permitted to participate in interscholastic activities in accordance with regulations of the Kansas State High School Activities Association. Eligibility for extracurricular activities of nonresident student will be determined by applicable Kansas State High School Activities Association rules.**
- M. For transfer requests for exceptional children, Demographics shall consult with Special Education administration in determining if adequate resources are available. A student must be identified as an exceptional child in the originating district in order to receive special education services upon enrollment in Topeka Public Schools.**
- J. Revocation and Reapplication**
 - 1. Notwithstanding paragraph V. A. of this policy, if a major shift in student population causes overcrowding at a school or schools, the District reserves the right to cancel previously approved transfers except students who will be entering the highest grade (fourth, seventh and eleventh grade students who will be entering the fifth, eighth or twelfth grade) will be permitted to continue enrollment in the school attended during the preceding year. The District will provide a minimum of 90-days’ notice if previously approved transfers will be rescinded due to population shifts.**
 - 2. The superintendent or designee may cancel a previously approved transfer for reasons set forth in Regulation 8025-01.**
 - 3. The District will review transfer students on an annual basis and reserves the right to require any student who has been granted a transfer to a school other than the school in their home attendance area or originally assigned as a nonresident student to reapply for admission on a yearly basis.**