

Regulation JFB

Las Cruces Public Schools

Related Entries: JFA, JFA-R, JFAB, JFAB-R, JFB

Responsible Office: Chief Academic Officer

Open Enrollment (Transfers)

I. PURPOSE

To establish procedures for an effective, efficient, and equitable open enrollment process for all students in the Las Cruces Public School District.

II. DEFINITIONS

1. *“Assigned school”* means the school to which the student has been assigned for a given school year. This is the home school in the absence of an approved change of school assignment (transfer). When a student is granted a change of school assignment the requested school becomes the assigned school.
2. *“Home school”* means the school to which a student is assigned based upon the Board of Education geographical boundary decision. Absent any other considerations, this will be the assigned school. In addition, should the student be reassigned through the transfer process, he or she may elect at any time to return to the home school.
3. *“NMAA”* means New Mexico Activities Association.
4. *“Open enrollment”* means an option to attend a school outside the student's regular attendance zone.
5. *“Residence”* means the place in which a person's habitation is fixed, and to which whenever absent, he/she has the intention to return; the place where a person's family resides is presumed to be his place of residence; a change of residence is made only by an act of removal joined with the intent to remain in another place. There can be only one residence.

III. Guidelines for Elementary and Middle School Student Transfers

A. Timelines and Deadlines

1. The Transfer Request for *“Change of School Assignment form JFB-E-K8”* should be submitted to the receiving school principal within a three-week period starting February 1. These dates are subject to change by order of the Superintendent in the event a new school is opening for the first time and/or other reasons that necessitate a change in the transfer windows.

2. Every effort will be made to notify parents and students by June 1 of whether the transfer request has been approved or denied.
3. Transportation for transfer students is the responsibility of the parent/guardian and is not provided by the district unless the reason for transfer meets the definition as defined under Section D Priorities #(2).
4. Students must enroll in and attend their home school while a change of school assignment request is being processed.

B. Transfer Decisions

1. Transfers are approved only if a school has space in the grade level and program availability for new students.
2. Principals from receiving schools are responsible for approval of open enrollment transfers subject to enrollment considerations and established criteria. The “*Transfer Request for Change of School Assignment form (JFB-E-K8)*” should be signed by the principal of the originating school and submitted to the principal of the receiving school for final approval.
3. Transfers submitted outside of the transfer period may be considered if the student is a new resident of Las Cruces or if there is a bona fide emergency or extenuating circumstance that could have been foreseen prior to the transfer acceptance period. Transfer requests submitted outside of the official transfer period may only be approved by the school principal.
4. Students whose families have moved within LCPS who wish to continue attending their current school should request a Change of School Assignment from the school serving their new residence to the school that they have been attending.
 - a. Such requests will be given preference for the remainder of the current school year only.
 - b. Students who have been accepted on a transfer may remain at their transfer school. Once a student receives an approved transfer, the new school becomes the student’s assigned school. These students do not need to reapply for a transfer each year. Continuation in the feeder pattern (i.e., elementary to middle school) does not apply.

C. Homeless students and students in foster care

1. The district will consider the best interest of the child, with guardian(s) involvement, in determining the best school assignment for homeless students and students in foster care.
2. To the extent feasible, and in accordance with the child or youth’s best interest, the child or youth should continue his or her education in the assigned school,

D. Priorities

Students shall be enrolled or re-enrolled in each district school according to the following priorities. If there are more transfer requests than available seats at a particular school, a random selection process will be used.

1. First: persons residing within the district and within the attendance area of a school (§ 22-1-4 NMSA, 1978).
- ~~2.~~ Second: Students who live in the attendance area of a school which has received an “F” rating for two of the last four school years pursuant to the A-B-C-D-F Schools Rating Act [22-2E-1 through 22-2E-4 NMSA 1978].
 - a. The school district shall be responsible for the transportation and transportation cost of a student who transfers to another school within the same district even where that that school is outside of the student’s attendance zone.
 - b. Continuation in the feeder pattern (i.e., elementary to middle school) does not apply.
 - c. Transfer requests that indicate this option must be forwarded to the Assistant Superintendent for approval and processing.
3. Third: Students who previously attended the school;
4. Fourth: all other applicants -
 - a. Special consideration will be given to enrollment of students whose parent(s) is/are an active member of the military;
 - b. Special consideration will be given to enrollment of student in the area of after-school child care for students, siblings of students already attending the public school, children of employees employed at the public school, extreme hardship and student safety (§ 22-1-4 NMSA, 1978).
 - c. Acceptance of transfer requests is based on space availability, staff, and availability of programs.

Maximum Class Size

- i. Provided the maximum allowable class size as permitted by law is not exceeded by the enrollment of first priority students (see D.1. above), the school shall continue to enroll students on the basis of the priorities established in this regulation.
- ii. If the maximum allowable class size would be exceeded by enrollment of an applicant in the second through fourth priority categories, the school may deny additional student enrollments.
- iii. Each elementary and middle school shall establish a

waiting list of second through fifth priority students who are seeking enrollment in the school and enter the names of such students, by grade level, on the list in the order in which each student sought enrollment.

- iv. As classroom space become available in each school, students within the appropriate grade level or program shall be invited to enroll based on the enrollment criterion and position on waiting list.

- d. Students living outside the Las Cruces Public School District shall fall into the “all other applicant” category for open enrollment purposes and must apply for admission to attend any school within the district (see Regulation JFAB-R *Admission of Non-Resident Students*).

IV. Guidelines for High School Student Transfers

A. Timelines and Deadlines

The “*Transfer Request for Change of School Assignment (form JFB-E- 912)*” should be submitted to LCPS Instruction Office (505 S. Main) within a three (3) week period starting February 1. These dates are subject to change by order of the Superintendent in the event a new school is opening for the first time and/or other reasons that necessitate a change in the transfer windows.

1. Every effort will be made to notify parents and students by June 1 of whether the transfer request has been approved or denied.
3. Transportation for transfer students is the responsibility of the parent/guardian and is not provided by the district unless the reason for transfer meets the definition as defined under Section D Priorities #(2).
2. Students must enroll in and attend their home school while a change of school assignment request is being processed.

B. Transfer Decisions

1. Transfers are approved only if a school has space within the grade level and program availability for new students. Assistant Superintendent of Teaching and Learning will review transfer requests and determine approval status based on the criteria in section “D” below.
2. The “*Transfer Request for Change of School Assignment form (JFB-E- 912)*” must be submitted to the Office of Instruction prior to the deadline. Transfers submitted outside of the transfer period may be considered only if:
 - a. the student is a new resident of Las Cruces and enrolls after the transfer period;
 - b. there is a bona fide emergency or extenuating circumstance that could

not have been foreseen prior to the transfer acceptance period. Appropriate documentation of the emergency or circumstance must accompany the transfer request for it to be considered.

- c. Space and program availability considerations, as well as enrollment priorities, also apply to these circumstances.
3. Students whose families have moved within LCPS and wish to continue attending their current school may do so. The new address should be recorded at the current school for correspondence purposes.
4. Once a student receives an approved transfer, the new school becomes the student's assigned school. Students in grades 9-12 do not have to re-apply for transfers annually.
5. If a student wishes to return to the home (geographic boundary) school, they must first withdraw from the assigned school and show appropriate enrollment documents to enroll in the home school.
6. In order to maintain academic stability, once a transfer is granted no additional transfers will be approved, unless an emergency or extenuating circumstance exists. Appropriate documentation of the emergency or circumstance must accompany the transfer request for it to be considered.

C. Homeless students and students in foster care

1. The district will consider the best interest of the child, with guardian(s) involvement, in determining the best school assignment for homeless students and students in foster care.
2. To the extent feasible, and in accordance with the child or youth's best interest, the child or youth should continue his or her education in the assigned school, except when contrary to the wishes of the guardian.

D. Priorities

Students shall be enrolled or re-enrolled in each district school according to the following priorities. If there are more transfer requests than available seats at a particular school, a random selection process will be used.

1. First: persons residing within the district and within the attendance area of a school (§ 22-1-4 NMSA, 1978);
5. Second: Students who live in the attendance area of a school which has received an "F" rating for two of the last four school years pursuant to the A-B-C-D-F Schools Rating Act [22-2E-1 through 22-2E-4 NMSA 1978].
 - a. The school district shall be responsible for the transportation and transportation cost of a student who transfers to another school within the same district even where that that school is outside of the student's attendance zone.

- b. Continuation in the feeder pattern (i.e., elementary to middle school) does not apply.
 - c. Transfer requests that indicate this option must be forwarded to the Assistant Superintendent for approval and processing.
2. Third: Students who previously attended the school;
 3. Fourth: all other applicants
 - a. Special consideration will be given to enrollment of students whose parent(s) is/are an active member of the military;
 - b. Special consideration will be given to enrollment of student in the area of after-school child care for students, siblings of students already attending the public school, children of employees employed at the public school, extreme hardship and student safety (§ 22-1-4 NMSA, 1978).
 - c. Acceptance of transfer requests is based on space availability, staff, and availability of programs.

Maximum Class Size

- i. Provided the maximum allowable class size as permitted by law is not exceeded by the enrollment of first priority students (see D.1. above), the school shall continue to enroll students on the basis of the priorities established in this regulation.
 - ii. If the maximum allowable class size would be exceeded by enrollment of an applicant in the second through fourth priority categories, the student may re-apply for a transfer during the next transfer window. If classroom space becomes available, students with the highest priorities will be given the opportunity to enroll. Applications will not be accepted between windows.
- d. Students living outside the Las Cruces Public School District shall fall into the “all other applicant” category for open enrollment purposes and must apply for admission to attend any school within the district (see Regulation JFAB-R *Admission of Non-Resident Students*)

E. NMAA Guidelines for Open Enrollment

1. The transfer process shall not be used by students and/or adults to give any team or school a competitive advantage. Recruiting students to change schools for participation in athletics or other activities is prohibited.
2. Student-athletes applying for a transfer must indicate on the transfer application form whether they participate, or intend to participate, in athletics or any other NMAA-designated interscholastic activities in the transfer school. Failure to indicate athletic participation on the district transfer application could result in a student’s transfer being reversed or denied.

3. Prior to requesting a transfer, student-athletes must be advised by the Director of Athletics and/or the Assistant Director of Athletic as to all rules and guidelines established by the NMAA and the Las Cruces Public Schools related to athletic participation and eligibility. More information regarding eligibility can be found at <http://www.nmact.org/>.

V. REVIEW

This regulation shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Approved, Chief Academic Officer

Dec. 1, 2017

Date Approved

History: Formerly Procedure 303-1 through 303-9, Revised 11.01.05; Revised 1.31.13b; Revised 10.30.13; 03.25.15; 01.11.17; 12.01.17

Legal Ref: 22-10A-20, NMSA 1978 and 22-1-4, NMSA 1978, §22-1-4 NMSA, 1978; MAC 6.10.4