

# OE Space Determinations Part 1

## 1. OE SPACE PART 1 POLICIES updated 01-2021

### 1.1 Open Enrollment Space Determinations



#### Notes:

Before completing this presentation, it is recommended that you view the following presentations:

- Administering the Regular Open Enrollment Application Process: Overview
- Preferences and Guarantees
- Open Enrollment Reasons for Denial

To advance to the next slide, click on the Next button.

## 1.2 Welcome



### Notes:

Welcome! My name is Jennifer Danfield, and today I will be talking about Open Enrollment Space Determinations. This is part one of a five-part series on space. Before we begin this tutorial, let's start with some basic functions of this module.

## 1.3 Getting Started



## Notes:

You will navigate through this presentation using the Previous and Next buttons in the bottom right corner. This allows you to learn at your own pace. If you get interrupted, simply start the slide over again.

In the upper left corner is the Menu tab. This is another way to move between slides or to jump to the information you are seeking.

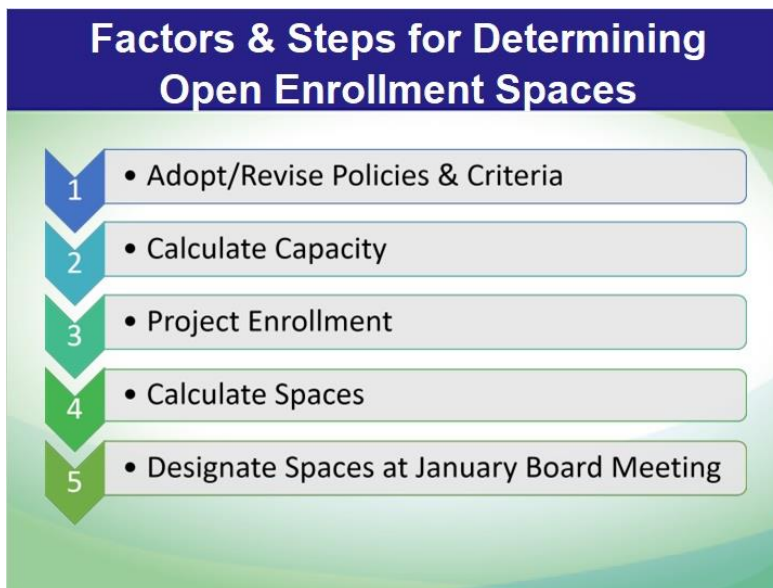
You will also notice the glossary and transcript tab. You may want to refresh your memory by reviewing the words listed in the glossary. You can also read along with the presentation by clicking on the transcript tab.

In the upper right corner are the resources and contact us tabs. Clicking on Resources will bring you to a variety of resources you may want to review during or after the presentation. Here you will also find a pdf version of this presentation.

At the end of this tutorial, there is a short quiz where you can test your knowledge on space determinations. There is also a survey that we hope you'll complete.

Now, let's begin.

## 1.4 Untitled Slide



## Notes:

The topic of determining open enrollment spaces is divided into five presentations, or parts.

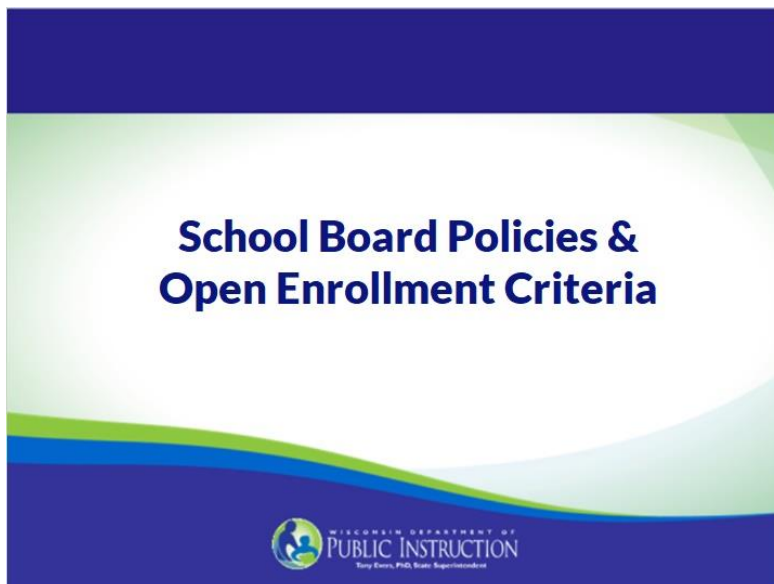
Part 1 discusses required school board open enrollment policies and criteria.

Parts 2, 3 and 4 discuss the determination of space, as follows:

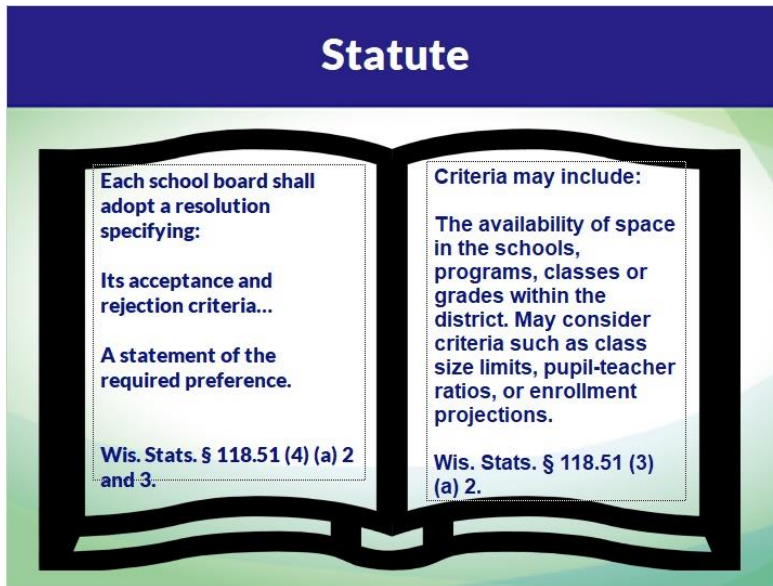
- Part 2 discusses capacity.
- Part 3 discusses enrollment projections.
- Part 4 discusses the calculation of open enrollment spaces.

Part 5 discusses the designation of spaces at the January board meeting.

### ***1.5 School Board Policies &***



## 1.6 Statute

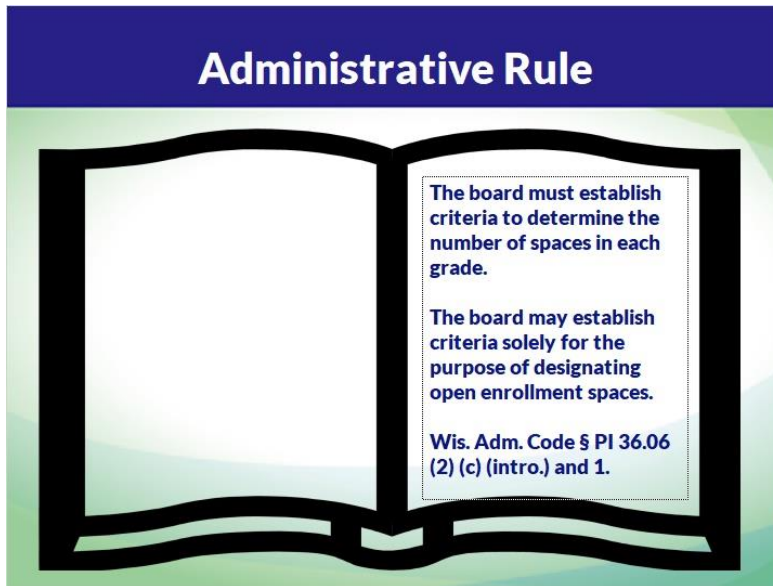


### Notes:

The open enrollment statute requires each school board to adopt a policy that specifies the board's criteria for approving and denying open enrollment applications. However, even though the statute permits consideration of space, a board may only deny for that reason if the board adopts the reason in policy.

Thus, although the statute permits a school board to deny open enrollment if space is not available, the board may only do so if the board adopts a space criterion in its policy.

## 1.7 Administrative Rule



### Notes:

PI 36, the open enrollment administrative rule, requires a board that wishes to consider space in approving and denying open enrollment applications to establish criteria it will use to determine the number of open enrollment spaces in each grade.

Some boards have class size policies, others do not. The open enrollment law does not require a school board to establish class size policies. Rather, a board that wishes to consider space must establish criteria by which to determine how many open enrollment spaces are available. A school board may base its open enrollment criteria on existing class size policies, may adapt existing class size policies, or may create criteria solely for the purpose of designating open enrollment spaces.

## 1.8 Authority to Consider Space



### Notes:

In summary:

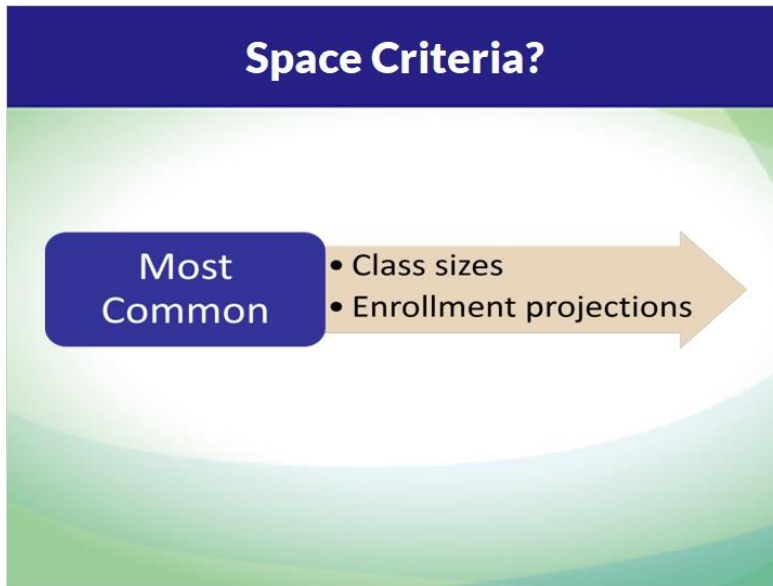
The open enrollment statute permits a school board to deny open enrollment if space is not available.

Administrative rules requires the board to specify its space criteria.

If the board wishes to consider space availability, it must adopt a policy that:

- 1.Specifies that it will consider the availability in approving and denying applications.
- 2.Establishes space criteria. This includes both the description of the criteria (i.e. class size limits) and what the criteria are (i.e. numeric or other criteria that will be used to determine the availability of space).
- 3.Specifies whether currently-attending applicants and/or siblings of currently-attending pupils will be granted preferences or guarantees.
- 4.Provides for a waiting list, if desired.

## 1.9 Space Criteria?



### Notes:

The board's approval/denial criteria may include the availability of space in the schools, programs, classes and grades within the district. The criteria used to determine space availability may include any class size limits, pupil-teacher ratios or enrollment projections established by the school board. Most school board policies allow the board to consider all of these criteria. In practice, however, the most common criterion actually used for determining space is class size coupled with enrollment projections. Therefore, the majority of this presentation discusses the calculation of spaces using class sizes.

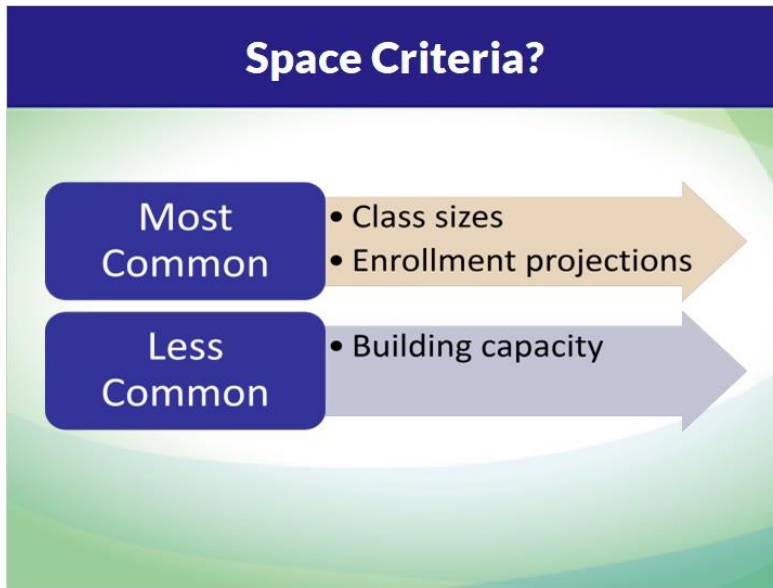
Class Size: The most common formula for calculating space is class size times the number of expected classes (or sections) minus projected enrollment.

Two of the methods school boards commonly use to set a class size criterion include:

- Using or adapting an existing policy that establishes class sizes or class size ranges. If a class size range is used, the board must still designate a point within the range that will be used to determine open enrollment spaces. For example, if the class size range is 19-21, the board must decide whether it will use 19, 20 or 21 to determine the number of open enrollment spaces.
- Establishing a class size criterion that will be used only for the purpose of determining the number of open enrollment spaces, whether or not the board has an established class size policy for staffing purposes. For example, districts with SAGE classes, which must not exceed 18 pupils per teacher, might establish a class size lower than 18 to ensure the district will not lose SAGE funding if new pupils move into the district.



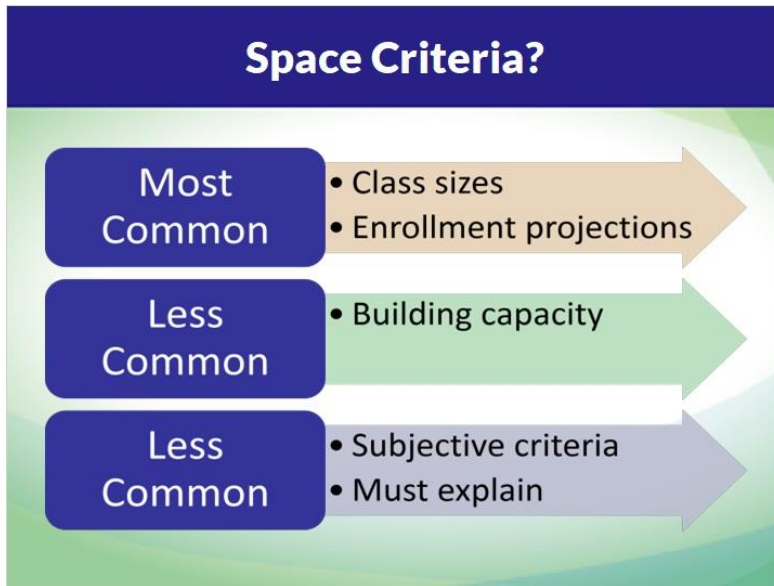
## 1.10 Space Criteria?



### Notes:

Building Capacity: Some school boards deny open enrollment because a school building is at or near the capacity for which it was built. In such cases, the board must deny all open enrollment applications into all grades in that school (unless, of course, approval is guaranteed). Since open enrollment is to a district, and not to a school, the board could not use building capacity of one building to deny open enrollment when there are other buildings that offer that grade.

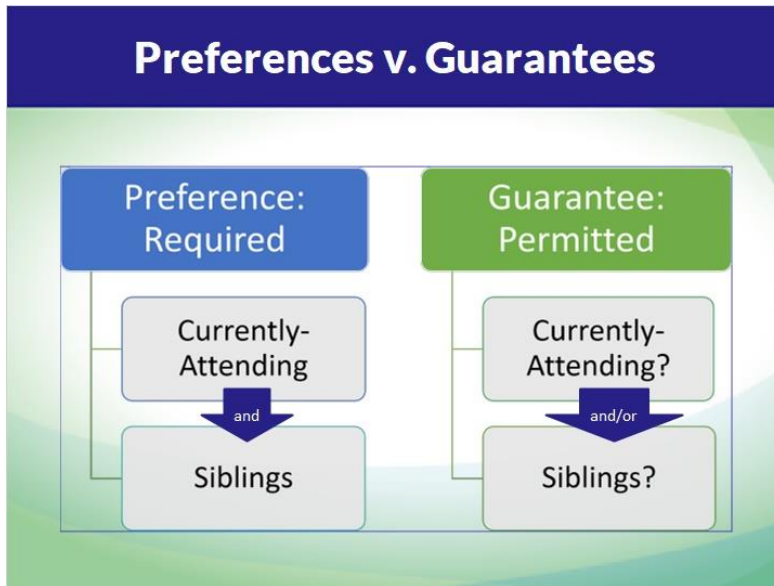
## 1.11 Space Criteria?



### Notes:

Subjective Criteria: A few school districts use subjective criteria, for example, asking principals to determine the number of spaces available in their individual schools. However, with subjective criteria, the district must be able to explain, on appeal, the criteria they used and how, using that criteria, the number of available spaces was determined.

## 1.12 Preferences v. Guarantees

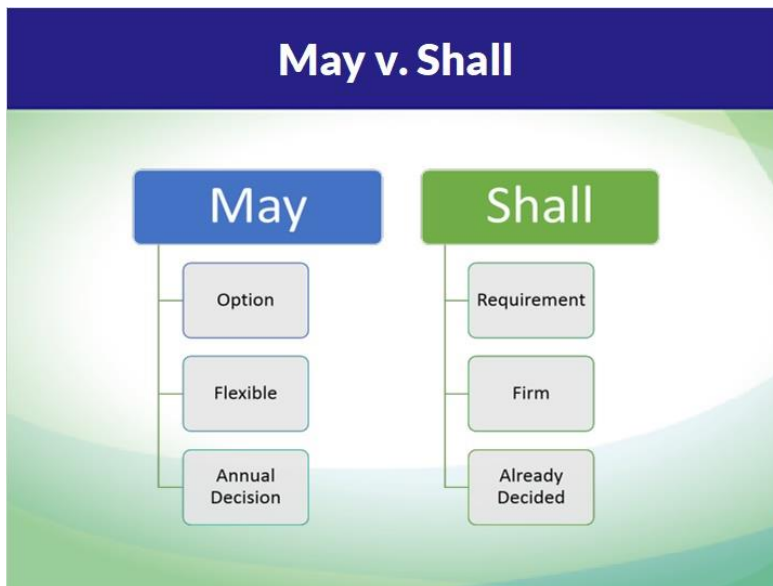


### Notes:

State law requires a board to grant preference to currently-attending applicants and siblings of currently-attending pupils. The law permits a board to guarantee approval to currently-attending pupils and/or siblings of currently-attending pupils.

At a minimum, the board must adopt the required statutory preferences in its policy. If the board wishes to go beyond preferences and grant guarantees to either group of pupils, it must do so in policy.

## 1.13 May v. Shall



### Notes:

Because the law requires preferences and permits guarantees, the board needs to carefully consider how it wants to handle these preferences and/or guarantees in its policy. It is essential that the policy expresses the board's wishes with respect to preference and guarantees, because this affects every other aspect of determining space and approving and denying applications. If the policy is unclear or the board does not follow its policy, the board could find its denials overturned on appeal.

In law, the word "shall" conveys a requirement. Since the open enrollment law requires school boards to grant certain preferences, the policy would provide that the board "shall" (or "must" or "will") grant the preferences.

When it comes to guarantees, the statute says the board "may" include currently-attending applicants in its count of occupied spaces and "may" approve applications from siblings of currently-attending pupils even if space is not otherwise available. This means the guarantees are optional to the board.

## 1.14 May v. Shall in Policy

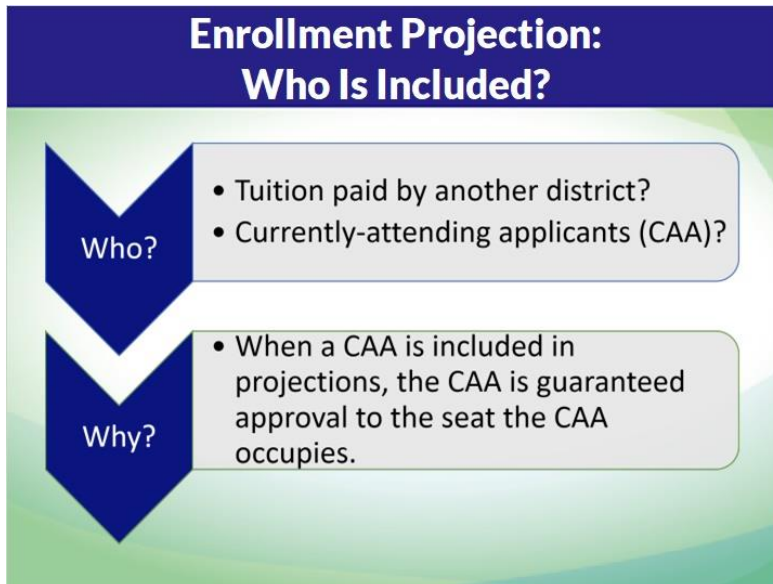


### Notes:

Thus, when it comes to policy, the board has to decide the following:

1. Does the board wish to guarantee approval to any pupils? If no, the policy could clearly state that the board “shall not” or “will not” guarantee approval to any pupil. If the policy is silent as to guarantees, then the board is not permitted to grant guarantees.
2. Does the board wish to require itself to guarantee approval to currently-attending applicants and/or siblings of currently-attending pupils? If so, the policy must state that the board “shall” grant the guarantees.
3. Does the board wish to authorize, but not require, itself to guarantee approval to currently-attending applicants and/or siblings of currently-attending pupils? If so, the policy must state that the board “may” grant the guarantees. In this case, the board must determine every year, when it determines its open enrollment spaces at the January meeting, whether it will grant the guarantees in the upcoming application period.

## 1.15 Enrollment Projection:



### Notes:

The board must specify in its policy who it will include in its enrollment projections (referred to in statute as “count of occupied spaces”). This is important, because enrollment projections are a major factor in determining the number of available spaces.

If a pupil is included in enrollment projections, that means the board plans for that pupil to attend the district in the following school year. For enrollment projection purposes, a “currently-attending applicant” (CAA) is a known nonresident pupil who is attending school in the district (probably under a tuition waiver) who must apply for open enrollment to remain in the district.

Thus, if a board wishes to guarantee approval to currently-attending applicants, the board must be sure to state in its policy that currently-attending applicants “shall” or “may” be included in the count of occupied spaces (or enrollment projections).

## 1.16 Two Ways to Guarantee Approval



### Notes:

There are two ways to guarantee approval. One works for currently-attending applicants and the other works for siblings.

#### Currently-Attending Applicants

By definition, a currently-attending applicant already occupies a space in the district. Thus, if Josie is already occupying a space in the class and Josie is going to be guaranteed approval, the district simply includes her in the count of occupied spaces, that is, in the enrollment projections.

If the district designates any new spaces, Josie will not need to compete for them; she is already in her seat.

## 1.17 Two Ways to Guarantee Approval



### Notes:

#### Siblings

Siblings are not already occupying spaces (if they are, then they are currently-attending applicants).

The way to guarantee approval to siblings is to approve them for any available spaces *first*. If all of the available spaces are taken, any remaining siblings will *continue* to be approved, even though the board does not otherwise have space for new open enrolled pupils.

For example: Jack and Susie are in the same grade and each are each siblings of a currently-attending pupil. However, there is only one space in their grade. If Jack and Susie are guaranteed approval, both will be approved, even though there is only one space. However, there will not be room for any more applicants.



## 1.18 Wait List?



### Notes:

If the board wishes to have a waiting list, it must specify this in its policy.

The waiting list is applicable for applications submitted during the regular application period.

If there are more applications than spaces, the board must use the same preferences and random selection to create a numbered waiting list after all of the spaces have been allocated.

## 1.19 Check for Logic & Consistency



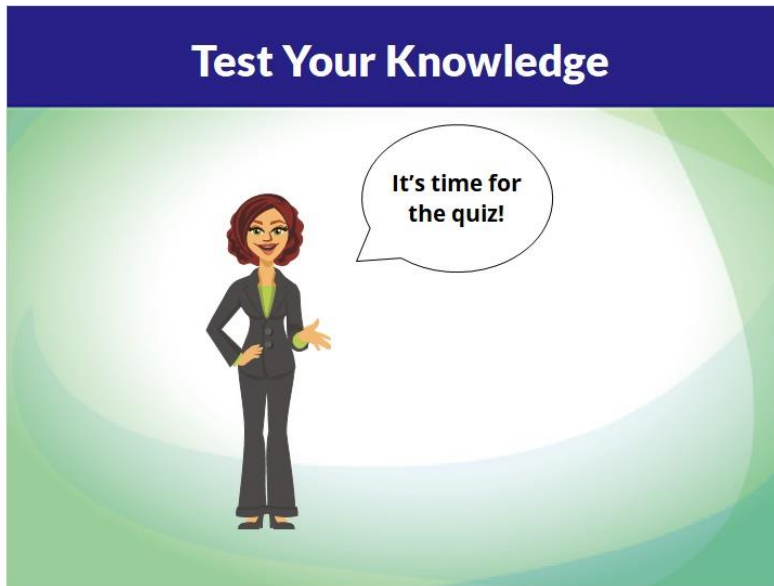
### Notes:

The policy review should include a check for logic and consistency.

It is not unusual to see policies that are in conflict with one another.

For example, a policy might state that the board “shall not” grant any guarantees, at the same time that the policy states that the board “shall include currently-attending applicants” in enrollment projections. As we have just discussed, including pupils in enrollment projections guarantees approval of those pupils’ applications. Thus, these two provisions cannot logically exist in the same policy.

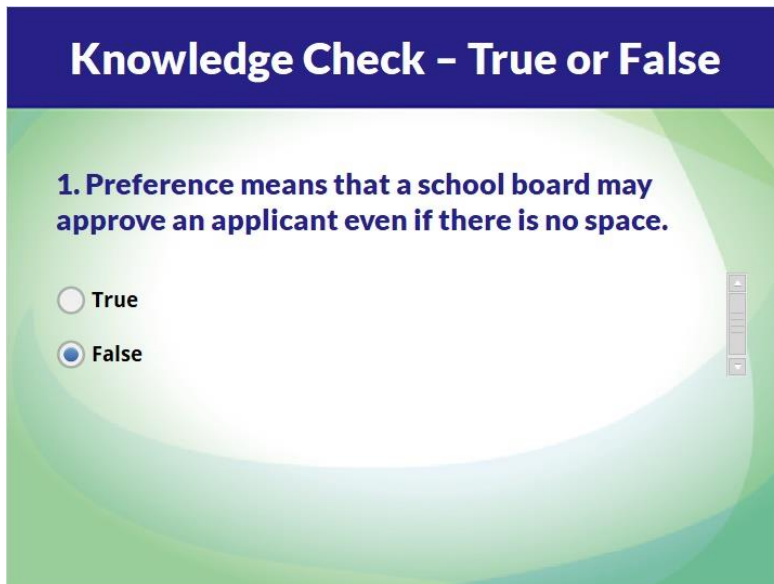
## 1.20 Test Your Knowledge



### Notes:

Now it's time to test your knowledge by taking the quiz.

**1.21 1. Preference means that a school board may approve an applicant even if there is no space.**



Correct	Choice
	True
X	False

**1.22 2. If a board grants preference, all currently-attending applicants are included in enrollment projections.**

**Knowledge Check – True or False**

**2. If a board grants preference, all currently-attending applicants are included in enrollment projections.**

True

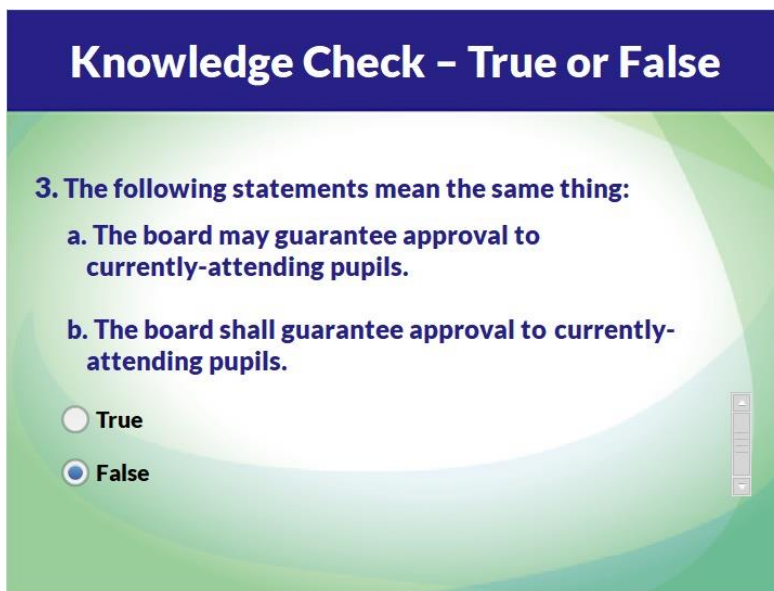
False

Correct	Choice
	True
X	False

**1.23 3. The following statements mean the same thing:**

**a. The board may guarantee approval to currently-attending pupils.**

**b. The board shall guarantee approval to currently-attending pupils.**



**Knowledge Check – True or False**

**3. The following statements mean the same thing:**

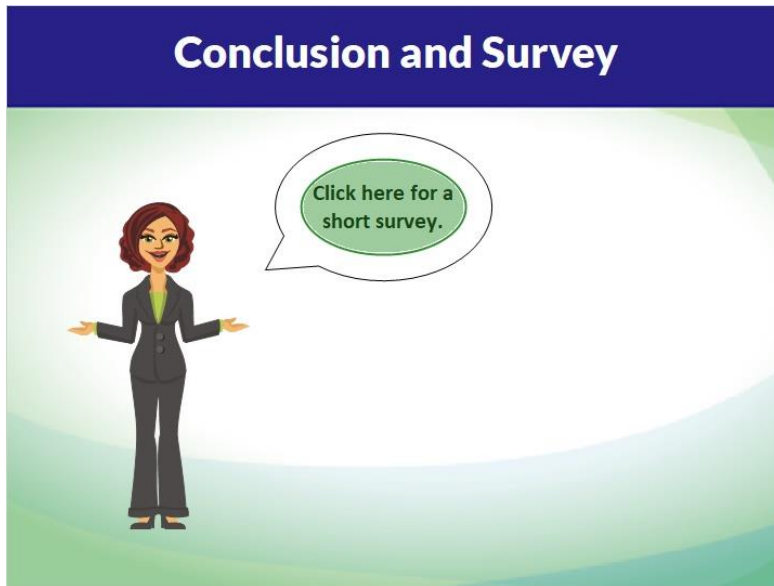
- a. The board may guarantee approval to currently-attending pupils.**
- b. The board shall guarantee approval to currently-attending pupils.**

True

False

Correct	Choice
	True
X	False

## 1.24 Untitled Slide



### Notes:

Thank you for joining me today to learn about Open Enrollment Space Determinations, part 1 of 5. We hope you will join us for some of our other open enrollment training modules.

Before you close the presentation, please take a moment to complete a short survey on this training.

Thank you.