

## Students

### Open Enrollment

#### I. Purpose

The school district desires to maintain a consistent enrollment to support continuity in programming and will participate in the **Open Enrollment Options Program** established by state law, ~~and the provisions and requirements of the Minneapolis Transportation Students program.~~ The district may also accept non-resident students through tuition payment. This policy sets forth the application and exclusion procedures used by the district in determining whether to accept nonresident students.

#### II. General Statement of Policy

##### A. Eligibility

Applications for enrollment under this policy will be approved, provided that acceptance of the application will not exceed the capacity of a program; class; grade level; or school site as established by school board resolution and provided that:

1. Space is available for the applicant under class size guidelines established by board action or other directive; and
2. In considering the enrollment capacity of a grade level and/or school building, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of: (a) one percent of the total enrollment at each grade level in the district; or (b) the number of district resident students at that grade level enrolled in a nonresident district in accordance with state law.
3. The applicant is not otherwise excluded by action of the district because of previous conduct in another district.

**A nonresident preschool-aged child who is open enrolled in the district will be required to open-enroll for kindergarten, with the exception of children participating in a school readiness plus program or a voluntary prekindergarten program for eligible four-year old children pursuant to state law. Open enrollment acceptance of students with disabilities is not limited to site-based special education program capacity. Open enrollment acceptance of students with disabilities is not limited by the capacity of the program but may be limited based on capacity of the class, grade level, or building.**

## B. Standards That May Be Used for Rejection of Application

In addition to the provisions of section II.A, the district may refuse to allow a student who is expelled under state law to enroll during the term of the expulsion if the student was expelled for:

1. Possessing a dangerous weapon, including a weapon, device, instruments, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, with the exception of a pocket knife with a blade less than two and one-half inches in length, at school or a school function;
2. Possessing or using an illegal drug at school or a school function;
3. Selling or soliciting the sale of a controlled substance while at school or a school function; or
4. Committing an act classified as third-degree assault or greater involving assaulting another and inflicting substantial bodily harm.

## C. Standards That May Not Be Used for Rejection of Application

The district may not use the following standards in determining whether to accept or reject an application for nonresident enrollment:

1. Previous academic achievement of a student;
2. Athletic or ~~extra-curricular~~ [other extracurricular](#) ability of a student;
3. ~~Disabling conditions of a student;~~ [Students with disabilities;](#)
4. A student's proficiency in the English language;
5. The student's district of residence, except where the district of residence is directly included in an enrollment option strategy included in an approved achievement and integration program; or
6. Previous disciplinary proceedings involving the student. This will not preclude the district from [refusing enrollment to an expelled student as set out in Section II.B of this policy](#) or proceeding with exclusion as set out in Section II.F of this policy.

## D. Application for [Open](#) Enrollment Options Program

1. The student and parent/guardian must complete and submit the School District Enrollment Options Program application developed by the Minnesota Department of Education.

2. The application deadline is January 15, preceding the school year for which attendance is desired. [Any applications received after the January 15th deadline will be put on a waitlist.](#)
3. The district will notify the nonresident parent/guardian and the resident district if an application has been accepted or rejected, in most cases, by February 15. The nonresident applicant must notify the district's Student Enrollment Center of the student's commitment to attend by March 1.
4. If the number of nonresident student applicants exceeds the number allotted, as determined by board action (see Section II.A), a lottery will be used to determine applicant placements. The lottery will be completed by the district administration and families will be notified of their lottery status.
5. The lottery status for a family will remain through the duration of the school year for which they sought admittance. The lottery status will not carry forward to the upcoming school year as a new lottery will be completed as outlined in section II (i.e., the lottery position for the family seeking admittance for school year A will remain through the duration of school year A; a new application is required for school year B).

#### E. Transportation

The parent/guardian accepts responsibility for transporting the student to the border of the district unless transportation is provided for under a state or federal subsidy program, or the family lives in a district-approved transportation area. The district will then transport the student to school from the border.

#### F. Exclusion

##### 1. Administrator's Initial Determination

If a district administrator knows or has reason to believe that an applicant has engaged in conduct that has subjected or could subject the applicant to expulsion or exclusion under law or district policy, the administrator will transmit the application to the superintendent [or designee](#) with a recommendation of whether exclusion proceedings should be initiated.

##### 2. Review

The superintendent or designee may make further inquiries. If the superintendent determines that the applicant should be admitted, they will notify the applicant and the board chair. If the superintendent or designee determines that the applicant should be excluded, the superintendent will notify the applicant and determine whether the applicant wishes to continue the application process. Although an application may not be rejected based on previous disciplinary proceedings, the district reserves the right to initiate

exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

#### G. Termination of Enrollment

1. The district may terminate the enrollment of an open enrolled student enrolled under an enrollment options program pursuant to state law at the end of a school year if the student meets the definition of a habitual truant, the student has been provided appropriate services for truancy under state law, and the student's case has been referred to juvenile court. A "habitual truant" is a child under 17 years of age who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under state law.
2. The district may also terminate the enrollment of an open enrolled student over 17 years of age if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under state law.
3. A student who has not open enrolled in the district in accordance with this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from the district.

Prior to removal from the district, the district will send a written notice of the district's belief that the student is not a resident of the district to the student's parents/guardians. The notice will include (1) the facts upon which the belief is based and (2) notice to the parents/guardians of their opportunity to provide documentary evidence showing residency in person or in writing to the superintendent or designee. The superintendent or designee will make the final determination as to the residency status of the student.

### III. Open Enrollment Placement

#### A. Currently Enrolled K-12 Students

Nonresident students already enrolled before January 15 of each year will be given a Priority One for continuance at the Edina school at which they are currently enrolled.

- ~~A.~~ B. The school district will use a lottery in placing students, following the priorities noted below:

1. ~~Priority One: Currently Enrolled Students~~

~~— Nonresident students already enrolled before January 15 of each year will be given a Priority One for continuance at the Edina school at which they are currently enrolled.~~

~~2~~ 1. Priority ~~One~~ **Two**: Intra-District Transfer Requests

Nonresident students, who are already enrolled, may request a transfer to another site. The request must be written and submitted to the superintendent ~~or~~ /designee for consideration. **Newly open-enrolled students may be considered for intra-district transfers the following school year.**

~~3~~ 2. Priority ~~Two~~ **Three**: Staff ~~Requests~~ **Siblings** – Nonresident Students

Students of District Employees (**including siblings**) ~~, with current open enrolled siblings,~~ will be given priority if the parent/guardian has submitted a request for admission to the district by January 15.

~~4~~ 3. Priority ~~Three~~ **Four**: Siblings - ~~Integration and Achievement Plan~~ Students

Siblings of current enrolled students ~~and applications related to an approved integration and achievement plan~~ will be given priority if their request for admission has been submitted to the district by January 15.

~~5~~ ~~Priority Five: Siblings – Nonresident Students~~

~~— Siblings of current open enrolled students will be given priority if their request for admission has been submitted to the district by January 15.~~

~~6~~ ~~Priority Six: Staff Requests – Nonresident Students~~

~~— Students of district employees, who are residents of other districts, will be given priority if the parent/guardian has submitted a request for admission to the district by January 15.~~

~~4~~ 8. Priority ~~Four~~ **Eight**: Student is a resident of the City of Edina, but the resident school district for the student's Edina home is not Edina Public Schools, and the student seeks enrollment in Edina Public Schools.

~~5~~ 7. Priority ~~Five~~ **Seven**: **Achievement and Integration Non-Resident Students**

Nonresident students and applications related to an approved ~~integration and achievement~~ **and integration** plan will be given priority if their request for admission has been submitted to the district by January 15.

~~8. Priority Eight: Student is a resident of the City of Edina, but the resident school district for the student's Edina home is not Edina Public Schools, and the student seeks enrollment in Edina Public Schools.~~

~~9~~ 6. Priority ~~Six~~ **Nine**: Open Enrollment – Nonresident Students

Nonresident students who have submitted their requests for admission to the district by January 15.

~~10~~ 7. Priority ~~Seven~~ **Ten**: Enrollment Options – Nonresident Students

In the event space continues to be available after January 15, families may apply under the Open Enrollment Agreement for Admission to Edina Public Schools.

#### IV. Student Tuition Fees

In rare instances, the district may also accept students, whose primary residence falls outside of Minnesota through tuition payment. The tuition charges stipulations for nonresident pupils will be as follows:

- A. The school district may admit students residing outside the district who do not qualify for transfer under the Open Enrollment Options Program if space is available. Attendance at schools of the district will be contingent upon the payment of tuition unless the school board, by specific action, alters or disregards the tuition charges.
  - 1. Students who would be in this category are: foreign exchange students and students who are enrolled in Edina Virtual Pathway but reside outside the state of Minnesota. ~~Attendance at schools of the district will be contingent upon the payment of tuition unless the school board, by specific action, alters or disregards the tuition charges.~~
- B. The tuition rate for nonresident students not admitted under Minn. Stat. § 124D.08 (School Board Approval to Enroll in Nonresident District) or Minn. Stat. § 124D.03 (Enrollment Options Program) is the rate calculated by the superintendent or designee.
- C. Tuition payments must be made monthly in advance, the first payment being due on the date the student is registered in the district, and subsequent payments are due on the corresponding date of each month thereafter. If tuition is not paid within 15 days after it is due, the nonresident child will no longer be enrolled in the district. Reinstatement will be at the discretion of the school board.
- D. Nonresident tuition will be waived and the payment for the current month refunded if residence is established in the district on or before the final date of the month for which tuition has been paid.

#### Legal References:

Minn. Stat. § 120A.22, subd. 3(e) (Residency Determined)  
Minn. Stat. § 120A.22, subd. 8 (Withdrawal from School)  
Minn. Stat. § 121A.40-121A.56 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. § 124D.03 (Enrollment Options Program)  
Minn. Stat. § 124D.08 (School Boards' Approval to Enroll in Nonresident District; Exceptions)  
Minn. Stat. § 124D.68 (Graduation Incentives Program)

Minn. Stat. § 142D.07 (School Readiness Plus Program)  
Minn. Stat. § 142D.08 (Voluntary Prekindergarten Program for Eligible Four-Year-Old Children)  
Minn. Ch. 260A (Truancy)  
Minn. Stat. § 260C.007, subd. 19 (Definition of Habitual Truant)  
Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)  
*Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ.*, Co. No. A05-361, 2005  
WL 3111963 (Minn. App. 2005) (unpublished)  
18 U.S.C. 930, para. (g)(2) (Definition of a weapon)

Cross References:  
Policy 506 (Student Conduct and Discipline)  
Policy 517 (Student Recruiting)

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