

PROCEDURE 558 – ENROLLMENT OPTIONS PROGRAM

I. OPEN ENROLLMENT PROCESS

A. Open Enrollment applications will be approved provided that acceptance of the application will not exceed the capacity of a program, excluding special education services; class; grade level; or school building as established by school board resolution and provided that:

1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
2. in considering the capacity of a grade level, 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 school district; or (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minnesota Statutes, section 124D.03.
3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

B. If the school district limits enrollment of nonresident students pursuant to this section, the district shall report to the Commissioner of the Minnesota Department of Education (MDE) by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils.

C. The parent of a student with a disability not yet enrolled in kindergarten and not open enrolled in a nonresident district may elect, in the same manner as the parent of a resident student with a disability, a school in the nonresident district where the child is enrolled in a Head Start program or a licensed child care setting in the nonresident district, provided the child can be served in the same setting as other children in the nonresident district with the same level of disability.

Under this paragraph, parents must demonstrate enrollment in a community preschool or childcare setting.

D. A nonresident preschool aged child with a disability open enrolled in the district may be required to open enroll for kindergarten.

II. BASIS FOR DECISIONS

A. Standards that may be used for rejection of application

In addition to the provisions above, the school district may refuse to allow a pupil who is expelled under Minnesota Statutes, section 121A.45 to enroll during the term of the expulsion if the student was expelled for:

1. possessing a dangerous weapon, including a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily

capable of, causing death or serious bodily injury, except that such term does not include 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 a third-degree assault involving assaulting another and inflicting substantial bodily harm.

B. Standards that may not be used for rejection of application

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

1. previous academic achievement of a student;

2. athletic or extracurricular ability of a student;

3. disabling conditions of a student;

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 options strategy included in an approved achievement and integration program; or

6. previous disciplinary proceedings involving the student. This shall not preclude the school district from proceeding with exclusion as set out in this policy.

C. Application

The student and parent or guardian must complete and submit the "General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education (or the Statewide Enrollment Options Application for State-funded Voluntary Prekindergarten (VPK) Application if applicable) developed by MDE and available on its website.

The school district may require a nonresident student enrolled in a program under Minnesota Statutes, section 125A.13, or in a preschool program, except for a program under Minnesota Statutes, section 124D.151 to follow the application procedures under this subdivision to enroll in kindergarten. A district must allow a nonresident student enrolled in a program under Minnesota Statutes, section 124D.151 or to remain enrolled in the district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under subdivision 12.

The school district shall notify the parent or guardian in writing by February 15 or within ninety (90) days for applications submitted after January 15 in the case of achievement and integration district transfers whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection. The parent or guardian must notify the nonresident district by March 1 or

within ten (10) business days whether the pupil intends to enroll in the nonresident district.

D. Lotteries

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give priority to enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality (a statutory or home rule charter city or town) where:

1. the student's resident district does not operate a school building;
2. the municipality is located partially or fully within the boundaries of at least five school districts;
3. the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
4. no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established by school board policy and posted on the school district's website.

E. Exclusion

1. Administrator's initial determination. If a school 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 school district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.
2. Superintendent's review. The superintendent may make further inquiries. If the superintendent determines that the applicant should be admitted, he or she will notify the applicant and the school board chair. If the superintendent 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 school district reserves the right to initiate exclusion procedures pursuant to the Minnesota Pupil Fair Dismissal Act as warranted on a case-by-case basis.

F. Termination of Enrollment

The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota Statutes, section 124D.03 or 124D.08 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 Minnesota Statutes, chapter 260A, 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 in a school year if the child is in elementary school or for one or more class periods on seven school days in a school year 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 in a school year and who has not lawfully withdrawn from school under Minnesota Statutes, section 120A.22, subdivision 8. The school district may also terminate the enrollment of a nonresident 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 Minnesota Statutes, section 120A.22, subdivision 8.

A student who has not applied for and been accepted for open enrollment pursuant to this policy and does not otherwise meet the residency requirements for enrollment may be terminated from enrollment and removed from school. Prior to removal from school, the school district will send to the student's parents a written notice of the school district's belief that the student is not a resident of the school district. The notice shall include the facts upon which the belief is based and notice to the parents of their opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The superintendent or the superintendent's designee will make the final determination as to the residency status of the student.

Notwithstanding the requirement that an application must be approved by the board of the nonresident district, a student who has been enrolled in a district, who is identified as homeless, and whose parent or legal guardian moves to another district, or who is placed in foster care in another school district, may continue to enroll in the nonresident district without the approval of the board of the nonresident district. The approval of the board of the student's resident district is not required.

I.—General Procedure

- A.—This procedure applies to any student who wishes to enroll at a school in Independent School District No. 279 other than the school to which his or her residence is assigned. The procedure applies to In-District Transfer (Resident) Students and Open-Enrolled (Non-Resident) Students. Both are admitted on the basis of available space at each grade in each building.
- B.—Once a student becomes an In-District Transfer or Open-Enrolled Student the student will remain in this status, subject to the policies and procedures that apply to Resident Students and the conditions specified below.
- C.—If any student changes residence, the parent/legal guardian must complete an updated enrollment options form. Failure to provide an updated enrollment options form may result in termination of the student's Open Enrollment status.

II.—Definitions

A.—Habitual Truant

- 1.—A child under the age of 17 years who is absent:
 - a) —From elementary school attendance without lawful excuse for seven school days per school year, or
 - b) —From middle or high school attendance for one or more class periods on seven school days per school year.
- 2.—A child aged 17 years old who is absent from attendance at school without lawful excuse for one or more class periods on seven school days per school year and who has not lawfully withdrawn from school will also be considered truant.

B.—Magnet School

1. ~~Magnet schools offer specialized curricular themes and are available as an enrollment option for all school district residents and those students who reside within the boundaries of the Northwest Suburban Integration School District (NWSISD). The following are Magnet Schools or programs operated by the school district.~~
 - a) ~~Birch Grove Elementary School for the Arts~~
 - b) ~~Weaver Lake Elementary: A Science, Math & Technology School~~
 - c) ~~Zanewood Community School: A Science, Technology, Engineering, Arts and Math School~~
 - d) ~~Brooklyn Middle School: A Science, Technology, Engineering, Arts and Math School~~
 - e) ~~Osseo Senior High School Health Science Magnet Program~~
 - f) ~~Park Center Senior High: An International Baccalaureate World School~~

~~C. Non-Resident~~

1. ~~A student whose primary source of nurturing, personal care, supervision, emotional and financial support is at an address outside of school district boundaries, even though the student may lodge within the school district.~~

~~D. Open Enrollment~~

1. ~~Open Enrollment – Parent/legal guardian lives outside of District 279 and would like their student to attend a school within District 279 boundaries.~~

~~E. Resident~~

1. ~~A student who receives their primary nurturing, personal care, supervision, emotional and financial support in a residence within the legal boundaries of the school district,~~
 - a) ~~From age five through completion of high school, but not beyond the twenty-first birthday if not disabled; or~~
 - b) ~~From birth through completion of high school, or until July 1 after the twenty-first birthday if disabled.~~

~~F. In-District Transfer~~

1. ~~Parent/legal guardian lives inside District 279 boundaries and would like their student to attend a school other than their assigned attendance area school.~~

~~III. In-District Transfer (Resident) and Open Enrollment (Non-Resident) Application Process~~

~~A. Application Timelines~~

1. ~~Parents/legal guardians may apply for the current school year or the following school year only.~~
 - a) ~~Priority Application period is October 15 through January 15 each school year.~~
 - b) ~~If there are more applications than available seats, a lottery will be held following the January 15 deadline to determine which students will receive seats.~~
 - c) ~~Applications will be accepted after the deadline and reviewed periodically. Open-Enrolled Non-Resident Students applying for the current school year may be enrolled immediately if space is available.~~
 - d) ~~Students are approved for enrollment based on the capacity of the school they select. If space is not available in the preferred school, they may be offered another choice within the district.~~
 - e) ~~Note: A timely application or a sibling attending the school of choice does not guarantee acceptance into the school of choice. Acceptance is based primarily on availability of space.~~

~~B. In-District Transfers only~~

- ~~1. During the school year, In-District transfer requests will be processed at the start of Trimesters only.~~
- ~~2. When a student has been accepted for an In-District Transfer or Open Enrollment, the student will remain enrolled in the school district (at the school assigned) unless the school district terminates enrollment in accordance with its policies and procedures or under one of the conditions listed in Section VI. In-District Transfer students may transfer back to their attendance area school.~~
- ~~3. The application deadline is established each year and is published in the Enrollment Services section of the district website at www.district279.org.
 - ~~a) January 15: Applications are due (priority deadline).~~
 - ~~b) End of January: Families sent notification of acceptance or denial by U.S. mail.~~
 - ~~c) Mid-February: Deadline for families to accept and to complete the enrollment process.~~~~

~~C. Acquiring an Application~~

- ~~1. The parent/legal guardian must complete a separate application for each student applying for in-district transfer or open enrollment.~~
- ~~2. Applications are available at:
 - ~~a) The Osseo Area Schools Enrollment Center (7051 Brooklyn Blvd., Brooklyn Center, MN, 55429)~~
 - ~~b) The school district website: www.district279.org~~
 - ~~c) Magnet school applications are available online at www.nws.k12.mn.us (Northwest Suburban Integration School District website)~~~~

~~D. Submitting an Application~~

- ~~1. Each applicant may select first, second and third choice schools for admission.~~
- ~~2. If there is no space available at the first choice school but there is space available at a second choice school, the application for the second choice school will be accepted and the Enrollment Center will not place the student on a waiting list for the first choice school. If there is no space available at a first or second choice school but there is space available at a third choice school, the Enrollment Center will place the student at the third choice school and the Enrollment Center will not place the student on a waiting list for the first or second choice school.~~
- ~~3. If there is no space at any of the choices selected by the applicant, the Enrollment Center will place the student on the waiting list for the first choice school ranked by preference and then by date of receipt of the application. Any second choice applications are placed on a waiting list behind applicants who made that school their first choice and any third choice applications are placed behind the first and second choice applications on the waiting list for that school.~~

~~E. Application Approval~~

- ~~1. Applications will be approved only if there is space available at the requested school and/or grade level. If space is not available at the school of choice, the student will be offered enrollment at another school within the district. After the application deadline, the Enrollment Center will send a written notification to the parent/legal guardian at their address on record with information about whether the application has been accepted or denied. The Enrollment Center will mail the written notice approximately three weeks after the annual application deadline (January 15). If the application was denied, the student will be placed on a waiting list for the remainder of that school year.~~

- ~~2. If the application is approved, the parent/legal guardian must complete the enrollment process by the date contained in the notification.
 - ~~a) The student will be assigned to a school level — elementary, middle or high school. Once a school level transition is set to occur (elementary to middle school or middle to high school), three school choices must be selected by the Jan. 15 before the change.~~
 - ~~b) If the student changes residences and wishes to remain Open Enrolled, the student must submit information about the new address to the Enrollment Center.~~~~
- ~~3. If the application is not approved, the Enrollment Center will place the student's name on the waiting list. The student's application will be considered as space becomes available. A student will remain on a waiting list only for the remainder of the school year for which they applied. A new application will be required each school year.~~

~~F. Additional Documentation~~

- ~~1. Additional required documents include acceptable proof of address and photo identification. If the student is enrolling in prekindergarten or kindergarten the parent/legal guardian must provide proper age verification.~~
- ~~2. Specific items that satisfy these requirements are listed on the enrollment checklist found in the Enrollment Services section of the district website: www.district279.org~~
- ~~3. The parent/legal guardian can bring or submit the completed enrollment forms and the additional documents required to the Enrollment Center.~~

~~G. Approval Guidelines~~

- ~~1. If there are more applications than space available, applications will be approved in the following priority order for any spaces available. Random selection (or lottery) is used within each priority if the number of applications in each category exceeds the number of spaces available:
 - ~~a) Sibling — If the applicant's sibling already attends the requested school~~
 - ~~b) Child Care (for elementary students only) — If the student's childcare is in the attendance area of the requested school~~
 - ~~c) Employee — If the student's parent/legal guardian is employed by the school district~~~~
- ~~2. If a student is not selected for admission after an application deadline, the student will be placed on a waiting list ranked by priority as listed above and then by the date the application was received.~~

~~H. Online Learning~~

- ~~1. Enrollment for online classes is subject to the same procedures used for enrollment in other classes.~~

~~IV. Boundary Changes for School Attendance Areas: In the event school attendance boundaries are changed in accordance with Policy 725:~~

- ~~A. Open Enrolled and in-district transfer students will continue at the school they were assigned at the time of Open Enrollment or reassigned if the parent or guardian changes residences during the time the student is Open Enrolled.~~
- ~~B. The school district will not authorize new transfer applications into schools affected by boundary changes or previously closed grades/schools during the transition year(s) and first year of implementation of the new boundary.~~

~~V. Transportation~~

- ~~A. When students are approved to attend a school outside of their regular attendance area, transportation is the responsibility of the parent/legal guardian. Transportation may be provided from an existing bus stop on the border of the school (in-district transfer) or border of the school district (open enrollment) under the following conditions:
 - ~~1. The student registers with the school district Transportation Department for bus service each school year and is approved to use an existing stop.~~
 - ~~2. Space is available on existing bus routes.~~
 - ~~3. Parents/legal guardians accept ultimate responsibility for ensuring that their student can get safely to and from the assigned bus stop.~~~~
- ~~B. A parent/legal guardian of a student in a family living at or below the federal poverty level may seek reimbursement for the cost of transportation to school district schools. A parent/legal guardian who wishes to claim reimbursement must contact the Enrollment Center for instructions and assistance to claim reimbursement.~~
- ~~C. Magnet School Transportation
 - ~~1. The school district will provide transportation within the school district to any elementary student attending a magnet school who lives more than 0.8 miles from the school and to any secondary student attending a magnet school who lives more than 1 mile from the school. Consistent with School District Policy 707.~~~~

~~VI. Termination of In-District Transfer or Open Enrollment~~

- ~~A. The school district will terminate the enrollment of an In-District Transfer or Open Enrolled student at the end of a school year if the student is a habitual truant, the student has been provided appropriate services to prevent truancy or educational neglect, and the student has been referred to juvenile court.~~
- ~~B. The school district will terminate the enrollment of a Non-Resident student over the age of 17 if the student is absent without lawful excuse for one or more periods on 15 school days and has not otherwise withdrawn from school.~~
- ~~C. The school district will terminate the enrollment of a Non-Resident student in accordance with its policies and procedures, including those that govern student discipline, or for failure to provide accurate information concerning the current residence of the student.~~

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Legal References:

Minn. Stat. § 124D.03 Enrollment Options Program
Minn. Stat. § 124D.08 School Boards Approval to Enroll in Nonresident District
Minn. Stat. § 124D.68 High School Graduation Incentives Program
Minn. Stat. § 260A Truancy Programs
Minn. Stat. § 260C.007 Subd. 19 Habitual Truant
O P: Atty Gen 180g, Dec. 27, 1928 Definition of Residence for School Attendance

Cross References:

725 Establishing School Attendance Boundaries