

509 ENROLLMENT OF NONRESIDENT STUDENTS

~~[NOTE: The provisions of this policy substantially reflect statutory requirements.]~~

I. PURPOSE

The school district desires to participate in the Enrollment Options Program (Open Enrollment) established by Minnesota Statutes, section 124D.03. The purpose of this policy is to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

The school board adopts specific standards for acceptance and rejection of Open Enrollment applications.

III. OPEN ENROLLMENT PROCESS

~~A.~~ 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; ~~grade level~~; [GO1.1] or school building as established by school board resolution and provided that:

~~1.~~ 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 in its schools or programs to a number not less than the lesser of: {

~~a).~~ a). one ~~(1)~~ percent of the total enrollment at each grade level in the school district; or {

~~2.~~ b). the number of school district resident students at that grade level enrolled in a nonresident school district ~~in accordance with~~ according to Minnesota Statutes, section 124D.03.

~~3.~~ 3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

~~B.~~ B. If the school district limits enrollment of nonresident students pursuant to ~~this section, Paragraph A.,~~ the school 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.~~ 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.

3. 3. the student's disabling conditions ~~of a student;~~;

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4. 4. the student's proficiency in the English language;

5. 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. 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. 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 signed application must be submitted by January 15 for initial enrollment beginning the following school year.

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 142D.08~~ to follow the application procedures under ~~this Minnesota Statutes, section 124D.03,~~ subdivision 3 to enroll in kindergarten. A school district must allow a nonresident student enrolled in a program under Minnesota Statutes, section ~~124D.151 to 142D.08~~ or to remain enrolled in the school district when the student enters kindergarten without submitting annual or periodic applications, unless the district terminates the student's enrollment under Minnesota Statutes, section 124D.03, 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 school 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. D. Lotteries

1. 1. 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 school 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. a. the student's resident district does not operate a school building;

2. b. the municipality is located partially or fully within the boundaries of at least five (5) school districts;

seventeen (17) years of age if the student is absent without lawful excuse for one (1) or more periods on fifteen (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 if the school district reasonably believes that a student does not otherwise meet the residency requirements for enrollment of the school district in which the student is attending school, the student may be terminated from enrollment and removed from school. Prior to removal from school, only after the school district will send to sends 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 includeincluding the facts upon which the belief is based, and notice to the parents of theiran opportunity to provide documentary evidence, in person or in writing, of residency to the superintendent or the superintendent's designee. The, or, at the option of the parents, by sending the documentary evidence to the superintendent, or the superintendent's a designee, who will make thea 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.

Legal References:

~~Minn. Stat. § 120A.22, Subd. 3(e) and Subd. 8
(Compulsory Instruction)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.08 (School Board Approval to Enroll
in Nonresident District; Exceptions)
Minn. Stat. § 124D.151 (Voluntary Prekindergarten
Program)
Minn. Stat. § 124D.68 (Graduation Incentives Program)
Minn. Stat. § 125A.13 (School of Parents' Choice)
Minn. Stat. Ch. 260A (Truancy)
Minn. Stat. § 260C.007, Subd. 19 (Definitions)
Minn. Op. Atty. Gen. 169 f (Aug. 13, 1986)
Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co.
No. A05-361, 2005
WL 3111963 (Minn. Ct. App. 2005) (unpublished)
18 U.S.C. 930, para. (g)(2) (Definition of weapon)
Cross
References: *MSBA/MASA Model Policy 506 (Student
Discipline) MSBA/MASA Model Policy 517
(Student Recruiting)*~~

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Minn. Stat. § 124D.68 (Graduation Incentives Program)