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509 - ENROLLMENT OF NONRESIDENT STUDENTS

I. PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minn. Stat. § 124D.03. The purpose of this policy to set forth the application and exclusion procedures used by the school district in making said determination.

II. GENERAL STATEMENT OF POLICY

A. Eligibility. Applications for enrollment under the Enrollment Options (Open Enrollment) Law 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 Minn. Stat. § 124D.03.
3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district.

B. Standards that may be used for rejection of application. In addition to the provisions of Paragraph II.A., the school district may refuse to allow a pupil who is expelled under Minn. Stat. § 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, 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 a third-degree assault involving assaulting another and inflicting substantial bodily harm.

C. 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 Section F. of this policy.

D. Application. The student and parent or guardian must complete and submit a School District Enrollment Options Program application developed by the Minnesota Department of Education.

E. 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. Siblings of currently enrolled students and applications related to an approved integration and achievement plan must receive priority in the lottery. The process for the school district lottery must be established by school board policy and posted on the school district's website.

F. 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.

G. Termination of Enrollment

1. The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minn. Stat. § 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 Minn. Ch. 260A, and the student's case has been referred to juvenile court. A "habitual truant" is a child under ~~16~~ 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 ~~16~~ 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 Minn. Stat. § 120A.22, Subd. 8.
2. The school district may also terminate the enrollment of a nonresident student over 16 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 Minn. Stat. § 120A.22, Subd. 8.
3. 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.

- H. 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. Administration of Open Enrollment Program

1. Credits earned toward graduation that were awarded by another school district will be accepted. Nonresident students shall be awarded a diploma from the Mahtomedi Public Schools if the student meets the graduation requirements as established by the school board or the requirements of their individual educational program.
2. Excess costs for special education for nonresident students will be billed back to the resident school district per Minn. Stat. § 127A.47, Subd. 7.
3. As set out in Section E of this policy, if more applications are received than available seats at a specific grade level, an impartial lottery will be held. Siblings of currently enrolled students and Employees' dependent children will be afforded first preference for transfer into the school district dependent upon capacity of classes, grades, and buildings. (Multiple birth siblings (i.e. twins, triplets) within the same family will be given consideration to that fact to the maximum extent possible.) Mahtomedi does not have a specific school choice program in its achievement and integration plan with North St. Paul-Maplewood-Oakdale so district of residence preference does not apply.

~~Employees' dependent children will be afforded second preference for transfer into the school district dependent on the same criteria above.~~ Employees are defined as those who have a permanent employment contract or probationary teacher contract.
4. Effective with the 2015-2016 school year, if a currently attending **resident** student's parent or legal guardian moves out of the school district during the school year, grades K-10 students will be allowed to complete the school year under an Agreement Between School Boards Minn. Stat. § 124D.08, Subd. 1-2 and grades 11 and 12 students will be allowed to complete high school under Continued Enrollment of 11th and 12th Grade Students Minn. Stat. § 124D.08, Subd. 3. For subsequent years, students in grades K-10 would go through the regular open enrollment process. No preference is given to currently attending students when applying for open enrollment.

J. Enrollment as a Resident

Two forms of proof of residency are required at the time a student is enrolled. The biological/adoptive parent or other person having court-appointed legal custody of the student will need to provide the following items with an address within the Mahtomedi Public Schools' boundaries:

1. **Photo ID** - Please provide one of the following for photo ID and address

verification:

- Current Minnesota driver's license, or receipt for one
- Current Minnesota identification card, or receipt for one

2. Utility Bill/Statement - Please provide one of the following billing statements dated within 30 days of requested enrollment. (Must show name and current address.):

- Electric - Sewer Service - Cable/Dish TV - Phone
- Gas - Water - Internet - Solid Waste

3. In order to determine eligibility of residency, voting records in the most recent election may be required to indicate the address provided is within the Mahtomedi school district boundaries.

The Minnesota State High School League (MSHSL) has provided the following information about eligibility:

For purposes of eligibility, a student may only have one residence. To determine residence for eligibility purposes, the public school district attendance area in which the home last occupied by both parents is located shall be considered as the family's residence.

Change of Residence

A change of residence is the actual physical relocation by the parents or guardians of a student with the intent to reside indefinitely at a new residence in Minnesota and terminate all occupancy of a previous residence. The change in residence must be bona fide, include other minor siblings and involve a transfer from one school district attendance area to another school district attendance area.

For purposes of eligibility determinations, the residence of a student shall be the bona fide location of the residence and must include occupancy by the students' parents or guardians in the public school attendance area. Both parents, except as otherwise provided herein, must physically reside at the residence on a regular basis for the duration of the student's enrollment.

If married, residence is determined by the bona fide residence where the student and the student's spouse actually reside.

In determining whether a change in residence is bona fide, a member school and the League may consider, but will not be limited to:

- A. New mailing address of the parents or guardians
- B. Voting registration of parents or guardians that coincides with the new residence
- C. Driver's license registration that coincides with the new residence
- D. Purchase or rental agreements
- E. Any other reliable evidence of residency

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 (The Pupil Fair Dismissal Act)
Minn. Stat. §124D.03 (Enrollment Options Program)
Minn. Stat. §124D.08 (School Board Approval to Enroll in Nonresident District)
Minn. Stat. §124D.68 (High School Graduation Incentives Program)
Minn. Ch. 260A (Truancy)
Minn. Stat. §260C.007, Subd. 19 (Habitual Truant Defined)
Minn. Op. 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. Ct. App. 2005) (unpublished)

Cross References: MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 517 (Student Recruiting)
MSBA Service Manual, Chapter 5, Various Educational Programs
MSHSL General Eligibility Bylaws 104.00 Enrollment

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