

Adopted: 1/23/2020  
Reviewed: 12/19/2019, 1/9/2020  
Revised:  
Rescinds:

## **509.5 INTRA-DISTRICT TRANSFER (VARIANCE ENROLLMENT)**

### **I. PURPOSE**

The school district provides enrollment options to resident students whenever practicable. It is the purpose of this policy to set forth procedures and standards in making such determinations.

### **II. GENERAL STATEMENT OF POLICY**

#### **A. Eligibility**

Students who are current residents of the district are eligible to apply for Variance Enrollment. Applications for Variance Enrollment shall be available on the district website and in the District Enrollment Center.

#### **B. Standards for Acceptance**

1. Residents living in the district who would like to enroll their student in a school outside of their attendance area must complete the Variance Enrollment application (one form per child). Applicants will be notified in writing of approval/non-approval.
2. Approval for Variance Enrollment transfer is under the condition that program, class, grade level, or school building capacity is not exceeded as determined by the district.
3. Approval is valid for the duration of enrollment at the building designated on the application. Once approved for a particular school, there is no need to reapply each year that a student is enrolled at that school.
4. When the student promotes to a new building, he/she must apply for school building placement by completing and submitting a new Variance Enrollment application. Approval is based on current enrollment levels and promotion to the school that the majority of their sibling or peers will attend is not guaranteed.
5. The Superintendent shall establish an Approval Process for Variance Enrollments in accordance with Policy 509.5. The process shall be posted on-line under Student Enrollment.
6. Transportation of students under this policy shall be the responsibility of the parent/guardian, unless transportation is documented in a student's special education plan. The district may provide bus transportation in accordance with policy 707 TRANSPORTATION OF PUBLIC SCHOOL STUDENTS, if:
  - a. The ride is on an existing bus route to school/program and space is available on bus;

- b. No re-routing of buses and no additional bus stops are created;
- c. Any fees, if applicable, required by the district for providing transportation have been paid in full;
- d. A signed waiver is on file indemnifying the district of any liability for the safekeeping of the student at the bus stop, or to and from home to bus stop.

C. Exceptions to the Policy

- 1. The parent/guardian may sever the Variance Enrollment agreement at any time. When such agreement is cancelled by the parent, the student will be assigned to the school in his/her resident attendance area. A Severance Form to sever a Variance Enrollment shall be available on the district website and in the District Enrollment Center.
- 2. The district reserves the right to sever a Variance Enrollment agreement if it deems this action is in the best interest of the district. A Variance Enrollment agreement will not be severed during a school year, unless by mutual agreement with parent and the district.
- 3. The provisions of federal mandates supersede the terms and conditions of this policy. Any provision of this policy found to be in violation of any such law, regulation, directive or order shall be null and void and without force and effect.
- 4. The district reserves the right to alter the application process if it determines that it is appropriate to do so.

D. Temporary Suspension of the Policy

The School Board reserves the right to temporarily suspend the implementation of this policy when it deems such action is in the interest of ISD 191.

- 1. Any Board of Education action to suspend the implementation of this policy will be for the subsequent school year(s).
- 2. Board of Education action to suspend implementation of the policy will be subject to annual review and reaffirmation by the school board no later than March 31.
- 3. Students currently attending school under a previously approved Variance Enrollment agreement may be required to reapply for a Variance Enrollment if the Board of Education decides to suspend the implementation of this policy for a subsequent school year(s).

**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. 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)

***Cross References:*** Burnsville-Eagan-Savage School District Policy 506 (Student Discipline)  
Burnsville-Eagan-Savage School District Policy 517 (Student Recruiting)  
Burnsville-Eagan-Savage School District Regulation 509  
MSBA Service Manual, Chapter 5, Various Educational Programs