Adopted: January 24, 2005

Revised: 6/26/06; 6/23/14; 9/11/17
  12/10/18

MSBA/MASA Model Policy 509
Orig. 1995
Rev. 2017

509   ENROLLMENT OF NONRESIDENT STUDENTS

I.   PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minn. Stat. § 124D.03. It is 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.   <u>Eligibility</u>. 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, 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.   <u>Standards that may be used for rejection of application</u>. In addition to the provisions of Paragraph II.A., the school district may refuse to allow a pupil who is expelled under 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, 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 that 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 a third-degree assault or greater involving assaulting another and inflicting substantial bodily harm.

C.   <u>Standards that may not be used for rejection of application</u>. 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; or

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

D.   <u>Application</u>.
1.   The student and parent/guardian must complete and submit an Application for Enrollment School District Enrollment Options Program developed by the Minnesota Department of Education and available on their website (education.mn.gov).

2.   The application deadline is January 15 preceding the school year for which attendance is desired.

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 school district 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 school board action (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.   <u>Lotteries</u>. 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 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.

F. Transportation – The parent/guardian accepts responsibility for transporting the student to the border of the school 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.

G. 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.

H. 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. §

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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 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 16 or 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 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 will include (1) the facts upon which the belief is based, and (2) 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.

I. <u>Exceptions</u>. 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, 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. 8 (Withdrawl from School)
	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. Stat. § 121A.40-121A.56 (The Pupil Fair Dismissal Act)
	Minn. Ch. 260A (Truancy)
	Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)
	Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)
Cross References:	MSBA/MASA Model Policy 506 (Student Discipline)
	MSBA/MASA Model Policy 517 (Student Recruiting)
	MSBA Service Manual, Chapter 5, Various Educational Programs

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