



A World-Class Community of Learners

Fridley Public Schools is committed to creating a welcoming, respectful environment that provides an equitable and inclusive education for each student, staff and community member by ensuring that opportunities, access, and resources are aligned to support the growth and academic achievement of each student.

509 Enrollment of Non-Resident Students

I. PURPOSE

The School Board approves the participation of the school district in the Enrollment Options Program (Open Enrollment) established by Minnesota state statute 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 of student application eligibility and approval or rejection of applications for enrollment as non-resident students.

II. GENERAL STATEMENT OF POLICY

It shall be the policy of the school district that student applications will be considered subject to the following requirements: eligibility determination, standards to be used for rejection of applications, standards that may not be used for rejection of applications, the application process, determination of exclusion recommendations, and school district termination of the enrollment of non-resident students. These requirements are described in this policy.

A. Eligibility

- A. Open Enrollment Applications for such student enrollment as non-residents 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 total number not less than either: (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 state statute 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.

B. Class Size

Class sizes shall be determined so as to offer the best possible educational opportunity to students, yet so constituted as to assure maximum potential service from each staff member. Therefore, the following shall apply:

- 1. Preferred Class Ranges:

Kindergarten	20-24
Grades 1-2	21-25
Grades 3-4	24-28
Grade 5	26-30
Grades 6-8	30-34
Grades 9-12	31-35

In the event of unforeseen circumstances and/or financial difficulties, the targeted numbers may be exceeded with School Board approval.

III. BASIS FOR DECISIONS

A. Standards that may be used for rejection of an application

In addition to the provisions of eligibility above, the school district may refuse to allow a student who was expelled under Minnesota state statute 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, 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 at a school function;
2. Possessing or using an illegal drug at school or at a school function;
3. Selling or soliciting the sale of a controlled substance while at school or at a school function;
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 referenced in Section F of 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 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 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 or his/her designee may make further inquiries. If the superintendent determines that the applicant should be admitted, the superintendent will notify the School Board chair and the applicant. If the superintendent determines that the applicant should be excluded, the superintendent or his/her designee 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. If the applicant wishes to continue the application process, the superintendent is authorized to initiate the exclusion process under the Minnesota Pupil Fair Dismissal Act.

F. Termination of Enrollment

The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minnesota state statute 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 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 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 has not lawfully withdrawn from school under Minnesota state statute 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 state statute 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.

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. Ch. 260A (Truancy)
Minn. Stat. § 260C.007, Subd. 19 (Definitions)
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)
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)

School Board Action:

Revised as Policy 8.100, 8.107 Fridley School District Policy
Revised as Policy 509 June 18, 2002
Revised as Policy 509 June 17, 2008
Revised August 16, 2011
Revised March 12, 2013
Revised September 17, 2013



A World-Class Community of Learners

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