

NONRESIDENT STUDENTS/OPTION ENROLLMENT

Students who are eligible to attend a Nebraska public school but who are not legal residents of the school district may be admitted into the school district in accordance with the option enrollment program authorized by state statutes. Option enrollment students shall be accepted without charge. The option shall be available once during elementary school, once during middle school or junior high school, and once during high school for a total of three times.

Applications: Application for option enrollment should be made between September 1 and March 15 for enrollment during the following and subsequent school years. Upon agreement of the school boards of the resident district and the option (receiving) district, deadlines for application and approval of the option may be waived. Following the March 15 deadline, applications requesting admittance must contain a release approval from the resident school district, or if the student is an option student at the time of such application and applying to become an option student at a subsequent option school district, a release approval from the option school district the student is attending at the time of such application. See policy 502.01 for preliminary enrollment of children of military families.

When No Release Approval is Required: The application for option enrollment does not require a release from the resident district or the option school district the student is attending at the time of such application, and the receiving district the student is applying to attend has forty-five days to issue acceptance or rejection if:

1. after February 1 the student relocated to a different resident district; or
2. the student's option district merged with another district effective after February 1, and;
3. the student's attendance would occur during the next immediate and subsequent school years.

Initial Decision for Acceptance or Rejection: The option school district the student is applying to attend shall provide the resident school district, and if applicable, the option school district the student is attending at the time of such application, with the name of the applicant on or before April 1 or, in the case of an application submitted after March 15, within sixty days after submission. If the district rejects an application for a student to option in or out, the district will provide notification by certified mail to the parent/guardian of the specific reasons for rejection including a description of services

and accommodations required that the district does not have the capacity to provide, and the process for appealing the decision to the State Board of Education.

Attendance at Option District: In general, the option student shall attend the option district until graduation unless the student relocates in a different resident school district, transfers to a private or parochial school, or chooses to return to the resident school district, or options into a subsequent option school district, except that no student may use the enrollment option program other than as provided in state statutes.

No option student shall attend an option school for less than one year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end of his or her senior year, transfers to a private or parochial school, or upon mutual agreement of the resident and option school districts cancels the enrollment option and returns to the resident school district or the previous option school district the student was attending immediately prior.

Setting Standards for Acceptance or Rejection of an Option Request: The board shall adopt a resolution and publish specific standards for acceptance and rejection of option enrollment applications prior to October 15 of each school year for the following school year. Standards shall conform to Nebraska statute. These may include the capacity of a program, class, grade level, or school building.

Capacity Standards

Elementary (K–3): capacity is set at 70 students per grade level.

Elementary (4-6): capacity is set at 75 students per grade level.

Junior High (7–8): capacity is set at 75 students per grade level.

High School (9–12): capacity is set at 85 students per grade level.

Exception for 2026–2027 School Year:

For the 2026–2027 school year only, the capacity for Kindergarten shall be set at 74 students to accommodate projected enrollment and sibling priority under the district’s option enrollment procedures.

Special Education Services

Capacity for the district's special education services shall be determined in accordance with Nebraska Rule 51 caseload limits for special education teachers and related service providers, as well as the availability of appropriate programs currently operated by the district. The district shall not be required to create new programs or hire additional staff to accommodate option requests. When appropriate services and capacity exist, students with Individualized Education Programs (IEPs) will be accepted under the same standards as general education students.

Option Priorities:

The district shall give first priority for enrollment to siblings of currently enrolled option students, provided grade-level or program capacity has not been exceeded. Every effort will be made to keep families together within the district.

Non-Permissible Standards

The standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings except as permitted by law.

Late Applications

The board shall adopt standards and conditions for acceptance or rejection of a request for release of a resident student submitting an option application after March 15. Such standards shall not include the failure to meet the March 15 deadline.

To promote stability in class rosters and instructional programs, the district will generally not accept new option students for enrollment after October 1 of the current school year. Applications received after October 1 may only be approved if:

1. The student qualifies for an exception under state law (e.g., relocation, district merger, military transfer), and
2. The grade level, program, or building has available capacity under the district's published standards.

The district is not required to create new programs, hire additional staff, or exceed established capacity to accommodate such applications.

Acceptance or Rejection Procedures: The option district shall notify the parent/guardian and the resident district whether the application is accepted or rejected

within sixty days after submission. False or substantively misleading information submitted by a parent/guardian on an application to an option district may be cause for the option district to reject a previously accepted application prior to the student's attendance.

If an application is rejected by the option school district or if the resident school district rejects a request for release, the rejecting school district shall provide written notification to the parent or guardian stating (a) the specific reasons for the rejection including, for students with an individualized education program under the Individuals with Disabilities Education Act., or with a diagnosed disability as defined in section 79-1118.01, a description of services and accommodations required that the school district does not have the capacity to provide, and (b) the process for appealing such rejection to the State Board of Education. Such notification shall be sent by certified mail.

The parent or legal guardian may appeal a rejection to the State Board of Education by filing a written request, together with a copy of the rejection notice, with the State Board of Education. Such request and copy of the notice must be received by the board within thirty days after the date the notification of the rejection was received by the parent or legal guardian. The hearing shall be held in accordance with the Administrative Procedure Act and shall determine whether the procedures of sections 79-234 to 79-241 have been followed. Any rejection based upon capacity limitations established under section 79-238 shall be the responsibility of the school district to prove in any appeal filed with the state board.

Reporting to the Department of Education: The district shall provide to NDE required information relating to all applications rejected by the option school district. Such information shall include, but not be limited to, (a) the number of applications rejected in each public school in such district, (b) an explanation why each application was rejected, and (c) whether each application for option enrollment indicated that the student had an individualized education program under the Individuals with Disabilities Education Act or had been identified as a student with a disability as defined in section 79-1118.01.

Nonresident Students: Nonresident students not going through option enrollment may also be admitted under a contract with the student's resident district at the discretion of the superintendent upon application and payment of tuition as stated in the contract. The tuition rate shall be the current per-pupil cost of the school district as computed by the superintendent.

