

**SCHOOL POLICIES
INDEPENDENT SCHOOL DISTRICT 16**

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SERIES	500	Students
SUBJECT	509	Enrollment of Nonresident Students
Adopted		March 13, 2001
Revised		May 11, 2004, April 10, 2007

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. 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, 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 lessor 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 non-resident 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 IIA, 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 than three 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; 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. Application. The student and parent or guardian must complete and submit an Application for Enrollment School District Enrollment Options Program developed by the Department of Education (that enrollment form follows this policy).

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 may make further inquiries. If the Superintendent determines that the applicant should be admitted, he or she will notify the applicant. 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.

F. 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 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.226, 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 parent(s)/guardian(s) 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.

Legal Reference: 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.68 (High School Graduation Incentives Program)

Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)

Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)

Indep. Sch. Dist. No. 623 v. Minn. Dept. of Educ., Co. No. A05-361, 2005 WL3111963 (Minn. App. 2005) (unpublished)

Cross References: Policy 506 (Student Discipline)
Policy 517 (Student Recruiting)
MSBA Service Manual, Chapter 5, Various Educational Programs



APPLICATION FOR ENROLLMENT SCHOOL DISTRICT ENROLLMENT OPTIONS PROGRAM

ED-01861-21

GENERAL INFORMATION AND INSTRUCTIONS: Kindergarten through twelfth grade students and pre-kindergarten children with disabilities may apply to attend a public school outside of their resident district (Minn. Stat. § 124D.03). Use one application for each student.

Parent/Guardian: Request school and program information from districts, visit schools, and ask questions of administrators, teachers, parents and students. You may also visit the Department of Education's Web Site at <http://education.state.mn.us> for information about school districts, schools and school programs. If you have questions or need assistance, call Enrollment Options at (651) 582-8471.

Once you decide to apply, you must inform the school your child is currently attending that you are applying to a non-resident district for enrollment.

Complete Section 1 and sign Section 2. Send the completed application to the **non-resident district (not to Department of Education)**. Applications must be sent to the non-resident district by **January 15** for enrollment beginning the following school year. If you miss the January 15 deadline, contact the non-resident district to determine if you are eligible for a waiver of that deadline.

You can expect to receive an approval or disapproval from the non-resident district by **February 15**. When you receive an approval of your application you must by **March 1** notify the non-resident district of your commitment to attend there the following school year.

SECTION 1: TO BE COMPLETED BY THE STUDENT'S PARENT OR GUARDIAN			
Parent/Guardian Name (Last, First, M.I.)		Telephone Number Home: () - Work: () -	
Parent/Guardian Address		City/State/Zip Code	
Resident District		City	
District of Choice (Non-Resident School District)			
Student Name (Last, First, M.I.)		Birthdate Mo. _____ Day _____ Year _____	Gender <input type="checkbox"/> M <input type="checkbox"/> F
School Currently Attending or Last Attended		Grade (as of today's date)	Special Needs (optional)
Reason for Request: (This does not affect your acceptance)		List school(s) choice(s) in non-resident district in order of priority 1. _____ 2. _____ 3. _____	
For Minneapolis students applying for the "Choice is Yours" plan, do you believe your child qualifies for free or reduced price lunch? No <input type="checkbox"/> Yes <input type="checkbox"/> Don't Know <input type="checkbox"/>			
Are you applying to other districts? No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, which district(s): _____			

SECTION 2: PARENT/GUARDIAN VERIFICATION OF INFORMATION	
I hereby verify that the above information is true and correct to the best of my knowledge and belief.	
_____ <i>Signature - Parent/Guardian</i>	_____ <i>Date</i>

Non-Resident District: Complete Section 3. The non-resident district must notify parents/guardians by **February 15** of approval or disapproval of application. After receipt of commitment to attend, the non-resident district must notify the resident district by **March 15** of the student's intent to enroll. Copies of all disapproved applications must be sent to the Department of Education.

SECTION 3: TO BE COMPLETED BY THE NONRESIDENT DISTRICT		
Date of Receipt of Application	District Name	District Number
Contact Person	Title	Telephone Number () -
<input type="checkbox"/> APPROVED ¹ <input type="checkbox"/> DISAPPROVED²		
_____ <i>Signature - Superintendent / Responsible Authority</i>		_____ <i>Date</i>
¹ On the basis of information provided in the above application, and with respect to district criteria, policies and procedures, the above student will be assigned for enrollment in _____ on _____ at _____ <i>School Building Name Starting Date Grade Level</i> Please visit the district offices at least ten (10) days prior to the above starting date for completion of all enrollment forms.		² The above district is unable to approve your request for enrollment for the following reason(s): <input type="checkbox"/> Lack of capacity in a building <input type="checkbox"/> Lack of capacity in a program <input type="checkbox"/> Lack of capacity in a class <input type="checkbox"/> Already reached enrollment set by law