

ENROLLMENT OF NONRESIDENT STUDENTS

I. PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minn. Stat §1240.03. 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;
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. §1240.03; and
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 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 than 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 a third-degree assault involving assaulting another and inflicting substantial bodily harm.

C. **Standards that may not be used for rejection of application:**

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 an Application for Enrollment School District Enrollment Options Program developed by the Minnesota 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 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.

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.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.

G. Open Enrollment Student Transportation

Current law assigns the responsibility to provide transportation from the home of the open enrollment student to the nonresident school district boundary to the parent(s). However, the law also permits the nonresident school district to provide transportation from the student's home to the school they will be attending under the open enrollment program. The circumstances for authorizing this transportation service is outlined in M.S. 123.39. The provision of this authorized transportation service is permissive and as such the Board desires to consider interdistrict relations as well as limiting the strain providing this service could have on the transportation system of District 721. The School Board has approved a procedure to implement the state authorized transportation service. The procedure is as follows:

1. Open enrollment students may be transported if the pick-up and the drop-off points are on or along regularly established routes:
2. The superintendent may authorize the transporting of students that live up to one mile off regularly established routes with the mutual consent of the resident school district superintendent; and the School Board will act upon open enrollment transportation service requests not covered by items 1 and 2 of this policy on a case by case basis.

Legal Reference: Minn. Stat. §120.062, Subds. 4, 6 and 7 (Enrollment Options Program)
Minn. Stat. §126.22 (High School Graduation Incentives Program)
Minn. Stat. §127.39 (The Pupil Fair Dismissal Act of 1974)
Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)

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