

## 509 Enrollment of Non-Resident Students

### I. PURPOSE

The School Board approves the participation of the school district in the Enrollment Options Program 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

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. 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.

**C. 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, with the exception of 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.

**D. 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;



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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.

#### **E. Application**

The student and parent or guardian must complete and submit a School District Enrollment Options Program Application developed by the Minnesota Department of Education.

#### **F. 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. Siblings of currently enrolled students, applications related to an approved integration and achievement plan, and children of the school district's staff must receive priority in the lottery. The process for the school district lottery must be established by School Board policy and posted on the school district's website.

#### **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 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.

#### **H. Termination of Enrollment**

1. 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 Ch. 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, Subd. 8.
2. 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, 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 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.

- I. 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) (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.08 (School Board Approval to Enroll in Nonresident District)  
Minn. Stat. § 124D.68 (High School Graduation Incentives Program)  
Minn. Ch. 260A (Truancy)  
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)  
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)

*Cross References:*

MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 517 (Student Recruiting)  
MSBA/ Service Manual, Chapter 5, Various Educational Programs

*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  
Revised June 21, 2016  
Revised July 18, 2017  
Revised May 17, 2022