

## Dover-Eyota Public Schools Policy 509

### 509 ENROLLMENT OF NON-RESIDENT STUDENTS

#### I. PURPOSE

The school district desires to participate in the Enrollment Options Program established by Minn. Stat. 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.

#### II. STATEMENT

The Dover-Eyota School District accepts non-resident students under an Open Enrollment status.

#### III. OPEN ENROLLMENT

##### A. Application Timelines/Procedures

Students will be considered for Open Enrollment upon the submission of a Statewide Enrollment Options Form. Because the School District has a desegregation plan approved by the commissioner of the Department of Education, a student may apply to transfer into or out of the school district at any time for enrollment beginning at any time. The Open Enrollment application assures continual enrollment except in cases where termination of enrollment is justified as provided by school district policies. An approved open enrollment does not require yearly renewal.

##### B. Eligibility

Applications for enrollment under the Enrollment Options law 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 the enrollment cap standards set forth in Section III.C.2; and
2. in considering the capacity of a grade level, the school district may only limit the enrollment of non-resident 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 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.

##### C. District Guidelines for Acceptance of Open Enrolled Students

1. The School District shall accept for open enrollment a minimum of the lesser of one percent of the total enrollment at each grade level in the school district or the number of school district resident students at each grade level enrolled in a non-resident school district.
2. To the extent space remains available after accepting the number of students required to be open enrolled as set forth in Paragraph III.C.1 above, the school district shall accept additional non-resident students for open enrollment until such time as the following capacities are reached at each grade level:
  - K,1.....when enrollment reaches or exceeds 90 resident and non-resident students
  - 2-5..... when enrollment reaches or exceeds 94 resident and non-resident students
  - 6-8..... when enrollment reaches or exceeds 100 resident and non-resident students
  - 9-12..... when enrollment reaches or exceeds 100 resident and non-resident students

The School Board shall reserve the right to adjust these numbers as needed consistent with law.

3. Grade level numbers shall be calculated in the following priority:
  - a. Resident students;
  - b. The district must give priority in this order: enrolling siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, and children of the school district's staff.
 

EXCEPTION: When a non-resident family with multiple school-age children applies to enter Dover-Eyota schools through an enrollment options program, each school-age child, at the time of application, must be within their respective class limits, as indicated in Section 1 and 2 above, to gain admission and be assured of future guaranteed attendance ("grandfathered") as a sibling.

NOTE: Subsequent classes for guaranteed sibling attendance shall be evaluated annually.
  - c. New family enrollment options applications (subject to class size guidelines).
4. The effective timeline for open enrollment applications for the **subsequent** school year **kindergarten** class shall be:
 

October 1: first day to accept applications

The school district will make an initial response to the request by February 15 or within 30 days of the receipted date of applications received after February 15.

April 15: deadline for response to applications for the subsequent year kindergarten request.

Open enrollment applications for the **subsequent** school year for **grades one through twelve** may be submitted at any time. The school district shall approve or disapprove the request by February 15 or within 30 days of the receipted date of applications received after February 15.
5. Open enrollment applications for the **current** school year for **kindergarten through twelve** may be submitted at any time. The school district shall approve or disapprove the request within 30 days of receipt of the application.
6. Enrollment options students who apply but are not accepted for enrollment due to the class number restrictions will be placed on a waiting list. In the event the class size drops below the established limit for any reason at any time, these students would be accepted according to receipted date of application. To remain eligible for enrollment, the student or the student's parent or guardian must, within five (5) days of receipt of the acceptance for open enrollment, notify the school district of their intent to enroll the student.
7. Students declined enrollment due to lack of space in a class one year will retain their positions on the waiting list for the following year if they submit a new enrollment form between September 1 and September 30. (The "window of opportunity" to enroll for the following year is October 1 through January 15; thus, those on the waiting list are given first opportunity to get back on the waiting list before new applications are considered.)
8. A non-resident student accepted into any Dover-Eyota preschool program is not guaranteed acceptance into a Dover-Eyota kindergarten class.
9. The Board of Education reserves the right to make special exceptions to these restrictions for special circumstances. Any non-resident student denied enrollment due to the restrictions may petition the Board to present reasons for an exception to their child's denial of enrollment. The Board shall annually review this policy.

D. Standards that may be used for rejection of an Open Enrollment application

In addition to the provisions of Paragraphs IIIB and IIIC, the school district may refuse to allow a pupil who is expelled under Minn. Stat. 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.

E. Standards that may **not** be used for rejection of an Open Enrollment application

The school district may not use the following standards in determining whether to accept or reject an application for Open Enrollment:

1. a student's previous academic achievement;
2. a student's athletic or extracurricular ability;
3. a student's disabling condition;
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 set out in Section F. of this policy.

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 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.

H. Termination of Open Enrollment

1. The school district may terminate the enrollment of an Open Enrolled student pursuant to Minn. Stat. 124D.03 or 124D.08 at the end of a school year if whenever 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 17 years of age who is absent from attendance at school without lawful excuse for seven school 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 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 non-resident 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 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 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.
- H. Notwithstanding the requirement that an application must be approved by the board of the non-resident 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 non-resident district without the approval of the board of the non-resident district. The approval of the board of the student's resident district is not required.

#### IV. ESTABLISHMENT OF RESIDENCY

- A. The Dover-Eyota School District will not allow non-resident students to circumvent the guidelines above by establishing false residency within the district. For purposes of establishing residency, if a student is under the age of 18, the student must live with a parent, guardian or other person having legal custody of the student, who resides within the school district, to enroll as a resident student. A student age 18 or over or an emancipated minor must reside within the school district to enroll as a resident student. A student also shall be considered a resident of the school district if the student resides in a homeless shelter or other program, center or facility assisting the student or is otherwise considered homeless as defined by state or federal law. The ultimate determination of whether the student resides within the district will be decided by the school district. (McKinney-Vinto Act)
- B. Student Not Living With Parent
- The Dover-Eyota School District will follow the MARSS Manual (Appendix K and K-1) in determining the residency for regular education students and special education students.
- A child who is not living with his or her legal parent or guardian must be in the residence of someone who is providing the child's full personal care, attention, supervision, nurturing, financial support, and full-time dwelling.
- Anyone other than a parent or guardian in whose home this child "resides" shall complete a district form (Attachment A of this policy) that attests to the fact that the child's living arrangement truly constitutes a "residence" in the school district. The school district will retain the right to verify the responses on the form at any time during the school year. This person also agrees to immediately contact the school district if any of the living circumstances changes substantially so as to bring the term "residence" into question. The school district also retains the right to immediately discontinue enrollment of any student who has been enrolled due to false information provided at any time under this provision. Students who do not live with a legal parent or guardian are not automatically grandfathered into the school district and shall be required to complete the form mentioned above.
- C. Joint Physical Custody – when parents have joint physical custody and one parent lives within the school district, their child(ren) can attend Dover-Eyota as residents if the parents complete a school district form (Attachment B of this policy) that attests to the fact that the child is considered by the parents as a resident of the school district and provides a copy of a current court order addressing custodial rights to the child(ren). The school district will retain the right to verify the responses on the form at any time during the school year. The parents also agree to immediately contact the school district if any of the living circumstances change substantially so as to bring the term "residence" into question. The school district also retains the right to immediately discontinue enrollment of any student who has been enrolled due to false information provided at any time under this provision.

**Dover-Eyota Schools**  
**Residency Affirmation – Not Living With Parent**  
(Enrollment of Non-resident Students Policy 509)

Thank you for your interest in our school district, and your willingness to provide a non-parent home for a student. The Dover-Eyota school district will not allow non-resident students to circumvent the guidelines of Policy 509 by establishing false residency within the district. As a point of information, a child who is not living with his or her legal parent or guardian must live in the residence of someone who is providing the child’s full personal care, attention, supervision, nurturing, financial support, and full-time dwelling, and must attest to these provisions in writing.

Student Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

1. Your Name \_\_\_\_\_ Relationship to Student \_\_\_\_\_

Street Address \_\_\_\_\_ Home Phone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

2. Legal Parent/Guardian \_\_\_\_\_

Street Address \_\_\_\_\_ Home Phone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

**PLEASE READ CAREFULLY BEFORE SIGNING THIS AGREEMENT:**

I hereby claim that I am **not** the legal parent or guardian of \_\_\_\_\_ who is residing in my home. I do declare that I **am** the sole provider for the full personal care, attention, supervision, nurturing, financial support, and full-time dwelling of the above-mentioned individual. I understand that the school district has the right to verify these facts at any time during the school year. **I agree to immediately contact the school if any of the living circumstances change substantially so as to bring the term “residence” into question.** I have received a copy of the Enrollment of Non-resident Students Policy #509 and understand that the above-mentioned student is not automatically grandfathered into the district as outlined in Section III C. 3a. of the policy. I also understand that if it is determined that I am falsifying any information on this form at any time, the school district shall have the right to discontinue the enrollment of this child.

\_\_\_\_\_  
Your Signature \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Legal Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

**Dover-Eyota Schools**  
**Residency Affirmation – Joint Custody**  
(Enrollment of Non-resident Students Policy 509)

Thank you for your interest in our school district. The Dover-Eyota school district will not allow non-resident students to circumvent the guidelines of Policy 509 by establishing false residency within the district. This form is to be used by the **school district resident** parent who has shared custody of their children and the children live **at least half-time** within the school district.

Student Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

1. Resident Parent Name \_\_\_\_\_

Street Address \_\_\_\_\_ Home Phone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

2. Non-resident Parent Name \_\_\_\_\_

Street Address \_\_\_\_\_ Home Phone \_\_\_\_\_

City, State, Zip \_\_\_\_\_

PLEASE READ CAREFULLY BEFORE SIGNING THIS AGREEMENT:

I hereby claim that I am the **school district resident** parent of \_\_\_\_\_ who is residing at least half-time in my home due to joint custody. I understand that the school district has the right to verify these facts at any time during the school year. **I agree to immediately contact the school if any of the living circumstances change substantially so as to bring the term “residence” into question.** I have received a copy of the Enrollment of Non-Resident Students Policy 509. I also understand that if it is determined that I am falsifying any information on this form at any time, the school district shall have the right to discontinue the enrollment of this child.

\_\_\_\_\_  
Resident Parent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Non-resident Parent

\_\_\_\_\_  
Date