

MINNETONKA SCHOOL DISTRICT

#509 ENROLLMENT OF NONRESIDENT STUDENTS

I. Purpose

The Minnetonka 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.
1. The Superintendent, or designee, shall develop guidelines which specify the circumstances under which this may take place and the procedures to be followed in such circumstances.
 2. In considering the capacity of a grade level, the District may only limit enrollment of nonresident students in accordance with state statute.
 3. An applicant is not otherwise excluded by action of the 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 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 the assaulting of another person and inflicting substantial bodily harm.

C. Standards that may not be used for rejection of application. The 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 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 Minnesota Department of Education.

E. Exclusion

1. Administrator's initial determination. If a Minnetonka 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 District policy, the administrator will transmit the application to the Superintendent with a recommendation regarding 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, the applicant and the Board Chair will be notified. 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 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 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 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 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 District will send to the student's parents a written notice of the District's belief that the student is not a resident of the 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. §120.A22, Subd. 3(e) (Residency Determined)
Minn. Stat. §120A.22, Subd. 8 (Withdrawal from School)
Minn. Stat. § 121A.40 to 121A.56 (The Pupil Fair Dismissal Act of 1974)
Minn. Stat. § 124D.03, (Enrollment Options Program)
Minn. Stat. § 124D.08, (Agreement Between Schools)
Minn. Stat. § 124D.68 (High School Graduation Incentives Program)
Minn. Ch. 260A (Truancy)
Minn. Stat. § 260C.007, Subd. 19 (Habitual Truant Defined)
Op. Minn. Atty. Gen. No. 169-f (August 13, 1986)

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