

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 564 – Non-Resident Student Attendance

1.0 Nonresident Student Attendance

1.1 Nonresident students may not attend the schools of Independent School District No. 623, Roseville Area Schools unless one of the following five exceptions applies:

1.1.1 they have open enrolled in accordance with the enrollment option procedures set forth in Minnesota statute;

1.1.2 they have secured the consent of both the district's school board and the school board of the resident district in accordance with Minnesota statute;

1.1.3 they are eligible to enroll in the district under Minnesota's Graduation Incentives Act;

1.1.4 they are homeless under the law; or

1.1.5 they qualify under another provision of this policy or a specific legal provision that permits them to attend school in the district as a nonresident student.

1.2 Open Enrollment: The purpose of this policy is to set forth the application criteria and procedures that the district will use when considering open enrollment applications.

1.2.1 Program, Class, or Building Capacity. The district will reject an application for open enrollment into a program, class, or school building if the capacity of the program (other than a special education program), class, or school building has been reached.

1.2.1.1 The capacity of a program, class, or school building is reached when, in the judgment of the superintendent, the acceptance of an additional student would require any of the following: (1) the addition of a staff person to adequately address the needs of the students in that program, class, or building; (2) the utilization of additional physical space for the program, class, or school building to function properly, provided that the additional space is not readily available; or (3) a material change to the program, class, or school building that would adversely affect the quality of the education provided in that program, class, or school building.

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- 1.2.1.2 In determining whether the capacity of a program, class, or school building has been reached, the superintendent may consider any relevant information including, but not limited to (a) staff-to-student ratios; (b) current or projected enrollment; (c) current or projected staffing; (d) the size and other physical attributes of facility; and (e) other miscellaneous factors that affect the quality of education.
- 1.2.2 Additional Limitations that May Apply. At any time, the school board may adopt a resolution limiting the number of nonresident students who may enroll in its schools or programs to the lesser of (a) one percent of the total enrollment at each grade level in District 623, or (b) the number of District 623 residents at that grade level who have enrolled in a nonresident school district under the Enrollment Options Act. If the board elects to limit enrollment by adopting such a resolution, by July 15 the board must submit a report to the Commissioner of MDE stating the number of nonresident students who were denied admission as a result of the limitation established in the resolution.
- 1.2.3 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:
- previous academic achievement of a student;
 - athletic or extracurricular ability of a student;
 - disabling conditions of a student;
 - a student's proficiency in the English language;
 - the student's district of residence; or
 - previous disciplinary proceedings involving the student, except the district may refuse to allow a student who has been expelled from another Minnesota school district to enroll during the term of expulsion, if the student was expelled for: (a) possessing a dangerous weapon at school or a school function; (b) possessing or using an illegal drug at school or a school function; (c) selling or soliciting the sale of a controlled substance while at school or a school function; or (d) committing a third-degree assault as described in Minnesota statute. In addition, nothing in this policy precludes the school district from proceeding with exclusion as set out in Section 1.2.5 of this policy.
- 1.2.4 Application. The student and parent or guardian must complete an Application for Enrollment School District Enrollment Options

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Program developed by the Minnesota Department of Education (copy attached hereto).

1.2.5 Rejection or Exclusion

1.2.5.1 Administrator's Initial Determination. If a district administrator knows or has reason to believe that an applicant has engaged in conduct that could subject the applicant to exclusion under law or district policy, the administrator will transmit the application to the superintendent with a recommendation of whether exclusion proceedings should be initiated.

1.2.5.2 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. If the applicant does not voluntarily withdraw his or her application, the district may initiate exclusion proceedings in accordance with the Pupil Fair Dismissal Act.

1.2.5.3 Although an application generally may not be rejected based on previous disciplinary proceedings, the school district may refuse to allow a student who has been expelled from another Minnesota school district to enroll during the term of expulsion, if the student was expelled for: (a) possessing a dangerous weapon at school or a school function; (b) possessing or using an illegal drug at school or a school function; (c) selling or soliciting the sale of a controlled substance while at school or a school function; or (d) committing a third-degree assault as described in Minnesota statute. In addition, for other types of conduct 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.

1.2.6 Lotteries: If the school district has more applications than available seats at a specific grade level, it will hold an impartial lottery following the January 15 deadline to determine which students will receive seats. Siblings of currently enrolled students and applications related to the district's achievement and integration

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plan will receive priority in the lottery. The process for the lottery is as follows:

- 1.2.6.1 There will be two lottery rounds. All applications from both rounds will be drawn regardless of the number of available spots. Once all available spots have been filled, the remaining applications will be placed on a waitlist. Applications will be placed on the waitlist in the order they are drawn with one exception. The exception, sibling preference, is described below.
- 1.2.6.2 First Round: The first lottery round will include applications for siblings of currently enrolled students and applications related to the achievement and integration plan.
- 1.2.6.3 Second Round: All other applications will be entered into the second round.
- 1.2.6.4 Sibling Preference Within the Lottery Rounds: Siblings of students accepted through the lottery will be accepted at the same time. If there are no available spots, they will be placed on the waitlist. They will be placed at the top of the waitlist with the exception of other siblings who have already been placed on the waitlist.
- 1.2.6.5 Families will be sent a letter informing them of acceptance or placement on a waitlist based on the order in which their application was drawn in the lottery. The letter will include a deadline by which families must complete the enrollment process. If the family does not complete the enrollment process by the deadline, the student will be removed from the waitlist. If the family seeks to enroll at a later date, they will need to apply again. Their application/s will be treated as a new application.

Applications received after January 15th will be placed at the end of the waitlist in the order in which they were received.

2.0 International or Foreign Students

- 2.1 International Exchange Students who enter the country in a J-1 VISA status and follow the regulations 564-R may attend Roseville Area High School (Grades 9-12).
- 2.2 Foreign Students (Grades 9-12) in F-1 VISA status may attend Roseville Area High School by paying the full, unsubsidized per capita cost of

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education for the intended period of study and are limited to a maximum of 12 months of study. (564-R).

- 2.3 Nonresident tuition charges for senior high school students shall be set annually at a rate per pupil per term, payable prior to completion of I-20 form.
- 3.0 Transportation of Open Enrolled Students. The district will transport an open enrolled student within its borders if the student's parent or guardian requests transportation. The parent or guardian is generally responsible for transporting the student to the district's border.
 - 3.1 Although the district generally is not required to provide or pay for transportation between its border and the student's residence, the district may voluntarily decide to transport a nonresident student within the student's resident district. If district 623 decides to transport a nonresident student within the student's resident district, district 623 must provide written notice of that decision to the resident district before providing the transportation.
 - 3.2 To the extent required by law, a parent or guardian may be reimbursed for the costs of transportation from the student's residence to the border of district 623 if the student is from a family whose income is at or below the poverty level, as determined by the federal government. The amount of such reimbursement is limited by law.
 - 3.3 When the district notifies a parent or guardian of a nonresident student that an application has been accepted, the district must notify the parent or guardian that the district will provide transportation within its borders upon request by the parent or guardian.
- 4.0 School of Attendance
 - 4.1 The district will determine the school of attendance for a nonresident student.
- 5.0 Standards for Determining Whether a Student is a Resident of the District
 - 5.1 A student who resides with a parent or legal guardian is considered to be a resident of the district in which the parent or legal guardian resides.
 - 5.2 If a student resides with someone other than a parent or legal guardian and in a different district than the parent or legal guardian, the parent's place of residence may be a relevant factor, but it is not determinative. Rather, the general purpose of the student's presence within the district is

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the controlling factor. Op. Atty. Gen. 169p (Minn. Feb. 6, 1985); Op. Atty. Gen. 180g (Minn. Dec. 27, 1928).

5.2.1 If a student is residing in a school district with someone other than a parent or legal guardian for the general purpose of attending school in the district or receiving benefits provided by the district, and the care and attention which the student receives is incidental to that purpose, the student is not considered to be a resident of the district. Op. Atty. Gen. 169p (Minn. Feb. 6, 1985).

5.2.2 If a student is residing in a school district with someone other than a parent or legal guardian for the general purpose of securing a home or receiving the type of care and support that is usually provided in a home, the student is considered to be a resident of the district.

5.2.3 All the surrounding facts and circumstances must be taken into consideration when determining the general purpose of a regular education student's presence in the district. For example, consideration should be given to facts such as: who is providing care and support for the student; over what period of time is such care and support being provided; and whether the student lives with a parent or legal guardian on the weekends.

6.0 Procedures for Determining if Student is a Resident and for Barring Attendance of Non-Resident Students Who Do Not Follow the Open Enrollment Process

6.1 If an administrator in the district reasonably believes that a student is not a resident of the district and that the student is seeking to attend or is attending school in the district and does not meet one of the exceptions stated in this policy, the administrator will refer the matter to the superintendent. The student may be removed from the school only after the district sends the student's parent(s) written notice of the district's belief, including the facts upon which the belief is based, and an opportunity to provide documentary evidence of residency in person to the superintendent or designee, or, at the option of the parent(s), by sending the documentary evidence to the superintendent, or a designee, who will then make a determination as to the residency status of the student.

6.2 Examples of documentary evidence include, but are not limited to, a current lease agreement; a recent mortgage statement; a current property insurance statement; a current property tax statement; a recent purchase agreement; a recent moving bill denoting the new address; recent utility bills; a recent voter registration card; a current driver's license; or a current state identification card. The administrator may take action to verify the accuracy of any evidence provided by a student or parent.

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6.3 The district will not deny free admission to any homeless children of school age. Generally, individuals are considered homeless if they: (1) lack a fixed, regular, and adequate nighttime residence; (2) have a primary nighttime residence that is a shelter or other facility designed to provide emergency or temporary living arrangements; or (3) have a primary nighttime residence that is not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

7.0 A good faith violation of any provision of this policy is not a defense to determination that a student is barred from attending school in the district, unless the student can demonstrate that the violation denied the student due process of law or resulted in an incorrect determination of the student's residency status.

Legal References:

Minnesota Statutes section 124D.03: Enrollment Options Program
Minnesota Statutes section 124D.08: School Boards' Approval to Enroll in Nonresident District
Minnesota Statutes section 124D.68: Graduation Incentives Program
Minnesota Statutes section 609.223: Assault in Third Degree
Minnesota Statutes sections 121A.40-121A.56: Pupil Fair Dismissal Act
Minnesota Statutes section 125A.02: Child with Disability Defined

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