

5004 Option Enrollment

The board of education supports the concept embodied in the Enrollment Option Program that parents and legal guardians have the primary responsibility for insuring that their children receive the best education possible. Accordingly, the school district will participate in the option enrollment program and receive option students as provided herein.

1. Definitions.

- a. **Option Student Defined.** Option student shall mean a nonresident student who has chosen to attend the school district under the provisions of the option enrollment program.
- b. **Resident School District Defined.** Resident school district shall mean the school district in which a student resides or in which the student is deemed to reside by operation of state law.
- c. **Option School District Defined.** Option school district shall mean the school district that a student chooses to attend other than his or her resident school district.
- d. **Open Enrollment Option Student.** Open enrollment option student means a student who resides in a district that is a member of a learning community, attends a school building in another school district in the learning community as an open enrollment student, and attends the same building as an option student.
- e. **Sibling.** Sibling means all children residing in the same household on a permanent basis who have the same mother or father or who are stepbrother or stepsister to each other.

2. **Open Enrollment Option Students.** Each student attending a school building outside of the resident school district as an open enrollment student for any part of school year 2016-17 shall be automatically approved as an open enrollment option student beginning with school year 2017-18 and allowed to continue attending such school building as an option student without submitting an additional application unless the student has completed the grades offered in such school building or has been disqualified due to an expulsion. Except as provided for students attending a focus school, focus program, or magnet school, approval as an open enrollment option student does not permit the student to attend another school building within the option school district unless an proper and timely application is approved by the school board of the option school district. Upon such approval, a student previously enrolled as an open enrollment option student in the option school district shall be treated as an option student of the option school district without regard for his or her former status as an open enrollment student.

3. **Persons Entitled to Apply for Option Enrollment of Students.** Only parents and legal guardians may apply for option enrollment of students. Applications filed by foster parents and adults acting *in loco parentis* are not authorized and will be automatically denied.
4. **Duties, Entitlements and Rights of Option Students.** Except as otherwise provided herein, option students shall be treated as resident students of the school district.
5. **Standards for Acceptance or Rejection of Option Students.**
 - a. In determining whether to accept or reject applications for students to option into the district, the board of education may consider the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs operated by the school district.
 - b. The school district shall not accept any option student into any program, class, grade level or school building when acceptance of the student would cause overcrowding in that program, class, grade level or school building as determined by the school administration, or would significantly increase the operating costs of the school district, such as by requiring the hiring of new staff.
 - c. The school district shall not base the decision to accept or reject an option student on the student's previous academic achievement, athletic or other extracurricular ability, disabling condition(s), proficiency in the English language, or previous disciplinary proceedings.
 - d. If there are more option student applicants for any program, class, grade level or school building than can be accepted into such program, class, grade level or school building, applicants shall be accepted in the following order:
 - i. Students with siblings attending the school district, either as resident students or as option students, shall be granted first priority;
 - ii. Second priority shall be granted to students who have previously been enrolled in the school district as an open enrollment student;
 - iii. Third priority shall be given to students who reside in the Learning Community and who contribute to the socioeconomic diversity of enrollment at the school building to which the student will be assigned;
 - iv. Final priority shall be given to other students who reside in the Learning Community.
 - e. The district is not required to accept a student meeting the priority criteria listed above if the district is at capacity (unless the student is an open enrollment option student or the student relocates as provided in § 79-240).

- f. For purposes of Nebraska’s enrollment option program, a student who contributes to the socioeconomic diversity of enrollment at a school building within a Learning Community means:
 - i. A student who does not qualify for free or reduced-price lunches when the school building the student will be assigned to attend either has more students qualifying for free or reduced-price lunches than the average percentage of such students in all school buildings in the Learning Community or provides free meals to all students pursuant to the community eligibility provision; or
 - ii. A student who qualifies for free or reduced-price lunches when the school building the student will be assigned to attend has fewer students qualifying for free or reduced-price lunches than the average percentage of such students in all school buildings in the Learning Community and does not provide free meals to all students pursuant to the community eligibility provision.

- 6. False or Misleading Option Applications.** If, prior to the student’s attendance as an option student, the school district discovers that a previously accepted option application contained false or substantively misleading information, the option application will be rejected.

- 7. Certain Programs Unavailable to Option Students.** The board reserves the right by resolution to declare a program, a class, or a school building unavailable to option students due to lack of capacity.

- 8. Academic Credits and Graduation.** The school district shall accept credits toward graduation that were awarded by another school district, and shall award a diploma to an option student if the student meets the graduation requirements of the school district.

- 9. Information Regarding Schools, Programs, Policies and Procedures.** The school district, its officers and employees, shall make information about the school district and its schools, programs, policies and procedures available to all interested people.

- 10. Procedure for Students Optioning Into or Out of the School District.**
 - a. The parent or legal guardian of any student desiring to option into or out of the school district shall submit a proper application between September 1 and March 15 to the board of education and the other affected school district for enrollment during the following and subsequent school years. Any application requiring the approval of the school district shall be deemed submitted when the application is actually received in the school district’s business office.

 - b. On or before April 1st, the school district shall notify the parent or legal guardian of any student who has submitted an application to option into the school district and the resident school district, in writing, whether the application is accepted or rejected. If an application is rejected, the reason for such rejection shall be stated in the notification. This written notice shall be sent via certified mail to the address listed on the option application.

11. Late Applications.

- a. When the option application is submitted after March 15th, the board of education will only consent to a student optioning out of the school district under the following circumstances:
- b. The board of education will approve late applications to option into the district under the following conditions:
 - i. When the resident district has released the student;
 - ii. When the student's late enrollment into the district meets the standards for acceptance or rejection of option students contained elsewhere in this policy;
- c. The superintendent will notify parents or guardians who have submitted properly completed option applications after March 15th no later than 60 days following submission of the application of the board's acceptance or rejection of the application.

12. Students Who Do Not Need a Release from the Resident District.

- a. A student does not need to be released from his/her resident district under the following circumstances:
 - i. When the student has relocated to a different resident school district after February 1; or
 - ii. When a student's option school district merges with another district effective after February 1.
- b. The board shall accept or reject an application from a student under this paragraph using the criteria set forth in this policy and will take action on the application within forty-five days.

13. Cancellation of Option. Except for open enrollment option students, students who option either into or out of the school district shall:

- a. Attend the option school district until graduation or relocation/re-option in a different resident school district unless the student chooses to return to the resident school district, in which case the student's parent or legal guardian shall timely submit a cancellation form to the school board or board of education of the option school district and the resident school district for approval for the following year.
- b. Attend an option school district for not less than one school year unless the student relocates to a different resident school district, completes requirements for graduation prior to the end the school year, transfers to a parochial or private school or, upon mutual agreement of the resident and option school districts, cancels the enrollment option and returns to the resident school district.

- 14. Authority of Superintendent.** The board of education authorizes the superintendent of schools to make decisions on its behalf pursuant to and to apply the criteria articulated by this policy in determining whether to grant or deny option enrollment applications.

Adopted on: January 23, 2017

Revised on:

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