

## Policy 558 - Nonresident Open Enrollment

I. Students who do not reside in the School District may apply to attend a school within the School District under the provisions of M.S. 124D.03, and this Policy 558 Nonresident Open Enrollment. The Northfield Board of Education authorizes the Superintendent of Schools or his/her designee to approve applications for enrollment under the School District Enrollment Options Program and enter into Nonresident Student Attendance Agreements with other school districts.

### II. Definition of Residency

- A. In order for the student to receive a free education, the primary purpose of a student's residence in a District must be for personal care, support, supervision, and nurturing, such as is usually provided in a home and not for the purpose of obtaining free education. The primary source of a student's nurturing, personal care, supervision, emotional, and financial support is the prime determinant of residency for schooling purposes. If the student receives primary care and support at an address outside of the District, even though lodging within the District, the student is considered a nonresident (Op: Atty. Gen. 180g, Dec. 27, 1928).
- B. Resident students in Independent School District 659 will refer to students who are:
1. Receiving their primary care and support as defined above in a residence within the legal boundaries of the School District, and
  2. From age five through completion of high school, but not beyond their twenty-first birthday, if not disabled, or
  3. From birth through completion of high school or until July 1 after the twenty-first birthday if disabled.

### III. Limitations

Unless enrolled under an administrative agreement, application for enrollment will be denied for a nonresident student who is expelled from another school district under M.S. 121A.45, during the term of the 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 M.S. 609.223 subd.1.

### IV. Basis for Decisions

Standards for acceptance of applications will be based on the capacity of school buildings, grade levels, district programs, and specific courses. Beyond those reasons identified above in III. Limitations, the district will accept all non-resident pupils from other school districts who qualify under the Minnesota open enrollment program except for the following reasons:

- A. Lack of space in the district
- B. Lack of space in a particular program or school building
- C. Late application (applications for non resident open enrollment must be received by the non-resident district prior to January 15<sup>th</sup> for enrollment the following fall)

In addition, the district will also accept all non-resident students under the non-resident agreement program provided they have a signed agreement from the resident district and there is space available for the student. The district will also accept all 11-12<sup>th</sup> graders and Alternative Learning Center Students without a signed agreement from the resident district.

V. Transportation

If attendance is granted in response to parent requests as defined in the attached procedures, parents must provide the necessary transportation to and from the first bus stop within the attendance boundaries of the school the student will attend.

VI. Revocation / Termination

The District will terminate the enrollment of a nonresident student enrolled under this policy at the end of the school year if the student:

- A. Meets the definition of a habitual truant, has been provided appropriate services under M.S. 260A, and the student's case has been referred to juvenile court; or
- B. Is over the age of 17 and has been absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school.
- C. 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.

VII. Homeless Students

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.

Policy 558 Adopted: 9/27/04; Updated: May 2013, December 2013, December 2014

School Board  
INDEPENDENT SCHOOL DISTRICT 659  
Northfield, Minnesota

*Legal References*

M.S. 125D.03 Enrollment Options Program  
OP: Atty Gen 180g, Dec. 27, 1928  
8th Circuit Court of Appeals  
M.S. 121A.45 Grounds for Dismissal  
M.S. 609.223 Criminal Code  
M.S. 260C.007 Child Protection - Definitions  
M.S. 260A Truancy  
M.S. 120A.22 Compulsory Instruction