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Option Enrollment

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

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1. Definitions

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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.

2. 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.

3. Duties, Entitlements and Rights of Option Students. Except as otherwise provided herein, option students shall be treated as resident students of the school district.

4. Standards for Acceptance or Rejection of Option Students.

a. **Numeric Capacity.** The board of education may set the numeric capacity of programs, classes, grade levels, or school buildings by operation of this policy or through freestanding action by the board. Numeric capacity shall be determined based upon available staff, facilities, projected enrollment of resident students, projected numbers of students with which the option school district will contract based on existing contractual arrangement, and available of appropriate special education programs. Individuals seeking

44 information about the numeric capacity set by the board may contact
45 the superintendent for a copy of that resolution.

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47 b. **Programmatic Capacity.** In addition to the numeric capacity
48 standards referred to above, the board may, by resolution, declare a
49 program, a class, or a school unavailable to option students due to
50 lack of capacity. Individuals seeking information about the programs
51 that have been declared to be unavailable due to lack of capacity
52 may contact the superintendent for a copy of the board's resolution.

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54 c. **Other Standards for Acceptance or Rejection of Option**
55 **Enrollment Applications.** In addition to the numeric and
56 programmatic capacity standards outlined above, the school district
57 shall not accept an option student when acceptance of the student:
58 i. Would increase the operating costs of the school district, such
59 as by requiring the hiring of new staff or contracting with outside
60 entities to provide services to the student.
61 ii. Would require the procurement of new equipment, technology,
62 or furnishing.
63 iii. Would cause or require the rearrangement of caseloads for
64 staff and contracted professionals;
65 iv. Is reasonably deemed by appropriate school staff to pose a
66 potential risk to the health or safety of students or staff;
67 v. May pose a risk of adversely affecting the quality of
68 educational services being provided to resident students, as
69 determined by appropriate school staff.

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71 d. The school district shall accept disabled option students only to the
72 extent that the school district's then current staff and facilities are
73 sufficient to accommodate the needs of such students, without
74 significantly increasing the operating costs of the school district,
75 such as by requiring the hiring of new staff.

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77 e. The school district shall not base the decision to accept or reject an
78 option student on that student's previous academic achievement,
79 athletic or other extracurricular ability, disabling conditions,
80 proficiency in English language, or previous disciplinary
81 proceedings.

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83 f. If there are more option student applicants for any program, class,
84 grade level or school building than can be accepted into such
85 program, class, grade level or school building, applicants shall be
86 accepted in the following order:

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- i. students with brothers or sisters attending the school district, either as resident students or as option students, shall be granted first priority;
- ii. thereafter, option students shall be accepted into such program, class, grade level or school building in the order in which written applications were received by the school district.

5. 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.

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

7. 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.

8. 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 and timely application 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 1, the school district shall notify the parent or legal guardian of any student who has submitted an application to option into the school district, 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. The written notice shall be sent via certified mail to the address listed on the option application.

130 **9. Late Applications and Requests for Release.**

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- 132 a. The board of education may refuse a request of a student seeking to
- 133 option out of the school district when the option applications is
- 134 submitted after March 15th under the following conditions:
- 135 i. When the district has already entered into contracts with
- 136 teaching staff for the following year;
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- 138 ii. When the district has already contracted for the performance
- 139 of specific services for the students;
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- 141 iii. When the release of the student would have a negative
- 142 financial impact or loss of revenue for the district.
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- 144 b. The board of education may will approve late applications to option
- 145 into or out of the district under the following conditions:
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- 147 iv. When the resident district has released the student
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- 149 v. When the student's late enrollment into the district meets the
- 150 standards of acceptance or rejection of option students
- 151 contained elsewhere in this policy.
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- 153 c. The superintendent will notify parents or guardians who have
- 154 submitted properly completed option applications after March 15th no
- 155 later than 60 days following submission of the application of the
- 156 board's acceptance or rejection of the application.
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158 **10. Students Who Do Not Need a Release from the Resident District**

- 159 a. A student does not need to be released from his/her resident
- 160 district under the following circumstances:
- 161 i. When the student has relocated to a different resident
- 162 school district after February 1
- 163 ii. When a student's option school district merges with another
- 164 district effective after February 1
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- 166 b. The school district shall accept or reject an application from a
- 167 student under this paragraph using the criteria set forth in this
- 168 policy and will take action on the application within forty-five days.
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170 **11. Cancellation of Option.**

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172 Students who option either into or out of the school district shall:

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174 a. Attend the option school district until graduation or relocation in a
175 different resident school district unless the student chooses to return
176 to the resident school district, in which case the student's parent or
177 legal guardian shall timely submit a cancellation form to the school
178 board or board of education of the option school district and the
179 resident school district and to the State Department of Education for
180 approval for the following year.
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182 b. Attend an option school district for not less than one school year
183 unless the student relocates to a different resident school district,
184 completes requirements for graduation prior to the end the school
185 year, transfers to a parochial or private school, or upon mutual
186 agreement of the resident and option school districts cancels the
187 enrollment option and returns to the resident school district.
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189 **12. Authority of Superintendent.** The board of education authorizes the
190 superintendent of schools to make decisions on its behalf pursuant to and
191 to apply the criteria articulated by this policy in determining whether to
192 grant or deny option enrollment applications.
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195 Adopted on: November 14, 2006

196 Revised on: December 11, 2012; November 12, 2013; September 13, 2016

197 Reviewed on: November 12, 2012; December 11, 2012; November 12, 2013;
198 September 16, 2016; December 12, 2017