

## Minneapolis Public Schools Regulation 5141A

Regulation  
Adopted: 12/8/81

Revised: 6/12/84  
9/17/92  
6/13/00

### OPEN ENROLLMENT OPTIONS PROGRAM

#### I. PURPOSE

It is the purpose of this regulation to set forth the application and exclusion procedures used by the school district in making enrollment option program determinations.

#### II. GENERAL STATEMENT OF REGULATION

- 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 as established by school board resolution and provided that:
1. space is available for the applicant under enrollment cap standards established by school board policy or other directive; and
  2. in considering the capacity of a grade level, the school district may only limit the enrollment of nonresident students to a number not less than the lesser of:
    - (a) one percent of the total enrollment at each grade level in the school district; or
    - (b) the number of school district resident students at that grade level enrolled in a nonresident school district in accordance with Minn. Stat. § 1242D.03.
  3. the applicant is not otherwise excluded by action of the school district because of previous conduct in another school district except as provided by Minn. Stat. § 124D.03, Subd. 1.
- B.** Standards may not be used for rejection of application. The school 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 except as provided by Minn. Stat. § 1234D.03, Sub.1. This shall not preclude the school district from proceeding with exclusion as set out in Section D of this policy.

**C. 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 Children, Families and Learning.

**D. Exclusion.**

1. Administrator's initial determination. If a school 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 school district policy, the administrator will transmit the application to the superintendent with a recommendation of 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, 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. Although an application may not be rejected based on previous disciplinary proceedings except as provided by Minn. Stat. § 124D. 03, subd, 1, 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.

**E. Termination of Enrollment**

1. The school district may terminate the enrollment of a nonresident student enrolled under an enrollment options program pursuant to Minn. Stat. § 1234D. 03, 124D.07 or 1234D. 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. 620A 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 schools 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, junior high 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.226. Subd.6.
2. The school district may also terminate the enrollment of a nonresident student over 16 years of age if the student is absent without lawful excuss for one or more periods on 15 school days and has not lawfully withdrawn from school under Minn. Stat. § 120A.22, Subd.8.

**Legal References:** M.S. 124D.03, Subds. 3,4,6,7 and 8  
M.S. 124D.68  
M.S.124A.40 to 121A.56  
M.S. 260.015, Subd.1a  
Op. Minn. Atty. Gen. No. 169-f

**Cross References:** Policy 5200, Student Discipline  
Policy 5700, Students with Disabilities