



NEBRASKA

DEPARTMENT OF EDUCATION

Enrollment Option Program Frequently Asked Questions (FAQs)

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Revised August 29, 2016

Frequently Asked Questions About Enrollment Option

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Frequently Asked Questions About Enrollment Option

1. *What is the Enrollment Option Program?*

The enrollment option program was established to enable any kindergarten through twelfth grade Nebraska student to attend a school in a Nebraska public school district in which the student does not reside, subject to certain limitations.

2. *Where can I find the Enrollment Option laws?*

The laws governing the Enrollment Option Program can be found in Chapter 79 of the Nebraska State Statutes at sections 79-232 to 79-246, which can be downloaded from the Nebraska Unicameral website at:

<http://uniweb.legislature.ne.gov/laws/laws.php>.

3. *Where can I find the Rules and Regulations regarding school enrollment?*

The Rules and Regulations regarding school enrollment can be found in the Nebraska Department of Education Rule 19, "Regulations Regarding School Enrollment," which can be downloaded from the Department of Education's website at:

https://www.education.ne.gov/Legal/webrulespdf/CLEAN19_2016.pdf.

4. *What is an Option School District?*

An option school district is the public school district that a student chooses to attend other than his or her resident school district.

5. *What is an Option Student?*

An option student is a student that has chosen to attend an option school district, including an open enrollment option student or a student who resides in a learning community and began attendance as an option student in an option school district in such learning community prior to the end of the first full school year for which the option school district will be a member of such learning community, but, for school years prior to school year 2017-18, not including a student who resides in a learning community and who enrolls in another school district in such learning community.

6. *What is an Open Enrollment Option Student?*

An open enrollment option student is a student who resides in a district that is a member of the learning community, attended 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.

7. *What is a Resident School District?*

The Enrollment Option statutes define a resident school district as the public school district "in which a student resides, or the school district in which the student is admitted as a resident of the school district pursuant to section 79-215."

8. Can an option student be enrolled part-time?

No. Part-time students by definition are **residents of the school district** and who are also enrolled in a private, denominational, parochial school or in a school which elects not to meet accreditation (see Nebraska State Statute Section 79-2,136). Option students are not residents of the school district. A definition can be found in the Nebraska Department of Education Rule 19.

9. Where can we locate the district name and the district number (for Section 1) for the resident or option district?

This information may be found on the Department of Education's Directory Search webpage located at <http://educdirsrc.education.ne.gov/>. Click on "Quick Lists" button. On the next page (**Quick Lists of Directory Information**), scroll down to ♦PUBLIC DISTRICT AND SCHOOL INFORMATION. Click on the "sorted by county/district number" link to access the list of public school districts. The district name and district number will be referred to as "agency ID".

10. How many times may a student use the Enrollment Option Program?

According to Nebraska State Statute Section 79-234, the option is available only once to each student prior to graduation except that the option does not count toward such limitation if such option meets, or met at the time of the option, one of the following criteria: (a) The student relocates to a different resident school district, (b) the option school district merges with another district, (c) the option school district is a Class I district, (d) the student will have completed either the grades offered in the school building originally attended in the option school district or the grades immediately preceding the lowest grade offered in the school building for which a new option is sought, (e) the option would allow the student to continue current enrollment in a school district, (f) the option would allow the student to enroll in a school district in which the student was previously enrolled as a student, or (g) the student is an open enrollment option student.

11. Are There Open Enrollment Option Student Limitations?

Yes. See 9 above. An open enrollment option student's status does not count against the general limit of one option per student. The enrollment option program provides that a student is to continue in an option district through graduation with a few exceptions (see 17 below). For open enrollment option students, the law allows the student to continue in the district through the completion of the grades in their school building only. The additional option would allow the student, his or her parent(s) and the district to make decisions regarding the remainder of the student's education.

12. Are option students treated as resident students of the Option school district?

Yes. Except for purposes of requiring school-provided transportation addressed later, option students and option enrollment option students are treated as resident students of the option school district "for purposes of all duties, entitlements and rights established by law." The option student may request a particular school building, but the building assignment of the option student is determined by the option school district except as provided for open enrollment option students.

13. *Can option students play on sports teams for the option district and participate in other extra-curricular activities?*

Yes. In 2003, the Legislature added a clause to the Enrollment Option laws that states, "In determining eligibility for extra-curricular activities...the option student shall be treated similarly to other students who transfer into the school from another public, private, denominational, or parochial school." For more information, parents/guardians may wish to contact the Nebraska School Activities Association in Lincoln at (402) 489-0386 in regard to interscholastic activities and competitions in grade 9 and beyond.

14. *What is the procedure to apply for the Enrollment Option Program?*

Parents or legal guardians must submit an application to the school board of the option school district between September 1 and March 15 for enrollment during the following and subsequent school years. Applications submitted after March 15 must be accompanied by a release approval from the resident school district on the application form unless the student relocated to a different school district after February 1st, had a district they were enrolled in as an option student merge effective after February 1st, or became eligible for the option as a result of changes made to 79-234(1) R.R.S. by LB 410 (2013). The Enrollment Option Application form contains a section for the resident district to complete to provide this release.

Students 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 expelled. Unless attending a focus school, focus program, or magnet school, open enrollment option students would be required to apply and be approved through the regular enrollment option procedures to attend another school in the option district.

15. *Who is the legal guardian of a ward of the state?*

Usually, unless specified otherwise by a court, the Nebraska Department of Health & Human Services serves as the legal guardian. Court orders normally specify this.

16. *When does the Option School District notify the Resident School District of the Enrollment Option Application?*

For all applications submitted by the March 15 deadline, the option school district must provide the resident school district with the name of the applicant on or before April 1, or in the case of applications submitted after March 15, within sixty days after submission.

17. *When does the Option School District notify the parent or legal guardian that the Enrollment Option Application has been accepted or rejected?*

For all applications submitted by the March 15 deadline, the option school district must notify, in writing, the parent or legal guardian of the student and the resident school district whether the application is approved or denied on or before April 1, or in the case of applications submitted after March 15, within sixty days after submission. If a district rejects the application, the written notice must be by certified mail and contain the reason(s) for the rejection and the process for appeal.

18. *Can an Enrollment Option Application be withdrawn?*

Applications for students who do not actually attend the option school district may be withdrawn in good standing upon mutual agreement by both the resident and option school districts.

19. *How long must the Option Student attend the Option School District?*

Until graduation and in no case less than one year unless:

- The student relocates to a different resident school district;
- Completes requirements for graduation prior to the end of his or her senior year;
- Transfers to a private or parochial school; or
- Upon mutual agreement of the resident and option school districts, (if less than one year in attendance at the option district), cancels the enrollment option and returns to the resident school district.

The student can return to the resident district at their own choice at any time after attendance for one year at the option district.

20. *Can the Enrollment Option be canceled?*

Yes. Cancellations can occur due to the student moving, graduating, transferring to a private school, or returning to the resident district. The student's parent or legal guardian shall provide written notification to the school board of the option school district and the resident school district on forms prescribed and furnished by the department in advance of such cancellation.

21. *Can an Option Student return to the Option School District after attending a private or parochial school?*

An option student who subsequently chooses to attend a private or parochial school shall be automatically accepted to return to either the resident school district or the option school district upon the completion of the grade levels offered at the private or parochial school. Exempt (home) schools that children attend in accordance with the requirements of state law and regulations are considered private school(s).

If the student chooses to return to the option school district, the student's parent or legal guardian must submit another application to the school board of the option school district which shall be automatically approved, and the application deadlines are waived.

22. Do school boards have standards for approving and denying Enrollment Option Applications?

School boards must adopt by resolution specific standards for approval and denial of applications to option into their districts. Standards may include the capacity of a program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, projected number of students the option district will contract based on existing contractual arrangements, and availability of appropriate special education programs. The school board of the option school district may by resolution declare a program, a class, or a school unavailable to option students if the district is at capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings (except where a student was expelled from a district and has not completed the terms of the expulsion) or because request occurred after the March 15th deadline. Resident districts also must have adopted standards for release of students that file late applications.

23. Does the school district's board of education need to vote to approve or deny an application for Enrollment Option?

No. The school board or board of education is required to adopt by resolution specific policies for approval and denial of applications. Once the policies have been established, there is no need for the board to vote on approval or denial for each application. Instead, the local district board can authorize a district official, such as the superintendent, to act on applications in accordance with the policy. The authorized district administrator should apply the school board's policies to all applications.

24. Are the applications of siblings of Option Students automatically approved?

No. Their applications are considered to be separate, however, option school districts must give first priority for enrollment of siblings of option students, except that the option school district shall not be required to approve the sibling of an option student if the district is at capacity. Please note that enrollment option applications for siblings **must** include the signature of the authorized official of the option district. The signature of the authorized official from the resident school district **must** be included if the application for option enrollment is submitted after the March 15 deadline.

25. Can Learning Community Member District be required to accept an open enrollment option student if the district has reached its capacity limits?

Yes. If a student attended a school building as an open enrollment student for any part of school year 2016-2017, they are to be automatically approved to attend as an open enrollment option student beginning with school year 2017-2018.

26. What can we do if the Enrollment Option Application is denied?

If an application is denied by the option school district or by the resident school district, the denying school district shall state in the notification the reason for the denial. The parent or legal guardian may appeal a denial to the State Board of Education within thirty days after the date the notification of the denial was received. A sample petition form for this appeal can be found in Appendix A of the Department's Rule 61

<http://www.education.ne.gov/LEGAL/webrulespdf/RULE61.pdf>

27. *Can the Resident District refuse a deadline waiver for a student if the Option District will accept the student?*

Yes. Waiver of deadlines is governed by policy of the resident district board of education and by the preceding actions of the district.

28. *Can the deadline for application of Enrollment Option be waived?*

Yes.

29. *When a student's family moves out of the Resident District, can the student use Enrollment Option to continue attending the original Resident District?*

If the student attended the original resident district for the immediately preceding two full school years, the application is automatically approved regardless of deadlines and capacity limitations. A school district may (but is not required to) also allow a student whose residency in the district ceases during the school year to continue attending for the remainder of the school year, even without applying to option enroll.

30. *When an Option Student's family moves out of the original Resident District, can the Option Student continue the enrollment option in the original Option School District?*

The application of an option student who relocates in a different school district but wants to continue attending the option school district is automatically accepted regardless of deadlines and capacity limitations.

31. *Is the Option School District responsible for providing transportation?*

The parent or legal guardian of the option student is solely responsible for required transportation, subject to the following: Option students whose family income would qualify them for free lunch benefits qualify for free transportation or transportation reimbursement from the option school district, at a rate provided by state law (79-241 R.R.S.). Also, a school district may, upon mutual agreement with the parent or legal guardian of an option student, provide transportation to the option student on the same basis as provided for resident students. The school district may charge the parents of each option student transported a fee sufficient to recover additional costs of such transportation.

Open enrollment option students who received free transportation for school year 2016-17 through the school board of the option school district will continue to provide free transportation for the duration of the student's status as an open enrollment option student or for the duration of the student's enrollment in a pathway, unless the student relocates to a school district that would have prevented the student from qualifying for free transportation for the 2016-17 school year.

32. What is the Enrollment Option Transportation Reimbursement formula?

The formula is 142.5% of the state mileage rate multiplied by one-way mileage minus three miles. Reimbursement is for each family for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence to the schoolhouse exceeds three miles.

Reimbursement formula effective prior to January 1, 2016:

- $142.5\% \text{ of } \$.575 = .8194$

Reimbursement formula effective January 1, 2016:

- $142.5\% \text{ of } \$.54 = .7695$

33. What school district does the Option Student graduate from?

The option school district shall award a diploma to an option student if the student meets the school district's graduation requirements.

34. Does the Option School District accept academic credit from a previous district the option student attended?

An option school district must accept credits toward graduation that were awarded by another school district.

The information in this document is current as of August 29, 2016.