

# Questions and Answers: Enrollment Status of a Student Placed by an IEP Team into a Program Outside of the Enrolling District/Charter School

The Minnesota Department of Education (MDE), Division of Compliance and Assistance, has developed this document to provide technical assistance to parents and school districts that have questions regarding the responsibility of a district, including a charter school, when placing a student with an individualized education program (IEP) in a program outside of the district or charter school for 100 percent of the student's school day. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive rendition of applicable state and federal law.

**Question 1:** When a student enrolls in a district other than the student's resident district using a statutory education choice enrollment act ("enrolling district," which includes charter schools), who is responsible for ensuring due process, including IEP development?

**Answer:** The district in which the student is enrolled is responsible, regardless of the type of district.

**Question 2:** If an IEP team decides the district in which the student is enrolled cannot provide a free appropriate public education to the student and places the student into a program outside of the enrolling district for 100 percent of the school day, who is responsible for ensuring due process?

**Answer:** The enrolling district that placed the student is responsible for ensuring due process, developing an appropriate IEP, and placing the student in the least restrictive environment.

The program into which the student has been placed ("serving district," which includes charter schools), is responsible for implementing the IEP, conducting periodic and annual reviews, and convening an IEP team meeting.

The enrolling and serving district must share responsibility for developing an annual IEP and may appoint a member of the serving district to be its representative.

**Question 3:** What is the enrollment status of a student who is placed outside of the enrolling district for 100 percent of his or her school day?

**Answer:** The enrolling district maintains responsibility for the enrollment of record. For Minnesota Automated Reporting Student System (MARSS) reporting, the serving district reports the student using State Aid Category (SAC) 19. Since this is a placement, general education revenue goes to the resident district, not to the enrolling district. The student maintains the right to return to the enrolling district after completing the placement or when determined appropriate by an IEP team.

**Question 4:** If an enrolling district places the student into a serving district, who is responsible for transportation?

**Answer:** The enrolling district is responsible for transportation to the serving district.

**Question 5:** If an enrolling district places the student into a serving district, who pays for the placement?

**Answer:** The resident district. Minnesota's tuition billing system invoices the resident district for the excess costs of providing special education services on behalf of the serving district. Excess costs for transportation also are billed to the resident district on behalf of the enrolling district.

If the student is placed in a non-public agency, that agency invoices the resident district directly and the resident district reports the student in MARSS using SAC 28.

**Question 6:** What is the student's enrollment status if the parent voluntarily withdraws the student from the enrolling district and enrolls him or her in the resident district, or transfers him or her to another district or charter school using state enrollment options?

**Answer:** If the parent voluntarily withdraws the student from the enrolling district, the enrolling district has no continued responsibility for due process or for the student's IEP.

*See generally,* Minn. R. 3525.0800.