

Minnesota Statewide Enrollment Options Program Questions and Answers for School Districts

General Questions

1. Are districts required to use the Minnesota Department of Education (MDE) application(s)?

Yes, [Minnesota Statutes, section 124D.03, subdivision 3](#), requires all school districts to use the application (General Application or VPK/SRP Application) provided by the Minnesota Department of Education (MDE). The application may not be modified.

Please note: Minnesota school districts may not solicit information from the families, current schools or others to obtain information about the applicant student that is not on the MDE-provided application. This includes discussions about a student's disciplinary history, special education status or needs, birth date, gender, race, ethnicity, and academic or other student records.

2. What enrollment options form should a family use?

The [General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education](#) (General Application) is the required application for all Minnesota districts. A family should use this application for inter-district K-12 open enrollment and inter-district enrollment in ECSE. Please note that in some districts, Early Childhood Special Education is called Help Me Grow.

The [Statewide Enrollment Options Application for State-funded Voluntary Pre-Kindergarten \(VPK\) or School Readiness Plus \(SRP\) Application](#) (VPK/SRP Application) is the required application for participating Minnesota school districts. Families should use this application for voluntary pre-kindergarten or school readiness plus open enrollment.

The [School District Non-resident Agreement for Inter-district Enrollment](#) (Non-resident Agreement) Districts may use this form, or other formats, to document Non-resident Agreements to allow enrollment when the January 15 deadline is missed and no exception in law applies.

3. What if the district needs more information from the family before enrollment?

School districts may obtain additional information from the family after a classroom seat is offered in writing and before attendance starts.

4. Does a district need to provide application(s) to families if it does not seek open enrollees?

Yes, Minnesota Statutes, section 124D.03, subdivision 10, requires districts make information about the district, school(s), programs, policies and procedures available to all interested people.

5. What are acceptance, rejection and site preference decisions based on?

The board must adopt, by resolution, specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, excluding special education services; class; or school building. The school board may not reject applications for enrollment in a particular grade level if the nonresident enrollment at that grade level does not exceed the limit set by the board under Minnesota Statutes, section 124D.03, subdivision 2. Standards may not include previous academic achievement, athletic or other extracurricular ability, disability conditions, proficiency in the English language, previous disciplinary proceedings, or the student's district of residence, except where the district of residents is directly included in an enrollment options strategy included in an [approved Achievement and Integration program](#). [Minn. Stat. § 124D.03, subd. 6](#)

6. Can a district limit enrollment of nonresident pupils?

Per Minnesota Statutes, section 124D.03, subdivision 2, a board may limit, by resolution, the enrollment of nonresident pupils in its schools or programs according to this section to a number not less than the lesser of:

- One percent of the total enrollment at each grade level in the district; or
- The number of district residents at that grade level enrolled in a nonresident district according to this section.

7. What must a district do when it denies an open enrollment application?

When denying an open enrollment application, the district must notify the parent or guardian in writing of the legal basis for the denial by February 15 or within 90 days for applications submitted after January 15 in the case of Achievement and Integration district transfers whether the application has been accepted or rejected. [Minn. Stat. § 124D.03, subd. 5](#). Further, the district must report to the commissioner of education by July 15 on the number of nonresident pupils denied admission due to the limitations on the enrollment of nonresident pupils. [Minn. Stat. § 124D.03, subd. 2](#)

8. Is an open enrollment application valid without a parent or guardian signature?

No, the application must include a signature from at least one parent or guardian. Generally, students age 18 or older can sign their own paperwork. [Minn. Stat. § 124D.03, subd. 3](#)

9. Does the January 15 deadline always apply?

No, deadlines may be waived in two circumstances. First, state law waives all deadlines for students moving in or out of any district that participates in the Achievement and Integration Program. In these districts, students

may apply at any time and start school immediately or in the subsequent school year. Of Minnesota's 327 districts, 116 receive integration revenue and are designated as Achievement and Integration districts. Because this includes almost all large districts, many students have no deadline and may open enroll at any time. [Minn. Stat. § 124D.03, subd. 4](#)

Second, state law also extends deadlines when families have recently moved. [Minn. Stat. § 124D.03, subd. 7](#)
[State-approved online learning providers](#) may agree to enroll full-time online students beyond the deadline. Check directly with the [online providers](#) for enrollment information.

10. How do early childhood special education students access statewide enrollment options?

After a student has been evaluated and found eligible for, and in need of, special education and related services by their resident district, the child's parent uses the General Application ([General Statewide Enrollment Options Application for K-12 and Early Childhood Special Education](#)).

11. Can a district use the VPK/SRP Application for other early childhood initiatives?

No, please do not use the [VPK/SRP Application](#) for any other initiative, even if nonresident students are welcomed.

12. Can open enrollment be terminated?

Open enrolled students who have disciplinary issues are disciplined in the same manner as resident students; enrollment is not revoked. (Minn. Stat. §§ 121A.41-121A.575.) A district may terminate the enrollment of a nonresident student enrolled under Minnesota Statutes, section 124D.03 or section 124D.08 at the end of a year if the student meets the definition of a habitual truant under section 260C.007, subdivision 19, the student has been provided appropriate services under chapter 260A, and the student's case has been referred to juvenile court. A district may also terminate the enrollment of a nonresident student over the age of 17 enrolled under Minnesota Statutes, section 124D.03 if the student is absent without lawful excuse for one or more periods on 15 school days and has not lawfully withdrawn from school under section 120A.22, subdivision 8. [Minn. Stat. § 124D.03, subd. 12](#) Please note the student's case must be referred to the county attorney before a district may terminate enrollment.

For students with disabilities, the student's IEP team should consider whether the truancy is a behavior that impedes the student's learning and if so, address the student's behavior via the IEP team process. [34 C.F.R. § 300.324\(a\)\(2\)\(i\)](#)

13. How can a resident student that moves out of district during the school year stay enrolled (i.e., change of address, foster care placement, homeless)

If the student moves to a new resident district, the student retains the seat in the nonresident district, but must submit a new General Statewide Enrollment Options application to update the student's information. [Minn. Stat. § 124D.03, subd. 13](#)

An 11th- or 12th-grade student who has been enrolled in a district and whose parent or guardian moves to another district may continue to enroll in the nonresident district upon approval of the board of the nonresident district. The approval of the board of the pupil's resident district is not required. [Minn. Stat. § 124D.08, subd. 3](#)

A student who has been open enrolled in a district, who is identified as homeless and whose parent or legal guardian moves to another 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. [Minn. Stat. § 124D.08, subd. 2a](#)

A student who has been enrolled in a district who is placed in foster care in another district may continue to enroll in the prior district without the approval of the board of the prior district. The approval of the board where the student's foster home is located is not required. [Minn. Stat. § 124D.08, subd. 2b](#)

14. Can a student enrolled in Postsecondary Enrollment Options (PSEO) full-time at a postsecondary institution (no courses at the high school) be denied open enrollment due to their PSEO participation?

No, a student's participation in PSEO can have no bearing in the decision to admit or place a student on a waitlist. Districts must make open enrollment decisions solely on the information on the required General Statewide Enrollment Options application form, which limits denials to situations involving grade level capacity and, in certain situations, to currently expelled students. [Minn. Stat. § 124D.03, subds. 1-2](#)

Civil Rights Questions

15. What legal and human rights issues would arise with a modified application?

Modifying and adding fields to the application(s) presents civil rights concerns. The MDE-approved General and VPK/SRP applications comply with the Minnesota Human Rights Act ([Minn. Stat. § 363A.13, subds. 2-4](#)) which specifically protects the rights of Minnesota students in educational settings, including the ways in which schools select, exclude and admit students related to race, color, creed, religion, national origin, sex, age, material status, status with regard to public assistance, sexual orientation or disability.

16. Can a district limit enrollment or close some special education services to nonresidents?

No, districts may not close special education services. Doing so causes federal civil rights issues related to discrimination against students with disabilities and violates the state open enrollment options law. 29 U.S.C. § 794(a) and [Minn. Stat. § 124D.03, subd. 6](#). Districts may close grade levels at grades kindergarten-12 but may not keep a grade level open and then close off certain special education services for that grade.

17. Can open-enrolled students qualify for homebound instruction?

Open enrolled students may receive homebound instruction when students are placed in the home, such as for medical or disciplinary reasons. At times, the nonresident district may contract with another district to serve the student with appropriately licensed teachers. There are multiple laws that would require a district to continue a student's education when placed at home. For guidance, please contact MDE's [Compliance and Assistance](#) division at mde.compliance-assistance@state.mn.us or 651-582-8689.

18. Can a student's location be reassigned when special needs are identified?

The student may be reassigned to a different location, one where the district routinely serves resident students with the same needs and as determined by district policies. If the district alters the student's education program when reassigning the student, this may constitute a change in placement that must be addressed by the student's IEP team. Placement decisions are made on a case-by-case basis, depending on the unique educational needs and circumstances of the student, and based on the student's IEP. 34 C.F.R. §§ 300.114-300.116; Comments to the federal register, 71 Fed. Reg. 46587-46588.

19. Can we gender balance applications in admission lotteries?

No. Taking into account a student's gender – or even having it on the application – violates the Minnesota Human Rights Act. [Minn. Stat. § 363A.13, subds. 1-4](#).

Capacity Questions

20. Can our district close a school site to open enrollment?

Yes. School boards may set capacities for how many students at a particular grade level may be served by a site. [Minn. Stat. § 124D.03, subd. 6](#). Applications received before capacity is reached must be accepted without regard to the individual characteristics of the student, other than grade level. School boards may not close special education services related to any special needs that open enrolled students have.

21. If our district runs into unexpected crowding issues, could we move already-enrolled open-enrolled students to other sites so that none of our resident students have to change attendance zones?

[Minnesota Statutes, section 124D.03, subd. 3](#), explains that when families open enroll they may do so with the understanding of an assignment and acceptance at a particular school or program. The subdivision reads in part, “. . . A particular school or program may be requested by the parent. Once enrolled in a nonresident district, the pupil may remain enrolled and is not required to submit annual or periodic applications. . .” Districts accept open enrollment applications with a long-term view in mind that the student will be there until graduation from high school. Before accepting the application, the district is planning on the student staying at the school site that was requested. If the district is not confident that space will be available to allow this, then before offering an open enrollment spot the district would go to the *parent* preference for second choice. The assumption is also that these students will matriculate with peers into middle and high schools as if they resided in the attendance zone of the school that served them for the lower grade levels.

22. When are lotteries needed and how do they work?

If a school district has more applications than available seats at a specific grade level, it must hold an impartial lottery following the January 15 deadline to determine which students will receive seats. The district must give enrollment priority to siblings of currently enrolled students, students whose applications are related to an approved integration and achievement plan, children of the school district's staff, and students residing in that part of a municipality, defined under section 469.1812, subdivision 3, where:

- (1) the student's resident district does not operate a school building;
- (2) the municipality is located partially or fully within the boundaries of at least five school districts;
- (3) the nonresident district in which the student seeks to enroll operates one or more school buildings within the municipality; and
- (4) no other nonresident, independent, special, or common school district operates a school building within the municipality.

The process for the school district lottery must be established in school district policy, approved by the school board, and posted on the school district's website. [Minn. Stat. § 124D.03, subd. 5a](#)

23. How long can a waiting list last and how soon are students placed on one?

This is a local decision based on the district's board approved policy. The board must adopt, by resolution, specific standards for acceptance and rejection of applications.

Transportation Questions

24. What transportation rights come with open enrollment?

If requested by the parent of a pupil, the nonresident district shall provide transportation within the district. The resident district is not required to provide or pay for transportation between the pupil's residence and the border of the nonresident district. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week.

At the time a nonresident district notifies a parent or guardian that an application has been accepted under Minnesota Statutes, section 124D.03, subdivision 4 or 5, the nonresident district must provide the parent or guardian with information about where it will transport the nonresident student. [Minn. Stat. § 124D.03, subd. 8](#)

If requested, a nonresident district shall transport a nonresident pupil within its borders and may transport a nonresident pupil within the pupil's resident district. If a nonresident district decides to transport a nonresident pupil within the pupil's resident district, the nonresident district must notify the pupil's resident district of its decision, in writing, prior to providing transportation. [Minn. Stat. § 123B.88, subd. 6](#)

For students who have special transportation written in their Individualized Education Program (IEP), students must receive transportation in conformity with the IEP, which may include transporting the student to and from home, over the district boundary. Special education transportation is a related service and an IEP team decision. 34. C.F.R. §§ 300.17, 300.34 and 300.101.

Nonresident Agreements Questions

25. When are nonresident agreements required?

A student may enroll in a district where the pupil is not a resident outside the open enrollment process through a nonresident agreement. [Minn. Stat. §124D.03, subd. 7\(a\)](#) Nonresident agreements differ from regular open enrollment in that a nonresident agreement must be approved first by the school boards of both the resident district and the nonresident district. [Minn. Stat. § 124D.08, subd. 2](#)

MDE provides an optional [Nonresident Agreement form](#). Districts may use the form, or establish a non-resident agreement in another format, such as an e-mail between superintendents [that indicates board approval by both the resident and nonresident districts](#).

Other exceptions to open enrollment pupil application procedures outlined under [Minnesota Statutes, section 124D.03, subdivision 3](#) also apply:

- If, as a result of entering into, modifying, or terminating an agreement between boards, a pupil is assigned after December 1 to a different school for enrollment beginning at any time, the pupil, the

pupil's siblings, or any other pupil residing in the pupil's residence may submit an application to a nonresident district at any time before July 1 for enrollment beginning the following school year.

- A pupil who becomes a resident of a district after December 1 may submit an application to a nonresident district on January 15 or any time after that date for enrollment beginning any time before the following December 1.
- If the commissioner of education and the commissioner of human rights determine that the policies, procedures, or practices of a district are in violation of Title VI of the Civil Rights Act of 1964 (Public Law 88-352) or chapter 363A, any pupil in the district may submit an application to a nonresident district at any time for enrollment beginning at any time.

In the case of these exceptions, the applicant, the applicant's parent or guardian, the district of residence, and the district of attendance must observe open enrollment procedures outlined in Minnesota Statutes, section 124D.03, subdivisions 3 and 5, except that the application and notice deadlines do not apply. [Minn. Stat. § 124D.03, subd. 7](#)

A family is eligible to complete a General or VPK/SRP Open Enrollment application at the same time they submit a Nonresident Agreement; open enrollment would be effective in the school year following the next January 15 deadline. If applications for that school year exceed spots available, then the family's application would be included in the lottery.

26. When are nonresident agreements not used?

Nonresident agreements cannot be used if either the sending or receiving district participates in the Achievement and Integration Program. There are two exceptions. First, if the district makes an exception to allow enrollment of a student who has not kept a one-year enrollment commitment to another district. [Minn. Stat. § 124D.03, subd. 5](#). Second, if the family's – not the district's – stated preference is a short-term open enrollment in the non-resident district with no interest on the part of the family to stay for subsequent school years.

27. Can the nonresident agreement application substitute for the General or VPK/SRP application?

No, if incorrect paperwork is submitted, it should be re-completed on the correct application.

28. Can nonresident agreements circumvent the restrictions on data fields on General or VPK/SRP applications?

No. Minnesota's Human Rights Act, [Minnesota Statutes, section 363A.13, subdivisions 2-4](#), applies to non-resident agreements as well as standard open enrollment. [Minnesota Statutes, section 124D.03, subdivision 6](#), further limits factors that may be considered in a Minnesota inter-district enrollment options program.

29. Can our district limit students enrolled through open enrollment and admit more on Nonresident Agreements?

Based on interpretation, MDE practice is that nonresident agreements are only appropriate for short-term enrollments of a year or less. They may not be used as a way to circumvent the protections and processes outlined in the enrollment options statute or as a means of a year-to-year enrollment of the same student.

[Minn. Stat. § 124D.08](#)

30. What happens if a district enrolls a student without a Nonresident Agreement when one was required?

If the student is not enrolled in the district under any of the listed statutes, e.g., open enrollment, agreements between boards, graduation incentives or being placed by the resident district, the student is not eligible to generate funding for the enrolling district. Please note, there may be funding implications if your district does not have a nonresident agreement yet enrolls a student who missed a deadline that did not have a waiver.

Other Questions

31. Can non-state residents participate in the Minnesota Statewide Enrollment Options Program?

The Statewide Enrollment Options Program is a program that allows transfer of students who reside in one Minnesota school district into another Minnesota district. Please note that student residency is determined by parent residency, regardless of where the student is housed. If the student lives in Minnesota, but the parent does not, then residency is most often not going to be in Minnesota. [Minn. Stat. § 120A.22, subd. 3](#) (Some exceptions exist under the [federal McKinney-Vento Act](#) and [Minnesota Statutes, section 124D.08, subdivision 2a](#), for homeless children and youth.) A student must be a resident of Minnesota to transfer to a Minnesota school district through open enrollment or a Nonresident Agreement. Districts may email marss@state.mn.us with questions.

Iowa and South Dakota residents. Students who live in South Dakota-Minnesota and Iowa-Minnesota border districts may fall under specific border agreements that allow inter-state enrollment other than through the Statewide Enrollment Options Program. See [memorandums of understanding and applications](#) as well as [Minnesota Statutes, sections 124D.04](#) and [124D.05](#).

Tuition Students. Any district may voluntarily choose to admit students who are not Minnesota residents if the family pays tuition. Districts may not allow students, including those of staff, who reside in other states to attend without payment of tuition or a border agreement. [Minn. Stat. § 124D.04, subd. 6](#)

32. Can families who are seeking early entrance to kindergarten open enroll?

Unless a student meets district-established policies for early entrance, children must be age five by September 1 to enroll in Minnesota public school kindergarten programs ([Minn. Stat. § 120A.22, subd. 5](#)). Families who are interested in early entrance need to work with the nonresident district to learn the locally established requirements. Only when the nonresident district determines that those requirements are met, may the General or VPK/SRP application or Nonresident Agreement be used.

33. How does an integration district code a student for MARSS?

All open enrolled students, whether or not either district receives integration funding, are reported with a MARSS State Aid Category (SAC) 01. Students enrolled under a Nonresident Agreement are reported with SAC 11. If the family also completes a General or VPK/SRP application, the students' SAC would change from 11 to 01 in the year that the statewide enrollment option is effective. A student must be a resident of Minnesota to transfer to a Minnesota school district through open enrollment or a Nonresident Agreement. Districts may email marss@state.mn.us with questions.

34. Does Minnesota Statutes, section 124D.03, the Enrollment Options Program statute, apply to charter schools?

No. Charter schools are governed by Minnesota Chapter 124E, "Charter Schools." Minnesota statutes, section 124E.03, specifically identifies Minnesota laws applicable to charter schools, and Minnesota Statutes, section 124D.03, is not included.