

## **502.02 Nonresident Students**

Friday, August 11, 2023

### **NONRESIDENT STUDENTS/OPTION ENROLLMENT**

Students who are eligible to attend a Nebraska public school but who are not legal residents of the school district may be admitted into the school district in accordance with the option enrollment program authorized by state statutes. Option enrollment students shall be accepted without charge. If the student has previously had an option enrollment accepted in any district, the application shall be rejected unless a statutory exception to this rule applies for that student.

Application for option enrollment should be made between September 1 and March 15 for enrollment during the following and subsequent school years. Upon agreement of the school boards of the resident district and the option (receiving) district, deadlines for application and approval of the option may be waived. Following the March 15 deadline, applications requesting admittance must contain a release approval from the resident district prior to the option district's consideration for acceptance.

The application for option enrollment does not require a release from the resident district and the receiving district has forty-five days to issue acceptance or rejection if:

1. after February 1 the student relocated to a different resident district, or

2. the student's option district merged with another district effective after February 1,  
and
3. the student's attendance would occur during the next immediate and subsequent school years.

For applications submitted by the March 15 deadline, written notification of approval or rejection of the application will be made before April 1 to the student's parent/guardian and the resident district. If the district rejects an application for a student to option in or out, the district will provide notification by certified mail to the parent/guardian of the specific reasons for rejection including a description of services and accommodations required that the district does not have the capacity to provide, and the process for appealing the decision to the State Board of Education.

The board shall adopt standards and conditions for acceptance or rejection of a request for release of a resident student submitting an option application after March 15. Such standards shall not include the failure to meet the March 15 deadline. For those applications, the option district shall notify the parent/guardian and the resident district whether the application is accepted or rejected within sixty days after submission. False or substantively misleading information submitted by a parent/guardian on an application to an option district may be cause for the option district to reject a previously accepted application prior to the student's attendance.

The board shall adopt a resolution and publish its specific standards for acceptance

and rejection of applications as an option school prior to October 15 of each school year for the next school year. Standards will conform to those set forth by state statute. These may include the capacity of a program, class, grade level, or school building.

Capacity for the district's special education services shall be determined on a case-by-case basis as determined by the Director of Special Education or designee. If the district receives an option enrollment application indicating the student has an individualized education program under the Individuals with Disabilities Education Act or may be eligible to receive special education or related services, it shall be evaluated to determine if the appropriate class, grade level, or school building in the district has the capacity to provide the student with the appropriate services and accommodations.

The standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings except as allowed by law.

An option district shall give first priority for enrollment to siblings of option students within the requirements of state statutes. The board shall follow statutes regarding the application of a student who relocates in a different district but wants to continue attending his or her original resident district or current option district.

Nonresident students not going through option enrollment may also be admitted under a contract with the student's resident district at the discretion of the superintendent upon application and payment of tuition as stated in the contract. The tuition rate shall be

the  
current per pupil cost of the school district as computed by the superintendent.

Nonresident students from outside the state may be annually granted a waiver of tuition at the board's discretion following a recommendation by the superintendent. Students whose residency in the district ceases during a school year may continue attending school for the remainder of the school year without payment of tuition. The district may choose to provide transportation to the option student in the same manner as for resident students and may choose whether or not to charge the parents of those option students a fee to recover the district's costs for the transportation. All option students who qualify for free lunches are eligible for either free transportation or the reimbursement of transportation costs from the school district as provided by state statute. Students receiving special education services shall receive transportation services as provided in the student's Individualized Education Plan.

Legal Reference: Neb. Statute 79-215

79-232 to 246

NDE Rule 19.008

Cross Reference: 503 Student Attendance

801 Transportation

Approved July 14, 2014  
6, 2023

Revised March 14, 2016

Revised October