



## **5100.8: ENROLLMENT OF STUDENTS - LEARNING COMMUNITY OPEN ENROLLMENT**

## **I. General Statement**

A. For school years prior to the 2017-2018 school year, Nebraska law provides kindergarten through twelfth grade students residing within any member school district of the Learning Community of Douglas and Sarpy Counties with the opportunity for open enrollment in school buildings in the Learning Community, subject to specific limitations necessary to bring about socioeconomic diverse enrollments in school buildings in the Learning Community. Pursuant to LB 1067 (2016), however, and for school years beginning with the 2017-2018 school year and thereafter, such open enrollment is discontinued and a transition is made back to option enrollment. Sections I (B) through XIV and XVI of this Rule govern open enrollment and open enrollment students for school years prior to the 2017-2018 school year. Section XV of this Rule and District Rule 5100.3 and LB 1067 (2016) govern the transition back to and option enrollment for the 2017-2018 school year and subsequent school years. Notwithstanding anything in this Rule seemingly to the contrary, no term or provision of this Rule shall be construed, interpreted, or applied in any manner which continues open enrollment beyond the 2016-2017 school year.

B. Open enrollment shall be administered under the direction of the District's Superintendent, and the Superintendent shall serve as the designee of the District's Board of Education for any matters involving open enrollment to be acted upon by the Board, except as otherwise required by law or hereinafter provided.

## **II. Application Process**

A. For a student to attend the District as a Learning Community open enrollment student for school years prior to the 2017-2018 school year, the student, parent or legal guardian shall submit an application to the District from the time the application is made available by the Learning Community and 5:00 p.m. on March 15 of each year prior to 2017 for open enrollment for the next school year. All such applications must either be postmarked by March 15 of each year prior to 2017 or personally delivered to the District's Superintendent's Office, 5606 South 147th Street, Omaha, NE 68137, by 5:00 p.m. on March 15 of each year prior to 2017.

B. Application forms shall be those prescribed by the Learning Community Coordinating Council and may be obtained from the Learning Community, 1612 North 24th Street, Omaha, NE 68110, (402) 964-2405, [www.learningcommunityds.org](http://www.learningcommunityds.org), or from the District's Superintendent's Office, 5606 South 147th Street, Omaha, NE 68137, (402) 715-8300. A separate open enrollment application is required for each student. Up to three, open enrollment, school buildings in the District may be listed on the open enrollment application, and shall be listed in the order of preference.

C. Applications shall be accepted for the immediately following school year only for school years prior to the 2017-2018 school year. Applications will be dated upon receipt and processed in the order received.

D. If all school buildings identified on an open enrollment application are at maximum capacity but the District has buildings offering the same grades which have remaining capacity, the District shall contact the student,

parent or legal guardian and identify those school buildings within the District which have capacity, which the applicant may substitute for one or more school buildings identified on the submitted open enrollment application.

E. The District shall act on or before April 1 of each year prior to 2017 to accept or reject each application based on the capacity of the school building, the eligibility of the applicant for the school building or program, the number of such applicants that will be accepted for a given school building, and whether or not the applicant contributes to the socioeconomic diversity of the school building or program to which he or she has applied and for which he or she is eligible. The District shall notify the student, parent or legal guardian in writing of the acceptance or rejection of the application on or before April 5 of each year prior to 2017. If the application is denied, the reasons for the denial shall be stated. Copies of all open enrollment applications shall also be provided to the resident school district and the Learning Community on or before April 5 of each year prior to 2017.

F. The student, parent or legal guardian must notify the District on or before April 25 of each year prior to 2017 of their acceptance of such open enrollment placement. Such acceptance must be on a form provided by the District and must be postmarked by April 25 of each year prior to 2017 or personally delivered to the District's Superintendent's Office, 5606 South 147th Street, Omaha, NE 68137, (402) 715-8300, by 5:00 p.m. on April 25 of each year prior to 2017. If such notice of acceptance is not received by April 25 of each year prior to 2017, the District shall make two documented attempts to contact the student, parent, or legal guardian in order to determine the status of the application. If the District does not receive a notice of acceptance of such open enrollment placement or is unable to make contact with the student, parent, or legal guardian by May 1 of each year prior to 2017, the open enrollment slot shall be determined vacant and forfeited, and if applicable, shall be filled from the District's wait list.

G. Students, parents or legal guardians who have accepted an open enrollment placement must complete the District's defined enrollment processes by May 15 of each year prior to 2017. Failure to complete the District's defined enrollment processes by May 15 of each year prior to 2017 shall result in the forfeiture of the open enrollment slot by the applicant, and, if applicable, shall be filled from the District's wait list.

H. Pursuant to LB 1067 (2016) and for school years beginning with the 2017- 2018 school year and thereafter, open enrollment is discontinued and a transition is made back to option enrollment. No applications for open enrollment for the 2017-2018 school year and for any subsequent school years will therefore be accepted or acted upon by the District.

### **III. Acceptance or Rejection of Applications**

A. The District shall accept or reject applications for open enrollment for school years prior to the 2017-2018 school year based on the capacity of the school building, the eligibility of the applicant for the school building or program, the number of such applicants that will be accepted for a given school building, and whether or not the applicant contributes to the socioeconomic diversity of the school building or program to which he or

she has applied and for which he or she is eligible.

B. The selection process for open enrollment applications shall be conducted on a “building by grade” basis, and according to the following selection priorities.

1. The District shall give first priority for open enrollment to siblings of students who will be enrolled as continuing students in the requested school building or program for the first school year for which enrollment is sought in such school building.

2. Second priority for open enrollment shall be given to students who contribute to the socioeconomic diversity of the enrollment of the building they have applied to attend, up to the remaining capacity of such school building.

3. Third priority for open enrollment shall be given to students who do not contribute to the socioeconomic diversity of enrollment of the building they applied to attend, up to the remaining capacity of such school building.

4. In the event there are fewer spaces available than the number of applications in a given priority category, the selection shall be determined on a random basis.

5. If the open enrollment applications received for a school building exceed the remaining capacity of a school building, the District shall establish a wait list order for all excess applications by random selection and in the order of selection priority as hereinbefore provided, and open enrollment slots which become available shall be filled from the wait list in order. All wait lists will become null and void prior to the first day of school.

6. The District may, in its discretion, accept open enrollment applications in excess of the maximum capacity of a school building, in the order of selection priority as hereinbefore provided.

#### **IV. Continuing Students**

A. Any student who attended a particular school building in the prior school year and who is seeking education in the grades offered in such school building shall be allowed to continue attending such school building as a continuing open enrollment student through the 2016-2017 school year. Pursuant to LB 1067 (2016), however, and for school years beginning with the 2017-2018 school year and thereafter, open enrollment is discontinued and a transition is made back to option enrollment. Section XV of this Rule and District Rule 5100.3 and LB 1067 (2016) govern the transition back to and option enrollment for the 2017-2018 school year and subsequent school years. Notwithstanding anything in this Rule seemingly to the contrary, no term or provision of this Rule shall be construed, interpreted, or applied in any manner which continues open enrollment beyond the 2016- 2017 school year.

B. In December of 2016, the District shall mail notice to a parent or guardian of a student who is currently attending a District school building or program, except a magnet school, focus school, or focus program, outside of the attendance area where the student resides and who will complete the grades offered at such school building prior to the following school year, a notice stating the District school building that the student has been assigned to attend the following year. If the student resides within the District, the assigned school shall be the school in the attendance area where the student resides.

## **V. Duties to Students**

Open enrollment students, once accepted, shall be treated as resident students by the District in all matters except transportation and within-District transfer, and except as provided in District Rule 5100.3 and LB 1067 (2016).

## **VI. Credits and Graduation**

The District will accept credits toward graduation that were awarded by another accredited school district. The District will award a diploma to an open enrollment student if the student meets the graduation requirements of the District.

## **VII. Students Ineligible for Open Enrollment**

Students who have been disqualified from the school building pursuant to the District's Standards for Student Conduct, shall not be eligible for open enrollment pursuant to this Rule. Students may also not apply to attend a school building in the Learning Community for any grades that are offered by another school building for which the student had previously applied and been accepted pursuant to open enrollment, absent a hardship exception approved by the District.

## **VIII. New Residence**

Prior to the beginning of the 2017-2018 school year, a parent of a student who moves to a new residence in the Learning Community after April 1 may apply directly to the District's Superintendent within ninety days after moving for the student to attend a school building outside of the attendance area where the student resides. The District's Superintendent shall accept or reject such application within fifteen days after receiving the application, based on the number of applications and the qualifications required for all other students.

## **IX. School Building Change for Emergency or Hardship Reasons**

A. A parent of a student who wishes to change school buildings for emergency or hardship reasons may apply directly to the District's Superintendent at any time for the student to attend a school building outside of

the attendance area where the student resides. Such application shall state the emergency or hardship and shall be kept confidential by the District. The District's Superintendent shall accept or reject such application within fifteen days after receiving the application. Applications shall only be accepted if an emergency or hardship was presented which justified an exemption from the procedures of this Rule based on the judgment of the District's Superintendent, and such acceptance shall not exceed the number of applications that will be accepted for the school year for such building.

B. For purposes of this Rule, hardship exceptions and emergency or hardship reasons shall be determined on an individual basis by the Board of Education.

#### **X. Information on and Verification of Qualifications for Free or Reduced-Price Lunch**

A. A parent may provide information on the application for open enrollment regarding the applicant's potential qualification for free or reduced-price lunches. Any such information provided shall be subject to verification and shall only be used for the purposes of open enrollment. A parent is not required to provide such information. Determinations about an applicant's qualification for free or reduced-price lunches for purposes of open enrollment shall be based on any verified information provided on the application. If no such information is provided the student shall be presumed not to qualify for free or reduced-price lunches for the purposes of open enrollment.

B. Each year the District shall randomly select at least three percent of the open enrollment applications accepted, for verification of free and reduced-price lunch or non-free and reduced-price lunch status. The District may, in its discretion, verify the free and reduced-price lunch status of all such applications.

#### **XI. Transportation or Allowance**

A. The parents or legal guardians of students participating in the open enrollment program shall be responsible for required transportation except as herein provided.

B. For school years prior to the 2017-2018 school year, the District shall provide free transportation or pay an allowance for transportation in lieu of free transportation for a student who resides in the Learning Community and attends school in the District pursuant to open enrollment, if the student qualified for free or reduced-price lunches and lives more than one mile from the school to which he or she transfers, or the student is a student who contributes to the socioeconomic diversity of enrollment at the school building he or she attends and lives more than one mile from the school to which he or she transfers, or the student is attending a focus school or program approved by the Learning Community and lives more than one mile from the school to which he or she transfers, or the student is attending a focus school or program approved by the Learning Community and lives more than one mile from the school building housing such focus school or program approved by the Learning Community, or the student is attending a magnet school or program approved by the Learning Community and lives more than one mile from the magnet school or the school housing the magnet program approved by the Learning Community.

C. The transportation allowance which may be paid to the parent, custodial parent, or guardian of students qualifying for free transportation pursuant to the above Section XI(B), shall be in accordance with the requirements of Neb. Rev. Stat. §§ 79-611(3) and (4) as amended.

D. Transportation or reimbursement for open enrollment option students and for option students for the 2017-2018 school year and the school years thereafter, shall be governed by subsection XV(F) of this Rule and Section

VII of District Rule 5100.3.

## **XII. Maximum Capacity of School Buildings**

A. On or before March 1 of each year prior to 2017, the District shall have completed and submitted an Enrollment Capacity Data Worksheet for each school building in the District to the Learning Community Coordinating Council, reporting the maximum capacity and total projected enrollment, including intradistrict transfers, if any, before open enrollment for each school building for the following year.

B. In establishing a maximum capacity for each school building, the District shall follow the specific criteria, procedures, definitions and instructions set forth in the Diversity Plan of the Learning Community and the Learning Community's Enrollment Capacity Data Sheets, and, in addition, shall take into consideration any unique circumstances having an impact on enrollment capacity. Such unique circumstances having an impact on enrollment capacity shall include, but shall not be limited to, planned expansion and increases of enrollment, projected future enrollments, growth issues pertaining to instructional staff, class size and unassigned instructional space, housing construction projections, and planned accommodations for future enrollment growth.

## **XIII. Promotional Efforts and Information**

A. The District will collaborate with the Learning Community and with the other member school districts of the Learning Community, in promotional efforts to encourage open enrollment participation.

B. On or before February 15 of each year prior to 2017, the District shall make available to the general public certain information, in compliance with the applicable requirements of the Learning Community's Diversity Plan, for each school building operated by the District, by sending such required information to the Learning Community for dissemination to the general public.

## **XIV. Open Enrollment Report**

On or before September 1 of each year prior to 2017, the District shall provide to the Learning Community Coordinating Council a complete and accurate report of all open enrollment applications received, including the number of students who applied at each grade level at each building, the number of students accepted at each grade level at each building, the number of such students that contributed to the socioeconomic

diversity that applied and were accepted and were accepted, the number of applicants denied and the rationales for denial, and other such information as requested by the Learning Community Coordinating Council.

## **XV. Discontinuance of Open Enrollment and Transition Back to Option Enrollment**

A. Pursuant to LB 1067 (2016) and for school years beginning with the 2017- 2018 school year and thereafter, open enrollment is discontinued and a transition is made back to option enrollment. This Section and District Rule 5100.3 and LB 1067 (2016) govern the transition back to and option enrollment for the 2017-2018 school year and subsequent school years. Notwithstanding anything in this Rule seemingly to the contrary, no term or provision of this Rule shall be construed, interpreted, or applied in any manner which continues open enrollment beyond the 2016-2017 school year.

B. Each student attending a District school building as an open enrollment student for any part of the 2016-2017 school year shall be automatically approved as an open enrollment option student beginning with the 2017- 2018 school year and allowed to continue attending such school building as an open enrollment option student without submitting an additional application.

1. Such approval as an open enrollment option student and such continued attendance at such District school building does not permit the student to attend another school building in the District at the same grade level unless an option enrollment application meeting the requirements prescribed in Neb. Rev. Stat. § 79-237 and District Rule 5100.3 is approved by the District.

2. In December of 2016, the District shall mail to the parent or guardian of a student attending a District school building as an open enrollment student who will complete in the 2016-2017 s school year the grades offered in such school building, a notice stating the District school building that the student has been assigned to attend the following school year. If the student resides in the District, the assigned school shall be the school in the attendance area where the student resides.

3. In December of 2017 and each year thereafter, the District shall mail to the parent or guardian of a student attending a District school building as an open enrollment option student who will complete in the 2017-2018 school year or the school years thereafter the grades offered in such school building, a notice stating the District school building that the student has been assigned to attend the following school year. If the student resides in the District, the assigned school shall be the school in the attendance area where the student resides.

C. Except as provided in Neb. Rev. Stat. § 79-2110(3) for students attending a focus school, focus program, or magnet school, open enrollment option students are not permitted to attend another school building within the District at the same grade level unless an option enrollment application is approved by the District as provided in District Rule 5100.3.



D. Upon approval of an option enrollment application, a student previously enrolled as an open enrollment student in the District shall be treated as an option student of the District without regard to his or her former status as an open enrollment student.

E. Except as otherwise provided in District Rule 5100.3(III)(F) and Neb. Rev. Stat. §§ 79-234, 79- 235, 79-237, 79-238 and 79-2110(3), open enrollment option students shall be treated as option students of the District.

F. For open enrollment option students who received free transportation for the 2016-2017 school year pursuant to Neb. Rev. Stat. § 76-611(2), the District shall 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 pursuant to Neb. Rev. Stat. § 79- 2110(3) unless the student relocates to a resident school district that would have prevented the student from qualifying for free transportation for the 2016-2017 school year pursuant to Neb. Rev. Stat. § 79-611.

1. A student's duration as an open enrollment option student and such free transportation thus end when the student has completed the grades offered in the school building attended for the 2016-2017 school year, or the student is expelled and disqualified pursuant to Neb. Rev. Stat. § 79-266.01, or the student discontinues enrollment in the District, or the student's application for option enrollment is accepted by the District, or the student relocates to a resident district that prevents the student from qualifying for free transportation.

## **XVI. Definitions**

A. "Open enrollment option student" shall mean a student who resides in another school district in the Learning Community, attended a school building in the District as an open enrollment student, and who is allowed to continue to attend such District school building as an open enrollment option student without submitting an additional application for option enrollment until the student completes the grades offered in such school building or unless the student has been expelled and is disqualified pursuant to Neb. Rev. Stat. § 79-266.01.

B. "Parent" shall mean, in the case of parents who are divorcing or divorced, the custodial parent.

C. "Resident school district" shall mean the public school district in which a student resides and which is a member school district of the Learning Community of Douglas and Sarpy Counties.

D. "Sibling" shall mean all children residing in the same household on a permanent basis who have the same mother or father or who are stepbrother or stepsister to each other.

E. "Student who contributes to the socioeconomic diversity of enrollment" means a student who does not qualify for free or reduced-price lunches when, based upon the certification pursuant to Neb. Rev. Stat. §79-2110, the school building the student will attend has more students qualifying for free or reduced-price

lunches than the average percentage of such students in all school buildings in the Learning Community, or a student who qualifies for free or reduced-price lunches when, based upon the certification pursuant to Neb. Rev. Stat. §79-2110, the school building the student will attend has fewer students qualifying for free or reduced-price lunches than the average percentage of such students in all school buildings in the Learning Community.

**Date of Adoption**

December 21, 2009

**Date of Revision**

May 3, 2010

December 6, 2010

June 1, 2015

September 19, 2016

**Related Policies and Rules**

[5100.1: Enrollment of Students - Residency Requirements](#)

[5100.2: Enrollment of Students - Kindergarten Age, Proof of Identity, Physical Examination and Immunization](#)

[5100.3: Enrollment of Students - Nonresident Students: Enrollment Option Program](#)

[5100.5: Enrollment of Students - Student's Surname](#)

[5100.6: Enrollment of Students - Enrollment Information](#)

**Legal Reference**

Neb. Rev. Stat. §§ 79-611(2)-(4) and 79-2110