



# NEBRASKA

## DEPARTMENT OF EDUCATION

### Enrollment Option Program Frequently Asked Questions (FAQs)

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For comments regarding this document, contact [nde.guidance@nebraska.gov](mailto:nde.guidance@nebraska.gov).

# Enrollment Option Frequently Asked Questions Table of Contents

1. What is the Enrollment Option Program?.....	1
2. Where can I find the Enrollment Option laws? .....	1
3. Where can I find the Rules and Regulations regarding school enrollment? .....	1
4. What is an Option School District? .....	1
5. What is an Option Student? .....	1
6. What is an Open Enrollment Option Student?.....	1
7. What is a Resident School District?.....	1
8. Can parents or legal guardians of a student already enrolled in and attending a school use the Enrollment Option Program to attend another school for some classes at the same time?.....	1
9. Where can we locate the district name and the district number (for Section 1 of the Enrollment Option Form) for the resident or option district?.....	2
10. How many times may a student use the Enrollment Option Program?.....	2
11. What are the exceptions to the one time use of the Enrollment Option Program? .....	2
12. Are there Open Enrollment Option Student limitations? .....	2
13. Are option students treated as resident students of the Option School District? .....	2
14. Are there limitations on the Enrollment Option Student?.....	2
15. Can option students play on sports teams for the Option School District and participate in other extra-curricular activities at the Option School District? .....	3
16. What is the procedure to apply for the Enrollment Option Program? .....	3
17. When does the Option School District notify the Resident School District of the Enrollment Option Application? .....	3
18. When does the Option School District notify the parents or legal guardians that the Enrollment Option Application has been accepted or rejected?.....	3
19. Can parents or legal guardians withdraw an Enrollment Option Application? .....	4
20. How long must the Option Student attend the Option School District?.....	4
21. Can the Enrollment Option be canceled?.....	4
22. Can an Option Student return to the Option School District after transferring and attending a private, denominational, or parochial school?.....	4
23. Are standards for approving and denying Enrollment Option Applications required for school boards? .....	4
24. Does the school board of a school district specifically need to vote to approve or deny an application for Enrollment Option? .....	5
25. Are the applications of siblings of Option Students automatically approved? .....	5
26. Can a school district that is a member of a learning community be required to accept an open enrollment option student if the district has reached its capacity limits?.....	5
27. What can we do if the Enrollment Option Application is denied? .....	5
28. Can the Resident District refuse a deadline waiver for a student if the Option District will accept the student? .....	5
29. Can the deadline for application of Enrollment Option be waived? .....	5
30. When a student who is not participating in the Enrollment Option Program moves out of a Resident School District, can the parents or legal guardians use the Enrollment Option Program to allow the student to continue attending the original Resident District? .....	6
31. When an Option Student moves out of the original Resident District, can the Option Student continue the use of the Enrollment Option Program in the original Option School District?.....	6
32. Is the Option School District responsible for providing transportation?.....	6
33. What is the Enrollment Option Transportation Reimbursement formula? .....	6
34. What school district does the Option Student graduate from? .....	6
35. Does the Option School District have to accept academic credit from a previous district the Option Student attended? .....	7
36. Can an Option School District contract with another school district, ESU, or other state agency for the provision of services for an Option Student? .....	7
37. Does the Enrollment Option Program need to be used for students that are state wards or wards of the court?.....	7

# Enrollment Option

## Frequently Asked Questions

**1. *What is the Enrollment Option Program?***

The enrollment option program is established to enable parents or legal guardians of any kindergarten through twelfth grade Nebraska student to enroll and attend a school to receive education in a Nebraska public school district in which the student does not reside subject to the limitations prescribed in section [79-238](#).

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

The laws governing the Enrollment Option Program can be found in Nebraska Reissue Revised Statutes [sections 79-232 to 79-246](#).

**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."

**4. *What is an Option School District?***

An option school district is a Nebraska school district that a student is enrolled in and attends to receive education instead of the resident Nebraska school district where the student resides.

**5. *What is an Option Student?***

An option student is a student participating in the enrollment option program and includes an open enrollment option student.

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

Open enrollment option student means a student who resides in a school district that is a member of a learning community, enrolled in and attended a school in another school district in such learning community as an open enrollment student pursuant to section [79-2110](#) prior to the 2017-18 school year, and is enrolled in and attends such school as an option student pursuant to section [79-235.01](#).

**7. *What is a Resident School District?***

A resident school district is 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 parents or legal guardians of a student already enrolled in and attending a school use the Enrollment Option Program to attend another school for some classes at the same time?***

No. An option student attends the option school district "instead" of their resident school district. When a student participates in the Enrollment Option Program, the option student is enrolled and attending a school district that is responsible to provide all education for the option student.

## **Enrollment Option Frequently Asked Questions**

**9. *Where can we locate the district name and the district number (for Section 1 of the Enrollment Option Form) for the Resident or Option District?***

District 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 number will be referred to as “agency ID”.

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

The use of the Enrollment Option program is available only once to each student prior to graduation. See following [question 11](#) for exceptions.

**11. *What are the exceptions to the one time use of the Enrollment Option Program?***

Pursuant to section [79-234](#), the following exceptions exist for another use of the option by a student if the use meets, or met at the time of the option: (a) the student relocates to a different resident school district; (b) the option school district merges with another school district; (c) the student will have completed either the grades offered in the school 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; (d) the option would allow the student to continue current enrollment in a school district; (e) the option would allow the student to enroll in a school district in which the student was previously enrolled as a student; or (f) the student is an open enrollment option student.

**12. *Are there Open Enrollment Option Student limitations?***

An open enrollment option student’s status does not count against the general limit of one option per student. For open enrollment option students, the law allows the student to continue enrollment in the school district through the completion of the grades in their school building only. The additional option as noted in 10(f) above would allow the parents or legal guardians and the district to make decisions regarding the remainder of the student’s education.

**13. *Are option students treated as resident students of the Option School District?***

Yes. Section 79-235 provides that for purposes of all duties, entitlements, and rights established by law, including special education as provided in section [79-1127](#), except as provided in section [79-241](#) and, for open enrollment option students, except as provided in section [79-235.01](#), option students shall be treated as resident students of the option school district.

**14. *Are there limitations on the Enrollment Option Student?***

Yes. The option student may request a particular school building in an option school district, but the building assignment of the option student shall be determined by the option school district. An exception to the limitation on requesting a particular building exists for open enrollment option students under section [79-235.01](#) and in subsection (3) of section [79-2110](#) for students attending a focus school, focus program, or magnet school in a learning community school district.

## **Enrollment Option Frequently Asked Questions**

**15. *Can option students play on sports teams for the Option School District and participate in other extra-curricular activities at the Option School District?***

Yes. The option student once enrolled and attending the option school district is treated the same as other students who transfer into the option school district from another school not in the option school district for purposes of extracurricular activities including sports in grades 9-12. For more information on options students and participation in extracurricular activities in grades 9-12, parents or legal guardians should contact the Nebraska School Activities Association at (402) 489-0386 or access information from their website at <https://nsaahome.org/>

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

Parents or legal guardians must submit an application to the Option School District school board 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. A student who relocates to a different resident school district after February 1<sup>st</sup> or whose option school district merges with another school district effective after February 1<sup>st</sup> may submit an application to the Option School District school board for attendance during or immediately following and subsequent school years that does not require approval from the resident district. The Enrollment Option Application form contains a section for the resident district to complete to provide the release when required.

Open Enrollment students attending a school building outside of the resident school district for any part of school year 2017-18 shall be automatically approved as an open enrollment option student 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 in learning community school district, 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.

**17. *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. In the case of applications submitted after the March 15 deadline, then the option school district must provide the resident school district with the name of the applicant within sixty days after submission to the option school district.

**18. *When does the Option School District notify the parents or legal guardians 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 parents or legal guardians 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 either the resident or option 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.

## **Enrollment Option Frequently Asked Questions**

**19. *Can parents or legal guardians withdraw an Enrollment Option Application?***

Applications for students may be withdrawn in good standing upon mutual agreement by both the resident and option school districts prior to the student attending the option school district.

**20. *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 or the student transfers to a private, denominational, or parochial school to receive all of the student's education.

The student can return to the resident district at their own choice at any time after attendance for one year at the option district or within the first year upon mutual agreement of the resident and option school districts.

**21. *Can the Enrollment Option be canceled?***

Yes. *Cancellations* can occur due to the student relocating, transferring to a private, denominational, or parochial school, or returning to the resident district to receive all of the student's education. The parents or legal guardians shall provide written notification to the school board of the option school district and the school board of the resident school district on forms prescribed and furnished by the department in advance of such cancellation.

**22. *Can an Option Student return to the Option School District after transferring and attending a private, denominational, or parochial school?***

An option student who subsequently chooses to attend a private or parochial school to receive all of the student's education instead of a public school district 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 parents or legal guardians must submit another application to the local school board of the option school district which shall be automatically approved, and the application deadlines waived.

**23. *Are standards for approving and denying Enrollment Option Applications required for school boards?***

Yes. 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 school district is at capacity. Such standards shall not include previous academic achievement, athletic or other extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings, or because request occurred after the March 15<sup>th</sup> deadline. Resident districts also must have adopted standards for release of students that file late applications. School districts are required to make their policies and procedures available upon request. Any student that is expelled from a school district and has not completed the terms of the expulsion are not eligible to use the Enrollment Option Program.

## **Enrollment Option Frequently Asked Questions**

**24. *Does the school board of a school district specifically need to vote to approve or deny an application for Enrollment Option?***

No. A school board is required to adopt by resolution specific policies for approval and denial of applications, and such policies can authorize a school district official, such as the superintendent, to act on applications in accordance with the policy. The authorized district official must apply the policies to all applications.

**25. *Are the applications of siblings of Option Students automatically approved?***

No. Applications of siblings are considered separately; 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.

**26. *Can a school district that is a member of a learning community 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.

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

Per 79-239, the parent or legal guardian may appeal a rejection or denial of an application by filing a written request, together with a copy of the rejection notice received by certified mail, to the State Board of Education within thirty days after the date the notification was received. If an application is denied by the option school district or by the resident school district, the denying school district shall state in the written notification the reason for the denial and send a copy to the parent or legal guardian by certified mail. A sample petition form for this appeal can be found in Appendix A of the Department's [Rule 61](#), "Rules of Practice and Procedure for Hearings in Contested Cases Before the Department."

**28. *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 the adopted policy of the school board of the resident district and by the preceding actions of the school district.

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

Yes. The schools board adopted policy may waive the deadline.

## Enrollment Option Frequently Asked Questions

**30. *When a student who is not participating in the Enrollment Option Program moves out of a Resident School District, can the parents or legal guardians use the Enrollment Option Program to allow the student to continue attending the original Resident District?***

The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years shall be automatically accepted, and the deadlines prescribed in section [79-237](#) shall be waived. 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.

**31. *When an Option Student moves out of the original Resident District, can the Option Student continue the use of the Enrollment Option Program in the original Option School District?***

Yes. 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.

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

The parents or legal guardians of the option student shall be responsible for required transportation, subject to the following: Option students who qualify for free lunches shall be eligible for either free transportation or transportation reimbursement as described in section [79-611](#) from the option school district pursuant to policies established by the school district in compliance with section [79-241](#)(2). Also, a school district may, upon mutual agreement with the parents or legal guardians 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 or legal guardians 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 local district 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.

**33. *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 January 1, 2022:

- 142.5% of \$.585 = .8336

Prior to January 1, 2021, the reimbursement formula:

- 142.5% of \$.56 = .798

**34. *What school district does the Option Student graduate from?***

The option school district.



## Enrollment Option Frequently Asked Questions

**35. *Does the Option School District have to accept academic credit from a previous school district the Option Student attended?***

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

**36. *Can an Option School District contract with another school district, ESU, or other state agency for the provision of services for an Option Student?***

Yes. Option School Districts can contract for services for all students.

**37. *Does the Enrollment Option Program need to be used for students that are state wards or wards of the court?***

No. Nebraska state statutes [43-1311](#) and [43-1312](#) exists for determining where children that are state wards or wards of the court will be enrolled and attend school.

### RESOURCES FOR ASSISTANCE OR QUESTIONS WITH APPLICATION:

- Contact the Resident School District or the Option District
- Nebraska Department of Education Enrollment Option program contacts:
  - Michelle Cartwright / (402) 450-0867 / [michelle.cartwright@education.gov](mailto:michelle.cartwright@education.gov) or
  - Kevin Lyons / (402) 450-1418 / [kevin.lyons@education.gov](mailto:kevin.lyons@education.gov)