



August 14, 2023

TO: Public School Superintendents
FR: School Finance & Organization Services
RE: Changes to Enrollment Option Process

NEW Enrollment Option Reporting Requirements Starting with the 2023/2024 School Year:
Due to recent changes of LB705, school districts will now be required to track and report the reason any Enrollment Option application is denied. School districts will be required to submit the data to the Department of Education at the end of the 2023/24 school year. The Department of Education will compile a report to be submitted to the Legislature by September 1 each year.

Districts MUST immediately begin tracking the number of applications denied, explanation for denial, if applicant stated there was an IEP, or the student has been diagnosed with a disability as defined in section 79-1118.01 and whether the applicant was provided the specific reason for denial.

Changes to the Review of Applications:

The school board of each school district shall adopt by resolution specific capacity standards for acceptance and rejection of enrollment option applications.

Capacity for special education services shall be determined on a case-by-case basis. If an application indicates that the student has an individualized education program or has been diagnosed with a disability as defined in section 79-1118.01, such application shall be evaluated by the school district's director of special education services or the school district's designee who shall then determine if the appropriate class, grade level, or school building has the capacity to provide the applicant the appropriate services and accommodations.

For all other students, per State Statute: standards may include the capacity of a program, class, grade level, or school building shall be determined by setting a maximum number of option students that a district will accept in any program, class, grade level, or school building, based upon available staff, facilities, projected enrollment of resident students, and projected number of students with which the option school district based on existing contractual arrangements

If an application is rejected by an option district or a resident district rejects a request from release, the rejecting district shall provide written notification stating the specific reasons for the rejection including, for students with an IEP or with a diagnosed disability a description of services and accommodations required that the school district does not have the capacity to provide, and the process for appealing such rejections to the State Board of Education. Such notification shall be sent by certified mail.

Additional Requirements:

A school board may, by resolution, declare a program, class, or school unavailable to option students for the next school year due to lack of capacity. School districts setting capacity limits shall be required annually to establish, publish on their website, and report the capacity for each school building or program prior to October 15th for the next school year.

For questions, please contact:

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Website: [Enrollment Option Program – Nebraska Department of Education](#)