

Open Enrollment v. Tuition Agreements: Educating Students Outside the District

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Overview



The source of law for Open Enrollment & Tuition Agreement

Participation

Reasons for denying applications

Deadlines

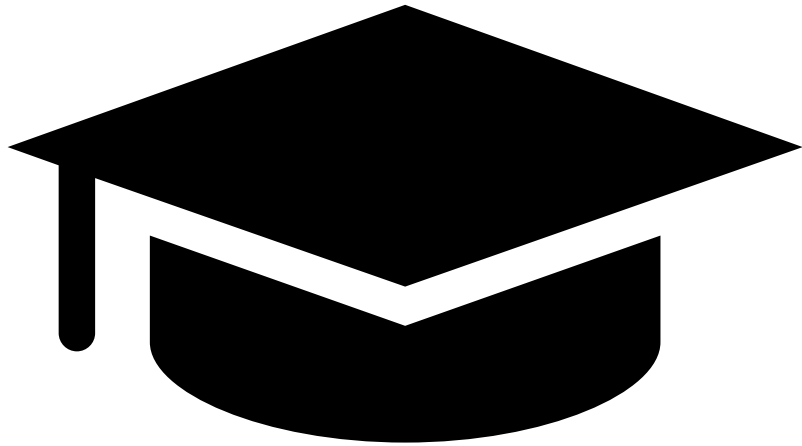
Tuition

Transportation

Special Considerations

Questions





North Dakota Century Code

Open
Enrollment –
N.D.C.C. 15.1-31

Tuition
Agreements –
N.D.C.C. 15.1-29

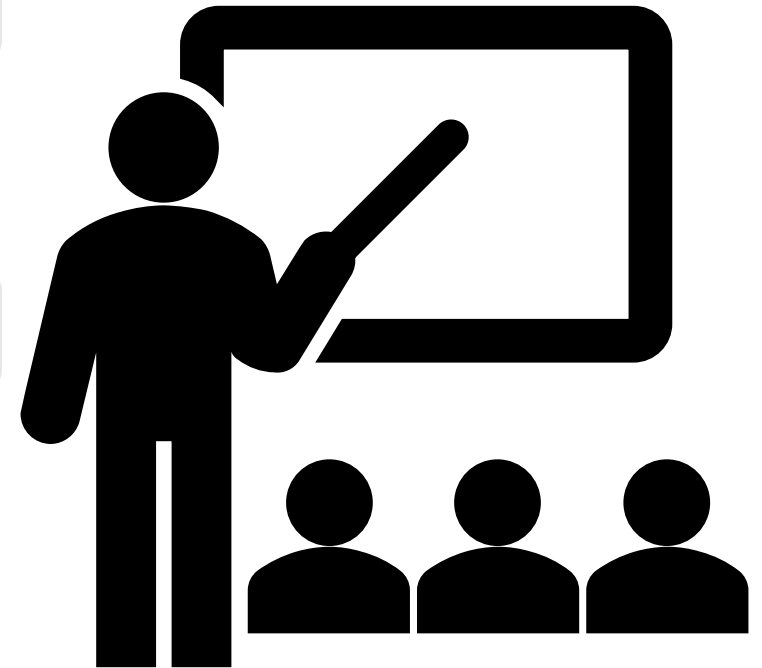
Requirement of Participation

Open Enrollment

- No.
- Open enrollment is left up to school board to decide.
- School boards should enact a policy.

Tuition Agreement

- It depends.
 - The board should accept when the following is met:
 - The admission does not create overcrowding; **AND**
 - The board of the sending district has entered into a contract with the admitting district regarding the student's attendance;
 - Tuition will be paid by the parents; **OR**
 - The grade level required by the students is not offered at the sending district.



Open Enrollment Standards

- School boards should set standards for denial and acceptance of applications for enrollment.
 - Standards may address:
 - Capacity of program;
 - Class;
 - Grade level; **OR**
 - School Building.
 - Standards **MAY NOT** address:
 - Previous academic achievement;
 - Participation in extracurricular activities;
 - Disabilities;
 - English language proficiency; **OR**
 - Previous disciplinary proceedings.

Deadlines

- Open Enrollment
 - A parent must submit application by **MARCH 1st** of the preceding school year.
 - By **APRIL 1st** of the preceding school year, the board shall approve or deny the application.
 - The board of the school district residence and admitting board SHALL waive the application, consideration, and approval dates for any student who, together with parents, wishes to enroll in a district other than the district the student moved to.
 - More exceptions – we will discuss later on
- Tuition Agreements
 - **Anytime**

Who pays tuition?

Open Enrollment

- No tuition is paid.
- However, if the student has a disability, the sending district pays for special education costs. North Dakota Department of Instruction pays any excess costs.

Tuition Agreements

- The resident district; OR
- The student's parents.
- Resident district and admitting district may waive tuition.

When is tuition due?

- Tuition Agreements
 - Parents –
 - Must pay 50% of the total amount due on the day of enrollment; and
 - Provide the admitting board with a written contract agreeing to pay any remaining balance on or before **December 31st**.
 - Sending District
 - Must pay 50% of the annual charge on or before **December 31st**
 - Any remaining balance on or before **May 31st**
 - Interest rate on late payments at 6% per annum
 - 60 days past due – notify the Superintendent of Public Instruction

Tuition Agreements: Tuition Payment – Determination

- N.D.C.C. 15.1-29-12:
- The admitting district determines the cost on the basis of its average daily membership and those expenditures permitted under N.D.C.C. 15.1-27-03
- To this cost the admitting district shall add:
 - statewide avg per student cost for extracurricular activities
 - + state avg capital outlay per studentTotal: Then,
 - the per student payment x the admitting district's school size weighting factor; & any credit for taxes pd to the admitting district by student's parentsThe amount remaining after the above is the full cost of education per student.
- Worksheet for Calculating Tuition (SFN 50014)

Tuition Agreements: Tuition Payment – Determination Continued...

- The tuition amount payable for the individual student is the **lesser of**
 - The full cost of education per student; or
 - 150% of the state average full cost of education per student.
- The amount payable shall be multiplied by 200% OR \$4,000 **whichever is greater**, IF THE ADMITTING DISTRICT:
 - Is located in an oil-producing county;
 - Is eligible to receive gross production tax revenue in lieu of property taxes;
 - Is located in cities with populations over 24,000;
 - Has a tax base fewer than 24 sq. miles;
 - Levies greater than 60 mills for local property taxes;
 - Has student enrollments of greater than 4,000
 - Has avg. student growth of over 200 per year over 5 preceding years;
 - Uses portable classrooms; **AND**
 - Has enrollment exceeding school facility capacity.

What happens when a grade level is not offered?

Open Enrollment

- May not participate in open enrollment

Tuition Agreement

- Students may attend a school of their choice outside their district
- The board of the sending district must pay the students' tuition
- The board of the sending district must also pay the transportation.

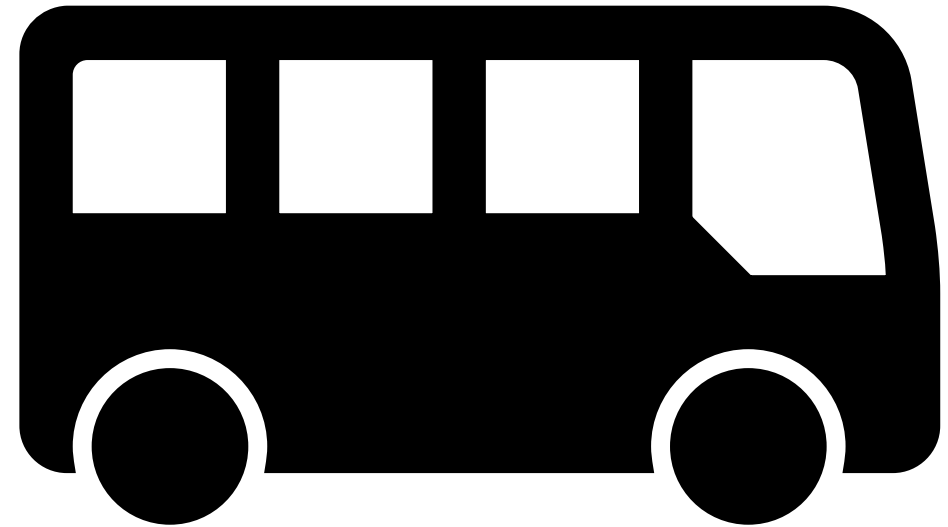
Transportation

- **Open Enrollment**

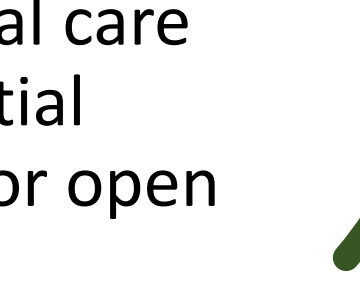
- Transportation is allowed but not required.

- **Tuition Agreements**

- If a tuition agreement is entered because of the sending district does not offer a certain grade level, the cost of transportation is required to be provided by sending district.
- If a tuition agreement is developed, the contract must specify if transportation is provided and by which district.
- If the sending district does not provide transportation under the contract, the admitting district may provide transportation and is entitled to state payments for the transportation of the student.

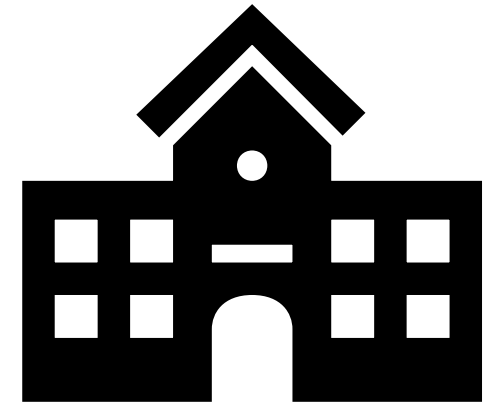


Open Enrollment - other considerations

- Student remain in admitting district until:
 - The student graduates;
 - The student relocates to another district;
 - The student's parent applies for enrollment in another school district; or
 - The student's parent notifies the student's school district of residence that the student will attend school in the school district of residence the following year.
 - A child placed for purposes other than education in a group or residential care facility or in a psychiatric residential treatment facility is not eligible for open enrollment.
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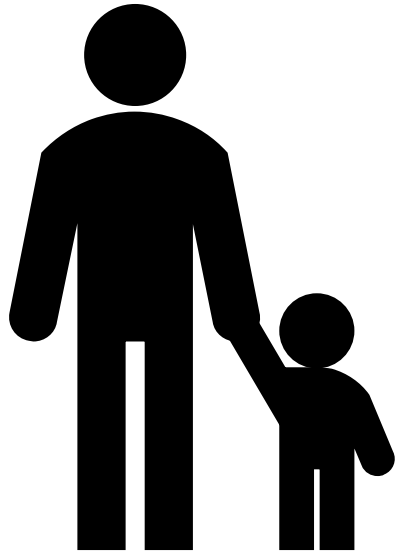
Open Enrollment – more considerations

- A school district may not give or offer to give a student remuneration or directly exert influence on a student or their family to open enroll in that district.
- Complaints are filed with Superintendent of Public Instruction
- A hearing is held to accept evidence and testimony
- Superintendent of Public Instruction decides after hearing all evidence if there is a violation
- Penalty – Superintendent of Public instruction may withhold state aid



Open Enrollment – Exceptions

- A student may apply to open enroll to a contiguous school district anytime during the year if:
 - The student was a victim of violence occurring within the school in which the student was enrolled AND the violence was documented;
 - The Superintendent of Public Instruction has declared the school in which the student is enrolled to be unsafe; OR
 - The Superintendent of Public Instruction has identified the school the student is enrolled in as one that requires program improvement for six consecutive years.



Tuition Agreement: Petition by Parent

- Parent may file a written petition with the board of the resident school district requesting the board either:
 - Pay the tuition; or
 - Sign a tuition waiver contract with another district that has agreed to admit the student.
- Within 30 days of receiving the petition, resident school board shall meet with the parents and render a decision. The board may:
 - Agree to pay the tuition;
 - Agree to sign a tuition waiver contract; or
 - Refuse to pay the tuition or sign a tuition waiver contract.
- Parents may appeal.

Appeal of Tuition Agreements



15 days after receipt of appeal, the county superintendent creates and convenes a 3 member committee



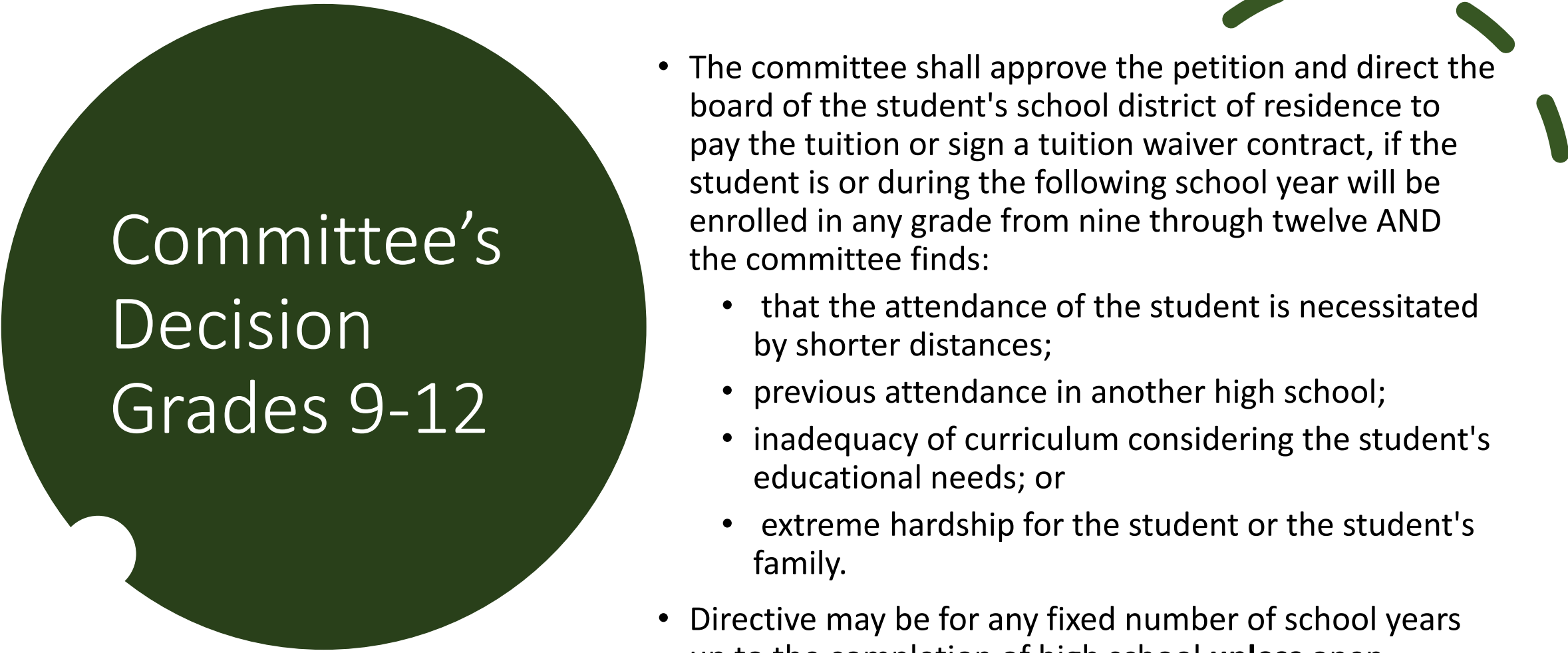
Committee consults with the affected districts & parent



Schedules a hearing & gives notice to the affected districts and with the student's parents




The committee allows each party to present arguments and responses at hearing.



Committee's Decision Grades 9-12

- The committee shall approve the petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract, if the student is or during the following school year will be enrolled in any grade from nine through twelve AND the committee finds:
 - that the attendance of the student is necessitated by shorter distances;
 - previous attendance in another high school;
 - inadequacy of curriculum considering the student's educational needs; or
 - extreme hardship for the student or the student's family.
- Directive may be for any fixed number of school years up to the completion of high school unless open enrollment is an option.
- Appealable to state board of school education.

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- The committee shall approve the petition and direct the board of the student's school district of residence to pay the tuition or sign a tuition waiver contract, if the student is or during the following school year will be enrolled in any grade from Kindergarten through 8th grade AND the committee finds:
 - that the attendance of the student is necessitated by shorter distances; or
 - extreme hardship for the student or the student's family.
 - Directive is limited to one year. Parents may make subsequent applications.
 - Appealable to the state board of education.



Committee's Decision Grades K-8



Questions?

Thank you!



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