

OPEN ENROLLMENT AND TUITION AGREEMENT COMPARISON GUIDE		
Key Questions	Open Enrollment	Tuition Agreements
Where is the law located in NDCC?	<a href="#">NDCC Ch. 15.1-31</a>	<a href="#">NDCC Ch. 15.1-29</a>
Is my district required to participate in this agreement?	<p>No. Districts have the option of forgoing participation in open enrollment. A board decision not to participate will bar a district from accepting any open enrollment applications.</p> <p>Each board's decision on whether or not to participate should be placed in policy. This policy may be amended if a board decides to change its position on this matter. To ensure fairness, such a policy amendment should go into effect at the onset of the subsequent school year.</p>	<p>It depends. A board should accept an agreement if the following conditions are met: The admission does not create overcrowding <b>AND</b>  <b>a.</b> The board of the sending district has entered into a contract with the board of the admitting district regarding the student's attendance;  <b>b.</b> Tuition will be paid by the parents of the students from the sending district; <b>OR</b>  <b>c.</b> The grade level required by the students is not offered by the sending district.</p>
What are reasons for denying an application?	<p>Reasons for denial of applications are related to: "<b>capacity of a program</b>, class, grade level, or school building." A board may not deny an open enrollment application based on "previous academic achievement, participation in extracurricular activities, disabilities, English language proficiency, or previous disciplinary proceedings." <a href="#">NDCC 15.1-31-06</a></p> <p>If your board feels that the reasons for denying an open enrollment application are too restrictive under law (i.e., the board has other legitimate, nondiscriminatory reasons for denying applications), it should strongly consider <b>not</b> participating in open enrollment.</p>	<p>If your district receives a tuition agreement under condition "a" above, your board may accept or reject the contract offer. Your district may wish to develop a policy with denial criteria to guide decision-making. The policy <b>must not</b> include criteria that is discriminatory (e.g., denial based on a student's disability) and <b>should not</b> limit decision-making to only the criteria listed in the policy. Include language in the policy such as: "Reasons for denying tuition agreements include, but are not limited to, the following." NDSBA has developed a sample tuition agreement policy to assist with developing local policy.</p>
When may a student apply for consideration under these laws?	<p>A parent must submit an application to the district in which s/he wishes to enroll by March 1. The school board must act on the application by April 1.</p> <p>The application deadline is waived if a student moves into your school district with his/her parent and "wishes to enroll in a school district other than the district to which the student moved." <a href="#">NDCC 15.1-31-01 (7-8)</a></p>	Anytime
Who pays tuition?	<p>No tuition is paid unless the student has a disability in which case the sending district pays for special education with DPI paying excess costs. <a href="#">NDCC 15.1-31-04</a></p>	<p>Either the school district of residence or the student's parent pays. However, sending and receiving districts may enter into a written agreement waiving tuition. <a href="#">NDCC 15.1-29-13</a></p>
Should my board include the student's	Yes, unless a parent requests otherwise. A student's name is considered directory	Yes, unless a parent requests otherwise. A student's name is considered directory

name in the board motion to act on these agreements?	information under FERPA and therefore can be released unless a parent has opted out.	information under FERPA and therefore can be released unless a parent has opted out.
How do the laws apply to districts that do not offer certain grade levels?	These students <b>may not participate in open enrollment.</b> <a href="#">NDCC 15.1-31-01 (5)</a>	Students “may attend a public school of their choice outside their district of residence . . . The board of the students' school district of residence shall pay for the students' tuition and transportation.” <a href="#">NDCC 15.1-29-03 (2)</a>
Should my district provide transportation?	Transportation is allowed but not required.  15.1-31-05: “A school district of residence may provide transportation to a student participating in open enrollment. If a district of residence does not provide transportation to a student participating in open enrollment, transportation may be provided by the admitting district.”	If your district enters into tuition agreements because it does not offer a certain grade(s) level(s), it is required to pay for transportation services. <a href="#">NDCC 15.1-29-03</a>  If a tuition waiver agreement is developed, the contract must specify whether transportation is to be provided and, if so, by which district. If a school district of residence does not provide transportation to the student, it may be provided by the admitting district and the admitting district is then entitled to state payments for the transportation of the student. <a href="#">NDCC 15.1-29-13</a>

End of McClusky School District 19 Exhibit FAAA-E