

**RESOLUTION ON SCHOOL DISTRICT STANDARDS FOR ACCEPTANCE  
OR REJECTION OF OPTION ENROLLMENT APPLICATIONS  
Revised October 9, 2023**

WHEREAS, Lexington Public Schools is committed to providing an education of high quality to its students in an economically efficient manner; and

WHEREAS, the school district's faculty, facilities, and equipment can serve only a limited number of students effectively; and

WHEREAS, the Lexington Board of Education, in consultation with the administration, has reviewed the school district's faculty, facilities, equipment, interdisciplinary efforts and interrelationships of grades, subjects, and faculty; and has determined the maximum number of students it can serve effectively at any given grade level and in total;

NOW, THEREFORE BE IT RESOLVED that the board adopts the following standards for acceptance or rejection of option enrollment applications:

**Special Education Capacity.** Capacity for special education services will be determined on a case-by-case basis. If an application for option enrollment received by the school district indicates that the student has an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or has been diagnosed with a disability as defined in section 79-1118.01, the application will be evaluated by the director of special education services or the director's designee who must determine if the school district and the appropriate class, grade level, or school building has the capacity to provide the applicant the appropriate services and accommodations. The Federal Educational Rights and Privacy Rights Act (FERPA) (20 U.S.C. § 1232g) permits the release of education records when a student seeks or intends to enroll in a different school district.

**Programmatic Capacity.** For the 2023-2024 and 2024-2025 school years, the board declares all district school buildings at capacity such that no option applications into any school building will be accepted.

**Other Standards.** The school district shall not accept an option student when acceptance of the student:

- (a) Would increase the operating costs of the school district, such as by requiring the hiring of new staff or contracting with outside entities to provide services to the student;
- (b) Would require the procurement of new equipment, technology, or furnishings;

- (c) Would cause or require the rearrangement of caseloads for staff and contracted professionals;
- (d) Is reasonably deemed by appropriate school staff to pose a potential risk to the health or safety of students or staff;
- (e) May pose a risk of adversely affecting the quality of educational services being provided to resident students, as determined by appropriate school staff.

After the above resolution was read, board member Benjamin moved for passage of the motion. Board member Mins seconded the motion. After discussion, and on roll call vote, the following members voted in favor of the motion: Unanimous in favor.

The following members voted against the motion:

None.

The following members did not vote:

None.

Having been consented to by a majority of the voting members, the board president declared the motion to have been passed and adopted.

Dated 10/10/2023.

DocuSigned by:

Carlos Sainz

President, Board of Education

## **Addendum**

**Siblings of Currently Enrolled Option Students.** Notwithstanding any numeric or programmatic capacity determinations or school building closures made by this policy or by the board by resolution or motion, siblings of students currently enrolled in Lexington Public Schools shall be allowed to option into the district for the 2023-2024 and 2024-2025 school years, subject to any special education capacity determination. Students residing in the district will be given priority for admittance into the Dual Language Academy. Admission into the Dual Language Academy is not guaranteed for option students regardless of whether a sibling has already been admitted into the program. See Dual Language Academy Admissions Procedure for further information.

**Early Learning Academy students.** Notwithstanding any numeric or programmatic capacity determinations or school building closures made by this policy or by the board by resolution or motion, non-resident preschool students enrolled in Lexington Public School's Early Learning Academy during the 2023-2025 school years shall be allowed to option into the district for the 2024-2026 school years, subject to any special education capacity determination. Students residing in the district will be given priority for admittance into the Dual Language Academy. Admission into the Dual Language Academy is not guaranteed for option students. See Dual Language Academy Admissions Procedure for further information.

Approved: December 11, 2023