

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 1 of 7

This policy shall be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction (DPI).

Subject to the exceptions that the School Board (1) each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District; and (2) shall act to approve any discretionary transportation contracts, the Board authorizes the District Administrator, or any administrative-level designee of the District Administrator, to make all other decisions and determinations that are necessary or permitted in connection with any open enrollment application or any open enrollment student under this policy and its related Board-approved rule. However, this delegation of authority shall not be construed to prohibit the District Administrator from bringing any such decision or determination to the Board as he/she deems necessary or prudent.

Nonresident Open Enrollment Students

A nonresident student may apply for full-time enrollment in a public school in the District under the open enrollment program. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law and in the administrative rules established by the DPI. The District shall consider and apply the following criteria when deciding whether or not to accept (or, in some situations, revoke acceptance of) a nonresident student's application for full-time open enrollment:

1. **Space Availability.** The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability, consideration may be given to desired class size limits, desired student-teacher ratios, overall building capacity, future enrollment projections, the projected number of sections of particular grades or courses, desired program-size limitations, and known or projected limitations on available staffing and other resources. Based upon a review of the relevant considerations, the Board may annually establish, at a Board meeting held in January, space limitations applicable to nonresident open enrollment.

If the Board establishes any annual space availability limitations, the Board, at a minimum, will specify the number of spaces available in each grade (although two or more grades may be combined and treated as a single grade) and the number of spaces available in any established special education program or service that has identifiable space limitations.

If the Board has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application period for the following school year, then the District shall not approve any alternative applications submitted during the remainder of the current school year (after the January meeting) in any of the relevant grades or services with limited space for the following year. For example, if the Board has limited the availability of spaces in 7th grade for the following school year, then a current-year alternative application submitted for the 6th grade after the January meeting must be denied.

The District will create and administer waiting lists for applications received during the regular application period, but not for current-year open enrollment applications submitted under the alternative application procedure.

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 2 of 7

If the District receives more student applications during the regular application period for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis, subject to the following exceptions and to the additional Board-established procedures that implement this policy:

- a. Students guaranteed approval under the space availability criteria: If otherwise eligible to be approved under this policy and applicable law, and provided that the individual has submitted a timely application during the applicable regular application period (but not including any alternative applications), the following applicants for full-time open enrollment in the District will not be denied based upon a lack of available space regardless of any otherwise-established limitations on the spaces that are available for open enrollment students:
 - (1) Students who are currently enrolled in and attending school in the District (excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program). Currently-attending students will be included in the count of "occupied" spaces when the Board makes any space availability determinations at a January meeting so that the spaces expressly designated as being "available" for open enrollment applicants during the subsequent regular application period will be in addition to the already-occupied spaces
 - (2) The siblings of any student who is currently attending school in the District (excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program). Upon their timely application and if otherwise eligible to be approved, the District shall assign such siblings to spaces in the relevant grade/ program that the Board designated as being available for open enrollment students. If there are more such sibling-applicants than there are available spaces, the remaining application(s) of such siblings shall still be approved.
 - b. Random selection process to be used if necessary. If, after approving the applications of all students who are guaranteed approval, there are more applications than available spaces in any grade and/or program, then all remaining timely and complete applications (regardless of grade and even if the application is potentially subject to denial for some other reason under the local criteria established in this policy) will be subject to a random selection process as further defined in the procedures adopted to accompany this policy.
2. Students with Disabilities. If the District determines that the special education and related services required for a student with a disability are available in the District and that there is space available in the relevant grade and/or special education program, then the student's open enrollment application shall be accepted provided no other criteria cause the application to be denied. If the special education or related services required for a student with a disability are not available in the District or if there is no space available in the relevant program/service(s), then the application shall be denied, subject to the following:

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 3 of 7

- a. A student with a disability shall be included in the random selection process for the student's grade prior to any consideration of the availability of, and space in, the special education required by the student's individualized education program (IEP).
- b. If a student with a disability is on both a regular education and special education waiting list, and the student's application is reached on only one waiting list, the student shall remain in place at the top of that list until the student's name is reached on the other list.

In any instance where an application is submitted by a student with a disability but there is no current IEP available for the student, the District will use the procedures defined in DPI's administrative rules to determine whether the District has the appropriate special education program or space.

If a nonresident student receives his/her initial IEP while attending the District under open enrollment, or if a nonresident student's IEP changes after the student begins attending school in the District, or if the District has approved an application for a student without an IEP and it is subsequently determined that the student is a child with a disability for whom there is either a record of a previous special education evaluation or a prior IEP based upon such evaluation, then the student may be returned to his/her resident district if the District determines either that the special education or related services required for the student are not available in the District or that there is no space available.

3. Students Referred for a Special Education Evaluation. An open enrollment application shall be denied if the nonresident student has been referred or identified as having a possible disability but has not yet been evaluated by an IEP team in the resident district. To the extent permitted by DPI, and assuming other acceptance criteria are and continue to be met, such a student's parent or guardian may request that the District reconsider a denial under this criterion if the IEP (or a finding of no disability) is forwarded to the District and reviewed by the District prior to the close of the period during which the District would normally continue to process and accept applications from any waiting lists and if the District concludes that such reconsideration would not be prejudicial to any other applicant.
4. Discipline-Related Criteria.
 - a. Review of records. All decisions to accept or deny an open enrollment application under the "Discipline-Related Criteria" specified in this policy will be made based upon the District's review of relevant information, including any information/records that may be provided by the resident district or another school/district.
 - b. The term of an applicant's expulsion overlaps with the proposed period of open enrollment. Consistent with the District's regular admissions practices and state law authority, the District will generally deny the application and prohibit the enrollment of any student whose term of expulsion (for any lawful reason and regardless of when the expulsion occurs) from any public school, independent charter school in Wisconsin, or out-of-state public school overlaps with the proposed period of open enrollment.

EXCEPTION: Such an applicant may be accepted (either subject to or not subject to specific enrollment conditions that will apply during the remainder of the term of the

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 4 of 7

expulsion) if the District determines that it would enroll and allow the attendance of any resident student who were to attempt to enroll in the District with the same expulsion record.

- c. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District will generally deny an application for full-time open enrollment in the District if a review of the student's disciplinary records indicates that the student-applicant has been expelled by any Wisconsin school district at any time during the current school year or preceding two school years for any of the following specified conduct: (1) endangering the health, safety or property of others; (2) conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives; (3) possessing a dangerous weapon while at school or under the supervision of a school authority; or (4) engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others at school or under the supervision of a school authority or of any school district employee or school board member.

EXCEPTION: Such an applicant may be accepted if the District determines, upon the timely request of the parent or guardian who submitted the application, that there is clear and convincing information showing that if the applicant were to have engaged in the same conduct while attending school in the District, that the student almost certainly would have either (1) not been subject to any expulsion proceedings or to any participation in a deferral-type program, or (2) already fully completed the term of any expulsion and been permitted to return to school (without being subject to any ongoing readmission conditions) for at least a full school year prior to first date of his/her proposed attendance in the District.

- d. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 4-f, below, if any disciplinary proceeding involving alleged conduct falling in one of the four categories listed in paragraph 4-c of this policy (immediately above) is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- e. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 4-f, below, the District may revoke the prior acceptance of an open enrollment application if, at any time prior to the beginning of the school year in which the student will first attend school in the District, the District determines that the student either (1) has been expelled as described in paragraph 4-b of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 4-c or paragraph 4-d of this policy, above.
- f. Limited exception. In situations where a student's application was rejected (including as a result of the revocation of an initial acceptance) due to a pending disciplinary matter, the District, upon the written request of the student's parent or guardian, will reconsider the status of the student's application if both of the following conditions are satisfied: (1) prior to the close of the period during which the District would normally continue to

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 5 of 7

process applications from any waiting lists, the District is able to determine that the prior pending disciplinary matter has been concluded in favor of the student; and (2) the District concludes that considering possible acceptance of the application would not be prejudicial to any other applicant.

5. "Best Interests" Determinations Under the Alternative Open Enrollment Application Criteria and Procedures. If a parent or guardian applies for open enrollment under the alternative open enrollment application criteria and procedures and relies on the "best interests of the student" criterion, the District shall review the information and rationale provided by the parent(s) or guardian and make a determination as to whether the District agrees with the parent(s) or guardian that attending school in the District pursuant to the application is in the student's best interests. If the District determines that attendance would not be in the student's best interests, the application shall be denied on that basis.

A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the resident district does not have a 4-year-old kindergarten program as offered by the District) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

No criteria other than those outlined above may be considered by the District when acting on nonresident student full-time open enrollment applications.

Assignment of Accepted Applicants to a School/Program. The District shall assign nonresident students accepted for full-time open enrollment to a school or program. Any preferences identified by the applicant cannot be guaranteed. In making such assignments, the District may give preference in attendance at a particular school or program to residents of the District.

Requests for Early Admission to Kindergarten. The District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old kindergarten.

No Reapplication Required. Once a nonresident student is accepted for full-time open enrollment in the District and begins attending school in the District, no reapplication is required in order for the student to maintain continuous open enrollment.

Transportation. Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian, subject to any transportation that may be mandatory under applicable law and the following exceptions:

1. Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
2. The District shall provide transportation for nonresident students with disabilities attending school full-time in the District if it is required in the student's IEP or otherwise required by law.
3. Upon request of the student's parent or guardian, the District shall provide transportation to nonresident full-time open enrollment students without charging any fee if there is room available on a bus on a regular route and the student is picked up or dropped off at a bus

stop on the established route, except that if the bus stop on the established route is located within the boundaries of the student's resident school district, the resident school district must also approve the transportation arrangement.

4. The parent or guardian of a nonresident open enrollment student who attends a school in the District may request to contract with the District for transportation. The District Administrator or his/her designee may evaluate such requests and may recommend that the Board approve such a transportation contract. If the Board approves such a contract, the District shall charge a fee reflective of the reasonable per student costs of the transportation except that the fee may be waived in whole or in part for any person who is unable to pay provided that the District determines that the final net actual cost to the District (after accounting for the amount of any waiver) does not materially exceed the average per student cost of transportation in the District. The District Administrator shall deny such a request for a parent contract if either (a) the District Administrator or his/her designee determines that there would be a significant administrative burden involved in arranging for or implementing the necessary transportation; or (b) the student would be transported to/from a location in the student's resident school district and the resident school district does not consent to the District providing such transportation.

To the extent required by state law, nonresident open enrollment students attending school in the District shall have all of the rights and privileges of similarly-situated resident students and shall be subject to the same rules and regulations as resident students. An open enrollment student's eligibility to participate in interscholastic athletic activities is subject to the rules and regulations of the Wisconsin Interscholastic Athletic Association (WIAA).

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with state law.

If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District may deny the student's open enrollment if the District determines that none of the criteria relied on by the student to submit the application apply to the student. Prior to denying an alternative application on the basis that the parent or guardian did not provide enough information to allow the District to assess whether the student has been the victim of repeated bullying or whether open enrollment would be in the best interests of the student, the District shall offer the parent or guardian an opportunity to provide additional information.

Transportation. Except as otherwise required by law, the parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, and any requests from other school districts to provide optional transportation to resident open enrollment students to/from locations within the boundaries of the District shall be denied.

Appeals of Open Enrollment Decisions

The student's parent(s) or guardian may appeal a District decision regarding full-time open enrollment to the DPI by following the deadlines and other procedures established by the DPI, except as otherwise specifically provided under state law or under DPI rules.

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 7 of 7

Legal References:

Wisconsin Statutes

Section 115.385(4)	[parent notification of education options, including full-time open enrollment]
Section 115.787	[individualized educational programs for students with disabilities]
Section 115.7915	[special needs scholarship program for students with disabilities denied open enrollment]
Section 118.16(1)(a)	[definition of habitual truant]
Section 118.50(6)	[whole grade sharing provision related to full-time open enrollment]
Section 118.51	[full-time public school open enrollment]
Section 118.57	[public notification of education options, including full-time open enrollment]
Section 120.13(1)(f)	[authority to deny enrollment of student during the term of expulsion]
Section 120.13(1)(h)	[conditional enrollment of expelled students]
Section 121.54(3)	[transportation for children with disabilities]
Section 121.54(10)	[optional transportation for full-time open enrollment students]
Section 121.545(1)	[optional transportation under a parent contract]
Section 121.55	[methods of providing transportation]

Wisconsin Administrative Code

PI 36	[DPI rules governing inter-district open enrollment]
-----------------------	--

Cross References:

Adoption Date: