

423 PUBLIC SCHOOL OPEN ENROLLMENT

This policy shall be administered in accordance with the state public school open enrollment law. The Board authorizes the Open Enrollment Coordinator designated by the Superintendent to act on applications for the full-time open enrollment program subject to any policies and criteria adopted by the Board.

Nonresident Open Enrollment Students (Open Enrolled "IN")

A nonresident student may apply for full-time enrollment in a District school or program under the open enrollment program in accordance with state law and established procedures. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law. The District shall consider the following criteria when accepting or rejecting a nonresident student's application for full-time enrollment.

1. The District will consider availability of space in the schools, programs, classes or grades. No later than the end of January of each school year the Superintendent will report to the Board the space available for the next school year in the schools, programs, classes and grades of the District for open enrollment students. In determining the amount of space available, the District may include in its counted occupied spaces students and siblings of students who have applied under State Statutes §118.51(3)(a) or 118.51(3m)(a) and are already attending public school in the district, and students attending the district for whom tuition is paid under State Statutes §121.78(1)(a). When determining space availability, consideration shall be given to District practices, policies and procedures or other factors regarding class size limits or ranges for particular programs or classes, student-teacher ratios for particular programs, classes or buildings, the number of students currently attending District schools whose tuition is paid by another school district, and enrollment projections for the schools of the District.

Enrollment projections include, but are not limited to the following factors; the likely short and long-term economic development in the community, projected student transfers in and out of the district, preference requirements for siblings of nonresident open enrollment students, the required length of K-12 attendance opportunities for open enrollment students and current and future space needs for special programs, laboratories (e.g., in technology, science, or foreign languages) or similar district educational initiatives, the number of resident home schooled or private school students likely to attend the schools of the District in accordance with State Statutes §118.145, and the number of resident students likely to change schools on a full-time or part-time basis under the District's intra-district boundary exception policy.

The District shall give preference in accepting full-time open enrollment applications to any nonresident students already attending school in the District, and their siblings; pupils for whom tuition is paid under subch. V of ch. 121, Stats; and pupils who moved out of the District during the current school year but have remained in public school in the District under s. 121.84(1)(a), Stats. The District shall guarantee acceptance of pupils who currently reside in the District but plan to move prior to the beginning of the following year. This guarantee applies to students with and without disabilities. If the District receives more nonresident student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis, and establish a waiting list as necessary for excess applications.

2. The District will consider whether the special education program or related services described in the students' individualized educational program (IEP) are available in the District or whether there is space available in the special education program identified in the student's IEP, including any class size limits or ranges for particular programs or classes, student-teacher ratios for particular programs, classes or buildings, or enrollment projections established by the Board and as described in Section 1 above. If a nonresident student's IEP changes after the student begins attending school in the District and the special education program or services required by that IEP are not available in the District or there is no space available in the special education program identified in the IEP, the District may deny the student's continued enrollment in the District.

3. 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/guardian may request that the District reconsider a denial under this criteria 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. The District will consider whether the District has determined that the student was habitually truant from the District during any semester of attendance at the District in the current or previous school year. If a student is determined to be habitually truant during any semester as established by State Statutes and Board Policy, the District may revoke the student's attendance under the open enrollment program and prohibit the student from attending school in the District under the full-time public school open enrollment program in the succeeding semester or school year.

The District shall not accept any student for full-time enrollment who has been expelled by any school district during the current school year or preceding two school years for specific conduct specified in the law, or who has disciplinary proceedings pending on such conduct. This policy provision applies to the following student conduct: endangering the health, safety or property of others under certain conditions; conveying or causing to be conveyed a "bomb" threat involving school property; possessing a dangerous weapon while at school or under the supervision of a school authority; or, 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 employee of the school district or member of the school board. If any of these disciplinary actions occur after the student has been accepted for enrollment and prior to the beginning of the school year in which the nonresident student first enrolls in the District, the student's enrollment shall be denied.

The District may also deny the enrollment of any student who has been expelled from another Wisconsin public school district, no matter what the reason for the expulsion, during the term of the student's expulsion.

Once a nonresident is accepted as an open-enrollment student in the district, the student may be required to reapply one time at the beginning of middle school or high school.

Except as otherwise provided, student transportation shall be the responsibility of the nonresident student's parent(s)/guardian(s) or the student, if an adult. The District may provide transportation to nonresident students participating in the full-time open enrollment program only from a scheduled stop within the District upon approval of the District's transportation department, and under the District's "Pay to Ride" provisions. The District shall provide transportation for nonresident students with disabilities if it is required in the student's IEP.

Nonresident open enrollment students attending school or classes in the District shall have all the rights and privileges of resident students and shall be subject to the same rules and regulations as resident students.

The District will give preference in assigning students to a school, program, class, or grade to resident students who live outside the school's attendance area (boundary exceptions).

Resident Open Enrollment Students (*Open Enrolled "OUT"*)

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

The District will not provide transportation to resident students participating in the full-time open enrollment program.

The District will NOT permit nonresident districts to enter into this district for the purpose of picking up and dropping off open enrollment students.

Alternative Application Procedures

The parent of a nonresident student who wishes to attend district schools may submit an application under this section no earlier than July 1 and no later than the last day of the school year during which the pupil will first attend. A form provided by the Department of Instruction is to be used to apply. At least one of the criteria described in *Paragraph A*, below shall be applicable.

A. Criteria for Alternative Application Procedures

The parent of the nonresident student may apply under this section only if the student meets one of the following criteria, and shall describe the criteria that the student meets in the application. The parent shall answer all applicable questions on the application completely and accurately. Missing information as required on the form may be requested to process the application.

1. The resident board determines that the student has been the victim of a violent criminal offense, as defined by the Department by rule. An application made on the basis of this criteria is not valid unless the nonresident board receives the application within 30 days after the determination of the resident board.
2. The student is or has been a homeless student in the current or immediately preceding school year. In this subdivision, "homeless student" means an individual who is included in the category of homeless children and youths, as defined in 42 USC 11434a (2).
3. The student has been the victim of repeated bullying or harassment and all of the following apply:
 - a. The student's parent has reported the bullying or harassment to the resident school board; and
 - b. Despite action taken, the repeated bullying and harassment continues.
4. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.
5. The student moved into this state. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after moving into this state.
6. The place of residence of the student has changed as a result of a court order or custody agreement or because the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or from the home of a person other than the student's parent. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the student's change in residence.
7. The District will review information and rationale provided by the parent/guardian on an alternative open enrollment application which relies upon the "best interests of the student" criteria, and make a determination as to whether the District agrees that attending school in the nonresident district is in the student's best interest. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student. If the District determines that attendance would not be in the student's best interests, the application shall be denied on that basis.

- B. Nonresident Applications. If the District receives a nonresident student's application under this section, the District shall immediately forward a copy of the application to the resident board, and shall notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving the

application. The District will determine whether the applicant meets the criteria for alternative application procedures in this section, and consider the criteria for nonresident applications described in previous sections of this policy. 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 in the schools, grades, programs or services with limited spaces that are submitted for the current school year after the date of the January school board meeting. Further, the District shall deny any alternative applications for a particular school, grade, program or service for the current school year that are received on or before the date of the Board meeting in January where space availability for open enrollment is again considered if, due to space considerations, the District did not approve all otherwise-eligible regular-period application(s) for that particular grade or program for the same school year. If the District has accepted the application, the District shall identify the specific school or program that the student may attend.

If the District accepts a nonresident application under this section, the student may immediately begin attending a school or program in the District, and shall begin attending the school or program no later than the 15th day following receipt by the parent of the student of the notice of acceptance. If the student has not enrolled in or attended school in the District by the day specified in this paragraph, the District may notify the student's parent, in writing, that the student is no longer authorized to attend the school or program in the district.

- C. Resident Applications. If the District receives a resident student's application under this section, the District may notify an applicant that he/she may not attend a school or program in the nonresident school district, if the District determines that the criteria relied on by the applicant does not apply to the student.

There is no provision in the statutes for parents to appeal a nonresident school district's open enrollment alternative application decision.

A resident school district's decision to deny an open enrollment alternative application may be appealed to the Department of Public Instruction within 30 days of receiving the notice of denial.

LEGAL REF.: Wisconsin Statutes Sections:
115.385(4), 115.787, 115.7915, 118.13, 118.145, 118.16(1)(a), 118.50(6), 118.51, 118.57,
120.13(1)(f) and (h), 121.54(1), 121.545(1), 121.55, 121.58(2)(a), 121.78, 121.84(1)(a)
PI 36, Wisconsin Administrative Code

CROSS REF.: 343.2, Class Size
411, Student Non-Discrimination and Anti-Harassment
420, School Admission
423-Rule, Procedures for Processing Public School Open Enrollment Applications
431, Student Attendance
431-Rule, Student Attendance Procedures
432, School Attendance Boundaries

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