

## FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

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 exception that the School Board, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, the Board authorizes the Superintendent, or any administrative-level designee of the Superintendent, 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.

### **A. 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. 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 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 grades or programs with limited space that are submitted for the current school year after the date of the January school board meeting.

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.

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, or home-based private educational program).

(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, or home-based private educational program).

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 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.

If a nonresident student receives his/her initial individualized education program (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 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. **Discipline-Related Criteria.**

a. The term of an applicant's expulsion overlaps with the proposed period of open enrollment. Consistent with state law authority, the District shall 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.

b. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District shall 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 school year for conduct falling in any of the four specific categories listed in the open enrollment statutes.

- c. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 4-e, below, if any disciplinary proceeding involving alleged conduct falling in any of the four specific categories listed in the open enrollment statutes is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- d. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 4-e, below, the District shall 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-a of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 4-b or paragraph 4-c of this policy, above.
- e. 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 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. **Truancy-Related Criteria.**

- a. An open enrollment application shall be denied if the student was designated as "habitually truant" during any semester of attendance at a District school in the current or previous school year, and the student had a further instance of truancy in that same semester after the District notified the student's parent or guardian of the habitual truancy.
- b. Pursuant to the District's applicable truancy and attendance policies and procedure, if the District determines that a nonresident student attending school in the District under the open enrollment program is habitually truant from school during either semester in a given school year, the District may prohibit the student from continuing to attend school in the District as an open enrollment student in the succeeding semester or school year. Under no circumstances shall any student have their open enrollment terminated under this paragraph unless the District has clear documentation that (1) the parent or guardian or student knew or should have known that the student's open enrollment could be terminated for habitual truancy; and (2) the student had at least one notice and opportunity to correct the truant behavior before being found to be habitually truant or before terminating the open enrollment. The District's relevant truancy and attendance policies and procedure are as follows: Policy 431 Student Attendance, Student Attendance Procedures, and Attendance Codes.

6. **"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" criteria, 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.

7. **Other reasons for denial of applications.** 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, etc.) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).
8. **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.
9. **Requests for Early Admission to Kindergarten.** The District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old or 5-year-old kindergarten.
10. **No Re-application Required.** Once a nonresident student is accepted for full-time open enrollment in the District and begins attending school in the District, no re-application is required in order for the student to maintain continuous open enrollment.
11. **Transportation.** Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian, subject to the following exceptions:
  - a. Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
  - b. 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.
  - c. Upon request of the student's parent or guardian, and payment of the prescribed fee, the District may provide transportation to nonresident full-time open enrollment students 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.
12. 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).

## **B. Resident Open Enrollment Students**

1. Resident students may apply for full-time open enrollment in another public school district in accordance with state law.
2. 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.

3. The parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, except as otherwise provided by law. 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.

### **C. 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.

### **Legal References:**

#### **Wisconsin Statutes**

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

#### **Wisconsin Administrative Code**

<a href="#">PI 36</a>	[DPI rules governing inter-district open enrollment]
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### **Cross References:**

Board Rule 423-R Full time Open enrollment Procedures

LEGAL REF.: State statutes 118.13, 118.51, 118.52, 121.54(1), 121.58(2)(a)  
Chapter 115, Subchapter V

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