

423 - 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 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. 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. Further, the District shall deny any alternative applications for a particular grade or program 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.

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, a tribal 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, a tribal 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 may 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 may 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 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 may 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 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-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. Open enrollment may be terminated at the start of the succeeding semester or school year if the student is habitually truant during any semester of attendance, 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.
 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(s) and make a determination as to whether the District agrees with the parent(s) or guardian(s) 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 may 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, 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).

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. Upon request of the child's parent or guardian, and if such evaluations can reasonably be completed no later than the third Friday in May, the District may evaluate regular-period, nonresident open enrollment applicants for possible early admission to 5-year-old kindergarten.

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.

Transportation. Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian(s), subject to the following exceptions:

1. Low income parents/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.

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 also 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.

Transportation. 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 may 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.

Legal References: Sections 115.787; 118.16(1)(a); 118.51; 120.13(13)(1)(f); 120.13(1)(h); 121.54(3); 121.54(10); 121.545(1); and 121.55 of Wisconsin Statutes
as well as PI 36 or Wisconsin Administrative Code

Adopted: February 16, 2005

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