

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 1 of 5

This policy shall be administered in accordance with the state public school open enrollment laws and implementing rules.

Nonresident Open Enrollment Students

A nonresident student may apply for full-time enrollment in a public school in the School District of Slinger under the open enrollment program. 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 deciding whether or not to accept 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 shall be given to such factors as class size limits, student-teacher ratios, overall building capacity, and enrollment projections. If the District receives more student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis. However, students already attending school in the District at the time of their application (excluding part-time attendance by a student who is enrolled in another school district, private school, tribal school or home-based private educational program). A waiting list of nonresident students who have been denied open enrollment due to space availability shall be established and utilized in the District in accordance with established procedures. If, at any time in the selection process one student application from a family is chosen and the student is eligible for acceptance under all applicable criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and admit all such otherwise eligible siblings for whom there is a space available at that point in the process.

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. Further, in the school year to which the space limitations directly apply, if the District did not approve all otherwise-eligible regular-period application(s) for a particular grade or service due to space considerations, then the district shall deny any alternative applications for entrance into a space-limited grade or service that are received from July 1 through the date of the Board meeting in January where space availability for open enrollment is again considered.

2. Students with Disabilities. If the District determines that the special education program or related services described in the nonresident student's individualized education program (IEP) are available in the District and there is space available in the special education program identified in the student's IEP, the open enrollment application shall be accepted as long as the applicant meets all other guidelines set forth in this policy. If the special education program or services described in the student's IEP are not available or there is no space available in the program, the application shall be denied. 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, and the special education program or services required by that initial or revised IEP are not available in the District or there is no space available in the program or services identified within the IEP, the nonresident student may be returned to the resident district.
3. Students Referred for a Special Education Evaluation. An open enrollment application shall be denied if the nonresident student has been reported or identified as having a possible disability but not yet evaluated by an IEP team in the resident district. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criteria if the IEP is completed, forwarded to the District, and reviewed by the District prior to the close of the period during which applications would normally continue to be reviewed or accepted from any waiting list.
4. Discipline-Related Criteria. Consistent with District policy and state law requirements, the District may deny the enrollment of any student who is under expulsion for any reason from any public school or independent charter school in Wisconsin or out-of-state public school during the proposed period of open enrollment. For students currently serving an expulsion from another public school in Wisconsin or an out-of-state public school, the District may allow the student's enrollment on a conditional basis if he/she

meets the established enrollment conditions. The enrollment conditions established shall relate to the reasons for the student's expulsion and may not extend the term of the student's expulsion.

Except as otherwise provided by policy or the Board, the District shall not accept any student for full-time open enrollment in the District who has been expelled by any Wisconsin school district during the current school year or preceding two school years for any of the following specified conduct: (a) endangering the health, safety or property of others; (b) 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; (c) possessing a dangerous weapon while at school or under the supervision of a school authority; or, (d) 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. In addition, if any disciplinary proceeding regarding conduct falling in one of the foregoing categories is pending at the time of the student's application, the District may deny the application. If any such conduct occurs after the student has been accepted for open enrollment and prior to the beginning of the school year in which the student attends school in the District under open enrollment, the District may prohibit the student from attending school in the District under open enrollment.

5. Truancy-Related Criteria. An open enrollment application shall be denied if the District previously revoked the student's status as an open enrollment student in the District due to habitual truancy during any semester of attendance at a District school in the current or previous school year. Once enrolled as an open enrollment student, if a nonresident student is habitually truant from the District during either semester in the current school year, the District may prohibit the student from attending school in the District under the full-time open enrollment program beginning in the succeeding semester or school year. If the applicants' attendance at their current school district is deemed habitually truant, the application may be denied.
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.

A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment (e.g., the student does not meet the age requirements for school attendance, the resident district does not have a four-year-old kindergarten program as offered by the District, etc.) or the application is invalid (e.g., the application is incomplete or deliberately falsified).

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

Nonresident students accepted for full-time open enrollment shall be assigned to a school or program within the District in accordance with the District's regular procedures for placing students in schools and educational programs. The District may give preference in attendance at a particular school, program, class or grade to residents of the District.

Once a nonresident student is accepted for full-time open enrollment in the District, no re-application is required unless the student changes home districts.

Except as specifically provided, student transportation shall be the responsibility of the nonresident student's parent (s) or guardian, subject to any transportation that may be mandatory under applicable law. 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.

To the extent required by state law, nonresident open enrollment students attending school 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. 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

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Policy 423

Page 5 of 5

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 enrollment if the District determines that the criteria relied on by the student to submit the application do not apply to the student.

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 enter the boundaries of the District for the purpose of providing optional transportation to resident open enrollment students shall be denied.

Legal References:

Wisconsin Statutes

Section 115.787	[individualized educational programs for students with disabilities]
Section 118.16(1)(a)	[definition of habitual truant]
Section 118.51	[full-time public school 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 121.55	[methods of providing transportation]

Wisconsin Administrative Code

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

Cross References:

Adoption Date: 3/25/2019