

423 PUBLIC SCHOOL OPEN ENROLLMENT

- A. Application Procedures - The Board shall accept open enrollment applications from nonresidents for the school year following the submission of applications. Applications shall be submitted on the form provided by the Department of Public Instruction (“DPI”) and must be received between the first Monday in February and 4:00 pm on the third Friday following the first Monday in February. Applications may be submitted to no more than three nonresident school boards in any school year. Incomplete or unsigned applications will be returned to the parent or guardian with a request for completion of the missing information. Copies of all nonresident pupil applications will be sent to the resident school board of each nonresident pupil and DPI on the fourth Monday in February.
- B. Student Records – Following receipt of an application, the district administrator and/or his or her designee may request a copy of nonresident pupil records from the resident school district relating to: (1) whether the pupil has been screened for special education; (2) whether the pupil has been referred for a special education evaluation; (3) whether the pupil has an individualized education program (“IEP”); and (4) whether the pupil has been expelled or has any pending disciplinary proceedings. Pupil record requests received for resident pupils of the district seeking to enroll in another school district should be responded to within five working days.
- C. Acceptance Criteria – Acceptance of nonresident and resident open enrollment applications shall be made by the district administrator and/or his or her designee according to criteria specified and shall be made no sooner than after the third Friday following the first Monday in February and no later than the first Friday following the first Monday in April.
1. Nonresident Acceptance Criteria: The district administrator and/or his or her designee shall initially determine which open enrollment applications to deny based upon the criteria specified below. Applications denied under any of the criteria shall be removed from the pool of eligible applications. If, after removing the denied applications, there are more applications than there are spaces available, the district administrator and/or his or her designee shall give priority to nonresident pupils already attending or accepted into district schools and to the siblings of nonresident pupils already attending or accepted into district schools. Any remaining applications, including those from a waiting list, shall be selected on a random basis utilizing a lottery system.

The district administrator and/or his or her designee may consider only the following criteria for nonresident applications:

- a. The availability of space in the district, in the school, program, class or grade desired by the nonresident pupil. In determining

such space available, the district administrator shall consider any or all of the following:

- (1) District practices, policies, procedures, or other factors regarding class size ranges and building limitations for particular programs, classes, schools, or grades.
 - (2) District practices, policies, procedures, or other factors regarding faculty-pupil ratio ranges for particular programs, classes, buildings, or grades.
 - (3) Enrollment projections for the schools of the district which have taken into account, among other things, short and long-term economic development in the community, preference requirements for siblings of nonresident open enrollment pupils, the required length of K-12 attendance opportunities for open enrollment pupils and current and future space needs for special programs, laboratories (e.g. in technology or foreign language) or similar district educational initiatives.
 - (4) The number of nonresident pupils currently attending the schools of the district, including those previously admitted under the district's open enrollment policy, and those for whom tuition is paid by another district under §121.78(1)(a) Wis. Stats.
 - (5) The number of resident home schooled or private school pupils likely to attend the schools of the district in accordance with §118.145 Wis. Stats.
 - (6) The maximum number of district open enrollment transfers allowed by Wisconsin law.
- b. Whether the nonresident pupil is currently expelled or has been expelled from any school district within the current school year of the two (2) preceding school years or whether any disciplinary proceeding involving the nonresident pupil, which is based on any of the following activity, is pending:
- (1) Conveying or causing to be conveyed any threat or false information concerning an attempt or an alleged attempt to destroy school property by means of explosives.
 - (2) Engaging in conduct while at school or under school supervision, which endangers the health, safety, or property of others;
 - (3) Engaging in conduct while not at school or under school supervision which endangers the health, safety, or property of others at school or under school supervision or any school employee or board member, or;
 - (4) Possessing a dangerous weapon (as defined in §939.22(10), Wis. Stats.) while on school property or under school supervision.

(Note: Notwithstanding the acceptance of a nonresident pupil's application, the district administrator and/or his or her designee may withdraw acceptance if, prior to the beginning of the first school year (before June 30) in which the nonresident pupil will attend a school in the district, he/she is determined to fall under paragraph C (1)(b).

- c. Whether the special education program or related services described in the nonresident pupil's IEP are available in the district.
- d. Whether there is space available in the district's special education program or related services identified in the nonresident pupil's IEP, including class size limits, pupil-teacher ratios, and enrollment projections: (See paragraph C (1)(a) above)
- e. Whether the nonresident pupil has been screened by the resident school board to determine if there is reasonable cause to believe that he/she is a child with a disability.
- f. Whether the nonresident pupil has been reported to the resident school board as a possible child with a disability, but not yet evaluated by an IEP team.
- g. Whether the nonresident pupil is an applicant for a four-year old kindergarten, early childhood or school sponsored day care program and whether the resident district offers the same type of program and the nonresident pupil is eligible to attend that program in the resident district.
- i. Whether the parent or guardian deliberately provided false or misleading information on the application.
- j. Whether the application was submitted timely (4:00 pm on the 3rd Friday in February).
- k. Whether the application is incomplete and the parent or guardian failed to provide the requested additional information timely (4:00 pm on the 3rd Friday in February).
- l. Whether the pupil meets the age requirements of §118.14, Wis. Stats.

(Note 1: On or before March 15 of the year the application is received, the district shall send an estimate of tuition cost to the resident school district for the special education and related services required by a nonresident pupil's IEP.)

(Note 2: If a nonresident pupil's IEP is developed or changed after first starting in the district (after June 30), and it is then discovered that the district does not have necessary programs available or does not have space in the special education program, the nonresident may be returned to the resident school district and written notice will be provided to the pupil's parents and the resident school district.)

2. Resident Acceptance Criteria – The district administrator and/or his or her designee shall initially determine approval of applications by district

residents seeking to attend other school districts based upon the criteria specified below. The applications of district residents denied under the criteria shall be removed from the pool of eligible applications. If, after removing the denied applications, the number of district pupils applying to attend school in other school districts exceeds three percent (3%) of the projected enrollment during the 1998-1999 school year and an additional one percent (1%) in each of the seven (7) succeeding school years, the district administrator and/or his or her designee shall give first priority to district pupils already attending school in the other school district and to district pupils with siblings already attending or accepted into school in the other school district. The remaining district pupil applications shall be approved on a random basis utilizing a lottery system.

The district administrator and/or his or her designee shall consider only the following criteria for resident applications:

- a. Whether the resident pupil is a child with a disability and the IEP as proposed to be implemented by the nonresident school district would impose an undue financial burden on the district.
(Note: Notwithstanding the district administrator and/or his or her designee's approval of a resident pupil's application, the district administrator and/or his or her designee may withdraw approval if the IEP is developed or revised after the district pupil has first begun in the other school district (after June 30) and the IEP as implemented by the nonresident school district would impose an undue financial burden on the district. If such a determination is made, written notice will be provided to the pupil's parents and the nonresident school district.)
- b. Whether the nonresident pupil is an applicant for a four-year old kindergarten, early childhood or school sponsored day care program and whether the resident district offers the same type of program and the nonresident pupil is eligible to attend that program in the resident district.
- c. Whether the parent or guardian deliberately provided false or misleading information on the application.
- d. Whether the application was submitted timely (4:00 pm on the 3rd Friday in February).
- e. Whether the application is incomplete and the parent or guardian failed to provide the requested additional information timely (4:00 pm on the 3rd Friday in February).
- f. Whether the pupil meets the age requirements of §118.14, Wis. Stats.

D. Notice of Decision – Written notice of acceptance or denial must be sent to all applicants no later than the Friday following the first Monday in April

and shall be made on the form provided by DPI. Copies of all denials must also be forwarded to DPI.

1. Nonresident Pupil Applications – In addition to sending notice of decision to the applicant, if the district administrator and/or his or her designee approve an open enrollment application of a nonresident pupil, he/she shall also send the following notices:–

a. Written notice to the applicant on the form provided by DPI no later than the second Friday following the first Monday in May of the specific school or program that the applicant may attend in the following school year;

(Note: The district administrator and/or his or her designee may give preference in attendance at school, program, class, or grade to residents of the district who live outside of the particular school's attendance zone.)

b. Notice to the resident school board no later than June 30 containing the name(s) of the pupil(s) to attend in the district, and;

c. Copy of the applications and all notices, including the parents' notification of intent, to DPI. The parents or guardians of an accepted nonresident pupil shall, in turn, notify the district administrator and/or his or her designee on the form provided by DPI no later than 4:00 pm on the first Friday following the first Monday in June of their intent to enroll their child in the district. Failure to provide such notice shall prevent the pupil from enrolling in the district.

2. Resident Pupils Applying to Other Schools – In addition to sending notice of decision to the district pupil, if the district administrator and/or his or her designee denies the application, it shall send a notice with reasons for denial to the nonresident school board initially receiving the application and to DPI.

E. Her designee shall require nonresident pupils already attending district schools to reapply under the open enrollment policy in order to enter the 9th grade. Each nonresident pupil shall not be required to reapply more than once. Parents or guardians of nonresident pupils already attending district schools shall notify the building principal of the school their child attends of their intention of continuing their enrollment in the district no later than the first Monday in April.

F. Waiting List – If the reason for denying a nonresident application for enrollment into the District is based upon the lack of available space, the applicant will be placed on a waiting list. The order of applicants on that list will be randomly determined utilizing a lottery system. If an applicant is selected from the waiting list, the District will send written notification of the selection as well as the school or program to which the student will be assigned. The parent will have ten calendar days from the date the notice

- was mailed to notify the District if they accept the placement. If the placement is refused or there is no response after the ten day time period, the offer will be rescinded and the space offered to the next applicant on the waiting list. The last date on which the District may notify a parent that an applicant has been accepted from the open enrollment waiting list is the third Friday in August.
- G. Transportation – The parents or guardians of a pupil attending in a nonresident school district shall be solely responsible for providing transportation unless the nonresident pupil is a child with a disability and transportation is required by the nonresident pupil's IEP.
 - H. Tuition Payment – The district administrator and/or his or her designee shall pay to the nonresident school board tuition calculated under §121.83, of state statutes, or an amount agreed to by the district and the nonresident school board for district children with disabilities attending school in the nonresident school district.
 - I. Rights and Privileges of Nonresident Pupils: Nonresident pupils attending school in the district on a full-time basis will have all of the rights and privileges of resident pupils and will be subject to the same rules and regulations as resident pupils.
 - J. Appeal Process – If a pupil application is denied, the pupil's parents/guardian may appeal the decision on the DPI form within thirty (30) days of receipt of the decision.
 - K. Application Records – Nonresident pupils applications shall be maintained by the district for a period of three years.

Reviewed, revised and approved by the Board of Education on January 17, 2005.