

**FULL-TIME 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).

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 deemed necessary or prudent.

**Nonresident Open Enrollment Students**

A nonresident student may apply for full-time enrollment in the District under the full-time public school open enrollment program in accordance with the timelines and procedures outlined in state law and state rules. The District will consider and apply the following criteria when accepting or rejecting (or, in some situations, revoking 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 shall 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.

Space availability decisions will be made in accordance with District policies and procedures. 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.

At a minimum, any annual determination of space availability shall involve at least a declaration of the District-wide number of nonresident open enrollment applications that the District intends to accept in conjunction with the subsequent regular application period, broken down by (1) grade (although two or more grades may be combined and treated as a single grade); or (2) any established special education program or service that has identifiable space limitations. However, in any year in which the Board establishes a space limitation in any grade/program/service, the Board's determination of space availability may also indicate, at the Board's discretion based on an assessment of the relevant factors, that no space limitations are needed in certain other grades, programs, services or schools.

If the Board has taken action in January to limit the number of spaces that will be available in any grade(s), program(s), or service(s) for applications submitted during the regular application period for enrollment in the following school year, then the District's consideration of nonresident alternative applications for open enrollment submitted under the alternative application criteria outlined in state law shall be limited as provided under DPI's administrative rules.

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 described in a student's individualized education program (IEP) are not available in the District or if there is no space available in the relevant program/service(s) identified in the student's IEP, then the application shall be denied. When making space availability determinations, consideration will be given to desired class size limits, desired student-teacher ratios, desired program size limitations, and future enrollment projections established in the District. Space availability decisions will be made in accordance with District policies and procedures.

In any instance where an application is submitted by a student with a disability but there is no current IEP available for the student, the District will use the procedures defined in DPI's administrative rules to determine whether the District has the appropriate special education program or space.

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/guardian may request that the District reconsider a denial under this criteria if the IEP (or a finding of no disability) is forwarded to and reviewed by the District and if the District concludes that such reconsideration would not be prejudicial to any other applicant.
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 for conduct falling in one of the specified categories is pending at the time of the student's application, the District may deny the application.

5. Truancy-Related Criteria: An open enrollment application shall be denied if the student was habitually truant during any semester of attendance in the District 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 parent/guardian of the habitual truancy.
6. "Best Interests" Determinations Under the Alternative Open Enrollment Application Criteria and Procedures: If a parent/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/guardian and make a determination as to whether the District agrees with the parent/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.

The District shall apply the above criteria on a reasonable and consistent basis.

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

After the District initially accepts an application for full-time open enrollment, subsequent events can affect the student's ongoing eligibility to attend school in the District, including, but not limited to, the following:

- Student Conduct and Discipline: After the student has been accepted for enrollment and prior to the beginning of the school year in which the student first attends school in the District under open enrollment, the student is expelled for or becomes subject to a pending disciplinary proceeding for conduct (or alleged conduct) meeting one or more of the categories expressly listed in the open enrollment statutes.
- Students with Disabilities: If a nonresident student receives his/her initial IEP while attending school in 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 student 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.
- Discontinuance of Open Enrollment for Nonresident Open Enrollment Students Due to Habitual Truancy: In accordance with the District's student attendance policy and procedures (431 and 431-Rule), if the District determines that a student attending school in the District under the full-time open enrollment law 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 open enrollment law in the succeeding semester or school year. "Habitually truant"

means being absent from school without an acceptable excuse for part or all of five or more school days during any semester. Under no circumstances shall any student have their open enrollment terminated under this paragraph unless the District has clear documentation that (1) the parent/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. Termination of a student's open enrollment due to habitual truancy shall only be done in accordance with established District procedures.

Assignment to a School or Program: 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.

Requests for Early Admission to Kindergarten: Since the District does not allow early admission to 4-year-old kindergarten, the District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old kindergarten. Upon request of a child's parent/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.

Reapplication: Once a nonresident student is accepted for full-time open enrollment in the District and begins attending school in the District, no reapplication is required in order for the student to maintain continuous open enrollment.

Transportation: The parents/guardians of a nonresident student attending any District school or program under this policy will be responsible for providing transportation to and from the school site, unless: (1) the nonresident student is a student with a disability and transportation is required by his/her IEP; (2) the District Administrator or designee determines that there is room available on a bus on a regular route, the student is picked up or dropped off at a regular bus stop within the District, and the parent/guardian has requested such transportation; or (3) transportation by the District is otherwise required by law.

The District will not provide student transportation to or from a location within the boundaries of a nonresident student's resident district. Exceptions may be made under extenuating circumstances and with approval of the student's resident school board.

Rights and Privileges: 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**

Resident students may apply for full-time open enrollment in another public school district in accordance with state law. Applications may be submitted to no more than three nonresident districts in any school year.

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 enrollment if the District determines that the criteria relied on by the student to submit the application do not apply to the student. Prior to denying an alternative application on the basis that the parent/guardian did not provide enough information to allow the District to assess whether the student has been the victim of repeated bullying or whether open enrollment would be in the best interests of the student, the District shall offer the parent/guardian an opportunity to provide additional information.

A full-time open enrollment application can also be denied if the resident student is ineligible for open enrollment (e.g., student does not meet the age requirements for school attendance) or the application is invalid (e.g., application is incomplete or deliberately falsified; student applies to more than three nonresident districts).

The parents/guardians of resident students attending school in another school district under full-time open enrollment program will be responsible for student transportation, unless the District is required by law to provide transportation to the student(s).

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. Exceptions may be made under extenuating circumstances and with approval of the Board.

LEGAL REF.:	Sections	115.787	Wisconsin Statutes
		115.79	
		118.13	
		118.16(1)(a)	
		118.51	
		118.52	
		120.13(1)(f) and (h)	
		121.54(3) and (10)	
		121.55	
		121.78(1)	
	PI 36, Wisconsin Administrative Code		

CROSS REF.:	423-Rule, Full-Time Open Enrollment Procedures
	342, Programs for Students with Disabilities
	345.5, Graduation Requirements
	347-Rule, Procedures for the Maintenance and Confidentiality of Student Records
	411, Equal Educational Opportunities
	412.1, Full-time Students
	420, School Admissions
	421, Entrance Age
	422, Admission of Nonresident Students (Other than Open Enrolled Students)
	424, Participation of Non-Public School Students in District Courses and Programs
	Special Education Handbook
	WIAA Handbook

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