

**DODGELAND SCHOOL DISTRICT**  
**Board Policy Manual**

423 - Rule

**FULL-TIME OPEN ENROLLMENT PROCEDURES**

**ANNUAL DETERMINATIONS OF SPACE AVAILABILITY**

If the Board of Education establishes any annual space availability limitations for nonresident open enrollment, state law requires such determinations to be made at a January Board meeting prior to the start of the regular application period to which the limitations will apply. Accordingly, the administration shall prepare and present recommendations on space availability to the Board such that the Board is able to adequately consider the information and make a timely determination.

- A. 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 (1) by grade (although two or more grades may be combined and treated as a single grade), and (2) by 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 in light of its assessment of the relevant factors, that no space limitations are needed in certain other grades/programs/services.
- B. The general process of determining the number of available spaces by grade and program will involve establishing projected total capacities and then subtracting the projected number of occupied spaces from the total capacities.
  1. Any projected future increase (or decrease) in the number of resident students who will be entitled to attend school in the District shall be reasonably incorporated into the District's count of "occupied" spaces.
  2. Because the District guarantees space for open enrollment applications that are submitted by currently-attending students during the regular application period, such currently-attending students, to the extent possible, will be included in the count of "occupied" spaces so that the spaces expressly designated as being "available" for open enrollment applicants will be in addition to the already-occupied and guaranteed spaces.
- C. In formulating recommendations to the Board regarding space availability, the administration shall consider and incorporate, to the extent applicable, the following elements of the Department of Public Instruction's (DPI) administrative rules:
  1. If the Board establishes any annual space-availability limitations, then on or after the first Monday in February, the District is not permitted to reduce the number of spaces that the Board declared to be available for open enrollment.
  2. If the Board establishes any annual space-availability limitations, and except for any applications that are approved to accommodate applicants who are guaranteed approval under Board policy, the District may not approve more applications that were submitted during the regular application period than the number of spaces that the Board designated as available for open enrollment until after the statutory deadline for providing initial notice of acceptance or denial (i.e., the first Friday following the first Monday in June). After such deadline, additional applications may be approved as outlined in the DPI rule and in a manner consistent with Board policy.
- D. The effect of establishing annual space availability limitations on current-year alternative applications. 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 procedure for the following school year, then the District shall not approve any alternative applications in the grades or programs with limited space for the current school year that are submitted after the date of the January school board meeting. Board policy identifies how any annual space availability limitations established by the Board in January affect alternative applications that are received in the subsequent school year.

- E. The effect of a Board decision to establish no annual space availability limitations in a given year. If the Board has taken no action in January to limit the number of spaces that will be available for applications that are submitted under the regular application procedure for the following school year, then the District may approve alternative applications for the current school year that are submitted after the date of the January school board meeting. In addition, to the extent prohibited by state law and the DPI's administrative rules, the Board will not deny any regular open enrollment applications received in the subsequent regulation application period due to lack of space.

### **APPLICATIONS SUBMITTED DURING REGULAR OPEN ENROLLMENT APPLICATION PERIOD**

#### A. Nonresident Student Open Enrollment Applications

##### 1. Submitting and Receiving Applications

- a. The parent/guardian of a student who wants to attend school in the District as a nonresident open enrollment student may apply online from the DPI website (<http://dpi.wi.gov/sms/psctoc.html>) or submit the required application to the District Office. The application may include a request to attend a specific school or program offered by the District.

The application shall be submitted no earlier than the first Monday of February and no later than the last weekday in April of the school year immediately preceding the school year in which the student wishes to attend.

- b. Parents/guardians who complete the online application via DPI's website will receive a confirmation number. Paper applications shall be date stamped upon receipt. Although the District may make an effort to allow an applicant to revise an incomplete application, it is the applicant's sole responsibility to ensure that his/her application is complete and timely. Any applications received prior to or after the deadline dates, other than those submitted pursuant to the alternative application procedures specified in state law, are to be returned to the applicant with a notice of the proper application dates.
- c. The District shall send a copy of any paper application received to the student's resident school board and to the DPI by the end of the first weekday following the last weekday in April. For applications filed online, these notifications are made automatically.

##### 2. General Application Review: Approval/Denial Dates

- a. Upon receipt of the application, it will be forwarded to the District Administrator. The District Administrator, along with other members of the administrative staff, shall review all of the applications using the acceptance/denial criteria outlined in Board policy, and determine what school or program, if any, the nonresident student could attend the following year if accepted.

School and non-special education program assignments will be made after the random selection of applications by grade in any year when applicant interest exceeds grade-based space availability.

- b. If the District receives notification that the student is not attending the resident school district named on the application, the District may request the school or school district of attendance

to provide any of the records or information about the student's special education or disciplinary status that would otherwise be provided by the resident school district.

- c. No regular-period application that was submitted on a timely basis shall be accepted or denied by the District before May 1. The District will notify all regular-period applicants, in writing, whether their application has been accepted or denied on or before the first Friday following the first Monday in June. All notices of acceptance shall identify the specific school or program that the student may attend in the following school year. All notices of denial shall identify the reason(s) the application was denied, information about the appeals process, and, if applicable, the student's number on any waiting list(s).
3. The Method of Random Selection Used When There are More Applications than Spaces
    - a. If there is sufficient space available in the relevant grades/programs to approve all of the timely open enrollment applications that the District has received during the regular application period, regardless of whether some of the applications may be denied due to the application of other District acceptance/denial criteria, the random process identified in this section will not be used.
    - b. If there are more regular-period applications than spaces available for a particular grade or special education program/service, then the following selection procedure shall be used:
      - 1) Unless the District determines that the application will be denied under some other applicable criteria (i.e., other than space availability), the District will accept the applications of all students who are guaranteed space under Board policy. Eligible currently-attending students will be accepted without reducing the number of spaces that have been designated as "available" for open enrollment, while eligible siblings of currently-attending students will be assigned to and reduce the number of available spaces.
      - 2) All remaining timely applications (i.e., all applications not guaranteed space under District policy), regardless of grade-level and even if the application is potentially subject to denial under other applicable acceptance/denial criteria, will be subject to a random selection process with respect to space availability. As the first step in that process, and in the presence of at least two staff members, a random order of consideration will be established using one of the following methods:
        - The individual applications will be listed and an electronic random number generator will assign a number to each application. The applications shall then be ordered numerically according to the random numbers, with the lowest number being the first-considered application and the highest number being the last-considered application.
        - Each application will be assigned a number, and the numbers will be randomly drawn/selected (e.g., using a lottery-type system). The applications will be listed by student name/number in the order in which they are randomly selected, with the first-selected number being the first-considered application and last-selected number being the last-considered application.
      - 3) If, after approving the applications of all students who are guaranteed approval there is no grade-based space left in the District (i.e., all grades are full), then all remaining applications shall be denied.
      - 4) If, after approving the applications of all students who are guaranteed approval there is remaining space available in one or more grade(s), the District will proceed to consider

each of the applications in the order established through the random process described above. As each application is considered, and if no other basis exists for denying the application, the application will either be assigned to an available space and accepted or denied.

- 5) If the District reaches a student's application in the numerical list and if there is no space available in the relevant grade for that student, the application shall be denied due to lack of space, and for any other reasons that may be applicable, subject to the following:
  - For a student with a disability, before considering another applicant, the District will consider the availability of and any applicable space limitations for the program/services required for the student. If it is clear that the program and services required for the student involve a stand-alone special education program such that assigning the student to the program would not require assigning the student to a grade-based space, the student will be assigned to the stand-alone special education space if available. If such stand-alone special education space is available and assigned, the District will give immediate consideration to any sibling-applicants of the student, as described in the next step.
- 6) If the District reaches a student's application in the numerical list and if there is a space available in the relevant grade for that student, the following shall occur prior to consideration of the next applicant on the ordered list:
  - The student shall be assigned to the available space, pending the application of remaining approval/denial criteria;
  - If the student is a student with a disability, the District will consider the availability of and any applicable space limitations for the program/services required for the student. If the required special education is not offered in the District, or if no space is available, the District will deny the application and release the grade-based regular education space tentatively assigned to the student. If the required special education is offered in the District and space is available, the District will assign the student to an open special education space (pending the application of remaining approval/denial criteria). In addition, the regular education space tentatively assigned to the student will be released if it is clear that the special education program and services required for the student involve stand-alone special education such that assigning the student to the relevant special education program would not require assigning the student to a grade-based, regular education space; and
  - Provided that the District has concluded that there is space available for the student whose application is under consideration and that such student's application will not be denied based on any of the other acceptance/denial criteria, the District shall give immediate consideration to the application(s) of any remaining sibling-applicants in the same family who applied for open enrollment at the same time and whose application has not yet been considered. If there is a space available for the sibling (looking first at the student's grade and then, if applicable, at special education spaces), then the sibling shall be assigned to the space(s) pending an analysis of all applicable remaining approval criteria. However, if there are no remaining spaces available to accommodate the sibling's application, then the sibling's application shall be denied due to lack of space, and for any other reason(s) that may be applicable.
- 7) Before finalizing the assignment of space and the list of applications that will be accepted and denied, the District will consider whether any application that has tentatively been assigned to an available space is subject to denial based on any other acceptance/denial

criteria. Any such application will be denied for those separate reason(s) and the space tentatively assigned to the application will be assigned to the first otherwise-eligible applicant for the grade/program who had been considered and denied due to lack of space in that grade/program.

- 8) After completing the above steps, the assignment of available spaces will have been completed. Appropriate and timely written notices of acceptance or denial will be provided to all applicants.
  - 9) Exception when Space Limitations Exist only in Special Education. If there is sufficient space available, by grade, to accommodate all of the timely applications received during the regular application period, but space limitations exist in one or more special education areas, the random process described above may be limited to special education.
4. Parent/Guardian Notification and Enrollment
- a. The nonresident student's parents/guardians shall notify the District Administrator or designee of the student's intent to attend school in the District in the following school year on or before the last Friday in June following receipt of the notice of acceptance.
  - b. Annually by July 7, the resident district school boards shall be notified of the names of the students from the resident district who will be attending school in the District the following school year.
  - c. The District will take the steps necessary to properly enroll a student who chooses to attend school as a nonresident open enrollment student.
  - d. Student Records. The District will limit its requests for student records (or information from student records) and sharing of records with the resident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules.

B. Resident Student Open Enrollment Applications

1. Upon receipt of any paper copy of a resident student's application to attend a school or program in another public school district, school office staff shall affix a date stamp (or a written and initialed date) and forward it to the District Administrator or designee for review and processing.
2. By the first Friday following the first Monday in May, the District shall provide the nonresident school district(s) to which the student applied appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance.
3. All applications, those received online and paper applications, shall be reviewed by the District Administrator, along with other members of the administrative staff, using the acceptance/denial criteria outlined in Board policy.

If the application is denied, the applicant and the nonresident school board shall be notified, in writing, that the application has been denied. This notification shall be made on or before the second Friday following the first Monday in June. The notice shall include the reason(s) for the denial and information about the appeals process.

4. Special Procedure for Resident Open Enrollment Students Not Enrolled in the District. To the extent necessary to allow for the appropriate accounting of the District's student membership and appropriate state aid transfers, students who reside in the District but who have been enrolled in a

private school or home-based private educational program and students who did not reside in the District at the time of applying for full-time open enrollment in another school district must formally enroll in the District prior to attending school in another public school district under the full-time open enrollment program.

5. Student Records. The District will limit its requests for student records (or information from student records) and its sharing of records with the nonresident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules. The District shall ensure that the records of a resident student who accepts open enrollment and elects to attend school in a nonresident district are sent promptly to the nonresident district.

### **TERMINATION OF OPEN ENROLLMENT DUE TO HABITUAL TRUANCY**

The Board's open enrollment policy provides that 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. The following provisions apply to such situations:

#### A. Definitions

For purposes of terminating a student's open enrollment due to habitual truancy:

1. "**Excused absences**" from school are as defined within the District's student attendance policy and procedures (431 and 431-Rule).
2. "**Unexcused absences**" from school are as defined within the District's attendance policy and procedures (431 and 431-Rule).
3. "**Truancy**," subject to an allowance for tardiness that does not constitute an instance of truancy under the District's student attendance procedures (431-Rule), means any absence of part or all of one or more days from school during which the building principal has not been properly notified of a cause of the absence such that the absence is properly deemed by the District to be an excused absence. In accordance with state law, truancy also includes instances of intermittent attendance carried on for the purpose of defeating the state's compulsory school attendance statute.
4. "**Habitual truancy**" occurs when a student accumulates five or more instances of truancy from school, for all or part of any school day, in any school semester.
5. "**Tardiness**" is as defined within the District's student attendance procedures (431-Rule). Tardiness constitutes an instance of truancy only as provided under the District's student attendance policy and procedures (431 and 431-Rule).
6. "**Part of a school day**" is defined to mean any portion of a day on which school is held, from the start until the end of the instructional day for the student, except for lunch.

#### B. Criteria for Terminating Open Enrollment Due to Habitual Truancy

The District will not terminate a student's open enrollment due to habitual truancy until the student's attendance record reflects at least 5 separate unexcused absences in any semester.

#### C. Notices Related to Possible Termination of Open Enrollment Due to Habitual Truancy

1. DPI's administrative rules provide a series of steps for the District to follow in connection with informing open enrollment students and their parents /guardians of the possibility that habitual truancy from school will lead to termination of the student's open enrollment. Accordingly, in cooperation with the building principals, the District Administrator shall be responsible for

implementing procedures to provide the appropriate notices to students and parents/guardians upon each student's initial open enrollment, and in conjunction with any specific instances of truancy.

2. Although a previous procedural error related to providing truancy-related notices to an open enrollment student or to the parent/guardian does not deprive the District of the ability to terminate the student's open enrollment, under no circumstances shall any student have open enrollment terminated due to habitual truancy 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.

#### D. Challenges to the Accuracy of a Student's Attendance Record

1. If an open enrollment student or the parent/guardian believes that the student's attendance record incorrectly shows one or more unexcused absences (i.e., trancies), the student or parent/guardian should make every reasonable effort to contact the building principal or the school's attendance officer as soon as practical after receiving initial notice of the District's designation of the absence(s) as unexcused. Concern with the accuracy of the student's attendance record may be raised at any time in the process, including when the District informs the student and parent/guardian of its intent to terminate the student's open enrollment; however, delays in addressing concerns can be detrimental to a student's or parent's/guardian's ability to demonstrate an error.
2. Upon contacting the building principal, the student or parent/guardian shall clearly identify the alleged error in the student's attendance record.
3. The building principal will provide an opportunity for the student or the parent/guardian to present a challenge to the attendance record, and then make a determination as to whether the attendance record shall be changed. Failure to follow timelines in the District's procedures for notifying the school of the reason for an absence, without good cause for the delay, shall not compel the District to re-characterize an unexcused absence as excused.
4. The parent/guardian (or an adult student) may request to appeal the school's initial response to a challenge to a student's attendance record. The appeal shall be treated as a request for a hearing seeking an amendment of the student's education record in accordance with the District's student records policy and procedures (347 and 347-Rule).

### **APPLICATIONS SUBMITTED UNDER ALTERNATIVE OPEN ENROLLMENT PROCEDURES**

#### **A. Reason(s) for Alternative Application**

A parent/guardian of a student who wants to attend school in a nonresident school district may submit an open enrollment application that is in addition to or in lieu of any application(s) submitted in connection with the regular open enrollment application period if the application is for the current school year, the student meets one of the following criteria, and the parent/guardian identifies and describes the criteria that the student meets in the application:

1. The resident school board determines that the student has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
2. The student is or has been a homeless student in the current or immediately preceding school year.

3. The student has been the victim of repeated bullying and harassment and all of the following apply: (a) the student's parent/guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process; and (b) in spite of action taken by the board or designee the repeated bullying and harassment continues.
4. The place of residence of the student's parent/guardian and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
5. The student moved into Wisconsin. The application must be made within 30 days after moving into the state.
6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent. The application must be made within 30 days after the student's change in residence.
7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student.

#### B. Application Review and Approval Process

1. When the District receives an open enrollment application that has been submitted under the alternative open enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the date any paper application was received shall be affixed to the application (or otherwise recorded) and the application shall be forwarded to the District Administrator or designee for review and processing.
  - a. If the application involves a nonresident student seeking to attend school in the District under open enrollment, the District will:
    - Immediately send a copy of any paper application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district; and
    - Work with the resident district (or the anticipated resident district) identified in the application to determine where the applicant is currently attending school, and to determine from which school the District will receive any relevant special education records (e.g., the student's current IEP) and/or disciplinary records (e.g., expulsion records). If the applicant is not currently attending school in the resident district, the District will request such records from the school or school district the student is attending or most recently attended.
  - b. If the application involves a resident student who is attending, or who previously attended school in the District, then within 10 days of receiving a copy of the application, the District shall provide the nonresident school district appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance.
2. The District Administrator, along with other members of the administrative staff, shall review the application using the acceptance/denial criteria outlined in Board policy and in this rule. The



District Administrator or administrative-level designee is authorized to make the acceptance or denial decision for the District and to direct the sending of the appropriate notifications.

- a. The District will deny the alternative application of a nonresident student when required by state law or DPI rule, and the District may also deny such an application:
    - due to lack of available space;
    - under any of the acceptance and denial criteria established in Board policy that apply to an application submitted during the regular open enrollment application period; or
    - if the application relies on the best interests of the student criteria and the District determines that open enrollment is not in the student's best interests.
  - b. The District will deny the alternative application of a resident student when required by state law or DPI rule, and the District may also deny any such application if it determines that the criteria relied on by the parent/guardian to submit the application (including the "bests interests" criteria) do not apply to the student.
3. If the application involves a nonresident student seeking to attend school in the District, then the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 calendar days after the application was submitted. If the District fails to issue a timely notice of acceptance of a nonresident alternative application to the parent or guardian, the application is considered denied.
- a. If the application has been denied, the notification shall include the reasons for the denial and information about the appeals process. To the extent consistent with state law and District policy, initial acceptance of an application may be subject to revocation.
  - b. If the District has approved the open enrollment application of a nonresident student, the notification provided to the applicant shall identify the specific school or program that the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the District and shall begin attending the school or program no later than the 15<sup>th</sup> day following receipt of the notice of acceptance (or another date mutually agreed upon by the District and the student's parent or guardian). If the nonresident student has not enrolled in or attended school in the District by the relevant deadline, the District may notify the student's parent or guardian, in writing, that the student is no longer authorized to attend school in the District.
  - c. To the extent that there is a delay in the District's receipt of any relevant disciplinary records from another school or school district, the District will attempt to review and act upon such records promptly. If necessary, the District will deny the application due to an inability to sufficiently review such records. However, to the extent permitted by DPI, the District may revisit such a denial if the relevant records/information are provided within a reasonable time period after the 20<sup>th</sup> calendar day following the submission of the application.
4. If, for purposes of the application, the District is identified as the resident school district, the District shall notify the applicant whether the application has been approved or denied in accordance with any deadlines established by state law or DPI rule. Normally, the District will issue such notifications no later than 20 days after the date that the application was submitted.

It is the applicant's responsibility to provide sufficient information to enable the District to determine that at least one of the bases for an alternative application applies to the student. However, 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.

If a resident student's alternative application is denied, the notification shall include the reason(s) for the denial and information about the appeals process.

### **APPEALS OF OPEN ENROLLMENT DECISIONS**

The student's parent/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.

### **TRANSPORTATION**

Low income parents/guardians may apply to the DPI for reimbursement of costs of transportation at the time of application for the program.

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