



Book	Policy Manual
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#### 5113 - **OPEN ENROLLMENT PROGRAM (Inter-District)**

The School District ("District") will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time to time.

#### **DEFINITIONS**

The following definitions will apply to the District's Open Enrollment Program.

##### **A. Non-Resident District**

A school district located in Wisconsin which is not a student's district of residence.

##### **B. Non-Resident Student**

A student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin and who seeks admission to this District under the Open Enrollment Program.

##### **C. Tuition Student**

A non-resident student who attends school in the District pays tuition in accordance with State law.

##### **D. Full-Time Enrollment**

A student is enrolled for the entire school day and receives all required education in this District.

##### **E. Class Size**

The District determines the maximum number of students who can be accommodated properly in a particular classroom without jeopardizing the quality of the instructional program and mitigating circumstances for a particular school, class, or program, including enrollment projections established by the District Administrator.

##### **F. Program Size**

The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and

maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

### G. Resident Student

A student who is a legal resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Non-resident Students.

## FULL-TIME OPEN ENROLLMENT

### A. Annual Space Determinations

During a January meeting, the Board shall establish the availability of space by determining the number of regular education and special education spaces in the schools, programs, classes, or grades. In setting space availability, the Board may choose to set no limitations or may set limits on availability using the following criteria:

1. District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.
2. District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
3. Enrollment projections, which account for factors that include but are not necessarily limited to, likely short and long-term economic development in the community, housing starts, current and future needs for special programs, laboratories, or other initiatives.

### B. Processing of Open Enrollment Applications

A parent of a nonresident student may submit an application to attend school in the District during the applicable regular open enrollment period or through the alternative open enrollment process. The application must be submitted using the form designated by the Wisconsin Department of Public Instruction.

Upon receipt of an application, the District Administrator shall confirm that the application is complete or request that it be completed before being further considered.

Parents shall be notified of the determination on their applications on or before the first Friday following the first Monday in June following receipt of the application, or within the timeframe otherwise established by law. If approved, the parent shall be notified of the approval and the specific assignment within the District. If, upon enrollment, the student is appropriately placed in a different grade level, the student shall be so assigned unless applications for that grade level have been denied or there is no longer space available at that grade level.

Applications from nonresidents for full-time open enrollment into a District school must:

- A. be submitted on the form provided by the Department of Public Instruction ("DPI"); **and**
- B. be received between the first Monday in February and the last weekday in April, unless otherwise provided by statute, the DPI, or as described in Section K, below - Alternative Application Procedures.

If a student submits applications to more than three (3) nonresident school districts, all applications submitted are invalid.

Untimely applications will not be processed nor will the review process be delayed by failure to submit supporting documentation. Copies of all nonresident student applications will be sent to the resident school district of each nonresident student and the DPI no later than the first weekday after the last weekday in April unless otherwise provided by statute or the DPI.

The District shall provide to any nonresident district to which a resident student with a disability has applied for open enrollment a copy of the student's Individualized Education Program no later than the first Friday following the first Monday in May unless otherwise provided by statute or the DPI.

All paper applications received during the regular open enrollment period will be date stamped and retained by the Assistant to the Superintendent. The applications will be cross-checked against the list the District downloads from DPI at the close of the application period.

District decisions on full-time open enrollment applications will be made after April 30th and no later than the Friday following the first Monday in June, unless otherwise provided by statute, the DPI, and/or the waiting list provisions of this guideline. **NOTE:** For a student to participate in open enrollment, both the resident board of education and the non-resident board of education must approve the application.

**NOTE:** A student who is currently attending school with established residency and who moves out of the District during a school year, thus becoming a non-resident student, will be required to obtain a tuition waiver to continue enrollment in the School District for that current school year, in accordance with state law. In order for the student to continue his/her education in the School District for the following school year, the student will be required to submit a timely application for open enrollment in accordance with the School District's policy. The student will be required to be approved for open enrollment in the School District in accordance with the School District's policy in order to continue the student's education in the School District. No student is guaranteed approval based on prior residency in the District.

If there are more applications than spaces available for new students, a random selection will be conducted to fill available open enrollment seats. Preference will be given to siblings of non-resident students already attending District schools and pupils who are already attending District schools. The District will randomly draw from all applications filed by siblings and currently attending pupils without regard to grade, and then from all remaining applicants without regard to grade level. If an applicant is accepted for open enrollment, any sibling of that applicant who is also applying for open enrollment will be given a preference for the next available space at the appropriate grade level. If there are no spaces remaining in the sibling's grade, the sibling will be denied and placed on the waiting list as described below.

If all available space at a grade level is filled, during the random selection process, the District will establish a numbered waiting list of all nonresident applicants whose applications have been rejected solely because of lack of space. This waiting list may include applications submitted in a timely manner for the next school year, but will not include applications submitted for prior school years.

Applicants for whom space is not available will be placed on the waiting list in order of selection through the random selection process described above.

The District may approve attendance by non-resident students on the waiting list up to the third Thursday in September, provided that the student will be in attendance in the District by the third Friday in September.

After the date specified in s. 118.51(3)(a)3., Wis. Stats., the nonresident school board may approve applications it had initially denied if any of the following cause spaces to become available:

1. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
2. A parent fails to provide the notification required in s. 118.51(3)(a)6., Wis. Stats.
3. The Board determines that additional spaces have become available since its determination at the January Board meeting. In accordance with 118.51(3)(a)3, Wis. Stats., except as provided under sub. (5)(d)1., on or before the first Friday following the first Monday in June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application.

### **Decisional Criteria for Non-resident Applications**

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. Space availability as defined by this policy.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood, or school-operated daycare program resides in a district which offers the program for which the application is made.
3. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years or is pending any disciplinary proceeding, based on any of the following activities:
  - a. 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 school property by means of explosives.
  - b. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.
  - c. 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 employee or Board member.
  - d. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a non-resident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the District, the student is determined to fall any of the above.

The Board may request a copy of a non-resident student's disciplinary records from the resident School board.

4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), if any, are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the District has facilities and/or equipment required for the service. Service is not available in the District if that service is currently provided to resident students through a contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
5. Whether there is space available in the District to provide the special education program or related services identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections. (See paragraph B. 1. above). (Note: If a non-resident student's IEP is developed or changed after starting in the District, 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 District may notify the student's parent and the student's resident board. If such notice is provided, the non-resident may be transferred to his/her resident school district.)
6. Whether the non-resident student has been referred to the resident board under 115.777(1) Wis. Stats. or identified by his or her resident school board under 115.77(1m)(a) Wis. Stats., but not yet evaluated by an individualized education program team. If a non-resident student's IEP is developed or changed after starting in the District, 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 District may notify the student's parent and the student's resident board. If such notice is provided, the non-resident may be transferred to the resident school district.
7. Whether the application of a non-resident student has been denied by the District of which the student is a resident.
8. If the Board has made a determination that a non-resident student attending the District under the open enrollment program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year, after complying with the requirements of PI 36.09(2). The habitual truancy determination shall be made on the sole basis of enrollment in the non-resident district. Open enrollment may not be denied based on the student's truancy from any other district.

### C. Notice of Decision

Written notice of acceptance or denial of nonresident applications must be sent to all applicants on or before the first Friday following the first Monday in June unless otherwise provided by statute or the DPI. Nonresident students whose applications are accepted shall be notified of the specific school or program that the student may attend the following school year.

The District shall notify any resident student and the nonresident school district if the Board denies enrollment in the nonresident district in writing by the second Friday following the first Monday in June unless otherwise provided by statute or the DPI.

Notices of denial will include a reason for the determination.

#### 1. Additional Notices When a Nonresident Student is Accepted

If the Board approves an open enrollment application of a nonresident student it will also send the following notices:

- a. written notice to the applicant no later than the first Friday following the first Monday in June, unless otherwise provided by statute or the DPI, of the specific school or program that the applicant may attend during the following school year; **and**
- b. notice to the resident School Board no later than July 7th, unless otherwise provided by statute or the DPI, stating the name of the student.

The parents or guardians of an accepted nonresident student must notify the Board no later than the last Friday in June, unless otherwise provided by statute or the DPI, of the student's intent to attend school in the District during the following school year.

If an accepted nonresident student has not attended school in the district by the third Friday in September, the open enrollment is terminated.

## 2. Additional Notice if a Resident Student's Application to Another District is Denied

If the Board denies a resident's application to attend another district, it shall send a copy of the notice of denial to the other district on or before the second Friday following the first Monday in June, unless otherwise provided by statute or the DPI.

### D. Reapplication Procedures

The Board will not require accepted non-resident students to reapply under the open enrollment policy as long as the student is continuously enrolled in the District.

### E. Transportation

The parents or guardians of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site.

### F. Rights and Privileges of Nonresident Students

Nonresident students attending school in the District on a full-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students.

### G. Alternative Application Procedures

#### 1. The basis for Open Enrollment Outside Regular Deadlines:

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under this alternative application procedure if the student satisfies at least one (1) of the following criteria and has not applied to more than three (3) non-resident school districts:

- a. The resident school board determines that the non-resident student has been the victim of a violent criminal offense, as defined by the Department of Public Instruction. An application is not valid unless the District receives the application within thirty (30) days after the determination of the resident school board.
- b. The student is or has been a homeless student in the current or immediately preceding school year. In this subdivision, "homeless student" means an individual who is included in the category of homeless children and youths, as defined in Policy 5111.01 - Homeless Students.
- c. The non-resident student has been the victim of repeated bullying or harassment and all of the following apply:
  1. The student's parent has reported the bullying or harassment to the resident school board.
  2. Despite the action taken by the parents and/or the resident school district, the repeated bullying and harassment continue.
- d. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders. An application is not valid unless the District receives the application no later than thirty (30) days after the date on which the military orders changing the place of residence were issued.
- e. The student moved into the state but resides in another District. An application made on the basis is not valid unless the District receives the application no later than thirty (30) days after moving into this state.
- f. The place of residence of the student has changed as a result of a court order or custody agreement or because the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or from the home of a person other than the student's parent. An application is not valid unless the District receives the application no later than thirty (30) days after the student's change in residence.
- g. The parent of the non-resident student, the resident school board, and the Board agree that attending school in the District is in the best interests of the student.

#### h. DELEGATION TO DISTRICT ADMINISTRATOR

The Board delegates to the District Administrator the authority to approve or deny open enrollment applications including under the alternative procedures consistent with the criteria in this policy and based on the Board's space determinations approved in January of each year.

**ANNUAL REVIEW**

The Board shall review its Open Enrollment Program annually.

**General Provisions**

- A. A student, who has been accepted under this program, who has not met the academic prerequisites for participation in a particular program in which the student wishes to enroll shall not be placed in that program.
- B. The District's Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

**Application of Emergency Orders**

All timelines or other procedures described in this policy and in any implementing administrative guidelines are subject to modification in the event that the State or Federal government issues an emergency or other temporary orders affecting any of the subject matter of this policy. The policy automatically incorporates the contents of any such order or proclamation, including any discretionary authority provided, and delegates by policy the authority to exercise that discretion to the District Administrator.

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