

## PUBLIC SCHOOL 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).

Subject to the exception that the Board of Education, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, the Board authorizes the Superintendent, or designee of the Superintendent, 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 under any related Board-approved rule. However, this delegation of authority shall not be construed to prohibit the Superintendent from bringing any such decision or determination of the Board as he/she deems necessary or prudent.

The Appleton Area School District (AASD) shall allow nonresident students residing within the State of Wisconsin to attend school full-time within the AASD. Nonresident high school students may take up to two courses in the AASD and attend the AASD part-time. Resident students shall be permitted to attend school in other districts. Procedures for implementing open enrollment are delineated in 423-Rule.

The AASD shall continue open enrollment among the schools within the AASD boundaries. Intra-district open enrollment will be completed before inter-district open enrollment is implemented.

AASD policies 411, Equal Opportunities and 411.2, Student Nondiscrimination shall apply to all applicants under this program.

**Cross References:** Equal Opportunity, 411  
 Student Nondiscrimination, 411.2  
 School Entrance Ages and Early Admission, 421 and 421-Rule  
 Student Attendance, 430 and 430-Rule  
 WIAA Transfer Rules and Regulations

**Legal References:** Wisconsin State Statutes 118.14, 118.145(1)(4), 118.33, 118.51, 118.52, 118.55, 120.13(1)(f), 121.54(3), 121.78(1)(2), 121.84(1)(b) and (4), 121.83, 939.22 (10); Wisconsin Administrative Rule PI 36

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## **PUBLIC SCHOOL OPEN ENROLLMENT**

### **Procedures**

#### **DEFINITION OF TERMS**

##### **Alternative Application under Certain Circumstances**

The parent of a student may apply for open enrollment at another time period other than the February to April time period if the student meets one of the following criteria, and shall describe 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, as defined by the department by rule.
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 or harassment and all of the following apply:
  - a. The student's parent has reported the bullying or harassment to the resident school board
  - b. Despite action taken, the repeated bullying and harassment continues.
4. The place of residence of the student's parent or guardian and of the student has changed as a result of military orders.
5. The student moved into this state.
6. 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.
7. The parent of the student, the resident school board, and the nonresident school board agree that attending school in the nonresident school district is in the best interest of the student.

##### **Full-time Open Enrollment Program**

The student is enrolled in the nonresident district as a full-time student and all educational services are delivered by or through the nonresident district.

##### **Habitually Truant**

Habitually truant means being absent from school without an acceptable excuse for part or all of five or more school days during any semester.

##### **Lottery**

A random drawing process used to determine which students will be approved for open enrollment when the requests outnumber the spaces available. The random drawing process will be used, as needed, for open enrollment within the AASD, for nonresident open enrollment, for nonresident students on waiting lists, and for resident students who request open enrollment to other districts in the event of statutory limits.

##### **Nonresident District**

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

### **Part-time Open Enrollment**

The high school student is enrolled in the resident district and permitted to attend a nonresident district for no more than two courses. Part-time open enrollment to a nonresident district is not available to resident students enrolled in a private or home-based private educational program.

### **Program Size**

The enrollment or size restrictions established in a specific program within a class or building. The AASD 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.

### **School Working Capacity**

The maximum number of students who can be scheduled to attend a school, calculated according to a standard formula for all schools at that level. The capacity of a building may be adjusted due to a change in the use of existing space such as the conversion of a classroom to a computer lab or single-use room.

### **Senior Status**

A student who has gained 12<sup>th</sup> grade status and a resident of the AASD at the time of gaining such status shall be permitted to complete 12<sup>th</sup> grade without payment of tuition, even though the student is no longer a resident of the AASD.

### **Sibling**

A sibling is one that shares a parent through birth or adoption. This includes step-siblings who reside in the same household.

### **Tuition Student**

A nonresident student who is enrolled in the AASD with tuition paid in accordance with State law.

### **Tuition Waivers**

Students are permitted to attend a nonresident district for an established period of time under state law if they qualify for any of the following waivers:

- **Remainder of Current School Year Waiver**  
If a student moves on or after October 1 of the current school year and was a resident and enrolled in the nonresident district on either the third Friday in September or the second Friday in January of the current school year, and enrolled in the nonresident district for at least 20 school days, then the student has the right to attend the nonresident district for the remainder of the current school year.
- **Additional Year Waiver**  
If a student moves after the first Monday in February and prior to July 1, then the student may qualify for an additional year waiver and therefore be permitted to attend the nonresident district. To qualify, the student must have been a resident of the nonresident district on the second Friday in January, and enrolled continuously in the nonresident district from the second Friday in January through the end of the school year. The student must also continue to be a resident of Wisconsin.

- Current Year or Additional Year Waiver

If a student moves on or after July 1 and prior to October 1, then the student may qualify for a current year or an additional year waiver and therefore permitted to attend the nonresident district. To qualify, the student must have been a resident of the nonresident district on the second Friday in January, enrolled continuously in the nonresident district from the second Friday in January through the end of that school year, and a resident of the nonresident district on July 1. The student must also continue to be a resident of Wisconsin. The nonresident district determines if the waiver is designated as a current year or additional year waiver.

- Current Year Permissive Waiver

If a student moves on or after July 1 and prior to October 1, and was not a resident of the nonresident district on the second Friday in January of the prior school year, the student may qualify for a current year permissive waiver. To qualify, the student must have been a resident and enrolled on July 1 of the current school year. If the student was not a resident of the nonresident district on July 1, then a waiver can't be approved.

### **FULL-TIME ENROLLMENT**

A nonresident student may apply for full-time enrollment in a public school in the District under the open enrollment program. Applications may be completed and submitted using DPI's online system or by completing the DPI's paper application form and submitting the paper application to the Superintendent or his/her designee. Upon receipt of any paper copy of a nonresident student's application to attend a school or program in the District, office staff shall affix a date stamp (or a written and initialed date) to the application. The application will be reviewed and processed according to District policy and rule.

The AASD shall allow nonresident students residing within the State of Wisconsin to attend school full-time within the AASD, and resident students shall be permitted to attend school in other districts.

#### **A. ACCEPTANCE/REJECTION CRITERIA**

The AASD shall consider the following criteria when accepting or rejecting a nonresident student's application for full-time enrollment.

##### **1. Acceptance of Students Currently Attending the District**

The AASD is permitted and has elected to accept students who are currently attending the AASD under open enrollment or tuition waiver, and currently attending siblings of such students under Wisconsin State Statute 118.51 (3) (a) 2.

Students who are approved through the open enrollment process are not required to reapply for open enrollment. These students are assured continued enrollment regardless of space availability unless they commit a violation of school rules, which equals an expellable offense, as described under "Student Expulsions/Discipline Related" or if determined to be Habitual Truant as described under "Habitual Truancy" (Board Policy 430).

## **423-Rule (cont.)**

Students enrolled in the AASD through a Remainder of Current School Year Waiver, Additional Year Waiver, Current Year Waiver or Additional Year Waiver, or Current Year Permissive Waiver are allowed to continue their enrollment through the tuition waiver period. However, to attend beyond the tuition waiver period, students are required to apply for open enrollment at the next possible time that the application process is available or Alternative Application under Certain Circumstances. Students attending under a tuition waiver and who apply for open enrollment will be accepted unless they have been found to be habitually truant in the AASD during any semester of attendance in the current or previous school year. The AASD, at its discretion, may reject their open enrollment application for this reason.

### **2. Space Availability**

The District shall consider the availability of space in the schools, programs, classes or levels within the District. When determining space availability, consideration may be given to desired class size limits, desired student-teacher ratios, overall building capacity, future enrollment projections, desired program-size limitations, and known or projected limitations on available staffing and other resources. Based upon a review of the relevant considerations, the Board of Education may annually establish, at a Board of Education meeting held in January, space limitations applicable to nonresident open enrollment.

Space availability for open enrollment will be determined by establishing an open enrollment ceiling based on the differential between the projected enrollment for the upcoming school year and 90% of the school's or program's working capacity at elementary and middle schools and 100% of the school's or program's working capacity at high schools, as established by the Board of Education. Spaces available for nonresident open enrollment are determined for each building and special education program. This is done by comparing projected enrollment, which has been adjusted to accommodate intra-district open enrollment, with the open enrollment ceiling. The space available within the AASD will be determined by February 1. The first day inter-district open enrollment applications can be accepted is the first Monday in February.

The following students will be included in the working capacity when determining space availability:

- Students currently attending under full-time open enrollment and not subject to reapplication
- Students currently attending through a current year tuition agreement
- Students who are no longer residents of the AASD but who qualify under a tuition waiver
- Students who currently attend the AASD and their currently attending siblings pursuant to Wisconsin State Statute 118.51 (3) (a) 2
- Students attending under an Alternative Application under Certain Circumstances (defined above and in 118.51 (3m)).

**3. Preference**

Preference will be given for the "spaces" determined under the formula for space availability.

- Preferences are granted only if space is available.
- If one student is accepted under the full-time open enrollment process, then preference will be given to their siblings who applied at the same time.
- If one student from a family is selected in the lottery, then preference will be given to the remaining siblings who applied at the same time.
- Regardless of the space availability, the AASD shall accept continuing students previously accepted under open enrollment.

**4. Guarantee**

The District grants a guarantee of approval under the space availability criteria to applicants during the regular application period who are students currently attending school in the AASD (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). In order to be guaranteed, the student must apply at the next possible time the open enrollment application process is available under the February-April application period or Alternative Application under Certain Circumstances.

**5. Lottery**

If the AASD receives more nonresident applications for a particular school or program than there are spaces available at that school or program, the Board of Education directs the Superintendent or his/her designee to determine which students to accept based on a random lottery.

**6. School Choice**

If the parent requests a specific school(s) or program(s) and space is not available, the AASD will approve the application and assign the student to a school or program where space is available and place the student on a waiting list for the specific schools(s) or program(s) applied for if no space is available. However, if the parents do not wish to have their child considered for another school or program, the AASD may (whichever is applicable) deny the application, deny the application and place the student on a waiting list, or offer another school or program where space is available.

**7. Schools & Programs with Waiting Lists**

A. The AASD is permitted and has elected to create a waiting list of students whose applications were rejected due to lack of space availability under Wisconsin State Statutes 118.51 (3) (a) 3 and 118.51 (5) (d). In the event an opening becomes available, students will be selected from the waiting list pursuant to the lottery procedure and the administration of open enrollment waiting lists.

1. The District creates and administers waiting lists for applications received during the regular application period that are initially denied due to space limitations.

## 423-Rule (cont.)

2. The District does not administer waiting lists for current-year open enrollment applications submitted by nonresident students under the alternative application procedure after third Friday in September.
3. The District does create and administer waiting lists for the assignment of accepted open enrollment applicants to specific schools/programs for which the applicant has expressed a preference.

If nonresident students decline acceptance at either their preferred choice or at an alternative location offered by the AASD, they will not be included on the waiting list. These students will need to reapply at the next possible time the open enrollment application process is available.

### B. Random Drawing Process Used When There Are More Regular Period Applications than Available Spaces

1. If there is sufficient space available in the relevant levels/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 and no level-based (i.e., elementary, middle, high) or program-based waiting lists will be created or maintained.
2. If there are more regular-period applications than spaces available for a particular level or special education program, then the following selection procedure shall be used:
  - a. 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 (who, by DPI rule, are to be included in the count of occupied spaces in the Board's space availability designations) will be accepted without reducing the number of spaces that have been designated as available for open enrollment.
  - b. All remaining timely applications (i.e., all applications not guaranteed space under District policy), by level and even if the application is potentially subject to denial under other applicable 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:
    - I. 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.

## 423-Rule (cont.)

- c. A student who is a child with a disability shall be included in the random selection that determines the District-wide order of consideration of remaining applications to assign available spaces by level prior to consideration of the availability of and space within the special education required by the student's individualized education program (IEP).
- d. If, after approving the applications of all students who are guaranteed approval there is no level-based space left in the District (i.e., all levels are full), then all remaining applications shall be placed on level-based waiting lists, retaining the order of consideration established above (but within the applicable level-based list). Applications denied for any additional reason (i.e., at least one reason in addition to a lack of available space) will be removed from the waiting lists before applicants are notified of their position on any waiting list. The level-based waiting lists will thereafter be administered as described below.
- e. If, after approving the applications of all students who are guaranteed approval there is remaining space available in one or more level(s)/program(s), the District will proceed to consider each of the applications in the order established through the random process described above.
  - I. As each application is considered, and if no other basis exists for denying the application, the application will either be accepted and assigned to an available space or denied and placed on the appropriate waiting list(s).
  - II. As any such application is accepted and assigned to an available space (i.e., there is a space available for the applicant), 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. The application of any sibling who is entitled to such preferential consideration shall be denied and immediately placed on the applicable waiting list(s) if there is no remaining space in such sibling's level and/or in any special education program or service that may be required for the sibling.
- f. Before finalizing the assignment of space, the list of applications that will be accepted, and the initial waiting lists, the District will consider whether any application that has tentatively been assigned to any space or placed on any waiting list is subject to denial due to the application of any criteria other than a lack of level-based or special education space. If so, then:
  - I. Any such application that has tentatively been assigned to an available space will be denied for the separate reason(s), and the space tentatively assigned to the application will be assigned to an applicant who is listed first on the applicable waiting list; and
  - II. Any such application that was tentatively placed on a waiting list shall be denied for both the space availability reasons and for the separate reasons(s) and removed from the waiting list before applicants are notified of their position on the waiting lists.



## 423-Rule (cont.)

- g. Students with Disabilities Whose Applications Are Potentially Subject to Both Regular Education and Special Education Space Availability Restrictions. For any student with a disability whose application would be accepted but for a space limitation in the student's level (regular education space) and/or in a necessary program/service (special education space), as such a student's name is reached in the random selection process or in the administration of the waiting lists, the District will hold any general education space or special education space to which the student can be assigned until the student's name is reached on the other applicable list. The purpose of placing this hold is to ensure that such a student with a disability is not disadvantaged as they wait for a space to potentially open on the other waiting list (i.e., either the general education or special education waiting list, as applicable). These holds will be maintained until the last day that the District administers its open enrollment waiting lists, at which point the hold shall be released and the space that had been held may be assigned to another student.
- h. Exception When Space Limitations Exist only in Special Education. If there is sufficient space available, by level, 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 and to the creation of special education waiting lists.

### C. Administration of Open Enrollment Waiting Lists

Parents of students accepted for open enrollment notify the AASD of their child's intent to attend. Parents may provide this notification in writing, via phone, fax, or email. This notification must be received by the AASD on or before the last Friday in June. Failure to provide this notification to AASD may deprive the student of open enrollment.

1. As any spaces become available, applications that have not been denied for any reason other than lack of space will be accepted from the waiting list(s). The District may accept students from a waiting list starting on the second Monday in June and ending on the second Friday in August.
2. Parents/guardians will be notified in writing if a space becomes available, including notification of the school or program to which the student has been assigned and the procedures and date by which the parent or guardian must notify the District if the student will attend school in the District. Verbal notice may be provided to the parent or guardian who submitted the application, but verbal notice will be confirmed through a written communication.

Students selected from the waiting list for open spaces shall inform the AASD of acceptance and intent to attend within 10 calendar days from receiving notice or immediately if notified after the start of the school term.

- a. If the parent or guardian does not respond in the allotted time, the student's application will be placed at the end of the waiting list and the space will be offered to the next student on the waiting list.

## **423-Rule (cont.)**

3. For any applicant who is a student with a disability who has been assigned to both a level-based waiting list and a special education waiting list, if the student is selected from one such list but not from the other(s), the District will hold the space which became available for the student on a list until either a space on the other waiting list(s) becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).
4. To simplify the administration of the waiting lists, the District may contact the parent or guardian who submitted the application to determine whether they wish to voluntarily be removed from the waiting list(s). If the parent or guardian indicates that they would like to be removed, the District will provide written confirmation of the decision/action to the parent or guardian.

After the beginning of the school term but on/before the third Thursday in September and after the student begins attending their resident district, the student may transfer to the nonresident district (AASD) if offered a space from the waiting list. However, if the student has already begun attending a different nonresident district (not AASD), the student may not transfer to the nonresident district that has offered the space from the waiting list.

### **B. ALTERNATIVE APPLICATION UNDER CERTAIN CIRCUMSTANCES**

A parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application (provided by DPI) outside of the regular open enrollment application period or in lieu of it if the application is for the current school year, the student meets one of the following criteria, and the parent 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 or guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process (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 or 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.

## **423-Rule (cont.)**

7. The student's attendance in a school in the nonresident school district is considered to be in the best interest 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 interest of the student.

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 application shall be forwarded to the Superintendent or his/her designee for review and recommendations.

The District will notify the parent in writing, and within 20 calendar days after receiving the application, whether it has approved or denied the application. If the District approves the application, it will identify the specific school or program the student may attend.

If the District approves the application, the student may immediately begin attending the District (nonresident) and must begin attending the District no later than the 15<sup>th</sup> day following receipt of the notice of approval. If the student has not enrolled in or attended the District by the 15<sup>th</sup> day after receiving notice of approval, the District may notify the parent that the student may not attend the District.

“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(s) and make a determination as to whether the District agrees with the parent(s) or guardian(s) 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.

### **C. ASSIGNMENT OF ACCEPTED APPLICANTS TO A SCHOOL/PROGRAM**

The District shall assign nonresident students accepted for full-time open enrollment to a school or program. Any preferences identified by the applicant cannot be guaranteed. In making such assignments, the District may give preference in attendance at a particular school or program to residents of the District. Any admission requirements and pre-requisites for attendance in any specialized school or program that apply to resident students also apply to nonresident students. In addition, any nonresident open enrollment student must meet the in-person/physical attendance requirements established by law.

**PART-TIME ENROLLMENT**

**A. ACCEPTANCE/REJECTION CRITERIA**

A nonresident student enrolled in a public high school in another district may attend school in the AASD on a part-time basis in accordance with Wisconsin State Statute 118.52.

The student and his/her parent or guardian wishing to participate in the part-time open enrollment program are solely responsible for (1) following all application procedures, (2) providing express notice to the applicable school districts that confirms the student's intent to attend a course into which the student has been accepted, and (3) must meet relevant deadlines, as such requirements are further defined in state law, any applicable state regulations, or the policies and procedures of the applicable school districts. Failure to submit a timely and complete application or a failure to follow other mandatory procedures is grounds for loss of the opportunity to participate in the course(s).

The Superintendent or his/her designee shall be responsible for (1) ensuring that the District appropriately processes all resident and nonresident student applications for the part-time open enrollment program; (2) determining whether the District will approve or deny individual applications based on the criteria established in state law, any applicable state regulations, and applicable District policies and procedures; and (3) determining whether each course identified on an application satisfies any of the District's high school graduation requirements. The District shall notify the applicant, in writing, if a course will not satisfy a graduation requirement.

Transportation to and from any course(s) taken under this policy shall be the sole responsibility of the student's parent or guardian, unless state or federal law otherwise requires a school district to provide transportation.

The following criteria will be used for acceptance or rejection of applications:

**1. Space Availability**

A high school student may enroll in no more than two (2) courses at any time and only in those courses that have space available. Traditional courses (those that are staffed at 28.5 students to one instructor ratio) will be closed for open enrollment when an enrollment of 27 students is reached.

Classes that use specialized equipment, ELL classes, AP classes, music performance classes, or any other unique course, will establish a cap for nonresident transfers that is 90% of the typical maximum enrollment. Part-time nonresident students with disabilities will be accepted under the same space requirements as full-time nonresident students with disabilities.

**Preferences**

- First preference for space available will be given to resident private or home-based private school students who wish to take one or two courses at one of the high schools. Private or home-based private educational school students must meet the standards for admission to high school and must be residents of the AASD.
- Remaining space will be available to nonresident students who apply within the legal timeframes and meet all other criteria of part-time open enrollment and all criteria required of resident students.
- If the AASD receives more nonresident applications for a particular course than there are spaces available in that course, the Board of Education shall determine which students to accept based on a lottery.

**2. Other Criteria**

- AASD students with disabilities will be denied enrollment in another district if the course(s) conflicts with the student's IEP.
- The resident district must pay tuition for courses taken by nonresident students, calculated in a manner determined by the DPI. A nonresident student will be rejected by the AASD if undue financial hardship to the AASD is incurred.
- The AASD will notify any resident student requesting part-time enrollment in a course in another district, prior to the course beginning, if the course does not satisfy high school graduation requirements.

**3. Records**

Academic records of part-time students will be forwarded to the resident school upon completion of the course(s).

**STUDENT EXPULSIONS/DISCIPLINE RELATED**

As provided in Wisconsin State Statutes 118.51(5)2. and 120.13(1)(f), the AASD, at its discretion, may deny enrollment of a nonresident student that is currently expelled from any of the following:

- A. Another Wisconsin public school district;
- B. A public school located in another state; or
- C. An independent charter school located in Wisconsin.

The AASD will consider certain disciplinary issues that fall into the following categories, even when the student is not under an expulsion order that extends into the year in which the student would begin to attend the AASD or where a disciplinary proceeding involving the student is pending for any of the following reasons:

- Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt to be made to destroy any school property by means of explosives;
- Engaging in conduct while at school or while under the supervision of a school authority which endangered the health, safety, or property of others

## 423-Rule (cont.)

- Engaging in conduct while not at school or while not under the supervision of a school authority which endangered the health, safety, or property of others at school or under the supervision of a school authority or of any employee of the school district or member of the Board of Education; or
- Possessing a dangerous weapon, as defined in Wisconsin State Statute 939.22(10), while at school or while under the supervision of a school authority.

In cases involving student conduct (or, where applicable, alleged conduct) that falls into one of the above-listed categories, the AASD may deny an application for the following reasons:

- If the student has been expelled from school by any public school district during the current or two preceding school years;
- If a disciplinary proceeding involving a violation of a school code of conduct is pending; or
- If any of the aforementioned circumstances occur 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's acceptance for open enrollment may be withdrawn.

If any of the aforementioned circumstances pertain to nonresident students applying or accepted for open enrollment, they will retain their expulsion status and only be permitted to attend certain AASD schools if space is available including any required special education services. Their status as an expelled student will remain until their expulsion order has ended.

Also, if approved and enrolled, the nonresident student's activities will be restricted to the approved school and they will not be permitted to participate in other AASD activities such as co-curricular programs and other school events for the term of the expulsion order unless administrative approval is obtained.

### **HABITUAL TRUANCY**

- **Habitual Truancy of Open Enrollment Student Applicant:**  
As provided in Wisconsin Statute 118.51 (5)(3.), the Board will consider as part of their criteria for accepting or rejecting full-time open enrollment applications from nonresident students whether the nonresident school board determined that the student was habitually truant from the nonresident school district during any semester of attendance at the nonresident school district in the current or previous 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.
- **Habitual Truancy of Current Open Enrollment Student:**  
If the Board determines that a student attending the District under the full-time open enrollment law is habitually truant from the District during either semester in the current school year, the Board may prohibit the student from attending the District under the open enrollment law in the succeeding semester or school year (Board Policies 430 and 431).

## 423-Rule (cont.)

- **Open Enrolled Students to Virtual Charter School and Student's Failure to Participate:**

In the event an open enrolled student to the virtual charter school fails to respond to school assignments or directives three times within a semester and is referred to the school board, the school board may take action authorized by state law and Board Policies 430 and 431 to include transfer back to his or her resident school district.

- **Prohibiting a Child's Attendance in a Succeeding Semester or School Year:**

Before a nonresident School Board may prohibit a child's attendance in a succeeding semester or school year under 118.51(11), Stats., the nonresident School Board shall do all of the following:

1. Provide the following notifications to the parent and the child when the child enrolls in the nonresident school district:
  - a. The School Board's truancy and attendance policy.
  - b. The open enrollment consequences of habitual truancy.
  - c. A clear explanation of what constitutes truancy, including what constitutes "part of a school day."
  - d. A description of the notifications, including the manner of delivery, a parent will receive when a child is absent, is truant, or is habitually truant. Each notification shall inform the parent that the child's open enrollment may be terminated if the child is habitually truant.
  - e. How and where the parent can view the child's attendance record.
2. Each notification provided under 118.16(2), Stats., shall notify the parent or child of the consequences of habitual truancy on open enrollment.
3. Provide the parent and child with a list of all unexcused absences and trancies that resulted in the board's proposed action to prohibit the child's attendance in a succeeding semester or school year.
4. Allow the parent or child to explain why they believe there was any error in making an absence as truancy, using the process described in the board's policy.

- **Appeals to Open Enrollment Decisions Made Based on Habitual Truancy or Virtual Charter Student's Failure to Participate:**

A nonresident student's parent or guardian may appeal to the DPI a rejection of the student's full-time open enrollment in a nonresident school district based on the student's habitual truancy or a transfer back to the resident school district based upon the failure to participate.

### **STUDENTS WITH DISABILITIES**

Upon receipt of a request for open enrollment of a nonresident student with a disability, the AASD will request student records from the student's resident district or currently attending district if different than the resident district. The records will be reviewed with the primary focus being the student's most recent special education evaluation and current Individual Educational Plan (IEP).

### **Students with Disabilities but No Current IEP**

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 law (Wisconsin Administrative Code-Public Instruction) to determine whether the District has the appropriate special education program, related services or space available.

The AASD will accept nonresident students that meet criteria delineated in this policy for all students, as well as the following criteria specific to students with disabilities:

- The open enrollment application contains information that accurately reflects the student as a student with a disability with a current IEP.
- The special education and related services in the student's IEP are available in the AASD.
- There is space available in the school, special education program, related services, and integrated environments identified in the student's IEP.
- The student has an evaluation, IEP, and placement that are current, complete, and procedurally correct at the time of the open enrollment application.
- The resident district approves the open enrollment request.

### **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 or 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 prior to the close of the period during which the District would normally continue to process and accept applications from any waiting lists and if the District concludes that such reconsideration would not be prejudicial to any other applicant.

The AASD is responsible for providing a free appropriate public education (FAPE) to all open enrolled nonresident students. This includes assurances that special education and related services are provided at public expense, meet the standards of the DPI, and are provided in conformity with the IEP. This includes the provision of transportation if required as a related service. Reevaluations of nonresident students will include representation from the resident district.

If a nonresident student receives his/her initial individualized education program (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, or if the District has approved an application for a student without an IEP and it is subsequently determined that the student is a child 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.

An increase in special education program and related service enrollments that are due to placements of additional resident students will not jeopardize the nonresident student's enrollment in the AASD.



## **423-Rule (cont.)**

AASD students with disabilities that apply for open enrollment to other districts may be denied if the services in the IEP that are provided by the AASD are not available in the nonresident district or space is not available in the special education program or related services. Transportation, if a related service, would be the responsibility of the nonresident district.

### **APPEAL PROCESS**

If the AASD rejects an application for full-time open enrollment during the normal open enrollment application period, the student's parents or guardians may appeal the decision to the DPI within 30 days of the receipt of the notice of denial. State law requires the DPI to affirm the school board's decision unless it finds that the decision is arbitrary or unreasonable.

For an alternative open enrollment application, a nonresident school district's denial may not be appealed to the DPI.

### **REAPPLICATION**

Once a nonresident student is accepted as an open enrolled student in the AASD, he/she may continue to attend within the AASD in succeeding school years without reapplying.

Nonresident students will transition to the same middle and high school as their attendance area peers. If resident students transition to more than one middle or high school, then the nonresident students will be afforded a choice of schools.

### **PRIVATE SCHOOL OR HOME-BASED PRIVATE EDUCATIONAL PROGRAM**

Prior to attending as an accepted open enrolled student in a nonresident district, but in no case later than the first day of the school year, private school or home-based private educational program students must enroll in their resident district.

### **VOIDING OF OPEN ENROLLMENT STATUS**

If an open enrolled student does not attend on or before the third Friday in September or if the student is expelled, the open enrollment status ends. Also, if an open enrolled student withdraws from AASD, or enrolls in another school district, charter school, private school, or home-based private educational program, in or out of Wisconsin, open enrollment is terminated and the student will not be permitted to re-enroll without reapplying and being approved through the open enrollment process.

Furthermore, parents/guardians of newly accepted students have an obligation to notify the AASD of their child's intent to attend by the last Friday in June. If they fail to do so and a student(s) is accepted from the waiting list, the original acceptance may be voided and the student may not be permitted to attend the AASD.

**TRANSPORTATION**

The parents/guardians of nonresident students, private school students and home-based private program students attending a school full-time in the AASD are responsible for student transportation to and from the school. Low-income assistance may be available for students who meet the State requirements. If the nonresident open enrolled student is a student with a disability and transportation is required in the student's IEP, the AASD is responsible for transporting the student.

**RIGHTS OF NONRESIDENT STUDENTS**

Nonresident students, with the exception of nonresident expelled students, have all the rights and privileges and are subject to the same rules and regulations as students residing in the AASD, which includes payment of school fees required of resident students. Although nonresident expelled students may be accepted by the AASD for open enrollment, they retain status as an expelled student until the end of the expulsion order term. They are also subject to various restrictions as identified under the "Student Expulsion/Discipline Related" section of this policy.

Participation in interscholastic athletics must comply with pertinent regulations of the Wisconsin Interscholastic Athletic Association (WIAA) and any relevant league standards regarding eligibility of transfer students for participation in interscholastic athletics.

Nonresident students also have the right to request and be considered for transfer to another school in the AASD through the intra-district open enrollment process unless they are an open-enrolled expelled student.

A student may return to his or her resident school at any time. The parent shall notify both the resident and the nonresident school district of this decision in writing.

**RELEASE OF RESIDENT STUDENTS APPLYING FOR OPEN ENROLLMENT**

The Board of Education shall release any resident student who wishes to apply for open enrollment in another school district. The maximum number of students who may be released in any given school year will comply with statutory limitations, if any. If there are more requests than can be accommodated within the statutory limits, a lottery will be used to determine those students eligible. An application may be denied if the resident student is ineligible for open enrollment under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the District does not have the same program offered by the nonresident district, etc.) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

## 423-Rule (cont.)

If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District shall deny the student's open enrollment if the District determines that none of the criteria relied on by the student to submit the application apply to the student. However, prior to denying an alternative application on the basis that the parent or 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 or guardian an opportunity to provide additional information.

### **RELEASE OF RECORDS**

The Superintendent or his/her designee will ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.

### **EARLY ADMISSION TO KINDERGARTEN AND FIRST GRADE**

Nonresident children applying for open enrollment that are not age eligible will not be considered for early admission. Wisconsin State Statute 118.14 mandates that a child must be four years old on or before September 1 to enter a four-year-old kindergarten and five years old on or before September 1 to enter a five-year-old kindergarten and six years old on or before September 1 to enter first grade.

### **TIMELINES**

January	Spaces available for intra-district open enrollment are determined for each school by comparing projected enrollment for the fall term with open enrollment ceilings.  Parents requesting intra-district open enrollment must submit applications prior to February 1.  Spaces available for nonresident open enrollment are determined for each school and special education program. This is done by comparing projected enrollment, which has been adjusted to accommodate intra-district open enrollment, with the open enrollment ceiling.
By First Friday in March	The AASD notifies applicants for intra-district open enrollment, approving or denying the application.
February through April	Nonresident parents submit applications to the AASD and resident parents submit applications to other districts requesting open enrollment.  Applications cannot be submitted before the first Monday in February and no later than 4:00 PM on the last weekday in April.

April/Early May	<p>The AASD cannot act on any application before May 1.</p> <p>Expulsion and special education records will be sent to the resident school district. Records will be sent no later than the first Friday following the first Monday in May.</p> <p>The AASD will request records of students who have applied for open enrollment to the AASD. The nonresident district must send the records no later than the first Friday following the first Monday in May. If the student is not attending the resident district, AASD will request records from the school district the student is currently attending.</p>
Early June	<p>The AASD will notify the nonresident applicants, in writing, that the application has been accepted or denied on or before the first Friday following the first Monday in June. The notice will state the reason(s) for denial.</p> <p>Nonresident applicants will also be notified if they were placed on a waiting list due to lack of space.</p> <p>The AASD will notify accepted nonresident applicants, in writing, on or before the first Friday following the first Monday in June of the specific school or program that the student may attend in the following school year.</p> <p>The AASD will notify resident applicants and the nonresident school district, in writing, if it is denying the application of a student requesting open enrollment in another district on or before the second Friday following the first Monday in June. The notice will state the reason(s) for denial.</p>
June/Early July	<p>Parents may appeal a rejection or denial to the DPI within 30 days of the receipt of the notice of denial.</p>
June	<p>Nonresident parents must notify the AASD on or before the last Friday in June to verify that the student who has been accepted will indeed attend school in the AASD in the following school year.</p> <p>As any spaces become available, applications that have not been denied for any reason other than lack of space will be accepted from the waiting list(s). The District may accept students from a waiting list starting on the second Monday in June and ending on the second Friday in August.</p>
On or Before July 7	<p>The AASD will report the names of students it has accepted for open enrollment, including those continuing open enrolled students, to the resident school districts.</p>
On or Before July 15	<p>Parents requesting part-time attendance for a course beginning in the first semester must apply no later than six weeks before the starting date of the course. This includes students within the AASD requesting courses at another high school, private and home-based private students who live in the AASD, and nonresident students.</p>

August	<p>The AASD will notify applicants of acceptance or rejection for part-time attendance no later than one week before the start of the course.</p> <p>The AASD will notify resident students requesting part-time attendance in another district if their applications are being denied, or if the course does not satisfy high school graduation requirements.</p>
August and September	<p>Private school or home-based private educational program students must enroll in their resident district no later than the first day of school.</p> <p>Nonresident parents must notify AASD within 10 calendar days of receiving an offer from the waiting list whether the student will attend. If a nonresident student is offered a space from the waiting list <u>after</u> the beginning of the school term, the parent must immediately notify AASD whether the student will attend.</p>
November	<p>Parents requesting part-time attendance for a course beginning in the second semester must apply no later than six weeks before the starting date of the course. This includes students within the AASD requesting courses at another high school, private and home-based private educational students who live in the AASD, and nonresident students.</p>

**Cross References:** Equal Opportunity, 411  
Student Nondiscrimination, 411.2  
School Entrance Ages and Early Admission, 421  
Student Attendance, 430 and 430-Rule  
WIAA Transfer Rules and Regulations

**Legal References:** Wisconsin State Statutes 118.14, 118.145(1)(4), 118.33, 118.51, 118.52, 118.55, 120.13(1)(f), 121.54(3), 121.78(1)(2), 121.84(1)(b) and (4), 121.83, s.939.22 (10), Wisconsin Administrative Rule PI 36

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