

## **423 - 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 School Board, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, the Board authorizes the District Administrator, or any administrative-level designee of the District Administrator, to make all other decisions and determinations that are necessary or permitted in connection with any open enrollment application or any open enrollment student under this policy and its related Board-approved rule. However, this delegation of authority shall not be construed to prohibit the District Administrator from bringing any such decision or determination to the Board as he/she deems necessary or prudent.

### **Nonresident Open Enrollment Students**

#### 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 the 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 of their applications on or before the first Friday following the first Monday in June following the 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 assigned unless applications for that grade level have been denied or there is no longer space available in that grade level.

Any notice of denial shall include the following:

1. Specific reason(s) for denial
2. Notice of the parents' right to appeal, the address to send the appeal, and the information on where to locate the form required for an appeal.

#### Decisional Criteria

The District shall consider and apply the following criteria when deciding whether or not to accept (or, in some situations, revoke acceptance of) a nonresident student's application for full-time open enrollment:

1. Space Availability. The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability,

consideration may be given to desired class size limits, desired student-teacher ratios, overall building capacity, future enrollment projections, the projected number of sections of particular grades or courses, desired program-size limitations, and known or projected limitations on available staffing and other resources. Based upon a review of the relevant considerations, the Board may annually establish, at a Board meeting held in January, space limitations applicable to nonresident open enrollment.

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 period for the following school year, then the District shall not approve any alternative applications in the grades or programs with limited space that are submitted for the current school year after the date of the January school board meeting. Further, the District shall deny any alternative applications for a particular grade or program for the current school year that are received on or before the date of the Board meeting in January where space availability for open enrollment is again considered if, due to space considerations, the District did not approve all otherwise-eligible regular-period application(s) for that particular grade or program for the same school year.

If the District receives more student applications during the regular application period for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis, subject to the following exceptions and to the additional Board-established procedures that implement this policy:

- a. Students Guaranteed Approval under the Space Availability Criteria: If otherwise eligible to be approved under this policy and applicable law, and provided that the individual has submitted a timely application during the applicable regular application period (but not including any alternative applications), the following applicants for full-time open enrollment in the District will not be denied based upon a lack of available space regardless of any otherwise-established limitations on the spaces that are available for open enrollment students:
  - (1) Students who are currently enrolled in and attending school in the District (excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program).
  - (2) The siblings of any student who is currently attending school in the District (excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program).
- b. Random Selection Process to be Used If Necessary. If, after approving the applications of all students who are guaranteed approval, there are more applications than available spaces in any grade and/or program, then all remaining timely and complete applications (regardless of grade and even if the application is potentially subject to denial for some other reason under the local criteria established in this policy) will be subject to a random selection process as further defined in the procedures adopted to accompany this policy.

- a. Waiting Lists The District will create and administer waiting lists for applications received during the regular application period, but not for current-year open enrollment applications submitted under the alternative application procedure. When all available slots have been filled by randomly selected names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection, with those students granted preference under this policy to be included first on the waiting list in a random order followed by any other student applicants in random order.

After the date specified in 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 accepting open enrollment as required in 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.

The District shall notify the parent of a student accepted from the waiting list of that student's eligibility to attend the District unless the student has already enrolled in a different non-resident school district or has since become a resident of the District. The notice shall state the following:

1. the school or program the student has been assigned to;
  2. a date, at least ten (10) calendar days from the date of the notice, by which the parent must accept the open enrollment approval. Failure to timely accept shall be considered rejection and the approval shall be considered rescinded.
2. Students with Disabilities. If the special education or related services required for a student with a disability are not available in the District or if there is no space available in the relevant program/service(s), then the application shall be denied.

The student may be returned to his/her resident district if:

- The nonresident student receives his/her individualized education program (IEP) while attending the District under open enrollment
- The nonresident student's IEP changes after the student begins attending school in the district
- The District 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

3. Students Referred for a Special Education Evaluation. An open enrollment application shall be denied if the nonresident student has been referred or identified as having a possible disability but has not yet been evaluated by an IEP team in the resident district. To the extent permitted by DPI, and assuming other acceptance criteria are and continue to be met, such a student's parent 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 the District 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.
4. Discipline-Related Criteria If the nonresident 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 the following criteria, the application may be denied.
  1. 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.
  2. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.
  3. Engaging in conduct while not at school or while 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.
  4. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

Disciplinary matters that are pending or that become pending while the application is under consideration. If any disciplinary proceeding involving alleged conduct falling in any of the four specific categories listed in the open enrollment statutes (listed above) is pending at the time the District notifies the student of his/her application status, the District may deny the application.

- a. Applicants must continue to meet discipline-related approval criteria after initial acceptance. The District may revoke the prior acceptance of an open enrollment application if, at any time prior to the beginning of the school year in which the student will first attend school in the District, the District determines that the student either (1) has been expelled or (2) become subject to a pending disciplinary proceeding.
- b. Limited Exception. In situations where a student's application was rejected (including as a result of the revocation of an initial acceptance) due to a pending disciplinary matter, the District, upon the written request of the student's parent or guardian, will reconsider the status of the student's application if both of the following conditions are satisfied:
  1. Prior to the close of the period during which the District would normally continue to process applications from any waiting lists, the District is able to determine that the prior pending disciplinary matter has been concluded in favor of the student;
  2. The District concludes that considering possible acceptance of the application would not be prejudicial to any other applicant.

5. Truancy-Related Criteria. Open enrollment may be terminated at the start of the succeeding semester or school year if the student is habitually truant during any semester of attendance, and the student had a further instance of truancy in that same semester after the District notified the student's parent or guardian of the habitual truancy. Open enrollment may not be denied based on the student's truancy from any other district.
6. "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 may be denied on that basis.

A full-time open enrollment application can also be denied if the nonresident 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 resident district does not have a 4-year-old kindergarten program as offered by the 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).

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.

Requests for Early Admission to Kindergarten. The District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old kindergarten. Upon request of the child's parent or guardian, and if such evaluations can reasonably be completed no later than the third Friday in May, the District may evaluate regular-period, nonresident open enrollment applicants for possible early admission to 5-year-old kindergarten.

Reapplication 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. However, students who are currently enrolled under a Current Year or Additional Year Tuition Waiver must apply during the regular open enrollment period to be considered for the following school year.

Transportation. Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian(s), subject to the following exceptions:

1. Low income parents/guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
2. The District shall provide transportation for nonresident students with disabilities

attending school full-time in the District if it is required in the student's IEP or otherwise required by law.

3. Upon request of the student's parent or guardian, the District shall provide transportation to nonresident full-time open enrollment students without charging any fee if there is room available on a bus on a regular route and the student is picked up or dropped off at a bus stop on the established route, except that if the bus stop on the established route is located within the boundaries of the student's resident school district, the resident school district must also approve the transportation arrangement.

An open enrollment student's eligibility to participate in interscholastic athletic activities is subject to the rules and regulations of the Wisconsin Interscholastic Athletic Association (WIAA).

### **Resident Open Enrollment Students**

Resident students may apply for full-time open enrollment in another public school district in accordance with state law.

If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District may also 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.

Transportation. The parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, except as otherwise provided by law. Requests from other school districts to provide optional transportation to resident open enrollment students to/from locations within the boundaries of the District may be denied.

### **Appeals of Open Enrollment Decisions**

The student's parent(s) or 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.

Legal References: Sections 115.787; 118.16(1)(a); 118.51; 120.13(13)(1)(f); 120.13(1)(h); 121.54(3); 121.54(10); 121.545(1); and 121.55 of Wisconsin Statutes as well as PI 36 or Wisconsin Administrative Code

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