

WISCONSIN PUBLIC SCHOOL OPEN ENROLLMENT PROGRAM

This policy shall be administered in accordance with the state public school open enrollment laws and implementing rules.

Nonresident Open Enrollment Students

A student may apply for full-time enrollment as a nonresident in a public school in the District under the open enrollment program. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law.

I. Acceptance and Rejection Criteria

The District shall consider the following criteria when deciding whether or not to accept a nonresident student's application for full-time open enrollment:

- A. Space Availability.** The District shall deny an application if there is no space available for nonresident transfer students in the schools, programs, classes or grades of the District. The Board shall determine the open enrollment and special education open enrollment space available in the grades of the District at the January meeting of the Board each school year. On or after the first Monday in February, the Board may not reduce the number of open enrollment spaces available for the following school year. After the January Board meeting, the Board may not increase the number of open enrollment spaces available for the following school year until after the first Friday following the first Monday in June.

In determining the availability of space and special education space, the Board shall aggregate the number of available spaces by grade. The District may consider criteria such as class size limits, ranges and/or goals, student-teacher ratios, or enrollment projections established by the District and may include in its count of occupied spaces students already attending the District and students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a). Any students guaranteed approval (see Random Selection Process section below) shall be included in the count of occupied spaces.

- 1. Method for Determining Open Enrollment Space Availability.** To determine available open enrollment space availability, the District will use the following method. First, the District will project enrollment for the next school year in each grade, including students already attending the District and students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a) and any anticipated growth in the projections. For purposes of this paragraph, attendance in the District does not include solely part-time attendance by, for example, a student who is enrolled in another school district, private school, tribal school or home-based educational program. The District will then establish classroom capacity for each grade based on the top of the class size range (4K-Gr. 3=24) (Gr.4-12=30) (For 4K, kindergarten and first grade, the District will use the top of the class size range that corresponds with the staffing levels the Superintendent anticipates for the next school year at the time of the space calculation.) The District will then determine the number of sections necessary in each grade to accommodate classroom capacity. The District will establish grade capacity by multiplying classroom capacity by the number of sections necessary to accommodate classroom capacity. The total number of open enrollment seats available in that grade will be determined by establishing open enrollment grade capacity at 92% of grade capacity and subtracting projected enrollment from open enrollment grade capacity.
- 2. Method for Determining Open Enrollment Special Education Space Availability.** The following method will be used to determine available special education open enrollment space availability. The Director of Student Services will review each special education teacher and related service provider's current caseload, project caseload for the next school year, and compare the projected caseload with projected enrollment and DPI caseload recommendations. If the projected caseload for any special education teacher or related service provider is below DPI caseload recommendations, then space will be available to provide that specific type of special education or related services up to that caseload recommendation. If a teacher or related service provider's projected caseload is above the DPI caseload recommendations, then no space will be available to provide that type of special education or related service for the next school year.

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3. **Random Selection Process.** For the selection process for the 2016-2017 school year, students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a), and siblings of students already attending the District will be accepted regardless of space availability, provided they meet the remaining acceptance criteria outlined in Sections I(B) through (G), below. For purposes of this paragraph, attendance in the District does not include solely part-time attendance by, for example, a student who is enrolled in another school district, private school, tribal school or home-based educational program. If after applications of students already attending the District, students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a), and siblings of students already attending the District have been approved there is sufficient space available to approve all of the remaining open enrollment applications, then all applications of students who meet the remaining acceptance criteria outlined in Sections I(B) through (G), below, shall be approved, while applications of students who do not meet one or more of the remaining acceptance criteria will be denied. If after applications of students already attending the District, students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a), and siblings of students already attending the District have been approved there are more applications for a particular grade than there are spaces available in the grade, the Board shall determine which students to accept (including students accepted from a waiting list) on a random basis. If an applicant is selected through the random selection process, but meets criteria for rejection in Sections I(B) through (G), below, the student's application will be denied.

Starting with the selection process for the 2017-2018 school year, the selection process will be as follows: If there is sufficient space available to approve all of the open enrollment applications, then all applications of students who meet the remaining acceptance criteria outlined in Sections I(B) through (G), below, shall be approved, while applications of students who do not meet one or more of the remaining acceptance criteria will be denied. If there are more applications for a particular grade than there are spaces available in the grade, the Board shall determine which students to accept (including students accepted from a waiting list) on a random basis, giving preference to students already attending the District, students already attending the District for whom tuition is paid under Wis. Stat. § 121.78(1)(a), and sibling of students already attending the District. For purposes of this paragraph, attendance in the District does not include solely part-time attendance by, for example, a student who is enrolled in another school district, private school, tribal school or home-based educational program. If an applicant is selected through the random selection process, but meets criteria for rejection in Sections I(B) through (G), below, the student's application will be denied.

B. Application and Eligibility. The District may deny an application if it is ineligible or invalid for one of the following reasons:

1. Unless the applicant submits an application under Section III of this policy regarding Alternative Application Procedures, the application was late; that is the on-line application was not completed, or a confirmation number was not received, by 4:00 p.m. on the last day of the application period. For paper applications, the application was not physically received in the nonresident school district by 4:00 p.m. on the last day of the application period. Applications shall be received by the Open Enrollment Manager and date stamped upon receipt.
2. The application was incomplete or was deliberately falsified. If the application is incomplete, the District may request from the parent only the information requested on the application form.
3. In the case of a paper application, the application form is not signed.
4. The student is not eligible for open enrollment because the child's resident school district does not offer the same type of 4-year-old kindergarten, prekindergarten, early childhood education program, or school-operated day care program that the child requests or the child is not eligible for the program in her or his resident school district, as described by Wis. Admin. Code PI 36.03.

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5. The child does not meet the age requirements for school attendance (four-years-old by September 1 for admission to 4 year-old kindergarten or five-years-old by September 1 for admission to 5-year-old kindergarten.) Upon a parent's request for early admission, the District will evaluate the request pursuant to Board Policy and Wis. Admin Code PI 36.06(3)(d).
6. The application did not indicate a resident school district, or more than one resident school district was indicated on one or multiple applications.
7. Applications for the student were submitted to more than three nonresident school districts.
8. The grade listed on the application does not comply with Wis. Admin. Code PI 36.06(3)(b) and the District denied applications for that grade, the District no longer has space in that grade, or the District determines the grade listed on the application is not appropriate for the student.

C. Disciplinary Criteria. The District may deny an application if the nonresident student has been expelled by any school district within the current school year or the two (2) preceding school years for any of the following reasons, or if a disciplinary proceeding involving the student, which is based on any of the following reasons, is pending:

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 the supervision of a school authority which endangers the health, safety or property of others;
3. Engaging in conduct while not at school or while not under the supervision of a school authority which endangers 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 school board member; or
4. Possessing a dangerous weapon (as defined in § 939.22(10), Wis. Stats.) at school or under the supervision of a school authority.

Note 1: Notwithstanding the Board's acceptance of a nonresident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident student will attend a school in the District, he/she meets any of the criteria for rejection in paragraph I,C.

Note 2: The Board may request a copy of a nonresident student's disciplinary records from the resident school board, if the resident school board has not already provided them as required by Wis. Stat. § 118.51(8)

D. Availability of Special Education or Related Services. The District may deny an application if the special education or related services described in the nonresident student's individualized education program (IEP), if any, are not available in the District.

E. Special Education Space Availability. The District may deny an application if there is no space available in the District to provide the special education and related services identified in the nonresident student's IEP, after consideration of class size goals, student-teacher ratios, and enrollment projections.

F. Special Education Evaluation Referral. The District may deny an application if the nonresident student has been referred to his/her resident school board for a special education evaluation under Wis. Stat. § 115.777(1) or identified by his or her resident school board under Wis. Stat. § 115.77(1m)(a), but not yet evaluated by an IEP team appointed by his or her resident school board.

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Note: If a nonresident student's IEP is developed or revised after the student begins attending school in the District, and requires special education or related services that are not available in the District, or the District does not have space available to provide the special education or related services the IEP requires, the District may notify the parent and the resident school district. If such notice is provided, the nonresident student shall be transferred to the resident school district, which will provide an educational placement for the student. If a student's IEP is not current or missing, the District shall follow the procedures in Wis. Admin Code PI 36.10(2).

G. Habitual Truancy. The District may deny an application if the student was habitually truant from the District during any semester of attendance in the current or previous school year.

II. Waiting List

The District will establish a waiting list of nonresident applicants who have been denied open enrollment due to lack of space availability. Unless the applicant meets the criteria for rejection in Sections I(B) through (G), above, the District will assign the applicant a place on the waiting list on a random basis at the same time and using the same criteria used to accept open enrollment applications.

If an applicant is accepted from the waiting list, the District will notify the applicant's parent either in writing or verbally (verbal notices will be given directly to the parent who submitted the application) and shall give the parents 10 calendar days to respond, after which the space may be offered to the next student on the list. The notice to the parent shall include the following: 1) notice that the student has been accepted from the waiting list and a written notice of the school or program to which the student will be assigned; and 2) the date by which the parent must notify the nonresident school board whether the student will attend the nonresident school district and the procedures the parent must follow to do so. If the parent does not respond within the specified time period, the acceptance will be rescinded and the space will be offered to the next applicant on the waiting list.

The District may accept students from a waiting list created under this section until the 3rd Thursday in September but only if the student will be in attendance at the school or program in the nonresident school district on the 3rd Friday in September.

III. Alternative Application Procedures

The parent of a nonresident student who wishes to attend District schools may, in lieu of applying as described above, submit an application under this section on a form provided by the Department of Public Instruction, to the Board indicating that the student wants to attend if the student satisfies at least one of the criteria described in paragraph A, below.

A. Criteria for Alternative Application Procedures

The parent of the nonresident student may apply under this section only 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 of Public Instruction by rule. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application within 30 days after the determination of the resident school board.
2. The student is or has been a homeless student in the current or immediately preceding school year. In this paragraph, "homeless student" means an individual who is included in the category of homeless children and youths, as defined in [42 USC 11434a](#) (2).

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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; and
 - 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. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.
5. The student moved into this state. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after moving 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. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the student's change in residence.
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 interests of the student
8. The parent of the student and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the student.

B. Nonresident Applications. If the District receives a nonresident student's application under this section, the District shall immediately forward a copy of the application to the resident school board, and shall notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving the application. The District will determine whether the applicant meets the criteria for Alternative Application Procedures in this section, and consider the criteria for nonresident applications in Section I, above. If the District has accepted the application, the District shall identify the specific school or program that the student may attend.

The District shall not approve alternative applications after the January Board meeting if it limits open enrollment space availability in the applicant's grade for the following school year. The District shall not approve alternative applications before the third Friday in September if it did not approve all open enrollment applications for the applicant's grade during the regular application period.

If the District accepts a nonresident application under this section, the student may immediately begin attending a school or program in the District, and shall begin attending the school or program no later than the 15th day following receipt by the parent of the student of the notice of acceptance. If the student has not enrolled in or attended school in the District by the day specified in this paragraph, the District may notify the student's parent, in writing, that the student is no longer authorized to attend the school or program in the District.

IV. Notice of Decisions

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. The timelines in this section shall not apply when a parent submits an application under the Alternative Application Procedure in Section III of this policy. Notice of denial will include a reason for the determination and information regarding appeal rights as required by Wis. Admin. Code PI 36.06(4)(c).

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If the Board approves an open enrollment application of a nonresident student it will also send the following notices: 1) written notice to the applicant no later than on or before the first Friday following the first Monday in June of the specific school or program that the applicant may attend during the following school year; and 2) notice to the resident school board no later than July 7 stating the name of the student. Nonresident students accepted for full-time open enrollment shall be assigned to a school or program within the District in accordance with the District's regular procedures for placing students in schools and educational programs. The District may give preference in attendance at a particular school, program, class or grade to residents of the District.

The parents or guardians of an accepted nonresident student must notify the Board no later than the last Friday in June (or within 10 days of receiving a notice of acceptance if a student is selected from the waiting list) of the student's intent to attend school in the District during the following school year.

V. Reapplication & Intermediate and High School Assignment

Once a nonresident student is accepted for full-time open enrollment in the District, no re-application is required.

Through a random selection process, nonresident students open enrolled in the District completing at the elementary level and the intermediate level will be assigned a school at the next level based on space availability.

VI. 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, unless the nonresident student is a child with a disability and his/her IEP requires transportation.

VII. 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. 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).

VIII. Habitual Truancy

Notwithstanding initial acceptance of a nonresident student, if the District determines that a student attending the District under this section is habitually truant from District during either semester in the current school year, the District may prohibit the student from attending the District under this section in the succeeding semester or school year.

A. Definitions

Consistent with Board Policy 431 (School Attendance) and 431R (School Attendance Procedures), the following definitions apply:

1. Excused absence means an absence excused by the parent or District pursuant to the procedures in Board Policy 431R.
2. Tardy means
 - a. For elementary school, coming to school 15 minutes or more after the start of the class. For most elementary schools, this means coming to school at or after 8:45 a.m. when classes begin at 8:30 a.m.
 - b. For intermediate and high school, coming to class any time after the bell rings for the start of that class period, with reasonable latitude, defined by school principals, related to the start of the school day.

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3. Part of school day means one-half of the total instructional minutes in a school day.
4. Truancy means an absence from school without an acceptable excuse for either part or all of a school day.
5. Habitual truancy means an absence from school without an acceptable excuse for either part or all of five or more school days during a school semester.

B. Criteria Used to Terminate Open Enrollment

The District may terminate a student's open enrollment if the student is habitually truant as defined above, and the number of unexcused absences in a semester equals or exceeds 5.

C. Appeal Process

If a parent or guardian believes the District erroneously marked a student truant, the parent/guardian may appeal to the Director of Student Services in writing within 5 days of receiving notice that the student's open enrollment is terminated. The Director of Student Services will investigate the student's attendance record, conduct relevant teacher interviews, and determine whether the student was erroneously marked truant. The Director of Student Services will inform the parent in writing of the results of this investigation within 5 days after receiving the parent's appeal. If the Director of Student Services determines the student was erroneously marked truant, the student's open enrollment in the District may continue, unless other grounds for termination exist. If the Director of Student Services determines the student was marked truant consistent with Board policy, the student's open enrollment will remain terminated.

IX. Termination of Open Enrollment

- A. Expulsion. If the District expels a student, the District may terminate the student's open enrollment.
- B. Habitual truancy. Before the District terminates open enrollment for habitual truancy, as outlined above, the District shall provide all notifications and follow all procedures required by Wis. Admin. Code PI 36.09(2) and Board policy.
- C. Failure to participate. If the District returns a student to the student's resident school district under s. 118.40 (8) (g), Stats., the open enrollment is terminated on the last day of attendance in the virtual charter school.
- D. The student withdraws from the nonresident school district.
- E. The student moves into the nonresident school district.
- F. The student enrolls in and attends any other public school, private school, or home-based private educational program in or out of this state.
- G. The student ceases to be a resident of this state.
- H. The student was not in attendance on or before the 3rd Friday in September, unless the student's first day of attendance after approval of an alternative application was after the third Friday in September.
- I. If, after a student's application under the alternative application process has been approved by a nonresident school board, the student has not attended the nonresident school district on or before the 15th calendar day following the notice of approval. This paragraph does not apply if the nonresident school board has approved a later start date.
- J. The student has been returned to the resident school district under s. 118.51 (12), Stats.

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Resident Open Enrollment Students

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

Written notice of denial of resident applications must be sent to all applicants and their nonresident districts on or before the second Friday following the first Monday in June. The timelines in this paragraph shall not apply when a parent submits an application under the Alternative Application Procedure in Section III of this policy. Notice of denial will include a reason for the determination and information regarding appeal rights as required by Wis. Admin. Code PI 36.06(4)(c).

Resident students may also apply for open enrollment using the Alternative Application Procedures in Section III, above. If the District receives a resident student's application under Section III, above, the District may notify an applicant under that he/she may not attend a school or program in the nonresident school district only for the following reasons:

1. The District determines that the criteria relied on by the applicant does not apply to the student.

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 enter the boundaries of the District for the purpose of providing optional transportation to resident open enrollment students shall be denied.

LEGAL REF: Wisconsin Statutes 118.145(4), 118.51, 118.52 subchapter VI of Chapter 121
2011 Wisconsin Act 114 (Senate Bill 2)

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