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5113 - **OPEN ENROLLMENT PROGRAM (Inter-District)**

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

DEFINITIONS

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

A. Nonresident District

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

B. Nonresident Student

A student who does not reside within the geographic boundaries of the District and who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A nonresident student who attends school in the District and pays tuition in accordance with State law.

D. Full-Time Enrollment

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

E. Class Size

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

F. Program Size

The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.

G. Resident Student

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

H. Absences (Excused and Unexcused)

See Policy 5200 - Attendance.

I. Truancy and Habitual Truancy

See Policy 5200 - Attendance.

J. Part of the School Day

See Policy 5200 - Attendance.

K. Tardiness

See Policy 5200 - Attendance.

FULL-TIME OPEN ENROLLMENT

A. Annual Space Determinations

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

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

In establishing current enrollment numbers for open enrollment availability purposes, the Board does not guarantee open enrollment approvals to any non-resident students.

4. If the Board determines that no special education space is available in any grade or program, the District must still review each student's IEP in its entirety to determine the following:
 - a. whether the District has space available in the special education and related services required in the student's IEP;
 - b. whether the District has special education and related services available as required in the student's IEP.

B. Processing of Open Enrollment Applications

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

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

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

Any notice of a decision to deny shall include the following:

1. Specific reason(s) for denial and whether the student has been placed on the waiting list.
2. Notice of the parents' right to appeal, the address to send the appeal, and information on where to locate the form required for appeal.

Application of Space Determinations and Random Selection Process

If there are more applications than spaces, the Board will fill the available spaces by random selection. Random selection shall be conducted among the student applications for each grade level. The order of grade level selection shall also be randomly determined. The following considerations will be included in the random selection process:

1. Preferences

- a. If the Board has not guaranteed approval in its determination of space availability to currently attending students, it shall grant preference to such students in the random selection process.
- b. If the Board has not guaranteed approval in its determination of space availability to the siblings of currently attending students, it shall grant preference to such students in the random selection process.

If in any selection process there are more students eligible for preferred treatment than there are spaces available, the Board shall conduct random selection from among the students granted preference. Both currently attending students and siblings of currently attending students who are not guaranteed approval shall be granted equal preference.

2. The sibling of a student selected in the random selection process shall be granted preference to any spaces available that the sibling has applied for, but the sibling may not be approved if there are no remaining spaces for the sibling.
3. The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting 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 a preference under this policy to be included first on the waiting list in 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:

- a. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
- b. A parent fails to provide the notification accepting open enrollment as required in 118.51(3)(a)6., Wis. Stats.
- c. 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 nonresident school district or has since become a resident of the District. The notice shall state the following:

- a. the school or program the student has been assigned to;
- b. 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.

C. Decisional Criteria for Nonresident Applications

Decisions on nonresident open enrollment applications will be based only on the following criteria:

1. Space availability as defined in this policy.
2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.
3. Whether the nonresident student is currently under an order of expulsion for any reason; or has been expelled from any school district within the current school year or the two (2) preceding school years but the period of expulsion has ended, or is pending any disciplinary proceeding, based on any of the following activities:
 - a. Conveying or causing to be conveyed any threat or false information concerning an attempt or alleged attempt being made or to be made to destroy school property by means of explosives.
 - b. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.

- c. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety, or property of others at school or under the supervision of a school authority or of any school employee or Board member.
- d. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a 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, the student is determined to fall under paragraph C. 3.

The Board may request a copy of a nonresident student's disciplinary records from the resident school board.

The resident board shall provide to the nonresident board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation of said proceeding, the length of the expulsion or possible outcomes of a pending proceeding, and/or such records as permitted by law.

- 4. Whether the special education program or related services described in the nonresident student's Individualized Education Program ("IEP") are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the District has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
- 5. Whether there is space available in the District to provide the special education or related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
- 6. Whether the nonresident student has been referred to the nonresident student's resident board under 115.777(1), Wis. Stats. or identified by the nonresident student's resident school board under 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.
- 7. If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident board. If such notice is provided, the nonresident may be transferred to their resident school district.
- 8. If the Board has made a determination that a nonresident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year, after complying with the requirements of PI 36.09(2).

The habitual truancy determination shall be made on the sole basis of enrollment in the nonresident district. Open enrollment may not be denied based on the student's truancy from any other district.

D. Reapplication Procedures

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

E. Termination of Open Enrollment

If the Board determines that a student is habitually truant during either semester of the current school year, the Board may prohibit the nonresident student from attending in the succeeding semester or school year. The District Administrator shall assure compliance with DPI regulations pertaining to open enrollment termination found in Wis. Admin Code PI 36.09.

If the parent or nonresident student believes the student has been marked absent, tardy, or truant in error, the parent or student may contact the school attendance officer and provide a written explanation of the circumstances believed to be in error. The attendance officer shall review the matter and provide a response to the parent or student either correcting the attendance record, confirming the accuracy of the record, or requesting additional information upon which a decision will then be made. If additional information is requested, it must be provided within five (5) school days of the request or no additional information will be considered in the decision.

Open enrollment of a student in a virtual charter school may also be terminated if, on three (3) occasions during a single semester, the student has failed to respond to a school assignment or directive within five (5) school days not counting any days excused by the student's parents up to a maximum of ten (10) school days per year, and after each occurrence the virtual charter school notified the student's parents. After the third incident, the virtual charter school program shall notify the Board of the nonresident student's failure to participate in the program. The Board may terminate the student's open

enrollment.

F. Transportation

The parents of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site. The District will provide transportation for a nonresident student with an identified disability for whom transportation is required by the student's IEP.

The Board will not permit a neighboring district to bus resident students from within its boundaries for attendance at the nonresident neighboring district.

ALTERNATIVE APPLICATION PROCEDURES

The parent of a nonresident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under the alternative application procedure if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three (3) nonresident school districts. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

Applications from a nonresident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved for the current year if the Board has not imposed a space limitation for the student's current year grade level and also has not imposed a space limitation for the subsequent school year in the student's subsequent grade level. Alternative applications received prior to the 3rd Friday in September may be approved if the Board has approved all applications for that grade level that were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

DELEGATION TO DISTRICT ADMINISTRATOR

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

REVIEW AND REVISION OF POLICY

If, in the course of reviewing the Board's Open Enrollment Program, it opts to modify the policy, any changes shall be made by resolution and be adopted prior to the first-application date of the open enrollment period to which the revisions shall apply.

General Provisions

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

Application of Emergency Orders

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

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