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5111 - **ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Board establishes the following policy for determining the eligibility of students to attend the schools of this District.

- A. The Board will educate, tuition-free, students who are residents of the District. Proof of residency will be required for registration in the District. If residency is with individuals other than a parent, the living arrangement may not be solely for the purposes of attending the District's schools.
- B. The District shall not make residency determinations on the basis of an individual's alienage.
- C. The District shall consider those students who are homeless or in foster placement to be residents unless residency is determined to be in another district.
- D. Upon request of a student's parent or the request of an adult student, students who have gained twelfth grade status and who no longer reside within the District shall be permitted to complete their high school education tuition free.
- E. Resident students in grades 9-12 who attend a tribal school, private school, or home-based private educational program shall be accepted into the District's educational programs for up to two (2) classes if the student satisfies the high school admission standards and sufficient space is available in the classes.
- F. A high school student who now resides in a different school district as a result of a reorganization under Chapter 117 and who has completed 9th and 10th grade at his/her former school district shall be allowed to complete his/her education at the former school district, provided the other district agrees. The School Board of residence shall pay the student's tuition. The school of attendance shall count the student in its membership .
- G. If a parent (or adult student) presents information to the District certifying that the parent (or adult student), his/her child, or a member of the parent's household is a participant in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice, the Board shall use the address designated by the Department of Justice to serve as the student's address for enrollment purposes. The District shall place a copy of any certification provided by the parent in the enrollment files.
- H. Children of joint custody orders may attend school without payment of tuition if the student otherwise meets residency requirements, unless a court order specifies a different District of attendance. ~~one (1) parent resides in this District or the order designates as the residential parent the parent with legal residence in the District.~~
- I. Foreign students, participating in a bona fide, foreign-exchange program ~~and living with a resident host family~~, may be admitted consistent with Federal law.
- J. Students whose parents do not reside within the District, but who present evidence that they will move into the District within a short period of time, may enroll in the schools of this District as tuition students for the time not in residence. Tuition will be refunded in accordance with State law.
- K. Minor students residing in the District, but not living with a parent, may be required to provide information sufficient to allow the administration to properly determine resident status under law.
- L. Tuition students may be accepted in accordance with State law and the approval of the Superintendent.
- M. Nonresidents may be accepted into the District's Adult Education classes upon payment of the appropriate fees.
- N. Nonresident students may be accepted into the District's Summer or Interim Session School Program upon payment of appropriate fees.

O. Nonresident students may be accepted into the District's program under the Part-Time or the Full-Time Open Enrollment Programs.

P. The following provisions apply to any student that has been expelled from another school or district and seeks to enroll in the District during the term of the expulsion order :

1. If the student has been expelled from another Wisconsin public school district, the student is not entitled to enroll. The Superintendent may choose whether to enroll the student. ~~recommend the student be enrolled.~~
2. If the student has been expelled by a public school in another State or by a Wisconsin charter school the Superintendent may choose to enroll the student, but if the decision is not to enroll the student, the Board must determine that the conduct giving rise to expulsion would have been grounds for expulsion from the District under Policy 5610. The student, or if the student is a minor, the student's parent, shall request that the governing body of the charter school or the public school in another state provide the Board with a copy of the expulsion findings and order, a written explanation of the reasons why the student was expelled, and the term of the expulsion.
3. Conditional Enrollment

If a student has been expelled by another Wisconsin or out of State public school district, and will not be otherwise enrolled under this policy, the student may be enrolled during the period of expulsion if the Board, (x) following input from the Superintendent, sets forth one (1) or more conditions of enrollment that are related to the reasons for the student's expulsion, and which are agreed to by the student, or if the student is a minor, the student's parents. Acceptance of the enrollment conditions is evidenced by continued enrollment during the period of expulsion. During any period of conditional enrollment, if an alleged violation of any enrollment condition occurs:

Within five (5) school days after the revocation of a student's conditional enrollment, the student or, if the student is a minor, the student's parent may request a conference with the Superintendent who shall be someone other than a principal, administrator, or teacher in the student's school. If a conference is requested, it shall be held within five (5) school days following the request. If, after the conference, the Superintendent finds that the student did not violate an enrollment condition or that the revocation was inappropriate, the student shall be enrolled in school under the same enrollment conditions under the order previously issued and the conditional enrollment revocation shall be expunged from the student's record. If the Superintendent finds that the student violated an enrollment condition and that the revocation was appropriate, s/he shall mail separate copies of the decision to the student and, if the student is a minor, to the student's parent. The decision of the Superintendent is final.

If a student's conditional enrollment is revoked, the student's expulsion shall continue to the expiration of the term of the expulsion specified in the expulsion order unless the student or, if the student is a minor, the student's parent and the school board that expelled the student, or the independent hearing panel or independent hearing officer, or the out-of-state public school, agree, in writing, to modify the expulsion order.

If a student granted conditional enrollment violates an enrollment condition that the student was required to meet after his/her conditional enrollment but before the expiration of the term of expulsion, the Superintendent may revoke the student's conditional enrollment. Before revoking the student's conditional enrollment, the Superintendent shall advise the student of the reason for the proposed revocation, including the enrollment condition alleged to have been violated, provide the student an opportunity to present his/her explanation of the alleged violation, and make a determination that the student violated the enrollment condition and that revocation of the student's conditional enrollment is appropriate. If the Superintendent revokes the student's conditional enrollment, the Superintendent shall give prompt written notice of the revocation and the reason for the revocation, including the enrollment condition violated, to the student and, if the student is a minor, to the student's parent.

If the Superintendent determines that the student has met the enrollment conditions established in a written order, the Superintendent may grant the student conditional enrollment in a school in the District. The determination of the Superintendent is final.

The Board may specify in a written order one (1) or more enrollment conditions instead of or in addition to any early reinstatement conditions, if any, imposed by the school board that expelled the student or instead of or in addition to any conditions imposed, if any, by the out-of-state public school that expelled the student. Any enrollment conditions must relate to the reasons for the student's expulsion and may not extend the term of expulsion specified in the expulsion order. The School District Clerk shall mail two (2) copies of the order to the student or, if the student is a minor, to the student's parent. The expelled student or, if the student is a minor, the student's parent shall sign and return one (1) copy of the order to the Board. Within fifteen (15) days after the date on which the order is issued, the expelled student or, if the student is a minor, the student's parent may appeal the determination regarding whether an enrollment condition specified in the order is related to the reasons for the student's expulsion to the Board. The decision of the Board regarding that determination is

final and not subject to appeal.

Q. Students who have begun the school year as residents and who no longer reside in the District may be permitted to complete the school year tuition-free.

R. Nonresident students may be accepted into the District's program under the Part-Time Open Enrollment Program. Nonresident students accepted into the District's Part-Time Open Enrollment Program may attend no more than two (2) courses at any time.

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| Legal | 118.51, Wis. Stats. |
| | 118.52, Wis. Stats. |
| | 120.13(1), Wis. Stats. |
| | 121.77, Wis. Stats. |
| | 121.78(2)(a), Wis. Stats. |
| | 121.81, Wis. Stats. |
| | 121.84, Wis. Stats. |
| | 42 U.S.C. 11431, et. seq. |

Last Modified by Jennifer Hagemann on March 15, 2019