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

The School District ("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. Non-Resident District

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

B. Non-Resident Student

A student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin and who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A non-resident student who is a resident of the State of Wisconsin and who 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 legal resident of this District and is consequently entitled to attend school in this District in accordance with Policy 5111 - Eligibility of Resident/Non-resident Students.

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 shall include the following as guaranteed open enrollment approvals:

- a. (x) Students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats.
- b. (x) All currently attending students.
- c. (x) All siblings of currently attending students.

B. ~~Procedures for~~ 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:

~~If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to non-resident students already attending District schools and their siblings.~~

~~If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept a student or the sibling of a student who is already attending in the District~~

~~After the date specified in s. 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. Specific reason(s) for denial . A parent notifies the nonresident school board that the student will not attend the nonresident school district.
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. A parent fails to provide the notification required in s. 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.

Application of Space Determinations and Random Selection Process ~~In accordance with 118.51(3)(a)3, Wis. Stats., except as provided under sub. (5)(d)1., on or before the first Friday following the first Monday in June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application.~~

B.

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.

C. **Decisional Criteria for Non-Resident Applications**

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. Space availability as defined in this policy. Whether there is space available for non-resident transfer students. The School Board shall determine during a regular meeting each January the anticipated space available for the next school year in the schools, programs, classes and grades of the District. In determining the amount of space available, the District will count resident students, tuition-waiver students under 121.84 Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) and are already attending public school in the District. Other factors the District Administrator shall consider include, but shall not be limited to the following:
 - a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
 - b. District practices, policies, procedures or other factors regarding faculty student ratio ranges for particular programs, classes or buildings.
 - c. Enrollment projections for the schools of the District which include, but are not limited to, the following factors: the likely short and long term economic development in the community; projected student transfers in and out of the District; preference requirements for siblings of non-resident open enrollment students; and current and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar District educational initiatives.
 - d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under Section 121.78(1)(a), Wis. Stats.
 - e. The number of resident home-schooled or private school students likely to attend the schools of the District in accordance with Section 118.415, Wis. Stats.

2. Whether an applicant for a pre-kindergarten, early childhood or school-operated daycare program resides in a district which offers the program for which application is made.
3. Whether the non-resident 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 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 **Section** 939.22(10), Wis. Stats.) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a non-resident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the District, the student is determined to fall under paragraph **CB**. 3.

The Board may request a copy of a non-resident student's disciplinary records from the resident School Board.

4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), ~~if any,~~ 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 a 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. ~~The District shall prepare an estimate of costs associated with providing the special education or related services required by a non-resident student's IEP to the resident school district no later than the 3rd Friday following the first Monday in May, or within ten (10) days of receipt of an application from a student with an IEP under the alternative procedures.~~
5. Whether there is space available in the District to provide for the special education or related services program identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections. ~~(See paragraph B. 1. above).~~
6. Whether the non-resident student has been referred to the non-resident student's resident board under ~~Wis. Stat.~~ 115.777(1), Wis. Stats. or identified by the non-resident student's resident school board under ~~Wis. Stat.~~ 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.
7. Whether the resident School Board has been informed that the non-resident student may have exceptional education needs that have not yet been evaluated by a multi-disciplinary team.
8. Whether the application of a non-resident student has been denied by the District of which s/he is a resident.

(Note: If a non-resident 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 non-resident may be transferred ~~returned~~ to the resident school district.)

9. If the Board ~~Whether the non-resident school board~~ has made a determination that a student attending the non-resident school district is habitually truant from the non-resident school district during either semester of the current school year, the non-resident school board may prohibit the student from attending the non-resident school district 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 non-resident district.

Open enrollment may not be denied based on the student's truancy from any other district.

C. ~~Procedure for Evaluating Applications by District Residents to Transfer to Another District~~

~~The Board will consider only the following criteria for denying resident applications:~~

~~Whether the resident student is a special education student and the implementation of his/her IEP in the other district would impose an undue financial burden on the District.~~

~~Financial burden is determined through review of actual increased expenses relative to providing services specific to the student in question, not including pro-rated costs of facilities and materials and including expenses for instructional faculty only if those faculty are added as a result of the student and devoted primarily to that student.~~

~~(Note: Notwithstanding the Board's approval of a resident student's application, the Board may withdraw approval if, after the District student has begun in the other school district, the IEP as implemented by the non-resident school district would impose an undue financial burden on the District.)~~

D. 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. ~~when the non-resident student enters middle school. A non-resident student may be required to reapply only once.~~

E. Transportation

The parents or guardians of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site or to a scheduled in-District bus stop, unless the non-resident student is a special education student and transportation is required by his/her IEP. The District will provide transportation for a non-resident 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 non-resident neighboring District. ~~The District Administrator shall develop procedures for implementing this provision.~~

ALTERNATIVE APPLICATION PROCEDURES

The parent of a non-resident 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 of the statutory criteria and has not applied to more than three non-resident school districts.

Applications from a non-resident 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 if space is available in the current year and in the subsequent year in the student's subsequent grade level.

GRADUATION REQUIREMENTS

The District shall determine whether a course taken under the part-time open enrollment program in another district satisfies the District's graduation requirements. When a course does not satisfy the District's graduation requirements the student shall be notified not later than one (1) week prior to the date the course is to begin.

Students who successfully complete courses under the part-time open enrollment program and meet the standards outlined in Policy 5451.01, may qualify for the Wisconsin Academic Excellence Scholarship.

DELEGATION TO DISTRICT ADMINISTRATOR

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

ANNUAL REVIEW

The Board shall review its Open Enrollment Program annually.

General Provisions

- A. (x) A student, who has been accepted under this program, but 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. (x) 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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Legal 118.51, Wis. Stats.

Wis. Adm. Code Ch. P.I. 36

Last Modified by Coleen Frisch on November 11, 2022