

SCHOOL DISTRICT OF SHOREWOOD

423

PUBLIC SCHOOL OPEN ENROLLMENT

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 Shorewood School 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 schools, programs, classes or grades of the District at the January meeting of the Board each school year.

In determining the availability of space and special education space, the District may consider criteria such as class size limits, ranges and/or goals, pupil-teacher ratios, or enrollment projections established by the District and may include in its count of occupied spaces all of the following: a. Pupils attending the District for whom tuition is paid under s. 121.78 (1) (a); and b. Pupils and siblings of pupils who have applied under sub. (3) (a) or (3m) (a) and are already attending the District.

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 all currently attending students and any anticipated growth in the projections. The District will then establish classroom capacity for each grade based on the top of the class size range identified in Board Policy 342.2 Class Size - Guidelines. (For junior kindergarten, kindergarten and first grade, the District will use the top of the class size range that corresponds with the staffing levels the District Administrator 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 85% of grade capacity and subtracting projected enrollment from open enrollment grade capacity.

The following method will be used to determine available special education open enrollment space availability. The Director of Special Education 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.

If the District receives 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 applicants who are currently attending District schools and applicants who are siblings of students currently attending District schools, and do not meet the criteria for rejection in Sections I(B) through (G), below.

For the 2013-14 school year only, students already attending school in the District at the time of their application shall be accepted for enrollment in the District, even if the District has determined that space is not otherwise available for open enrollment students. Beginning in the 2014-15 school year and continuing thereafter, students already attending school in the District will be entitled to the above-referenced preferences required by law, but not guaranteed acceptance under this policy.

- 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.
 2. The application was incomplete or was deliberately falsified.
 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 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.

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.)
 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.
- 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.

If the student meets all other acceptance criteria, the District may reconsider a denial under this criteria if the IEP is completed, forwarded to the District, and reviewed by the District prior to the close of the period during which applications would normally continue to be reviewed from any waiting list.

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.

- 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 using a computerized lottery 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 in writing 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).

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.

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.

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 pupil is selected from the waiting list) of the student's intent to attend school in the District during the following school year.

V. Reapplication Procedures

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

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. Tuition Payment

The Board shall pay to the nonresident school board tuition calculated under §121.83, Wis. Stats., for students with disabilities attending school in the nonresident school district.

VIII. 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).

IX. Habitual Truancy

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

X. Part Time Open Enrollment.

A nonresident public high school student may apply for enrollment in a specific course(s) in the District in accordance with state law and established procedures. A student wishing to attend high school under the part-time open enrollment process may enroll in no more than two courses at any time. The District shall use the same criteria, including space availability, for accepting and rejecting individual course applications for nonresident students as resident students, except that the District shall give preference in enrollment in a course to resident students (including those resident students attending private schools, tribal schools, or home-based private educational programs).

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with state law. The District may deny a resident student from attending school in another public school district, or continuing to attend school in another public school

district, if the costs of the special education and related services required in the student's IEP would place an undue financial burden on the District. Notwithstanding the Board's initial 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 nonresident school district would impose an undue financial burden on the District.

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.

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.
2. The District determines the costs of the special education or related services required in the individualized education program for a child with a disability whose parent has submitted an application under Section III, as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the District's total economic circumstances. This reason for rejection does not apply if the student relied upon the above-referenced criteria regarding a victim of a violent criminal offense.

Resident students attending high school in the District may apply for enrollment in individual courses at other public school districts under the part-time open enrollment program in accordance with state law. A student may enroll in no more than two courses at any time in other public

school districts. The District shall deny a student's application to attend a course in another public school district if the course conflicts with the student's IEP. The District may also deny a student's application to attend a course in another school district if the cost of the course would impose an undue financial burden on the District. The High School Principal or designee shall determine whether a course to be taken at another school district satisfies District graduation requirements and shall inform the student if it does not meet such requirements prior to beginning the course.

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: Sections 115.787 Wisconsin Statutes
 118.16(1) (a)
 118.51
 118.52
 120.13(1) (f)
 120.13(1) (h)
 121.54 (3)
 121.54 (10)
 121.55
 PI 36, Wisconsin Administrative Code

CROSS REF.: 423-Guideline, Public School Open Enrollment
 Procedures
 343.2, Class Size and Staffing
 345.6, Graduation Requirements
 347, Student Records
 411, Equal Educational Opportunities
 412, Full Time Students
 420, School Admissions

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