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REVISED POLICY - VOL. 28, NO. 2

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. **() 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 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 non-resident 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 of his/her 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/Non-resident Students.

FULL-TIME OPEN ENROLLMENT

A. Procedures for Processing of Open Enrollment Applications

~~[] Prior to accepting any open enrollment applicants, the District will accept or reject all timely applications made under the Chapter 220 program. [NOTE: This is required for Chapter 220 districts.]~~

~~If, after making all Chapter 220 decisions, space is still available, the District will accept open enrollment students.~~

~~[END OF OPTIONS]~~

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 () **and, if the District is a union high school district, to students who are attending an underlying elementary school district.**

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 will nevertheless accept a student and/or the sibling of a student who is already attending in the District ~~() and if the District is a union high school district an applicant who is attending an underlying elementary school district.~~

[X] 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.

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. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
2. 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.

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. Decisional Criteria for Non-Resident Applications

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

1. The availability of space in the schools, programs, classes, or grades within the District. The Board shall determine during a regular meeting each January the number of regular education and special education spaces available. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) or (3m)(a) and are already attending public school in the District.

Other factors the District Administrator may consider in determining the availability of space includes:

- 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, the required

length of K-12 attendance opportunities for () Chapter 220 and 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. ~~() If the District is a union high school district, the number of students who have applied under 118.51(3)(a) or (3m)(a), Wis. Stats., and are currently attending an underlying elementary school district.~~
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 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, s/he is determined to fall under paragraph B. 3.

The Board may request a copy of a non-resident 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 non-resident student's Individualized Education Program ("IEP") are available in the District. Funding for the education of students with disabilities will be made to the non-resident school district by the Department of Public Instruction in accordance with State law.
5. Whether there is space available in the District to provide the special education or related services identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
6. Whether the non-resident student has been referred to his/her resident board under Wis. Stat. 115.777(1) or identified by his/her resident school board under Wis. Stat. 115.77(1m)(a), but not yet evaluated by an individualized education program team.

(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 District may notify the student's parent and the student's resident board. If such notice is provided, the non-resident may be transferred to his/her resident school district.)

7. If the Board has made a determination that a non-resident 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.

[NOTE: The 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 denying resident applications in accordance with Wisconsin State Statute 118.41, Administrative Rules promulgated by the Department of Public Instruction, and any other legal ruling that serve as a source of authority affecting the Board's action on evaluating applications. †

~~() when the application would increase the racial imbalance in either the District or the district to which the student has~~

applied. ~~[NOTE: This is a controversial issue and the U.S. Supreme Court decisions and Wisconsin statutes apparently are in conflict. Contact District legal counsel for advice.]~~

D. Reapplication Procedures

The Board ~~() will~~ **(X) will not** require accepted non-resident students to reapply under the open enrollment policy ~~when the non-resident student enters (X) middle school, () junior high school or (X) high school.~~ A non-resident student may be required to reapply only once.

E. Transportation

The parents of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site. **(X)** The District will permit a non-resident student to ride District transportation if space is available on a regularly-scheduled bus route. The District will provide transportation for a non-resident student with an identified disability for whom transportation is required by his/her IEP.

(X) The Board may provide transportation to non-resident students from his/her resident district provided the student's resident district approved. The District Administrator shall develop procedures for implementing this provision.

(X) The Board ~~() will~~ **(X) 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 (1) of the statutory criteria and has not applied to more than three (3) non-resident school districts. (See AG 5113 and AG 5113B – Open Enrollment for Students with Disabilities.)

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 for the current year if the Board has not imposed a space limitation for is available in 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 which were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

ANNUAL REVIEW

The Board shall review its Open Enrollment Program annually.

General Provisions

- A. **(X)** 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. **(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.
- C. **()** The District Administrator shall be responsible for developing and promulgating administrative guidelines to implement this policy. (See accompanying pages.) Such guidelines shall address at least the following matters:
 1. **()** participation in interscholastic athletics
 2. **()** District transportation services
 3. **()** transfer of academic credit
 4. **()** assignment within the District
 5. **()** payment of fees and other charges

Legal

118.51, Wis. Stats.

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