

AR423 – Open Enrollment Program

Acceptance and Rejection – *The District shall consider and apply the following criteria when deciding whether or not to accept (or, in some situations, revoke acceptance of) a nonresident student's application for full-time open enrollment. The District may deny open enrollment for the following reasons:*

1. Space is not available in the school, program, class or grade the student would attend.
 - a. Projected enrollment of resident school students is to be determined by the District Administrator or his/her designee by no later than the third Friday in December.
 - b. In January, the District Administrator or his/her designee shall present to the Board of Education for its approval, the availability of openings for ~~non-resident~~*nonresident* students based on the established maximum number of students that can be accommodated in each school, class, and program. [Wis. Stats. 118.51(5)]
 - c. The availability of space in the schools, programs, and classes may be based upon:
 - i. Class size guidelines (Policy #343.2 – Class Size)
 - ii. Student-teacher ratios
 - iii. Census data
 - iv. Enrollment projections
 - iv-v. *Special Education caseload size*
 - d. *At a minimum, any annual determination of space availability shall involve at least a declaration of the District-wide number of nonresident open enrollment applications that the District intends to accept in conjunction with the subsequent regular application period, broken down (1) by grade (although two or more grades may be combined and treated as a single grade); and (2) by any established special education program or service that has identifiable space limitations. However, in any year in which the Board establishes a space limitation in any grade/program/service, the Board's determination of space availability may also indicate, at the Board's discretion in light of its assessment of the relevant factors, that no space limitations are needed in certain other grades/programs/services.*
 - d-e. The number of openings in a particular program for ~~non-resident~~*nonresident* students will be determined by optimum size for a particular program or classroom which is the number of students that can

be accommodated without causing undue instructional or financial hardship for the district. This includes all regular and special education programs.

- f.* Assignment of students under open enrollment within the District is based upon space availability. Every effort will be made to accommodate requests for specific schools as space permits. [Wis. Stats. 118.51(5)(a)1.]

e.g. If the Board has taken annual action in January to limit the number of spaces that will be available in any grade(s), programs(s), or service(s) for applications that are submitted during the regular application period (i.e., for enrollment in the following school year), then the District's consideration of nonresident alternative applications for open enrollment shall be limited as provided under DPI's administrative rules.

2. The student is currently expelled and the expulsion will extend into the school year for which the application is submitted. [Wis. Stats. 120.13(1)(f)]
3. The student has been expelled during the current or preceding two school years for certain conduct specified in statute. [Wis. Stats. 118.51(5)(a)2.]
4. The student was habitually truant from the ~~non-resident~~nonresident district during any semester in the current or previous school year. [Wis. Stats. 118.51(5)(a)3.]
5. The special education or related services required by the student's individualized education program (IEP) are not available in the ~~non-resident~~nonresident school district or there is not space in the special education or related services required by the student's IEP. [Wis. Stats. 118.51(5)(a)4]
 - a. In any instance where an application is submitted by a student with a disability but there is no current IEP available for the student, the District will use the procedures defined in DPI's administrative rules to determine whether the District has the appropriate special education program or space.*
 - 5.b. If a nonresident student receives his/her initial individualized education program (IEP) or has changes to an existing ~~education program~~ IEP while attending the District under open enrollment, or if the District has approved an application for a student without an IEP and it is subsequently determined that the student is a child with a disability for whom there is either a record of a previous special education evaluation or a prior IEP based upon such evaluation, then the student may be returned to his/her resident district if the District determines either that the special education or related services required for the student are not available in the District or that there is no space available.*
6. The student has been referred for a special education evaluation but has not been evaluated *by an IEP team in the resident district.* [Wis. Stats. 118.51(5)(a)6.]

6.7. If a parent or guardian applies for open enrollment under the alternative open enrollment application criteria and procedures and relies on the “best interests of the student” criteria, the District shall review the information and rationale provided by the parent(s) or guardian(s) and make a determination as to whether the District agrees with the parent(s) or guardian(s) that attending school in the District pursuant to the application is in the student’s best interests. If the District determines that attendance would not be in the student’s best interests, the application shall be denied on that basis.

A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the resident district does not have a 4-year-old kindergarten program as offered by the District, etc.) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

Each application shall be evaluated on a case-by-case basis.

Required Preference

Selection of Applications - Should the number of applications for open enrollment into the District exceed the number of slots available for open enrollment, ~~non-resident~~*nonresident* student names will be selected for admission using a random selection process. The District Administrator or his/her designee shall use the following process:

1. Upon receipt of any paper copy of a nonresident student's application to attend a school or program in the District, office staff shall affix a date stamp (or a written and initialed date) to the application and forward the application to the District Administrator or his/her designee for review and processing.

~~1.2.~~ Students, including Tuition Waiver students, who are currently attending school in the District *(excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program)* shall be guaranteed approval.

~~2.3.~~ Siblings of currently attending students *(excluding part-time attendance by a student who is enrolled in another public school district, a private school, a tribal school or home-based private educational program)* shall be guaranteed approval. *If the sibling requires special education or related services as required by the student’s individualized educational plan (IEP), refer to AR423 Acceptance and Rejection (5).*

~~3.4.~~ The remaining non-attending student applications shall be approved by the following random selection process:

- a. All submitted applications are assigned a number starting with 1 by alphabetical order of the student's *legal* last name.
- b. Using an electronic randomization tool, the numbers shall be entered and randomized.
- c. The randomly ordered numbers shall be printed for the record and used in determination of approval of applications.
- d. If a student is selected and space is not available in said class or program, they shall be placed on a waiting list in the same order that they were randomly selected.
- e. If a student whose application was randomly selected has sibling(s) in the same random selection process, said sibling(s) shall immediately be granted approval if space is available in said class(es) and/or program(s). If space is not available, the sibling(s) shall be placed on the waiting list in the order they were considered for approval.

4.5. *The District createseases and administers waiting lists for applications received during the regular application period that are initially denied due to space limitations. The District does not administer waiting lists for current-year open enrollment applications submitted by nonresident students under the alternative application procedure.* The waiting list shall be maintained and utilized through the third Friday in September, but only if the student will be in attendance on the third Friday in September.

Students and families shall be notified of approval/denial per State Statute.

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with state law. An application may be denied if the resident student is ineligible for open enrollment under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the District does not have the same prekindergarten, 4-year-old kindergarten or early childhood program offered by the nonresident district, etc.), or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District shall deny the student's open enrollment if the District determines that none of the criteria relied on by the student to submit the application apply to the student. However, prior to denying an alternative application on the basis that the parent or guardian did not provide enough information to allow the District to assess whether the student has been the victim of repeated bullying or whether open enrollment would be in the best

interests of the student, the District shall offer the parent or guardian an opportunity to provide additional information in a timely manner.

For the 2015-16 school year, the District may also deny a resident student from attending school in another public school district under the alternative open enrollment application criteria 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, taking into account the District's total economic circumstances, and provided that the student has not been a victim of a violent criminal offense as further defined under state law.

Legal Ref.: Section 118.51, 120.13, 121.78(1)(a), 939.22(10), Wisconsin Statutes
PI 23, PI 36, Wisconsin Administrative Code

Cross Ref.: Board Policy 423 – Open Enrollment
Board Policy 112 - Discrimination
Board Policy 343.2 – Class Size