

# FULL-TIME OPEN ENROLLEMENT PROGRAM (INTER-DISTRICT)

Waunakee Community School District

Policy #423

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Nonresident students residing within the State of Wisconsin shall be permitted to enroll in the district through an open enrollment program consistent with the terms of this Board policy upon application to the District following the procedures set forth in Policy 423, Rule-1.

This policy shall be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction (DPI).

## I. DEFINITIONS

The following definitions will apply to the District's Open Enrollment Program.

### A. Nonresident District

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

### B. Nonresident Student

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

### C. Tuition Student

A nonresident student who is a resident of the State of Wisconsin and tuition is being paid in accordance with statute.

### D. Class Size

The district's determination of the maximum number of students who can be enrolled in a particular classroom without jeopardizing the quality of the instructional program. Mitigating circumstances for a particular school, class, or program, including enrollment projections established by the Superintendent or his/her designee may be considered in establishing the limit.

### E. 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.

### F. Resident Student

A student who is a resident of the Waunakee Community School District and is consequently entitled to attend school in this district in accordance with policy.

### I Building Capacity

The maximum number of students who can be enrolled in a school building as determined by the Board.

## II. ENROLLMENT OF NONRESIDENT STUDENTS

Determination of Space Availability

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- A. Annually at a meeting in January, the Board shall establish the number of regular education and special education spots available for nonresident student attendance at each grade level as well as each school, program, and class for the following school year. The Superintendent or his/her designee shall develop and present to the Board for approval the available spots considering the following:
  - 1. Class size limits as established by the Board Policy 423, Rule-1.
  - 2. Desired pupil-teacher ratios
  - 3. Enrollment projections including resident students and existing open enrollment students.
- B. Applications received for a grade level or special education programs for which no spots are available will not be further considered for open enrollment for the applicable school year.
- C. If the Board has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application period for the following school year, then the District shall not approve any alternative applications submitted during the remainder of the current school year (after the January meeting) in any of the relevant grades or services with limited space for the following year. For example, if the Board has limited the availability of spaces in 7<sup>th</sup> grade for the following school year, then a current-year alternative application submitted for the 6<sup>th</sup> grade after the January meeting must be denied. Further, in the school year to which the space limitations directly apply, if the District did not approve all otherwise-eligible regular-period application(s) for a particular grade or service due to space considerations, then the District shall deny any alternative applications for entrance into a space-limited grade or service that are received from July 1 through the third Friday in September count.

## Criteria for Selection of Students for Open Enrollment

- A. Any nonresident student that meets one or more of the following criteria will not be eligible for open enrollment:
  - 1. The student has applied for open enrollment into a program, class, or grade level for which no space is available.
  - 2. Discipline-Related Criteria.
    - a. Review of records. All decisions to accept or deny an open enrollment application under the “Discipline-Related Criteria” specified in this policy will be made based upon the District’s review of relevant information, including any information/records that may be provided by the resident district or another school/district.
    - b. The term of an applicant’s expulsion overlaps with the proposed period of open enrollment. Consistent with state law authority, the District shall deny the

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application and prohibit the enrollment of any student whose term of expulsion (for any lawful reason and regardless of when the expulsion occurs) from any public school, independent charter school in Wisconsin, or out-of-state public school overlaps with the proposed period of open enrollment.

- c. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District shall deny an application for full-time open enrollment in the District if a review of the student's disciplinary records indicates that the student-applicant has been expelled by any Wisconsin school district at any time during the current school year or preceding two school years for any of the following specified conduct: (1) endangering the health, safety or property of others; (2) 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 any school property by means of explosives; (3) possessing a dangerous weapon while at school or under the supervision of a school authority; or (4) 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 district employee or school board member.
- d. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 2-f, below, if any disciplinary proceeding involving alleged conduct falling in one of the four categories listed in paragraph 2-c of this policy (immediately above) is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- e. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 2-f, below, the District will revoke the prior acceptance of an open enrollment application if, at any time prior to the beginning of the school year in which the student will first attend school in the District, the District determines that the student either (1) has been expelled as described in paragraph 2-b of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 2-c or paragraph 2-d of this policy, above.
- f. Limited exception. In situations where a student's application is initially rejected due to a pending disciplinary matter, the District, upon the written request of the student's parent or guardian, will reconsider the status of the student's application if both of the following conditions are satisfied: (1) prior to the close of the period during which the District would normally continue to process and accept applications from any waiting lists, the District is able to determine that the prior pending disciplinary matter has been concluded in favor of the student; and (2) the District concludes that considering possible acceptance of the application would not be prejudicial to any other applicant.

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3. The special education program or related services described in the child's individualized education program is not available in the district.
  4. The student has been referred to the resident school board or identified by the resident school board for evaluation or receipt of special education or related services, but is not yet evaluated by an IEP team appointed by the resident district.
  5. The Board determines that the student was habitually truant during any semester of attendance in the District during the current or previous school year.
    - Applicants for open enrollment shall be subject to the same rules for determining habitual truancy as resident pupils are subject. Those rules are found in Board Policy and Rule 431.
    - If the student accumulates unexcused absences sufficient to be designated as habitual truant during a school year in which the student is open enrolled and the student or parent/guardian has been informed of the habitual truancy as provided in Policy 431 and Rule 431, the student's habitual truancy may be a basis to terminate a student's open enrollment during the school year upon a recommendation of the Superintendent or designee to the Board.
- B. A student shall be granted preference for open enrollment acceptance if the student is already attending school in the district or their sibling is already attending school in the district.
- C. If the number of eligible applicants for admission from nonresident students exceeds the number of available enrollment opportunities in a particular class, program, or grade level nonresident students shall be selected for admission using a random selection process established by the Superintendent or his/her designee. The students not selected may be placed on an open enrollment waiting list, if a waiting list is established by the Superintendent. No waiting list will be created for applicants to a particular class, program, or grade level for which the Board determines there are no open enrollment spots available. Board Policy 423, Rule provides the procedures applicable to the waiting list.
- D. The Board may require nonresident students to reapply for admission at a transition grade (5th, 7th, or 9th). Nonresident students may not be required to reapply more than one time.
- E. If a student attending the District through open enrollment has an IEP developed or revised any time after acceptance for open enrollment, and the services required by the IEP are not available in the District or if space in the program is not available based on the Board's determination in January for the applicable school year, the parent or guardian shall be notified and the student shall be transferred to the student's resident district.

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- F. “Best Interests” Determinations Under the Alternative Open Enrollment Application Criteria and Procedures. 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” criterion, the District shall review the information and rationale provided by the parent(s) or guardian and make a determination as to whether the District agrees with the parent(s) or guardian 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.
- G. Requests for Early Admission to Kindergarten. The District does not evaluate nonresident open enrollment applicants for early admission to 4- or 5-year-old kindergarten.
- H. 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) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

## III. RELEASE OF RESIDENT STUDENTS

- A. Resident students may apply for full-time open enrollment in another public school district in accordance with state law.
- B. If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District may 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. 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.

## IV. TRANSPORTATION

- A. The district shall not provide transportation to nonresident students who are accepted under the open enrollment program with the exception of any student with an IEP that requires transportation or as required by the State Superintendent under s. 121.54(3), Wis. Stats. Transportation shall be provided by the parent to and from the assigned school. Parents may contract with the district for transportation services from a scheduled district bus stop.
- B. The district shall not provide transportation to resident students who are accepted as nonresident students in another school district. A non-resident district may not enter into the

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Waunakee Community School District for the purpose of picking up and dropping off open enrolled students.

## V. FEES

Nonresident students enrolled under this policy will be subject to the same student and participation fees as resident students.

## VI. CO-CURRICULAR PARTICIPATION

Nonresident students entering the WCSD under disciplinary sanction for violating the co-curricular code of their resident district shall complete the imposed action if it is equal to or more severe than that which would have been imposed had it occurred in the Waunakee School District. If the disciplinary action is less severe than that which would have been imposed in Waunakee, the appropriate Waunakee sanctions shall be imposed.

WIAA rules and regulations for eligibility shall be followed for nonresident as well as resident students. The WCSD Co-Curricular Code of Conduct shall apply to nonresident as well as resident students.

## VII. ADMINISTRATIVE GUIDELINES

The district administrator or his/her designee shall be responsible for developing and promulgating administrative guidelines to implement this policy.

## VIII. Appeals of Open Enrollment Decisions

The student's parent(s) or guardian may appeal a District decision regarding full-time open enrollment to the DPI by following the deadlines and other procedures established by the DPI, except as otherwise specifically provided under state law or under DPI rules.

Legal Ref:

### **Wisconsin Statutes**

<a href="#">Section 115.385(4)</a>	[parent notification of education options, including full-time open enrollment]
<a href="#">Section 115.787</a>	[individualized educational programs for students with disabilities]
<a href="#">Section 115.7915</a>	[special needs scholarship program for students with disabilities denied open enrollment]
<a href="#">Section 118.16(1)(a)</a>	[definition of habitual truant]
<a href="#">Section 118.50(6)</a>	[whole grade sharing provision related to full-time open enrollment]
<a href="#">Section 118.51</a>	[full-time public school open enrollment]
<a href="#">Section 118.57</a>	[public notification of education options, including full-time open enrollment]
<a href="#">Section 120.13(1)(f)</a>	[authority to deny enrollment of student during the term of expulsion]
<a href="#">Section 120.13(1)(h)</a>	[conditional enrollment of expelled students]

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[Section 121.54\(3\)](#)

[transportation for children with disabilities]

[Section 121.54\(10\)](#)

[optional transportation for full-time open enrollment students]

[Section 121.545\(1\)](#)

[optional transportation under a parent contract]

[Section 121.55](#)

[methods of providing transportation]

## Wisconsin Administrative Code

[PI 36](#)

[DPI rules governing inter-district open enrollment]

Cross Ref: 343.2, Class Size  
370-Rule (1), High School Co-Curricular Code  
370-Rule (2), Middle School Co-Curricular  
Code 411, Equal Educational Opportunities  
412.1, Full-time Student  
422, Admission of Nonresident student (Other than Open Enrollment  
Students) 423-Rule (1) Open Enrollment Procedures  
423.1 Course Options  
432, School Attendance Areas (Intra-District Transfers)  
433, Assignment of Students to Classes  
470, Student Fees

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