

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

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).

Subject to the exception that the School Board, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, the Board authorizes the Superintendent, or any administrative-level designee of the Superintendent, to make all other decisions and determinations that are necessary or permitted in connection with any open enrollment application or any open enrollment student under this policy and its related Board-approved rule. However, this delegation of authority shall not be construed to prohibit the Superintendent from bringing any such decision or determination to the Board as he/she deems necessary or prudent.

Nonresident Open Enrollment Students

A nonresident student may apply for full-time enrollment in a public school in the District under the open enrollment program. 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:

1. **Space Availability.** The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability, consideration may be given to desired class size limits, desired student-teacher ratios, overall building capacity, future enrollment projections, the projected number of sections of particular grades or courses, desired program-size limitations, and known or projected limitations on available staffing and other resources. Based upon a review of the relevant considerations, the Board may annually establish, at a Board meeting held in January, space limitations applicable to nonresident open enrollment.

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 7th grade for the following school year, then a current-year alternative application submitted for the 6th 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 date of the Board meeting in January where space availability for open enrollment is again considered.

The District will create and administer waiting lists for applications received during the regular application period, but not for current-year open enrollment applications submitted under the alternative application procedure.

If the District receives more student applications during the regular application period for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis, subject to the following exceptions and to the additional Board-established procedures that implement this policy:

- a. Students guaranteed approval under the space availability criteria. If otherwise eligible to be approved under this policy and applicable law, and provided that the individual has submitted a timely application during the applicable regular application period (but not including any alternative applications), the following applicants for full-time open enrollment in the District will not be denied based upon a lack of available space regardless of any otherwise-established limitations on the spaces that are available for open enrollment students:
 - (1) Students who are currently enrolled in and 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).
 - (2) The siblings of any student who is 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).
 - b. Random selection process to be used if necessary. If, after approving the applications of all students who are guaranteed approval, there are more applications than available spaces in any grade and/or program, then all remaining timely and complete applications (regardless of grade and even if the application is potentially subject to denial for some other reason under the local criteria established in this policy) will be subject to a random selection process as further defined in the procedures adopted to accompany this policy.
2. Students with Disabilities. If the special education or related services required for a student with a disability are not available in the District or if there is no space available in the relevant program/service(s), then the application shall be denied.

If a nonresident student receives his/her initial individualized education program (IEP) while attending the District under open enrollment, or if a nonresident student's IEP changes after the student begins attending school in the District, 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.

3. Students Referred for a Special Education Evaluation. An open enrollment application shall be denied if the nonresident student has been referred or identified as having a possible disability but has not yet been evaluated by an IEP team in the resident district. To the extent permitted by DPI, and assuming other acceptance criteria are and continue to be met, such a student's parent or guardian may request that the District reconsider a denial under this criterion if the IEP (or a finding of no disability) is forwarded to the District and reviewed by the District prior to the close of the period during which the District would normally

continue to process and accept applications from any waiting lists and if the District concludes that such reconsideration would not be prejudicial to any other applicant.

4. Discipline-Related Criteria

- a. 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 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.
- b. 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 conduct falling in any of the four specific categories listed in the open enrollment statutes.
- c. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 4-e, below, if any disciplinary proceeding involving alleged conduct falling in any of the four specific categories listed in the open enrollment statutes is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- d. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 4-e, below, the District shall 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 4-a of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 4-b or paragraph 4-c of this policy, above.
- e. Limited exception. In situations where a student's application was rejected (including as a result of the revocation of an initial acceptance) 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 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.

5. Truancy-Related Criteria. An open enrollment application shall be denied if the student was habitually truant during any semester of attendance at a District school in the current or previous school year, and the student had a further instance of truancy in that same semester after the District notified the student's parent or guardian of the habitual truancy.

6. If a non-resident student attending the District through open enrollment becomes a habitual truant under the provision of Wisconsin Statutes, the District may revoke open enrollment effective five days after written notification to the resident district.
7. “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.

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).

Assignment of Accepted Applicants to a School/Program. The District shall assign nonresident students accepted for full-time open enrollment to a school or program. Any preferences identified by the applicant cannot be guaranteed. In making such assignments, the District may give preference in attendance at a particular school or program to residents of the District.

Requests for Early Admission to Kindergarten. The District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old kindergarten. Upon request of the child’s parent or guardian, and if such evaluations can reasonably be completed no later than the third Friday in May, the District may evaluate regular-period, nonresident open enrollment applicants for possible early admission to 5-year-old kindergarten.

No Re-Application Required. Once a nonresident student is accepted for full-time open enrollment in the District and begins attending school in the District, no re-application is required in order for the student to maintain continuous open enrollment.

Transportation. Student transportation and the costs thereof shall be the responsibility of the nonresident student’s parent(s) or guardian, subject to any transportation that may be mandatory under applicable law and the following exceptions:

1. Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI’s procedures.
2. The District shall provide transportation for nonresident students with disabilities attending school full-time in the District if it is required in the student’s IEP or otherwise required by law.
3. Upon request of the student’s parent or guardian, the District shall provide transportation to nonresident full-time open enrollment students without charging any fee if there is room available on a bus on a regular route and the student is picked up or dropped off at a bus stop on the established route, except that if the bus stop on the established route is located within the boundaries of the student’s resident school district, the resident school district must also approve the transportation arrangement.

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).

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with state law.

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.

Transportation. Except as otherwise required by law, the parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, and any requests from other school districts to provide optional transportation to resident open enrollment students to/from locations within the boundaries of the District shall be denied.

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.

ADOPTED: January 26, 1998

REVISED: December 16, 2002
January 22, 2007
July 23, 2007
June 24, 2013
January 27, 2016
January 22, 2018
January 30, 2019

Wisconsin Statutes

Section 115.385(4)	[parent notification of education options, including full-time open enrollment]
Section 115.787	[individualized educational programs for students with disabilities]
Section 115.7915	[special needs scholarship program for students with disabilities denied open enrollment]
Section 118.16(1)(a)	[definition of habitual truant]
Section 118.50(6)	[whole grade sharing provision related to full-time open enrollment]
Section 118.51	[full-time public school open enrollment]
Section 118.57	[public notification of education options, including full-time open enrollment]
Section 120.13(1)(f)	[authority to deny enrollment of student during the term of expulsion]
Section 120.13(1)(h)	[conditional enrollment of expelled students]
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.: JECB-R, Procedures for Dealing with Full-Time Open Enrollment Applications
JECB-E, Open Enrollment Program Definitions
JB, Equal Educational Opportunities
School Attendance
JEC, School Admissions
JECBA, Part-Time Public High School Open Enrollment Program
Wisconsin Department of Public Instruction Full-Time Open Enrollment Application Form

REVIEW DATE: January 30, 2019

FULL-TIME OPEN ENROLLMENT PROCEDURES

ANNUAL DETERMINATIONS OF SPACE AVAILABILITY

- A. If the School Board establishes any annual space availability limitations for nonresident open enrollment, state law requires such determinations to be made at a January Board meeting prior to the start of the regular application period to which the limitations will apply. Accordingly, the administration shall prepare and present recommendations on space availability to the Board such that the Board is able to adequately consider the information and make a timely determination.
- B. 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.
- C. The general process of determining the number of available spaces by grade and program will involve establishing projected total capacities and then subtracting the projected number of occupied spaces from the total capacities.
 1. Any projected future increase (or decrease) in the number of resident students who will be entitled to attend school in the District shall be reasonably incorporated into the District's count of "occupied" spaces.
 2. Because the District guarantees space for open enrollment applications that are submitted by currently-attending students during the regular application period, such currently-attending students, to the extent possible, will be included in the count of "occupied" spaces so that the spaces expressly designated as being "available" for open enrollment applicants will be in addition to the already-occupied and guaranteed spaces.
- D. In formulating recommendations to the Board regarding space availability, the administration shall consider and incorporate, to the extent applicable, the following elements of the Department of Public Instruction's (DPI) administrative rules:
 1. If the Board establishes any annual space-availability limitations, then on or after the first Monday in February, the District is not permitted to reduce the number of spaces that the Board declared to be available for open enrollment.
 2. If the Board establishes any annual space-availability limitations, and except for any applications that are approved to accommodate applicants who are guaranteed approval under Board policy, the District may not approve more applications than were submitted during the regular application period than the number of spaces that the Board designated as available for open enrollment until after the statutory deadline for providing initial notice of acceptance or denial

(i.e., the first Friday following the first Monday in June). After such deadline, additional applications may be approved as outlined in the DPI rule and in a manner consistent with Board policy.

- E. Effect of Establishing Annual Space Availability Limitations on Current-Year Alternative Applications. 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 procedure 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 7th grade for the following school year, then a current-year alternative application submitted for the 6th grade after the January meeting must be denied. Board policy and applicable regulations identify how any annual space availability limitations established by the Board in January affect alternative applications that are received in the subsequent school year.
- F. Effect of a Board Decision to Establish No Annual Space Availability Limitations in a Given Year. If the Board has taken no action in January to limit the number of spaces that will be available for applications that are submitted under the regular application procedure for the following school year, then the District may approve alternative applications for the current school year that are submitted after the date of the January school board meeting. In addition, to the extent prohibited by state law and the DPI's administrative rules, the Board will not deny any regular open enrollment applications received in the subsequent regular application period due to lack of space.

APPLICATIONS SUBMITTED DURING REGULAR OPEN ENROLLMENT APPLICATION PERIOD

A. Nonresident Student Open Enrollment Applications

1. Submitting and Receiving Applications

- a. The parent(s) or guardian of a student who wishes to attend school in the District as a nonresident open enrollment student may apply online from the DPI website (<https://dpi.wi.gov/open-enrollment/applications>) or submit the required application to the School District office, 206 S. Taft Avenue, Jefferson, WI 53549. The application may include a request to attend a specific school or program offered by the District. The application shall be submitted no earlier than the first Monday of February and no later than the last weekday in April of the school year immediately preceding the school year in which the student wishes to attend.
- b. District staff shall affix a date stamp (or a written and initialed date) to all paper applications upon receipt. Although the District may make an effort to allow an applicant to revise an incomplete application, it is the applicant's sole responsibility to ensure that his/her application is complete and timely. Any applications received prior to or after the deadline dates, other than those submitted pursuant to the alternative application procedures specified in state law, are to be returned to the applicant with a notice of the proper application dates.
- c. The District shall send a copy of any paper application received to the student's resident school board and to the DPI by the end of the first weekday following the last weekday in April. For applications filed online, these notifications are made automatically.

2. General Application Review; Approval/Denial Dates

- a. Upon receipt of the application, it will be forwarded to the District Administrator or his/her designee. Staff shall review all of the applications using the acceptance/denial criteria outlined in Board policy, and determine which school or program, if any, the nonresident student could attend the following year if accepted.
 - (1) School and non-special education program assignments will be made after the random selection of applications by grade in any year when applicant interest exceeds grade-based space availability.
 - (2) Prior to assigning an open enrollment applicant to a school or program, the District may give preference in attendance at a school or program to residents of the District who, on a timely basis, have been identified for or expressed interest in the particular school/program.
- b. If the District receives notification that the student is not attending the resident school district named on the application, the District may request the school or school district of attendance to provide any of the records or information about the student's special education or disciplinary status that would otherwise be provided by the resident school district.
- c. No regular-period application that was submitted on a timely basis shall be accepted or denied by the District before May 1. The District will notify all regular-period applicants, in writing, whether their application has been accepted or denied on or before the first Friday following the first Monday in June. All notices of acceptance shall identify the specific school or program that the student may attend in the following school year. All notices of denial shall identify the reason(s) the application was denied, information about the appeal process, and, if applicable, the student's number on any waiting list(s).

3. The Method of Random Selection Used When There are More Applications Than Spaces; Creation of Waiting Lists

- a. If there is sufficient space available in the relevant grades/programs to approve all of the timely open enrollment applications that the District has received during the regular application period, regardless of whether some of the applications may be denied due to the application of other District acceptance/denial criteria, the random process identified in this section will not be used and no grade-based or program-based waiting lists will be created or maintained.
- b. If there are more regular-period applications than spaces available for a particular grade or special education program/service, then the following selection procedure shall be used:
 - (1) Unless the District determines that the application will be denied under some other applicable criteria (i.e., other than space availability), the District will accept the applications of all students who are guaranteed space under Board policy. Eligible currently-attending students will be accepted without reducing the number of spaces that have been designated as "available" for open enrollment, while eligible siblings of

currently-attending students will be assigned to and reduce the number of available spaces.

- (2) All remaining timely applications (i.e., all applications not guaranteed space under District policy), regardless of grade-level and even if the application is potentially subject to denial under other applicable acceptance/denial criteria, will be subject to a random selection process with respect to space availability. As the first step in that process, and in the presence of at least two staff members, a random order of consideration will be established using one of the following methods:
 - The individual applications will be listed and an electronic random number generator will assign a number to each application. The applications shall then be ordered numerically according to the random numbers, with the lowest number being the first-considered application and the highest number being the last-considered application.
 - Each application will be assigned a number, and the numbers will be randomly drawn/selected (e.g., using a lottery-type system). The applications will be listed by student name/number in the order in which they are randomly selected, with the first-selected number being the first-considered application and last-selected number being the last-considered application.
- (3) If, after approving the applications of all students who are guaranteed approval there is no grade-based space left in the District (i.e., all grades are full), then all remaining applications shall be placed on grade-based waiting lists, retaining the order of consideration established above (but within the applicable grade-based list). Applications denied for any additional reason (i.e., at least one reason in addition to a lack of available space) will be removed from the waiting lists before applicants are notified of their position on any waiting list. The grade-based waiting lists will thereafter be administered as described below.
- (4) If, after approving the applications of all students who are guaranteed approval there is remaining space available in one or more grade(s), the District will proceed to consider each of the applications in the order established through the random process described above. As each application is considered, and if no other basis exists for denying the application, the application will either be assigned to an available space and accepted or placed upon the appropriate waiting list(s) and denied, as indicated in the steps below.
- (5) If the District reaches a student's application in the numerical list and if there is no space available in the relevant grade for that student, the application shall be denied due to lack of available space (and for any other reason(s) that may be applicable), but the student's application will be placed on the relevant waiting list(s) in the order of consideration, subject to the following:
 - If such an application is denied due to lack of space AND for at least one other reason, then the application shall be removed from the waiting list(s) before the initial waiting lists are finalized and applicants are notified of their position on the waiting lists; and

- If the student is a student with a disability, then before considering another applicant, the District will consider the availability of and any applicable space limitations for the special education program/services required for the student. If the District does not offer the program/services, that determination will serve as an independent reason for denying the application. If the required program/services are offered in the District, then the following procedures shall apply:
 - If space is available, the District will assign the student to the special education space, holding the space for the student as he/she waits to be selected from the grade-based waiting list. However, if the program and services required for the student involve a stand-alone special education program such that assigning the student to the appropriate program would not require assigning the student to a grade-based space, then the student's application shall be removed from the grade-based waiting list and, provided that the student's application will not be denied under any other criteria, the application is eligible for approval and the District will give immediate consideration to any sibling-applicants of the student, as further described below in these procedures.
 - If space is not available, the application will be denied due to lack of special education space, and the District will place the student's application on a special education waiting list. However, if the program and services required for the student involve a stand-alone special education program and assigning the student to a regular education classroom/program would clearly be an inappropriate placement, the student will be removed from the grade-based waiting list and need only wait for the special education space.
- (6) If the District reaches a student's application in the numerical list and if there is a space available in the relevant grade for that student, all of the following shall occur prior to consideration of the next applicant on the ordered list:
 - The student shall be assigned to the available space, pending the application of remaining approval/denial criteria.
 - If the student is a student with a disability, the District will consider the availability of and any applicable space limitations for the program/services required for the student.
 - If the District does not offer the program/services, such determination will serve as an independent reason for denying the application, and the grade-based space tentatively assigned to the student will be released and made available to another applicant.
 - If the required program/services are offered in the District and space is available, then the student shall be assigned to that special education space pending the application of the remaining approval/denial criteria. If the required special education space is not available, then the student will be added to the appropriate special education waiting list and the grade-based space assigned to the student will be held for the student. However, if it is clear that the special

education program and services required for a student under this paragraph involve stand-alone special education such that assigning the student to the relevant special education program would not require assigning the student to a grade-based space, then the grade-based space tentatively assigned to the student will be released and made available to another applicant.

- Provided that the District has concluded that there is space available for the student whose application is under consideration and that such student’s application will not be denied pursuant to any of the other applicable acceptance/denial criteria, the District shall give immediate consideration to the application(s) of any remaining sibling-applicants in the same family who applied for open enrollment at the same time and whose application has not yet been considered. If there is a space available for the sibling (looking first at the student’s grade and then, if applicable, at special education spaces), then the sibling shall be assigned to the space(s) pending an analysis of all applicable remaining approval criteria. However, if there are no remaining spaces available to accommodate the sibling’s application, then the sibling’s application shall be denied due to lack of available space (and for any other reason(s) that may be applicable), but the sibling’s application will be placed next in line on the relevant waiting list(s).
- (7) Before finalizing the assignment of space, the list of applications that will be accepted, and the initial waiting lists, the District will consider whether any application that has tentatively been assigned to any space or placed on any waiting list is subject to denial due to the application of any criteria other than a lack of grade-based or special education space. If so,
- Any such application that has tentatively been assigned to an available space will be denied for those separate reason(s), and the space tentatively assigned to the application will be assigned to an applicant who is listed first on the applicable waiting list.
 - Any such application that was tentatively placed on a waiting list shall be denied for both the space availability reasons and for those separate reasons(s) and removed from the waiting list before applicants are notified of their position on the waiting lists.
- (8) For any otherwise-eligible applicant who is a student with a disability who has been assigned a grade-based space but who is on a special education waiting list, or vice-versa, the student will initially receive notice of denial due to lack of available space, but the District will hold the space (either general or special education) that has been assigned to the student until either a space on the other waiting list becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).
- (9) After completing the above steps, the assignment of available spaces will have been completed and the initial open enrollment waiting lists will be considered finalized.

Appropriate and timely written notices of acceptance or denial will be provided to all applicants and the waiting lists will be administered as described below.

- (10) Exception when Space Limitations Exist Only in Special Education. If there is sufficient space available, by grade, to accommodate all of the timely applications received during the regular application period, but space limitations exist in one or more special education areas, the random process described above may be limited to special education and to the creation of special education waiting lists.

4. Administration of Waiting Lists

- a. As any spaces become available, applications that have not been denied for any reason other than lack of space will be accepted from the waiting list(s). The District may accept students from a waiting list until the third Thursday in September, but only if the student will be in attendance at a school or program in the District on the third Friday in September.
- b. Parents and guardians will be notified in writing if a space becomes available, including notification of the school or program to which the student has been assigned and the procedures and date by which the parent or guardian must notify the District if the student will attend school in the District. Verbal notice may be provided to the parent or guardian who submitted the application, but verbal notice will be confirmed through a written communication.
 - (1) If the District notifies a parent or guardian of acceptance on or after 10 days prior to the last Friday in June, the parent or guardian shall have 10 calendar days to respond to the placement offer provided the student is also in attendance by the third Friday in September; otherwise, the parent or guardian must respond to the notice no later than the last Friday in June.
 - (2) If the parent or guardian does not respond in the allotted time, the student's application will be placed at the end of the waiting list and the space will be offered to the next student on the waiting list.
- c. For any applicant who is a student with a disability who has been assigned to both a grade-based waiting list and a special education waiting list, if the student is selected from one such list but not from the other(s), the District will hold the space which became available for the student on a list until either a space on the other waiting list(s) becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).
- d. To simplify the administration of the waiting lists, the District may contact the parent or guardian who submitted the application to determine whether they wish to voluntarily be removed from the waiting list(s). If the parent or guardian indicates that they would like to be removed, the District will provide written confirmation of the decision/action to the parent or guardian.

5. Parent Notification and Enrollment

- a. The nonresident student's parent(s) or guardian(s) shall notify the District Administrator or designee of the student's intent to attend school in the District in the following school year on or before the last Friday in June following receipt of the notice of acceptance, except as noted above for nonresident students accepted for enrollment from a waiting list.
- b. Annually by July 7, the resident district school boards shall be notified of the names of the students from the resident district who will be attending school in the District the following school year. For students accepted for open enrollment from the waiting list after July 7 that choose to attend school in the District, this resident school district notification will be provided as soon as possible after getting confirmation of such attendance from the student's parent or guardian.
- c. The District will take the steps necessary to properly enroll a student who chooses to attend school as a nonresident open enrollment student.
- d. Student Records. The District will limit its requests for student records (or information from student records) and its sharing of records with the resident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules.

B. Resident Student Open Enrollment Applications

1. Upon receipt of any paper copy of a resident student's application to attend a school or program in another public school district, school office staff shall affix a date stamp (or a written and initialed date) and forward it to the District Administrator or his/her designee for review and processing.
2. By the first Friday following the first Monday in May, the District shall provide the nonresident school district(s) to which the student applied appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance.
3. All applications, those received online and paper applications, shall be reviewed by District staff using the acceptance/denial criteria outlined in Board policy. If the application is denied, the applicant and the nonresident school board shall be notified, in writing, that the application has been denied. This notification shall be made on or before the second Friday following the first Monday in June. The notice shall include the reason(s) for the denial and information about the appeals process.
4. Special Procedure for Resident Open Enrollment Students Not Enrolled in the District. To the extent necessary to allow for the appropriate accounting of the District's student membership and appropriate state aid transfers, students who reside in the District but who have been enrolled in a private school or home-based private educational program and students who did not reside in the District at the time of applying for full-time open enrollment in another school

district must formally enroll in the District prior to attending school in another public school district under the full-time open enrollment program.

5. Student Records. The District will limit its requests for student records (or information from student records) and its sharing of records with the nonresident district to the records and information that may be lawfully requested or disclosed under applicable law and DPI rules. The District shall ensure that the records of a resident student who accepts open enrollment and elects to attend school in a nonresident district are sent promptly to the nonresident district.

APPLICATIONS SUBMITTED UNDER ALTERNATIVE OPEN ENROLLMENT PROCEDURES

- A. **Reason(s) for Alternative Application** – A parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application that is in addition to or in lieu of any application(s) submitted in connection with the regular open enrollment application period if the application is for the current school year, the student meets one of the following criteria, and the parent or guardian identifies and describes 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 in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
 2. The student is or has been a homeless student in the current or immediately preceding school year.
 3. The student has been the victim of repeated bullying or harassment and all of the following apply: (a) the student's parent or guardian must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process; and (b) in spite of action taken by the board or designee the repeated bullying or 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. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
 5. The student moved into Wisconsin. The application must be made within 30 days after moving into the state.
 6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent. The application must be made within 30 days after the student's change in residence.
 7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interests of the student.

B. Application Review and Approval Process

1. When the District receives an open enrollment application that has been submitted under the alternative open enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the date any paper application was received shall be affixed to the application (or otherwise recorded) and the application shall be forwarded to the District Administrator or his/her designee for review and processing.
 - a. If the application involves a nonresident student seeking to attend school in the District under open enrollment, the District will:
 - (1) Immediately send a copy of any paper application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district; and
 - (2) Work with the resident district (or the anticipated resident district) identified in the application to determine where the applicant is currently attending school, and to determine from which school the District will receive any relevant special education records (e.g., the student's current IEP) and/or disciplinary records (e.g., expulsion records). If the applicant is not currently attending school in the resident district, the District will request such records from the school or school district the student is attending or most recently attended.
 - b. If the application involves a resident student who is attending, or who previously attended school in the District, then within 10 days of receiving a copy of the application, the District shall provide the nonresident school district appropriate notice of the resident student's special education and/or disciplinary status, including copies of any records that the District is permitted/required to release. If the applicant does not attend school in the District and the District has no records for the student, the District will notify the nonresident school district(s) of the student's non-attendance.
2. District staff shall review the application using the acceptance/denial criteria outlined in Board policy and in this rule. The District Administrator or his/her administrative-level designee is authorized to make the acceptance/denial decision for the District and to direct the sending of the appropriate notifications.
 - a. The District will deny the alternative application of a nonresident student when required by state law or DPI rule, and the District may also deny such an application:
 - (1) due to lack of available space;
 - (2) under any of the acceptance and denial criteria established in Board policy that apply to an application submitted during the regular open enrollment application period; or
 - (3) if the application relies on the best interests of the student criterion and the District determines that open enrollment is not in the student's best interests.

- b. The District will deny the alternative application of a resident student when required by state law or DPI rule, and the District may also deny any such application if it determines that the criteria relied on by the parent or guardian to submit the application (including the “bests interests” criterion) do not apply to the student.
 3. If the application involves a nonresident student seeking to attend school in the District, then the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 calendar days after the application was submitted. If the District fails to issue a timely notice of acceptance of a nonresident alternative application to the parent or guardian, the application is considered denied.
 - a. If the application has been denied, the notification shall include the reasons for the denial and information about the appeal process. To the extent consistent with state law and District policy, initial acceptance of an application may be subject to revocation.
 - b. If the District has approved the open enrollment application of a nonresident student, the notification provided to the applicant shall identify the specific school or program that the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the District and shall begin attending the school or program no later than the 15th day following receipt of the notice of acceptance (or another date mutually agreed upon by the District and the student’s parent or guardian). If the nonresident student has not enrolled in or attended school in the District by the relevant deadline, the District may notify the student’s parent or guardian, in writing, that the student is no longer authorized to attend school in the District.
 - c. To the extent that there is a delay in the District’s receipt of any relevant disciplinary records from another school or school district, the District will attempt to review and act upon such records promptly. If necessary, the District will deny the application due to an inability to sufficiently review such records. However, to the extent permitted by DPI, the District may revisit such a denial if the relevant records/information are provided within a reasonable time period after the 20th calendar day following the submission of the application.
 4. If, for purposes of the application, the District is identified as the resident school district, the District shall notify the applicant whether the application has been approved or denied in accordance with any deadlines established by state law or DPI rule. Normally, the District will issue such notifications no later than 20 days after the date that the application was submitted.

It is the applicant’s responsibility to provide sufficient information to enable the District to determine that at least one of the bases for an alternative application applies 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.

If a resident student’s alternative application is denied, the notification shall include the reason(s) for the denial and information about the appeal process.

APPEAL OF OPEN ENROLLMENT DECISIONS

The student's parent(s) or guardian(s) 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.

1/30/19

OPEN ENROLLMENT PROGRAM DEFINITIONS

The following definitions shall apply to the district's full-time and part-time public school open enrollment program policies and procedures:

1. **Nonresident District:** A school district located in Wisconsin which is not a student's district of residence.
2. **Resident Student:** A student who is a legal resident of the School District of Jefferson and is, therefore, entitled to attend school in the district in accordance with Board policy.
3. **Nonresident Student:** A student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin but seeks admission to the School District of Jefferson under the open enrollment program.
4. **Tuition Student:** A nonresident student who is a resident of the state of Wisconsin for whom tuition is being paid in accordance with statutes.
5. **Full-Time Enrollment Student:** A student who is enrolled for the entire school day and receives all of his/her required education in the district of enrollment.
6. **Part-Time Enrollment Student:** A public high school student who participates in no more than two courses in a nonresident district.
7. **Class Size:** Unless otherwise stated in the terms of a collectively bargained, negotiated agreement, class size shall be defined as the maximum number of students that can be enrolled and accommodated properly in a particular classroom without jeopardizing the quality of the instructional program.
8. **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, to limit enrollment based on the capability to properly allocate available resources, to create and maintain a proper learning environment, and to comply with contracts, grants and applicable laws and regulations.