

PART-TIME OPEN ENROLLMENT

Under the part-time open enrollment program, a student enrolled in a public school in the high school grades may be permitted to attend a public school in a nonresident school district to take up to two courses at any one time.

If a student wishes to participate in the part-time open enrollment program, the student and his/her parent or guardian are solely responsible for (1) following all application procedures, (2) providing express notice to the applicable school districts that confirms the student's intent to attend a course into which the student has been accepted, (3) meeting the minimum eligibility criteria, and (4) meeting relevant deadlines, as such requirements are defined in state law, any applicable state regulations, and the policies and procedures of the applicable school districts. Failure to submit a timely and complete application or a failure to meet other mandatory requirements are grounds for loss of the opportunity to participate in the course(s).

The Director of Business Services or an administrative-level designee shall be responsible for (1) ensuring that the District appropriately processes all resident and nonresident student applications for the part-time open enrollment program; and (2) determining whether the District will approve or deny individual applications based on the criteria established in state law, any applicable state regulations, and applicable District policies and procedures. The Director of Business Services or his/her administrative-level designee shall be responsible for establishing a start date for each course for purposes of part-time open enrollment, and the applicable starting date shall be used to calculate the deadlines for submitting a program application for the course and for providing the related approval, rejection, and acceptance notices.

Resident High School Students Attending Courses in Other Public School Districts

The District shall deny a resident student's otherwise timely and complete application to attend a course in another public school district under the part-time public school open enrollment program if:

1. The course conflicts with the student's individualized education program (IEP); or
2. The cost of the course would impose an undue financial burden on the District.

The District shall determine whether each course identified on a resident student's application satisfies any of the District's high school graduation requirements. The District shall notify the applicant, in writing, if a course will not satisfy a graduation requirement.

The District shall pay for the cost of a resident student's approved course(s) to the extent required by state law and by the Wisconsin Department of Public Instruction.

Nonresident High School Students Attending Courses in the District

Nonresident students seeking to enroll in specific District courses under the part-time open enrollment program shall be subject to the same criteria that are used for making course-related eligibility and acceptance decisions for students who are District residents. Such criteria include meeting applicable course prerequisites, academic requirements, proficiency standards, and conduct-related requirements. In addition, there must be space available in the course.

Regarding space availability considerations, the District will give preference (i.e., ahead of part-time open enrollment applicants) in making acceptance and placement decisions for individual courses to the following:

1. **District students have first priority.** Up to the point at which the District provides formal notice of acceptance or denial to a part-time open enrollment applicant (which will occur no sooner than six weeks before and no later than one week before the course is scheduled to begin), the District will give a preference to otherwise-eligible students whose primary enrollment and school of attendance is (or at the time of the applicable course will be) within the public schools of the District (including students who are not District residents who are regularly attending a school in the District under the full-time open enrollment program). In addition, the District may reserve a reasonable number of spaces in particular classes to accommodate possible course changes by such District students and to accommodate regular District students who are late enrollees.
2. **Non-District students who are District residents have a preference over nonresidents.** Provided that such students have applied to take the course no later than at least six weeks before the course starting date, the District will also give a secondary preference to non-District students who are residents of the District and who are entitled to apply to take the course under state law or under any other Board policy (e.g., certain residents who are enrolled in a private school, tribal school, or home-based private educational program).

If, after applying the applicable preferences, the District has space available in a course for part-time open enrollment students and any other students who may be eligible to apply to take the course, but the District has received more qualifying applications from such interested persons than there are spaces available, then the District will use a random procedure to determine which additional students to accept into the course. The random procedure shall be a process that is directed by the Director of Business Services or his/her designee.

Application of Policy in Special Situations

To the extent required by law, the terms “resident student,” “nonresident student,” and “nonresident school district,” within this policy shall be construed to appropriately accommodate atypical situations where the public school that a student normally attends on a full-time basis is not located in the same school district in which the student’s legal residence is located.

ADOPTED: December 16, 2002

REVISED: January 27, 2020

LEGAL REFERENCES:

Wisconsin Statutes

Section 115.385(4)	[required parent notification of educational options, including part-time open enrollment]
Section 118.13	[student nondiscrimination]
Section 118.145(4)	[resident students enrolled in private schools/tribal schools taking courses in the public high school]
Section 118.15(1)(d)	[discretionary program and curriculum modifications]
Section 118.33	[high school graduation requirements]
Section 118.52	[part-time open enrollment]
Section 118.53	[home-schooled students taking courses in the public schools]
Section 118.57	[required public notification of educational options, including part-time open enrollment]

Wisconsin Administrative Code

Subchapter V of PI 36	[part-time open enrollment regulations]
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CROSS REF.: JECBA-R, Procedures for Handling Part-Time Open Enrollment Course Applications
JECB-E, Open Enrollment Program Definitions
JB, Equal Educational Opportunities
JEC, School Admissions
[Wisconsin Department of Public Instruction Part-time Open Enrollment Application Form](#)

REVIEW DATE: January 27, 2020

PROCEDURES FOR HANDLING PART-TIME OPEN ENROLLMENT COURSE APPLICATIONS

A. Definitions

For purposes of these procedures implementing the part-time open enrollment program within the District, the following definitions apply:

1. “**District**,” when capitalized, means the School District of Jefferson.
2. The term “**resident school district**” means the school district that would have the legal obligation to pay the cost of the course specified under state law to another school district for an approved part-time enrollment course that qualifies for such payment.
3. The term “**resident student**” means a public high school student for whom the District is legally required to fulfill the obligations of a resident school district under the part-time open enrollment program when the student is seeking to take a course outside of the District.
4. The term “**nonresident student**” means a public high school student for whom the District is legally required to fulfill the obligations of a nonresident school district under the part-time open enrollment program when the student is seeking to take a part-time open enrollment course within the District.

B. Resident Student Applications to Take Courses Outside the District

1. Resident students who are seeking to take a course outside of the District under the part-time open enrollment program shall use the Department of Public Instruction (DPI)-approved application form and shall initially submit the application form to the Wisconsin public school district that is offering the course at least six weeks prior to the date on which the course is scheduled to begin. The public school district offering the course is responsible for forwarding a copy of the application to the District, but the District recommends that the applicant contact the District to confirm that the District has, in fact, received a copy of the application.
2. Upon receipt of a copy of a resident student's application to attend a course(s) in another public school district under the part-time open enrollment law, school office staff shall forward the application to the Director of Business Services and High School principal for review and action. For students with disabilities who have an individualized education program (IEP), a staff person with sufficient knowledge of the requirements of the student's IEP shall be involved in processing the course application(s).
3. All applications received shall be processed using the criteria and procedures outlined in state law and Board policy.
 - a. If the student's application was not submitted in the manner and within the time limits established by state law, it shall be denied.
 - b. If the course application is from a student with a disability who has an IEP, the application shall be reviewed with the IEP to determine whether the student's attendance in the course would result in a denial of a free appropriate public education (FAPE) as defined with reference to the IEP, or otherwise conflict with the

goals, placement, or other material provisions within the IEP. The course application shall be denied if it conflicts with the student's IEP.

- c. If the administrator who is processing the application determines that the cost of the course may impose an undue financial burden on the District in light of the District's total economic circumstances (including the District's revenue limit, its ability to pay tuition costs for the student, and the per student cost for children continuing to be served by the District), the administrator shall forward the issue to the District Administrator, who shall seek a Board determination as to whether the application will be denied on the basis of an undue financial burden.
 4. If the application is denied, the applicant and the public school district to which the application was made shall be notified, in writing. This notification of denial shall be provided no later than one week prior to the date the course is scheduled to commence. (DPI considers a notice sent by U.S. Mail that is post-marked at least three (3) days prior to the deadline to be timely notice.) The notice shall include the reason(s) for the denial and inform the applicant that the decision may be appealed to DPI within 30 days.
 5. The High School principal or his/her designee shall determine whether or not each proposed out-of-district course will satisfy District graduation requirements. If it is determined that a proposed course does not satisfy District graduation requirements, the applicant's parent or guardian shall be notified of that fact no later than one week prior to the date the course is scheduled to commence. Such a determination is not a basis on which the District may deny the application. (DPI considers a notice sent by U.S. Mail that is post-marked at least three (3) days prior to the deadline to be timely notice.)
 6. If the student's application to take a course has been approved, the applicant's parent or guardian must provide timely notice to the District **and** to the school district that is offering the course(s) that confirms the student's intent to attend the specific course(s). For purposes of providing this confirming notice to the District, the notice shall be provided to the Director of Business Services no later than the last weekday preceding the course starting date, excluding state holidays. To the extent permitted by state law, a failure to provide the confirming notices on a timely basis may result in the revocation of approval to attend the course under the part-time open enrollment program.
 7. The District shall pay for the cost of a resident student's approved course(s) to the extent required by state law.
- C. Nonresident Student Applications to take Courses in the District
1. The administration is responsible for determining the starting date for each course for purposes of the part-time open enrollment program. The starting date of the course will be used to calculate the deadlines for submitting a part-time open enrollment application and for providing the related approval, rejection, and acceptance notices. Such dates and the related deadlines shall be provided to a parent, guardian, or student upon request. Course starting dates will be determined in a manner consistent with the following parameters:
 - a. For courses other than online courses, the starting date will normally be the first date on which the course meets for time that counts toward state-required hours of direct student instruction.
 - b. For online courses, the starting date will normally be the earlier of the date by which the student will be expected to have initiated their access to the course management system, or by which the student will be expected to have made direct contact with the teacher.

- c. With the approval of the Director of Business Services or his/her administrative-level designee, a starting date earlier than the normal starting date may be established where it is determined that an earlier date is necessary for the student's effective participation in the course.
2. The parent or guardian of a nonresident high school student who wishes to take a course in a public school in the District shall submit the DPI-approved application form to the District. The application shall specify the course(s) that the student wishes to take and may indicate a non-binding preference for the school(s) at which the student wishes to take the course(s). It is important for parents, guardians, students, and District staff to be aware that a nonresident student must be physically present within the geographic boundaries of the District while he/she is attending a District course (including any online course that is not offered through a virtual charter school) through the part-time open enrollment program.
3. The District will deny the application if it is submitted less than six weeks prior to the date the course is scheduled to commence. An application will be considered timely filed only if the application is actually received by the District before the District Office's close of business on the deadline date to apply for the course.
4. The District shall promptly (i.e., within three (3) working days) send a copy of the application to the student's resident school district, along with a request that the resident school district immediately send the District a copy of any education records that are required to establish the student's eligibility for the course(s), including applicable disciplinary records.
5. Upon receipt of the application, it will also be forwarded internally to the Director of Business Services, High School principal and High School counseling department who will be responsible for reviewing and acting on the course application. All applications shall be reviewed and acted upon using the eligibility criteria outlined in state law and Board policy.
 - a. In connection with conduct-related eligibility criteria, a student shall not be permitted to take a District course under the part-time open enrollment program during the term of his/her expulsion from the District or from another school to the same extent that the District would deny the student's request, if he/she were a resident of the District, to enroll and take courses as a full-time student during the term of an expulsion. Other conduct-related criteria that the District would apply to determine the course eligibility of a regular, resident student shall also be applied to part-time open enrollment students/applicants.
 - b. Space availability criteria.
 - (1) Up to the point at which the District issues formal notice of acceptance or denial to a nonresident applicant (which will occur no sooner than six weeks before and no later than one week before the course is scheduled to begin), the District will give preference (i.e., ahead of part-time open enrollment applicants) in making acceptance and placement decisions for individual courses as further specified in applicable Board policies. Individuals who are entitled to such preference ahead of part-time open enrollment applicants do not necessarily all have equal preference as compared to all other preference-eligible students.
 - (2) If, after applying the applicable preferences, the District has space available in a course for part-time open enrollment students and any other students who may be eligible to apply to take the course, but the District has received more applications from such interested persons than there are spaces available, the District will use a random procedure to determine which additional students to accept into the course. Unless a different procedure is approved by the Director of Business Services or his/her designee, the random procedure shall consist of either a randomized drawing or the use of a random

number generator to assign a random number to each applicant, with the lowest-assigned number being the first applicant to be granted an available space.

6. No later than one week prior to the date the course is scheduled to commence, the District shall notify the nonresident applicant and the resident school district, in writing, of whether the application has been accepted or denied. (DPI considers a notice sent by U.S. Mail that is post-marked at least three (3) days prior to the deadline to be timely notice.)
 - a. If the application is accepted, the acceptance shall identify the school at which the student may attend the course. The acceptance applies only for the following semester, school year, or other session in which the course is offered.
 - b. If the application is denied, the notice shall include the reason for the denial and inform the applicant that the decision may be appealed to DPI within 30 days.
7. If the District notifies the applicant that his/her application has been accepted, then the applicant's parent or guardian must provide timely notice to the District **and** to the applicant's resident school district that confirms the student's intent to attend the specific course(s). For purposes of providing this confirming notice to the District, the notice shall be provided to the Director of Business Services and the High School principal no later than the last weekday preceding the course starting date, excluding state holidays. To the extent permitted by state law, a failure to provide the confirming notices on a timely basis may result in the revocation of approval to attend the course under the part-time open enrollment program.
8. If the student fails to actually attend the course after being accepted and after he/she has provided notice of intent to attend the course, the District shall promptly notify the student's resident school district.
9. To the extent required by law, nonresident students attending courses in the District under the part-time open enrollment program will have the rights and privileges of similarly-situated resident students and will be subject to the same policies and rules as similarly-situated resident students.
10. In providing opportunities for nonresident students to attend courses in the District under the part-time open enrollment program, the District shall provide appropriate opportunities to and shall not unlawfully discriminate against students with disabilities. However, if a question arises as to possible services or course accommodations or modifications for a student with a disability, the District shall contact the student's parent or guardian and involve representatives of the school(s) responsible for the student's current IEP or other services plan to the extent necessary and appropriate.

D. Student Transportation under the Part-Time Open Enrollment Program

The parent or guardian of a student who is taking a course under Board policy and this rule is responsible for transporting the student to and from the course, unless state or federal law otherwise requires a school district to provide transportation.

E. Appeals of Course Denial Decisions

The parent or guardian of any student whose course application is denied may appeal the decision to the Department of Public Instruction within 30 days of notification of denial.