

**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 District Administrator, or any administrative-level designee of the District Administrator, 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 under any related Board approved rule. However, this delegation of authority shall not be construed to prohibit the District Administrator from bringing any such decision or determination to the Board as he/she deems necessary or prudent.

**Nonresident Students Attending School in the District**

Nonresident students residing within the State of Wisconsin and who qualify may apply for open enrollment in the Richmond School District in accordance with state law and established District procedures. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law and in the administrative rules established by the Department of Public Instruction.

The District shall consider the following criteria when accepting or rejecting (or, in some situations, revoke acceptance of) a nonresident student's application for full-time open enrollment:

**1. Space Availability and Waiting List:****a. Class Size: Open Enrollment Only**

The District shall consider the availability of space in the school, program, grade and/or class when acting upon a nonresident student's application for full-time open enrollment in the District. If space is not available, the application may be denied. Space availability shall be determined based on the optimum number of students that can be accommodated in each school, class, grade level and program without jeopardizing the quality of the instructional program or increasing District expenditures for staff or equipment. Consideration shall be given to class size limits, student-teacher ratios, the number of nonresident students already attending school in the district and enrollment projections established by the District Administrator. 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 establishes any annual space availability limitations, the Board, at a minimum, will specify the number of spaces available in each grade (although two or more grades may be combined and treated as a single grade) and the number of spaces available in any established special education program or service that has identifiable space limitations. 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 in the grades or programs with limited space that are submitted for the current school year after the date of the January school board meeting. Further, the District shall deny any alternative applications for a particular grade or program for the current school year that are received on or before the date of the Board meeting in January where space availability for open enrollment is again considered if, due to space considerations, the District did not approve all otherwise-eligible regular-period application(s) for that particular grade or program for the same school year.

**To be used for Open Enrollment Only**

<u>Grade Level</u>	<u>Maximum Class Size (core academic classes)</u>
JK	15
K-3	17
4-8	23

b. **Selection**

If there are more open enrollment applications for a grade level or Special Education Program than space available, those selected for the available space will be made on a random basis. Preference will be given to those applicants who are residents currently attending (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), and siblings of students already attending Richmond School under the provisions of open enrollment. Currently-attending students will be included in the count of “occupied” spaces when the Board makes any space availability determinations at a January meeting so that the spaces expressly designated as being “available” for open enrollment applicants during the subsequent regular application period will be in addition to the already-occupied spaces. After the status of applicants with preference has been determined, if space remains available in the grade level or Special Education program, all other open enrollment applicants will be considered and randomly selected for these remaining spaces. If applicants still exist after these spaces have been filled, random drawing of all remaining applicants will continue to establish the waiting list.

c. **Preference for siblings:** If space is available for open enrollment students, preference will be given to pupils and the siblings of pupils already attending 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) as required by the provisions of the Open Enrollment laws and the guidelines of this policy. If space is not available for any pupils applying for open enrollment at a given grade level, pupils and their siblings who are currently residents attending Richmond, and are seeking to remain at Richmond under open enrollment status after moving from the district, will not be guaranteed admission for the upcoming school year.

d. **Waiting List:** The District shall establish a waiting list of nonresident applicants whose applications have been denied due to lack of space as described above. This waiting list may include applications submitted in a timely manner for the next school year, but will not include applications submitted for prior school years. Procedures for establishing the waiting list are outlined in the Administrative Procedures.

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 may 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.

EXCEPTION: Such an applicant may be accepted (either subject to or not subject to specific enrollment conditions that will apply during the remainder of the term of the expulsion) if the

District determines that it would enroll and allow the attendance of any resident student who was to attempt to enroll in the District with the same expulsion record.

- c. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District may 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 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.

EXCEPTION: Such an applicant may be accepted if the District determines, upon the timely request of the parent or guardian who submitted the application, that there is clear and convincing information showing that if the applicant were to have engaged in the same conduct while attending school in the District, that the student almost certainly would have either (1) not been subject to any expulsion proceedings or to any participation in a deferral-type program, or (2) already fully completed the term of any expulsion and been permitted to return to school (without being subject to any ongoing readmission conditions) for at least a full school year prior to first date of his/her proposed attendance in the District.

- 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 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.
- e. Applicants must continue to meet discipline-related approval criteria after initial acceptance. The District shall revoke the prior acceptance of an open enrollment application if the District determines that student is, in fact, subject to a current expulsion order that would have disqualified the student's application under paragraph 2-a, above. In addition, subject to the limited exception defined in paragraph 2-f, 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 has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 2-b or paragraph 2-c of this policy, above.
- f. Limited Exception. In situations where a student's application was denied (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) 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.

### **3. Special Education Students and Services**

- a. **Students with Disabilities:** Students who receive special education services in their resident district must meet the same eligibility criteria as regular education students. An open enrollment application shall be denied if the District determines that the special education program or related services described in the student's individualized education program (IEP) is not available in the

District or there is no space available in the appropriate special education program. If a nonresident open enrollment student begins attending school in the District 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, and the special education program or services required by the student's IEP (newly identified or revised) are not available in the District or there is no space available in the special education program identified in the IEP, the nonresident student may be returned to the resident school district.

- b. **Students Referred for a Special Education Evaluation:** An open enrollment application shall be denied, to the extent permitted by DPI, if the student has been reported or identified by his/her resident school district for a special education evaluation but has not yet been evaluated by an IEP team appointed by the resident district. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criterion if the IEP is completed, forwarded to the District, and reviewed by the District prior to the close of the period during which applications would normally continue to be reviewed or accepted from any waiting list.

#### **4. Truancy-Related Criteria**

An open enrollment application may be denied if the student has been habitually truant during any semester of attendance at a District school in the current or previous school year. Once enrolled as an open enrollment student, if a nonresident student is habitually truant from the District during either semester in the current school year, the District may prohibit the student from attending school in the District under the full-time open enrollment program beginning in the succeeding semester or school year.

Under no circumstances shall any student have their open enrollment terminated under this paragraph unless the District has clear documentation that (1) the parent or guardian or student knew or should have known that the student's open enrollment could be terminated for habitual truancy; and (2) the student had at least one notice and opportunity to correct the truant behavior before being found to be habitually truant or before terminating the open enrollment.

#### **5. "Best Interests" Determinations Under the Alternative Open Enrollment Application Criteria and Procedures.**

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

#### **6. Other Factors**

A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment (e.g., student does not meet the age requirements of school attendance; the resident district does not have a four-year-old kindergarten program as is offered in the District) or the application is invalid (e.g., the application is incomplete or deliberately falsified).

#### **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 a nonresident open enrollment applicant for possible early admission to 4-year-old kindergarten or 5-year-old kindergarten.

### **Transportation**

Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian, subject to 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 a nonresident open enrollment student with a disability who is attending school 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.
4. The parent or guardian of a nonresident open enrollment student who attends a school in the District may request to contract with the District for transportation. The District Administrator or his/her designee may evaluate such requests and may recommend that the Board approve such a transportation contract. If the Board approves such a contract, the District shall charge a fee reflective of the reasonable per student costs of the transportation except that the fee may be waived in whole or in part for any person who is unable to pay provided that the District determines that the final net actual cost to the District (after accounting for the amount of any waiver) does not materially exceed the average per student cost of transportation in the District. The District Administrator shall deny such a request for a parent contract if either (a) the District Administrator or his/her designee determines that there would be a significant administrative burden involved in arranging for or implementing the necessary transportation; or (b) the student would be transported to/from a location in the student's resident school district and the resident school district does not consent to the District providing such transportation.

**Reapplication Procedures:** Richmond School District does not require reapplication for open enrollment at the middle school level.

### **Rights and Privileges**

Once the District, under the Open Enrollment Program, has admitted a student, the nonresident students attending school and courses in the District under the open enrollment policy shall have all the rights and privileges of resident students and is subject to the same rules and regulations as resident students.

### **Resident Students Attending School Outside the District**

Any resident student may apply for full-time open enrollment in another school district in accordance with state law. A student may apply for admittance under the full-time open enrollment program to no more than three nonresident school districts in any school year.

The District may deny a resident student's full-time open enrollment application if:

1. 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 enrollment if the

District determines that the criteria relied on by the student to submit the application do not 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.

If the nonresident student is ineligible for open enrollment (e.g., student does not meet the age requirements of school attendance) or the application is invalid (e.g., the application is incomplete or deliberately falsified).

**Transportation** The parent(s) or guardian of a resident open enrollment student shall be responsible for student transportation, except as otherwise provided by law. 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.

**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 118.51</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) and (h)</a>	[authority to deny enrollment of student during the term of expulsion]
<a href="#">Section 121.54 (3) (10) and (11)</a>	[transportation by school districts]
<a href="#">Section 121.545(1)</a>	[optional transportation under a parent contract]
<a href="#">Section 121.55</a>	[methods of providing transportation]
<a href="#">Section 121.58(2)(a)</a>	[state aid]
<a href="#">Section 121.78(1)</a>	[tuition payments by school districts]
<a href="#">Section 121.83</a>	[compensation of tuition]

**Wisconsin Administrative Code**

<a href="#">PI 36</a>	[state rules governing inter-district open enrollment]
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