

**APPLICATIONS SUBMITTED DURING REGULAR OPEN ENROLLMENT APPLICATION PERIOD**

**A. Nonresident Student Open Enrollment Applications**

**1. Determination of Space Availability**

- a. The District's projected enrollment, including the projected number of occupied spaces in each grade, program and school for the subsequent school year is to be determined at a board meeting during the month of January prior to the start of the regular application period to which the limitations will apply. Projections specific to individual classes may be made to the extent appropriate. Projected enrollment may include reserving spaces for expected growth in the number of students entitled to attend school in the District, to the extent appropriate, for a given class, grade, program, or school.
- b. The number of openings in a particular class, grade, program or school for nonresident open enrollment students will be determined using existing class size policies and procedures, including consideration to desired student-teacher ratios, overall building capacity, and the effect of enrollment levels on District expenditures relative to revenue. Space availability determinations should include regular education and special education programs. This information will be compiled and presented to the Board in January. The Board shall determine the number of regular education and special education spaces available for nonresident full-time open enrollment students at the regular January Board meeting prior to the start of the regular application period to which the limitations will apply.
- c. At a minimum, any annual determination of space availability shall involve at least a declaration of the District-wide number of nonresident open enrollment applications that the District intends to accept in conjunction with the subsequent regular application period, broken down (1) by grade (although two or more grades may be combined and treated as a single grade); and (2) by any established special education program or service that has identifiable space limitations. However, in any year in which the Board establishes a space limitation in any grade/program/service, the Board's determination of space availability may also indicate, at the Board's discretion in light of its assessment of the relevant factors, that no space limitations are needed in certain other grades/programs/services.
- d. 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. 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.
- e. 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:
  - 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.
- f. 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 in the grades or programs with limited space for the current school year that are submitted after the date of the January school board meeting. Board policy identifies how any annual space availability limitations established by the Board in January affect alternative applications that are received in the subsequent school year.

## 2. Application Review and Approval Process

- 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 Wisconsin Department of Public Instruction (DPI) website (<http://dpi.wi.gov/open-enrollment/applications>). 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 not later than the last weekday in April of the school year immediately preceding the school year in which the student wishes to attend. Parents and guardians who complete the online application via DPI's website will receive a confirmation number. 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 filed. 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.
- b. The District Administrator, along with other members of the administrative staff, shall review all 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.

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.

The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of applications to the Board for action. No action shall be taken on any application before May 1.

- (1) If there is sufficient space available to approve all of the open enrollment applications of those students who meet the remaining acceptance criteria, all such applications shall be approved. Following approval, the District Administrator or his/her designee shall notify the applicants in writing of their acceptance and of the specific school or program that they may attend in the following school year. This notification will be made 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 and information about the appeals process.
- (2) If there are more applications than spaces available for a particular school, grade or program, the following selection procedure shall be used:
  - Identify students who do not meet the admission criteria established in District policy. Those students who do not meet the criteria are not to be accepted.
  - Preference will be given to both students who are already attending school in the District and applicants with siblings attending school in the District. However, if there are more attending students that are applying and/or siblings of students already attending applying

than spaces available, the random-selection process will be used. If necessary, a waiting list may be established as outlined below.

- The name of each applicant will be placed in a container. In the presence of at least one other staff member, the District Administrator or designee shall conduct a blind drawing of the names and list each name drawn in the order they are drawn. If an applicant has siblings listed on the application, those siblings will be placed before the next name is drawn. The drawing is to continue until all the names have been drawn.
  - 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 program/services required for the student. If it is clear that the program and services required for the student involve a stand-alone special education program such that assigning the student to the program would not require assigning the student to a grade-based space, the student will be assigned to the stand-alone special education space if available. If such stand-alone special education space is available and assigned, the District will give immediate consideration to any sibling-applicants of the student, as described in the next step.
  - A waiting list will be created for those students initially denied open enrollment due to space availability, maintaining the same application order as resulted from the random process. Nonresident students placed on the District's waiting list will receive notification of their waiting list status, including their rank on the waiting list. If a nonresident student who has been accepted for open enrollment decides not to attend school in the Richmond School District, the District will refer to the waiting list to see if there is an eligible student applicant to fill the opening. Students will be selected from the waiting list according to: 1) Rank order on the waiting list; 2) Match between grade requested and space availability. As any spaces become available, applications will be accepted from the waiting list. The District may accept students from the waiting list until the third Thursday in September; provided the student is also in attendance by the third Friday in September and has not enrolled in any nonresident school. 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. 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. 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.
- (3) The District's regular enrollment procedures are to be followed when enrolling a nonresident student.
- c. The nonresident student's parent(s) or guardian 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 the waiting list.
  - d. 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.
  - e. The District will take the steps necessary to properly enroll a student who chooses to attend school as a nonresident open enrollment student.

- f. 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 a resident student's application to attend a school or program in another public school district, school office staff shall forward it to the District Administrator or his/her designee for review and recommendation. To the extent applicable to the student, the District shall send the nonresident school district to which the open enrollment application was made a copy of the resident student's IEP and/or any relevant disciplinary records by the first Friday following the first Monday in May.
2. All applications shall be reviewed by the District Administrator, along with other members of the administrative staff, using the acceptance/denial criteria outlined in Board policy. The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of applications to the Board for action. 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.
3. The District shall ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.
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 CRITERIA AND PROCEDURES**

**A. Eligibility Criteria** – A parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application outside of the regular open enrollment application period or in lieu of it if the application is for the current school year, the student meets one of the following criteria, and the parent 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 and 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 and 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 application shall be forwarded to the District Administrator or his/her designee for review and recommendations.
  - 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 the application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district;
    - (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, the District shall send the nonresident school district to which the open enrollment application was made a copy, if applicable, of the student's IEP and any expulsion or other relevant discipline-related records within 10 days of receiving the application. 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. The District Administrator, along with other members of the administrative staff, shall review the application using the acceptance/denial criteria outlined in Board policy and this administrative procedure.
  - a. The District will deny the alternative application of a resident student when required by state law or DPI rule, and the District may deny an application of a resident student if it determines that the criteria relied on by the parent or guardian to submit the application do not apply to the student.

- b. The District may deny an application of a nonresident student required by state law or DPI rule, and the District may also deny such an application:
  - (1) for the same reasons it may deny an application submitted during the regular open enrollment application period; or
  - (2) if the application relies on the best interests of the student criteria and the District determines that open enrollment is not in the student's best interests.
3. If the application involves a nonresident student seeking to attend school in the District, the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 days after receiving the application. 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. To the extent consistent with state law and District policy, acceptance of an application may be contingent or 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 15<sup>th</sup> day following receipt of the notice of acceptance. If the nonresident student has not enrolled in or attended school in the District by that date, the District may notify the student's parent or guardian, in writing, that the student is no longer authorized to attend the school or program 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 review and act upon such records promptly, and, if necessary, inform the student that the District's ability to confirm or deny the application is contingent upon the District's receipt and review of such records. If the DPI allows the District to conditionally approve such an application subject to that contingency, the District may do so. Otherwise, such application may be held in abeyance until the relevant records are received, or, if necessary, the application may be denied.
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 District's receipt of the application. In addition:
  - a. If the application has been denied, the notification shall include the reasons for the denial. To the extent consistent with state law and District policy, approval of an application may be contingent or subject to revocation.
  - b. To the extent that there is a delay in the District's receipt of any relevant records or information such that the District is unable to determine whether the criteria upon which the application was based apply to the student, the District will act upon such records/information promptly upon receipt and notify the applicant of its decision to approve or deny the application within five days of making the determination.
  - c. If a resident student's alternative application is denied, the notification shall include the reason(s) for the denial and information about the appeals process.

## **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.

## **TRANSPORTATION**

Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation at the time of application for the program.

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.

Upon request of the student's parent or guardian, the District may 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.

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.