

Oak Creek-Franklin Joint School District Board of Education

Policy 423: FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

The Oak Creek-Franklin Joint School District ("District") will participate in Wisconsin's Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District. This policy shall be administered in accordance with Wisconsin's open enrollment law and the administrative rules established by the Department of Public Instruction (DPI).

A. Full-Time Open Enrollment Process

A nonresident student may apply for full-time enrollment in a public school in the District under the open enrollment program. The application must be submitted using the form designated by the Wisconsin Department of Public Instruction. Applications may be submitted to no more than three nonresident school boards in any school year. The District will comply with all statutory deadlines and requirements for processing applications and communicating with the applicant and the resident school districts of applicants.

Upon receipt of an application, the Superintendent shall confirm that the application is complete or request that it be completed before being further considered.

Parent(s)/guardian(s) shall be notified of the determination on their applications on or before the first Friday following the first Monday in June following receipt of the application, or within the timeframe otherwise established by law. If approved, the parent(s)/guardian(s) shall be notified of the approval and the specific assignment within the District. If, upon enrollment, the student is appropriately placed in a different grade level, the student shall be so assigned unless applications for that grade level have been denied or there is no longer space available at that grade level.

Any notice of a decision to deny shall include the following:

1. Specific reason(s) for denial and whether the student has been placed on the waiting list.
2. Notice of the parents' right to appeal, the address to send the appeal, and information on where to locate the form required for appeal.

B. Space Determination.

The School Board shall determine during a regular meeting each January, the space available for the next school year in the schools, programs, classes, and grades of the District. In determining such space available, the District shall consider and apply the following criteria when setting space availability:

1. Desired class size ranges for particular programs or classes,
2. Desired student-teacher ratios for particular programs, classes, or buildings
3. Future enrollment projections, which may include consideration of likely short and long term economic development in the community, housing starts, current and future needs for special programs, laboratories (e.g., technology, foreign languages), and initiatives.

In determining space, for purposes of establishing current enrollment numbers, the Board shall guarantee open enrollment approval of currently attending students and shall include such currently attending students in its count of occupied spaces.

C. **Application of Space Determinations and Random Selection Process.**

If the Board receives more student applications during the regular application period for full-time enrollment than there are spaces available, the Board 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:

1. **Preference.** 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), siblings of currently attending students shall be granted preference. If there are more students who are entitled to preference than there are designated available spaces, spaces shall be filled by random selection for pupils entitled to preference.
2. **Waiting List.** 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. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection.

After the date specified in Wis. Stat. § 118.51(3)(a)3., the Board may approve applications it had initially denied if any of the following cause spaces to become available:

- a. A parent notifies the nonresident school board that the student will not attend the nonresident school district.
- b. A parent fails to provide the notification accepting open enrollment as required in Wis. Stat. § 118.51(3)(a)6.
- c. The Board determines that additional spaces have become available since its determination at the January Board meeting.

The District shall notify the parent of a student accepted from the waiting list of that student's eligibility to attend the District, unless the student has already enrolled in a different nonresident school district or has since become a resident of the District. The notice will provide:

- a. the school or program the student has been assigned to;
 - b. a date, at least ten (10) calendar days from the date of the notice, by which the parent must accept the open enrollment approval. Failure to timely accept shall be considered rejection and the approval shall be considered rescinded.
3. **Decisional Criteria for Nonresident Applications.** Decisions on nonresident open enrollment applications will be based only on the following criteria:
- a. Whether there is space available based upon School Board space determinations as set forth above.
 - b. Whether an applicant for a pre-kindergarten, 4-year-old kindergarten or early childhood or school operated day care program resides in a district which offers the program for which application is made and is eligible for the program in the resident district.

- c. If the Board has made a determination that a nonresident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year, after complying with the requirements of PI 36.09(2). The habitual truancy determination shall be made on the sole basis of enrollment in the nonresident district. Open enrollment may not be denied based on the student's truancy from any other district.
- d. Whether the special education program or related services described in the nonresident student's Individualized Education Program ("IEP") are available in the District. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the District has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
- e. Whether there is space available in the District to provide the special education or related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
- f. Whether the nonresident student has been referred to the nonresident student's resident board under 115.777(1), Wis. Stats. or identified by the nonresident student's resident school board under 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.
- g. If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the District does not have necessary programs available or does not have space in the special education program, the District may notify the student's parent and the student's resident board. If such notice is provided, the nonresident may be transferred to their resident school district.
- h. Whether the nonresident student is currently under an order of expulsion for any reason; or has been expelled from any school district within the current school year or the two (2) preceding school years but the period of expulsion has ended, or is pending any disciplinary proceeding, based on any of the following activities:
 - 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 school property by means of explosives.
 - Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.
 - 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 employee or Board member.
 - Possessing a dangerous weapon (as defined in Wis. Stat. § 939.22(10)) while on school property or under school supervision.

Notwithstanding the Board's acceptance of a nonresident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident student will attend a school in the District, the student is determined to fall under an order of expulsion as set forth above.

The Board may request a copy of a nonresident student's disciplinary records from the resident school board.

4. **Other reasons for denial of applications.** 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).
5. **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 will not be guaranteed. In making such assignments, the District may give preference in attendance at a particular school or program to residents of the District.
- D. **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.
- E. **Transportation.** Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian, except as otherwise required by law for a nonresident student with a disability under Wis. Stat. ch. 115 and the Individuals with Disabilities Education Act if transportation is required in the student's IEP.
- F. **Rights and Privileges of Nonresident Students.** Nonresident students attending school in the District on a full-time basis shall have all rights and privileges of resident students and will be subject to the same rules and regulations as resident students.
- G. **Alternative Application Procedures.**
 1. **Basis for Open Enrollment Outside Regular Deadlines.** The parent of a nonresident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under the alternative application procedure set forth in Wis. Stat. 118.51 if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three nonresident school districts.

Alternative applications from a nonresident student received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved for the current year if the Board has not imposed a space limitation for the student's current year grade level and also has not imposed a space limitation for the subsequent school year in the student's subsequent grade level. Alternative applications received prior to the 3rd Friday in September may be approved if the Board has approved all applications for that grade level that were received during the regular period, including the offer of enrollment to applicants placed on the waiting list, if any.

2. **Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Application Procedure.** The Board shall review all applications received for Open Enrollment out of the District under this section upon receipt. The District shall allow such student's enrollment in a nonresident district unless the District determines that the criteria relied

on by the applicant to qualify for the alternative application procedure does not apply to the student.

3. **Acceptance.** If a nonresident student is notified that the Board has approved his or her application to enroll in the District because it is in the best interests of the student, the student may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent or the student of the notice of acceptance from the District. If the nonresident student has not enrolled in or attended school in the District by then, the District may notify the student's parent in writing, that the student is no longer authorized to attend the school or program in the District.

H. **Superintendent Authority.**

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 an 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.

I. **Resident Open Enrollment Students**

1. Resident students may apply for full-time open enrollment in another public school district in accordance with state law.
2. 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.
3. The parent(s)/guardian(s) of a resident open enrollment student shall be responsible for student transportation to a nonresident district, except as otherwise provided by law. Requests from nonresident school districts to provide optional transportation to resident open enrollment students to/from locations within the boundaries of the District shall be denied.
4. The District will provide records and information to the nonresident school board as required by law.

J. **Appeals of Open Enrollment Decisions**

The student's parent(s)/guardian(s) may appeal a District decision regarding full-time open enrollment to the DPI by following the deadlines and other procedures established by state law and the DPI.

Legal References:

Wis. Stat. § 118.51	[full-time public school open enrollment]
Wis. Admin. Code PI 36	[DPI regulations governing inter-district open enrollment]

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