

<b>POLICY:</b>	<b>JECBB</b>
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## **OPEN ENROLLMENT POLICY**

This policy shall be administered in accordance with the State public school open enrollment law.

### Full-Time Open Enrollment

- I. Application Procedures – The Hartford Joint #1 Board of Education shall accept open enrollment applications from non-residents for the next school year. The applications shall be submitted on the form provided by the Department of Public Instruction (“DPI”) (<http://dpi.wi.gov/sms/psctoc.html>) and must be received between the first Monday in 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. Parents and guardians who complete the online application via DPI’s website will receive a confirmation number. Paper applications shall be date stamped 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, shall be denied and will be returned to the applicant with a notice of the proper application dates. 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.
 

(Note: The Board should also receive copies of all applications by District students seeking open enrollment in other school districts. These copies must be sent by the other school districts no later than the first weekday following the last weekday in April.)
  
- II. Acceptance Criteria – Determinations of which non-resident open enrollment applications will be accepted may be made according to criteria specified and shall be made no sooner than May 1.
  - A. Non-Resident Approval Criteria – The Board shall initially determine which open enrollment applications to deny based upon the criteria specified below. Those non-resident student applications to be denied under any of the criteria shall be removed from the pool of eligible applications. If, after removing the denied applications, there are more open enrollment applications than there are spaces available, the Board shall give first priority to non-resident students already attending the District schools and to the siblings of non-resident students already attending District schools. Any remaining applications shall be accepted on a random basis.

The Board may accept or reject open enrollment applications based upon the following criteria for non-resident open enrollment applications:

1. Space Availability Criteria:

- a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
- b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.
- c. Enrollment projections for the schools of the District which consider other factors, including, but not limited to, short and long-term economic development in the community, historical trends of student movement, preference requirements for siblings of non-resident open enrollment students, the required length of K-8 attendance opportunities for open enrollment students and current and future space needs for special programs, laboratories (e.g., in technology or foreign languages) or similar District educational initiatives.
- d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under §121.78(1)(a), Wis. Stats.
- e. The maximum number of District open enrollment transfers of resident students to non-resident districts allowed by Wisconsin law.

2. Discipline Related Criteria:

Consistent with District policy and state law requirements, the District may deny the enrollment of any student who is under expulsion for any reason from any public school or independent charter school in Wisconsin or out-of-state public school during the proposed period of open enrollment. For students currently serving an expulsion from another public school in Wisconsin or an out-of-state public school, the District may allow the student's enrollment on a conditional basis if he/she meets the established enrollment conditions. The enrollment conditions established shall relate to the reasons for the student's expulsion and may not extend the term of the student's expulsion.

Except as otherwise provided by policy or the Board, the District shall not accept any student for full-time open enrollment in the District who has been expelled by any Wisconsin school district during the current school year or preceding two school years for any of the following specified conduct: (a) endangering the health, safety or property of others; (b) 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; (c) possessing a dangerous weapon while at school or under the supervision of a school authority; or, (d) 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. In addition, if any disciplinary proceeding regarding conduct falling in one of the foregoing categories is pending at the time of the student's application, the District may deny the application. If any such conduct occurs after the student has been accepted for open enrollment and prior to the beginning of the school year in which the student attends school in the District under open enrollment, the District may prohibit the student from attending school in the District under open enrollment.

3. Students with Disabilities:
  - a. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP") are available in the District.
  - b. Whether there is space available in the District's special education program identified in the non-resident student's IEP, including class size limits, pupil-teacher ratios, enrollment projections and the make-up of the class based on student needs. (See paragraph II(A)(1) above.)
  - c. Whether the non-resident student has been screened by the resident school district to determine if there is reasonable cause to believe that he/she is a child with a disability.
  - d. Whether the non-resident student has been reported to the resident school board of pupil services department as having a possible disability, but not yet evaluated by an IEP.
  - e. If a nonresident student receives his/her initial 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, and the special education program or services required by that initial or revised IEP are not available in the District or there is no space available in the program or services identified within the IEP, the nonresident student may be returned to the resident district.
4. Students Referred for a Special Education Evaluation: An open enrollment application shall be denied if the nonresident student has been reported or identified as having a possible disability but not yet evaluated by an IEP team in the resident district. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criteria 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.
5. Truancy-Related Criteria: An open enrollment application shall be denied if the District previously revoked the student's status as an open enrollment student in the District due to habitual truancy 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.
6. "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" criteria, 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. 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 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 any paper 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; and
  - 3). Within 10 days after receiving, or, if necessary, developing, an IEP for a student with a disability, provide an estimate to the resident district of the costs to provide the student with special education or related services.
- 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.
  - c) The District Administrator, along with other members of the administrative staff, shall review the application using the acceptance/denial criteria outlined in Board policy. The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of the application to the Board for action.
    - 1). The District may deny an application of a resident student if (1) it determines that the criteria relied on by the parent or guardian to submit the application do not apply to the student or (2) it determines that the cost of special education and related services required in the IEP for a student with a disability is an undue financial burden (except as to an applicant who the Board determined was the victim of a violent crime).
    - 2). The District may deny an application of a nonresident student:
      - (a) for the same reasons it may deny an application submitted during the regular open enrollment application period; or
      - (b) 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.
  - d) 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.
  - e) 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.

- 2) 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.
- 3) 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 of 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) 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.
  - c) If the student is a student with a disability, the District shall normally make a determination whether the nonresident school district’s estimate of relevant special education and services costs constitutes an undue financial burden on the District no later than 31 days after the District has received the relevant estimate. The District will notify the applicant of a denial relying on this criteria within 10 days of making the determination.
7. A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment (e.g., the student does not meet the age requirements for school attendance, the resident district does not have a four-year-old kindergarten program as offered by the District, etc.) or the application is invalid (e.g., the application is incomplete or deliberately falsified).

No criteria other than that outlined above may be considered by the District when acting on nonresident student full-time open enrollment applications.

B. Placement of Accepted Non-Resident Students

If the application has been accepted by the District and not rejected by the student's resident school board, the District Administrator will determine which school or program the non-resident student may attend in the following year. This determination shall be made in consultation with other appropriate staff and in accordance with established District policies and procedures. The parents/guardians of an accepted non-resident student must notify the Board no later than the last Friday in June of the student's intent to attend school in the District in the following year unless the District notifies a parent or guardian of acceptance on or after 10 days prior to the last Friday in June, thereafter 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.

C. Transfers to Other Districts or Resident Approval Criteria

The Board shall initially determine approval of applications by District residents seeking to attend other school districts based upon the criteria specified below. The applications of District residents denied under the criteria shall be removed from the pool of eligible applications.

The Board shall consider the following criteria for resident open enrollment applications:

1. Whether the resident student has a disability and the IEP as proposed to be implemented by the non-resident school district would impose an undue financial burden on the District.

(Note: Notwithstanding the Board's approval of a resident student's application, the Board may withdraw approval if, after the District student has begun in the other school district, the IEP as implemented by the non-resident school district would impose an undue financial burden on the District.)

2. If the student has applied for open enrollment under the alternative open enrollment application criteria and procedures authorized by law, the District may also 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.

III. Notice of Decision – Notice of acceptance or denial of the open enrollment application shall be in writing and shall include a reason for the determination. The notice of acceptance or denial must be sent to the applicant no later than the first Friday following the first Monday in June unless the applicant has applied underneath the alternative open enrollment application procedures authorized by law.

- A. Non-Resident Student Applications – In addition to sending notice of decision to the applicant, if the Board approves an open enrollment application of a non-resident student, it shall also send a notice to the resident school board no later than July 7 containing the name of the student.
- B. Resident Students Applying to Other Schools – In addition to sending notice of decision to the District student, if the Board denies approval it shall also send a notice with reasons for denial to the non-resident school board initially receiving the application.
- C. 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.

- IV. Reapplication Procedures – The Board shall require non-resident students to reapply under the open enrollment policy when the non-resident student enters middle school. No non-resident student shall be required to reapply more than one time.
- V. Transportation  
Non-Resident District – The parent of a student attending in a non-resident school district shall be solely responsible for providing transportation, unless (1) the student is a special education student and transportation is required by the IEP; (2) the District Administrator or designee determines that there is room available on a bus on a regular route, the student is picked up or dropped off at a regular bus stop within the District, and (3) the parent or guardian has requested such transportation; or transportation by the District is otherwise required by law.  
Resident District – The District will not grant approval for non-resident district transportation services to enter into the boundaries of the School District of Hartford Jt. #1 for the purpose of picking up and dropping off open-enrolled students.
- VI. Tuition Payment – The Board shall pay to the non-resident school board tuition calculated under §121.08, Wis. Stats., for District special education students attending school in the other district.
- VII. Rights and Privileges of Non-Resident Students – Non-resident students attending school in the District on a full-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students.
- VIII. Intra-District Transfers – Transfer requests of resident students for attendance at a District school outside of our established attendance boundary area will only be allowed should a required educational program not be available to a student at their assigned school. District policies regarding transfer of students between schools will be followed. (Note: Reference Policies JECC and JECB)

#### Part-Time Open Enrollment

Part-time open enrollment by non-resident students will not be considered since the School District of Hartford Joint #1 is a K-8 district and §118.52, Wis. Stats., designates part-time open enrollment for high school students.

### Definitions

The following definitions will apply to the District's Open Enrollment Program:

- **Non-Resident District** – a school district located in Wisconsin which is not a student's district of residence
- **Non-Resident Student** – a student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin who seeks admission to this District under the Open Enrollment Policy and State open enrollment statute
- **Tuition Student** – a non-resident student who has been approved to enroll in this District with the tuition paid in accordance with State law
- **Full-Time Enrollment** – a student is enrolled for the entire school day and receives all of his/her required education in this district
- **School/Program/Class/Grade Size** – the District shall determine the maximum number of students who can be enrolled in a particular school/program/classroom/grade without jeopardizing the quality of the instructional program
- **IEP** – annual or current individualized educational plan for identified special education students
- **Resident student** – a student who is a legal resident of this District and is consequently entitled to attend school in this District

LEGAL REFERENCE: Sections 115.787(2), 118.16(1), 118.13, 118.51, 120.13(1)(f),  
120.13(1)(h), 121.54(3)(10), 121.55 Wisconsin Statutes; Wisconsin  
Administrative Code PI 36

RELATED POLICIES: JECB – Admission of Non-Resident Children (Other than Open  
Enrollment Students)  
JB – Student Nondiscrimination Policy  
JEB – Entrance Age  
JECC – Board Transfer of Students  
JECD – Student Placement in Classes  
JC – Student Attendance Areas