

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).

The North Lake School District will permit non-resident students to attend district schools, and resident students to attend non-district schools in accordance with the public school open enrollment law. Subject to the exceptions that the School Board (1) each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District; and (2) shall act to approve any discretionary transportation contracts, 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 its 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.

### **I. Non-Resident Open Enrollment**

A non-resident student may apply for full-time enrollment in the district. A non-resident student may attend kindergarten or early childhood only if the student's resident district offers the same type of program in the resident school district

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 DPI. The District shall consider and apply the following criteria when deciding whether or not to accept (or, in some situations, revoke acceptance of) a nonresident student's application for full-time open enrollment.

- A. **Space Availability.** The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability, consideration may be given to desired class size limits, desired student-teacher ratios, overall building capacity, future enrollment projections, the projected number of sections of particular grades or courses, desired program-size limitations, and known or projected limitations on available staffing and other resources. 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. 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.

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

**B. Students with Disabilities.** If the District determines that the special education and related services required for a student with a disability are available in the District and that there is space available in the relevant grade and/or special education program, then the student's open enrollment application shall be accepted provided no other criteria cause the application to be rejected. If the special education or related services required for a student with a disability are not available in the District or if there is no space available in the relevant program/service(s), then the application shall be denied, subject to the following:

1. A student with a disability shall be included in the random selection process for the student's grade prior to any consideration of the availability of, and space in, the special education required by the student's individualized education program (IEP).
2. If a student with a disability is on both a regular education and special education waiting list, and the student's application is reached on only one waiting list, the student shall remain in place at the top of that list until the student's name is reached on the other list.

In any instance where an application is submitted by a student with a disability but there is no current IEP available for the student, the District will use the procedures defined in DPI's administrative rules to determine whether the District has the appropriate special education program or space and also to estimate the amount of basic and special education cost for the student.

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, 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, then the student may be returned to his/her resident district if the District determines either that the special education or related services required for the student are not available in the District or that there is no space available.

**C. Students Referred for a Special Education Evaluation.** An open enrollment application shall be denied if the nonresident student has been referred or identified as having a possible disability but has not yet been evaluated by an IEP team in the resident district. To the extent permitted by DPI, and assuming other acceptance criteria are and continue to be met, such a student's parent or guardian may request that the District reconsider a denial under this criteria if the IEP (or a finding of no disability) is forwarded to the District and reviewed by the District prior to the close of the period during which the District would normally continue to process and accept applications from any waiting lists and if the District concludes that such reconsideration would not be prejudicial to any other applicant.

**D. Discipline-Related Criteria**

1. **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.

2. **The term of an applicant's expulsion overlaps with the proposed period of open enrollment.** Consistent with the District's regular admissions practices and state law authority, the District will generally 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. Notwithstanding the above, 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 were to attempt to enroll in the District with the same expulsion record.
3. **The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment.** The District will generally 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 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. Notwithstanding the above, 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.
4. **Disciplinary matters that are pending or that become pending while the application is under consideration.** Subject to the limited exception defined in paragraph 6, below, if any disciplinary proceeding involving alleged conduct falling in one of the four categories listed in paragraph 3 of this policy (immediately above) is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
5. **Applicants must continue to meet discipline-related approval criteria after initial acceptance.** Subject to the limited exception defined in paragraph 6, below, the District may 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 (1) has been expelled as described in paragraph 4-b of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 3 or paragraph 4 of this policy, above.

6. **Limited Exception.** In situations where a student’s application was rejected (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) Prior to the close of the period during which the District would normally continue to process applications from any waiting lists, 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.
- E. **Excess Applications Compared to Space Availability:** If the district receives more non-resident applications during the regular open enrollment period for full-time enrollment than there are spaces available, the District 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 selection for enrollment.
1. **Students Guaranteed Approval under the Space Availability Criteria:** 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), the following applicants for full-time open enrollment in the District will not be denied based upon a lack of available space regardless of any otherwise-established limitations on the spaces that are available for open enrollment students:
    - a. Students who are currently enrolled in and attending school in 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). 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.
    - b. The siblings of any student who is currently attending school in 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). Upon their timely application and if otherwise eligible to be approved, the District shall assign such siblings to spaces in the relevant grade/ program that the Board designated as being available for open enrollment students. If there are more such sibling-applicants than there are available spaces, the remaining application(s) of such siblings shall still be approved.
  2. **Random Selection Process to be Used If Necessary.** If, after approving the applications of all students who are guaranteed approval, there are more applications than available spaces in any grade and/or program, then all remaining timely and complete applications (regardless of grade and even if the application is potentially subject to denial for some other reason under the local criteria established in this policy) will be subject to a random selection process as further defined in the procedures adopted to accompany this policy.

**II. “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 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).

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

**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 nonresident open enrollment applicants for early admission to 4-year-old kindergarten. Upon request of the child’s parent or guardian, and if such evaluations can reasonably be completed no later than the third Friday in May, the District may evaluate regular-period, nonresident open enrollment applicants for possible early admission to 5-year-old kindergarten.

**No Reapplication Required.** Once a nonresident student is accepted for full-time open enrollment in the District and begins attending school in the District, no reapplication is required in order for the student to maintain continuous open enrollment.

**III. Rights and Privileges of Non-Resident Students accepted for Enrollment in the District**

Any non-resident student accepted for enrollment in the district shall be entitled to all the rights and privileges of students residing in the district and shall be subject to the same rules and regulations as resident students. Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the district will not discriminate on the basis of an applicant’s intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

Following initial acceptance of a non-resident student, the student may continue to enroll without reapplication.

**IV. Transportation**

Except as provided below, the parent(s)/guardian(s) of non-resident students are responsible for student transportation to and from the district. The district **may** provide transportation if:

1. Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI’s procedures.

2. A non-resident student accepted for enrollment has a transportation requirement as part of the IEP that does not incur additional cost or delay. The District shall provide transportation for nonresident students with disabilities attending school full-time 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.

#### **V. Resident Open Enrollment**

Resident students may apply for full-time enrollment in another school district in accordance with policies and procedures of that district and in accordance with state law. The North Lake School District shall limit the number of resident students attending public school in other districts on a full-time basis to the minimum number allowed by law. If more students apply for full-time enrollment in another public school district than the minimum allowable number, determination of which students will be allowed to attend other public schools shall be made on a random basis. Preference shall, however, be given to resident students already attending school in the district to which they are applying and to the siblings of such students.

The North Lake School District will reject the application of a special education student, or discontinue allowing the student, to attend another school district if the costs of special education services required in the student's IEP will place an undue financial burden on the North Lake District. However, if a student with a disability has submitted an alternative application based upon a determination that the student has been a victim of a violent criminal offense, as further defined and addressed under state law, then the District may not deny the application based upon a finding of an undue financial burden.

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 open enrollment if the District determines that none of the criteria relied on by the student to submit the application 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.

**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.

**VI. 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.

**VII. Policy Review**

This policy shall be reviewed by the board at the regular January board meeting of a given school year, when enrollment patterns or legislation issues so dictate.

- Section 115.787 [individualized educational programs for students with disabilities]
- Section 118.16(1)(a) [definition of habitual truant]
- Section 118.51 [full-time public school open enrollment]
- Section 120.13(1)(f) [authority to deny enrollment of student during the term of expulsion]
- Section 120.13(1)(h) [conditional enrollment of expelled students]
- Section 121.54(3 ) [transportation for children with disabilities]
- Section 121.54(10) [optional transportation for full-time open enrollment students]
- Section 121.545(1) [optional transportation under a parent contract]
- Section 121.55 [methods of providing transportation]

**Wisconsin Administrative Code**

- PI 36 [DPI rules governing inter-district open enrollment]

**Cross References:**

- 4013 Procedure for Release of Public Records & Property
- 6001 School Census
- 6002 Student Attendance
- 6003 School Admissions
- 6004.1 Admission of Non-Resident Students (other than Open Enrollment Students)
- 6004.2 Admission of Students from Home-based Private Educational Programs
- 6004.3 Admission of Non-Public School or Homebound Instruction Student: Dual Enrollment
- 6019.1 Special Education Mandate  
Special Education Handbook
- 6028 Full-Time Student

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**I. Non-Resident Open Enrollment**

**1. Full-Time Enrollment**

- A. A parent(s)/guardian(s) of a non-resident student who wishes to attend school in the North Lake School District shall apply online from the DPI website (<http://dpi.wi.gov/sms/psctoc.html>) or submit an application to the District Administrator. The application shall be submitted no earlier than the first Monday of February and no later than the last weekday in April in the school year immediately preceding the school year in which the student wishes to attend. If the application is not filed in time, the student will not be eligible to attend North Lake School.
- B. The district shall send a copy of the application to the student's resident school district and to the Department of Public Instruction (DPI) by the end of the first weekday following the last weekday in April. For applications filed online, these notifications are made automatically.
- C. Upon receipt of the application, it will be reviewed for acceptance or rejection in accordance with criteria outlined in School Board policy. If the application relates to a student with a disability and the District has received a copy of the nonresident student's individualized education program (IEP) on a timely basis (or, if a current IEP is not available, the most recent IEP or special education evaluation that is available), the District shall provide an estimate of special education costs to the student's resident district by the third Friday following the first Monday in May. 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. No regular-period application that was submitted on a timely basis shall be accepted or denied by the District before May 1.

**2. Annual Space Availability/Class Size/Enrollment Projections**

- A. If the School Board establishes any annual space availability limitations for nonresident open enrollment, state law requires such determinations to be made at a January Board meeting prior to the start of the regular application period to which the limitations will apply. Accordingly, the administration shall prepare and present recommendations on space availability to the Board such that the Board is able to adequately consider the information and make a timely determination.
- B. 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.

- C. 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.
1. 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.
  2. Because the District guarantees space for open enrollment applications that are submitted by currently-attending students during the regular application period, such currently-attending students, to the extent possible, will be included in the count of "occupied" spaces so that the spaces expressly designated as being "available" for open enrollment applicants will be in addition to the already-occupied and guaranteed spaces.
- D. 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:
1. 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.
  2. If the Board establishes any annual space-availability limitations, and except for any applications that are approved to accommodate applicants who are guaranteed approval under Board policy, the District may not approve more applications that were submitted during the regular application period than the number of spaces that the Board designated as available for open enrollment until after the statutory deadline for providing initial notice of acceptance or denial (i.e., the first Friday following the first Monday in June). After such deadline, additional applications may be approved as outlined in the DPI rule and in a manner consistent with Board policy.
- The 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.
- E. Non-resident students may not be enrolled if the annually updated projected enrollment indicates that the optimal range class size will be exceeded. Space constraints and staff considerations will also impact this decision.

The North Lake School District believes that many factors must be given consideration in the establishment of class size. An absolute limitation on class size in isolation of the many other factors and demands on the school budget is educationally and fiscally unsound. All efforts will be made to maintain classes at a sound educational level. However, this provision in no way should interfere with the ability of the Board and Administration to experiment with innovative forms of classroom instruction. Fiscal constraints may also dictate deviation from the recommended class size ranges.

**Class Size Recommendations**

<u>Grade Level</u>	<u>Minimum</u>	<u>Optimal Range</u>	<u>Maximum</u>
K	13	16-22	25
1	13	18-22	25
2	13	18-22	25
3	13	18-22	25
4	13	20-23	25
5	14	20-25	28
6-8	15	20-25	30

The enrollment projections will be determined each year in January by averaging the last five years of growth and using the average percentage increase as the multiplier. This increase will then be divided by 9 grades to give an average increase projection in each grade. Annually, the total projections will be calculated out for 5 years. The above calculation will be used as a guideline to help determine the number of students chosen by grade level each year. All selection of students will come from the application pool. The number of applicants for each grade will be set by board motion prior to the random drawing each year. The drawing will be totally random, all names will be put in the pool, regardless of grade.

**Space Constraints.** The building is designed for 3 sections at each grade. This parameter will be looked at annually in January to assure that the current space can handle any open enrollment requests.

**3. The Method of Random Selection Used When There are More Applications than Spaces; Creation of Waiting Lists**

- A. If there is sufficient space available in the relevant grades/programs to approve all of the timely open enrollment applications that the District has received during the regular application period, regardless of whether some of the applications may be denied due to the application of other District acceptance/denial criteria, the random process identified in this section will not be used and no grade-based or program-based waiting lists will be created or maintained.
- B. If there are more regular-period applications than spaces available for a particular grade or special education program/service, then the following selection procedure shall be used:
  1. Unless the District determines that the application will be denied under some other applicable criteria (i.e., other than space availability), the District will accept the applications of all students who are guaranteed space under Board policy. Eligible currently-attending students will be accepted without reducing the number of spaces that have been designated as “available” for open enrollment, while eligible siblings of currently-attending students will be assigned to and reduce the number of available spaces.
  2. All remaining timely applications (i.e., all applications not guaranteed space under District policy), regardless of grade-level and even if the application is potentially subject to denial under other applicable acceptance/denial criteria, will be subject to a random selection process with respect to space availability. As the first step in that process, and in the presence of at least two staff members, a random order of consideration will be established using one of the following methods:
    - The individual applications will be listed and an electronic random number generator will assign a number to each application. The applications shall then be ordered numerically according to the random numbers, with the lowest number being the first-considered application and the highest number being the last-considered application.

- Each application will be assigned a number, and the numbers will be randomly drawn/selected (e.g., using a lottery-type system). The applications will be listed by student name/number in the order in which they are randomly selected, with the first-selected number being the first-considered application and last-selected number being the last-considered application.
- 3. If, after approving the applications of all students who are guaranteed approval there is no grade-based space left in the District (i.e., all grades are full), then all remaining applications shall be placed on grade-based waiting lists, retaining the order of consideration established above (but within the applicable grade-based list). Applications denied for any additional reason (i.e., at least one reason in addition to a lack of available space) will be removed from the waiting lists before applicants are notified of their position on any waiting list. The grade-based waiting lists will thereafter be administered as described below.
- 4. If, after approving the applications of all students who are guaranteed approval there is remaining space available in one or more grade(s), the District will proceed to consider each of the applications in the order established through the random process described above. As each application is considered, and if no other basis exists for denying the application, the application will either be assigned to an available space and accepted or placed upon the appropriate waiting list(s) and denied, as indicated in the steps below.
- 5. If the District reaches a student's application in the numerical list and if there is no space available in the relevant grade for that student, the application shall be denied due to lack of available space (and for any other reason(s) that may be applicable), but the student's application will be placed on the relevant waiting list(s) in the order of consideration, subject to the following:
  - If such an application is denied due to lack of space AND for at least one other reason, then the application shall be removed from the waiting list(s) before the initial waiting lists are finalized and applicants are notified of their position on the waiting lists; and
  - 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 special education program/services required for the student. If the District does not offer the program/services, that determination will serve as an independent reason for denying the application. If the required program/services are offered in the District, then the following procedures shall apply:
    - If space is available, the District will assign the student to the special education space, holding the space for the student as he/she waits to be selected from the grade-based waiting list. However, if the program and services required for the student involve a stand-alone special education program such that assigning the student to the appropriate program would not require assigning the student to a grade-based space, then the student's application shall be removed from the grade-based waiting list and, provided that the student's application will not be denied under any other criteria, the application is eligible for approval and the District will give immediate consideration to any sibling-applicants of the student, as further described below in these procedures.

- If space is not available, the application will be denied due to lack of special education space, and the District will place the student's application on a special education waiting list. However, if the program and services required for the student involve a stand-alone special education program and assigning the student to a regular education classroom/program would clearly be an inappropriate placement, the student will be removed from the grade-based waiting list and need only wait for the special education space.
6. If the District reaches a student's application in the numerical list and if there is a space available in the relevant grade for that student, all of the following shall occur prior to consideration of the next applicant on the ordered list:
- The student shall be assigned to the available space, pending the application of remaining approval/denial criteria.
  - If the student is a student with a disability, the District will consider the availability of and any applicable space limitations for the program/services required for the student.
    - If the District does not offer the program/services, such determination will serve as an independent reason for denying the application, and the grade-based space tentatively assigned to the student will be released and made available to another applicant.
    - If the required program/services are offered in the District and space is available, then the student shall be assigned to that special education space pending the application of the remaining approval/denial criteria. If the required special education space is not available, then the student will be added to the appropriate special education waiting list and the grade-based space assigned to the student will be held for the student. However, if it is clear that the special education program and services required for a student under this paragraph involve stand-alone special education such that assigning the student to the relevant special education program would not require assigning the student to a grade-based space, then the grade-based space tentatively assigned to the student will be released and made available to another applicant.
  - Provided that the District has concluded that there is space available for the student whose application is under consideration and that such student's application will not be denied pursuant to any of the other applicable acceptance/denial criteria, the District shall give immediate consideration to the application(s) of any remaining sibling-applicants in the same family who applied for open enrollment at the same time and whose application has not yet been considered. If there is a space available for the sibling (looking first at the student's grade and then, if applicable, at special education spaces), then the sibling shall be assigned to the space(s) pending an analysis of all applicable remaining approval criteria. However, if there are no remaining spaces available to accommodate the sibling's application, then the sibling's application shall be denied due to lack of available space (and for any other reason(s) that may be applicable), but the sibling's application will be placed next in line on the relevant waiting list(s).
7. Before finalizing the assignment of space, the list of applications that will be accepted, and the initial waiting lists, the District will consider whether any application that has tentatively been assigned to any space or placed on any waiting list is subject to denial due to the application of any criteria other than a lack of grade-based or special education space. If so,

- Any such application that has tentatively been assigned to an available space will be denied for those separate reason(s), and the space tentatively assigned to the application will be assigned to an applicant who is listed first on the applicable waiting list.
  - Any such application that was tentatively placed on a waiting list shall be denied for both the space availability reasons and for those separate reasons(s) and removed from the waiting list before applicants are notified of their position on the waiting lists.
  - 8. For any otherwise-eligible applicant who is a student with a disability who has been assigned a grade-based space but who is on a special education waiting list, or vice-versa, the student will initially receive notice of denial due to lack of available space, but the District will hold the space (either general or special education) that has been assigned to the student until either a space on the other waiting list becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).
  - 9. After completing the above steps, the assignment of available spaces will have been completed and the initial open enrollment waiting lists will be considered finalized. Appropriate and timely written notices of acceptance or denial will be provided to all applicants and the waiting lists will be administered as described below.
  - 10. **Exception when Space Limitations Exist only in Special Education.** If there is sufficient space available, by grade, to accommodate all of the timely applications received during the regular application period, but space limitations exist in one or more special education areas, the random process described above may be limited to special education and to the creation of special education waiting lists.
4. **Administration of Waiting Lists and Notification of Acceptance**
- A. As any spaces become available, applications that have not been denied for any reason other than lack of space will be accepted from the waiting list(s). The District may accept students from a waiting list until the third Thursday in September.
  - B. 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 and the procedures and date by which the parent or guardian must notify the District if the student will attend school in the District. Verbal notice may be provided to the parent or guardian who submitted the application, but verbal notice will be confirmed through a written communication.
    - 1. If the District notifies a parent or guardian of acceptance on or after 10 days prior to the last Friday in June, 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; otherwise, the parent or guardian must respond to the notice no later than the last Friday in June.
    - 2. 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.

- C. For any applicant who is a student with a disability who has been assigned to both a grade-based waiting list and a special education waiting list, if the student is selected from one such list but not from the other(s), the District will hold the space which became available for the student on a list until either a space on the other waiting list(s) becomes available for the student (at which point the student will be notified that he/she may attend school in the district) or the District reaches the end of the period for which it maintains waiting lists (at which point the space that has been held for the student shall be assigned to the next applicant, if any, on the applicable waiting list).
- D. To simplify the administration of the waiting lists, the District may contact the parent or guardian who submitted the application to determine whether they wish to voluntarily be removed from the waiting list(s). If the parent or guardian indicates that they would like to be removed, the District will provide written confirmation of the decision/action to the parent or guardian.
- E. The District will notify all regular-period applicants, in writing, whether their application has been accepted or denied 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, information about the appeals process, and, if applicable, the student's number on any waiting list(s).
- F. The non-resident student's parent(s)/guardian(s) shall notify the district of the student's intent to attend school in the district in the following school year not later than the first Friday following the first Monday in June.
- G. Annually by July 7, the DPI and the resident district school board(s) shall be notified of the names of the student(s) from the resident district who will be attending the North Lake School District the following school year. For students accepted for open enrollment from the waiting list after July 7 that choose to attend school in the District, this resident school district notification will be provided as soon as possible after getting confirmation of such attendance from the student's parent or guardian.
- H. The District will take the steps necessary to properly enroll a student who chooses to attend school as a nonresident open enrollment student.
- I. **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.

## **II. Resident Student Open Enrollment**

### **1. Full-Time Enrollment**

- A. Upon receipt of a copy of the resident student's application to attend a school or program in another public school district, the District Administrator will review and recommend acceptance or rejection to the School Board. All applications shall be reviewed in accordance with criteria established in School Board policy.

- B. By the first Friday following the first Monday in May, the District shall provide the nonresident school district(s) to which the student applied appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. 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.
- C. All applications, those received online and paper applications, shall be reviewed by District staff using the acceptance/denial criteria outlined in Board policy. 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 and information about the appeals process. If the application was denied because the special education costs constitute an undue financial burden, the notice of denial shall include such additional information about that determination as is required by the DPI.
- D. **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.
- E. **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.

### **III. Applications Submitted Under Alternative Open Enrollment Procedures**

- A. **Reason(s) for Alternative Application:** A parent or guardian of a student who wishes to attend school in a nonresident school district may submit an open enrollment application that is in addition to or in lieu of any application(s) submitted in connection with the regular open enrollment application period if the application is for the current school year, the student meets one of the following criteria, and the parent or guardian identifies and 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 date any paper application was received shall be affixed to the application (or otherwise recorded) and the application shall be forwarded to the District Administrator or his/her designee for review and processing.
  - 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 the student's current IEP, or, if a current IEP is not available, the most recent IEP or special education evaluation that is available, provide an estimate to the resident district of the costs to provide the student with special education or related services (assuming the appropriate program is available and has sufficient space).

- b. If the application involves a resident student who is attending, or who previously attended school in the District, then within 10 days of receiving a copy of the application, the District shall provide the nonresident school district appropriate notice of the resident student's special education and/or disciplinary status, including providing copies of any records that the District is permitted/required to release. 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. District staff shall review the application using the acceptance/denial criteria outlined in Board policy and in this rule. The District Administrator or his/her administrative-level designee is authorized to make the acceptance/denial decision for the District and to direct the sending of the appropriate notifications.
  - a. The District will deny the alternative application of a nonresident student when required by state law or DPI rule, and the District may also deny such an application:
    1. due to lack of available space;
    2. under any of the acceptance and denial criteria established in Board policy that apply to an application submitted during the regular open enrollment application period; or
    3. 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.
  - b. The District will deny the alternative application of a resident student when required by state law or DPI rule, and the District may also deny any such application if it determines that:
    1. the criteria relied on by the parent or guardian to submit the application (including the "best interests" criteria) do not apply to the student; or
    2. 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 District has determined was the victim of a violent crime).
3. If the application involves a nonresident student seeking to attend school in the District, then the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 calendar days after the application was submitted. 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 and information about the appeals process. To the extent consistent with state law and District policy, initial acceptance of an application may be 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 (or another date mutually agreed upon by the District and the student's parent or guardian). If the nonresident student has not enrolled in or attended school in the District by the relevant deadline, the District may notify the student's parent or guardian, in writing, that the student is no longer authorized to attend school 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 attempt to review and act upon such records promptly. If necessary, the District will deny the application due to an inability to sufficiently review such records. However, to the extent permitted by DPI, the District may revisit such a denial if the relevant records/information are provided within a reasonable time period after the 20<sup>th</sup> calendar day following the submission of the application.
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 date that the application was submitted. In addition:
    - a. It is the applicant's responsibility to provide sufficient information to enable the District to determine that at least one of the bases for an alternative application applies to the student. However, 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.
    - b. If the student is a student with a disability and the District determines that the special education cost would constitute an undue financial burden, notice of denial of the application on this basis shall be provided on or before the later of (1) the 20<sup>th</sup> calendar day after the application was submitted; or (2) the 10<sup>th</sup> calendar day after the District receives the estimate of the special education costs.

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. If the application was denied because the student's special education costs constitute an undue financial burden, the notice of denial shall include such additional information about that determination as is required by the DPI.

#### **IV. Appeal of Rejection**

If an application for enrollment is rejected, the student's parent(s)/guardian(s) may appeal the decision to the DPI within 30 days of the decision. The notice of rejection shall inform the applicant of this provision.

#### **V. Transportation**

The notice of acceptance of an application will specify that transportation is the responsibility of the parent(s)/guardian(s) of the student participating in the public school open enrollment opportunity, unless an exception is granted in accordance with School Board policy or state law. The notice will further inform the applicant they may apply to the DPI for transportation reimbursement if they are eligible.