

## PARKVIEW SCHOOL DISTRICT OPEN ENROLLMENT PROGRAM

This policy and accompanying Rule 423 shall be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction. The Board authorizes the district administrator, or his or her designee, to make decisions and determinations necessary for open enrollment subject to any policies or procedures adopted by the Board.

At the regular meeting of the Board in January, the Board shall determine the number of regular education and special education spaces available within the District. If the Board determines that there is availability in its schools, classes, and/or programs, it shall allow nonresident students residing within the state of Wisconsin, but whose parent/guardian does not reside in the District, and who qualify, to enroll in the District through the open enrollment program.

### NONRESIDENT STUDENT FULL-TIME OPEN ENROLLMENT

A nonresident student may apply for full-time enrollment in the District under the open enrollment program. Applications shall be made and acted upon in accordance with the timelines and procedures outlined in state law. The District shall consider the following criteria when accepting or rejecting a nonresident student's application for full-time enrollment:

- A. Once enrolled, the Board shall not require nonresident students attending school full-time in the District under open enrollment to reapply.
- B. Enrollment shall not be available to any nonresident student if:
  1. **Space is not available.** The District shall consider the availability of space in the schools, programs, classes or grades within the District. When determining space availability, consideration shall be given to such factors as class size limits, student-teacher ratios, overall building capacity, and enrollment projections. If the District receives more student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis. However, the District grants guaranteed approval to students currently enrolled in the District at the time of their application (excluding part-time attendance by a student who is enrolled in another school district, private school, tribal school or home-based educational program. A waiting list of nonresident students who have been denied open enrollment during the regular application period due to space availability shall be established and utilized in accordance with established procedures. If, at any time in the selection process one student application from a family is chosen and the student is eligible for acceptance under all applicable criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and admit all eligible siblings for whom there is a space available at that point in the process.
  2. **Expulsion.** The district administrator at his or her discretion, may deny admission to a student who has been expelled from another Wisconsin public school district during the current or two (2) preceding school years for any of the reasons listed in the open enrollment statutes (s. 118.51(5)(a)(2)) or if the student is subject to a pending

disciplinary proceeding, which is based on any of the reasons listed in the open enrollment statute (s. 118.51(5)(a)(2)).

3. **Special Education.** The special education or related services in the child's individualized education program (IEP) are not available in the District or there is no space available in the special education or related services including any class size limits, pupil-teacher ratios or enrollment projections established by the Board.

When 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 or space.

4. **Student Referred or Identified for Special Education Evaluation.** The 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.
5. **Student's IEP Developed or Changed.** If a nonresident open enrollment student begins attending school in the District is identified as a student with a disability and the special education or related services required by the student's IEP (newly developed or revised) are not available in the District or there is no space available in the special education or related services identified in the IEP, the nonresident student may be denied continued enrollment in the District and may be returned to their resident district.
6. **Truancy.** Pursuant to the District's applicable truancy and attendance policies, when the District determines that a student was habitually truant from the District during any semester of attendance in the current or previous school year, the District may prohibit the student from attending school under the full-time public school open enrollment program in the succeeding semester or school year. This includes new nonresident applicants and nonresident students who are already attending under the open enrollment program. Under no circumstances shall any student have their open enrollment terminated under this paragraph unless the District has documentation that the parent or guardian or student knew or should have known that the student's open enrollment could be terminated for habitual truancy and the student had at least one notice and opportunity to correct the truant behavior before being found to be habitually truant or before terminating the open enrollment.
7. **"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 interest 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 interest. If the District determines that attendance would not be in the student's best interest, the application shall be denied on that basis.
8. **Student Ineligible or Invalid Application.** 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).

## **TRANSPORTATION**

- A. Subject to the exceptions herein, parents/guardians of nonresident students approved for enrollment shall be responsible for transporting their student to the school their student will attend. *(Note: If space is available on a particular bus, the district administrator or designee may permit a student to be picked up at one of the regular bus stops in the District.)*
- B. The District shall provide transportation to nonresident, special education students whose (IEP) so specifies or if it is required by law.
- C. Low income parents and guardians may apply to the DPI for reimbursement of costs or transportation in accordance with DPI's procedures.
- D. The District may provide transportation to or from a location within the boundaries of the student's resident district with approval of the student's resident school board.

## **GENERAL PROVISIONS**

- A. Once a nonresident student is accepted for full-time open enrollment in the District, the administrative staff shall assign the student to a school, class or program in accordance with established policies and procedures. The District may give preference in attendance at a particular school, program, class or grade to residents of the District.
- B. Nonresident students attending school in the District under this policy shall have all the rights and privileges of resident students and are subject to the same rules and regulations as resident students.
- C. Participants in interscholastic athletics shall comply with pertinent regulations of the Wisconsin Interscholastic Athletics Association (WIAA) and any relevant league standards regarding eligibility of transfer students.
- D. It will be at the discretion of the district administrator or designee as to whether to evaluate a nonresident open enrollment applicant for possible early admission to 4 or 5-year old kindergarten.

## **RESIDENT STUDENTS**

- A. The criteria for approval or denial of open enrollment applications from District resident students who wish to transfer to another public school district shall include the following:
  - 1. The criteria relied upon for an alternative application did not apply to the pupil
  - 2. The resident student is too young or too old to attend public school based on state law
  - 3. The application is determined to be invalid (e.g. incomplete, untimely, or in excess of the number of allowable applications).
  - 4. The Board determines that it is not in the student's best interest as stated on the alternative application

LEGAL REF.: 115.76(3), 115.787, 115.79 – Wisconsin Statutes

118.13, 118.14(1), 118.51, 118.52 – Wisconsin Statutes  
120.13(1)(f) – Wisconsin Statutes  
121.78 (1), 121.54 (3) – Wisconsin Statutes  
PI 36 – Wisconsin Administrative Code

Cross Ref.: 342 - Special Education  
345.5 - Graduation Requirements  
347-Rule - Procedures for the Maintenance and Confidentiality of Student Records  
411 - Equal Educational Opportunities  
412.1 - Full-time Students  
420 - School Admissions  
421 - Kindergarten Admission (Entrance Age)  
421.1 - Admission to First Grade  
422 - Admission of Nonresident Students  
423-Rule - Public School Open Enrollment Procedures  
431- Compulsory School Attendance  
431-Rule School Attendance Guidelines.

**APPROVED:** January 26, 1998  
February 9, 2004  
March 15, 2010  
December 19, 2011  
January 21, 2013  
May 19, 2014  
January 18, 2016  
**APRIL 19, 2021**