

OPEN ENROLLMENT

The New Berlin School District ("District") will participate in the Wisconsin Public School Open Enrollment Program in accordance with applicable law and the relevant policies and rules of the District, all as amended from time to time. More specifically, the District: (a) will harmonize to the extent possible sections 118.145(4), 118.51, 118.52, subchapter VI of Chapter 121 of the Wisconsin Statutes, and Wis. Admin. Code Ch. PI 36; (b) will guarantee enrollment to its currently enrolled students and siblings of currently enrolled students regarding inter-district open enrollment opportunities, and (c) will take account, as appropriate, of individual rights under the Wisconsin and United States Constitutions.

Full-Time Open Enrollment

- I. Application Procedures for Nonresident Students — Applications from nonresidents for full-time open enrollment into a district school must (a) be submitted on the form provided by the Department of Public Instruction ("DPI") and (b) be received between the first Monday in February and the last weekday in April, no later than 4:00 p.m., unless the application is submitted pursuant to the alternative application procedures below or as otherwise provided by DPI or state statute. Applications may be submitted to no more than three nonresident school boards in any school year. If a student submits applications to more than three (3) nonresident school districts, all applications submitted are invalid. The District will comply with all statutory deadlines and requirements for processing applications and communicating with the applicant and the resident school districts of applicants. The parents or guardians of an accepted nonresident student must notify the Board on or before the deadline set by state statute of the student's intent to attend school in the District during the following school year. Failure to provide such notice shall prevent the student from enrolling in the District.

- II. Procedure for Processing of Open Enrollment Applications —
 - A. The Executive Assistant to the Superintendent will receive, date stamp and retain all applications received during the regular open enrollment application period.

 - B. Acceptance of nonresident and resident open enrollment applications shall be made by the District Administrator and/or his/her designee according to the criteria specified. Prior to accepting any open enrollment applicant, the District will accept or reject all timely applications made under subch. VI of Ch. 121 of the Wisconsin Statutes ("Chapter 220").

 - C. If, after making all decisions related to such application, there are more applications than spaces available, subject to the decisional criteria of Section III(B) through (I) below, the Board will fill the available spaces by random selection. Nonresident students already attending District schools shall be guaranteed enrollment, including, but not limited to, students currently attending District schools under the full-time open enrollment program, students who currently reside in the District but plan to move prior to the beginning of the next school year, and students who moved out of the District but have remained enrolled in the District under § 121.84 Wis. Stats. Siblings of pupils already attending District schools will be guaranteed selection to available designated spaces. If there are more siblings of pupils already attending District schools than spaces, the Board shall approve remaining applications. The random selection process will be done electronically using an online randomizer program to assign a random number to each student. Students will not be selected by grade in the random selection process.

- III. Decisional Criteria for Nonresident Applications — Decisions on nonresident open enrollment applications will be based only on the following criteria:

- A. Whether there is space available for Nonresident Transfer Students. The School Board shall determine during a regular meeting each January, the space available for the next school year in the schools, programs, classes and grades of the District for Chapter 220 and Open Enrollment students. In determining such space available, the District will count resident students, tuition waiver students under Wis. Stat. § 121.84, and will include in its counted occupied spaces, students who have applied under Wis. Stat. § 118.51(3)(a) and Chapter 220 students who are already attending public school in the District. Other factors the Board shall consider include any or all of the following:
1. District practices, policies, procedures or other factors regarding class-size ranges and building limitations for particular programs, classes, schools or grades.
 2. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes, buildings or grades.
 3. Enrollment projections for the schools of the District which include, but are not limited to the following factors; the likely short and long-term economic development in the community, projected student transfers in and out of the District, the required length of K-12 attendance opportunities for Chapter 220 and 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.
 4. The number of nonresident students currently attending the schools of the district for whom tuition is paid by another District under § 121.78 (1)(a), Wis. Stats.
 5. The number of resident homeschooled or private school students likely to attend the schools of the district in accordance with § 118.145, Wis. Stats.
 6. The number of resident students likely to change schools on a full-time or part-time basis under the district's intra-district student transfer policy.
- B. Whether an applicant for a pre-kindergarten, 4-year-old kindergarten or early childhood or school operated day care program resides in a district which offers the program for which application is made and is eligible for the program in the resident district.
- C. Whether the nonresident student attended school in the District during the current or prior school year and was habitually truant.
- D. Whether the nonresident student has been expelled from any school district within the current school year or the two preceding school years or whether any disciplinary proceeding involving the nonresident student is pending, based on any of the following activity:
1. 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;
 2. Engaging in conduct while at school or under supervision of a school authority that endangered the health, safety or property of others;
 3. 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 employee of the school

district or member of the school board; or

4. Possessing a dangerous weapon (as defined in § 939.22(10), Wis. Stats.) while at school or while under the supervision of a school authority.
 5. (Note 1: Notwithstanding the Board's acceptance of a nonresident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the nonresident student will attend a school in the District, he/she is determined to fall under this paragraph III(D).
 6. (Note 2: The Board may request a copy of a nonresident student's disciplinary records from the resident school board).
- E. Whether the special education program or related services required by the nonresident student's individualized education program ("IEP"), if any, are available in the District.
- F. Whether there is space available in the District to provide the special education related services identified in the nonresident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections. (See paragraphs III(A)(1) and (2) above). The Director of Student Services or his/her designee will review each special education teacher and related service provider's current caseload and projected caseload for the next school year based on projected FTE of special education staff, and compare the projected caseload with the projected enrollment and DPI caseload recommendations. If the projected caseload for a special education teacher or related service provider is above the DPI caseload recommendations, then no space will be available to provide that type of special education or related service for the next school year.
- G. Whether the nonresident student has been referred for a special education evaluation by the resident school board to determine if there is reasonable cause to believe that he/she is a child with a disability under Chapter 115 of the Wisconsin Statutes and the Individuals with Disabilities Education Act ("IDEA") or identified by his or her resident school board under § 115.77(1m)(a), Wis. Stats., but the child has not been evaluated by an individualized education program team appointed by his/her resident school board.
1. (Note: If a nonresident student's IEP is developed or changed after starting in the District, and it is then discovered that the district does not have necessary programs available or does not have space in the special education program, the nonresident may be returned to the resident school district.)
- H. Whether the nonresident student's application was incomplete or contained false information.
- I. Whether the student meets the age requirements of § 118.14, Wis. Stats.
- IV. Timeline for Decisions on Applications
- A. District decisions on full-time open enrollment applications submitted during the regular application period will be made no earlier than May 1st and no later than the first Friday following the first Monday in June, unless otherwise provided by the DPI or state statute.
 - B. For a student to participate in open enrollment, both the resident Board and the nonresident Board must approve the application.

- C. The timeline in this section does not apply to applications submitted pursuant to the alternative application procedures below.
- V. Procedure for Evaluating Applications by District Residents to Open Enroll to Another District —
- A. The Board will consider only whether the DPI application form is incomplete, inaccurate, or not timely in denying resident applications. Timeliness is determined by time and date of actual submission (*i.e.*, 4:00 p.m. on the last day of the regular application period), not by a postmark. Likewise, applications delivered to the wrong school district or to DPI do not qualify as timely applications.
 - B. The District will provide records and information to the nonresident school board as required in Wis. Admin. Code § PI 36.06(2).
- VI. Waiting List — The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection.
- A. If an applicant is accepted from the waiting list, the District will notify the applicant's parent in writing and shall give the parents 10 calendar days to respond. The notice to the parent shall include the following: (1) notice that the student has been accepted from the waiting list and a written notice of the school or program to which the student will be assigned; and (2) the date by which the parent must notify the Board whether the student will attend the District and the procedures the parent must follow to do so. If the parent does not respond within the specified time period, the acceptance will be rescinded and the space will be offered to the next applicant on the waiting list.
 - B. The District may accept students from a waiting list until the 3rd Thursday in September, but only if the student will be in attendance at the school or program in the District on the 3rd Friday in September.
- VII. Transportation — The parents or guardians of a student attending a nonresident school district will be solely responsible for providing transportation to and from the school site, unless the nonresident student is a child with a disability under Chapter 115 of the Wisconsin Statutes and IDEA and transportation is required by his/her IEP or the transportation is to and from a location specified under Wis. Stat. § 121.54(3) and has been approved by the State Superintendent.
- VIII. Rights and Privileges of Nonresident Students — Nonresident 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.
- IX. Termination of Open Enrollment
- A. If a student is expelled by the District, the District may terminate the student's open enrollment.
 - B. Habitual Truancy – Nonresident students attending school in the District under open enrollment who are habitually truant pursuant to Policy 5113 may be prohibited from attending school in the District in the succeeding semester or school year. If a parent believes his or her child was erroneously marked as truant, he or she may contact the building principal to review the absence.

X. Alternative Application Procedures

- A. Basis for Open Enrollment Outside Regular Deadlines. The parent of a nonresident student who wishes to attend a school in the District may apply at any time throughout the year by submitting an application under this alternative application procedure if the student satisfies at least one of the following criteria and has not applied to more than three nonresident school districts:
1. The resident school board determines that the nonresident student has been the victim of a violent criminal offense, as defined by DPI. An application is not valid unless the District receives the application within 30 days after the determination of the resident school board.
 2. The student is or has been a homeless student in the current or immediately preceding school year.
 3. The nonresident student has been the victim of repeated bullying or harassment and all of the following apply: (1) the student's parent has reported the bullying or harassment to the resident school board; and (2) despite action taken by the parents and/or the resident school district 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. An application is not valid unless the District receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.
 5. The student moved into the state, but resides in another District. An application made on the basis is not valid unless the District receives the application no later than 30 days after moving into this state.
 6. The place of residence of the student has changed as a result of a court order or custody agreement or because the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or from the home of a person other than the student's parent. An application is not valid unless the District receives the application no later than 30 days after the student's change in residence.
 7. The parent of the nonresident student, the resident school board, and the Board agree that attending school in the District is in the best interests of the student.
 8. The parent of a nonresident student and the Board agree, upon application by the parent, that attending school in the District is in the best interests of the student. The District shall immediately forward a copy of the application to the student's resident district and shall inform the parent of its decision regarding the student's best interests within 20 days of receipt of the application. If approved, the written decision shall include a designation of which school and/or program the student may enroll in.
- B. Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Procedure. The Board shall review all applications received for Open Enrollment out of the District under this section upon receipt. The District shall allow such student's enrollment in a nonresident district unless the District determines that the criteria relied on by the applicant to qualify for the alternative application procedure does not apply to the student.

- C. Appeal Procedures. If the District rejects the application of a resident student despite agreement by the parent and a nonresident school district that the interests of the student are best served by enrollment in the nonresident school district, the parent may appeal the decision to the State Department of Public Instruction. The decision of the State Superintendent will be final.

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

Adopted: 02/23/98

Revised: 03/08/04

01/01/09

12/13/10

03/12/12

01/28/13

01/28/14

04/07/14 (only to reflect replacement of Part-Time Open Enrollment Program with Course Options Program; no changes to Open Enrollment portion of policy)

1/12/15

1/11/16

1/9/17

8/12/19

1/27/20

1/25/21