

MENOMINEE INDIAN SCHOOL DISTRICT

424

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

Subject to the exception that the Board of Education, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, 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 under any 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.

Nonresident Students Attending School in the District

A nonresident student may apply for full-time enrollment in a school or program in the Menominee Indian School District under the open enrollment program in accordance with state law. 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:

1. Space availability: The District will consider the availability of space in the schools, programs, classes or grades within the District consistent with state law and the District's class size policy. Enrollment projections may be used in making space availability decisions. Based upon a review of the relevant considerations, the Board may annually establish, at the regular Board business meeting in January, space limitations applicable to nonresident open enrollment.

If the Board has taken action in January to limit the number of spaces that will be available in any grade(s), programs(s), or service(s) for applications that are submitted during the regular application period for enrollment in the following school year, then the District's consideration of nonresident alternative applications for open enrollment submitted under the alternative application criteria outlined in state law

shall be limited as provided under DPI's administrative rules.

The District shall give preference in accepting full-time open enrollment applications to any nonresident students already attending school in the Menominee Indian School District and their siblings (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).

If the District receives more nonresident student applications for open enrollment than there are spaces available, determination of which students to accept will be made on a random basis in accordance with established District procedures.

The District will create and administer a waiting list as necessary for applications received during the regular application period, but not for current-year open enrollment applications submitted under the alternative application procedure.

2. Discipline: The District will not accept a student who has been expelled by any Wisconsin school district during the current school year or preceding two school years for certain conduct specified in state law or who has disciplinary proceedings pending on such conduct. This policy provision applies to the following conduct specified in state law: endangering the health, safety or property of others; conveying or causing to be conveyed a "bomb" threat involving school property; and possessing a dangerous weapon while at school or under the supervision of a school authority. If any of these disciplinary actions occur after initial acceptance of the student and prior to the student starting school in the District, the District will deny the enrollment of that nonresident student.

Consistent with state law requirements, the District may also deny the enrollment of any student who has been expelled from any public school or independent charter school in Wisconsin or an out-of-state public school, no matter what the reason is for the expulsion, during the term of the student's expulsion. 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 beyond the term of the student's expulsion.

3. Student with a Disability: The District will consider the following when accepting or denying an application of a student with a disability:
 - a. Whether the special education program or related services described in the student's individualized education program (IEP) are available in the District.
 - b. Whether there is space available in the special education program identified in the student's IEP. Space availability decisions will be made consistent with state law, District procedures, and the District's class size policy. Enrollment projections may be used in determining space availability.
 - c. Whether the student has been reported or identified as having possible disabilities but not yet evaluated by the IEP team in the resident district.

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 school in 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 the initial or revised IEP are not available in the District, or there is no space available in the special education program or services identified within the IEP, the District will discontinue allowing the student to attend school in the Menominee Indian School District.

4. Habitual Truancy: The District will consider whether the student was habitually truant from a school in the Menominee Indian School District during any semester of attendance at the District in the current or previous school year. If this determination has been made, the District may prohibit the student applicant for open

enrollment from attending school in the District under the full-time public school open enrollment program in the succeeding semester or school year.

4. "Best Interests" Determinations Under the Alternative Open Enrollment Application Criteria and Procedures. If a parent/guardian applies for full-time open enrollment under the alternative open enrollment application criteria and procedures and relies on the "best interests of the student" criteria, the District will review the information and rationale provided by the parent(s)/guardian and make a determination as to whether the District agrees with the parent(s)/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, deliberately falsified, or in excess of the number of allowable applications).

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

Nonresident students accepted for full-time open enrollment shall be assigned to a school or program within the District in accordance with the District's regular procedures for placing students in schools and educational programs.

The District does not evaluate nonresident open enrollment applicants for early admission to 4-year-old kindergarten. Upon request of the child's parent/guardian, and if such evaluations can reasonably be completed no later than the prior to the start of school, the District may evaluate regular-period, nonresident open enrollment applicants for possible early admission to 5-year-old kindergarten.

Once a nonresident student is accepted for full-time open enrollment in the District, no reapplication is necessary.

The Menominee Indian School District shall provide transportation for nonresident students with disabilities attending school full-time in the District under the open enrollment program if it is required in the student's IEP or otherwise required by law, and may provide a nonresident full-time open enrollment student transportation to or from a location within the boundaries of the student's resident district with approval of the student's resident school board.

Nonresident open enrollment students attending school or classes in the District shall have all the rights and privileges of resident students and shall be subject to the same rules and regulations as resident students.

Resident Students Attending School Outside of the District
Resident students may apply for full-time open enrollment in another public school district in accordance with state law.

The Menominee Indian School District will deny a resident student from attending school in another public school district on a full-time basis, or from continuing to attend school in another public school district on a full-time basis, if the costs of the special education and related services required in the student's IEP would place an undue financial burden on the District, taking into account the District's total economic circumstances. 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 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/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/guardian an opportunity to provide additional information.

The Menominee Indian School District will not provide transportation to resident students participating in the open enrollment program.

LEGAL REF: Chapter 115, Subchapter V Wisconsin Statutes
 Sections 118.13
 118.16(1) (a)
 118.51
 120.13(1) (f) and (h)
 121.54(3) and (10)
 PI 36, Wisconsin Administrative Code

CROSS REF: 424-Rule, Full-Time Public School Open
 Enrollment Procedures
 342.1, Programs for Students with Disabilities
 343.2, Class Size
 343.5, Course Options
 411, Equal Educational Opportunities
 420, School Admissions
 421, Admission to Kindergarten and First Grade
 (Entrance Age)
 Special Education Handbook

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