

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. 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 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 for applications that are submitted during the regular application period for enrollment in the following school year, then the

Board shall not approve any alternative applications submitted during the remainder of the current school year (after the January meeting) in any of the relevant grades or services with limited space for the following year. For example, if the Board has limited the availability of spaces in 7th grade for the following school year, then a current year alternative application submitted for the 6th grade after the January meeting must be denied. Further, in the school year to which the space limitations directly apply, if the District did not approve all otherwise-eligible regular-period application(s) for a particular grade or service due to space considerations, then the District shall deny any alternative applications for entrance into a space-limited grade or service that are received from July 1 through the date of the Board meeting in January where space availability for open enrollment is again considered.

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.

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 subject to the following exceptions and to the additional Board-established procedures that implement this policy:

a. 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:

(1) 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).

(2)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).

b. 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 event 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.

2. Student with a Disability: 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.

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, 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.

3. 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 criterion 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.

4. Discipline-Related Criteria:

- a. The term of an applicant's expulsion overlaps with the proposed period of open enrolment. Consistent with state law authority, the District shall 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.
- b. The term of an applicant's recent expulsion from school does not overlap with the proposed period of open enrollment. The District shall 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 conduct falling in any of the four specific categories listed in the open enrollment statutes.
- c. Disciplinary matters that are pending or that become pending while the application is under consideration. Subject to the limited exception defined in paragraph 4-e, below, if any disciplinary proceeding involving alleged conduct falling in any of the four specific categories listed in the open enrollment statutes is pending at the time the District notifies the student of his/her application status, the District shall deny the application.
- d. Applicants must continue to meet discipline-related approval criteria after initial acceptance. Subject to the limited exception defined in paragraph 4-e, below, the District shall 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-a of this policy, above; or (2) has been expelled or become subject to a pending disciplinary proceeding, as described in either paragraph 4-b or paragraph 4-c of this policy, above.

- e. Limited exception. In situation 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.
4. Habitual Truancy Related Criteria: 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.
5. "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 prior to the start of the school year, 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.

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

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 DPI, except as otherwise specifically provided under state law or under DPI rules.

LEGAL REF:

- Section 115.385(4) (parent notification of education options, including full-time open enrollment)
- Section 115.787 (individualized educational programs for students with disabilities)
- Section 115.7915 (special needs scholarship program for students with disabilities denied open enrollment)
- Section 118.16(1) (a) (definition of habitual truant)
- Section 118.50(6) (whole grade sharing provision related to full-time open enrollment)

- Section 118.51 (full-time public school open enrollment)
Section 118.57 (public notification of education options, including full-time 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)

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)

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Date

Clerk