

This policy shall be administered in accordance with the state public school open enrollment laws and implementing rules.

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.

### **Nonresident Open Enrollment Students**

A student may apply for full-time enrollment as a nonresident in a public school in the Altoona School 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 deciding whether or not to accept a nonresident student's application for full-time open enrollment:

1. 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 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, students already attending school 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) and the siblings of students already attending school in the District shall be accepted for enrollment in the District even if the District has determined that space is not otherwise available for open enrollment students. A waiting list of nonresident students who have been denied open enrollment due to space availability shall be established and utilized in the District 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 such otherwise eligible siblings for whom there is a space available at that point in the process.
2. Students with Disabilities. If the District determines that the special education program or related services described in the nonresident student's individualized education program (IEP) are available in the District and there is space available in the special education program identified in the student's IEP, the open enrollment application shall be accepted.

If the special education program or services described in the student's IEP are not available or there is no space available in the program, the application shall be denied.

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.

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, and the special education program or services required by that initial or revised IEP are not available in the District or there is no space available in the program or services identified within the IEP, the nonresident student may be returned to the resident district.

3. Students Referred for a Special Education Evaluation. An open enrollment application shall be denied if the nonresident student has been reported or identified as having a possible disability but not yet evaluated by an IEP team in the resident district. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criteria if the IEP is completed, forwarded to the District, and reviewed by the District prior to the close of the period during which applications would normally continue to be reviewed from any waiting list.
4. Discipline-Related Criteria. Consistent with District policy and state law requirements, the District may deny the enrollment of any student who is under expulsion for any reason from any public school or independent charter school in Wisconsin or out-of-state public school during the proposed period of open enrollment. 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 the term of the student's expulsion.

Except as otherwise provided by policy or the Board, the District shall not accept any student for full-time open enrollment in the District who has been expelled by any Wisconsin school district during the current school year or preceding two school years for any of the following specified conduct: (a) endangering the health, safety or property of others; (b) 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; (c) possessing a dangerous weapon while at school or under the supervision of a school authority; or, (d) 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. In addition, if any disciplinary proceeding regarding conduct falling in one of the foregoing categories is pending at the time of the student's application, the District may deny the application. If any such conduct occurs after the student has been accepted for open enrollment and prior to the beginning of the school year in which the student attends school in the District under open enrollment, the

District may prohibit the student from attending school in the District under open enrollment.

5. Truancy-Related Criteria. An open enrollment application shall be denied if the District previously revoked the student's status as an open enrollment student in the District due to habitual truancy during any semester of attendance at a District school in the current or previous school year. Once enrolled as an open enrollment student, if a nonresident student is habitually truant from the District during either semester in the current school year, the District may prohibit the student from attending school in the District under the full-time open enrollment program beginning in the succeeding semester or school year.
6. "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 (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 late, incomplete or deliberately falsified).

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 may give preference in attendance at a particular school, program, class or grade to residents of the District.

Once a nonresident student is accepted for full-time open enrollment in the District, no re-application is required.

A nonresident public high school student may apply for enrollment in a specific course(s) in the District in accordance with state law and established procedures. The District shall use the same criteria, including space availability, for accepting and rejecting individual course applications for nonresident students as resident students, except that the District shall give preference in enrollment in a course to resident students (including those resident students attending private schools, tribal schools, or home-based private educational programs).

Except as specifically provided, student transportation shall be the responsibility of the nonresident student's parent(s) or guardian. 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. The District shall also provide transportation to nonresident full-time open enrollment students if there is room available on a bus on a regular route, the student is picked up or dropped off at a regular bus stop within the District, and the transportation has been approved by the District Administrator or designee. In accordance with District standards and procedures established by the District Administrator or designee, the District may provide student transportation to or from a location within the boundaries of the nonresident student's resident district with approval of the student's resident school board. If offered to an open enrollment student, and at the discretion of the District, such transportation shall be by school bus or by another method expressly authorized under state law.

To the extent required by state law, 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. An open enrollment student's eligibility to participate in interscholastic athletic activities is subject to the rules and regulations of the Wisconsin Interscholastic Athletic Association (WIAA).

#### Resident Open Enrollment Students

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 also deny the student's enrollment if the District determines that the criteria relied on by the student to submit the application do not apply to the student.

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 enter the boundaries of the District for the purpose of providing optional transportation to resident open enrollment students shall be denied.

Legal References: 115.385(4), 115.787, 115.7915, 118.16(1)(a), 118.50(6), 118.51, 118.52, 118.57, 120.13(1)(f), 120.13(1)(h), 121.54(3), 121.54(10), 121.545(1), 121.55 Wisc. Statutes; PI 36 Wisc. Admin Code

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