

**Student Personnel
Series 400**

Policy Title...OPEN-ENROLLMENT PROGRAM (Inter-District) Code No. 423.0

The Burlington Area School 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.

DEFINITIONS

The following definitions will apply to the District's Open Enrollment Program.

- A. Non-resident District - A school district located in Wisconsin, which is not a student's district of residence.
- B. Non-resident Student - A student who is a legal resident or otherwise legally entitled to attend school in another school district in Wisconsin and who seeks admission to this District under the Open Enrollment Program.
- C. Tuition Student - A non-resident student who is a resident of the State of Wisconsin and who pays tuition in accordance with State law.
- D. Full-time Enrollment - A student is enrolled for the entire school day and receives all of his/her required education in this District.
- E. Part-time Enrollment - Limited to high school students who may participate in no more than two (2) courses at any time offered by the District.
- F. Class Size - The District's determination of the maximum number of students who can be accommodated properly in a particular classroom without jeopardizing the quality of the instructional program and mitigating circumstances for a particular school, class, or program, including enrollment projections established by the District Administrator.
- G. Program Size - The enrollment or size restrictions in a specific program within a class or building. The District reserves the exclusive right to establish program size and to limit enrollment based upon the capability to properly allocate available resources, create and maintain a proper learning environment, and comply with contracts, grants, and applicable laws and regulations.
- H. Resident Student - A student who is a legal resident of this district and is consequently entitled to attend the district in accordance with Policy 501.5- Resident and Nonresident Students.

FULL TIME OPEN ENROLLMENT

A. Acceptance and Rejection Criteria

A non-resident student may apply for full-time enrollment in a district school or program in accordance with state law and established district procedures.

Applications from nonresidents for full-time open enrollment into a school district must: Be submitted on the form provided by the Department of Public Instruction (and)

be received between the first Monday in February and the last weekday in April unless otherwise provided by the DPI or as described in Alternative Application Procedures section below.

The district shall consider the following criteria when accepting or rejecting a non-resident student's application for full-time enrollment and may reject an application based upon such criteria:

1. The availability of space in the schools, programs, classes or grades within the district. During a January board meeting of each school year the District Administrator or designee will report to the School Board the anticipated space available for the next school year in the schools, programs, classes and grades of the District for open enrollment students. In determining the amount of space available, the District will count resident students, tuition waiver students under 121.84 Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) and are already attending public school in the District. Other factors the District Administrator shall consider or include, but shall not be limited to, the following:
 - a. District practices, policies, procedures or other factors regarding class size ranges for particular programs or classes.
 - b. District practices, policies, procedures or other factors regarding faculty-student ratio ranges for particular programs, classes or buildings.
 - c. 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, preference requirements for siblings of non-resident open enrollment students, the required length of K-12 attendance opportunities for 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.
 - d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under Section 121.78(1)(a), Wis. Stats.
 - e. The number of resident home schooled or private school students likely to attend the schools of the District in accordance with Section 118.415, Wis. Stats.
2. Whether an applicant for a pre-kindergarten, early childhood or school operated day care program resides in a district, which offers the program for which application is made.
3. Whether the non-resident student has been expelled from any school district within the current school year or the two (2) preceding school years, or is pending any disciplinary proceeding, based on any of the following activities:
 - a. 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 school property by means of explosives.

- b. Engaging in conduct while at school or under school supervision that endangered the health, safety or property of others.
 - c. 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 employee or Board member.
 - d. Possessing a dangerous weapon (as defined in Section 939.22(10), Wis. Stats.) while on school property or under school supervision.
Notwithstanding the Board's acceptance of a non-resident student's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident student will attend a school in the District, she/he is determined to fall under paragraph B.3. The Board may request a copy of a non-resident student's disciplinary records from the resident School Board.
4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), if any, are available in the District.
 5. Whether there is space available in the District for the special education program identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections (see paragraph A.1.above).
 6. Whether the non-resident student has been screened by the resident School Board to determine if there is reasonable cause to believe that she/he is a child with exceptional educational needs.
 7. Whether the resident School Board has been informed that the non-resident student may have exceptional education needs that have not yet been evaluated by an IEP team.
 8. Whether the application of a non-resident student has been denied by the District of which she/he is a resident.
 9. Whether the nonresident school board has made a determination that a student attending the nonresident school district is habitually truant from the nonresident school district either during semester of the current school year, the nonresident school board may prohibit the student from attending the nonresident school district in the succeeding semester or school year.

(Note: If a non-resident 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 non-resident may be returned to the resident school district.)

(Note: If a resident student with a pre-existing IEP moves to another district and applies for Open Enrollment to BASD, he/she may remain in his/her existing program. IEP changes made after the student open enrolls may invoke the space and program available language in Part A, numbers 4 and 5.)

B. Preference and Random Selection

If the Board receives more non-resident student open enrollment applications for a particular grade or program than there are spaces available in the grade or program, the Board shall determine which non-resident students to accept on a random basis, except that the Board shall give preference in accepting applications to siblings of students who are already attending school in the district.

Once accepted for enrollment, the District shall assign the nonresident student to a school or program in accordance with District policies and procedures.

1. The District shall give preference in attendance at a school, program, class or grade to resident students who live outside the school's attendance area.
2. A waiting list will be established for nonresident students who were denied open enrollment in the District because of lack of available space. Parents will be notified that their child has been placed on a waiting list. No students will be accepted for open enrollment from the waiting list after the third Friday in August for that school year.

C. Reapplication Procedures

The Board will not require accepted non-resident students that have been accepted to reapply under the open enrollment policy.

D. Transportation

The parents or guardians of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site, unless the non-resident student is a special education student and transportation is required by his/her IEP. However, a non-resident student may be transported from an in-district site provided no additional costs are incurred by the district, there is space available on the bus, and it has been approved by the district administrator.

The board will not permit a neighboring District to bus resident students from within its boundaries for attendance at the non-resident neighboring District. The Superintendent shall develop a procedure for implementing this provision

E. Alternative Application Procedures

The parent of a non-resident student who wishes to attend school in the District may apply at any time during the current school year by submitting an application under the Alternative Application Procedure if the pupil satisfies at least one of the statutory criteria and has not applied to more than three non-resident school districts. The criteria are identified in the Administrative regulations regarding Open Enrollment.

COURSE OPTIONS

The Board of Education shall allow non-resident, high school students residing within the State of Wisconsin, and, who qualify, to enroll as part-time students in not more than two (2) courses offered by the District.

The application for enrollment must be received by the District no later than six (6) weeks prior to the date on which the course is to commence and shall specify the one (1) or two (2) courses in which the student wishes to participate. A copy of the application shall be sent to the student's resident district by the District Administrator or designee, along with a request that a copy of the student's academic and disciplinary records be sent immediately.

The District Administrator or designee shall use the same criteria for enrolling a part-time student into a course as are used for enrolling resident students, except that the District shall give preference in enrollment to resident students. If more applications are received than the District can accommodate, the selection shall be done by a random-selection procedure established by the District Administrator or designee.

1. DECISIONAL CRITERIA

Acceptance or denial of non-resident and resident part-time open enrollment applications will be made according to criteria specified and shall be made no later than one (1) week prior to the start of the course.

(Note: In order for a student to participate in open enrollment, both the resident School Board and the non- resident school board must approve the application.)

- A. Non-resident Acceptance Criteria -The Board will initially determine approval of applications by non-residents based upon the criteria stated in this paragraph. The applications of non-residents denied under such criteria will be removed from the pool of eligible applications. If, after removing the denied applications, the number of non-resident students, District students, and private or home-schooled students enrolling pursuant to Section 118.145(4), Wis. Stats. applying for a course exceeds the number of spaces available in the course, the Board shall give first priority to District students and then to students enrolling pursuant to Section 118.145(4), Wis. Stats. The remaining non-resident student seats shall be selected on a random basis. The Board shall consider only the following criteria for non-resident open enrollment applications:
 - 1. The same criteria applied to District students selecting courses.
 - 2. Whether the non-resident student is already enrolled in two (2) courses in the District.
- B. Resident Acceptance Criteria -The Board will consider approval or denial of applications of residents enrolled in the high school grades to attend courses in other school districts based upon only the following criteria: Whether the course would conflict with the IEP of a special education student.

If a student's application is accepted, the parents and the non-resident school district are to be notified, in writing, no later than one (1) week prior to the commencement of the course. The notification is to include the name of the school the student is to attend and that the enrollment is valid only for the forthcoming semester or school year or special time period during which the course(s) will be offered. If the requested course does not satisfy one of the high school graduation requirements specified in Wis. Stat. 118.33, the parents are to be so notified.

The parents of the student must notify the District prior to the commencement of the course whether or not the student will be enrolling. If so, the parent agrees to abide by the District's enrollment procedures and to provide transportation of their child to the school or to a scheduled bus stop within the District. Costs related to these course options will be handled pursuant to Section 118.52 (Course Options) Wis. Stats.

If the application is rejected by the District Administrator, the parents and the resident school district are to be notified, in writing, no later than one (1) week prior to the commencement of the course and provided the reason for the rejection.

2. RELEASE OF RESIDENT STUDENTS

The Board shall release any resident student who wishes to apply for part-time enrollment in another school district except that the District must refuse to allow a student to enroll if the course conflicts with the provisions of an I.E.P. for the student.

3. GRADUATION REQUIREMENTS

The District shall determine whether a course taken under the part-time open enrollment program in another district satisfies the District's graduation requirements. When a course does not satisfy the District's graduation requirements the student shall be notified not later than one (1) week prior to the date the course is to begin.

4. ANNUAL REVIEW

The board shall review its Open Enrollment Program annually.

Legal Reference:

118.145(4)

118.51

118.52

121.78 (1)(a)

121.84

939.22 (10)

Tuition Waiver

121.84(1)(a)1.-2, (d), 4

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**Student Personnel
Series 400**

Administrative Regulation Title

Code No. R-423.0

**PROCEDURES FOR ADMISSION OF STUDENTS PARTICIPATING UNDER
OPEN-ENROLLMENT**

A. APPLICATION FOR ADMISSION

1. All applications for admission under this program are to be sent to the District Office or entered through DPI application network (OPAL) where they will be date-stamped and examined to ensure that all the application requirements listed on the State application form have been fulfilled. Those that are not properly completed will be returned to the applicant. No applications are to be accepted or date-stamped until the first Monday in February and none after the last weekday in April.
2. All properly completed applications as well as a record of any incomplete applications are to be sent to the Open Enrollment Coordinator who will be responsible for organizing them by grade-level and/or program. Any applications received prior to or after the deadline dates are to be returned to the applicant with a notice of the proper application dates.
3. The District Administrator or designee will then determine which grade-levels/classes/programs for which applications will not be accepted. The Enrollment Committee will also determine which grade levels/classes/programs are available and the number of applicants that can be accepted for the forthcoming school year.
4. All applicants who will be denied acceptance are to be notified on or before the first Friday following the first Monday in June. Each student's resident district will also be informed through OPAL.
5. For those grade-levels/classes/programs for which applications will be accepted, the following procedure is to be used:
 - a. If there are fewer applications for enrollment than the number of spaces available, all those who meet acceptance criteria are to be notified of acceptance. The District Administrator or designee shall notify the applicants on or before the first Friday following the first Monday in June. Each student's resident district will also be informed.
 - b. Included in the notification shall be a request to the parents and the resident school district that the student's records be sent to the District by no later than June 15th. This information will be essential for determining placement.

6. If there are more applications than spaces available, the following procedure will be used:
 - a. Identify students who do not meet the acceptance criteria established in Board policy.
 - b. Identify any siblings of nonresident student who are attending a District school. These siblings are to be enrolled prior to the random-selection process.
 - c. Assign a number to each application and place the numbers in a container. In the presence of at least one (1) other staff member, conduct a blind drawing of the numbers and list each number drawn in the order they are drawn. The drawing is to continue until all numbers have been drawn.
 - d. Based on the results of the drawing, it will be determined which applications are to be selected and those parents will be notified of acceptance postmarked on or before June 7th. All parents, whose applications have been rejected, must also be sent a notification of non-acceptance postmarked on or before June 7th. Included in the notification of acceptance shall be a request to the parents and the resident school district that the student's records be sent to the district no later than June 15th. This information will be essential for determining placement

B. SPACE CRITERIA

1. Projected enrollment of resident school students for the next school year is to be determined by each principal by no later than December 15th and sent to the District Administrator or designee.
2. The District Administration will meet to review district enrollment and all prior open enrollment applications to determine the available space for the following year in each grade and each school. Such factors in determining space may include projected future-year enrollments of resident students, projected next school-year enrollments of resident students, special learning requirements, or conditions for projected resident-student enrollees.
3. The number of openings in a particular program for nonresident students will be determined by optimum size for a particular program or classroom which is the number of students that can be accommodated without increasing District expenditures for staff or equipment. This includes all special education and inclusion programs for planning purposes.

4. Special Education Space Criteria

- a. Each student's application must be decided upon a case-by-case basis, considering the student's IEP. As indicated in Wisconsin Statute 118.51(5)(a)4 a student may be rejected if the special education program or the related services required by the student's IEP are not available or if space is not available in the programs.
- b. Space availability will be determined on a school-by-school, program (caseload) by program (caseload) basis. Space availability will be determined by the maximum enrollment guidelines, with acceptance considered up to the mid-point of the maximum enrollment guidelines. The minimum/maximum enrollment range guidelines provided by the DPI as indicated in Bulletin 93.3 shall be used to determine these midpoints. As included in these minimum/maximum guidelines, grade range and range of severity of disability in each program (class) will be part of the criteria.
- c. The Special Education Director will make enrollment projections by December 15th each year and will send them to the District Administrator or designee.

C. DETERMINATION OF PLACEMENT

1. All accepted applications are to be maintained by the District Administrator or designee for review and proper placement.
2. Elementary assignments will be the prerogative of the District. Each principal shall notify the District Administrator by December 15th of the programs and classrooms which have space available for nonresident students in his/her school.
3. Placement decisions are to be made based on the same factors that were used to determine acceptance and the information contained in the applicants' records. Each applicant is to be informed of placement for the next school year.
4. If the placement is different than requested on the application, the applicant is to be so informed and provided with the reasons why the requested placement cannot be made. Such reasons are to be related to the factors that were used in determining placement for resident students, i.e. prerequisites.

5. The following information is also to be included with the notification of placement:

- a. The District's regular enrollment procedure, which is to be followed when enrolling a non-resident student.
- b. Participation in interscholastic athletics must comply with pertinent regulations of the Wisconsin Interscholastic Athletic Association (WIAA) and any relevant league standards regarding eligibility of transfer students for participation in interscholastic athletics.
- c. The parents or guardians of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site, unless the non-resident student is a special education student and transportation is required by his/her IEP. However, a non-resident student may be transported from an in-district site provided no additional costs are incurred by the district, there is space available on the bus, and it has been approved by the district administrator.
- d. The appropriate building principal shall determine academic assignment or placement based upon completion of courses or grades in the student's home school and the awarding of transfer academic credit, if applicable.

D. TRANSFER OF RESIDENT STUDENTS

When a resident student is accepted for enrollment in a non-resident district's Open Enrollment Program, the procedure described in Board policy and/or student handbooks Withdrawal/Transfer from school is to be followed.

If during the school year, a resident student wishes to transfer back to his/her home school, the student may do so. If the student has a record of academic difficulty, the principal may wish to assess the student's current level of performance.

E. ALTERNATIVE APPLICATION PROCEDURES

The parent of a non-resident student who wishes to attend a school in the District may apply after July 1st and at any other time throughout the school 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 non-resident school districts:

1. The resident Superintendent or designee determines that the non-resident student has been the victim of a violent criminal offense, as defined by the Department of Public Instruction. 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. In this subdivision, "homeless student" means an individual who is included in the category of homeless children and youths.
3. The non-resident student has been the victim of repeated bullying or harassment and all of the following apply:
 - a. The student's parent has reported the bullying or harassment to the resident Superintendent or designee.
 - b. Despite action taken by the parents and/or the resident school district the repeated bullying and harassment continues.
4. The address 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 thirty (30) day after the student's change of residence.
7. The parent of the non-resident 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 non-resident student and the Superintendent or designee agrees upon the application by the parent, that attending school in the District is in the best interest 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 interest 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.

Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Procedure.

The District Administrator or designee 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 non-resident district unless one of the following applies:

The District determines that the criteria relied on by the applicant to qualify for the alternative application procedure does not apply to the student.

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 non-resident school district, the parent may appeal the decision to the State Department of Public Instruction. The decision of the State Superintendent will be final.

If a non-resident 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.

3/17/2016