

## Section 400: Students

### **Public School Open Enrollment**

**Code #423.00**

The Tri-County Area School District shall participate in the public school open enrollment program in accordance with state law and Board of Education policy, as amended from time to time.

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

Non-Resident District - A school district located in Wisconsin which is not a student's district of residence.

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.

Full-Time Enrollment - A student is enrolled for the entire school day and receives all of his/her required education in this District.

Resident District - The Tri-County Area School District.

Resident Student - A student who is a legal resident of the District and is consequently entitled to attend school in this District.

The District shall give priority in enrollment to its resident students and reserves the right to assign non-resident students enrolled in the District to the appropriate grade, class, program or school. 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.

Non-resident students attending school in the District on a full or part-time basis shall have all of the rights and privileges of resident students and shall be subject to the same rules and regulations as resident students.

### **Full Time Open Enrollment**

- 1) **Non-resident Student Acceptance/Rejection Criteria** - Decisions regarding acceptance/rejection of non-resident open enrollment applications shall be based only on the following criteria:

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- a) Whether there is space available for non-resident transfer students. Pursuant to Wisconsin Statutes, the Superintendent, or his/her designee, shall report to the Board the space available for open enrollment students for the next school year in the schools, programs, classes and grades of the District. In determining such space availability, the Superintendent, or his/her designee, shall consider any or all of the following:
- (i) District practices, policies, and procedures regarding class size ranges for particular programs or classes.
  - (ii) District practices, policies, and procedures regarding faculty-student ratio ranges for particular programs, classes or buildings.
  - (iii) Enrollment projections which include, but are not limited to, the following: the likely short and long-term economic development in the community, projected student transfers in and out of the District, preference requirements for students who are already attending school in the District and their siblings, 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.
  - (iv) The number of non-resident students currently attending District schools for whom tuition is paid by another district under state law, and students and siblings of students who have applied for open enrollment and are already attending school in the District.
  - (v) The number of resident home-schooled or private school students likely to attend District schools on a part-time basis (for up to two courses) in accordance with state law.
  - (vi) The number of resident students likely to attend a non-resident district on a full- time or part-time basis under the public school open enrollment law.

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- (b) Whether an applicant for a pre-kindergarten, early childhood or school-operated day care program resides in a district that offers the program for which application is made and is eligible for that program in his/her district.
- (c) Whether the non-resident 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 non-resident student, based on any of the following activities, is pending:
  - (i) 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;
  - (ii) Engaging in conduct while at school or under supervision of a school authority that endangered the health, safety or property of others;
  - (iii) 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 District employee or Board member;
  - (iv) Possessing a dangerous weapon, as defined by state law, while on school property or under school supervision.

The Board shall request a copy of a non-resident student's disciplinary records from the resident school board. The Board's initial acceptance of a student may be withdrawn if prior to the beginning of the first school year in which the non-resident student will attend a school in the District, a student is determined to fall under paragraph 1)(c).

- (d) Whether the nonresident pupil was formerly enrolled in the District and had been determined to be habitually truant under District Policy 431.00 by the Board during any semester of attendance in the current or previous school year.

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(e) 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 or 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.

(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 student shall be returned to the resident school district.)

(f) Whether the non-resident student has been screened by the resident school board to determine if there is reasonable cause to believe that he/she is a child with a disability.

(g) Whether the resident school board has been informed that the non-resident student may have a disability, but the student has not yet been evaluated by an IEP team.

**(2) Non-resident Student Reapplication** - The Board shall require elementary non-resident open enrollment students to reapply prior to entering middle school. A non-resident student shall be required to reapply only once in the course of his/her K-12 academic career.

### **Alternative Application Procedures**

The parent of a non-resident student who wishes to attend a school in the District may apply at any time throughout the 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.

### **Transportation**

The parents/guardians of a resident student attending a non-resident school district shall be solely responsible for providing transportation to and from the school site, unless the non-resident student is a student with a disability and transportation is required by his/her IEP.

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**Habitual Truancy**

If the Board determines that a nonresident pupil attending the District via the Open Enrollment program is habitually truant from the District during either semester in the current school year, the Board may prohibit the pupil from attending the District in the succeeding semester or school year.

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