

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

This policy will be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction (DPI).

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 of Education 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 of Education-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 of Education deemed necessary or prudent.

I. Nonresident Open Enrollment Students

A nonresident student may apply for full-time enrollment in the Rice Lake Area School District under the open enrollment program. The District shall consider 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 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 will 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 of Education may annually establish, at a Board of Education meeting held in January, space limitations applicable to nonresident open enrollment.

If the Board of Education has taken action in January to limit the number of spaces that will be available for applications that are submitted under the regular application period for the following school year, then the District 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 of Education 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 of Education meeting in January where space availability for open enrollment is again considered.

The District will create and administer waiting lists 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 student applications during the regular application period for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis, subject to the following exceptions and to the additional Board of Education-established procedures that implement this policy:

- a) Students granted a preference to available spaces: 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 receive an equal first-preference in the process that is used to select the applications that will be assigned to spaces that the Board of Education has designated as available for nonresident open enrollment:
 - i. 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).
 - ii. 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 even 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. Students with Disabilities

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. Applications of any students with disabilities that are guaranteed an exemption from District-established space availability limitations are **not** exempt from denial due to a District determination that the applicant's special education or related services are not available in the District.

If a nonresident student receives their initial individualized education program (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, 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 their 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 enrollment. 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.
 - i. Endangering the health, safety or property of others;
 - ii. 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;
 - iii. Possessing a dangerous weapon while at school or under the supervision of a school authority; or
 - iv. 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 Board of Education member.
 - 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 their 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 situations 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.
5. Truancy-Related Criteria:
An open enrollment application shall be denied if the student was habitually truant during any semester of attendance at a District school in the current or previous school year, and the student had a further instance of truancy in that same semester after the District notified the student's parent or guardian of the habitual truancy.
 6. "Best Interests" Determination 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 will 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 will 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 incomplete, untimely, 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.
 7. Assignment of Accepted Applicants to a School/Program: The District shall assign nonresident students accepted for full-time open enrollment to a school or program. Any preferences identified by the applicant cannot be guaranteed. In making such assignments, the District may give preference in attendance at a particular school or program to residents of the District.

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

Student transportation and the costs thereof shall be the responsibility of the nonresident student's parent(s) or guardian, subject to the following exceptions:

- a) Low-income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
- b) 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.

To the extent required by state law, nonresident open enrollment students attending school in the District will have all the rights and privileges of similarly situated resident students and will 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).

II. 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 deny the student's open 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 or 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 or guardian an opportunity to provide additional information.

The parent(s) or guardian of a resident open enrollment student will 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 will be denied.

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

Legal Ref: WI Stats. 115.385(4); 115.787; 115.7915; 118.16(1)(a); 118.50(6); 118.51; 118.57; 120.13 (1)(f); 120.13(1)(h); 121.54(3); 121.545(1); 121.54(10); 121.55; Wisconsin Administrative Code PI 36; Chapter 115, Subchapter V, 118.13, 118.145(3), 118.51, 118.52, 120.13(1)(F)(h), 120.44, 121.54(10), 121.58(2)(a) WSS

Cross Ref: 342.1 Programs for Students with Disabilities; 344.4 Grade or Subject Advancement of Students; 344.5 High School Graduation Policy; 411 Student Nondiscrimination and Equal Educational Opportunities; 420 School Admissions; 421 Full-time Students; 422 Entrance Age (Admission to Kindergarten and First Grade); 423 Admission of Nonresident Students (Other Than Open Enrollment Students); 430 Student Attendance; 432 School Attendance Areas; 433 Assignment of Students to Teacher/Classes

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