

## PUBLIC SCHOOL OPEN ENROLLMENT

This policy shall be administered in accordance with state public school open enrollment laws.

### **Nonresident Open Enrollment Students**

#### **A. Nonresident Full-time Enrollment**

A nonresident student may apply for full-time enrollment in a District school or program under the open enrollment program in accordance with state law. The District shall consider the following criteria when accepting or denying a nonresident student's application for full-time enrollment:

1. **Space Availability-** The District shall consider the availability of space in the school's programs, classes or grades within the District, including any class size limits, student-teacher ratios, nonresident students currently attending school in the District, and enrollment projections, as determined by the Board. If the District receives more student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept by lottery. However, students already attending school in the District at the time of their application 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.
2. **Students with Disabilities-** When considering the admission of a student with special education needs, the District shall consider whether the special education program or related services described in the student's individualized education program (IEP) are available in the District or whether there is space available in the special education program identified in the student's IEP, including any class size limits, student-teacher ratios, or enrollment projections, as determined by the Board. 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. 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 and the special education program or services required by that IEP are not available in the District or there is no space available in the special education program identified in the IEP, the District will discontinue allowing the student to attend school in the District.
3. **Students Referred for a Special Education Evaluation-** The District shall give consideration to whether the student has been reported or identified as having possible special education needs, but not yet evaluated by an IEP team in the resident district.
4. **Discipline-Related Criteria-** Consistent with 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.

The District shall not accept a student 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 a "bomb" threat involving school property and/or (c) possessing a dangerous weapon while at school or under the supervision of a school authority. If any of the disciplinary actions outlined above occur after initial acceptance of the student and prior to the student starting school in the District; the District shall deny the enrollment of the nonresident student.

5. Truancy-Related Criteria- An open enrollment application may be denied if the student has been habitually truant during any semester of attendance at an Amery 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/guardian of a nonresident student 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)/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.

The District shall apply the above criteria on a reasonable and consistent basis.

Once a nonresident open enrollment student is accepted for full-time enrollment in the District, he/she shall not be required to reapply for enrollment.

The District will not be responsible for providing transportation to nonresident students either within the District limits or outside of those limits, except as otherwise provided. The District shall provide transportation for nonresident students with disabilities attending school full-time in the District if required by the student’s IEP or otherwise required by law. The District may provide transportation within District boundaries, depending upon availability of space and layout of bus routes, however shall not enter the boundaries of another district to provide optional transportation for open enrollment students.

**B. Nonresident Course Options**

A nonresident public high school student may apply for enrollment in individual courses in the District under the course options program in accordance with state law 118.52. Nonresident students are limited to taking no more than two courses at any time. The District shall use the same criteria for accepting and denying course applications for nonresident students as resident students, except that the District will give preference in attendance in a course to residents of the District. If the District receives more nonresident applications for a course than there are spaces available, the District shall determine which students to accept by lottery.

Student transportation shall be the responsibility of the nonresident student’s parent(s)/guardian.

**Resident Open Enrollment Students**

**A. Resident Full-Time Enrollment**

Any resident student may apply for full-time enrollment in another school district in accordance with state law. A student may apply for admittance under the full-time open enrollment program to no more than three nonresident school districts in any school year.

The District shall deny a resident student’s attendance in another school district if costs of special education services required in the student’s IEP would place an undue financial burden on the District. If a resident student receives his/her initial IEP while attending a nonresident school district or the student’s IEP changes after he/she begins attending a nonresident school district and the costs of the special education program or services required by the IEP would place an undue financial burden on the School District of Amery, the District will discontinue allowing the student to attend school in the nonresident district.

If a resident 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/guardian of a resident open enrollment student shall be responsible for providing student transportation. Requests from other school districts to enter the boundaries of the School District of Amery for the purpose of providing optional transportation to resident open enrollment students shall be denied.

**B. Course Options**

Resident students may attend no more than two courses at any time in another educational institution. "Educational institution" includes a public school in a nonresident school district, the University of Wisconsin System, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, and any nonprofit organization that has been approved by the department. The parent of a pupil who wishes to attend an educational institution for the purpose of taking a course under this section shall submit an application, on a form provided by the department, to the educational institution at which the pupil wishes to attend a course not later than 6 weeks prior to the date on which the course is scheduled to commence. The application shall specify the course that the pupil wishes to attend and may specify the school or schools at which the pupil wishes to attend the course. The educational institution shall send a copy of the application to the pupil's resident school board.

The District shall deny a resident student's application to attend a course in another educational institution if the course conflicts with the student's IEP or if the cost would impose an undue financial burden on the District.

The High School Principal or designee shall determine whether a course to be taken at another public high school satisfies District graduation requirements and shall inform the resident student if it does not meet such requirements prior to beginning the course.

The parent/guardian of a resident student attending school in another district under the course options program shall be responsible for providing student transportation.

LEGAL REF.: Sections 118.13 Wisconsin Statutes  
118.16(1)(a)  
118.51  
118.52  
120.13(1)(f) and (h)  
121.54(3)  
121.54(10)  
PI 36, Wisconsin Administrative Code

CROSS REF.: 342.1, Special Education Programs  
345.5, Graduation Requirements  
347, Student Records  
411, Equal Educational Opportunities  
420, School Admissions  
421, Entrance Age  
422, Admission of Nonresident Students  
430, Full-time Students  
431-Rule, Student Attendance/Truancy Procedures  
WIAA Handbook

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