Policy

OPEN ENROLLMENT

The Hortonville 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. More specifically, the District, in administering its participation will give priority to its resident students regarding open enrollment opportunities; and take account, as appropriate, of individual rights under the Wisconsin and United States Constitution.

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 does not reside within the geographic boundaries of the District and who seeks admission to this District under the Open Enrollment Program.
C. Tuition Student – A non-resident student who attends school in the District and 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. 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 Administrator.
F. Program Size – The enrollment of 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.
G. Resident Student – A student who is a legal resident of this District and is consequently entitled to attend school in this District in accordance with Policy #5111 – Eligibility of Resident / Non-resident Students.

FULL TIME OPEN ENROLLMENT

A. Application Procedures for Nonresident Students
   Applications from nonresidents for full-time open enrollment into a District school must:
   1. be submitted on the form provided by the Department of Public Instruction ("DPI"); and
   2. be received between the first Monday in February and the last weekday in April, unless otherwise provided by the DPI or as described in Section K, below – Alternative Application Procedures.

If a student submits applications to more than three (3) nonresident school districts, all applications submitted are invalid.

Untimely applications will not be processed nor will the review process be delayed by failure to submit supporting documentation. Copies of all nonresident student applications will be sent to the resident school district of each nonresident student and the DPI no later than the first weekday after the last weekday in April, unless otherwise provided by the DPI.

The District shall provide to any nonresident district to which a resident student with a disability has applied for open enrollment a copy of the student's Individualized Education Program no later than the first Friday following the first Monday in May.

B. Timetable for Decisions on Applications
District decisions on full-time open enrollment applications will be made after April 30th and no later than the Friday following the first Monday in June, unless otherwise provided by the DPI.

C. Procedures for Processing of Open Enrollment Applications
If there are more applications than spaces, the Board will fill the available spaces by random selection, provided that first priority will be given to non-resident students already attending District schools and their siblings.

If the District determines that space is not otherwise available for open enrollment students in the grade or program to which an individual has applied, the District may nevertheless accept a student or the sibling of a student who is already attending in the District.

The District will establish a numbered waiting list of all applicants. When all available slots have been filled by randomly selecting names from all applicants, the remaining names will be drawn randomly and placed on the waiting list in order of selection.

The following is the District's random selection process for students and open enrollment: District class sizes were developed in 2008 at the optimal capacity level by the District's Strategic Planning Team. These optimal class size numbers will be used for the non-resident open enrollment additions to class size. All resident district students and their siblings will be included in the count before any non-resident student spaces would be available.

Grade	Max Capacity including OE Applications	Board Action Add Teacher
4k	20	
5k	20	23
1	20	23
2	20	23
3	24	25
4	24	25
5	27	28.5
6	27	28.5
7	27	28.5
8	27	28.5
FWA	20	
9-12		
TOTAL		

***Class size may be adjusted based on building space.**

Open Enrollment Caps for Special Education Programs and Related Services

All enrollments are based on 1.0 FTE teacher/therapist

(*Please refer to the guiding DPI document; Options for Determining Caseloads in Special Education – attached to Policy)

The "Statewide Caseload Number Chart" for determining class size numbers for special education programming in early childhood through grade 12 will be used from the DPI guiding document. This formula looks at each special education student and factors in type of disability, school level, and intensity of support needed.

Grade	Cross Categorical (LD,EBD)	Intellectual Disabilities
5K – 4	12	7
5 – 8	15	8
9 - 12	15	8

Early Childhood: (maximum) 16

Speech Caseload: (Elementary maximum) 35 Students (MS/HS maximum) 40 Students

Occupational Therapy Caseload: (maximum) 30 Students

Physical Therapy Caseload: (maximum) 30 Students

*WI DPI Reference Statewide Caseload Number Chart

D. <u>Decisional Criteria for Non-resident Applications</u>

Decisions on non-resident open enrollment applications will be based only on the following criteria:

1. The availability of space in the schools, programs, classes, or grades within the District. The School Board shall determine during a regular meeting each January the number of regular education and special education spaces available. The non-resident district shall determine which HASD elementary or middle school an applicant will attend. In determining the amount of space available, the District will count resident students, students attending the District for whom tuition is paid under 121.78(1)(a), Wis. Stats., and may include in its

counted occupied spaces students and siblings of students who have applied under Section 118.5131(3)(a) or (3m)(a) and are already attending public school in the District.

Other factors the District Administrator may consider in determining the availability of space include:

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 and 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.

2. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.

   If a student is approved for 4K within the non-resident district, the non-resident district will determine the 4K center and 5K elementary school they will attend.

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 D.3.

The Board may request a copy of a non-resident student's disciplinary records from the resident School Board.

The resident Board shall provide to the nonresident Board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation of said proceeding, the length or the expulsion or possible outcomes of a pending proceeding, and/or such records as permitted by law.

4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), are available in the District. Funding for the education of students with disabilities will be made to the non-resident school district by the Department of Public Instruction in accordance with State Law.

5. Whether there is space available in the District to provide the special education or related services identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.

6. Whether the non-resident student has been referred to his/her resident Board under Wis. Stat. 115.777(1) or identified by his/her resident school board under Wis. Stat. 115.77(1m)(a), but not yet evaluated by an individualized education program team.

   (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 District may notify the student's parent and the student's resident Board. If such notice is provided, the non-resident may be transferred to his/her resident school district.)

7. If the Board has made a determination that a non-resident student attending the District under the Open Enrollment Program is habitually truant from the District during either semester of the current school year, the Board may prohibit the student from attending in the succeeding semester or school year.

   (NOTE: The truancy determination shall be made on the sole basis of enrollment in the non-resident district. Open enrollment may not be denied based on the student's truancy from any other district.)

8. 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.

E. Procedure for Evaluating Applications by District Residents to Transfer to Another District
The Board will consider only the following criteria for denying resident applications:

The Board reserves the right to assign accepted non-resident students to one of the elementary or middle schools.

F. Notice of Decisions
Written notice of acceptance or denial of non-resident applications must be sent to all applicants on or before the first Friday following the first Monday in June. Non-resident students whose applications are accepted shall be notified of the specific school or program that the student may attend the following school year.

The District shall notify any resident student and the non-resident school district if the Board denies enrollment in the non-resident district in writing by the second Friday following the first Monday in June.

Notices of denial will include a reason for the determination. Notice of denial for non-resident students will also include notice as to the student's specific place on the waiting list.

1. Additional Notices When a Non-resident Student is Accepted
If the Board approves an open enrollment application of a non-resident student it will also send the following notices:
   a. Written notice to the applicant no later than the first Friday following the first Monday in June of the specific school or program that the applicant may attend during the following school year; and
   b. notice to the resident School Board no later than July 7th stating the name of the student.
   The parents or guardians of an accepted non-resident student must notify the Board no later than the last Friday in June of the student's intent to attend school in the District during the following school year.

   c. If an accepted non-resident student has not attended school in the district by the third Friday in September, the open enrollment is terminated.

2. Additional Notice if a Resident Student's Application to Another District is Denied
   If the Board denies a resident's application to attend another district, it shall send a copy of the notice of denial to the other district on or before the second Friday following the first Monday in June.

   Additional Notice When a Non-Resident Student is Not Accepted but Placed on the Established Waiting List

   If space becomes available, the student on the waiting list will be notified in the order in which she/he appears on the list. The student will be sent notice that space is now available and the school to which the student will be placed. The notice will also state that the applicant has ten (10) days to accept the offer of open enrollment from the postmarked date on the notice.

   When a selected applicant notifies the District that the open enrollment position is being rejected or fails to respond within ten (10) days, the offer will be rescinded and the space will be offered to the next applicant on the waiting list. The District will continue to notify students on the waiting list of available spaces up to the third Thursday in September. A non-resident student accepted for enrollment once the school year has begun, may attend the District even if the student has already attended school in the resident school district, but not if the student has enrolled in the current term in another non-resident school district.

   Disciplinary Records

   The District shall provide the disciplinary records of any resident student that applies for enrollment in a non-resident school district; a copy of any expulsion findings and orders pertaining to the student, a copy of any records or any pending disciplinary proceedings and the length of term of the expulsion or the possible outcomes of the pending disciplinary proceedings. Such records shall be provided no later than the first Friday following the first Monday in May or within ten (10) days of an application under the Alternative Application Procedures (Section K below).

G. Reapplication Procedures
   The Board will not require accepted non-resident students to reapply under the open enrollment policy.

   The Board reserves the right to accept non-resident students (including 4K to 5K) and places the student at one of the elementary and/or middle schools.

H. Transportation

The parents of a student attending a non-resident school district will be solely responsible for providing transportation to and from the school site or to a scheduled in-District bus stop, unless the non-resident student is a special education student and transportation is required by his/her IEP.

The Board **will not** permit a neighboring district to bus resident student from within its boundaries for attendance at the non-resident neighboring district. The District Administrator shall develop procedures for implementing this provision.

I. Tuition Payment

1. The Board shall pay to the non-resident school board, tuition calculated under Section 121.83, Wis. Stats., for District special education students attending school in non-resident school district.

2. Tuition Waivers

   Students are eligible for tuition waivers as follows:

   a. Current Year Permissive

      When the student was:

      1) a resident of the School District on July 1st;
      2) enrolled in the School District on July 1st of the current school year; and
      3) after July 1st changes residence by moving to a new school district.

      The District may permit the student to complete the school year. The school district of attendance (the non-resident school district) counts the student in membership.

   b. Current Year Mandatory

      When the student:

      1) was a resident of the School District and enrolled on either the third Friday in September or the second Friday in January of the current school year;
      2) was enrolled in the School District for at least twenty (20) school days during the current school year; and
      3) changes residence by moving to a new school district.

      The District must permit the student to complete the school year. The school district of attendance (the non-resident school district) counts the student in membership.

   c. "Additional Year" Mandatory

      When the student:

      1) was a resident of the School District on the second Friday in January of the previous school year;

2) was enrolled in the School District continuously from the second Friday in January of the previous school year to the end of the school term of the previous school year;
3) ceased to be a resident of the School District after the first Monday in February of the previous school year; and
4) continues to be a resident of Wisconsin.

The District must permit the student to attend the school year following the year in which the criteria are met. The resident district counts the student in membership and DPI transfers the open enrollment amount to the non-resident district.

J. Rights and Privileges of Non-resident Students
Non-resident students attending school in the District on a full-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students. (Inter-Scholastic athletics are governed by the (WIAA) Wisconsin Inter-Scholastic Athletic Association.)

K. 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 current school year by submitting an application under the Alternative Application Procedure (July 1 – Last day of school) if the student satisfies at least one (1) of the statutory criteria and has not applied to more than three (3) non-resident school districts:

a. The resident school board 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.
b. 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.
c. The non-resident student has been the victim of repeated bullying or harassment and all of the following apply:
   1) The student’s parent has reported the bullying or harassment to the resident school board.
   2) Despite action taken by the parents and / or the resident school district the repeated bullying and harassment continues.
d. The place of residence of the student’s parent or guardian and 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.

e. The student moved into the state but resided 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.
f. 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) days after the student's change in residence.
g. 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.
h. The parent of a non-resident student and the Board agree, upon application by the parent, that attending school in the District is in the best interests 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 interests 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.

Applications from a non-resident student under the alternative application procedures received after the Board's January meeting, at which it sets open enrollment space availability numbers for the subsequent year, may be approved if space is available in the current year and in the subsequent year in the student's subsequent grade level.

1. Decisions Regarding Resident Students Seeking Enrollment out of the District under the Alternative Procedure. The Board 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:
   a. The District determines that the criteria relied on by the applicant to qualify for the alternative application procedure does not apply to the student.
   b. Except for a student using alternative application procedures that has been the victim of a violent crime in the District, the District may reject a resident students application if it determines that the costs of the special education or related services required in the individualized education program for a child with a disability whose parent has submitted an application as proposed to be implemented by the non-resident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit, its ability to pay tuition cost for the student, and the per student special education related services costs for children with disabilities continuing to be served by the District.

2. Appeal Procedures
   If the District rejects the application of a resident student despite agreement by the parent and a non-resident 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.

L. Non-resident Student Expelled
If a student is expelled by the nonresident school district, the nonresident district may notify the student that the open enrollment is terminated. The student shall reapply for open enrollment during the next application period, subject to approval or denial of the District. (Wis. Adm. Code §36.04(13)(e))

M. Resident Student Expelled
If a student is expelled by a nonresident school district, the resident school district may refuse to allow the student to attend. Once the expulsion period has ended, the resident school district must allow the student to enroll. (Wis. Stats. §120.13(1)(f))

GRADUATION REQUIREMENTS
Non-resident students attending courses in the District on a part-time basis will have all of the rights and privileges of resident students and will be subject to the same rules and regulations as resident students. (Inter-Scholastic athletics are governed by the (WIAA) Wisconsin Inter-Scholastic Athletic Association.)

ANNUAL REVIEW
The Board shall review its Open Enrollment Program annually.

General Provisions

A student, who has been accepted under this program, who has not met the academic prerequisites for participation in a particular program in which the student wishes to enroll shall not be placed in that program.

The District's Policy #2260 – Nondiscrimination and Access to Equal Educational Opportunity shall apply to all applicants under this program. In addition, the District will not discriminate on the basis of an applicant's intellectual, academic, artistic, athletic, or other ability, talent, or accomplishment, or based on a mental or physical disability, except as provided for in the statute authorizing this program.

Policy

Legal References
118.51, Wis. Stats
Wis. Adm. Code Ch. P.I. 36

NEOLA 2019

Board Approved 5/12/14, 12/15/14, 2/9/15, 9/29/2015, 8/8/16, 1/8/18, 1/14/19, 2/11/19; 6/10/19
Adoption Resolution 10/13/14