

FULL-TIME PUBLIC SCHOOL OPEN ENROLLMENT

The Evansville Community School District will provide the opportunity for students to attend public schools outside the District and will accept nonresident Open Enrollment students. All nonresident public school Open Enrollment students attending a school in the District shall have all the rights and privileges of resident students. They also are subject to the same expectations, rules, and regulations during their term of enrollment.

Nonresident Students Coming Into the District

The parent(s)/guardian(s) of nonresident students who wish to attend school in the Evansville School District shall complete and submit the required application using the Department of Public Instruction (DPI's) online system. Parent(s)/guardian(s) may contact the District Office if they need assistance.

A nonresident student may apply for full-time open enrollment in an Evansville School under the State Open Enrollment Law and Program. When accepting or rejecting a nonresident student's application for enrollment, the District shall consider the following criteria:

- a. Application is submitted during the required time period.
- b. Space in buildings is available.
- c. Space in the class is available.
- d. Impact on student-teacher ratios.
- e. Projection for future school growth.
- f. Status as an Evansville student during the current school year. Any applicant who is currently attending the Evansville Community School District will be included in the count of occupied spaces.
- g. Expulsion (current or prior two school years) or expulsion proceedings.
- h. Habitual truancy (current or prior two (2) school years).
- i. Ability to satisfy a student with disabilities individualized education program (IEP).
- j. Whether the student has been referred for a special education evaluation that has not been completed.

1. Space Availability

If space availability limits the District's ability to accept nonresident students, the Board will set the number of regular education spaces available for open enrollment by grade level and the number of special education spaces by program and/or related service no later than the regular January board meeting. The Board will hear preliminary recommendations on enrollment limits at the December board meeting.

If the Board has taken action at the January board meeting 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, the District shall not approve any alternate applications in the grades or programs and/or related services with limited space that are submitted for the current school year after the date of the January school board meeting. Further, the District shall also deny any alternate applications for the current school year received on or before the date of the Board meeting in

January seeking enrollment into grades or programs and/or related services that had been limited at the prior January board meeting due to space considerations for the current school year.

After setting the number of available spaces in January, the Board may not reduce the number of such spaces after the start of the regular application period; and except for any applications that are guaranteed space, may only increase the number of available spaces after the first Friday following the first Monday in June.

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 number of applicants exceeds space available, students will first be accepted if they are:

1. Continuing students (included in the count of occupied spaces).
2. Siblings of continuing students.

Remaining spaces will be filled by a random lottery. Any unassigned students will be placed on a waiting list created by a random lottery. If an opening occurs, the district administrator will review the waiting list by the grades or programs and/or related services with limited space of the opening and the next eligible student will be selected. Parent(s)/guardian(s) will be notified by phone and mail. They will have 10 calendar days to accept the opening. If they do not respond or if they decline, another applicant will be selected.

2. Students With Disabilities

If the District determines that the special education program or related services described in the nonresident student's IEP are available in the District, and there is space available in the special education program identified in the student's IEP, the Open Enrollment application shall be accepted. 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 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 initial or revised IEP are not available in the District or there is no space available in the program or services identified within the IEP, the nonresident student may be returned to the resident district.

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. Assuming other acceptance criteria are and continue to be met, the District may reconsider a denial under this criteria if the completed 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 applications would normally continue to be reviewed or accepted from any waiting list.

4. "Best Interests" Determinations Under the Alternate Open Enrollment Application Criteria and Procedures

If a parent(s)/guardian(s) 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(s) and make a determination as to whether the District agrees with the parent(s)/guardian(s) that attending

school in the District pursuant to the application is in the student's best interest. If the District determines that attendance would not be in the student's best interest, the application shall be denied on that basis.

5. Other Criteria

A full-time open enrollment application can also be denied if the nonresident student is ineligible for open enrollment because the student does not meet the age requirements for school attendance or early admission, the resident district does not have a matching program as offered by the District, or the application is determined to be invalid or in excess of the number of allowable applications.

No criteria other than those outlined above may be considered by the District when acting on nonresident student full-time open enrollment applications.

Requests for Early Admission to Kindergarten

The District does not evaluate nonresident open enrollment applicants for early admission to 4 or 5 year old kindergarten.

No Reapplication Required

Once a nonresident student is accepted for open enrollment in the District and begins attending school in the District, no reapplication is required in order for the student to maintain continuous open enrollment.

Transportation

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

1. Low income parent(s)/guardian(s) may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
2. 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.

Wisconsin Interscholastic Athletic Association (WIAA)

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

Termination Due to Habitual Truancy

2009 WI Act 304 provides that a nonresident school board may notify the parent(s)/guardian(s) of a habitual truant, that the pupil may not attend the nonresident school district in the following semester or school year.

Resident Students Going Out of the District

Evansville resident students may apply for full-time open enrollment in another public school district as a nonresident student under the State Open Enrollment Law and Program. When accepting or rejecting a resident application for enrollment in another school district, the Evansville District shall consider the following criteria:

1. The application is submitted during the required time period.

2. If the 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 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(s)/guardian(s) 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(s)/guardian(s) an opportunity to provide additional information.

A full-time open enrollment application can also be denied if the resident student is ineligible for open enrollment because the student does not meet the age requirements for school attendance or early admission, the nonresident district does not have a matching program as offered by the District, or the application is determined to be invalid or in excess of the number of allowable applications.

Transportation

The parent(s)/guardian(s) of a resident open enrollment student shall be responsible for student transportation, except as otherwise provided by law. Requests from other school districts to provide optional transportation to resident open enrollment students to/from locations within the boundaries of the District shall be denied.

Appeal of Rejection

If an application for full-time open enrollment is rejected as outlined above, the student's parent(s)/guardian(s) may appeal the decision to the DPI following the deadlines and other procedures established by the DPI.

APPLICATIONS SUBMITTED UNDER ALTERNATIVE OPEN ENROLLMENT CRITERIA AND PROCEDURES

Eligibility Criteria

A parent(s)/guardian(s) of a student who wishes to attend school in a nonresident school district may submit an Open Enrollment application outside of the regular Open Enrollment application period or in lieu of it if the application is for the current school year, the student meets one of the following criteria, and the parent(s)/guardian(s) describes the criteria that the student meets in the application:

1. The resident school board determines that the student has been the victim of a violent criminal offense in a school in the resident school district. The application must be made within 30 days of the resident school board's determination.
2. The student is or has been a homeless student in the current or immediately preceding school year.
3. The student has been the victim of repeated bullying and harassment and all of the following apply:
 - a. The student's parent(s)/guardian(s) must have reported the bullying or harassment to the school board or designee under a bullying/harassment complaint process and;
 - b. In spite of action taken by the Board or designee the repeated bullying and harassment continues.
4. The place of residence of the student's parent(s)/guardian(s) and of the student has changed as a result of military orders. The application must be made within 30 days of the date on which the military orders changing the place of residence were issued.
5. The student moved into Wisconsin. The application must be made within 30 days after moving

into the state.

6. The student's residence has changed as a result of a court order or custody agreement or because the student was placed in or removed from a foster home or with a person other than the student's parent(s)/guardian(s). The application must be made within 30 days after the student's change in residence.
7. The student's attendance in a school in the nonresident school district is considered to be in the best interests of the student. The application must explain the reasons for requesting this exception and why attendance at the nonresident school district is in the best interest of the student.

Application Review and Approval Process

1. When the District receives an Open Enrollment application that has been submitted under the Alternative Open Enrollment criteria outlined above, whether it is submitted by a nonresident student or a resident student, the application shall be forwarded to the District Administrator or his/her designee for review and recommendations.
 - a. If the application involves a nonresident student seeking to attend school in the District under Open Enrollment, the District will:
 - 1) Immediately send a copy of any paper application received by the District to the student's resident school district, or, if applicable, the student's anticipated resident school district;
 - 2) Work with the resident district (or the anticipated resident district) identified in the application to determine where the applicant is currently attending school, and to determine from which school the District will receive any relevant special education records (e.g., the student's current IEP) and/or disciplinary records (e.g., expulsion records). If the applicant is not currently attending school in the resident district, the District will request such records from the school or school district the student is attending or most recently attended; and
 - b. If the application involves a resident student who is attending, or who previously attended, school in the District, the District shall send the nonresident school district to which the Open Enrollment application was made a copy, if applicable, of the student's IEP and any expulsion or other relevant discipline-related records within 10 days of receiving the application.
2. The District Administrator, along with other members of the administrative staff, shall review the application using the acceptance/denial criteria outlined in Board policy. The District Administrator or his/her designee shall submit recommendations regarding acceptance or denial of the application to the Board for action.
 - a. The District may deny an application of a resident student if:
 - 1) It determines that the criteria relied on by the parent(s)/guardian(s) to submit the application do not apply to the student.
 - b. The District may deny an application of a nonresident student:
 - 1) For the same reasons it may deny an application submitted during the regular Open Enrollment application period; or
 - 2) If the application relies on the best interests of the student criteria and the District determines that open enrollment is not in the student's best interests.
3. If the application involves a nonresident student seeking to attend school in the District, the District will notify the applicant, in writing, whether the application has been approved or denied no later than 20 days after receiving the application.
 - a. If the application has been denied, the notification shall include the reasons for the denial. To the extent consistent with state law and District policy, acceptance of an application may be contingent or subject to revocation.

- b. If the District has approved the Open Enrollment application of a nonresident student, the notification provided to the applicant shall identify the specific school or program the student may attend. A nonresident student accepted for enrollment may immediately begin attending the assigned school or program in the District and shall begin attending the school or program no later than the 15th day following receipt of the notice of acceptance. If the nonresident student has not enrolled in or attended school in the District by that date, the District may notify the student’s parent(s)/guardian(s), in writing, that the student is no longer authorized to attend the school or program in the District.
 - c. If there is a delay in the District’s receipt of any relevant disciplinary records from another school or school district, the District will review and act upon such records promptly, and, if necessary, inform the student that the District’s ability to confirm or deny the application is contingent upon the District’s receipt and review of such records. If the DPI allows the District to conditionally approve such an application subject to that contingency, the District may do so. Otherwise, such application may be held in abeyance until the relevant records are received, or, if necessary, the application may be denied.
4. If, for purposes of the application, the District is identified as the resident school district, the District shall notify the applicant whether the application has been approved or denied in accordance with any deadlines established by state law or DPI rule. Normally, the District will issue such notifications no later than 20 days after the District’s receipt of the application. In addition:
- a. If the application has been denied, the notification shall include the reasons for the denial. To the extent consistent with state law and District policy, approval of an application may be contingent or subject to revocation.
 - b. To the extent that there is a delay in the District’s receipt of any relevant records or information such that the District is unable to determine whether the criteria upon which the application was based apply to the student, the District will act upon such records/information promptly upon receipt and notify the applicant of its decision to approve or deny the application within five (5) days of making the determination.

Legal Ref.: Sections 115.385(4) Wisconsin Statutes (School and School District
Accountability Report)

115.787 (Individualized Educational Programs)

115.7915 (Special Needs Scholarship Program)

118.13 (Pupil Discrimination Prohibited)

118.16(1)(a) (School Attendance Enforcement)

118.50(6) (Whole Grade Sharing)

118.51 (Full-Time Open Enrollment)

118.53 (Attendance by Pupils in a Home-Based Private Educational Setting)

118.57 (Notice of Educational Options)

120.13(1)(f)(h) (School Board Powers)

121.54(3)(10) (Transportation by School Districts)

121.545(1) (Additional Transportation)

121.55 (Methods of Providing Transportation)

PI 36, Wisconsin Administrative Code (Public School Inter-District Open Enrollment)

Local Ref.: Policy #425 – Enrollment of and Services Available to District Students Who Attend
Private, Parochial or Home Based School