

SCHOOL DISTRICT OF NEW LONDON

ADMINISTRATIVE GUIDELINE 423 - OPEN ENROLLMENT (FULL TIME)

Acceptance Criteria

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

- A. The Board shall determine the number of regular and special education spaces available in January for the next school year. In determining the number of spaces available, the District shall 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 118.51(3)(a) or 118.51(3m)(a) and are already attending public school in the district.

Factors the District Administrator shall consider include, but not be limited to the following:

- B. The availability of space in the District, in the school, program, class, or grade desired by the nonresident pupil. In determining such space available, the district administrator shall consider any or all of the following:
 - District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.
 - District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
 - Enrollment projections for the schools of the District which have taken into account, among other things, short and long-term economic development in the community, preference requirements for siblings of non-resident open enrollment students, the required length of 4K-12 attendance opportunities for open enrollment students and current and future space

needs for special programs, laboratories (e.g., in technology or foreign language) or similar district educational initiatives.

- The number of non-resident students currently attending the schools of the district for whom tuition is paid by another district under §121.78(1)(a), Wis. Stats., non-resident students previously approved and attending under the open enrollment program, and siblings of students who have applied and are attending under the open enrollment program.
- The number of resident home schooled or private school students likely to attend the schools of the district in accordance with §118.145, Wis. Stats.
- The number of resident students attending a school outside their attendance zone.

C. Whether the non-resident pupil has been expelled from a Wisconsin school district within the current school year or the two (2) preceding school years or is pending any disciplinary proceeding, based upon the following activities:

- Whether any disciplinary proceeding involving the non-resident pupil which is based on any of the following activity, is pending;
- Conveying or causing to be conveyed any threat or false information concerning an attempt or an alleged attempt to destroy school property by means of explosives;
- Engaging in conduct while at school or under school supervision which endangers the health, safety, or property of others;
- Engaging in conduct while not at school or under school supervision which endangers the health, safety, or property of others at school or under school supervision or any school employee or board member; or,
- Possessing a dangerous weapon (as defined in §939.22(10), Wis. Stats.) while on school property or under school supervision.

- D. Notwithstanding the Board's acceptance of a non-resident pupil's application, the Board may withdraw acceptance if, prior to the beginning of the first school year in which the non-resident pupil shall attend a school in the District, he/she is determined to fall under the bulleted lists of Letter C from above.
- E. The Board may request a copy of a non-resident student's disciplinary record(s) from the resident Board. The resident Board shall provide the non-resident Board a copy of any expulsion order or findings, a copy of any pending disciplinary proceedings, a written explanation or said proceeding, and/or such records as permitted by law.
- F. Whether the special education program or related services described in the non-resident pupil's individualized education program ("IEP") are available in the District. Funding for the education of students with disabilities shall be made to the non-resident school district by DPI in accordance with State law.
- G. Whether there is space available in the district's special education program identified in the non-resident pupil's IEP, including class size limits, pupil-teacher ratios, and enrollment projections. (See Section B above.)
- H. Whether the non-resident pupil has been referred to the resident school board under 115.777(1m)(a) Wis. Stats., but not yet evaluated by an IEP team.
- I. If a non-resident pupil'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 educational program, the non-resident pupil may be returned to the resident school district.
- J. If the Board has made a determination that a non-resident student attending a District is habitually truant from the District during either semester of the current school year, the District may prohibit the student from attending in the succeeding semester or school year.

Notice of Decision

Acceptance or denial of an application shall be sent to all applicants in accordance with open enrollment guidelines established by DPI.

Reapplication Procedures

A non-resident pupil does not have to reapply each year once they have notified the District they will be attending a District school, except that the Board may require a non-resident pupil to reapply when entering middle school or high school.

Transportation

The parents or guardians of a pupil attending in a non-resident school district shall be solely responsible for providing transportation to and from school or to the nearest transportation in-District pick-up point, unless the non-resident pupil is a student with a disability and transportation is required by the non-resident pupil's IEP. Requests from other districts to enter the boundaries of the School District of New London for the purpose of providing transportation to open enrollment students shall be denied.

Tuition Payment

The Board shall pay to the non-resident school board tuition calculated under §121.83, Wis. Stats., for District pupils with disabilities attending school in the non-resident school district.

Rights and Privileges of Non-resident Pupils

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

Co-Curricular Participation

- A. Non-resident students entering the District under disciplinary sanction for violating the co-curricular code of their resident district shall complete the imposed action if it is equal to or more severe than that which would have been imposed had it occurred in the School District of New London. If the disciplinary action is less severe than that which would have been imposed in the School District of New London, the School District of New London's sanctions shall be imposed.
- B. WIAA rules and regulations for eligibility shall be followed for non-resident as well as resident students. The District Co-Curricular Code of Conduct shall apply to non-resident as well as resident students.

Appeal Process

If a pupil application is denied, the pupil's parents/guardians may appeal the decision to DPI within thirty (30) days of the decision.

Alternative Application Procedures

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 student satisfies at least one of the statutory criteria and has not applied to more than three (3) non-resident school districts. Applications for open enrollment under the alternative application procedures for the school year shall be evaluated based upon the District's policy and administrative guidelines in place prior to July 1 of the school year the application is received.

- A nonresident school board or designee may not approve an alternative application submitted after the January school board meeting for a current school year if the board limited the number of spaces available in the pupil's succeeding grade or special education service for applications submitted under the regular application procedure for the following school year.
- A nonresident school board or designee may not approve an alternative application submitted prior to the 3rd Friday in September if the board did not approval all applications for the pupil's grade or special education service that were submitted in the regular application period for the same school year.

Appeals of Open Enrollment Decisions

The student's parent(s) or legal guardian(s) may appeal a District decision regarding full-time open enrollment to DPI by following the deadlines and other procedures established by DPI, except as otherwise specifically provided under state law or under DPI rules.

ADOPTION DATE: January 25, 2016

REVISION DATE(S): May 13, 2019

REVIEW DATE(S): December 6, 2018; April 10, 2019; December 6, 2023

CROSS-REFERENCE: Policy 423 Open Enrollment - Full Time

LEGAL REFERENCE: Wisconsin Statutes Section 115.777, Section 118.45,
Section 118.51, Section 118.52, Section 121.78(1)(a),
Section 121.83, Section 939.22(10)