

Nonresident Open Enrollment Students

The Cambridge School District encourages eligible nonresident students to consider applying for open enrollment into the District. Applications shall be submitted and acted upon in accordance with the timelines and procedures outlined in state law. The District shall consider the following criteria when deciding whether or not to accept a nonresident student's otherwise valid and timely application for full-time open enrollment:

1. Space Availability. Provided that the Board has made any necessary space availability determinations covering a time period relevant to the application, the District will deny an open enrollment application if the District determines that there is insufficient space available in the applicable class, grade, school, or program. The Board will identify its general space availability parameters and limitations, if any for a given school year, at a Board meeting held in January prior to the beginning of the standard application period for open enrollment in the next school year. When determining space availability, consideration will be given to factors such as class size limits, student-teacher ratios, overall building capacity, and enrollment projections.

If space availability limitations apply and the District receives more student applications for full-time enrollment than there are spaces available, the District shall determine which students to accept on a random basis. However, the following exceptions and special procedures also apply:

- a. Any applicant who is currently attending school in the District (excluding part-time attendance by a student who is enrolled in another school district, private school, tribal school or home-based private educational program), and also any applicant who is a sibling of a student who is currently attending school in the District are legally entitled to a preference in the open enrollment admissions process when space availability is a factor. Further, the Administration, on behalf of the Board, may approve all such preference-eligible applications (provided no other grounds for denial apply) even if the District has determined that space would not otherwise be available for other additional open enrollment students in the applicable grade, school or program.
- b. If, at any time in the selection process one student's application from a family is chosen and the student is determined to be eligible for acceptance under all applicable criteria, the District shall give immediate consideration to the applications of remaining siblings in the family who applied for open enrollment at the same time, and the District shall admit all such otherwise eligible siblings for whom there is a space available at that point in the process.
- c. A numbered waiting list of nonresident students who have been denied open enrollment due to space availability shall be established and utilized by the administration in accordance with established procedures.

If, for any school year, the District does not admit all applicants at a particular grade level by the date at which the waiting lists are dissolved, the District will likewise deny any current-year (alternative) open enrollment applications that the District receives for any such grade level in that same school year.

2. Students with Disabilities. If the District determines that the special education program or related services described in the nonresident student's individualized education program (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 reported or identified as having a possible disability but not yet 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 IEP is completed, 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. Discipline-Related Criteria.

- a. In order for the District to consider allowing a nonresident applicant who falls into any of the disciplinary situations identified in this section (4.b to 4.c, below) to attend school in the District through the open enrollment program, the District Administrator or his/her designee must review the student's disciplinary records. The District Administrator must thereafter conclude that there is clear and convincing evidence in the applicant's records showing that if the applicant were to have committed the same proven or alleged conduct while he/she was student in the District, that the student almost certainly would have either (1) not been expelled from school at all, (2) already been permitted to return to school in the District without being subject to ongoing readmission conditions, or (3) been permitted to return to school with conditions and the District has authority to impose substantially similar conditions on the applicant through conditional enrollment.

- b. The term of an applicant's expulsion overlaps with the proposed period of open enrollment: Consistent with District's regular admissions practices and state law authority, the District will generally deny the open enrollment of any student whose term of expulsion (for any lawful reason) from any public school, independent charter school in Wisconsin, or out-of-state public school overlaps with the proposed period of open enrollment.

- c. The term of an applicant's recently completed expulsion from school does not overlap with the proposed period of open enrollment: The District will generally reject 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 during the current school year or preceding two school years for any of the following specified conduct: (1) endangering the health, safety or property of others; (2) 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; (3) possessing a dangerous weapon while at school or under the supervision of a school authority; or (4) 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 school board member.

- d. Disciplinary matters that are pending or that become pending: If any disciplinary proceeding regarding conduct falling in one of the four categories listed in the previous sub-section (immediately above) is pending at the time of the student's application, the District shall generally deny the application. If any such conduct occurs after the student has been accepted for open enrollment and prior to the beginning of the school year in which the student attends school in the District under open enrollment, the District may also prohibit the student from attending school in the District under open enrollment.
5. Truancy-Related Criteria. An open enrollment application shall be denied if the District previously revoked the student's status as an open enrollment student in the District due to habitual truancy during any semester of attendance at a District 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 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 shall 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 shall 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 or deliberately falsified).

Except as permitted by law, no criteria other than those outlined above will be considered by the District when acting on nonresident student full-time open enrollment applications.

Nonresident students accepted for full-time open enrollment shall be assigned to a school or program within the District in accordance with the District's regular procedures for placing students in schools and educational programs. The District may give preference in attendance at a particular school, program, class or grade to residents of the District.

Once a nonresident student is accepted for full-time open enrollment in the District, no re-application to the District is required to maintain continuous enrollment.

Except as specifically provided, student transportation shall be the responsibility of the nonresident student's parent(s) or guardian. 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. The District shall also provide transportation to nonresident full-time open enrollment students if there is room available on a bus on a regular route, the student is picked up or dropped off at a regular bus stop within the District, and the transportation has been approved by the District Administrator or designee.

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

Resident Open Enrollment Students

Resident students may apply for full-time open enrollment in another public school district in accordance with application timelines and procedures established under state law. The District may deny a resident student the right to attend school in another public school district under open enrollment, or to continue to attend school in another public school district, if the costs of the special education and related services required in the student's IEP would place an undue financial burden on the District. 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 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(s) or guardian of a resident open enrollment student shall 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 shall be denied.

LEGAL REF: Sections 118.13 Wisconsin Statutes
118.14
118.145
118.51
120.13(1)(f) and (h)
121.54(10)
121.58(2)
Chapter 115, Subch. V
PI 36, Wisconsin Administrative Code

CROSS REF.: 345.6, Graduation Requirements
347, Student Records
411, Equal Educational Opportunities
412, Full Time Students
420, School Admissions
Special Education Handbook

APPROVED: November 24, 1997

REVISED: April 18, 2005

POLICY #423

March 22, 2010

February 21, 2011

January 1, 2014