

A Passion for Excellence



**NEENAH**  
**Joint School District**

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To: Board of Education  
Dr. Mary Pfeiffer, District Administrator

From: Timothy Gantz, Director of Pupil Services  
Steve Dreger, Assistant District Administrator of Learning & Leadership

Date: January 10, 2014

RE: 1 – Approval of Policy 5113  
2 - Decisional Criteria for Non-Resident Open Enrollment Applications

We are recommending a few minor modifications to Board Policy #5113. Therefore, we are requesting the Board's approval.

Per NJSD Board Policy #5113, "The School Board shall determine during a regular meeting each January the anticipated space available for the next school year in the schools, programs, classes, and grades of the district." In determining this space availability, the District is allowed to consider the impact of enrollment projections, projected student transfers, and other factors.

For the purpose of accepting non-resident open enrollment applications for the 2014-15 school year, the following program limits are established for the District's special education programs:

- Elementary cross-categorical: 7 students per teacher
- Elementary and secondary self-contained sections: 5 students per teacher
- Middle school cross-categorical: 9 students per teacher
- High School cross categorical: 11 students per teacher

For the purpose of accepting non-resident open enrollment applications for the 2014-15 school year, the following limits are established for the District's regular education grade levels:

- Grades K - 2: 20 per grade level teacher
- Grades 3 - 5: 24 per grade level teacher

These program and grade limits are deliberately lower than the District adopted targets. The reasons for this are as follows:

1. There is a small degree of assumed error when making enrollment projections.
2. At the time when open enrollment requests are approved, special education evaluations are still being completed and more students will likely be identified.
3. The District will continue to experience student transfers into the District through the start of the next school year.

OPEN ENROLLMENT PROGRAM  
(Inter-District)

The School District ("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.

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 is a ~~legal~~-resident or otherwise legally entitled to attend school in another school district in Wisconsin and who seeks admission to this District under the Open Enrollment Program.

C. Tuition Student

A non-resident student who is a resident of the State of Wisconsin and who 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. Part-Time Enrollment

Limited to high school students who may participate in no more than two (2) courses at any time offered by the District **based upon space and availability**.

F. Class Size

The District determines 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 District Administrator.

G. Program Size

The enrollment or 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.

H. 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. 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.

B. Decisional Criteria for Non-resident Applications

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

1. Whether there is space available for non-resident transfer students. The School Board shall determine during a regular meeting each January the anticipated space available for the next school year in the schools, programs, classes and grades of the District. In determining the amount of space available, the District will count resident students, tuition waiver students under 121.84 Wis. Stats., and may include in its counted occupied spaces students and siblings of students who have applied under Section 118.51(3)(a) and are already attending public school in the District.

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

- 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, the required length of K-12 attendance opportunities for 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.
  - d. The number of non-resident students currently attending the schools of the District for whom tuition is paid by another district under Section 121.78(1)(a), Wis. Stats.
  - e. The number of resident home schooled or private school students likely to attend the schools of the District in accordance with Section 118.415, Wis. Stats.
2. Whether an applicant for a pre-kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.

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, s/he is determined to fall under paragraph B. 3.

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

4. Whether the special education program or related services described in the non-resident student's individualized education program ("IEP"), if any, are available in the District. The District shall prepare an estimate of costs associated with providing the special education or related services required by a non-resident student's IEP to the resident school district no later than the 3<sup>rd</sup> Friday following the first Monday in May, or within ten (10) days of receipt of an application from a student with an IEP under the alternative procedures.
5. Whether there is space available in the District for the special education program identified in the non-resident student's IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections. (See paragraph B. 1. above).
6. Whether the non-resident student has been screened by the resident School Board to determine if there is reasonable cause to believe that s/he is a child with exceptional educational needs.
7. Whether the resident School Board has been informed that the non-resident student may have exceptional education needs that have not yet been evaluated by a multi-disciplinary team.
8. Whether the application of a non-resident student has been denied by the District of which s/he is a resident.

(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 non-resident may be returned to the resident school district.)

9. Whether the non-resident school board has made a determination that a pupil attending the non-resident school district is habitually truant from the non-resident school district during either semester of the current school year, the non-resident school board may prohibit the student from attending the non-resident school district 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.]

C. Procedure for Evaluating Applications by District Residents to Transfer to Another District

The Board will consider only the following criteria for denying resident applications:

Whether the resident student is a special education student and the implementation of his/her IEP in the other district would impose an undue financial burden on the District.

Financial burden is determined through review of actual increased expenses relative to providing services specific to the student in question, not including pro-rated costs of facilities and materials and including expenses for instructional faculty only if those faculty are added as a result of the student and devoted primarily to that student.

(Note: Notwithstanding the Board's approval of a resident student's application, the Board may withdraw approval if, after the District student has begun in the other school district, the IEP as implemented by the non-resident school district would impose an undue financial burden on the District.)



D. Reapplication Procedures

The Board may require accepted non-resident students to reapply under the open enrollment policy when the non-resident student enters **either** middle school or high school. A non-resident student may be required to reapply only once.

E. Transportation

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

The Board ~~will~~**may** permit a neighboring District to bus resident students from within its boundaries for attendance at the non-resident neighboring District. The District Administrator shall develop procedures for implementing this provision.

**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 year by submitting an application under the alternative application procedure if the pupil satisfies at least one of the statutory criteria and has not applied to more than three non-resident school districts. (See AG 5113 – Admission of Students Participating Under Open Enrollment)

**PART-TIME OPEN ENROLLMENT**

The Board of Education shall allow non-resident, high school students residing within the State of Wisconsin, and, who qualify, to enroll as part-time students in not more than two (2) courses offered by the District.

The application for enrollment must be received by the District no later than six (6) weeks prior to the date on which the course is to commence and shall specify the one (1) or two (2) courses in which the student wishes to participate. A copy of the application shall be sent to the student's resident district by the District Administrator along with a request that a copy of the student's academic and disciplinary records be sent immediately.

The District Administrator shall use the same criteria for enrolling a part-time student into a course as are used for enrolling resident students, except that the District shall give preference in enrollment to resident students. If more applications are received than the District can accommodate, the selection shall be done by a random-selection procedure established by the District Administrator.

Decisional Criteria

Acceptance or denial of non-resident and resident part-time open enrollment applications will be made according to criteria specified and shall be made no later than one (1) week prior to the start of the course.

(Note: In order for a student to participate in open enrollment, both the resident School Board and the non-resident school board must approve the application.)

A. Non-resident Acceptance Criteria

The Board will initially determine approval of applications by non-residents based upon the criteria stated in this paragraph. The applications of non-residents denied under such criteria will be removed from the pool of eligible applications. If, after removing the denied applications, the number of non-resident students, District students, and private or home-schooled students enrolling pursuant to Section 118.145(4), Wis. Stats. applying for a course exceeds the number of spaces available in the course, the Board shall give first priority to District students and then to students enrolling pursuant to Section 118.145(4), Wis. Stats. The remaining non-resident student seats shall be selected on a random basis.

The Board shall consider only the following criteria for non-resident open enrollment applications:

1. The same criteria applied to District students selecting courses.
2. Whether the non-resident student is already enrolled in two (2) courses in the District.

B. Resident Acceptance Criteria

The Board will consider approval or denial of applications of residents enrolled in the high school grades to attend courses in other school districts based upon only the following criteria:

1. Whether the cost of the course would impose an undue financial burden on the District in light of its total economic circumstances.
2. Whether the course would conflict with the IEP of a special education student.

If a student's application is accepted, the parents and the non-resident school district are to be notified, in writing, no later than one (1) week prior to the commencement of the course. The notification is to include the name of the school the student is to attend and that the enrollment is valid only for the forthcoming semester or school year or special time period during which the course(s) will be offered. If the requested course does not satisfy one of the high school graduation requirements specified in Wis. Stat. 118.33, the parents are to be so notified.

The parents of the student must notify the District prior to the commencement of the course whether or not the student will be enrolling. If so, the parent agrees to abide by the District's enrollment procedures and to provide transportation of their child to the school.

The District Administrator shall submit the costs for providing non-resident student(s) instruction in the course(s) to the resident school district for payment as determined by the Department of Public Instruction. Note: These costs may be able to take into account special education or other accommodation costs for a student.

If the application is rejected by the District Administrator, the parents and the resident school district are to be notified, in writing, no later than one (1) week prior to the commencement of the course and provided the reason for the rejection.

### **RELEASE OF RESIDENT STUDENTS**

The Board shall release any resident student who wishes to apply for part-time enrollment in another school district except that the District must refuse to allow a student to enroll if the course conflicts with the provisions of an I.E.P. for the student.

The District may reject the application for enrollment if the costs of the course would create an undue financial burden on the District as defined in Wis. Stats. 118.52(6).

### **GRADUATION REQUIREMENTS**

The District shall determine whether a course taken under the part-time open enrollment program in another district satisfies the District's graduation requirements. When a course does not satisfy the District's graduation requirements the student shall be notified not later than one (1) week prior to the date the course is to begin.

Students who successfully complete courses under the part-time open enrollment program and meet the standards outlined in Policy 5451.01, may qualify for the Wisconsin Academic Excellence Scholarship.

### **ANNUAL REVIEW**

The Board shall review its Open Enrollment Program annually.

#### **General Provisions**

- ~~A. 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.~~
- ~~B. 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.~~

~~C. The District Administrator shall be responsible for developing and promulgating administrative guidelines to implement this policy. (See accompanying pages.) Such guidelines shall address at least the following matters:~~

- ~~1. participation in interscholastic athletics~~
- ~~2. District transportation services~~
- ~~3. transfer of academic credit~~
- ~~4. assignment within the District~~
- ~~5. payment of fees and other charges~~

118.145(4), 118.51, 118.51(3), 118.52, Wis. Stats.  
P.I. 36