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**Section I STUDENTS**  
**OPEN ENROLLMENT PROGRAM DEFINITIONS**

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**OPEN ENROLLMENT PROGRAM DEFINITIONS**

The following definitions will apply to the Lake Country School District's Open Enrollment Program.

**Nonresident District**

A school district located in Wisconsin, which is not a student's district of residence.

**Nonresident 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.

**Full-time Enrollment Student**

A student is enrolled in the district and receives all of his/her required education through the district of enrollment.

**Class Size**

Unless otherwise stated in the terms of a collectively-bargained, negotiated agreement, the District shall determine the maximum number of students as well as the optimum number of students that can be enrolled in a particular classroom without jeopardizing the quality of the instructional program and without causing an undue financial burden upon the school district. It is also assumed that all laws, contracts, and grants will be considered when making class size decisions.

**Program Size**

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.

The number of openings in a particular program for nonresident open enrolled students will be determined by the class size base and optimum size for a particular program or classroom, which is the number of students that can be accommodated without increasing district expenditures for staff or equipment and continue to promote the optimum level of learning in each classroom. This includes special education and inclusion programs.

**Resident Student**

A student who is a legal resident of this District.

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**ENROLLMENT OF NONRESIDENT STUDENTS**

- A. A nonresident student may apply for full-time enrollment in the district. A nonresident student may attend pre-kindergarten, four-year-old kindergarten, early childhood or school-operated day care program in the district only if the student's resident district offers the same type of program that the student wishes to attend and the student is eligible to attend that program in his/her resident district. Any nonresident student accepted for enrollment in the district shall be entitled to all the rights and privileges of students residing in the district and shall be subject to the same rules and regulations as students residing in the district..

The district will enroll nonresident open enrollment students if:

1. There is available space in the school, program or class. The District Administrator or his/her designee shall determine the availability of openings for nonresident students in the school, program or class.

When determining space availability, consideration shall be given to factors such as class size limits, student-teacher ratios or enrollment projections. The district may include in its count of occupied spaces nonresident students attending school in the district for whom tuition is paid by another school district and students and siblings of students who have applied for full-time open enrollment and are already attending school in the district. **If the district determines that space is not otherwise available for open enrollment students in the grade or program which the individual has applied, the district may nevertheless accept an applicant who is already attending school in the district or a sibling of the applicant.** If space is not available in any of the district's kindergarten through eighth grade programs, the district may create waiting lists. No later than March 1 of each school year, the District Administrator will report to the School Board, the space available for the next school year.

The District Administrator will consider any or all of the following:

- a. District practices, policies, procedures or other factors regarding class size ranges and faculty-student ratio ranges for particular programs, classes or buildings.
- b. Enrollment projections for 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 nonresident Open Enrollment students, the required length of K-8 attendance opportunities for Open Enrollment students and current

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and future space needs for special programs, laboratories (e.g. in technology or foreign languages) or similar district educational initiatives.

- c. The number of resident students likely to change schools on a full-time under the district's Open Enrollment policy.
- 2. The district currently provides the special education program or related service(s) described in the nonresident student's individualized education plan (IEP), and there is space available in the special education program. If after a nonresident student begins attending the district, the IEP for the student requires a special education program or related service that is not available in the district, or if there is not space available in the special education program, the student shall be transferred to his/her resident district. Lake Country School is part of the Arrowhead District Special Education Cooperative (ADSEC). ADSEC, in accordance with the school district administration, must approve open enrolled students who have been identified as a student with disabilities.
- B. If the number of applications for admission from nonresident students exceeds the number of available enrollment opportunities equal status preference will be given to students, and siblings of students, who are already attending school in the nonresident school district.

Students eligible for preference will be granted available seats prior to beginning random selection. If a student is chosen in the random selection, that student's siblings will be given preference if space is available for that sibling [PI 36.04 (6) (b) & 36.05 (6) (b)].

- C. Following initial acceptance of a nonresident student in grades K-8, the student may continue to enroll in the school without reapplication.

**Enrollment May Not Be Available** to any nonresident student who meets one or more of the following criteria. The District Administrator or his designee shall make the decision based on the circumstances involved.

- 1. The student has been expelled from school by any school district during the current or two (2) preceding school years for any of the following reasons or a disciplinary proceeding involving the student, based on any of the following reasons, is pending:
  - 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 any school property by means of explosives.

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- b. Engaging in conduct while at school or while under supervision of a school authority 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 employee of the School District or member of the School Board.
  - d. Possessing a dangerous weapon, as defined in s.939.22(10), while at school or while under the supervision of a school authority.
- 2. The special education program or related services described in the child's individualized education program is not available in the District or there is no space available in the appropriate special education program.
  - 3. There is no space available in the District.
  - 4. The Open Enrollment Application will be rejected if it was submitted after the DPI deadline, was incomplete, contained false information or if the student applies for open enrollment in more than three nonresident school districts.
  - 5. The resident school district does not offer the same type of pre-kindergarten, 4 year-old kindergarten, early childhood, or school operated daycare program that is requested in the non-resident school district, or the student is not eligible for such of these programs that are offered in the resident school district.
  - 6. The student does not meet the age requirements under Wisc. State Statute 118.14.

**RELEASE OF RESIDENT STUDENTS**

Any student residing in the district shall be allowed to attend public school in another district on a full-time basis, provided the appropriate application has been filed with that district and the student has been accepted for enrollment. Applications may be submitted to no more than three nonresident school districts in any school year. The maximum number of students who may be released in any given school year will comply with statutory limitations. The District Administrator shall ensure that the records of a resident student who transfers to a nonresident district are sent promptly to the other district.

**Transportation**

The notice of acceptance of an application will specify that transportation is the responsibility of the parent(s)/guardian(s) of the student participating in the public school open enrollment opportunity. The notice will further inform the applicant they may apply to the DPI for reimbursement if they are eligible for free or reduced price lunch.

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An exception would be if the capacity of a bus is not at 100%, the student's parents or guardians may request that the district transport their child to and from a regular school bus stop in the Lake Country School District.

The Board shall pay to the non-resident school board, tuition calculated under Wisconsin State Statute 121.83, for District students with disabilities attending school in the non-resident school district.

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Revised by the School Board on February 18, 2004  
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Revised by the School Board on January 31, 2006  
Revised by the School Board on July 13, 2006

**Legal References:**

Section 118.13 Wisconsin Statutes  
118.51 Wisconsin Statutes  
120.13 (F) & (G) Wisconsin Statutes  
121.54 (10) Wisconsin Statutes  
Chapter 115, Subchapter V  
PI 36, Wisconsin Administrative Code

**Cross Reference:**

Administrative Rule 900.60 - Procedures for Dealing with Open Enrollment Applications  
Exhibit 900.60 - Open Enrollment Program Definitions  
Policy 900.3 Equal Educational Opportunities  
Policy 900.9 Entrance Age  
Policy 900.14 Admission of Nonresident Students Other Than Open Enrollment Students