



RIVER VALLEY SCHOOL DISTRICT

660 West Daley Street

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Spring Green, Wisconsin 53588

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Phone: 608-588-2551

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Public School Open Enrollment

This policy shall be administered in accordance with the state public school open enrollment laws and the administrative rules established by the Department of Public Instruction (DPI).

During a January meeting, the Board shall establish the availability of space by determining the number of regular education and special education spaces in the schools, programs, classes, or grades. In setting space availability, the Board may choose to set no limitations or may set limits on availability using the following criteria:

1. District practices, policies, procedures, or other factors regarding class size ranges for particular programs or classes.
2. District practices, policies, procedures, or other factors regarding faculty-student ratio ranges for particular programs, classes, or buildings.
3. Enrollment projections, which account for factors that include but are not necessarily limited to, likely short and long-term economic development in the community, housing starts, current and future needs for special programs, laboratories, or other initiatives.

Class size is the District's determination of 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.

Program size is 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.

Subject to the exception that the School Board, each January, shall act upon any annual space availability determinations for purposes of nonresident open enrollment into the District, the Board authorizes the District Administrator, or any administrative-level designee of the District Administrator, to make all other decisions and determinations that are necessary or permitted in connection with any open enrollment application or any open enrollment student under this policy and under any related Board-approved rule. However, this delegation of authority shall not be construed to prohibit the District Administrator from bringing any such decision or determination to the Board as he/she deems necessary or prudent.

I. Non-Resident Open Enrollment Students

A. Full-Time Enrollment

1. Criteria for Acceptance or Rejection - Decisions regarding open enrollment applications will be based on the following criteria:
 - a. Space and program availability as defined in this policy.

- b. Whether an applicant for a pre-kindergarten, four (4) year old kindergarten, early childhood or school operated day care program resides in a district which offers the program for which application is made.
- c. The District reserves the right to reject a student who has been expelled by any Wisconsin school district during the current school year or the two preceding school years for conduct specified in the law or who has expulsion or other disciplinary proceedings pending based on such conduct. “Conduct specified in the law” includes:
 - 1. 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.
 - 2. Engaging in conduct while at school or under school supervision that endangered the health, safety, or property of others.
 - 3. 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.
 - 4. Possessing a dangerous weapon (as defined in 939.22(10), Wis. Stats.) while on school property or under school supervision.

If an expulsion or other disciplinary proceeding is commenced for any of the foregoing reasons after initial acceptance of the student and prior to the student starting school in the district, the district will deny the enrollment of the non-resident student.

Nothing shall prohibit the district from refusing to admit a student during the period of expulsion established by another school district or by this district regardless of the date on which that expulsion occurred.

- d. For a student in special education, whether there is space in the student’s grade and in all of the special education programs and services required in the student’s IEP.
 - 1. Whether a service is available depends on whether existing staff in the District are qualified to provide the service or whether the District has facilities and/or equipment required for the service. A service is not available in the District if that service is currently provided to resident students through contract with a third party. Whether a service is available is not a function of whether there is space available in any program or service. A service may be unavailable even if no space limitations have been established.
 - 2. Whether there is space available in the District to provide the special education or related services identified in the non-resident student’s IEP, after consideration of class size limits, student-teacher ratios, and enrollment projections.
- e. Whether the non-resident student has been referred to the non-resident student's resident board under 115.777(1), Wis. Stats. or identified by the non-resident student's resident school board under 115.77(1m)(a), Wis. Stats., but not yet evaluated by an individualized education program team.
- f. 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 District may notify the student’s parent and the student’s

resident board. If such notice is provided, the non-resident may be transferred to their resident school district.

- g. If a non-resident student begins attending the district and is habitually truant during either semester in a school year, the district may prohibit the student from attending the district under the open enrollment law in the succeeding semester or school year. Under no circumstances shall any student have their open enrollment terminated under this paragraph unless the District has clear documentation that the parent or guardian or student knew or should have known that the student's open enrollment could be terminated for habitual truancy; and the student had at least one notice and opportunity to correct the truant behavior before being found to be habitually truant or before terminating the open enrollment. The District's relevant truancy and attendance policies are as follows: Policy Series #431 Student Attendance.

Middle School and High School

Acceptance of a non-resident student into the middle school or high school does not guarantee that such non-resident student will be able to take his or her first choice of all classes offered. Criteria used in scheduling and class eligibility, including prerequisite requirements, will be the same for resident and non-resident students.

1. Re-Application Procedures

Once a non-resident student is accepted as an open enrollment student in the district and attends the district continuously, the district will not require the student to reapply for enrollment at any time, provided the student is continuously enrolled in the district.

2. Transportation Arrangements for Non-Resident Open Enrollment Students

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

- a. Low income parents and guardians may apply to the DPI for reimbursement of costs of transportation in accordance with DPI's procedures.
- b. The District shall provide transportation for a nonresident open enrollment student with a disability who is attending school in the District if it is required in the student's IEP or otherwise required by law.
- c. The District may, if the student's family gets the student to our district boundaries and there is no additional ride time for our resident students.

River Valley will not enter the boundaries of the resident district for the purpose of picking up and dropping off open enrolled students. The district will not permit resident districts to enter into River Valley for the purpose of picking up and dropping off open enrolled students.

B. Part-Time Enrollment

1. Criteria for Acceptance or Rejection of High School Student Applications to Attend Up to Two Courses
 - a. The district will give preference in course attendance to residents of the district.

- b. The district will randomly determine which non-resident students will be accepted when there are more applicants than there are spaces available.
- c. The district will not accept a student who has been expelled by a school district during the current school year or preceding two school years for conduct specified in the law or who has expulsion or other disciplinary proceedings pending based on such conduct. "Conduct specified in the law" includes endangering the health, safety, or property of others under certain conditions, conveying or causing to be conveyed a bomb threat involving school property, and possessing a dangerous weapon as defined in Wis. Stat. sec. 939.22(10) while at school or under the supervision of school authorities.

If an expulsion or other disciplinary proceeding is commended for any of the foregoing reasons after initial acceptance of the student and prior to the student starting school in the district, the district will deny the enrollment of the non-resident student.

Nothing shall prohibit the district from refusing to admit a student during the period of expulsion established by another school district or by this district regardless of the date on which that expulsion occurred.

Rights and Privileges.

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).

II. Resident Open Enrollment Students

A. Full-Time Enrollment

1. Transportation Arrangements for Resident Open Enrollment Students

The district will not provide transportation to resident students participating in the full-time open enrollment program. The district will not permit nonresident districts to enter into River Valley for the purpose of picking up and dropping off open enrolled students.

B. Part-Time Enrollment

1. Criteria for Acceptance or Rejection

- a. High school students may attend no more than two courses at any time in a non-resident school district under the law. The district must reject an application to attend a course in another public school district if the course conflicts with the student's IEP.

III. Alternative Open Enrollment

1. "Best Interest" 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 interest 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 interest. If the District determines that attendance would not be in the student's best interest, 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 under state law (e.g., the student does not meet the age requirements for school attendance or for early admission, the resident district does not have a 4-year-old kindergarten program as offered by the District, etc.) or the application is determined to be invalid (e.g., the application is incomplete, untimely, or in excess of the number of allowable applications).

IV. This Policy Shall Be Reviewed Annually on or Before the February Regular Board Meeting

LEGAL REF.: Wisc. Act 27 Section 118.51 and 118.5
PI 36

CROSS REF.: Athletic Handbook
Student Handbooks
WIAA Rules/Regulations
Policy #345.5 - Graduation Requirements
Policy #342.1 - Special Education
Policy #342.2 - Gifted and Talented Policy
Policy #342.3 - Children at Risk
Policy #342.4 - Disadvantaged Children
Policy 423 Rule – Public School Open Enrollment
Policy #470 - Student Fees and Fines
Policy #431 - Student Attendance
Policy #431-Rule 1 - Student Attendance Guidelines
Policy #431-Rule 2 - Alternative Compulsory Attendance Policy & Procedures
Policy #431.1 - Full Day's Absence

APPROVED: December 11, 1997
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REVIEWED: January 22, 2004
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REVIEWED: January 8, 2009
REVISED: January 14, 2010
APPROVED: February 18, 2010
REVISED: January 13, 2011
APPROVED: February 10, 2011
APPROVED: December 20, 2011
REVISED: March 8, 2012
APPROVED: April 12, 2012
REVIEWED: January 10, 2013
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REVISED: December 11, 2014
APPROVED: January 8, 2015
REVISED: December 10, 2015
APPROVED: January 14, 2016
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APPROVED: February 8, 2018
REVIEWED: December 13, 2018
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APPROVED: January 11, 2024