



# PUBLIC SCHOOL OPEN ENROLLMENT INFORMATIONAL BULLETIN

Bulletin 14-07

February 2014

## Kindergarten, 4-Year-Old Kindergarten, Prekindergarten and Early Childhood

### Eligibility for Open Enrollment

A pupil may participate in open enrollment for 4-year-old kindergarten (4K), prekindergarten<sup>1</sup> and early childhood education only if:

- The pupil's resident school district offers the same type of program as the program the pupil wishes to attend, and
- The pupil is eligible for the program in her/his resident school district.

For 4K, the programs are the "same type of program" if the pupils enrolled in each program can be counted for state aid and revenue limit purposes by the school district offering the program. Whether the pupil count is .5 or .6 is not relevant to whether they are the "same type of program."

Children who are not eligible for open enrollment to 4K because of this provision may attend 4K in the nonresident school district under parent-paid tuition<sup>2</sup>, as long as the nonresident school district has space and is willing to accept tuition-paying pupils.

A 3-or 4-year-old child with a disability may participate in open enrollment for the special education and related services required in the child's individualized education program (IEP).

### Early Admission for 4-Year-Old and 5-Year-Old Kindergarten

To be eligible for 4-year-old kindergarten, a child must be 4-years-old on or before September 1 of the year the child will enter school.

To be eligible for 5-year-old kindergarten, a child must be 5-years-old on or before September 1 of the year the child will enter school.

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<sup>1</sup> "Prekindergarten" is not defined in statute. It is sometimes used inter-changeably with the term "4-year-old kindergarten" or sometimes used to refer to any non-special education programs for 3 and/or 4-year-old pupils. Regardless of how it is used, a pupil may open enroll for "prekindergarten" only if the resident district offers the same type of program and only if the pupil is eligible for the program in the resident school district.

<sup>2</sup> Parent-paid tuition for 4K is equal to the basic open enrollment transfer amount multiplied by either .5 or .6 depending on the type of program.

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A parent may request early admission to 4K or 5K in the nonresident school district. The nonresident school board is not required to evaluate any applicant for early admission, but may do so if it wishes.

For early admission to 5K, the child needs only to be evaluated by the nonresident school board. If the child is found eligible for early admission, the resident school board cannot prevent the open enrollment, even though the child will only be 4 years old upon entering school. However, if the child is not found eligible for early admission, the child may not be placed in 4K unless the child's resident school board also offers 4K.

For early admission to 4K, the child must be evaluated and found eligible for early admission by both the resident and nonresident school boards. If the resident school board determines the child is not eligible for early admission, the child may not attend the nonresident school district even if the pupil is found eligible by the nonresident school board.

### **Applying To or From a School District that Is Considering Offering 4K**

If a parent wishes to apply into a school district that does not currently have 4K but is considering offering it for the following school year, the parent may apply during the application period. If, at the time of making its open enrollment decisions, the nonresident school board has decided to offer 4K, the district must approve or deny the applications based on its policies. If, at the time of making its open enrollment decisions, the nonresident school board has not yet determined whether to offer 4K, the nonresident school district may deny the application. If the school board later decides to offer 4K, the nonresident school district may then approve the application, but it is not required to do so.

If a parent wishes to transfer out of a school district that does not currently have 4K but is considering offering it for the following school year, the parent may apply to a nonresident school district during the application period. If, at the time of making its open enrollment decisions, the resident school board has not yet determined whether to offer 4K in the following school year, the resident school district must deny the application. If the resident school board later decides to offer 4K for the following school year, the resident school district may then approve the application, but it is not required to do so. If, at the time of making its open enrollment decisions, the resident school board has decided to offer 4K, the district may not deny the open enrollment.

### **Early Childhood/Special Education Application for 2-Year-Olds**

A 2-year-old child with a disability who is being served in a county birth-to-3 program may apply for open enrollment, as follows:

- During the annual application period as long as the child will be 3 years old and will be receiving special education services on or before the immediately following 3<sup>rd</sup> Friday in September.
- By submitting an alternative application when the pupil has turned 3, has been evaluated, and has an IEP.

If the child has been evaluated and has an IEP, the nonresident school board must review the application using the normal procedures and send a cost estimate to the resident school board.

If the child has not yet been referred for an evaluation or has not yet been evaluated or does not have an IEP, the nonresident school board may either approve or deny the application.

If the nonresident school board approves the application, the board may review the child's IEP when (or if) one is developed. If the nonresident school district does not have the special education and related services required in the IEP, the nonresident school board may deny the open enrollment at that time.

If the nonresident school board denies the application, it may still review the child's IEP when it is developed, though it is not required to do so. If the nonresident school board has the special education and related services required in the IEP, it may reverse its decision and approve the open enrollment. It should send a cost estimate to the resident school board at that time. The resident school board may review the cost estimate and consider whether the cost is an "undue financial burden" to the resident school district.