



# PUBLIC SCHOOL OPEN ENROLLMENT INFORMATIONAL BULLETIN

Bulletin 16-01

March 2016

## Guidelines for Termination of Open Enrollment Due to Failure to Participate in a Virtual Charter School

Statutory reference: Section 118.40 (8)(g), Wis. Stats.

### Failure to Participate (FTP) and Termination of Open Enrollment Notification Requirements:

- Whenever a pupil attending a virtual charter school (VCS) fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the VCS must notify the pupil's parent/guardian.
- The third time in the same semester that a pupil fails to respond appropriately to a school assignment or directive from instructional staff within 5 school days, the VCS must also notify the nonresident district, *the pupil's resident district* and the Department of Public Instruction (DPI).
- After the third time, the nonresident district may terminate the pupil's open enrollment and transfer the pupil to the resident district. If the pupil is a resident of the authorizing district, the school board may assign the pupil to another school or program within the district. The VCS shall include such decision in the notification to the pupil's parent/guardian, the nonresident district, the pupil's resident district and the DPI.
- Notices should indicate the days of failure to respond appropriately. If open enrollment is terminated the notice should include the parent/guardian's right to appeal. The parent/guardian may appeal the termination to the DPI within 30 calendar days after receipt of the notice of termination. The department shall affirm the nonresident school board's decision unless the department finds that the decision was arbitrary or unreasonable.
- If the pupil's parent/guardian notifies the VCS in writing before the assignment or directive that the pupil will not be available to respond to the assignment or directive during a specified period, not to exceed a total of 10 school days during a school year, the school days during that period do not count against the 5 school days. The pupil must complete any assignments missed during that period.

### Upon Termination of Open Enrollment for FTP:

- **VCS/Nonresident district -**
  - Should record the open enrollment withdrawal in OPAL. OPAL sends the resident district notice of the open enrollment termination.

---

Wisconsin Department of Public Instruction  
Tony Evers, PhD, State Superintendent  
125 S. Webster Street, P.O. Box 7841  
Madison, WI 53707-7841

Open Enrollment Program  
Michael Bormett  
Jennifer Danfield  
Kari Gensler-Santistevan  
[openenrollment@dpi.wi.gov](mailto:openenrollment@dpi.wi.gov); 888-245-2732  
<http://dpi.wi.gov/open-enrollment>

School Management Services  
Tricia Collins, Director  
(608) 266-7475  
[tricia.collins@dpi.wi.gov](mailto:tricia.collins@dpi.wi.gov)

- Should transfer the pupil's records within 5 working days to another school if the VCS/nonresident district has received written notice from the pupil (if he or she is an adult) or his or her parent/guardian (if the pupil is a minor), that the pupil intends to enroll in the other school or school district, per s. 118.125(4), Wis. Stats.
  - Under FTP, a pupil's open enrollment withdrawal/termination date in OPAL is the last day on which the pupil responded appropriately to an assignment or directive from instructional staff at the VCS.
  - Non-instructional contact that occurs after the last day of instruction may not be counted as open enrolled days, no matter how much time passes between the last day of attendance and the date the pupil is withdrawn/terminated in OPAL. Contacts made in an effort to get the pupil back to school are not open enrolled days unless there is success in getting the pupil back to school.
- **Resident district –**
    - Should visit the OPAL website within 5 business days of receiving notice to indicate approval or disapproval of the open enrollment termination data change request from the nonresident district.
    - *Should follow local board policies to verify the pupil's continued residency.*
    - Regains responsibility for the pupil's compliance with attendance under s. 118.16 Wis. Stats.
    - If the pupil begins attending a school in the resident school district for purposes of his/her primary educational instruction, the resident district shall enter the pupil in the Wisconsin Student Number Locator System (WSLS)/ Individual Student Enrollment System (ISES). The district required to submit WSLS/ISES records is determined based on the district's role in the delivery of the student's primary PK-12 educational services rather than student residency status.
    - If the pupil is not attending a school in the resident school district for purposes of his/her primary educational instruction, should respond to expected transfer request during the ISES Year End Collection in the event that a request is received.
- **Parent/guardian -**
    - The pupil and his/her parent/guardian become subject to Compulsory School Attendance under s. 118.15 Wis. Stats.
    - The pupil and his/her parent/guardian may choose to:
      1. Enroll in and attend a public school in their resident district
      2. Apply to, enroll in and attend a different VCS under open enrollment
      3. Apply to, enroll in and attend a public non-VCS under open enrollment
      4. Enroll in and attend a private or tribal school
      5. Attend a home-based private education program