



PUBLIC SCHOOL OPEN ENROLLMENT INFORMATIONAL BULLETIN

Bulletin 16-06

June 2016

Procedures for Acting on Open Enrollment Applications Regular Application Period

1. Policies

School boards are required to adopt policies for acting on open enrollment applications. An application may only be denied for the reasons specified in state law and adopted as a school board policy. The policy should be reviewed annually. Any changes that will affect the school board's decisions on approving and denying open enrollment must be adopted prior to the beginning of the open enrollment application period.

School boards are required to determine the number of regular and special education spaces at the January board meeting. Once the school board has determined the number of spaces, it must fill those spaces: no more and no fewer (if the board has received applications).

2. The Application Form

The preferred method to apply for open enrollment is via the online application. Any links to the application on the school district's web site should link to the open enrollment web site at <http://dpi.wi.gov/open-enrollment>. The online application will be "live" on this site at 12:01 the first day of the application period¹ and shut down precisely at 4:00 pm on the last day of the application period. Parents will not be able to complete any applications that have not been submitted before that time.

The paper application is at <http://dpi.wi.gov/files/forms/doc/f9410.doc>. Although parents are strongly encouraged to submit their applications online, it cannot be required. (Many districts assist parents who bring paper applications to enter the application online in the district office.) The paper application instructs parents to hand-deliver the application to the school district office. It is recommended that the school district instruct staff outside the school district office to refuse to accept paper applications and refer parents to the school district office.

A Spanish-language application form (paper) is available at <http://dpi.wi.gov/files/forms/doc/f9410-spanish.doc>. The online application is not available in Spanish.

Once a parent submits an online application, it can immediately be viewed by both the nonresident and resident school districts on OPAL, the online open enrollment tracking system.

¹ The application period is from the first Monday in February until 4:00 pm on the last weekday in April.

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Paper applications must be entered into OPAL by the nonresident school district. This must be done by the end of the day on the first weekday immediately following the last day of the application period, usually May 1.

Parents can make changes to their applications until the end of the application period. Both districts should monitor the application list to note any changes.² School district staff can edit any application they entered. Once the application period has ended, only DPI staff can make changes.

3. Reviewing Applications

Both the resident and nonresident school districts should monitor and review applications as they come in. Catching errors early will reduce work later on. Districts should review for:

- Unnecessary applications. Pupils who are already open enrolled do not need to reapply annually. Duplicate applications are applications that are submitted to and from the same resident and nonresident school districts for the same pupil. The nonresident school district should request deletion of unnecessary and duplicate applications using the “Delete” button to the right of the application entry. DPI staff will review the deletion requests and either delete the application or notify the nonresident school district why the application was not deleted. This may take some time; if a deletion request has been made and the application is still in the list, do not resubmit it. Only nonresident school districts may request deletion of applications.
- Required reapplications. A nonresident school district may require an open enrolled pupil to reapply at the beginning of middle school, junior high or high school. It is preferred that these applications be submitted via paper. However, if a parent submits a required application online, the nonresident school district should print a copy and then request that the application be deleted from OPAL.
- Correct resident and nonresident school districts. Many school district names are similar and it is easy to choose a wrong name from the dropdown lists. Sometimes parents confuse attendance areas with school districts. For example, there is a Hamilton School District and a Hamilton High School in Milwaukee. Sometimes a Milwaukee parent will indicate that the resident school district is Hamilton, instead of Milwaukee. There is also a Washington (Island) School District and a Washington High School in Milwaukee. There is a Washington School District and a Washington-Caldwell School District. There is a West Allis, West Bend, West Salem, West De Pere, not to mention Westby and Westfield. There are dozens more of these similar-sounding districts. Both the resident and nonresident school districts should review the applications to find those that don’t make sense. (Remember, however, that parents can apply in anticipation of a move, so the resident school district will not always be the district in which the pupil currently resides.)
- Wrong grade or program. Sometimes parents apply for 4K to nonresident school districts that do not offer 4K, or they apply for a virtual charter school to a nonresident school district that does not have a virtual charter school. If this is discovered before the end of the application period, the district should contact the parent and ask them to delete the application. However, if they do not do so, or if this is discovered after the end of the application period, the application should be denied.
- Age and grade level. OPAL will not allow an application from a pupil who is younger than three or older than 21 on September 1. Applications from nineteen and twenty year old pupils are permitted; these pupils are still entitled to a free education, whether or not the pupil needs special education.

² To identify which applications have been changed by the parent, the list of applications can be downloaded from OPAL. From the All Applications page, click on “Export to Excel.” Find the “Submission Information” group, click on the “+” to expand the group and click on the “Date Submitted.” If an application has been changed, the Date Submitted field will be later than the last download.

4. Exchanging Information

On or before the first Friday following the first Monday in May, the resident school district must send to or notify the nonresident school district of any of the following that apply to the pupil:

- The pupil does not have any special education records, any expulsion records nor is the pupil the subject of a pending disciplinary proceeding.
- The pupil is a child with a disability. If so, the resident school district must send a copy of the IEP.
- The pupil has been referred for an initial special education evaluation that has not yet been completed.
- The pupil has been expelled in the current or two preceding school years. If so, the resident school district must send a copy of the expulsion order.
- The pupil is the subject of a pending disciplinary proceeding, the outcome of which may be expulsion. If so, the resident school district must send information about the pending disciplinary proceeding.
- The pupil is not attending the resident school district and the resident school district does not have the pupil's records.

If the pupil is attending a public school district other than the one indicated as the resident school district (this information should be on the application), the nonresident school district should request the records from the public school district the pupil is attending or last attended (if known).

If a nonresident school district wishes to request the resident school district to send records earlier than the statutorily-required date, it may do so. However, the resident school district is not required to send them earlier than the statutorily-required date. Both the resident and nonresident school district should be aware that parents can change and delete applications until the application deadline. If the resident school district sends records or replies to the nonresident school district earlier than required, the resident school district should review the pupil's special education and/or expulsion status early in May to determine if there have been any changes in the pupil's status since the records were sent.

5. Approving and Denying Applications

The nonresident school district is prohibited from acting on any application prior to May 1. This means the district may not send any notices of approval or denial prior to that date.

Following statutory criteria and school board policy, each school board must determine which applications to approve or deny.

The nonresident school district is required to notify the parent, in writing, whether it has approved or denied the application. If the application is approved, the district must notify the parent of the school or program to which the pupil is assigned at the same time. The notice must be mailed (postmarked) or delivered to the parent no earlier than May 1 and no later than the first Friday following the first Monday in June. If a notice of denial is not postmarked or delivered to the parent on or before the deadline, the application is considered approved.

A parent may request a specific school or program in the nonresident school district. However, assignment to that specific school or program is not guaranteed. The application gives the parent the option to limit the application to the specific school or program requested. If you do not have space in that school or program, the nonresident school district may deny the application, or may approve it and assign the pupil to a different school.

If the nonresident school district denies an application, it must include the reason in the notice of denial. If the application is to be denied for more than one reason, the notice of denial should contain all reasons for

denial. The school district will not be permitted to defend on appeal a reason for denial that was not included in the notice.

The resident school district is required to notify the parent, in writing, if the application is denied. This notification must be mailed (postmarked) or delivered to the parent on or before the second Friday following the first Monday in June. If the notice of denial is not postmarked or delivered to the parent on or before the deadline, the application is considered approved.

Approval/school assignment and denial forms are prepared in OPAL.

6. Intent to Attend and Wait List

The parent of each approved applicant must notify the nonresident school district, on or before the last Friday in June, of the pupil's intent to attend the nonresident school district in the following school year. The parent may provide this notification in writing or via phone, email, in person or other method.

Pupils may be approved from a waiting list up until the third Thursday in September, but only if the pupil will be in attendance in the nonresident school district on the third Friday in September. If a pupil is approved from a waiting list before the first day of school, the parent must notify the nonresident school district within 10 days of receiving the notice whether the pupil will attend the nonresident school district. If a pupil is approved from a wait list on or after the first day of school, the parent must notify the nonresident school district immediately if the pupil will attend the nonresident school district.

If pupil has begun attending school in her or his resident school district when the pupil is offered a space from the wait list, the pupil may attend the nonresident school district as long as the pupil attends on or before the third Friday in September. However, if the pupil has attended a nonresident school district, the pupil may not then accept the space offered by a different nonresident school district.

If a parent does not notify the nonresident school district on or before the required date, the nonresident school district may (but is not required to) determine that the pupil will not attend the school district. If the district has a waiting list, the district may offer the space to the next pupil on the list. If the parent declines the space, but later wants the pupil to attend the nonresident school district, the nonresident school district may (but is not required to) allow the pupil to attend, if all of the following conditions are met:

- The offer must be made on or before the 3rd Thursday in September.
- The pupil will be in attendance in the nonresident school district on or before the 3rd Friday in September.
- The pupil has not attended any *other* nonresident school district (it is okay if the pupil has begun attending the resident school district).

7. Special Situations

Four-year-old Kindergarten and Early Childhood Education

A pupil may participate in open enrollment for four-year-old kindergarten (4K) only if the pupil's resident school district offers the same type of program and only if the pupil is eligible for the program in the pupil's resident school district. A 3- or 4-year old who is a child with a disability may participate for the special education and services that is required in the child's individualized education program (IEP).

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.

Request for Early Admission to Four-Year-Old Kindergarten or Five-Year-Old Kindergarten

A child must be five years old by September 1 to begin five-year-old kindergarten (5K). The parent of a child who will not be five years old by this date may request that the nonresident school district evaluate the child for early admission. The nonresident school district is not required to evaluate the child and may deny the pupil's open enrollment based on the child not being old enough to attend school. If the nonresident school district does evaluate the child and, if the child is found not to be eligible for early admission to 5K, the child may not be placed in 4K unless the child's resident school district also offers 4K and the child is eligible for 4K in her or his resident school district.

A child must be four years old by September 1 to begin 4K. A child who will not be four years old by this date may request that both the resident school district and nonresident school district evaluate the child for early admission. The child must be found eligible by both school districts in order to open enroll, even if the criteria are different. The nonresident school district is not required to evaluate the child and may deny the pupil's open enrollment based on the child not being old enough to attend school.

If the evaluation has not been completed by the time the nonresident school district must make its open enrollment decision, the nonresident school district may approve the application if space is available. The district should enclose a letter explaining to the parent that the application was approved because the district has space in the child's grade, but that the child will only be able to open enroll if the child is found eligible for early admission.

Private School, Home-Schooled and Other Pupils Not Enrolled in Public Schools

A pupil who is not currently enrolled in public school may apply for open enrollment in the following school year. *The pupil is not required to enroll in public school prior to applying for open enrollment.*

The pupil's application is handled in the same manner as all other applications. *If* the application is approved and *if* the parent indicates that the pupil will attend the nonresident school district under open enrollment, *then* the pupil must register in the resident school district.

Once the pupil is open-enrolled, the pupil may not be enrolled in a private school or home-based private educational program at the same time.

Pupils Who Are Not Residents of Wisconsin or Who Plan to Move to a Different Resident School District Prior to the Beginning of the Next School Year

A pupil does not need to be a resident of Wisconsin in order to apply for open enrollment. Likewise, a pupil who lives in one school district may apply for open enrollment based on the intention to move to a different school district.

In filling out an application based on a planned move, the parent should indicate as the resident school district, the district in which the pupil will reside on the immediately following third Friday in September. If the pupil is living in a different resident school district on the third Friday in September, the parent must notify the nonresident school district of the new address and resident school district, and must contact the new resident school district to register in the district.

The nonresident school district must enter the pupil's new address in OPAL and must contact the DPI to change the resident school district in OPAL.

8. Resources

Open enrollment statute: Wis. Stats. § 118.51
<https://docs.legis.wisconsin.gov/document/statutes/118.51>

Open enrollment administrative rule: Chapter PI 36
<http://www.legis.state.wi.us/rsb/code/pi/pi036.pdf>

Form PI 9423, Special Education Cost Estimate and Invoice
<http://dpi.wi.gov/files/forms/xls/f9423.xlsx>