

Applying for an Exception to the Open Enrollment Application Period

What is an exception to the open enrollment application period?

Parents normally apply for open enrollment for the following school year during a three-month application period which begins in February and ends on the last weekday in April. However, 2011 Act 114 established a procedure by which parents may apply for open enrollment outside of the regular application period.

Under what circumstances may parents apply for an exception?

There are seven circumstances under which a parent may apply for an exception:

- The student's resident school district determines that the student is a victim of a violent crime.
- The student is or has been homeless in the current or preceding school year.
- The student has been the victim of repeated bullying or harassment that has been reported to the resident school district and continues in spite of action taken.
- The student's place of residence has changed due to the parent's military orders.
- The student moved into this state within the past 30 days.
- The student's place of residence has changed as a result of a court order or custody agreement, or the student was placed in a foster home or with a person other than the student's parent, or removed from a foster home or the home of a person other than the student's parent.
- The student's parent and the nonresident and resident school districts agree that attending the nonresident school district is in the best interests of the student.



When may an application for an exception be submitted?

An application for an exception to the open enrollment application period must be submitted during the school year in which the student wants to begin attending school in the nonresident school district. If the student wishes to begin attending the nonresident district at the beginning of the school term in September, the parent may submit the application as early as July 1st of that year. Depending on the specific reason for the exception, the parent may be required to submit the application within a specified time period.

How can parents apply?

The application is available on the open enrollment web site at <http://dpi.wi.gov/sms/psctoc.html>. The parent must specify at least one of the allowable criteria upon which the request is based and provide an explanation of the circumstances leading to the request. In some cases, the parent may be required to submit additional documents.

Parents may apply to no more than three different nonresident school districts in a particular school year.

It is strongly recommended that the parent contact the nonresident school district before submitting an application to discuss the possibility of the student's transfer.

Is there a cost to parents for open enrollment?

There is no tuition cost to parents for participation in open enrollment. Parents of open enrolled students may be charged the same fees as resident students.

Can an application be denied?

Yes. The nonresident school district may deny an application for an exception for all of the same reasons that they may deny an application during the regular application period: regular or special education space is not available; the student has been referred for a special education evaluation but has not yet been evaluated; the student has been expelled during the current or two preceding school years for certain violent conduct; or the student was habitually truant from the nonresident district during any semester in the current or previous school year.

Will my child receive preference because of the exception?

No. The exception allows parents to apply outside of the regular application period. It does not guarantee approval or give the student a greater chance of approval.

How is the parent notified of approval or denial?

The nonresident school district must notify the parent, in writing, within 20 calendar days after receiving the application, whether it has been approved or denied.

If an application is approved, when can the student begin attending in the nonresident district?

If the nonresident district has approved the application, the student may immediately begin attending in that district. If the student has not enrolled in or attended the nonresident district within 15 days after receiving the notice of approval, the nonresident district may notify the parent that the student may not attend the nonresident district.

If a student's application is approved, must the parent reapply during the regular application period?

If the student's application is approved, and the student begins attending in the nonresident school district, the parent does not need to apply for open enrollment during the regular application period unless the student will be entering middle school, junior high or high school in the following school year and the nonresident school district's policy requires reapplication.

Can a resident district prevent a student from leaving?

Yes. A resident school district may deny a student's application for only two reasons: (1) the resident district determines that the criteria on which the application is based does not apply to the student; or (2) the tuition charge for the student's special education in the nonresident district is an undue financial burden for the resident school district. The resident school district **may not deny** an application due to undue financial burden if the basis for the application is the resident district's finding that the student has been the victim of a violent crime.

May parents appeal if an application is denied?

There is no provision in the statutes for parents to appeal a nonresident school district's decision.

A resident school district's denial may be appealed to the Department of Public Instruction (DPI) within 30 days of receiving the notice of denial. If the denial was based on either the undue financial burden of special education costs, or the determination that the criteria upon which the application was based do not apply to the student, the DPI must affirm the decision unless it finds that the decision was arbitrary or unreasonable. The DPI's decision may be appealed to circuit court.

If the denial was based on the resident school district's disagreement that the transfer is in the best interests of the student, and the DPI determines that the resident district's denial is **not** in the best interests of the student, the DPI must notify the parent and the resident district that the

student may attend the nonresident district. The DPI's decision is final.

Who is responsible for transportation?

Parents are responsible for transporting their children to and from school.

School districts *may* provide transportation to open enrollment students if they wish. Usually, if transportation is provided, parents must transport the student to a location in the nonresident district.

If transportation is required in the individualized education program (IEP) for a child with a disability, it must be provided by the nonresident district.

Low-income parents may apply to the DPI for partial reimbursement of their transportation costs.

Can an open enrolled student participate in sports and other extra-curricular activities in the nonresident school district?

Open enrolled students have the same rights and responsibilities as resident students.

Inter-scholastic athletics are governed by the Wisconsin Interscholastic Athletic Association (WIAA), which has recently adopted new rules concerning transfer students. Parents should check with the school district's athletic director about eligibility.

For more information contact:

Public School Open Enrollment Program
Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, WI 53707-7841
Toll-free: 1-888-245-2732
Email: DPlopenrollment@dpi.gov
Web site: <http://dpi.wi.gov/sms/psctoc.html>

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Alternative Procedures for Applying for Open Enrollment

Exceptions to the
Open Enrollment
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Wisconsin Department of Public Instruction
Tony Evers, PhD, State Superintendent