

**FREQUENTLY ASKED QUESTIONS ABOUT WISCONSIN'S
FULL-TIME INTER-DISTRICT PUBLIC SCHOOL OPEN ENROLLMENT
(Updated May 2017)**

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I. General Information about Open Enrollment

1. *What is the full-time inter-district public school open enrollment program?*

Wisconsin’s full-time inter-district public school open enrollment program allows parents to apply for their children to attend school in a school district other than the one in which they reside. [Wis. Stat. § 118.51 and Wis. Admin. Code § PI 36.03(1)]

2. *Who may participate in public school open enrollment?*

Any pupil in grades four-year-old kindergarten to 12 may apply to attend school in any public school district in the state. Pupils may apply for 4-year-old kindergarten, prekindergarten, early childhood education and school-operated day care **only if** the pupil’s resident school district offers the same type of program and **only if** the pupil is eligible for that program in her or his resident school district. [Wis. Stat. § 118.51(2) and Wis. Admin. Code § PI 36.03(2)]

For more information about kindergarten, prekindergarten, 4-year-old kindergarten, early childhood education and day care, please go to [Section III](#).

3. *Can a pupil request a specific school within the nonresident school district?*

A pupil may request assignment to a specific school in a nonresident school district. However, even if the pupil's application is approved, assignment to the requested school is not guaranteed. If the pupil's application is approved and the pupil is not assigned to the requested school, the parent will have to decide whether to accept the assignment or whether to forego the open enrollment. [Wis. Stat. § 118.51(3)(a)1 and (10)]

4. *Can pupils open enroll to charter schools?*

Pupils apply to school districts, not to individual schools. They may request assignment to a specific school or schools, including a charter school that is established by that school board. However, assignment to the requested school is not guaranteed (see question 3 above). Pupils may not request open enrollment to schools that are chartered by organizations other than school districts, such as a city, university, technical college, or county, which are commonly referred to as independent charter schools. [Wis. Stat. § 118.51(3)(a)1. and (10) and 118.40(2r) and (2x)]

5. *Can pupils open enroll to virtual schools?*

A pupil may only open enroll to an online/virtual school if: (1) the school has been created as a virtual charter school that meets the requirements of the charter school law [Wis. Stat. 118.40(8)]; or (2) the pupil is required to physically attend school in the nonresident school district every day that school is in session. Parents of pupils applying to attend virtual charter schools must know the name of the virtual charter school and the name of the nonresident school district in which the virtual charter school is located. [Wis. Stat. § 118.51 (15)(a)]

6. *Can pupils open enroll to a virtual program or an online school that is not a virtual charter school?*

No, a pupil may only open enroll to an online/virtual school if the school has been created as a virtual charter school that meets the requirements of the charter school law [Wis. Stat. § 118.40(8)]. If a pupil participates in an online course or program that is not offered through a virtual charter school, the pupil must physically attend school in the nonresident district all the days and hours that school is in session. Thus, the pupil must travel into the nonresident school district for the online program. [Wis. Admin. Code § PI 36.11(1)(c)]

7. *Can an application be denied?*

Yes. Both the resident and nonresident school districts may deny an application for reasons specified in statute. [Wis. Stat. § 118.51(3)(a)3 and (5)(a)]

For information about reasons a school district may deny a pupil's application, please go to [Section IV](#).

8. Can a school district refuse to participate in the open enrollment program?

No. All school boards must adopt policies specifying criteria for approving and denying applications, must receive open enrollment applications during the application period, and must approve or deny applications in accordance with state law and the school board's policies.
[Wis. Stat. § 118.51(4)(a) and (5)(a)]

9. Can a school board adopt policies to close the district to open enrollment?

No. All school districts must accept nonresident pupils if space is available.
[Wis. Stat. § 118.51(4)(a) and (5)(a)]

10. Can a foreign exchange pupil apply for open enrollment if their host family does not live in the nonresident district that they want to attend?

Foreign exchange pupils cannot and do not need to apply for open enrollment.
Wis. Stat. § 121.84(1)(c) provides that a district may accept foreign exchange pupils. It is not required for the host family to reside in the district.

11. Does the public school open enrollment program allow pupils to apply to attend school in a different attendance area within the pupil's resident school district?

No. The state open enrollment program is an inter-district program—that is, it applies only to transfers from one school district to another school district. Intra-district transfers—that is, transfers from one school to another school within the same school district—are a local issue. School boards may decide whether to permit pupils to transfer from one school to another in the school district and, if a board decides to allow such transfers, the board may establish whatever rules, criteria, limitations and timelines it determines are appropriate.
[Wis. Stat. § 118.001, 120.12(1) and 120.13(intro)]

II. Application Procedures

12. How does a parent/pupil apply for open enrollment?

Parents may apply online from the Department of Public Instruction's (DPI) open enrollment website at <https://dpi.wi.gov/oe> during the regular application period. Parents who complete the online application will receive a confirmation number. Once completed, online applications are automatically submitted to the appropriate school districts.

Although the online application is recommended, parents may complete paper applications instead of applying online. A parent who chooses to complete the paper application must submit the completed application form to the school district the pupil wishes to attend (referred to as the nonresident school district) during the application period. There must be a separate application form submitted for each pupil and a separate application form submitted to each school district the pupil wishes to attend.

[Wis. Stat. § 118.51(3)(a)1 and Wis. Admin. Code § PI 36.06(1)(b)]

13. When may a pupil apply for open enrollment?

The open enrollment application period is established in state law as beginning on the first Monday in February and ending at 4:00 pm on the last weekday in April. The application periods for upcoming school years are as follows:

| | |
|----------------------|------------------------------|
| 2017-18 school year: | February 6 to April 28, 2017 |
| 2018-19 school year: | February 5 to April 30, 2018 |
| 2019-20 school year: | February 4 to April 30, 2019 |
| 2020-21 school year: | February 3 to April 30, 2020 |
| 2021-22 school year: | February 1 to April 30, 2021 |
| 2022-23 school year: | February 7 to April 29, 2022 |

The application is available beginning at 12:01 am on the first day of the application period until 4:00 pm on the last day of the application period. Once the online application is completed and the parent receives a confirmation number, the application is automatically electronically submitted to the appropriate school district(s). It is not necessary for the parent to deliver a paper copy of the application to the nonresident school district(s).

Parents who choose to complete paper applications must ensure the application is **physically received** in the nonresident school district by the application deadline. **A postmark is not sufficient.** It is strongly recommended that parents hand-deliver the application form to the nonresident school district and that the parent request that her or his copy of the form be specifically date stamped when the form is received.

[Wis. Stat. § 118.51(3)(a)1 and Wis. Admin. Code § PI 36.06(1)(a)1]

14. Are late applications accepted? Can a parent apply for open enrollment outside of the regular application period?

Late applications may not be accepted for any reason. However, 2011 Act 114 created an exception to the regular application period for pupils under certain circumstances, called the alternative application procedure. [Wis. Stat. § 118.51(3m)]

For more information about the alternative application procedure, please go to [Section XV](#).

15. What constitutes a timely application?

An application that is submitted online must be completed, and a confirmation number must be received, no later than 4:00 pm on the last day of the application period. Applications begun online, but not completed by the deadline are not considered to be timely.

An application that is not submitted online must be physically received in the nonresident school district no sooner than the first day of the application period and no later than 4:00 p.m. on the last day of the application period. **A postmark does not qualify for timely submission.** School districts may accept faxed application forms, but if the fax doesn't go through before the deadline, the application is late. It is strongly recommended that parents hand-deliver the application form to the school district office of the nonresident school district. Applications

delivered to the wrong school district (such as the resident school district) or to DPI do not qualify as timely applications.

[Wis. Stat. § 118.51 (3)(a)1 and Wis. Admin. Code § PI 36.06(1)(a)1 and PI 36.06 (5)(f)]

16. Does it help to apply early?

No. Applications, whether online or paper, may not be submitted prior to the first Monday in February. If there are more applications than spaces available, approval and denial will be made on a random basis, not on a first-come, first-served basis. Thus, while it is better not to wait until the last day, chances of approval are not dependent on when during the application period the form was submitted. [Wis. Stat. § 118.51(3)(a)1 and 2]

17. Where do parents get application forms?

It is recommended that parents apply online at <https://dpi.wi.gov/oe>. The online application is available beginning at 12:01 am of the first day of the application period until 4:00 pm on the last day of the application period.

Parents may obtain paper application forms (PI 9410) from any school district or from the DPI website at <https://www.dpi.wi.gov/oe>. The forms are available beginning in January and are also available in Spanish and Hmong.

[Wis. Stat. § 118.51(3)(a)1 and Wis. Admin. Code § PI 36.06(1) and (3)]

18. Is there a limit on the number of applications a pupil may submit?

A pupil may submit applications, including alternative applications, to no more than three nonresident school districts in any school year. If applications for a particular pupil are submitted to more than three school districts, even if separate applications are submitted by each parent, all applications submitted during that school year for the pupil are invalid.

[Wis. Stat. § 118.51(3)(a)1 and Wis. Admin. Code § PI 36.06(1)(b)]

19. Must a pupil apply for open enrollment every year?

Once a pupil is attending a nonresident school district under open enrollment, the pupil may continue to attend that district without reapplication, except that the nonresident school district may require the pupil to reapply one time and one time only; and only when the pupil is entering middle school, junior high or high school. If the pupil wishes to attend a different nonresident school district, the pupil must submit a new application to the new nonresident school district. [Wis. Stat. § 118.51(3)(c)1]

For more information about reapplication requirements, please go to Section VIII.

20. If one or more children in a family are already open enrolled, are the pupils' siblings automatically entitled to attend school in the nonresident district?

No. Any siblings must apply for open enrollment in the same manner as all other pupils. They are entitled to preference for any spaces that exist, or may be granted a guarantee if the nonresident school district has adopted such a policy.

[Wis. Stat. § 118.51(3)(a)1 and 2 and Wis. Admin. Code § PI 36.04(3) and (4) and PI 36.06(1)(b)]

For more information about criteria for approval and denial and selection of pupils, please go to [Section IV](#).

21. *May a school district create its own application form and/or request supplemental information from or about the pupil?*

No. The only application form that may be used is the one created by the DPI. By submitting the online form, or signing the paper form, the parent grants permission for the nonresident school district to receive information about whether the pupil has been referred for a special education evaluation and/or whether the pupil is a child with a disability and, if so, the pupil's individualized education plan (IEP) or recent special education evaluation, if an IEP is not available.

The parent's signature on the form also acknowledges that the nonresident school district may receive information about whether the pupil has been expelled from any school district during the current or preceding two school years. No other information may be requested by the nonresident school district as part of the application process. After notifying a parent that the open enrollment has been approved, the nonresident school district may request pupil records necessary to determine the school or program to which the pupil will be assigned.

[Wis. Stat. § 118.51(3)(a)1 and (15)(a) and Wis. Admin. Code § PI 36.06(1)(c)]

22. *If an application form is incomplete or inaccurate, is the nonresident school district required to contact the parent to obtain the missing information?*

No. The school district *may* contact the parent to obtain missing information or correct inaccurate information, but the additional or corrected information must be received prior to the end of the regular application period.

[Wis. Stat. § 118.51(3)(a)1 and Wis. Admin. Code § PI 36.06(1)(c)]

23. *Who may sign the application form?*

The online application must be submitted by the pupil's parent or guardian. If a paper application is used, it must be signed by the pupil's parent or guardian. In cases of joint custody, only one parent is required to sign the application form. Pupils who are 18 years or older may submit their own application or sign their own paper application.

[Wis. Admin. Code § PI 36.03(4) and PI 36.06(1)]

24. *May a pupil who is currently enrolled in a private school or in a home-based private educational program apply for open enrollment?*

Yes. A pupil who is currently enrolled in a private school or a home-based private educational program may apply for open enrollment using the same procedures as any other applicant. The pupil's application will be considered using the same criteria as for all other applicants. If the application is approved, the pupil must register in her or his resident school district prior to beginning open enrollment. This is necessary so the resident school district can obtain money through state aids and property taxes with which to pay for the pupil's open enrollment. Once

the pupil *begins* open enrollment, the pupil may not simultaneously be enrolled in a private school or home-based private educational program. [Wis. Admin. Code § PI 36.09(4)(c)]

25. *Must the pupil live in Wisconsin in order to apply for open enrollment?*

Pupils who do not reside in Wisconsin and/or are not attending public school in Wisconsin may apply for open enrollment during the application period. However, the pupil must reside in Wisconsin, in the school district indicated as the resident district on the application form, before beginning open enrollment and no later than the third Friday in September in the school year for which the application is submitted. [Wis. Admin. Code § PI 36.06(3)(e)]

26. *Must the pupil have an address in the resident district indicated on their application for open enrollment?*

No, the pupil does not have to have an address in the resident district named on their open enrollment application. Parents may apply for open enrollment in anticipation of a move and they have until the 3rd Friday in September to establish residency in the resident district indicated on their application. In addition, the resident district may not deny an open enrollment application due to the address not matching the resident district indicated on the application.

27. *Does the pupil need to register in their resident district in order to submit an application for open enrollment?*

No, a pupil does not need to register in their resident district in order to submit an open enrollment application. However, the parent needs to enroll or register their child with the resident district before beginning to attend the nonresident district. The resident district will likely verify that the pupil resides in the school district to ensure the district is responsible for the open enrollment payment.

Registration/enrollment can vary from district to district. Some resident districts have the parent complete a student information sheet; others use the open enrollment application. Parents should contact the resident district for more information on registering and residency documentation requirements.

28. *How do family moves affect open enrollment?*

If a pupil moves to a resident school district other than the one indicated on the application form prior to the third Friday in September of the first year of open enrollment, the parent must notify the nonresident district to update the pupil's address. If a pupil moves to a different resident school district after the third Friday in September of the first year of open enrollment or in subsequent years, the pupil's resident district for the purposes of full time open enrollment will not change until the next school year. [Wis. Admin. Code § PI 36.06(3)(e) and PI 36.08(2)(c)]

If a family is planning to move, it is essential to contact the school district's open enrollment coordinator or the DPI's open enrollment consultant **prior to the move** to find out how the move will affect the pupil's ability to attend the district she or he wishes to attend.

Additional information for homebuyers, renters and realtors may be found at https://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/oe_bulletin_14-01_realtors.pdf.

29. Who determines residency?

School districts determine residency, not the DPI. Custody does not determine residency; physical placement of the pupil determines residency. It is determined by where the child lays his/her head at night during the school week.

There are only two considerations in determining residency: 1) whether the pupil “resides” in the district and (2) if the pupil is not residing with a parent, the pupil’s purpose for residing in the district. A pupil is a resident of the district where he or she lives, regardless of where the parent lives, unless the pupil is there for the main purpose to attend school in the district. [State Ex Rel. School-District Board V. Thayer, State Superintendent, 74 Wis. 48, 41 N.W.1041.(1989)]

30. Can a pupil apply for open enrollment if she does not know where she will live during the next school year?

Yes, but you must indicate a resident school district on the application form. You may indicate only one resident school district on a form and the resident district must be the same on all forms submitted for the pupil. If you do not know where you will be residing, you will need to make your best guess. If you selected the incorrect resident district, notify the nonresident district to update the application. [Wis. Admin. Code § PI 36.06(3)(e)]

31. Can a pupil have more than one resident district for open enrollment purposes if the pupil lives in a split custody situation?

No, a pupil may not have more than one resident district on their open enrollment application. If the pupil does live with parents in two different resident districts, the parents will need to agree on one resident district to put on the application.

32. Does a foster child need to apply for open enrollment? If they do apply for open enrollment, do they receive sibling preference? Who must sign the application?

If a foster child wants to attend their school of origin or their school of residence (district that they are living in), they are not required to apply for open enrollment (but they can).

If a foster child wants to attend a school district that is neither their school of origin nor their school of residence, the person responsible for making educational decisions for the pupil must apply for open enrollment to the third district. Foster children are considered residents of the school district in which the foster home is located.

If the foster child’s open enrollment is approved, there is no obligation on any district to provide transportation under the Every Student Succeeds Act (ESSA). This obligation only applies to foster children who choose to attend their school of origin. School of origin is defined as the

school in which the foster child is enrolled or was most recently enrolled at the time of the pupil's placement into out-of-home care.

The pupil is not entitled to sibling preference based on a foster-relationship.

[Wis. Supreme Court State ex rel. School District v. Thayer (1889) 74 Wis. 48; Wis. Admin. Code § PI 36.02(31)].

For more information about foster care, go to <https://dpi.wi.gov/foster-care>.

III. Kindergarten, 4-Year-Old Kindergarten, Prekindergarten, Early Childhood Education and School-Operated Day Care

33. *Does open enrollment apply to kindergarten, 4-year-old kindergarten, prekindergarten, early childhood education and school-operated day care?*

A child who will be five years old by September 1 may apply for open enrollment for five-year-old kindergarten. Open enrollment applies to four-year-old kindergarten, prekindergarten, early childhood education and school-operated day care **only if** the child's resident school district offers the same type of program the child wishes to attend and **only if** the child is eligible for the program in her or his resident school district.

If either the resident or the nonresident school district is considering establishing four-year-old kindergarten program, a parent may apply for open enrollment, but approval or denial would be based on the status of the kindergarten at the time of the decision. If an application is denied because one of the school districts has not established a program at the time of the decision, and that district subsequently establishes a four-year-old kindergarten program, the denial may be reversed. [Wis. Stat. § 118.51(2) and Wis. Admin. Code § PI 36.03(2) and (3)]

34. *If a pupil's resident school district offers half-day five-year-old kindergarten, may the pupil open enroll for full-day kindergarten in the nonresident school district, and vice versa?*

Yes. In that case, the amount of the open enrollment aid transfer would be adjusted by the FTE of the program provided in the nonresident school district. The resident school district counts the pupil in accordance with the FTE of the program provided in the nonresident school district. [Wis. Stat. § 118.51(2) and Wis. Admin. Code § PI 36.03(3)]

35. *Is a pupil who attends a 4-year-old kindergarten, prekindergarten, early childhood education or school-operated day care program under open enrollment required to reapply for kindergarten in the nonresident school district?*

No. Once a pupil is attending a nonresident school district under open enrollment, the pupil may continue to attend that district without reapplication, except that the nonresident school district may require the pupil to reapply one time and one time only; and only when the pupil is entering middle school, junior high or high school. If the pupil wishes to attend a different nonresident school district, the pupil must submit a new application to the new nonresident school district. [Wis. Stat. § 118.51(3)(c)1]

For more information about reapplication requirements, please go to [Section VIII](#).

36. *May a child request early admission to five-year-old kindergarten?*

A child must be five years old on or before September 1 to begin five-year-old kindergarten. 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. However, 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 five-year-old kindergarten, the child may not be placed in four-year-old kindergarten unless the child's resident school district also offers four-year-old kindergarten and the child is eligible for four-year-old kindergarten in her or his resident school district.

[Wis. Stat. § 118.14(1)(b), 118.51(2) and 120.12(25) and Wis. Admin. Code § PI 36.06(3)(d)1 and 2]

37. *May a child request early admission to four-year-old kindergarten?*

A child must be four years old on or before September 1 to begin four-year-old kindergarten. 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. However, 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.

[Wis. Stat. § 118.14(1)(b), 118.51(2) and 120.12(25) and Wis. Admin. Code § PI 36.06(3)(d)1 and 3]

38. *What constitutes "the same type of program?"*

If pupils enrolled in both programs are eligible to be counted for state aid and revenue limit membership, the programs are the same type of program. If either or both district's programs are not eligible for equalization aid, the districts must compare the programs to determine if they are the same type of program. In comparing four-year-old kindergarten and prekindergarten programs (also sometimes referred to as "junior kindergarten"), the two school districts must examine the following: the hours of instruction; the character of the instruction; the target population; and certification of teachers. [2002 WI DPI D&O 1173]

In evaluating requests to open enroll for early childhood education (which is a special education program) the districts must examine the special education and related services in light of the pupil's individualized education program (IEP). [Wis. Admin. Code § PI 36.03(3)]

IV. Approval and Denial; Selection of Pupils

39. *Can a school district deny a pupil's application to open enroll?*

Yes. Both the resident and nonresident school districts may deny an application only for reasons specified in statute. In addition, either school district may deny an application if the pupil is ineligible or if the application is invalid.

40. What constitutes an “ineligible” application?

- The application was **late**; that is the online application was not completed, or a confirmation number was not received, by 4:00 pm on the last day of the application period. For paper applications, the application was not physically received in the nonresident school district by 4:00 pm on the last day of the application period. [Wis. Admin. Code § PI 36.06(1)(a)1 and 36.06(5)(f)]
- The application was **incomplete or was deliberately falsified**. [Wis. Admin. Code § PI 36.06(1)(c)]
- In the case of a paper application, the application form is **not signed**. (See Question 23)
- The pupil is not eligible for open enrollment because the child’s **resident school district does not offer the same 4-year-old kindergarten, prekindergarten, early childhood education program**, or school-operated day care program that the child requests or the child is not eligible for the program in her or his resident school district. [Wis. Stat. § 118.51(2) and Wis. Admin. Code § PI 36.03(2)(a) and (b)]
- The child does **not meet the age requirements** for school attendance (four-years-old by September 1 for admission to 4-year-old kindergarten or five-years-old by September 1 for admission to 5-year-old kindergarten or under twenty-one years old on the first day of attendance). [Wis. Stat. § 118.14(1)(a),(1)(b) and (2) and Wis. Stat. § 120.12(25)]
- The application **did not indicate a resident school district**, or more than one resident school district was indicated on one or multiple applications. [Wis. Admin. Code § PI 36.06(3)(e)]
- Applications for the pupil were submitted to **more than three nonresident school districts**. [Wis. Stat. § 118.51(3)(a) and Wis. Admin. Code § PI.36.06(1)(b)]

41. When will a parent find out if the application is approved or denied?

Nonresident school districts must mail written notices of approval or denial and school assignment to parents no later than the first Friday following the first Monday in June (postmark). Resident school districts must notify parents by the second Friday following the first Monday in June if the application is denied; though most resident districts notify of both approval and denial.

[Wis. Stat. § 118.51(3)(a)3 and 4 and Wis. Admin. Code § PI 36.06(4)(a)1 and (4)(b)1]

The date on which *nonresident* school districts must mail (postmark) approval and denial notices in upcoming school years follows:

| | |
|----------------------|---------------|
| 2017-18 school year: | June 9, 2017 |
| 2018-19 school year: | June 8, 2018 |
| 2019-20 school year: | June 7, 2019 |
| 2020-21 school year: | June 5, 2020 |
| 2021-22 school year: | June 11, 2021 |

42. *What happens if a school district fails to notify the parent of the decision on their open enrollment application submitted during the regular application period?*

If the nonresident school board does not make a timely notification to a parent by the deadline established in Wis. Stat. § 118.51(3)(a)3, an application submitted during the regular application period shall be considered approved by the nonresident school board.
[Wis. Admin. Code § PI 36.06(4)(a)1]

If the resident school board does not make a timely notification to a parent by the deadline established in Wis. Stat. § 118.51(3)(a)4, an application submitted during the regular application period shall be considered approved by the resident district.
[Wis. Admin. Code § PI 36.06(4)(b)2]

43. *What must a school district include in a notice of denial?*

The school district must indicate the reason for the denial and must notify the parent that the parent may appeal the denial to the DPI within 30 days of the day the notice of denial is postmarked or is delivered to the parent, whichever is sooner. If the nonresident district has a wait list, the pupil's number of the wait list should also be included in the denial notification. The districts should use the DPI templates provided in the open enrollment database (OPAL).
[Wis. Stat. § 118.51(3)(a)3 and 4 and Wis. Admin. Code § PI 36.06(4)(c)]

44. *What are the reasons a nonresident school district may deny open enrollment?*

A nonresident school district may deny open enrollment for the following reasons:

- Space is not available in the school, program, class or grade the pupil would attend.
[Wis. Stat. § 118.51(5)(a)1.]
- The pupil is currently expelled and the expulsion will extend into the school year for which the application is submitted. [Wis. Stat. § 120.13(1)(f)]
- The pupil has been expelled during the current or preceding two school years for certain conduct specified in statute. [Wis. Stat. § 118.51(5)(a)2.]
- The pupil was habitually truant from the nonresident district during any semester in the current or previous school year. [Wis. Stat. § 118.51(5)(a)3.]
- The special education or related services required by the pupil's individualized education program (IEP) are not available in the nonresident school district or there is no space in the special education or related services required by the pupil's IEP.
[Wis. Stat. § 118.51(5)(a)4.]
- The pupil has been referred for a special education evaluation but has not been evaluated. [Wis. Stat. § 118.51(5)(a)6.]

For more information about space, please go to [Section V](#).

For more information about pupils with disabilities, please go to [Section VI](#).

For more information about expelled pupils, please go to [Section VII](#).

45. *If there are more applications than spaces, how are pupils selected?*

If there are more applications than spaces for a particular grade or program, the school district must first approve pupils who are currently attending school in the district (known as currently-attending applicants) and siblings of currently-attending pupils, and if the nonresident school district is a union high school district, pupils who are currently attending an underlying elementary school district (referred to as “preference” pupils). If there are more preference pupils than there are spaces, the district must select among the preference pupils randomly. If there are still spaces after approving all preference pupils, the district must select the remaining pupils randomly. [Wis. Stat. § 118.51(3)(a)2. and Wis. Admin. Code § PI 36.04(4)(a)]

If, in the random selection process, a pupil is selected, that pupil’s siblings must be granted preference to the next available spaces. If there are no spaces remaining in the sibling’s grade, the sibling must be denied. [Wis. Admin. Code § PI 36.04(4)(c)]

46. *What are the reasons a resident school district may deny open enrollment?*

A resident school district may deny open enrollment if an application form is incomplete, inaccurate or not timely. [Wis. Admin. Code § PI 36.06(1)(c)]

For more information on application requirements, please go to [Section II](#).

47. *Can a school district adopt additional criteria for approving and denying applications?*

No. A school district may deny open enrollment applications only for reasons specified in statute. [Wis. Stat. § 118.51(5)(a)]

48. *Are pupils who are currently attending the nonresident district, but not through the open enrollment program, automatically approved?*

No. The open enrollment statute *permits* school districts to guarantee acceptance to currently-attending pupils. If the school board wishes to grant this guarantee, it must adopt a policy to do so. If the school board grants this guarantee, it must approve all currently-attending applicants, even if space is not available. [Wis. Admin. Code § PI 36.04(3)]

If the school board has not adopted a policy to guarantee acceptance to currently-attending pupils, it must grant preferences to spaces available, but it may not make exceptions to its space criteria. [Wis. Stat. § 118.51(3)(a)2. and McMorrow v. DPI, 2000 WI App 173]

49. *Are pupils who are currently attending a K-8 school district automatically approved to open enroll to the union high school district?*

No, however, the nonresident union high school district must grant preference to applicants who are currently attending an underlying elementary (K-8) school district.

[Wis. Stat. § 118.51(3)(a)2]

50. *Are siblings automatically approved?*

No. The open enrollment statute *permits* school districts to guarantee acceptance to siblings of currently-attending pupils. If the school board wishes to grant this guarantee, it must adopt a policy to do so. If the school board grants this guarantee, it must approve all siblings of currently-attending pupils, even if space is not available.

[Wis. Admin. Code § PI 36.04(3)(d) and (e)]

If the school board has not adopted a policy to guarantee acceptance to siblings of currently-attending pupils, it must grant sibling preferences to spaces available, but it may not make exceptions to its space criteria.

[Wis. Stat. § 118.51(3)(a)2 and McMorrow v. DPI, 2000 WI App 173]

51. *Who are siblings?*

Siblings are children who share one parent by birth, marriage or adoption. Siblings are entitled to preference whether or not they reside in the same household. For open enrollment preference, sibling also includes step-siblings who reside in the same household. It does not include other children who reside in the same household such as cousins, uncles, aunts, foster children or children unrelated by birth, adoption or marriage. [Wis. Admin. Code § PI 36.02(31)]

52. *Can a nonresident district grant preference to any other group of pupils?*

No. State law only permits nonresident school district to grant preference to currently attending pupils and siblings of currently attending pupils. [Wis. Stat. § 118.51(3)(a)2]

53. *If an application is denied, does a parent have any recourse?*

A parent may appeal a school district's denial of a regular open enrollment application to the DPI within 30 days of receiving the notice of denial. The DPI is required by statute to uphold the school district's decision unless it finds the district was arbitrary or unreasonable. The DPI's decision may be appealed to circuit court in the county in which the appellant resides.

[Wis. Stat. § 118.51(9) and 227.53]

For information on filing an appeal and the appeal process, please go to [Section IX](#).

V. Space

54. *When is a school board required to determine the number of spaces available for open enrollment?*

Each school board must determine the number of regular education and special education spaces available within the school district at its January school board meeting.

If the board does not intend to deny applicants due to space, it may make that determination and document it in its January board minutes.

[Wis. Stat. § 118.51(5)(a)1 and Wis. Admin. Code § PI 36.06(5)(a)]

55. *Can a school board include building capacity as part of its space criteria?*

Yes. The nonresident school board may consider space available in the schools, programs, classes and grades in the district. [Wis. Stat. § 118.51(5)(a)1 and § PI 36.04(2)(c)]

56. *Is a school district required to adopt class size limits and pupil-teacher ratios as a result of the open enrollment law?*

The open enrollment law does not require a school board to adopt class size limits or pupil-teacher ratios specifically for the purpose of open enrollment. The school board must designate the number of open enrollment spaces available in the district and is permitted to consider a number of factors in determining the space availability, such as: class size limits, pupil-teacher ratios, enrollment projections, tuition agreements with other school districts, and pupils currently attending school in the district and their siblings. The school board's space determination cannot be either arbitrary or unreasonable and must be defended to the DPI if a denial based on the criteria is appealed. Any criteria the school board uses must meet statutory requirements, must not be arbitrary and must have a reasonable justification for denying an application. [McMorrow v. DPI, 2000 WI App 173]

57. *If a school district does have an established class size limit, for example 25:1, must it accept open enrolled pupils up to the maximum class size?*

The school district is permitted to use enrollment projections in determining space availability. If the district wishes to "reserve" some spaces for school district growth, it may do so. However, it may not be arbitrary or unreasonable in setting the threshold for determining spaces and it must consistently apply whatever criteria and/or threshold it determines is appropriate in designating spaces. [Wis. Stat. § 118.51(5)(a)1 and McMorrow v. DPI, 2000 WI App 173]

58. *Can a school district make exceptions to its space criteria?*

No. The Wisconsin Appeals Court, in McMorrow v. DPI, 2000 WI App 173, found that it is arbitrary for a school board to make exceptions to its space criteria.

59. *Can a school district increase or decrease the number of open enrollment spaces after their January school board meeting?*

No, a nonresident district may not increase or decrease the number of open enrollment spaces designated at their January school board meeting, except that a nonresident school board may approve additional applications for pupils who are guaranteed approval. [Wis. Admin. Code § PI 36.06(5)(b) and (c)]

After the deadline for approving or denying applications (the first Friday following the first Monday in June), if the nonresident district determines that they have additional spaces, they can fill them from the wait list, if they have one. [Wis. Admin. Code § PI 36.06(5)(d) and (e)]

60. Can a school district exclude certain grades from open enrollment?

A school board must accept open enrollment pupils in all grades in which it has space.
[Wis. Stat. § 118.51(5)(a) and 1 and 2002 WI DPI D&O 1296]

61. Can a school district set a maximum number or percent of nonresident pupils in the school district?

A school district must make a determination based solely on space available in the school district. It may not make a determination based on some other factor, such as a maximum desired percent of nonresident pupils. [Wis. Stat. § 118.51(5)(a)1]

62. If a nonresident school district accepts a pupil and later determines it does not have space, can it terminate the open enrollment?

Generally, no. Once a pupil is approved for open enrollment, that pupil must be permitted to open enroll. However, if an open enrolled pupil's individualized education program (IEP) is developed or revised after the pupil begins attending in the nonresident district under open enrollment, the pupil may be required to return to the resident school district if the nonresident school district does not offer the special education or related services required in the new or revised IEP or does not have space to provide the special education or related services required in the IEP. [Wis. Stat. § 118.51(12)]

63. If a pupil requests a specific school or program, is the pupil guaranteed that program if the application is approved?

No. A pupil may request a specific school or program, but assignment to that program is not guaranteed. [Wis. Stat. § 118.51(3)(a)1 and (10)]

64. If a pupil's application for open enrollment is approved, but the pupil is assigned to a different school than requested, can the pupil appeal the school assignment?

No. Only a denial of open enrollment to a school district may be appealed to the DPI. If an application is approved, but the pupil is not assigned to the specific school requested, the parent must decide whether to accept the alternative assignment or to forego open enrollment. [Wis. Stat. § 118.51(9)]

65. Can a school district give preference in assignment to specific schools to school district residents?

Yes. [Wis. Stat. § 118.51(10)]

66. Can a school district establish a waiting list of pupils who have been denied?

A nonresident school district is permitted to adopt a policy to establish a waiting list of pupils who have been denied open enrollment due to space. The district must establish the waiting list at the same time and using the same criteria it used to accept applications. The district must notify the parent in writing if the pupil is accepted from the list and must give the parents 10 calendar days to respond, after which the space may be offered to the next pupil on the list.

The last day on which pupils may be offered space from the waiting list is the third Thursday in September, but only if the pupil will be in attendance on the third Friday in September.
[Wis. Stat. § 118.51(5)(d) and Wis. Admin. Code § PI 36.04(5)]

VI. Pupils with Disabilities; Special Education

67. *Can a nonresident school district refuse to accept a pupil with a disability?*

The open enrollment law allows a school district to deny open enrollment to any pupil if it does not have space in the school, program, class or grade. If the pupil needs special education or related services in accordance with an individualized education program (IEP), the school district may deny the application if the special education or related services are not available in the school district or if there is no space in the special education or related services. However, a school board may not deny a pupil simply because the pupil has a disability and may not deny the pupil based on the category of the pupil's disability.
[Wis. Stat. § 118.13(1) and 118.51(5)(a)4]

68. *Does the nonresident school board need to designate special education spaces at its January school board meeting?*

Yes. School boards are required to designate the number of regular education and special education spaces available for the next school year. Space determinations must be made and approved by the school board at its January board meeting.

If the board does not intend to deny applicants due to space, it may make that determination and document it in its January board minutes.
[Wis. Stat. § 118.51(5)(a)1 and Wis. Admin. Code § PI 36.06(5)(a)]

69. *Does the school board need to designate special education spaces if the district contracts outside of the district for special education services?*

No. The school board is not required to designate special education spaces if it contracts outside of the district for special education services because the programs are not available in the district. The school board can deny the application because the services are not available in the district.

However, the school board can choose to approve applications for pupils who require the contracted special education services that it does not have in the district. If the school board determines that it wants to approve these applications, the board is required to designate special education spaces for those services based on its contract for special education services.

70. *What criteria may the nonresident school board use to determine special education space availability?*

If the board wishes to consider whether there is space to provide the special education or related service, it must specify the criteria it will consider when making the space determination. Specific criteria must be applied consistently to ensure decisions about special education space are not arbitrary or unreasonable.

Criteria may include:

- Class size limits or pupil-teacher ratios
- Staffing capacity limit, including:
 - The amount of services pupils may need (e.g., minutes/hours, days per week)
 - Class/group size based on intensity of pupil needs (e.g., 1:1, small group, crisis intervention)
 - The type of staff to address various disability-related needs (e.g., special education teacher, pupil services staff, related services, paraprofessional, etc.)
- Projected pupil enrollment and changes to services in pupils' IEPs
- Other considerations concerning availability of space in the special education or related services

The school board's criteria may not include:

- Limits that are based on pupil eligibility category labels (e.g., SLD, Autism, ID)
- Limits that are based on IDEA environment codes (e.g., amount of time in general education classroom, IDEA Env. Code B)
- Limitations related to transportation

71. *Does the DPI have minimum or maximum space/staffing capacity related to special education?*

No, neither state nor federal special education law contain requirements for minimum or maximum space/staffing capacity to provide special education and/or related services. Local school districts are responsible for determining policies and criteria related to space/staff capacity to provide special education services.

72. *Can a nonresident school district enter into a tuition agreement for an IEP placement with the pupil's resident district when the nonresident school district has determined that there are no open enrollment special education spaces available in the special education and/or related services required in the pupil's IEP?*

No. It is arbitrary for a school district to deny an open enrollment application due to a lack of space to one pupil and then accept another pupil. [McMorrow v. Benson, 2000 WI App 173, ¶ 10, 238 Wis. 2d 329, 340, 617 N.W.2d 247, 253] If a school district denied an application due to lack of space and then entered into a tuition agreement to take the pupil, the open enrollment denial would be reversed on appeal.

Open enrollment is a parental choice program and can only be denied or terminated for specific reasons in statute. A tuition agreement is a district choice that can be terminated at the will of the district. A district can offer the placement at another district and pay the costs (including transportation), but parents have a right to choose attendance at the non-resident district through the open enrollment program (parents pay the cost of transportation under OE). The district cannot deny the parent's choice in favor of their own choice because it may be more fiscally advantageous for them. In addition, Wis. Stats. § 118.51(17) is the exclusive means to pay for pupils with disabilities who are open enrolled.

73. Can a nonresident school district deny a pupil with a disability based solely on the category of the disability?

No. Both state and federal laws prohibit discrimination against a pupil based on the pupil's physical, mental, emotional, or learning disability. The board also may not deny open enrollment based on the pupil's eligibility for or need of a reasonable accommodation in a Section 504 plan.

An application may only be denied if there is no space in the special education or related services required in the pupil's IEP or if the special education or related services are not available. [Wis. Stat. § 118.13(1) and 118.51(5)(a)4 and 6 and 118.51(12)]

74. How does a nonresident school district find out if an applicant is a pupil with a disability?

The open enrollment application form requires the parent to indicate whether the pupil has an individualized education program (IEP), whether the pupil currently receives special education services and whether the pupil has been referred for a special education evaluation that has not been completed. Further, by signing the application form, or submitting the online application, the parent grants permission for the nonresident school district to receive information about the child's special education and related services, including a copy of the pupil's IEP. [Wis. Admin. Code § PI 36.12(1)]

75. How does the nonresident school district find out what special education and related services are needed by a pupil with a disability?

The pupil's resident district is required to send copies of a pupil's IEP to the nonresident district by the first Friday following the first Monday in May. [Wis. Stat. § 118.51(3)(a)1m and Wis. Admin. Code § PI 36.06(2)(a)1 and (2)(b)1]

If the pupil is attending school in a district other than their resident district, the nonresident school district may request information about the child's special education program, including a copy of the pupil's IEP, from the school the child attends. [Wis. Admin. Code § PI 36.06(2)(c)]

76. What if an application is submitted by a pupil with a disability but there is no current IEP?

If an application is submitted by a pupil who has been found sometime in the past to have a disability, but does not have a current IEP, the nonresident school board's decision must be based on the availability of special education and related services required by the most recent IEP. If the IEP cannot be obtained for the pupil, the nonresident school board must review the most recent evaluation for the pupil, and based upon that review, develop an IEP and determine whether it has available the special education and related services to provide a placement.

If neither an IEP nor an evaluation is available, the pupil should be considered a nondisabled pupil and the pupil's application must be considered using the criteria for nondisabled pupils. [Wis. Admin. Code § PI 36.10 (2)]

77. How is open enrollment funded for pupils with disabilities?

Starting with the 2016-17 school year, 2015 Wisconsin Act 55 created a new transfer amount of \$12,000 for open enrolled pupils with disabilities, as defined by IDEA and Wis. Stat. § 115.76(5).

The \$12,000 is a transfer of general school aids, not a tuition payment for specific costs. The actual costs of providing special education and related services are the responsibility of the nonresident district.

78. Will the open enrollment transfer amount of \$12,000 be prorated if the pupil's open enrollment status changes?

Yes. If a pupil with a disability has an open enrollment status change, the transfer amount will be prorated based on the number of days the pupil was open enrolled. This is similar to the proration done for open enrolled pupils without a disability. [Wis. Admin. Code § PI 36.08(3)(c)]

79. If an open enrolled pupil no longer requires special education services or if an IEP is developed for a pupil during the school year, how is the open enrollment transfer amount calculated?

If an open enrollment pupil is evaluated and identified with a disability after the school year begins, the resident district would be charged a prorated amount based on the number of days the pupil received special education services. The prorated amount would be based on the special education open enrollment transfer amount for those days. For the days the pupil did not receive special education services, the resident district would be charged the daily rate based on the basic open enrollment amount. [Wis. Admin. Code § PI 36.08(3)(c)]

80. Which school district receives state categorical aids? Does the nonresident district owe the resident district any transit of aid?

The nonresident district claims and retains any Special Education and School-Age Parents Aid, High Cost Special Education Aid, or Supplemental Special Education Aid for the pupil's costs of special education and related services. The nonresident district also retains any Medicaid funds for school-based services (SBS) provided to the pupil. No transit of aid occurs.

81. Which school district is responsible for providing a free, appropriate public education (FAPE) for an open-enrolled pupil with a disability?

The nonresident school district is responsible for providing a free, appropriate public education (FAPE) for an open-enrolled pupil with a disability. [Wis. Stat. § 115.78(1)]

82. If an open-enrolled pupil is suspected of having a disability, to which school district is the referral made?

If an open-enrolled pupil is suspected of having a disability, the referral may be made to either the resident or the nonresident school district. Whichever school district receives the referral must notify the other school district. [Wis. Stat. § 115.777(1)]

83. Which school district is responsible for evaluating and re-evaluating an open-enrolled pupil with a disability?

The nonresident school district is responsible to convene an individualized education program (IEP) team to evaluate the pupil. The resident school district is required to appoint a member to the IEP team. [Wis. Stat. § 115.78(1) and (1m)(h)]

84. Which school district is responsible for developing an individual education program (IEP) and providing a placement?

The nonresident school district is responsible to develop an IEP and provide a placement. If the nonresident school district does not offer the special education or related services required in the IEP or if it does not have space in the special education or related services required in the IEP, it may notify the parent and the resident school district that the special education or related services are not available in the nonresident school district. If this notification is made, the child must be transferred to the resident school district, which must conduct an IEP team meeting to determine a placement for the child. [Wis. Stat. § 115.78(1) and 118.51(12)]

85. Which school district is responsible for procedural safeguards and due process?

The nonresident school district must give parents a description of the procedural safeguards available under Chapter 115 when the child is initially referred for evaluation, upon each notification of an individualized education program (IEP) meeting, and upon reevaluation of the child. [Wis. Stat. §115.792(3)(a)]

86. Are there any circumstances in which a pupil with a disability can be required to return to the resident school district?

If an individualized education program (IEP) is developed or revised after a child begins attending a nonresident school district under open enrollment, the pupil may be required to return to the resident school district if the nonresident school district does not offer the special education or related services required in the new or revised IEP or does not have space to provide the special education or related services required in the IEP. [Wis. Stat. § 118.51(12)]

If the nonresident district determines the pupil must return to the resident school district, it must notify the parent and other school district. If this notification is made, the child must be transferred to the resident school district, which must provide a placement for the child.

If notice is provided under Wis. Stat. § 118.51(12), the pupil shall be immediately transferred to the resident school district, which shall provide special education to the pupil. If the nonresident and resident school boards agree, they may set a date in the future to transfer the pupil to the resident school district. The nonresident school board shall provide special education to the pupil until the pupil is transferred to the resident school district. [Wis. Admin. Code § PI 36.10(5)]

87. What happens if a “regular education” open enrolled pupil is found to have a disability?

- If a pupil who is open enrolled is referred for a special education evaluation, the school district that receives the referral shall notify the “other” school district of the referral. [Wis. Stat. § 115.777(1)]
- The nonresident school district must convene an individualized education program (IEP) team to evaluate the child. The resident school district must appoint a member to the IEP team. [Wis. Stat. § 115.78(1) and 115.78(1m)(h)]

If the child is found to have a disability, the IEP team must develop an IEP and the nonresident school district must provide a placement for the child (except as explained below). [Wis. Stat. § 115.78(1)]

- If the nonresident school district does not offer the special education or related services required in the IEP or if it does not have space in the special education or related services required in the IEP, it may notify the parent and the resident school district that the special education or related services are not available in the nonresident school district. If this notification is made, the child must be transferred to the resident school district, which must conduct an IEP team meeting to determine a placement for the child. [Wis. Stat. § 118.51(12)]

88. If a nonresident school district discontinues a special education or related service in the school district, may the nonresident school district require a pupil with a disability to return to the resident school district?

The nonresident school district may only require the pupil to return to the resident school district if the special education or related services required in the pupil’s individualized education program (IEP), **developed or revised after the pupil begins attending school in the nonresident school district**, are not available in the nonresident school district or if there is no space in the special education or related services required in the pupil’s IEP. Thus, if there is no development or revision of the IEP, the nonresident school district may not require the child to return to the resident school district. However, the nonresident school district may provide a placement in any manner permitted by the special education law. [2002 WI DPI D&O 1258]

89. If a regular education open enrolled pupil has an IEP developed or an open enrollment pupil with a disability has an IEP revised, does the nonresident district send a copy of the new or revised IEP to the resident district?

No, the nonresident school district may not provide any pupil records to the resident district, including but not limited to the following:

- Any part of an IEP developed or revised for the pupil while the pupil is attending the nonresident school district
- Updated evaluation reports
- Discipline records
- Attendance records
- Report cards

- IEP progress reports

The nonresident school district may provide pupil records to the resident district if the pupil's parent provides written consent. [Wis. Admin. Code § PI 36.12(2)(b) and (c)]

90. *If the special education or related service becomes over-crowded in a nonresident school, may the nonresident school district require a pupil with a disability to return to the resident school district?*

The nonresident school district may only require the pupil to return to the resident school district if the special education or related services required in an individualized education program (IEP) **developed or revised after the pupil begins attending school in the nonresident school district** are not available in the nonresident school district, or if there is no space in the special education or related services. Thus, if there is no development or revision of the IEP, the nonresident school district may not require the child to return to the resident school district. [2002 WI DPI D&O 1258]

91. *Who is responsible for providing transportation for open enrolled pupils with disabilities?*

Parents are responsible for transporting pupils to and from school for open enrollment. This is true for parents of pupils with disabilities, **except** that the nonresident school district must provide any transportation required in a pupil's individualized education program (IEP). [Wis. Stat. § 118.51(14)(a)1 and 2] See also <http://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/Bulletin-16-05-Special-Ed-and-OE.pdf>.

92. *Can a nonresident district deny a pupil's open enrollment if it does not have the transportation required in the pupil's IEP?*

No, the nonresident school board cannot deny an application solely on the basis that transportation is required in the pupil's IEP. Wis. Stat. § 118.51(14)(a)2 states that if a pupil with a disability has transportation required in their IEP, the nonresident district must provide such transportation.

93. *Which school district includes the pupil in its December 1 child count for IDEA?*

The nonresident school district includes the pupil in the December 1 child count.

94. *Which school district receives special education categorical aid for open enrolled pupils with disabilities?*

The nonresident school district claims the categorical aid. [Wis. Stat. § 115.88(1m)]

95. *Can a nonresident school district deny a pupil who needs services under Section 504?*

No. A school district may deny a pupil who has been found to be eligible for services under Section 504 (and who is not eligible for an IEP under Wis. Stat. § 115), only for the same reasons it may deny a non-disabled pupil. [Wis. Stat. § 118.51(5)]

96. Can a resident school district deny an application solely because it can provide the special education and related services required by the individualized education program (IEP)?

No.

97. Can a resident school district deny an application solely because it can provide the special education and related services less expensively than the nonresident school district can provide them?

No.

98. Can a resident school district deny an application because it would implement the IEP differently than the nonresident school district?

No.

VII. Expelled Pupils

99. Can expelled pupils participate in open enrollment?

A pupil who has been expelled may apply for open enrollment and may participate if approved. However a nonresident school district may deny the pupil's application if:

- The pupil is serving an expulsion that will extend into the school year for which open enrollment is requested (regardless of the reason for expulsion); [Wis. Stat. § 120.13(1)(f)] and/or
- The pupil has been expelled at any time during the current or preceding two school years if the expulsion was for any of the following reasons:
 - Conveying or causing to convey any threat, false information concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.
 - Engaging in conduct while at school or while under the supervision of a school authority that endangered the health, safety, or property of others.
 - 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 employee of the school district or member of the school board.
 - Possessing a dangerous weapon, as defined in Wis. Stat. § 939.22(1) while at school or while under the supervision of a school authority.[Wis. Stat. § 118.51(5)(a)2a to d]

In addition, a nonresident school district may deny a pupil who is the subject of a pending disciplinary proceeding if the disciplinary proceeding is based on any of the above reasons. [Wis. Stat. § 118.51(5)(a)2]

Further, a nonresident school district may terminate an approval if, prior to the beginning of the school year the pupil will first attend the district, the pupil is expelled or is the subject of a pending disciplinary proceeding as described above. [Wis. Stat. § 118.51(5)(b)]

100. *How does a nonresident school district find out if the pupil has been expelled or is the subject of a pending disciplinary proceeding?*

The pupil's resident district is required to send copies of a pupil's expulsion records or disciplinary proceedings to the nonresident district by the first Friday following the first Monday in May. [Wis. Stat. § 118.51(8) and Wis. Admin. Code § PI 36.06(2)(a)(2) and (2)(b)1]

If the pupil is attending school in a district other than their resident district, the nonresident school district may request information about the pupil's expulsion records or disciplinary proceedings from the school the child attends. [Wis. Admin. Code § PI 36.06(2)(c)]

101. *If a pupil begins open enrollment and is expelled by the nonresident school district, may the pupil continue open enrollment once the term of expulsion is ended?*

If a pupil is expelled by a nonresident school district, the district may notify the pupil that the open enrollment is terminated. The pupil may apply for open enrollment during the next application period. [Wis. Admin. Code § PI 36.09(1)]

102. *If a pupil is expelled by a nonresident school district, must the resident school district permit the pupil to re-enroll?*

During the term of the pupil's expulsion, the resident school district may refuse to allow the pupil to attend. Once the expulsion period has ended, the resident school district must allow the pupil to enroll. [Wis. Stat. § 120.13(1)(f)]

103. *Can a resident school district deny open enrollment out for a pupil who has been expelled by their resident district?*

No, a resident school district cannot deny a pupil's open enrollment out if the pupil has been expelled by their resident district.

104. *Can a nonresident school district deny open enrollment to a pupil who has been suspended or who has been a repeated disciplinary problem?*

No. The district may only deny a pupil who has actually been expelled or who is the subject of a pending disciplinary proceeding based on the behavior described in question 97. [Wis. Stat. § 118.51(5)(a)2]

105. *Can a nonresident school district terminate open enrollment as a disciplinary measure?*

No. A nonresident school district may discipline the pupil in the same manner it disciplines resident pupils. However, open enrollment may not be terminated unless the pupil is expelled. [Wis. Stat. § 118.51(3)(c)1, (5)(b) and (13) and Wis. Admin. Code § 36.09(1)]

VIII. Reapplication

106. Does a pupil need to reapply for open enrollment every year?

No. Once a pupil is attending a nonresident school district under open enrollment, the pupil may continue to attend that district without reapplication, except that the nonresident school district may require the pupil to reapply one time and one time only; and only when the pupil is entering middle school, junior high, or high school. If the pupil wishes to attend a different nonresident school district, the pupil must submit a new application to the new nonresident school district. The nonresident school board must specify its reapplication requirements, if any, in its open enrollment policy. [Wis. Stat. § 118.51(3)(c)1 and (4)(a)1]

107. How does a pupil know if she or he is required to reapply?

The nonresident school district is required to notify, in writing, each pupil who will be required to reapply, before the first day of the regular application period.
[Wis. Admin. Code § 36.06(4)(d)]

108. What if the pupil wishes to attend a different nonresident school district?

The pupil must submit a new application form to the new nonresident school district that they wish to attend. [Wis. Stat. 118.51(3)(c)2]

109. What if an open enrolled pupil moves to a different resident district, does the parent need to reapply?

No, a parent does not need to reapply for open enrollment if their pupil will have a new resident district for the next school year. The parent must notify the pupil's district of attendance (their nonresident district) of the change and they will update the pupil's information in our open enrollment database. [Wis. Admin. Code § PI 36.08 (2)(a) and (2)(b)]

110. If a pupil is required by the nonresident school district to reapply, can the resident school district deny the application?

No. The resident district does not act on reapplications required by nonresident school districts.
[Wis. Admin. Code § PI 36.06(6)]

111. Can a nonresident school district have several different reapplication requirements? For example, can it require a pupil who originally enrolled in third grade to reapply for seventh grade, while requiring a pupil who originally enrolled in seventh grade to reapply in ninth grade?

Yes, as long as no pupil is required to reapply more than one time. The school board must clearly specify its reapplication requirements in its school board policies.
[Wis. Stat. § 118.51(3)(c)1 and (4)(a)1]

- 112. For high school reapplication, can a district that includes ninth grade in junior high require reapplication for tenth grade rather than ninth grade?**

Yes. [Wis. Stat. § 115.01(2) and 118.51(3)(c)]

IX. Filing an Appeal

- 113. Can a parent appeal a school board's open enrollment denial?**

A parent may file an appeal of a school board's denial of a regular open enrollment application with the DPI within 30 days of the day the notice is postmarked or is delivered to the parent, whichever occurs first. [Wis. Stat. § 118.51(9) and Wis. Admin. Code § PI 36.14(1)]

- 114. When does the 30-day appeal period begin?**

The 30 days begins on the day the notice of denial is postmarked or is delivered to the parent, whichever occurs first. [Wis. Admin. Code § PI 36.14(1)(b)]

- 115. Will the DPI accept a late appeal?**

No, the parent must file an appeal with the DPI within 30 days of the day the denial notice is postmarked or is delivered to the parent, whichever occurs first. If the parent does not file the appeal within this timeframe, the DPI cannot accept the late appeal. [Wis. Admin. Code § PI 36.14(1)(b)]

- 116. How does a parent file an appeal?**

The appeal may be filed on form PI 9418 or may be filed in the form of a letter or legal brief. It must state the decision being appealed (i.e. the denial of the ABC School Board of open enrollment for Jane Doe) and the specific reasons for the appeal, which includes why the appellant believes the decision was arbitrary or unreasonable. It must be signed by the appellant or the representative of the appellant. If the appellant is represented by legal counsel, it must include a notice of representation.

If possible, the appellant should include a copy of the written notice and any information that accompanied it and a copy of the postmarked envelope in which the denial notice was mailed. If the appellant no longer has the notice or envelope, they can still file the appeal, but processing could be delayed as the DPI must obtain the information from the school district before processing of the appeal can begin. [Wis. Admin. Code § PI 36.14(1)]

If the appellant does not explain why the denial was arbitrary or unreasonable, as it relates to the reason for the denial, the DPI may refuse to accept the appeal. [2004 WI DPI D&O 1656]

- 117. How long does it take to decide an appeal?**

The length of time it takes to decide an appeal depends on when the appeal was received, how long it takes to compile the record of the decision, whether the parties file briefs and responses, how many appeals the DPI receives, and how complicated the issues are in the appeal. For

appeals filed after the regular application period, most decisions are made and orders mailed during the month of August.

118. Under what circumstances will the DPI overturn the school board's decision?

The DPI is required to uphold the school board's decision unless the DPI finds that the decision was "arbitrary or unreasonable." [Wis. Stat. § 118.51(9)] This means that the DPI will most likely uphold a decision if both of the following are true:

- The school board's policy and criteria are in compliance with state law and are neither arbitrary or unreasonable.
- The school board properly and consistently applied its policy and criteria, and followed state law and its policies in determining which applications will be approved and denied.

Some examples of actions that have been found to be arbitrary or unreasonable follow:

- The school board did not follow the open enrollment law; [2001 WI DPI D&O 957]
- The school board did not have the required policy upon which the decision was made; [2002 WI DPI D&O 1248]
- The school board used criteria that were arbitrary or unreasonable; [2001 WI DPI D&O 1028]
- The school board did not follow its policy, was inconsistent in following its policy or made arbitrary or unreasonable exceptions to its policy; [2001 WI DPI D&O 949; and 2001 WI DPI D&O 961]

The appellant has the burden of proving that the decision was arbitrary or unreasonable. This means that there must be evidence to support the allegation that the decision was arbitrary or unreasonable. Further, if the school board's decision is reasonable, the decision must be upheld even if the appellant's argument is as reasonable or is more reasonable. [Wis. Stat. § 118.51(9) and Wis. Admin. Code § PI 36.14(5)(b)1 and 2001 WI DPI D&O 113]

119. Will the DPI consider the parent's reasons for wanting open enrollment?

The parents' reasons for desiring the transfer, while of utmost concern to the parents and pupil, are not relevant to an appeal under open enrollment and are not permitted to be considered by a school district in acting on an application submitted during the regular application period.

Except for a preference given to pupils currently attending school in the nonresident school district and their siblings, the statute is neutral on the reasons for applying for open enrollment during the regular application period. The assumption is that every parent has a valid reason for applying for open enrollment and the application will be approved unless there is a reason to deny under state statutes and school board policy. [Wis. Stat. § 118.51(9) and 2000 WI DPI D&O 822]

120. Will the DPI consider whether the resident school district is properly providing special education or related services to a pupil with a disability?

In an open enrollment appeal, the DPI is permitted to consider only whether the school board's decision was arbitrary or unreasonable with respect to the reason for denial of open enrollment. It is not permitted to consider the individual circumstances of the pupil, including whether the parent believes the school board properly followed special education law, whether the parent believes the individualized education program (IEP) is appropriate, or whether the parent believes the school district is meeting the requirements of the IEP.

[2001 WI DPI D&O 1087]

If the parent believes the school board has violated state requirements under Chapter 115, Wis. Stats., or PI 11 Wis. Admin. Code, or federal requirements under the Individuals with Disabilities Education Act (IDEA), the parent may file a complaint with the special education team at the DPI. Information about filing a special education complaint may be obtained by calling (608) 267-3720 or may be viewed on the internet at <https://dpi.wi.gov/sped/dispute-resolution/complain>. [2002 WI DPI D&O 1265]

121. What is a brief?

A brief is a party's argument in the case. It states the facts and points of law as the party wishes to present them to the deciding authority. It may be a formal document or an informal letter, but it should clearly explain the facts of the case and explain why the party believes the decision should be overturned (appellant parent) or upheld (respondent school district).

122. Is it necessary to hire an attorney to file an appeal (parent) or defend an appeal (school district)?

It is not necessary to hire an attorney to file or defend an open enrollment appeal. Briefs are permitted, but not required, and a plain language explanation or argument in any legible format is acceptable. The open enrollment consultant will explain the appeal procedure to either party. However, the open enrollment consultant is not permitted to discuss the merits of the case with either party unless the other party is present; and is not permitted to give legal advice to either party. If the appellant believes that legal advice is needed, consultation with an attorney is recommended. [Wis. Stat. § 227.50]

123. Is the DPI's decision final?

The DPI's decision may be appealed to the circuit court in which the appellant resides by filing a petition for review within 30 days of service of the state superintendent's decision.

[Wis. Stat. § 227.53]

X. Attending a Nonresident School District under Open Enrollment

124. *What rights and responsibilities does an open enrolled pupil have in the nonresident school district?*

A pupil attending a nonresident school district under open enrollment has all of the rights and privileges of pupils residing in that school district and is subject to the same rules and regulations as pupils residing in that school district. [Wis. Stat. § 118.51(13) and (13m)]

125. *Can an open enrolled pupil participate in inter-scholastic athletics in the nonresident school district?*

Participation in inter-scholastic athletics is governed by policies of the Wisconsin Interscholastic Athletic Association (WIAA). Questions should be directed to the school district's athletic director or to WIAA at 715-344-8580, <https://www.wiaawi.org>.

126. *Can an open enrolled pupil participate in gifted and talented programs, youth apprenticeship programs, advanced placement classes and other special opportunities in the nonresident school district?*

Yes, subject to the same conditions as resident pupils. However, this only applies once a pupil begins attending the nonresident school district. No school district is required to evaluate any open enrollment applicant for eligibility for special programs or to try out for any sports or activities. [Wis. Stat. § 118.51(13)]

127. *Can an open enrolled pupil be valedictorian and receive the state's academic scholarship for the school?*

Yes, subject to the same conditions as resident pupils. [Wis. Stat. § 118.51(13)]

128. *Can a pupil participate in both the full-time open enrollment program and Course Options?*

Yes. A pupil may participate in full-time open enrollment and can participate in Course Options. Course Options allows pupils enrolled in a Wisconsin public school district to take up to two courses at a time at an educational institution. An educational institution includes a public school in a nonresident school district, charter schools, technical colleges, University of Wisconsin System, tribal colleges, nonprofit institutions of higher education, and DPI approved nonprofit organizations. Interested pupils must apply to the educational institution in which they want to attend no later than six weeks before the scheduled start of the course(s). [Wis. Stat. § 118.52]

For more information about Course Options, please go to their website at <https://dpi.wi.gov/courseoptions>.

129. *Can an open enrolled pupil participate in summer school?*

Yes, a pupil who is open enrolled during a school year can attend summer school in the nonresident district in the summer immediately following the school year. The pupil can also

attend summer school in their resident district. If a pupil attends summer school in their resident district, it does not affect their open enrollment status nor do they have to complete any additional paperwork.

130. Can an open enrolled pupil participate in the Youth Options program? Who pays?

An open enrolled pupil may participate in the Youth Options program. Payment is made by the nonresident school district.

[Wis. Stat. § 118.55(2)(a) and (5). See also <https://dpi.wi.gov/youthoptions/>]

131. If an open enrolled pupil is placed in the Challenge Academy, which school district is responsible for payment?

If a pupil is placed in the Challenge Academy, the open enrollment is terminated. The pupil's resident school district is responsible for payment for the Challenge Academy. If the pupil wishes to return to the nonresident school district after their attendance at the Challenge Academy, they will need to reapply for open enrollment.

[See also <https://dpi.wi.gov/sfs/children/challenge-academy/>]

132. Can a school district terminate a pupil's open enrollment as a disciplinary measure?

A nonresident school district may discipline the pupil in the same manner it disciplines resident pupils. However, open enrollment may not be terminated unless the pupil is expelled or is habitually truant (see next question).

[Wis. Stat. § 118.51(3)(c)1, (5)(b) and (13) and Wis. Admin. Code § 36.09 (1)]

133. Can a school district terminate a pupil's open enrollment if the pupil is habitually truant?

Yes. If the nonresident school district determines that an open enrolled pupil is habitually truant from the nonresident district during either semester in the current school year, the district may prohibit the pupil from attending the nonresident district in the succeeding semester or school year. [Wis. Stat. § 118.51(11)]

For more information related to open enrollment and habitual truancy, please see document "Bulletin 12-01 Guidelines for Termination of Open Enrollment Due to Habitual Truancy" at https://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/oe_bulletin_12-01_truancy.pdf.

134. Can a school district terminate a pupil with a disability's open enrollment if the pupil is habitually truant?

Yes. If the nonresident school district determines that an open enrolled pupil with a disability is habitually truant from the nonresident district during either semester in the current school year, the district may prohibit the pupil from attending the nonresident district in the succeeding semester or school year. [Wis. Stat. § 118.51(11)]

135. Are there steps that a nonresident district must follow in order to terminate a pupil's open enrollment due to habitual truancy?

Yes. Before a nonresident school board may prohibit a pupil's attendance in a succeeding semester or school year, the nonresident school board shall do all of the following:

1. Provide the following notifications to the parent and the pupil when the pupil enrolls in the nonresident school district:
 - a. The school board's truancy and attendance policy.
 - b. The open enrollment consequences of habitual truancy.
 - c. A clear explanation of what constitutes truancy, including what constitutes "part of a school day."
 - d. A description of the notifications, including the manner of delivery, a parent will receive when a pupil is absent, is truant, or is habitually truant. Each notification shall inform the parent that the pupil's open enrollment may be terminated if the pupil is habitually truant.
 - e. How and where the parent can view the pupil's attendance record.
2. Each notification provided shall notify the parent or pupil of the consequences of habitual truancy on open enrollment.
3. Provide the parent and pupil with a list of all unexcused absences and trancies that resulted in the board's proposed action to prohibit the pupil's attendance in a succeeding semester or school year.
4. Allow the parent or pupil to explain why they believe there was any error in marking an absence as truancy, using the process described in the board's policy.

[Wis. Admin. Code § PI 36.09(2)(a)]

136. Can a school district terminate a pupil's open enrollment if the pupil fails to participate at a virtual charter school?

Yes, a nonresident district can terminate a pupil's open enrollment if the pupil fails to participate in a virtual charter school (VCS). Whenever a pupil attending a VCS in a nonresident school district fails to respond appropriately to a school assignment or directive from instructional staff within five 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 five school days, the VCS must also notify the nonresident district, the pupil's resident district, and the DPI.

After the third time, the nonresident district may terminate the pupil's open enrollment. 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. [Wis. Stat. § 118.40(8)(g)]

If a nonresident school board terminated the pupil's open enrollment due to failure to participate, the open enrollment is terminated on the last day of attendance in the VCS. [Wis. Admin. Code § PI 36.09(3)]

For more information related to virtual charter schools and failure to participate, please see document "Bulletin 16-01 Guidelines for Termination of Open Enrollment Due to Failure to

Participate in a Virtual Charter School” at <https://dpi.wi.gov/sites/default/files/imce/open-enrollment/pdf/Bulletin-16-01-Failure-to-Participate.pdf>.

137. Can the nonresident district terminate a pupil’s open enrollment if the pupil is incarcerated?

It depends. If the incarceration is relatively short-term (as decided by the resident and nonresident districts), it is not required that the pupil’s open enrollment is terminated and the pupil could return to the nonresident district after they are released from the incarceration. The open enrollment would be considered continuous.

138. If an open enrolled pupil attends a high school equivalency diploma program, which school district pays for the program?

If the pupil enrolls in the high school equivalency diploma program through the nonresident school district, the nonresident district pays for the program.
[Wis. Stat. § 118.15(1)(c) and 118.51(13)]

139. Can a currently open enrolled pupil attending a virtual charter school transfer to a brick and mortar school located in the nonresident district that they are currently attending? Do they need to apply again for open enrollment?

Yes, a currently open enrolled pupil who is attending a virtual charter school can ask to be transferred to a brick and mortar school located in the nonresident district that they are currently attending. They do not need to apply again for open enrollment. However, school placement is at the discretion of the nonresident district and is a local decision.

140. Can an open enrolled pupil take courses in her/his resident school district?

Yes, this can be done through either Course Options or the district can allow the pupil to return to take courses in their resident district. Students who open enroll full time to another district can use Course Options to take up to two courses at a time back in their resident district. Course Options compels the districts to allow this as long as the criteria for the course are met. If a parent wants their child to participate in Course Options, they must submit an application to the district of attendance at least six weeks before the course begins.

For more information about Course Options, please go to their website at <https://dpi.wi.gov/courseoptions>.

Resident districts have always had the ability to allow open enrolled pupils to attend courses back in their resident district and still can allow it outside of Course Options if they want to come to an agreement with the district of full time attendance. However, there is no obligation on the part of the resident district to allow an open enrolled pupil to take any courses, although there is nothing in statute that prohibits the resident district from permitting a pupil to take such courses.

141. *Can an open enrolled pupil participate in extra-curricular activities in her/his resident school district?*

Open enrollment is a full-time program in which the pupil ceases to attend the resident school district and attends the nonresident school district on a full-time basis. Thus, there is no obligation on the part of the resident school district to allow an open enrolled pupil to participate in any extra-curricular activities, although there is no statute that prohibits the resident school district from permitting the pupil to participate in such activities.

142. *Can a nonresident district change the school placement of a continuing open enrollment pupil or for a pupil who is already open enrolled?*

Yes. School placement is a local decision and the nonresident school district has the authority to assign pupils to schools in the district. The nonresident district can reassign pupils.

143. *What does a continuing open enrolled pupil need to complete if they want to change schools within the nonresident school district that they are already attending?*

A continuing open enrolled pupil would need to contact the nonresident school district and ask if the district has an intra-district transfer procedure, which would be a transfer from one school to another school located within the nonresident district.

144. *Can an open enrolled pupil also be enrolled in a private school or a home-based private educational program?*

No. There is no dual enrollment in Wisconsin. If an open enrolled pupil enrolls in a private school or a home-based private educational program, the open enrollment ceases.
[Wis. Admin. Code § 36.09(4)(c)]

145. *Which school district reports an open enrolled pupil's scores on the Wisconsin State Assessment System?*

The nonresident school district reports an open enrolled pupil's scores on the Wisconsin State Assessment System.

146. *Which school district's report card includes an open enrolled pupil's information?*

An open enrolled pupil's information will appear on the nonresident school district's report card.

However, if a district has a virtual charter school with a population that is more than 50% open enrolled, no pupils in the virtual charter school are to be included in the district's report card calculations. In other words, virtual charter schools are excluded from district report card calculations if the virtual charter school's population is more than 50% open enrolled.
[Wis. Stat. § 115.385(1g)(d)]

For more information related to school and district report cards, please go to <https://dpi.wi.gov/accountability/report-cards>.

147. Which school district reports an open enrolled pupil with disabilities for the federal child count?

The nonresident school district reports the pupil.

148. Which school district maintains open enrollment applications?

The nonresident school district shall maintain all completed applications for 3 years or until the pupil is no longer enrolled in the nonresident school district, whichever is later.
[Wis. Admin. Code § PI 36.08(4)]

149. Which school district reports the pupil's aggregate days of attendance?

The nonresident school district reports the aggregate days of attendance for open enrolled pupils.

XI. Transportation

150. Who is responsible for transportation?

Parents are responsible for transportation to and from school in the nonresident school district. The only exception to this requirement applies when the individualized education program (IEP) for a disabled pupil requires transportation. In this case, the nonresident school district is responsible for providing the transportation. [Wis. Stat. § 118.51(14)(a)]

151. Are school districts permitted to provide transportation to open enrolled pupils?

Either the nonresident or resident school district *may* provide transportation to open enrolled pupils. However, the nonresident school district is prohibited from picking up a nonresident pupil within the boundaries of the pupil's resident school district without the permission of the school board of the resident school district. This prohibition applies even if the nonresident school bus passes right by the pupil's home.

Each school board is required to specify in its policies whether it will provide transportation for some or all of its resident pupils transferring out and/or nonresident pupils transferring in; and the means by which it will provide the transportation.

[Wis. Stat. § 118.51(4)(a)6 and 121.54(10)]

152. Is there any transportation assistance for low-income parents?

Low-income parents may apply to the DPI for reimbursement of transportation costs for open enrollment. Low-income means the family meets the income-eligibility guidelines for free or reduced price meals under the federal school lunch guidelines. The parent may indicate intent to apply for reimbursement by checking the appropriate space on the open enrollment application form and in doing so, the parent is provided an estimate of the reimbursement. To receive reimbursement, the parent must submit an online claim for actual transportation provided. Claims are submitted online at the end of the school year.

[Wis. Stat. § 118.51(14)(b) and Wis. Admin. Code § PI 36.13]

Additional information about submitting a claim online is available on the DPI's website at <https://dpi.wi.gov/open-enrollment/applications/transportation>.

153. How much reimbursement are low-income parents eligible to receive?

The parent will receive reimbursement of transportation costs up to a state-set maximum. The maximum reimbursement per pupil is three-times the state average cost per pupil for transportation. The reimbursement is paid from a state appropriation. Since the 2002-03 school year, claims have exceeded the appropriation and payments to parents have been prorated. [Wis. Stat. § 20.255(2)(cy) and 118.51(14)(b)]

Parents are paid a per-mile amount for private vehicle transportation or are reimbursed for the actual amount for public transportation expenses or contracted transportation. Given the limited funding available, all claims are prorated. The proration factor for the 2015-16 school year was 20.06%.

The deadline for submission of reimbursement claims is July 15. It is essential that claims be filed by the deadline, because once timely claims are paid, there will be no money remaining in the appropriation for the payment of late claims. No late claims will be paid.

Further information on filing a claim is located at <http://dpi.wi.gov/open-enrollment/applications/transportation>.

154. Is state transportation categorical aid available to school districts that provide transportation to open enrolled pupils?

Yes, the nonresident school district may request (in the PI-1547) categorical aid for transportation provided to open enrolled pupils, provided the board policy allows for transportation for open enrollment pupils and only if the nonresident school district does not charge the parent for the transportation. [Wis. Stat. § 121.58(2)(a)]

155. Can the school district charge the parents for transportation?

Yes. If the parent is low-income, the parent may apply to the DPI for reimbursement of the cost. [Wis. Stat. § 118.51(14)(b) and 121.545(1)]

156. Can a school district and parent contract to provide the transportation?

Yes. This may work one of two ways. The school district may choose to provide transportation, and may do so with a "parent contract." That is, the parent would provide the transportation and the district would reimburse the parent. Conversely, the parent may request the school district to provide the transportation and the school district may charge the parent. In either case, a nonresident school district may not provide any transportation that picks up the pupil within the boundaries of the pupil's resident school district unless permission to do so has been granted by the resident school district—regardless of who pays. [Wis. Stat. §121.54(10), 121.545(1) and 121.55]

157. Who is responsible for providing transportation for open-enrolled pupils with disabilities?

Transportation must be provided for pupils with disabilities only if the pupil’s individualized education program (IEP) requires transportation. In that case, the nonresident school district is required to provide the transportation. [Wis. Stat. § 118.51(14)(a) and (b)]

XII. School Board Policies

158. What open enrollment policies are school boards required to adopt?

Each school board is required to adopt policies specifying:

- Its reapplication requirements, if any. (for more information please go to [Section VIII](#))
- Its acceptance and rejection criteria. (for more information please go to [Section IV](#))
- A statement of required preferences. (for more information, please go to [Section IV](#))
- Whether it will provide any transportation to open enrolled pupils and, if so, the means by which it will provide transportation. (for more information, please go to [Section XI](#))

[Wis. Stat. § 118.51(4)]

159. When must school boards adopt their policies?

School boards were initially required to adopt their policies by February 1, 1998. School boards may revise their policies, but any revision must be made prior to the first day of the regular application period to which the revised policy applies.

[Wis. Stat. § 118.51(4)(a) and (b) and Wis. Admin. Code § PI 36.04(2)(a)]

160. Can school boards adopt policies to close the district to open enrollment?

No. School districts must accept nonresident pupils for whom they have space.

[Wis. Stat. § 118.51(3)(a)1 and 2 and WI DPI D&O 1296, July 30, 2002]

161. Can school boards amend their policies?

School boards may revise their policies, but any revision must be made prior to the first day of the regular application period to which the revised policy applies.

[Wis. Admin. Code § PI 36.04(2)(a)]

XIII. Open Enrollment Funding/Tracking Pupils

162. Who pays for open enrollment?

Open enrollment is funded by a transfer of state aids from the pupil’s resident school district to the nonresident school district. [Wis. Stat. § 118.51(16) and (17)]

163. How is the open enrollment transfer amount calculated?

Beginning in 2015-16, the regular open enrollment transfer amount is equal to the amount in the prior year plus the revenue limit per pupil adjustment, if positive, for school districts in the current year plus the change in total categorical aid funding per pupil, if positive, from the prior year to the current year. [Wis. Stat. § 118.51(16)(a)3b]

Following is the regular open enrollment transfer amount for each year since the beginning of the open enrollment program:

| | |
|---------|---------|
| 1998-99 | \$4,543 |
| 1999-00 | \$4,703 |
| 2000-01 | \$4,828 |
| 2001-02 | \$5,059 |
| 2002-03 | \$5,241 |
| 2003-04 | \$5,446 |
| 2004-05 | \$5,496 |
| 2005-06 | \$5,682 |
| 2006-07 | \$5,845 |
| 2007-08 | \$6,007 |
| 2008-09 | \$6,225 |
| 2009-10 | \$6,498 |
| 2010-11 | \$6,665 |
| 2011-12 | \$6,867 |
| 2012-13 | \$6,335 |
| 2013-14 | \$6,485 |
| 2014-15 | \$6,635 |
| 2015-16 | \$6,639 |
| 2016-17 | \$6,748 |

For pupils receiving special education services, beginning in 2016-17, a per pupil aid transfer amount of \$12,000 (in place of the regular transfer amount) will be transferred from the resident district to the nonresident district for each special education pupil who open enrolls. This amount will be indexed annually in a manner similar to the transfer amount for a regular education pupil described above, which is based on the revenue limit per pupil adjustment and the change in categorical aid funding per pupil in a given year. [Wis. Stat. § 118.51(17)(b)2]

164. When are the aid transfers made?

The transfers are made with the final June state aid payment made to school districts.

165. What state aid payments are reduced to make the transfer to the nonresident school district?

A school district's equalization aid payment is reduced to make the aid transfer. However, if the school district's equalization aid payment is insufficient to cover the reduction in state aids, the school district's other state aids are reduced. [Wis. Stat. § 118.51(16)(a)2]

166. Why doesn't the nonresident school district receive its full cost per member for an open enrolled pupil?

The open enrollment program is funded on an approximation of "marginal cost." That is, when a school district admits a pupil for an otherwise vacant space in a classroom, the school district does not incur its full per pupil cost to educate the pupil. The district's fixed costs, such as debt service, building maintenance, business administration, and school and district administration do not usually increase as pupils are added to available spaces in classrooms. The open enrollment transfer amount is made up of costs that are most likely to increase or decrease with the number of pupils educated.

167. Why doesn't the resident school district lose all of its per pupil revenue when an open enrolled pupil transfers?

The open enrollment program is funded on an approximation of "marginal cost." That is, when a pupil transfers out of a school district, the fixed costs of the pupil's resident school district are unlikely to change. Fixed costs such as debt service, building maintenance, business administration, and school and district administration do not usually decrease when pupils transfer out. The open enrollment transfer amount is made up of costs that are most likely to increase or decrease with the number of pupils educated.

168. What happens if a pupil returns to school in his/her resident school district during the school year?

The open enrollment ceases if a pupil returns to her resident school district. If this happens during the school year, the open enrollment transfer amount is prorated according to the number of days the pupil was enrolled in the nonresident district under open enrollment. [Wis. Stat. § 118.51(16)(c) and Wis. Admin. Code § 36.09(4)(a)]

169. What happens if a pupil moves into the nonresident school district?

The open enrollment ceases if a pupil moves into the nonresident school district. If this happens during the school year, the open enrollment transfer amount is prorated according to the number of days the pupil was enrolled in the nonresident district under open enrollment. [Wis. Stat. § 118.51(16)(c) and Wis. Admin. Code § 36.09(4)(b)]

170. What happens if a pupil withdraws from the nonresident school district?

The open enrollment ceases if a pupil withdraws from school in the nonresident school district. If this happens during the school year, the open enrollment transfer amount is prorated according to the number of days the pupil was enrolled in the nonresident district under open enrollment. [Wis. Stat. § 118.51(16)(c) and Wis. Admin. Code § 36.09(4)(a)]

171. What happens if a pupil has not attended the nonresident school district by the third Friday in September?

If a pupil has not attended the nonresident school district by the third Friday in September, the open enrollment is void for that school year. If the pupil wishes to attend the nonresident

school district in the following school year, the pupil must submit a new application, either using an alternative application or submitting one during the next regular application period.

[Wis. Admin. Code § PI 36.09(4)(e)]

172. How is open enrollment funded for pupils with disabilities?

For pupils receiving special education services, beginning in 2016-17, a per pupil aid transfer amount of \$12,000 (in place of the regular transfer amount) will be transferred from the resident district to the nonresident district for each special education pupil who open enrolls. This amount will be indexed annually in a manner similar to the transfer amount for a regular education pupil described above, which is based on the revenue limit per pupil adjustment and the change in categorical aid funding per pupil in a given year. [Wis. Stat. § 118.51(17)(b)2]

173. What happens if a pupil receives special education for part of the school year and receives no special education for part of the year (partial SPED)?

When this situation occurs, the open enrollment transfer amount is prorated according to the number of days the pupil was enrolled as a pupil receiving special education services and the number of days the pupil was enrolled as a pupil not receiving special education services in the nonresident district under open enrollment. [Wis. Admin. Code § PI 36.08(3)(c)]

174. Who counts the open-enrolled pupil for membership?

The resident school district counts the open enrolled pupil in membership for state aid and revenue limit purposes. [Wis. Stat. § 121.05(1)(a)11]

175. How does open enrollment affect a school district's revenue limit?

The nonresident school district is not required to reduce its levy by the amount of the positive state aid adjustment. The resident school district is not permitted to increase its levy by the amount of the negative state aid adjustment. [Wis. Stat. § 118.51(16)(d)]

176. How does open enrollment affect a school district's equalization aid?

A school district's equalization aid is calculated using the school district's membership, shared cost per member and equalized valuation per member. The resident school district counts the pupil in membership. The aid transfers are made **after** the calculation of the school district's equalization aid and do not affect the school district's eligibility for state aid. [Wis. Stat. § 118.51(16)(d), 121.05(1)(a)11, 121.08 and 121.085]

177. Can a nonresident district request a revenue limit exemption for transfer of service?

No, a nonresident district cannot request a transfer of service exemption to increase a district's revenue limit authority for additional costs associated with open enrolled pupils.

178. Can a school district count nonresident open enrollment pupils in its membership?

No. The resident school district counts open enrolled pupils for membership purposes.
[Wis. Stat. § 121.05(1)(a)11]

179. If a pupil open enrolls for a kindergarten program that has a different FTE than the program offered in the resident school district, which FTE membership should the resident school district report?

The resident school district should report the FTE of the program the pupil attends in the nonresident school district. [Wis. Admin. Code § PI 36.08(1)]

180. How are open enrollment payments accounted for in the school district accounting system?

Open enrollment aid transfers are accounted for as an expenditure of the resident school district and as a revenue of the nonresident school district, as follows:

Regular Education Expenditure: Fund 10, Function 435 000, Object 382

Regular Education Revenue: Fund 10, Revenue Source 345

181. Will a nonresident school district receive additional state aid or membership for summer school open enrollment?

Generally, no. Although the statute permits open enrollment for summer school, there is no provision for any additional payment for open enrolled pupils who attend summer school. However, there are certain online classes taken at a virtual charter school that allow the nonresident district to count the pupil. More information is available at <https://dpi.wi.gov/sfs/children/summer-school>.

XIV. Homeless Pupils/Unaccompanied Youth and Open Enrollment

182. Does a homeless pupil need to apply for open enrollment?

If a homeless pupil wants to attend their school of origin or their school of residence (district they are living in), they are not required to apply for open enrollment (but they can).

If a homeless pupil wants to attend a school district that is neither their school of origin nor their school of residence, the parent/legal guardian must apply for open enrollment to the third district. If a homeless pupil's open enrollment to a third district is approved, there is no obligation on any district to provide transportation under McKinney-Vento. This obligation only applies to homeless pupils who choose to attend their school of origin. School of origin is defined as either the school the pupil attended when permanently housed or the school last attended.

It may be advantageous for a parent of a homeless pupil to apply for open enrollment to continue attending their school of origin, even though it is not required. Some school districts have limited open enrollment seats. While homeless pupils may apply for open enrollment at

any time during the school year, they are not guaranteed approval based on being homeless. They are subject to the same criteria as all other applicants. Usually, the best chance of getting a space is to apply during the regular application period for the following school year, especially if they are entitled to preference as currently-attending applicants. If the family is likely to find permanent housing outside a school district that has limited space, it may be desirable to apply for open enrollment for the following school year.

However, if a pupil is still homeless at the end of the school year, the pupil must be permitted to continue to attend the school of origin even if the open enrollment was denied.

183. *If an open enrolled pupil is determined to be homeless, does their open enrollment terminate?*

No, a pupil's open enrollment is not automatically terminated if the pupil becomes homeless. Being homeless ensures that the pupil can continue to attend the "school of origin"—even if the pupil is residing outside that district—whether that was a resident district, open enrolled district, or some other district. School of origin is defined as either the school the pupil attended when permanently housed or the school last attended.

If the school of origin is an open enrolled district, open enrollment continues and the resident district continues to be the open enrollment resident district on the third Friday in September, even if the pupil is currently resident in a different district.

184. *If an open enrolled pupil is determined to be homeless, does their open enrollment terminate if the pupil moves into the school of origin (the nonresident district)?*

A pupil's open enrollment may be terminated if the pupil moves into the school of origin (the nonresident district) depending on if the move is temporary or permanent. If the move into the nonresident district is temporary, the pupil's open enrollment should not be terminated. If the move into the nonresident district is permanent, the pupil should be withdrawn from open enrollment as of the date of their move.

185. *If a pupil has been deemed an unaccompanied youth, can the pupil apply for open enrollment without the parent or legal guardian's signature?*

Yes, an unaccompanied youth can apply for open enrollment without a parent or legal guardian's signature. An unaccompanied youth is defined as a youth or child attending school, but is not in the physical custody of a parent or guardian.

186. *If an open enrolled pupil becomes homeless, does the pupil receive transportation under McKinney-Vento or does the pupil not receive transportation because they are open enrolled?*

A homeless pupil is entitled to everything they are entitled to under both McKinney-Vento and open enrollment. That is, if a pupil who is open enrolled becomes homeless, the pupil is still open enrolled. McKinney-Vento does not displace open enrollment; it co-exists with open enrollment.

If there is a conflict between open enrollment and McKinney-Vento (for example, a pupil applies for open enrollment and is denied), the requirements of McKinney-Vento take precedence for as long as the pupil is eligible.

The pupil would receive transportation only to the school of origin under McKinney-Vento even though they are open enrolled.

For more information regarding homeless pupils and open enrollment, go to our webpage at <https://dpi.wi.gov/open-enrollment/resources/homeless>.

XV. Alternative Application Procedure

187. *Can a parent apply for open enrollment outside of the regular application period?*

Yes. 2011 Act 114 created the alternative application procedure, by which parents can apply for open enrollment outside of the regular application period for specific criteria/reasons. [Wis. Stat. § 118.51(3m)(a) and § PI 36.02(2)]

188. *How is the alternative application procedure different than an application submitted during the regular application period?*

An application submitted during the regular application period is for the following school year. The alternative application procedure allows parents to apply during the current school year beginning on July 1. [Wis. Admin. Code § PI 36.06(1)(a)2]

189. *Do you have to provide a basis for applying for open enrollment using the alternative application procedure?*

Yes. A parent needs to select from the seven available criteria under which they are submitting the alternative application and must give an explanation as to why they are applying.

The seven criteria that the parent can choose from includes:

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

[Wis. Stat. § 118.51(3m)(b)]

190. Does the parent need to include anything else when completing their alternative application?

Yes, the parent must include an explanation of the circumstances leading to the request and may include documentation that supports the request. If there is no explanation, the district should contact the parent. There are also documentation requirements related to the bullying or harassment criteria; see the alternative application form (<https://dpi.wi.gov/sites/default/files/imce/forms/doc/f9421.doc>). [Wis. Stat. § 118.51(3m)(b)]

191. Does submitting an alternative application give parents an exception to a nonresident school district's space criteria?

No. The alternative application procedure is a means by which parents can apply for open enrollment outside of the regular application period.

It is not an exception to the nonresident district's space criteria, which would result in arbitrarily approving applications for some pupils and denying them for others.

192. When does a parent complete an alternative application vs. tuition waiver?

If a family moves before the 3rd Friday Count date, the parent should complete an alternative application, unless the alternative application will be denied (then the parent should complete a tuition waiver). If a family moves after the 3rd Friday Count date, the parent must complete a current year tuition waiver. The reason for this is based on funding.

If a student is attending District A on the 3rd Friday, District A includes that student on the revenue limit membership count and the district is able to raise revenue for the student. If the student later moves to District B, a current year waiver keeps funding exactly the same. Under the alternative application, District B, which did not raise revenue for the student, would be required to pay District A, which has already raised revenue for the student.

193. When can an alternative application be submitted?

An alternative application must be submitted during the school year in which the pupil wants to begin attending school in the nonresident school district. If the pupil 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 alternative application, the parent may be required to submit the application within a specified time period. [Wis. Admin. Code § PI 36.06(1)(a)2]

194. Where do parents get the alternative application forms?

The alternative application form is a paper application only (PI-9421) that can be accessed on the open enrollment website at <https://dpi.wi.gov/open-enrollment/applications/alternative>.

195. Is there a limit on the number of alternative applications a pupil may submit?

Yes, the parent can apply to up to three nonresident school districts in a school year. This includes both regular and alternative applications.

For example, during the 2016-17 school year, the parent could have applied for up to a total of three school districts for the 2016-17 school year. The parent can apply to Districts A, B, and C during the February-April 2016 regular application period.

The new school year begins on July 1. Beginning on this date, this same parent can apply to 1, 2, or 3 districts under the alternative application procedure. If the parent later wishes to apply during the regular application period (February – April 2017), the parent is limited to those same 3 nonresident districts that they applied to using the alternative application procedure.

The limitation is for the school year you submit the application in, not the school year that you are applying for (the school year that you want your child to attend).

[Wis. Stat. § 118.51(3m)(a) and Wis. Admin. Code § PI 36.06(1)(b)]

196. Does a pupil need to apply for open enrollment during the regular application period if they submitted an alternative application, was approved, and has been attending the nonresident district?

No. Once a pupil applies for open enrollment under an alternative application, is approved, and is attending the nonresident district, the pupil is treated just like any other open enrolled pupil. A nonresident district can only require reapplication one time and one time only, at the beginning of middle school, junior high, or high school.

197. Can a nonresident school district deny a pupil's alternative application?

Yes. The nonresident district can deny an alternative application for the same reasons they can deny an application completed during the regular application period. Those reasons include:

- Space is not available in the schools, programs, classes, or grades in the nonresident district. [Wis. Stat. § 118.51(5)(a)1]
- The special education or related services required in the pupil's IEP are not available in the nonresident district. [Wis. Stat. § 118.51(5)(a)4]
- There is no space available in the special education or related services required in the pupil's IEP. [Wis. Stat. § 118.51(5)(a)4]
- The pupil has been expelled during the current or two preceding school year for certain conduct or is the subject of a pending disciplinary proceeding. [Wis. Stat. § 120.13(1)(f)]
- The pupil has been habitually truant from the nonresident district during any semester of the current or previous school years. [Wis. Stat. § 118.51(5)(a)3]
- Invalid application (early or late applications or missing information) [Wis. Stat. § 118.51(3m)(a) and Wis. Admin. Code § PI 36.06(1)(a)2, (1)(b) and (1)(c)]
- Ineligibility due to age (too young or too old) [Wis. Stat. § 118.14]
- The resident district does not offer the same type of prekindergarten, four-year-old kindergarten, or early childhood program as the nonresident district or the pupil is not eligible for the program in the resident district. [Wis. Stat. § 118.51(2)]

In addition to these reasons, the nonresident district can deny an alternative application if it does not believe the transfer is in the best interest of the pupil or if the criteria used to apply is

not applicable. For example, if a parent applied under the criteria “moved into Wisconsin within the past 30 days,” but the family has been living in Wisconsin for longer than 30 days.

[Wis. Stat. § 118.51(3m)(b)]

198. Can a resident school district deny a pupil’s alternative application?

Yes. The resident district can deny an alternative application for the same reasons that they can deny an application completed during the regular application period. Those reasons include:

- Invalid application (early or late application or missing information) [Wis. Stat. § 118.51(3m)(a) and Wis. Admin. Code § PI 36.06(1)(a)2, (1)(b) and (1)(c)]
- Ineligibility due to age (too young or too old) [Wis. Stat. § 118.14]
- The resident district does not offer the same type of prekindergarten, four-year-old kindergarten, or early childhood program as the nonresident district or the pupil is not eligible for the program in the resident district. [Wis. Stat. § 118.51(2)]

In addition to these reasons, the resident district can deny an alternative application if it does not believe the transfer is in the best interest of the pupil or if the criteria used to apply is not applicable. [Wis. Stat. § 118.51(3m)(b)(8)]

A resident school board may not deny an alternative application based on criteria not applicable or not in best interest of the pupil because the parent did not provide an explanation or did not provide enough information for the board to consider the application, unless the board offered the parent an opportunity to provide additional information. [Wis. Admin. Code § PI 36.07(3)(a)]

It is important to note that a resident district cannot deny an alternative application due to “not in best interest” unless the basis for the alternative application was “best interest of the pupil”. Also, the resident district cannot deny an alternative application based on the resident district’s determination that the pupil was a victim of a violent crime. [Wis. Admin. Code § PI 36.07(3)(b)]

199. When will a parent find out if their alternative application was approved or denied?

A nonresident district has 20 calendar days to approve or deny the alternative application. The approval or denial notification must be in writing. If the nonresident district does not act on the application, it is assumed denied. If the application is approved, the written notice must include the pupil’s school assignment. [Wis. Admin. Code § PI 36.06(4)(a)2]

A resident district has 20 calendar days to deny the alternative application. The denial notification must be in writing. If the resident district has not denied the alternative application within 20 calendar days, it is considered approved. [Wis. Admin. Code § PI 36.06(4)(b)2]

200. If a nonresident school board limits their open enrollment space availability for the next school year, can they accept an alternative application for the current school year?

A nonresident school board may not approve an alternative application submitted before the 3rd Friday in September if the board did not approve all applications for the pupil’s grade that were submitted in the regular application period for the same school year.

A nonresident school board may not approve any alternative application submitted after the January school board meeting for a current school year if the board limited the number of spaces available for applications submitted during the regular application period for the following school year. [Wis. Admin. Code § PI 36.04(7)]

201. *How does a nonresident school district find out if the pupil is a pupil with a disability has been expelled, or is the subject of a pending disciplinary proceeding?*

For applications submitted using an alternative application, the resident district must send these records to the nonresident district within 10 days after the alternative application was submitted. If the pupil is attending school in a district other than their resident district, the nonresident district may request information about the child's special education program, including a copy of the pupil's IEP, and/or expulsion records, from the school that the pupil attends. [Wis. Admin. Code § PI 36.06(2)(b)2 and (2)(c)]

202. *Can a nonresident school district request supplemental information from or about the pupil besides special education and expulsion records?*

The nonresident school district may not request and a public school district may not provide any pupil records other than special education and expulsion records without written consent from the pupil's parent.

The nonresident school board may not deny an alternative application based on a parent's refusal to consent to the release of additional records. [Wis. Admin. Code § PI 36.12(1)(c)]

203. *How long does the parent have to enroll their pupil in the nonresident school district once their alternative application has been approved?*

Once the alternative application has been approved by the nonresident district, the pupil may begin attending the nonresident district immediately. The pupil does not need to wait to receive an approval from the resident district in order to attend the nonresident district. [Wis. Admin. Code § PI 36.07(2)(a) and (b)]

The approved pupil must attend by the 15th day after the approval notification has been sent. The nonresident district may extend this deadline. If the pupil does not attend within the 15 days (or on or before the established deadline), the nonresident district may notify the parent that the pupil can no longer attend. [Wis. Stat. § 118.51(3m)(e)]

204. *Can a parent appeal a school board's open enrollment denial of an alternative application?*

A parent may file an appeal of a resident school board's denial of an alternative application with the DPI within 30 days of the day the notice is postmarked or is delivered to the parent, whichever occurs first. [Wis. Stat. § 118.51(9)]

If a parent intends to find an appeal of a resident district's denial of an alternative application due to not in the best interests of the pupil or criteria not applicable, the pupil may attend the nonresident district pending the outcome of the appeal. However, if the parent fails to file a

timely appeal or if the DPI affirms the resident district's decision, the pupil must cease attending the nonresident district. [Wis. Admin. Code § PI 36.07(2)(c)]

It should also be noted that if the district does not provide a written notice of denial to the parent, then there is no deadline for the parent to file an appeal.

There is no specific provision in statute for a parent to appeal a nonresident school board's denial of an alternative application.

205. *Is the DPI's decision on an alternative application appeal final?*

Yes, the DPI's decision on an alternative application appeal is final. [Wis. Stat. § 118.51(3m)(b)8]

206. *Will DPI consider the parent's reason for applying for open enrollment using alternative applications when looking at appeals?*

Yes. If a parent appeals a resident district's decision that the transfer is not in the best interest of the pupil, the DPI must review the parent's explanation and the resident district's explanation.

If the DPI determines that the denial is not in the best interests of the pupil, the DPI must allow the transfer. The DPI's decision is final. [Wis. Admin. Code § PI 36.14(5)(b)2]

207. *How is the open enrollment transfer amount for pupils attending under an alternative application calculated? When are the aid transfers made?*

Payments for alternative application pupils are the same as they are for all other open enrolled pupils. They are equal to the open enrollment transfer amount, prorated at the daily rate (OE amount/180), and paid as an aid adjustment in the same way as current open enrollment is paid. [Wis. Admin. Code § PI 36.08(3)(b)2]

The aid transfers for pupils attending under the alternative application procedure are made with the final June state aid payment made to school district, just like all other open enrolled aid transfers are made.

208. *How does open enrollment using an alternative application affect a school district's revenue limit?*

Alternative application pupils may transfer in the middle of the school year. Therefore, the pupil may or may not have been counted by the resident district on the 3rd Friday Count and at the time that the resident district set their levy.

If the district was unable to count the pupil, it may receive a revenue limit exemption in the amount of the aid transfer. This exemption is a non-recurring exemption that is taken in the following school year, meaning that the district receives it for just that year and then it comes out of the district's revenue limit base for the following school year. [Wis. Stat. § 121.94(4)(p)1]

Information about open enrollment may be obtained from:

Department of Public Instruction/Open Enrollment

PO Box 7841

Madison, WI 53707-7841

Website: <http://dpi.wi.gov/oe>

Toll-free phone number: 888-245-2732, option 2

Email: openenrollment@dpi.wi.gov