

# ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

## ADMINISTRATIVE POLICY 8.45 PUBLIC SCHOOL OPEN ENROLLMENT

To the extent consistent with state laws, Board policies, and MPS administrative guidelines, a nonresident pupil (i.e., one who resides outside the City of Milwaukee) may apply to attend an MPS school through either the full-time or part-time state-wide open-enrollment programs.

### **(1) FULL-TIME OPEN ENROLLMENT**

#### **(a) Nonresident Pupils Applying for Transfer into the Milwaukee Public School District**

1. Applications shall be received by MPS during the time frame designated by state law. An application may include a request to attend a specific school or program, but preference in assignment to a school, program, class, or grade shall be given to residents of the City of Milwaukee.

2. MPS shall not accept or reject any applications for transfer into MPS until after the designated application period has ended. Applications for students already attending MPS will be accepted. If MPS receives more applications for a grade or program than there are spaces available, MPS shall determine which nonresident pupils to accept on a random basis after giving preference to applicants who have siblings attending MPS.

3. MPS shall notify the applicant, in writing postmarked on or before the deadline designated by state law, whether it has accepted or rejected the application. If the application is rejected, MPS shall include in the notice the reason for the rejection.

4. If MPS accepts an application, MPS shall notify the applicant, in writing postmarked on or before the deadline designated by state law, of the specific school or program that the pupil may attend the following school year.

5. If MPS accepts an application, the nonresident pupil's parent or guardian shall notify MPS, postmarked on or before the deadline designated by state law, of the pupil's intent to attend MPS the following school year.

6. If MPS accepts applications for transfer into MPS by nonresident pupils, MPS shall notify the appropriate resident school boards, on or before the deadline designated by state law, of the names of the pupils who shall be attending MPS during the following school year.

7. Transportation will be provided only if the nonresident pupil is a child with a disability and transportation is required in the pupil's individualized education program or is required under § 121.54(3), Stats.

8. An application shall be accepted only where space is available in the school, program, class, or grade within MPS. In determining the availability of space, MPS may consider criteria such as any class-size limits and pupil-teacher ratios and enrollment projections established by the Milwaukee Board of School Directors. MPS may include in its count of occupied space pupils attending MPS for whom tuition is paid by the resident district under an agreement under § 121.78(1)(a), Stats., and pupils who are already attending MPS and have applied to attend MPS under § 118.51(3)(a) Stats.

9. A nonresident pupil may attend a pre-kindergarten, four-year-old kindergarten, early childhood, or school-operated daycare program in MPS only if the pupil's resident school district offers the same type of program and the pupil is eligible to attend such type of program in his or her resident school district.

10. An application shall not be accepted for any pupil:

- a. who has been expelled from school by any school district during the current or two preceding school years for any of the following reasons, or

- b. who has a disciplinary proceeding pending based upon any of the following reasons, or
  - c. whom MPS has determined, at any time prior to the beginning of the school year in which the pupil shall first attend an MPS school under this section, and initial acceptance by MPS notwithstanding, should not be accepted for having engaged in any of the following conduct:
    - (i) conveying, or causing to be conveyed, any threat or false information concerning an attempt or alleged attempt being made, or to be made, to destroy any school property by means of explosives;
    - (ii) engaging in conduct, while at school or while under supervision of a school authority, that endangered the health, safety, or property of others;
    - (iii) 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; or
    - (iv) possessing a dangerous weapon as defined in § 939.22(10), Stats., while at school or while under the supervision of a school authority.
11. An application shall not be accepted from a nonresident pupil with a disability, if any of the following apply:
- a. The special education or related services described in the pupil's individualized education program are unavailable in MPS, or there is no space available to provide the special education or related services identified in the pupil's individualized education program, taking into account any class-size limits or pupil-teacher ratios or enrollment projections established by MPS; or
  - b. the nonresident pupil has been referred to his or her resident school board under § 115.777(1), Stats., or has been identified by his or her resident school board under § 115.77(1m)(a), Stats., but has not yet evaluated by an individualized education program team appointed by his or her resident school board under § 115.78(1), Stats.
12. If the individualized education program for a pupil that is developed or revised after the pupil begins attending MPS prescribes special education or related services that are not available in MPS, or if there is no space available to provide the special education or related services identified in the child's individualized education program, including any class-size limits, pupil-teacher ratios or enrollment projections established by MPS, MPS shall notify the child's parent and the child's resident school board that the special education or related service is not available in MPS. After such notice is provided, that child shall be transferred to his or her resident school district.
13. A nonresident pupil whose application for transfer into MPS is rejected shall have the right to appeal to the Wisconsin Department of Public Instruction as set forth in § 118.51(9), Stats.
- (b) Resident Pupils Applying for Transfer into a Non-Milwaukee Public School District**
- 1. To the extent consistent with state laws, administrative policies, and administrative guidelines, a resident pupil (i.e., one who resides in the City of Milwaukee) may apply to attend a public school in a nonresident school district through the full-time state-wide open enrollment programs.
  - 2. Applications may not be submitted to more than three (3) nonresident public school districts.
  - 3. A resident pupil with a disability may attend a nonresident school at the transfer amount specified in Wisconsin Act. 55

4. Milwaukee Public Schools will not be billed, nor send bills, for the open enrollment basic transfer amount plus any actual, additional costs to provide special education for open enrolled pupils with disabilities.

5. The Department of Public Instruction will make the aid-transfer payments for all open-enrolled pupils with disabilities in the same manner as it does open-enrolled non-disabled peers.

6. MPS shall not provide transportation for any resident pupil who attends a nonresident public school unless the pupil is a child with a disability and transportation is required in the child's individualized education program or is required under § 121.54(3), Stats.

7. Following receipt of an application of a resident pupil applying for transfer into a nonresident district, if MPS denies the pupil's enrollment in the nonresident district under sub. (6)(7) or (12)(b)(1) of § 118.51, Stats., MPS shall notify the applicant and the nonresident school board, in writing, that the application has been denied and the reason for the denial, which notification must be postmarked on or before the deadline designated by the Wisconsin Department of Public Instruction.

8. A resident pupil whose application for transfer into a nonresident school district has been rejected shall have the right to appeal to the Wisconsin Department of Public Instruction as set forth in § 118.51(9), Stats.

9. Notwithstanding § 118.125, Stats., upon request by the nonresident school board to which a resident pupil has applied, MPS shall provide to the nonresident school board copies of any expulsion findings and orders, copies of records of any pending disciplinary proceeding involving the pupil, and a written explanation of the reasons for the expulsion or pending disciplinary proceeding.

## **(2) PART-TIME OPEN ENROLLMENT**

To the extent consistent with state laws, administrative policies, and MPS administrative guidelines, a resident pupil enrolled in an MPS high school may apply to take up to two courses offered in a nonresident school district, and a nonresident pupil enrolled in a nonresident high school may apply to take up to two courses offered in MPS.

### **(a) Nonresident Pupils Applying to Take Courses In MPS High Schools**

1. All applications from nonresident pupils applying to take courses in MPS high schools shall be submitted to MPS not later than six weeks prior to the date on which the courses are scheduled to commence. All applications shall specify the course(s) that the pupil wishes to attend and may specify the school(s) the pupil wishes to attend. MPS shall send copies of all applications from nonresident pupils to their respective nonresident school districts.

2. MPS shall notify the applicant and the nonresident school board in writing no later than one week prior to the date on which the course is scheduled to commence whether the application from a nonresident pupil has been accepted or rejected. Acceptance applies only for the following semester, school year, or other session in which a course is offered.

3. If MPS denies an application, it shall include in the notice the reason for rejection.

4. MPS shall accept applications from nonresident pupils based on the availability of space in the courses, including any class-size limits, pupil-teacher ratios, pupils attending MPS for whom tuition is paid under § 121.78(1), Stats., or enrollment projections established by MPS.

5. MPS shall apply the same policies and criteria for entry into an MPS course as MPS applies to resident pupils, except that preference shall be given in course assignments to resident pupils. If MPS rejects an application under this paragraph, the nonresident pupil's parent may appeal to DPI in accordance with § 118.52(8), Stats.

6. If there are more applications from nonresident pupils for a particular course than there are spaces available in the course, MPS shall determine which pupils to accept on a random basis.

7. A nonresident pupil taking a course at an MPS high school shall have all of the rights and privileges of resident pupils and shall be subject to the same rules and regulations as are resident pupils.

8. MPS shall not provide transportation to nonresident pupils taking courses in MPS high schools.

**(b) Resident Pupils Applying to Take Courses in Nonresident High Schools**

1. MPS shall reject a resident pupil's application to take a course in a nonresident high school if MPS determines that the course conflicts with the individualized education program of the resident pupil under § 115.787(2), Stats., or if MPS determines that the cost of the course would impose upon MPS an undue financial burden under § 118.52(6)(b), Stats. If an application is rejected for either of these reasons, MPS shall notify the resident pupil and the nonresident school board in writing no later than one week prior to the date on which the course is scheduled to commence that the application has been rejected and the reason for rejection. If MPS prohibits a resident pupil from taking a course in a nonresident high school for either of these reasons, the pupil's parent may appeal the decision to the Wisconsin Department of Public Instruction in accordance with § 118.52(8), Stats.

2. If MPS makes a determination that a course in a nonresident high school does not satisfy high-school graduation requirements in MPS under § 118.33 Stats., MPS shall notify the resident pupil in writing of that fact no later than one week prior to the date on which the course is scheduled to commence.

3. MPS shall not provide transportation to resident pupils taking courses in nonresident high schools.

4. Notwithstanding § 118.125, Stats., upon request by the nonresident school board to which a resident pupil has applied, MPS shall provide to the nonresident school board copies of any expulsion findings and orders, copies of records of any pending disciplinary proceeding involving the pupil, and a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

**History:** Adopted 1-28-98, revised 3-30-99, 3-26-02, 1-27-11, 6-30-16  
**Legal Ref.:** W.S. 118.51, 118.52

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