

**POLICY****ATTENDANCE****4025  
Pupils****Open Enrollment - External Transfer Policy for Full-time Students**

It is the policy of the BOARD, if the criteria that are set forth below are met, (1) to allow a nonresident student who resides within the State of Wisconsin to enroll as a full-time student in any Madison Metropolitan School District (MMSD) program or school, except to enroll in a MMSD pre-kindergarten, early childhood or MMSD sponsored day care program in addition to meeting the criteria that are set forth below, the school district within which the student resides shall offer the same type of pre-kindergarten, early childhood, or MMSD sponsored day care program and (2) to release a Madison resident student to enroll full-time in another school district.

**DEFINITIONS**

## 1. Full-time Student:

A full-time student is a student who enrolls for the entire school day and receives all of her/his education exclusively in one school district.

## 2. External Transfer:

An external transfer is a transfer involving a student who wishes to transfer from one school district to another school district.

## 3. Internal Transfer:

An internal transfer is a transfer involving a student who resides within a MMSD school attendance area and who wishes to transfer to another MMSD school or program that is outside the MMSD school attendance area in which the student legally resides.

## 4. Nonresident School District:

A nonresident school district is a district located in Wisconsin that is not the school district within which a student legally resides.

## 5. Nonresident School Board:

A nonresident School Board is the governing body of a nonresident School District.

## 6. Nonresident Student:

A nonresident student is a student who is a legal resident of another school district and who applies to enroll in the Madison School District.

7. Resident School District:

A resident school district is a district located in Wisconsin that is the school district within which a student legally resides.

8. Resident School Board:

A resident School Board is the governing body of a resident School District.

9. Resident Student:

A resident student is a student who legally resides within the Madison School District and who applies to enroll in another school district.

10. Former Resident Student:

A former resident student is a student who legally resided within the MMSD, attended a MMSD school or program and became a non-resident student during the school year in which the student applied, under the Open Enrollment Policy, to remain in the MMSD.

**PROCEDURE**

**ATTENDANCE**

**4025  
Pupils**

1. A parent or legal guardian of a nonresident student who wishes the student to externally transfer shall file an application with the MMSD to request that her/his child attend the MMSD no earlier than the first Monday in February and not later than the third Friday in February of the school year immediately preceding the school year in which the pupil wishes to attend.
2. The application may include a request to attend a specific school or program offered by the MMSD.
3. On the fourth Monday in February, the Madison School Board, as a nonresident school board, shall send a copy of the application to the Wisconsin Department of Public Instruction and the pupil's resident school board, along with a request that the resident school board send immediately to the Registrar of the Madison School District a copy of the student's academic and disciplinary records, which include but are not limited to the following: suspension/expulsion record; transcript; 504 plan; Individual Education Program (IEP-Team) Evaluation; Individual Education Program (IEP).

4. After the third Friday in February and no later than the first Friday following the first Monday in April, the MMSD Board, as a nonresident school board, shall notify the parents or legal guardian whether their application has been accepted or rejected.
5. On or before the first Friday following the first Monday in April, the MMSD Board, as a resident school board, shall notify the parents or legal guardian whether their application has been accepted or rejected.
6.
  - a. If the MMSD Board, as a nonresident school board, rejects the application, the notice shall include the reason(s) for rejection.
  - b. If Madison, as a resident school board, denies a pupil's enrollment in a nonresident school district relative to transfer limits, racial-balance-or the undue financial burden of special education program or related services, it shall notify the applicant and the nonresident school board in writing that the application has been denied and include in the notice the reason for the denial.
7.
  - a. On or before the second Friday following the first Monday in May, if Madison as a nonresident school board grants the application, it shall notify the applicant, in writing, of the specific school or program that the pupil may attend in the following school year.
  - b. On or before the Friday following the first Monday in June, the pupil's parent or legal guardian shall notify the MMSD Board, if the MMSD Board is the nonresident school board, of the pupil's intent to attend school in the MMSD.
  - c. Annually by June 30th, if the MMSD Board, as a nonresident school board, has accepted a pupil for attendance, the MMSD Board shall report the name of the pupil to the pupil's resident school board.

## **II Criteria for Rejection/Acceptance by the Madison School Board as Nonresident School Board**

1. Except as provided herein regarding (1) preference to MMSD students and their siblings and (2) the BOARD's acceptance, even if there is no space available, of former resident students and their siblings, the criteria for accepting and rejecting applications from nonresident students shall include only the following:
  - a. The availability of space in the schools, programs, classes, or grades within the MMSD, including any class size limits, pupil-teacher ratios, pupils attending the school district for whom tuition is paid, or enrollment projections established by the board. If the board receives more applications for a particular grade or program than there are

spaces available in the grade or program, the board shall determine which pupils to accept on a random basis.

- b. Whether the pupil has been expelled from school by any school district during the current or two preceding school years for any of the following reasons or whether a disciplinary proceeding involving the pupil, which is based on any of the following reasons, is pending:
  1. 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.
  2. Engaging in conduct while at school or while under the supervision of a school authority that endangered the health, safety, or property of others.
  3. 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.
  4. Possessing a dangerous weapon, as defined in s. 939.22(10), while at school or while under the supervision of a school authority.
  5. Rejection after initial acceptance. Notwithstanding the board's acceptance of an application, at any time prior to the beginning of the school year in which the pupil has applied to attend school in the MMSD, the board may notify the pupil that s/he may not attend school in the MMSD if the board determines that any of the criteria relative to whether a student has been expelled from school have been met.
- c. Whether the special education program or related services described in the child's individualized education program under s. 115.787 are available in the MMSD or whether there is 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 the board. If more students apply than space is available in the program, then students shall be selected on a random basis.
- d. Whether the child has been screened by her/his resident school board to determine if there is reasonable cause to believe that the child is a child with a disability.
- e. Whether the child has been referred to her/his resident school board under s. 115.777(1) or identified by her/his resident school board under s. 111.77(1m) but not yet evaluated by an Individual Education Program team appointed by her/his resident school board.

~~f. The BOARD shall reject any application for transfer into or out of the MMSD if the transfer would increase racial imbalance in the Madison School District.~~

~~g.f. \_\_\_\_\_ Special Education Program or Related Services. (a) If the individualized education program for a pupil, developed or revised under s. 115.787 after a child begins attending public school in the Madison School District as a nonresident school district, requires a special education program or related service that is not available in the Madison School District or if there is no space available to provide the special education program or related services identified in the child's individualized education program, including any class size limits, pupil-teacher ratios or enrollment projections established by the Madison School Board, the Madison School Board shall notify the child's parent and the child's resident school board that the program or service is not available in the Madison School District. If such notice is provided, the child shall be transferred to her/his resident school district, which shall provide an educational placement for the child under s.115.79.~~

~~h.g. \_\_\_\_\_ Madison acting as a nonresident school board may assign pupils accepted to attend public school in the Madison School District to a school or program within the MMSD. Preference in attendance at a MMSD school, program, class, or grade shall be given to MMSD students and their siblings who make internal transfer requests.~~

### **III Criteria for Acceptance/Rejection by the Madison School Board as Resident School Board**

1. The criteria for accepting and rejecting transfer applications from Madison resident students who wish to transfer to another public school district shall include only the following:
  - a. Resident School District Transfer Limitations Based Upon Number of Applicants

For the 1998-99 school year, Madison acting as a resident school board shall limit the number of its resident pupils attending public school in other school districts to 3% of its membership. Thereafter, in each of the seven succeeding school years, the board shall limit the number of its resident pupils attending public school in other school districts to an additional 1% of its membership. If more than the maximum allowable number of resident pupils apply to attend public school in other school district in any school year, the board shall determine which pupils will be allowed to attend public school in other school district on a random basis, except that the school board shall give preference to pupils who are already attending public schools in the school district to which they are applying and to siblings of such pupils.

~~b. Resident School Limitations on Transfers Based Upon Racial Imbalance~~

~~Madison acting as a resident school board shall reject any application for transfer into or out of the MMSD if the transfer would increase racial imbalance in the Madison School District.~~

e.b. Special Education

Undue financial burden:

1. If the costs of the special education program or services required in the individualized education program under s. 115.787 for a child with a disability whose parent or legal guardian has submitted an application as proposed to be implemented by the nonresident school district, would impose upon the Madison School District an undue financial burden in light of the Madison School District's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education program or related services costs for children with disabilities continuing to be served by the Madison School District, as the child's resident school board, shall notify the child's parent or legal guardian and the nonresident school board by the first Friday following the first Monday in April that the pupil may not attend the nonresident school district to which the child has applied.
2. If the costs of the special education program or related services required in an individualized education program for a pupil, developed or revised under s. 115.787 after a child begins attending public school in a nonresident school district under this section, as implemented or proposed to be implemented by the nonresident school district, would impose upon the Madison School District, as the child's resident school district, an undue financial burden in light of the Madison School District's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education program or related services costs for children with disabilities continuing to be served by the Madison School District, the Madison School Board shall notify the pupil's parent or legal guardian and the nonresident school board that the costs of the special education and related service(s) impose such an undue financial burden on the Madison School District. If such notice is provided, the child shall be transferred to the Madison School District, which shall provide an educational placement for the child under s.115.79. The pupil's parent or legal guardian may appeal such transfer to the department within 30 days after receipt of the notice. The

department shall affirm the MMSD Board's determination unless the department finds that the determination was arbitrary or unreasonable.

### **III Reapplication**

After the Madison School Board as a nonresident school board accepts an application and the pupil's parent or legal guardian notifies the Madison School Board that the pupil intends to attend school in the MMSD, the pupil may continue to attend school in the MMSD without reapplying, provided the pupil meets all the other conditions that have been established by the Superintendent or her/his designee relative to students who are on an internal or external transfer.

### **IV Transportation**

The Madison School District shall not provide transportation to students who transfer under this policy except external transfer students who have been identified as a child with a disability may be transported if it is required by the student's IEP or otherwise required by law.

### **V Superintendent's Responsibilities**

The Superintendent or her/his designee shall be responsible for the implementation of this policy and procedure, which includes but is not limited to the following:

1. Space availability in Madison School District schools, programs, classes, or grades, including any class size limits, pupil-teacher ratios, pupils attending the school district for which tuition is paid, or enrollment projections.
2. Participation of a student in interscholastic athletics.
3. Provision of MMSD transportation services.
4. Prerequisites and other eligibility standards relative to courses of study and enrollment.
5. Transfer of a student's academic credit(s).
6. Assignment of a student within the Madison School District.
7. Admission of regular and special-education students.
8. Payment of fees and other charges.
9. Whether the transfer(s) increase the racial imbalance in the Madison School District.
- ~~10.~~9. Recovery of fees and other charges.
- ~~11.~~10. Revocation of transfers.
- ~~12.~~11. Location of District programs.

**VI Appeal of Rejection**

If the Madison School District Board rejects an application, prohibiting a student from attending a nonresident school district, the pupil's parent or legal guardian may appeal the decision to the DPI within 30 days after the decision. The DPI shall affirm the school board's decision unless the Department finds that the decision was arbitrary or unreasonable.

Revised ##/##/2009

DRAFT