


**LEGAL SERVICES  
MEMORANDUM****APPENDIX MMM-7-35  
January 31, 2011**

Date: January 27, 2011

To: School Board Members

From: Dylan Pauly, Legal Counsel 

Subject: Revisions to Policy 4025

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The attached proposed changes to Policy 4025 reflect the amendments to Wis. Stat. §118.51, which now permits a nonresident district to consider whether a student has been habitually truant for purposes of allowing open enrollment into the nonresident district. This change applies to students who lived in the district, moved outside of the district boundaries, and are seeking to stay in the district as a nonresident student. A second change allows a district to prohibit a nonresident student from attending district schools after an initial acceptance if the student is habitually truant during either semester of the current school year. The open enrollment period begins February 7, 2011 and ends February 25, 2011.

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, 4-year-old-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, 4-year-old-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.

11. Habitually Truant:

A pupil is habitually truant if said pupil is absent from school without an acceptable excuse (see Policy 4031) for part or all of 5 or more days on which school is held during a school semester.

**PROCEDURE**

**ATTENDANCE 4025**  
**Pupils**

I. Application Procedures

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, although MMSD reserves the right to initially accept such an application and thereafter, give the notice of school/program placement required under Paragraph 7.
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 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. As a nonresident school district in the open enrollment process, the MMSD may accept (subject to paragraph I.7.a.) an applicant for open enrollment who is already attending school in the MMSD, or an applicant who is a sibling of a student already attending school in the MMSD, notwithstanding a determination that space is not otherwise available for open enrollment students in the grade or program to which the individual has applied.
2. Except as provided in the preceding paragraph (II.1), 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 but not limited to consideration of any class size limits, pupil-teacher ratios, pupils attending the school district for whom tuition is paid, or enrollment projections established by the Board or its administrative designee. If the Board receives more applications for a particular grade or program than there are spaces available in the grade or program, the Board or its administrative designee shall determine which pupils to accept on a random basis. External transfer applicants who are already attending an MMSD school (as defined under PI 36.04(6)), or who are siblings of a student who is already attending an MMSD school, shall be granted a preference in accepting applications when a lottery or similar random process is used. If, in the random selection process one pupil from a family is chosen, an immediate preference will be given to the remaining sibling-applicants in the family for whom the parent applied at the same time, potentially subject to space availability constraints.
  - 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 pupil has been determined by the MMSD Board and/or its designee to have been habitually truant from an MMSD school or program during any semester of attendance in the current or previous school year.
- d. 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.

- 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. 115.77(1m)(a) but not yet evaluated by an Individual Education Program team appointed by her/his resident school board.
- 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.
- 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. As among all applications for internal and external transfer that have been filed for the next school year that are subject to rejection due to lack of available space, preference in attendance at a particular MMSD school or program shall be given to current MMSD students and their siblings who make

timely internal transfer requests to attend a different school or program over remaining open enrollment applications of non-resident students seeking to begin enrollment in that same school or program.

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

To the extent authorized by law, the Board limits the total number of resident pupils attending school in other districts in any school year to the percentage of total enrollment/membership identified by statute. 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. 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.

#### IV. 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 statute, the Board, the Superintendent or her/his designee relative to students who are on an internal or external transfer.

#### V. Prohibition Following Initial Acceptance

If a nonresident student is determined to be habitually truant from an MMSD school or program during either semester of the current school year, the MMSD Board and/or its designee may prohibit the nonresident student from attending an MMSD school or program in the succeeding semester or school year.

## VI. Transportation

The Madison Metropolitan 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.

## VII. 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. On behalf of the Board, approving or denying each open enrollment application per the terms of this Policy and Procedure, assigning the program or school that each external transfer may attend, and providing any required notice with respect to an application and the open enrollment process.
2. Determining space availability in Madison Metropolitan School District schools, programs, classes, or grades, taking into account factors including but not limited to any class size limits, pupil-teacher ratios, pupils attending the school district for which tuition is paid, or enrollment projections. See also Policy 4023 concerning space availability determinations.
3. On behalf of the Board, processing any appeal of any MMSD decision with respect to an open enrollment application.
4. Participation of a student in interscholastic athletics.
5. Provision of MMSD transportation services.
6. Ensuring that prerequisites and other eligibility standards relative to courses of study and enrollment have been met.
7. Transfer of a student's academic credit(s).
8. Admission of regular and special-education students.
9. Payment of fees and other charges.
10. Recovery of fees and other charges.

11. Revocation of external transfers.
12. Location of District programs.
13. On behalf of the Board, determine whether a nonresident student has been habitually truant from an MMSD school or program.
14. On behalf of the Board, determine whether a habitually truant, nonresident student shall be prohibited from attending an MMSD school or program in the subsequent semester or school year.

#### VIII. Appeal of Rejection

If the Madison Metropolitan 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. By rule, the DPI is required to affirm the school board's decision unless the Department finds that the decision was arbitrary or unreasonable.

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, 4-year-old-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, 4-year-old-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.

11. Habitually Truant:

A pupil is habitually truant if said pupil is absent from school without an acceptable excuse (see Policy 4031) for part or all of 5 or more days on which school is held during a school semester.

**PROCEDURE**

**ATTENDANCE 4025**  
**Pupils**

I. Application Procedures

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, although MMSD reserves the right to initially accept such an application and thereafter, give the notice of

school/program placement required under Paragraph 7.

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 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. As a nonresident school district in the open enrollment process, the MMSD may accept (subject to paragraph I.7.a.) an applicant for open enrollment who is already attending school in the MMSD, or an applicant who is a sibling of a student already attending school in the MMSD, notwithstanding a determination that space is not otherwise available for open enrollment students in the grade or program to which the individual has applied.
2. Except as provided in the preceding paragraph (II.1), 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 but not limited to consideration of any class size limits, pupil-teacher ratios, pupils attending the school district for whom tuition is paid, or enrollment projections established by the Board or its administrative designee. If the Board receives more applications for a particular grade or program than there are spaces available in the grade or program, the Board or its administrative designee shall determine which pupils to accept on a random basis. External transfer applicants who are already attending an MMSD school (as defined under PI 36.04(6)), or who are siblings of a student who is already attending an MMSD school, shall be granted a preference in accepting applications when a lottery or similar random process is used. If, in the random selection process one pupil from a family is chosen, an immediate preference will be given to the remaining sibling-applicants in the family for whom the parent applied at the same time, potentially subject to space availability constraints.
  - 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 pupil has been determined by the MMSD Board and/or its designee to have been habitually truant from an MMSD school or program during any semester of attendance in the current or previous school year.

ed. 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.

- de. 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. 115.77(1m)(a) but not yet evaluated by an Individual Education Program team appointed by her/his resident school board.
- ef. 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.
- fg. 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. As among all applications for internal and external transfer that have been filed for the next school year that are subject to rejection due to lack of available space, preference in attendance at a particular MMSD school or program shall be given to current MMSD students and their siblings who make timely internal transfer requests to attend a different school or program over remaining open enrollment applications of non-resident students seeking to begin

enrollment in that same school or program.

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

To the extent authorized by law, the Board limits the total number of resident pupils attending school in other districts in any school year to the percentage of total enrollment/membership identified by statute. 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. 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.

#### IV. 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 statute, the Board, the Superintendent or her/his designee relative to students who are on an internal or external transfer.

#### V. Prohibition Following Initial Acceptance

If a nonresident student is determined to be habitually truant from an MMSD school or program during either semester of the current school year, the MMSD Board and/or its designee may prohibit the nonresident student from attending an MMSD school or program in the succeeding semester or school year.

#### VI. Transportation

The Madison Metropolitan 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.

VII. 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. On behalf of the Board, approving or denying each open enrollment application per the terms of this Policy and Procedure, assigning the program or school that each external transfer may attend, and providing any required notice with respect to an application and the open enrollment process.
2. Determining space availability in Madison Metropolitan School District schools, programs, classes, or grades, taking into account factors including but not limited to any class size limits, pupil-teacher ratios, pupils attending the school district for which tuition is paid, or enrollment projections. See also Policy 4023 concerning space availability determinations.
3. On behalf of the Board, processing any appeal of any MMSD decision with respect to an open enrollment application.
4. Participation of a student in interscholastic athletics.
5. Provision of MMSD transportation services.
6. Ensuring that prerequisites and other eligibility standards relative to courses of study and enrollment have been met.
7. Transfer of a student's academic credit(s).
8. Admission of regular and special-education students.
9. Payment of fees and other charges.
10. Recovery of fees and other charges.
11. Revocation of external transfers.

12. Location of District programs.
13. On behalf of the Board, determine whether a nonresident student has been habitually truant from an MMSD school or program.
14. On behalf of the Board, determine whether a habitually truant, nonresident student shall be prohibited from attending an MMSD school or program in the subsequent semester or school year.

VIII. Appeal of Rejection

If the Madison Metropolitan 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. By rule, the DPI is required to affirm the school board's decision unless the Department finds that the decision was arbitrary or unreasonable.

4/11/2010