



Open Enrollment in Public Schools

Prepared by: Emily Hicks, Staff Attorney, and Peggy Hurley, Senior Staff Attorney

Each child in Wisconsin between the ages of four and 20 is entitled to a free, public education.¹ If a child has special educational needs, he or she is also entitled to an individualized education program (IEP) designed to meet the child's needs and educate the child to his or her greatest potential.²

Generally, children attend schools that are located within the school district where they reside (resident school district).³ However, under Wisconsin's open enrollment laws, a child may attend a school that is located in a different school district (nonresident school district), unless his or her application is denied for one or more statutorily established reasons.⁴

APPLICATION PROCEDURES

General Application Process

If a student wishes to attend a school in a nonresident school district, his or her parent or guardian may submit an application to up to three school boards of nonresident school districts.⁵ Generally, applications must be submitted no earlier than the first Monday in February and no later than the last weekday in April of the school year immediately preceding the school year in which the pupil wishes to attend.

The nonresident school district may not accept or deny any applications until after May 1; available student spots are generally assigned randomly, but a nonresident school district may give preference to applicants who have one or more siblings attending school in the district. If a nonresident school district denies an application, it must include the reason for denial in the notice sent to the student. A student's resident school district may also deny a student's application, but if the student's parents, the nonresident school district, and the Department of Public Instruction (DPI) agree that attending a school in the nonresident school district is in the student's best interest, that decision may be overturned.

Alternative Application Process

Under certain special circumstances, a student may apply at any time to attend school in a nonresident school district.⁶ An alternative application is available for any student to whom any of the following circumstances apply:

- The student has been the victim of a violent criminal offense.
- The student is or has been homeless in the current or prior school year.
- The student has been the victim of repeated bullying or harassment, which has continued despite being reported to the school board.
- The student's residence changed because of military orders.
- The student moved into the state.
- The student's residence changed because of a court order, custody agreement, or placement in or removal from a foster home or the home of a nonparent.
- The student's parent, the resident school district, and the nonresident school board agree that open enrollment into the nonresident school district is in the student's best interests.
- The student's parent and the nonresident school board agree that open enrollment is in the best interests of the child, and denial by the resident school board is overturned by DPI.

Grounds for Application Denial

School districts are encouraged to support open enrollment; under the statutes, a school district may deny an open enrollment application only for specified reasons. Specifically, a nonresident school district may deny an application for open enrollment if:

- There is insufficient space in a school, program, class, or grade.
- The student was expelled from another district within the last three years for certain dangerous conduct or there is a pending disciplinary proceeding for such conduct.
- The student was previously identified as habitually truant in the current or prior school year.
- The student requires special education that the nonresident school district is unable to provide.⁷

Special Education and Open Enrollment

A nonresident school district may deny a special education student's application if services required under the student's IEP are unavailable or if there is insufficient space to accommodate the services needed by the student. A nonresident school district may also deny a special education student's application if the student was identified as potentially having a disability, but has not yet been evaluated by an IEP team.⁸

TRANSPORTATION

Generally, a student is responsible for his or her own transportation to and from school in a nonresident school district, but parents who qualify for certain income-based assistance may be reimbursed by DPI, in whole or part, for transportation costs.⁹ Additionally, if a student is attending a school in a nonresident school district in order to receive services required under the student's IEP, or is attending a school operated by the Wisconsin Center for the Blind and Visually Impaired or a school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the nonresident school district is responsible for transporting the student to and from school.

¹ Wisconsin Constitution, Article X, Section 3. A student generally must attend school until he or she attains the age of 18, but a student who has a disability may attend school until he or she attains the age of 21 or, if the student attains the age of 21 during a school term, until the end of the school term. [ss. 115.76 (3), 115.762 (3) (am), and 118.15, Stats.]

² s. 115.762 (3) (am), Stats.

³ In addition to open enrollment opportunities, two or more school districts may enter into an agreement whereby students in those districts may attend any school within the districts that are party to the agreement. [s. 118.50, Stats.]

⁴ Open enrollment is available for any child who wishes to attend a public school, including a charter school, prekindergarten, four-year-old kindergarten, or early childhood or school-operated child care program, in a nonresident school district. However, a child may attend a prekindergarten, four-year-old kindergarten, or early childhood or school-operated child care program in a nonresident school district only if he or she would have been able to attend a similar program in his or her resident school district. [s. 118.51 (2), Stats.]

⁵ Under [2021 Wisconsin Act 19](#), applications to attend a virtual charter school in a nonresident school district do not count toward the three-application limit for open enrollment.

⁶ A resident school district may object to a student's application made under this section if it determines that none of the circumstances apply to the student. [s. 118.51 (3m) (d), Stats.]

⁷ ss. 118.51 to 118.52, Stats.

⁸ s. 118.51 (3), (3m), (5), and (8), Stats.

⁹ s. 118.51 (14), Stats.