

**ADMINISTRATIVE PROCEDURES OF THE
MILWAUKEE PUBLIC SCHOOLS**

**ADMINISTRATIVE PROCEDURE 8.11
ADMISSION OF NONRESIDENT STUDENTS**

(1) ADMISSION OF STUDENTS PRIOR TO THE ESTABLISHMENT OF RESIDENCE IN THE CITY

(a) Parents or guardians wishing to enroll students in schools in the attendance districts in which they will reside sometime in the near future shall contact that school's principal.

(b) Generally, no transfer permit will be required if the change of residence will occur within four weeks of the start of a school year and the parents or guardians submit to the principal reasonable and sufficient evidence that such a change of residence will, in fact, take place within the time limit.

(c) Rent receipts or a contractor's or builder's statement indicating ownership and/or completion date of dwelling may be considered as adequate evidence.

(2) PROCEDURE TO DETERMINE THE RESIDENCE OF A CHILD FOR SCHOOL PURPOSES

(a) Definitions

1. "Child" shall mean an individual between the ages of four and 18 who lives in the City of Milwaukee alone or with an adult who is not the child's parent, legal guardian, or legal custodian.

2. "Adult" shall mean an individual 18 years of age or older who has provided a home in the City of Milwaukee for a child for whom the adult is not a parent, legal guardian, or legal custodian.

3. "Board" shall mean the Milwaukee Board of School Directors or its designated representative.

4. "Resident for school purposes" shall mean a person between the ages of four and 18 who is living in the City of Milwaukee with his/her parents, his/her legal guardian or legal custodian; or a person between the ages of four and 18 who has taken up residence in the City of Milwaukee for reasons other than primarily that of attending the Milwaukee Public Schools and who is living either alone or with an adult who is not his/her parent, legal guardian, or legal custodian.

(b) Notice Given at School

1. Any person fitting the definition of "child" as set out in subparagraph (2)(a)1 shall be given a written notice by the principal or other appropriate official of the school in which the child is attempting to enroll. Said notice shall inform the child that a determination as to his/her residency for school purposes must be made and that he/she must immediately report to the designated official at the Central Services building for the purpose of making this determination. A definition of what a "resident for school purposes" is shall be contained in said written notice.

2. A copy of said notice shall also be given to the adult, as defined in section (2)(a)2, with whom the child is residing.

(c) Temporary School Admittance

1. Upon reporting to the designated official at the Central Services building, the child shall be allowed to enter school until such time as it is determined that said child is not a resident of the City of Milwaukee for school purposes. If, however, after an informal hearing — as described in section (d) — it has been determined that he/she is not a resident of the City of Milwaukee for school purposes, and a timely request for a formal *de novo* hearing, as set out in section (e)3e, has been made, the child shall have the right to remain in the Milwaukee Public Schools while the request is under consideration.

2. Similarly if, after the formal *de novo* hearing (see section (f)), it has been determined that he/she is not a resident for school purposes and a timely request for an appeal to the Board has been made (see section (f)), said child shall have the right to remain in the Milwaukee Public Schools while the request is under consideration.

3. If, after the appeal to the Board, it is the Board's decision that the section (e) decision appealed be affirmed, said child shall not have the right to continued admittance to the Milwaukee

Public Schools; however, the Board may grant such continued admittance, pending the final determination of the appeal (as in section (f)) to the Circuit Court.

(d) Informal Hearing and Initial Determination

1. As soon as the child and the adult with whom he/she is residing report to the designated Board official, said official shall conduct an informal hearing in order to determine the residence of the child for school purposes. Said Board official shall not be the principal of the school in which the child is attempting to enroll.

2. In order to aid the Board official in making his/her initial determination as to the child's residency for school purposes, he/she and anyone else on the Board staff shall have the right to make investigations relating to matters such as the family background of the child, and said initial determination may be based on such investigations, together with the information gained at the informal hearing.

3. No later than 10 days after said informal hearing, an initial determination shall be made to either consider the child as a resident of the City of Milwaukee for school purposes and, therefore, admit him/her tuition-free to the Milwaukee Public Schools, or to consider the child a nonresident and, therefore, require the payment of tuition or the commencement of guardianship or custody proceedings by the adult with whom the child is residing. Said determination shall be immediately communicated to both the child and the adult with whom he/she is residing.

(e) Formal Hearing

1. If the initial determination as set out in section (c)3 is that the child is not to be considered a resident of the City of Milwaukee for school purposes, then a copy of said initial determination shall immediately be sent by certified mail to both the child and the adult with whom he/she is residing.

2. Along with said determination, there shall be sent a notice of the right to have a formal *de novo* hearing on the issue of the child's residency if the child has been determined not to be a resident of the City of Milwaukee for school purposes. Attached to the said notice there shall be a form and self-addressed envelope for the adult or child to return if they wish a formal *de novo* hearing.

3. The notice shall inform the child and the adult with whom he/she is residing that:

- a. They will be entitled to a *de novo* hearing on the issue of the child's residency;
- b. They will have the opportunity to examine all records upon which the initial determination as to the child's residency was made;
- c. They will have the opportunity to examine and cross-examine witnesses under oath and introduce any evidence relevant to the issue of the child's residence;
- d. They will have the right to have counsel present; and
- e. Within five days, exclusive of Saturdays and Sundays, of receipt of said notice, either the adult or the child must communicate their desire to have a *de novo* hearing to the Board official designated in said notice. Such desire may be communicated by return of the form described in section(f)2.

4. Upon receipt of the section(e)3e communication requesting a *de novo* hearing, the designated Board official shall immediately schedule said hearing; however, said Board official shall not be the same individual who presided at the section (d) informal hearing. The hearing shall be held no sooner than three days, but no later than seven days, after the receipt of the section (e)3e communication. Notice of the time and place of said hearing shall be sent by certified mail to both the child and the adult.

5. The formal *de novo* hearing:

- a. The hearing shall be conducted by an examiner appointed by the Board.
- b. The hearing shall be transcribed and be either public or private, depending upon the decision of the adult or the child.

- c. The examiner shall commence the hearing by questioning under oath both the child and the adult as to the reasons for the child taking up residence in the City of Milwaukee.
- d. The examiner should have available any other written reports, witness testimony, or other memoranda upon which he/she intends to base his/her decision. These documents should be shown to both the child and the adult for verification and comment.
- e. Any oral testimony shall be under oath and on the record, and there shall be an opportunity for cross-examination.
- f. The child and/or adult shall be permitted to have counsel present.
- g. The child and the adult shall then have the opportunity to present evidence relating to the child's reason for taking up residency in the City of Milwaukee.
- h. Not later than 10 days subsequent to said hearing, the hearing examiner shall prepare a written decision reciting the underlying findings of fact and conclusions of law upon which he/she bases his/her decision.

(f) Appeal to the Board

1. A copy of the written decision of the hearing examiner shall be sent by certified mail to both the child and the adult. Attached to the written decision there shall be a form and a self-addressed envelope for the adult or child to return if they wish to appeal to the Board.

2. Either the child or the adult shall have the right to appeal to the Board if, within 10 days after the mailing of the decision of the hearing examiner, either the child or the adult sends a written notice requesting an appeal before the Board to the Director of Board Governance.

3. The appeal shall be before the entire Board or a designated subcommittee of said Board, and it shall be held no sooner than 15 days, nor later than 60 days after the receipt of the notice of appeal.

4. Upon receipt of the notice of appeal, the Director of Board Governance shall mail to both the adult and the child a notice indicating the time and the place of the hearing on appeal. Said notice shall be mailed no later than five days before the hearing on appeal.

5. The appeal itself shall be based on the transcript of the hearing before the hearing examiner, on all other documents or reports upon which the examiner relied in making his/her decision, on the decision of the hearing examiner and on any legal briefs or memoranda submitted by the parties. Any brief or legal memorandum shall be served upon the opposing party not later than three days before the hearing on appeal.

6. The child and the adult shall determine whether the hearing on appeal shall be private or public.

7. It shall be within the discretion of the Board or its designated subcommittee as to whether or not further sworn testimony need be taken, whether further documentary evidence need be introduced into the record and whether there is the necessity for oral argument on appeal.

8. The Board shall issue a written decision not later than 30 days after the hearing on appeal. The decision shall either affirm the decision appealed from or reverse said decision. If the decision appealed from is reversed, reasons for the reversal shall be set forth. Said decision shall be sent immediately to the adult and the child by certified mail and shall also be forwarded to the appropriate Board administration official.

(g) Appeal to the Circuit Court

Within 30 days after the mailing of the Board's decision, the adult or the child shall have the right to appeal said decision to the circuit court of Milwaukee county on a writ of certiorari.

History: Adopted 6-30-75; Revised prior to 1976,1984
Cross Ref.: Admin. Policy 8.03 School Attendance Areas
8.11 Admission of Nonresident Students

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