



## 2007 SENATE BILL 475

February 12, 2008 - Introduced by Senator LAZICH, cosponsored by Representatives NASS, SUDER, TAUCHEN, NYGREN, BIES, VOS, HAHN, OWENS, LEMAHIEU, MURSAU, PRIDEMORE, A. OTT, JESKEWITZ and ALBERS. Referred to Committee on Education.

1     **AN ACT** *to repeal* 118.51 (4) (a) 5. and 118.51 (7) (a); *to renumber* 118.51 (7) (b);  
2           *to amend* 118.51 (3) (a) 4. and 118.51 (9); and *to repeal and recreate* 118.51  
3           (7) (title) of the statutes; **relating to:** eliminating racial balance as a basis for  
4           rejecting a pupil under the Open Enrollment Program.

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### *Analysis by the Legislative Reference Bureau*

Currently, under the full-time Open Enrollment Program, a pupil may attend a public school located outside the school district in which he or she resides under certain conditions. Current law provides various bases for the pupil's school district of residence and for the school district that the pupil wishes to attend to reject the pupil's application for transfer. One of these bases is a requirement that a school district eligible for special transfer aid (commonly referred to as Chapter 220 aid) reject an application if the transfer would increase racial imbalance in the school district. This bill eliminates this basis for rejection of a pupil's application under the Open Enrollment Program.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 118.51 (3) (a) 4. of the statutes is amended to read:

**SENATE BILL 475****SECTION 1**

1           118.51 (3) (a) 4. On or before the first Friday following the first Monday in April  
2 following receipt of a copy of the application, if a resident school board denies a pupil's  
3 enrollment in a nonresident school district under sub. (6), ~~(7)~~ or (12) (b) 1., the  
4 resident school board shall notify the applicant and the nonresident school board, in  
5 writing, that the application has been denied and include in the notice the reason for  
6 the denial.

7           **SECTION 2.** 118.51 (4) (a) 5. of the statutes is repealed.

8           **SECTION 3.** 118.51 (7) (title) of the statutes is repealed and recreated to read:

9           118.51 (7) (title) SPECIAL TRANSFER PROGRAM.

10          **SECTION 4.** 118.51 (7) (a) of the statutes is repealed.

11          **SECTION 5.** 118.51 (7) (b) of the statutes is renumbered 118.51 (7).

12          **SECTION 6.** 118.51 (9) of the statutes is amended to read:

13          118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an  
14 application under sub. (3) (a) ~~or (7)~~ or the resident school board prohibits a pupil from  
15 attending public school in a nonresident school district under sub. (6), ~~(7)~~ or (12) (b)  
16 1., the pupil's parent may appeal the decision to the department within 30 days after  
17 the decision. If the nonresident school board provides notice that the special  
18 education or related service is not available under sub. (12) (a), the pupil's parent  
19 may appeal the required transfer to the department within 30 days after receipt of  
20 the notice. If the resident school board provides notice of transfer under sub. (12) (b)  
21 2., the pupil's parent may appeal the required transfer to the department within 30  
22 days after receipt of the notice. The department shall affirm the school board's  
23 decision unless the department finds that the decision was arbitrary or  
24 unreasonable.

25          **SECTION 7. Effective date.**

