

State of Wisconsin



2009 Senate Bill 342

Date of enactment: **May 12, 2010**
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2009 WISCONSIN ACT 304

AN ACT to amend 118.51 (9); and to create 118.51 (1) (am), 118.51 (5) (a) 3. and 118.51 (11) of the statutes; relating to: pupils attending a school district under the Open Enrollment Program who are habitually truant.

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

SECTION 1. 118.51 (1) (am) of the statutes is created to read:

118.51 (1) (am) "Habitual truant" has the meaning given in s. 118.16 (1) (a).

SECTION 2. 118.51 (5) (a) 3. of the statutes is created to read:

118.51 (5) (a) 3. Whether the nonresident school board determined that the pupil was habitually truant from the nonresident school district during any semester of attendance at the nonresident school district in the current or previous school year.

SECTION 3. 118.51 (9) of the statutes is amended to read:

118.51 (9) **APPEAL OF REJECTION.** If the nonresident school board rejects an application under sub. (3) (a) or (7) or the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (6), (7) or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school

board provides notice that the special education or related service is not available under sub. (12) (a), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. If the resident school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

SECTION 4. 118.51 (11) of the statutes is created to read:

118.51 (11) **HABITUAL TRUANCY.** Notwithstanding subs. (3) (c) and (13), if a nonresident school board determines that a pupil attending the nonresident school district under this section is habitually truant from the nonresident school district during either semester in the current school year, the nonresident school board may prohibit the pupil from attending the nonresident school district under this section in the succeeding semester or school year.

SECTION 5. Initial applicability.

(1) This act first applies to applications to attend and pupils attending a nonresident school district under the open enrollment program in the 2010–11 school year.

* Section 991.11, WISCONSIN STATUTES 2007–08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].