SENATE BILL 342 (LRB -3218)

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.

2009

10-09.	S.	Introduced by Senators **Kreitlow**, **Lehman**, **Taylor** and **Darling**; cosponsored by Representatives **Smith**, **Pope-Roberts**, **Staskunas**, **Krusick** and **Molepske Jr.**.
10-09.	S.	Read first time and referred to committee on Education 356

2010

01-27.	S.	Public hearing held.
04-14.	S.	Executive action taken.
04-14.	S.	Report passage recommended by committee on Education, Ayes 7, Noes 0 711
04-14.	S.	Available for scheduling.
04-14.	S.	Placed on calendar 4-15-2010 pursuant to Senate Rule 18(1) 712
04-15.	S.	Read a second time.
04-15.	S.	Ordered to a third reading.
04-15.	S.	Rules suspended.
04-15.	S.	Read a third time and **passed**.
04-15.	S.	Ordered immediately messaged.
04-15.	A.	Received from Senate 837
04-15.	A.	Read first time and referred to committee on Rules 838
04-15.	A.	Made a special order of business at 11:43 A.M. on 4-20-2010 pursuant to Assembly Resolution 23 868
04-20.	A.	Read a second time.
04-20.	A.	Ordered to a third reading.
04-20.	A.	Rules suspended.
04-20.	A.	Read a third time and **concurred in**.
04-20.	A.	Ordered immediately messaged.
04-21.	S.	Received from Assembly concurred in.

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2009
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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ___ SubAmdt ___ 09 - 3218 / 2

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic Rel.

4/21/2010
Date

E V Miller
Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–3218/2
PG:kjf:md

2009 SENATE BILL 342

October 9, 2009 – Introduced by Senators KREITLOW, LEHMAN, TAYLOR and DARLING, cosponsored by Representatives SMITH, POPE-ROBERTS, STASKUNAS, KRUSICK and MOLEPSKE JR.. Referred to Committee on Education.

1 AN ACT ***to amend*** 118.51 (9); and ***to create*** 118.51 (1) (am), 118.51 (5) (a) 3. and
2 118.51 (11) of the statutes; **relating to:** pupils attending a school district under
3 the Open Enrollment Program who are habitually truant.

Analysis by the Legislative Reference Bureau

Under the current full–time Open Enrollment Program (OEP), a pupil may apply to attend a public school in a school district other than the pupil's resident school district if certain conditions are met. Current law establishes criteria that the nonresident school district may use to determine whether to accept or reject a nonresident pupil. A school board may consider the availability of space in the school or program to which the nonresident pupil has applied, whether the pupil has been expelled from school during the current or two preceding school years for certain specified reasons, whether a disciplinary proceeding involving the pupil is pending, and whether the pupil's individualized education program needs have been evaluated by the resident school district or can be fulfilled in the nonresident school district.

This bill provides that if the nonresident school board determines that a pupil attending the school district under the OEP is habitually truant (absent from school without an acceptable excuse for part or all of five or more school days during any semester) during either semester in the current school year, the school board may prohibit the pupil from attending the school district under the OEP in the succeeding semester or school year.

The bill also allows a school board to include in its criteria for accepting or rejecting an application from a nonresident pupil to attend the school district under

the OEP whether the school board determined that the pupil was habitually truant from the school district during any semester of attendance at the school district in the current or previous school year.

Current law allows the parent of a pupil whose application to attend a nonresident school district was rejected to appeal the decision to the Department of Public Instruction. Similarly, this bill allows an appeal from a decision to reject an application, and from a decision to prohibit a pupil from attending the nonresident school district in the succeeding semester or school year, based upon the pupil's habitual truancy.

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

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

2 118.51 **(1)** (am) "Habitual truant" has the meaning given in s. 118.16 (1) (a).

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

4 118.51 **(5)** (a) 3. Whether the nonresident school board determined that the
5 pupil was habitually truant from the nonresident school district during any semester
6 of attendance at the nonresident school district in the current or previous school year.

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

8 118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an
9 application under sub. (3) (a) or (7) ~~or~~, the resident school board prohibits a pupil from
10 attending public school in a nonresident school district under sub. (6), (7) or (12) (b)
11 1., <u>or the nonresident school board prohibits a pupil from attending public school in</u>
12 <u>the nonresident school district under sub. (11),</u> the pupil's parent may appeal the
13 decision to the department within 30 days after the decision. If the nonresident
14 school board provides notice that the special education or related service is not
15 available under sub. (12) (a), the pupil's parent may appeal the required transfer to
16 the department within 30 days after receipt of the notice. If the resident school board
17 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.

(END)