* LPS- FROM 2011 LRB-0884/1 0855/2

State of Wisconsin
2011 – 2012 LEGISLATURE

CORRECTED COPY

LRB-0884/1
TKK:jld:rs

DOA...

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RMMR

2011 SENATE BILL 2

LPS-
2/10/11 (replaces 0855/1 in its entirety)

January 11, 2011 – Introduced by Senators OLSEN, DARLING, GROTHMAN, LAZICH and VUKMIR, cosponsored by Representatives JACQUE, PRIDEMORE and THIESFELDT. Referred to Committee on Education.

DO NOT Gen

AN ACT ***to repeal*** 118.51 (3) (a) 5.; ***to renumber and amend*** 118.51 (5) (d); ***to amend*** 118.51 (3) (a) 1., 2., 3. and 4., 118.51 (3) (a) 6., 118.51 (3) (a) 7., 118.51 (3) (b), 118.51 (5) (a) 1. (intro.), 118.51 (8) and 118.51 (12) (b) 1.; and ***to create*** 118.51 (5) (d) 2. and 118.51 (12) (am) of the statutes; **relating to:** changes to (changing) timing of application process under the open enrollment program.

Insert 1-5

EDUCATION (B) ← head

PRIMARY AND SECONDARY EDUCATION (CS) (B)

subhead

Analysis by the Legislative Reference Bureau

Under the 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 (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing applications under the OEP. An application to attend a school in a nonresident school district is due between the first Monday in February and the third Friday following the first Monday in February. A school board that receives an application must forward a copy of the application to the pupil's resident school board by the fourth Monday in February, and may not act on the application until after the third Friday following the first Monday in February. The resident school board may, under certain conditions, deny the pupil's enrollment in the nonresident school district; the resident school board must notify the applicant that its application has been rejected by the first Friday following the first Monday in April.

The nonresident school board must notify the pupil whether it has accepted the application by the first Friday following the first Monday in April and must provide

the pupil with information about the specific program or school the pupil would attend by the second Friday following the first Monday in May. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the first Friday following the first Monday in June. By June 30, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law permits a nonresident school district to deny enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board (and, for the 2011–12 school year, at the February meeting of the nonresident school board). An application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. A nonresident school board that receives an application must forward a copy of the application to the pupil's resident school district by the end of the first weekday following the last weekday in April. The nonresident school board may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May. This bill requires the nonresident school district to prepare an estimate of the costs to implement an individualized education program prepared for a child with a disability who has applied to attend a school or program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May. If the nonresident school district fails to provide the information by the required date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability. If the resident school board will deny the pupil's enrollment in the nonresident school district, the resident school board must notify the applicant that its application has been rejected on or before the second Friday following the first Monday in June.

Insert analysis A

IEP

The nonresident school board must notify the pupil whether it has accepted the application on or before the first Friday following the first Monday in June, and if the school board has accepted the application, it must provide the pupil with information about the specific program or school the pupil would attend at that time. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board.

Insert analysis B

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

Insert 3-1

SECTION 1. 118.51 (3) (a) 1., 2., 3. and 4. of the statutes are amended to read:

118.51 **(3)** (a) 1. The parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in February and not later than the ~~3rd Friday following the first Monday in February~~ last weekday in April of the school year immediately preceding the school year in which the pupil wishes to attend. Applications may be submitted to no more than 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~ The nonresident school board shall send a copy of the application to the pupil's resident school board and the department by the end of the first weekday following the last weekday in April. The application may include a request to attend a specific school or program offered by the nonresident school district.

Insert 3-14

2. A nonresident school board may not act on any application received under subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ before May 1. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept, including pupils accepted from a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district and, if the nonresident school district is a union high school district, to pupils who

are attending an underlying elementary school district of the nonresident school district under this section. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept a pupil or the sibling of a pupil who is already attending the nonresident school district and, if the nonresident school district is a union high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section.

3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday following the first Monday in ~~April~~ June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application. If the nonresident school board has accepted the applicant, the school board shall identify the specific school or program that the applicant may attend in the following school year. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

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

SECTION 2. 118.51 (3) (a) 5. of the statutes is repealed.

SECTION 3. 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 **(3)** (a) 6. ~~If~~ Except as provided in sub. (5) (d) 2., if an application is accepted, on or before the ~~first~~ last Friday ~~following the first Monday~~ in June

following receipt of a notice of acceptance, or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under sub. (5) (d) or s. 118.40 (8) (h) 5., the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

SECTION 4. 118.51 (3) (a) 7. of the statutes is amended to read:

118.51 **(3)** (a) 7. If the department has not notified a virtual charter school of the pupils who may attend the school under s. 118.40 (8) (h) by the deadline for informing applicants under subd. 3. ~~or 5.~~, the nonresident school district shall specify in its notices under subd. 3. ~~or 5.~~ that the school district's acceptance is conditional.

SECTION 5. 118.51 (3) (b) of the statutes is amended to read:

118.51 **(3)** (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board. If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's resident school board within 10 days of receiving notice of the pupil's selection from the department.

Insert 5-18

SECTION 6. 118.51 (5) (a) 1. (intro.) of the statutes is amended to read:

118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs, classes, or grades within the nonresident school district. The nonresident school board shall determine the number of regular education and special education spaces available within the school district in the January meeting of the school board, except that for the 2011–12 school year the board shall determine the number of regular education and special education spaces available within the school district in the February meeting of the school board. In determining the availability of space, the

Insert 6-4

nonresident school board may consider criteria such as class size limits, pupil–teacher ratios, or enrollment projections established by the nonresident school board and may include in its count of occupied spaces all of the following:

SECTION 7. 118.51 (5) (d) of the statutes is renumbered 118.51 (5) (d) 1. and amended to read:

118.51 **(5)** (d) 1. The school board of a nonresident school district may create a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. The nonresident school board may accept pupils from a waiting list created under this paragraph until the 3rd Thursday in September but only if the pupil will be in attendance at the school or program in the nonresident school district on the 3rd Friday in September. Notwithstanding sub. (3) (a) 6., if a pupil is accepted from a waiting list created under this paragraph after the start of the school term, the parent shall immediately notify the resident school district of the pupil's intent to attend school in the nonresident school district for the current school term.

3. The department shall promulgate rules to implement and administer this paragraph.

SECTION 8. 118.51 (5) (d) 2. of the statutes is created to read:

118.51 **(5)** (d) 2. A pupil accepted from a waiting list created under this paragraph may attend the school or program in the nonresident school district even if the pupil has attended a school or program in the pupil's resident school district in the current school term, but not if the pupil has attended a school or program in a nonresident school district in the current school term.

Insert 6-24

SECTION 9. 118.51 (8) of the statutes is amended to read:

118.51 **(8)** DISCIPLINARY RECORDS. Notwithstanding s. 118.125, by the first Friday following the first Monday in May, the resident school board shall provide to

Insert 6-25

the nonresident school board to which a pupil has applied under this section~~, upon request by that school board,~~ a copy of any expulsion findings and orders pertaining to the pupil, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

Insert 7-7

SECTION 10. 118.51 (12) (am) of the statutes is created to read:

118.51 **(12)** (am) *Estimate of costs.* 1 The nonresident school district shall prepare an estimate of the costs to provide the special education or related services required in the individualized education program developed under s. 115.787 (2) for a child with a disability whose parent has submitted an application under this section sub. (3) (a) and shall provide a copy of the estimate of costs to the resident school district by the 3rd Friday following the first Monday in May. 2 Except as provided in subd. 3., if the nonresident school district fails to comply with the requirement under this section by the date specified, the nonresident school district may not charge the resident school district for any actual, additional costs incurred by the nonresident school district to provide the special education and related services for the child with a disability.

Insert 7-12

Insert 7-13

Insert 7-18

SECTION 11. 118.51 (12) (b) 1. of the statutes is amended to read:

118.51 **(12)** (b) 1. If the estimate of the costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under sub. (3) (a), as proposed to be implemented by the nonresident school district and as provided to the resident school district as required under par. (am), would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under

subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education or related services costs for children with disabilities continuing to be served by the resident school district, the child's resident school board may notify the child's parent and the nonresident school board by the ~~first~~ 2nd Friday following the first Monday in ~~April~~ June that the pupil may not attend the nonresident school district to which the child has applied.

(END)

move

Insert 8-7 A
Insert 8-7 B
Insert 8-7 C

1 **Insert analysis A**

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child.

2 **Insert analysis B**

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil must satisfy one of the following criteria: 1) The resident school district determines that the pupil has been the victim of a violent criminal offense, as defined by DPI by rule; 2) The pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board and the repeated bullying or harassment continues; 4) The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) The pupil has moved into this state; 6) The place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; 7) The parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

Current law limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several adjustments to the revenue limits are permitted. This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to

 INS Analysis B cont

attend school in a nonresident school district under the OEP, the number of applications denied, and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or alternative application process and, if the latter, which criterion the applicant applied under.

(end Insert analysis-B)

State of Wisconsin
2011 – 2012 LEGISLATURE

LRBa0128/1
TKK:cjs:rs

SENATE AMENDMENT 2,

TO 2011 SENATE BILL 2

January 20, 2011 – Offered by COMMITTEE ON EDUCATION.

At the locations indicated, amend the bill as follows:

1. Page 1, line 4: delete "changes to" and substitute "changing".

Begin insert 1-5

2. Page 1, line 5: after "program" insert "and permitting certain pupils to submit open enrollment applications outside of the regular application period".

end insert 1-5

3. Page 3, line 1: before that line insert:

Begin insert 3-1

SECTION ~~7g~~ 1. 118.51 (3) (intro.) of the statutes is created to read:

118.51 **(3)** (intro.) Except as provided under sub. (3m), the following procedures govern pupil applications to attend a public school in a nonresident school district under this section:

End insert 3-1

4. Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1r".

5. Page 5, line 18: before that line insert:

Begin insert 5-18

SECTION ~~7h~~ 1. 118.51 (3m) of the statutes is created to read:

INS 5-18 cont

Insert 5-18 (cont)

118.51 **(3m)** ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to attend a public school in a nonresident school district under this section may, in lieu of applying under sub. (3), submit an application under this subsection, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wants to attend if the pupil satisfies at least one of the criteria under par. (b). Applications may be submitted to no more than 3 nonresident school boards in any school year.

(b) The parent of a pupil may apply under this subsection only if the pupil meets one of the following criteria, and shall describe the criteria that the pupil meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense, as defined by the department by rule. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application within 30 days after the determination of the resident school board.

2. The pupil is or has been a homeless pupil in the current or immediately preceding school year. In this subdivision, "homeless pupil" means an individual who is included in the category of homeless children and youths, as defined in 42 USC 11434a (2).

3. The pupil has been the victim of repeated bullying or harassment and all of the following apply:

a. The pupil's parent has reported the bullying or harassment to the resident school board.

INS 5-18 cont

Insert 5-18 (cont)

b. Despite action taken under subd. 3. a., the repeated bullying and harassment continues.

4. The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.

5. The pupil moved into this state. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after moving into this state.

6. The place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application no later than 30 days after the pupil's change in residence.

7. The parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

(c) If a nonresident school board receives an application under par. (a), the nonresident school board shall immediately forward a copy of the application to the resident school board, and shall notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving the application. If the nonresident school board has accepted the application, the nonresident school board shall identify the specific school or program that the pupil may attend.

INS 5-18 cont

Insert 5-18 (cont)

(d) A resident school district may notify an applicant under par. (a) that the pupil may not attend a school or program in the nonresident school district only for the following reasons:

1. The resident school district determines that the criteria relied on by the applicant under par. (b) does not apply to the pupil.

2. a. Except as provided in subd. 2. b., the resident school district determines that the costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under par. (a), as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education or related services costs for children with disabilities continuing to be served by the resident school district.

b. Subdivision 2. a. does not apply to a pupil who submits an application under par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

(e) If an application is accepted by the nonresident school board under par. (c), the pupil may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent of the pupil of the notice of acceptance under par. (c). If the pupil has not enrolled in or attended school in the nonresident school district by the day specified in this paragraph, the nonresident school district may notify the pupil's parent, in writing, that the pupil is no longer authorized to attend the school or program in the nonresident school district.

INS 5-18 cont

SECTION ~~5r~~ #. 118.51 (5) (a) (intro.) of the statutes is amended to read:

118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils under ~~sub.~~ subs. (3) (a) and (3m) (a) may include only the following:".

End insert 5-18

~~6. Page 6, line 3: after that line insert:~~

Begin insert 6-4

SECTION ~~6g~~. 118.51 (5) (a) 1. b. of the statutes is amended to read:

118.51 **(5)** (a) 1. b. Pupils and siblings of pupils who have applied under sub. (3) (a) or (3m) (a) and are already attending the nonresident school district.

SECTION ~~6r~~ #. 118.51 (5) (a) 1. c. of the statutes is amended to read:

118.51 **(5)** (a) 1. c. If the nonresident school district is a union high school district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently attending an underlying elementary school district of the nonresident school district under this section.".

End insert 6-4

Insert 6-24

~~7. Page 6, line 24: after "s. 118.125," insert~~ "for an application submitted under sub. (3) (a).". (end ins 6-24)

Insert 6-25

~~8. Page 6, line 25: after "May," insert~~ and within 10 days of receiving a copy of an application under sub. (3m) (c).". (end ins 6-25)

~~9. Page 7, line 6: after that line insert:~~

Begin insert 7-7

SECTION ~~9m~~. 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), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d), (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

INS 7-7 cont

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.".

End Insert 7-7

~~**10.** Page 7, line 11: delete "sub. (3)" and substitute "this section."~~

Insert 7-12

~~**11.** Page 7, line 12: delete "(a) and" and substitute~~ "For an application submitted for a child with a disability under sub. (3) (a), the nonresident school district".

(end ins 7-12)

~~**12.** Page 7, line 12: after "copy" insert "of the estimate of costs"~~

Insert 7-13

13. Page 7, line 13: after "May," insert "For an application submitted for a child with a disability under sub. (3m) (a), the nonresident school district shall provide a copy of the estimate of costs to the resident school district within 10 days after receiving or developing the individualized education program for the applicant.".

(end ins 7-13)

~~**14.** Page 8, line 6: after that line insert:~~

Begin Insert 8-7 A

SECTION ~~14~~. 118.51 (15) (a) of the statutes is amended to read:

118.51 **(15)** (a) *Application form.* Prepare, distribute to school districts, and make available to parents an application form to be used by parents under sub. (3) (a) and an application form to be used by parents under sub. (3m) (a). The form shall include provisions that permit a parent to apply for transportation reimbursement

1 under sub. (14) (b). The form shall require an applicant who is applying to attend
2 a virtual charter school to indicate that he or she is applying to attend a virtual
3 charter school, the number of virtual charter schools to which he or she is applying,
4 and whether he or she is a sibling of a pupil currently enrolled in a virtual charter
5 school through the open enrollment program.

End insert 8-7A

6 ~~**SECTION 11r.** 121.91 (4) (p) of the statutes is created to read:~~
7 ~~121.91 **(4)** (p) The limit otherwise applicable to a school district under sub. (2m)~~
8 ~~in any school year is increased by the amount of any payment received by the school~~
9 ~~district under s. 118.51 (16) (c) in the previous school year for a pupil who was not~~
10 ~~included in the calculation of the number of pupils enrolled in the school district in~~
11 ~~the previous school year.".~~
12 **(END)**

State of Wisconsin
2011 – 2012 LEGISLATURE

LRBa0088/1
TKK:jld:ph

SENATE AMENDMENT 1,

TO 2011 SENATE BILL 2

January 20, 2011 – Offered by COMMITTEE ON EDUCATION.

At the locations indicated, amend the bill as follows:

1. Page 3, line 1: delete that line and substitute:

"SECTION 1e. 118.51 (3) (a) 1. of the statutes is amended to read:".

2. Page 3, line 13: after that line insert:

Begin insert 3-14

SECTION [redacted]. 118.51 (3) (a) 1m. of the statutes is created to read:

118.51 **(3)** (a) 1m. By the first Friday following the first Monday in May, the resident school board shall send to the nonresident school district a copy of the individualized education program developed under s. 115.787 (2) for a child with a disability whose parent submitted an application under subd. 1.

End insert 3-14

SECTION [redacted]. 118.51 (3) (a) 2., 3. and 4. of the statutes are amended to read:".

3. Page 3, line 14: delete "2." and substitute:

"118.51 **(3)** (a) 2.".

4. Page 7, line 8: after "*Estimate of costs.*" insert "1.".

5. Page 7, line 13: delete "If the" and substitute:

"2. Except as provided in subd. 3., if the".

6. Page 7, line 17: after that line insert:

Insert 7-18

"3. Subdivision 2. does not apply if the resident school district fails to comply with the requirements under sub. (3) (a) 1m.".

(END)

(end ins 7-18)

State of Wisconsin
2011 – 2012 LEGISLATURE

LRBa0422/1
TKK:nwn:rs

SENATE AMENDMENT 3,

TO 2011 SENATE BILL 2

February 1, 2011 – Offered by Senators OLSEN and JAUCH.

At the locations indicated, amend the bill as follows:

1. Page 8, line 6: after that line insert:

Insert 8-7 B

SECTION ~~11k~~. 118.51 (15) (c) of the statutes is renumbered 118.51 (15) (c) (intro.) and amended to read:

118.51 **(15)** (c) *Annual report.* (intro.) Annually submit a report to the governor~~,~~ and to the appropriate standing committees of the legislature under s. 13.172 (3)~~, on the~~. The report under this paragraph shall include all of the following information:

1. The number of pupils who applied to attend public school in a nonresident school district under this section~~, the~~.

3. The number of applications denied and the bases for the denials~~, and the~~.

4. The number of pupils attending public school in a nonresident school district under this section. The department shall specify, separately, the number of pupils attending public school in a nonresident school district whose applications were

INS 8-7B cont

accepted under subs. (3) (a) 3. and (3m) (c), and, for the applications accepted under sub. (3m) (c), the number of pupils attending under each of the criteria listed in sub. (3m) (b).

SECTION #. 118.51 (15) (c) 2. of the statutes is created to read:

118.51 **(15)** (c) 2. The number of applications received under subs. (3) (a) and (3m) (a) and, for the applications received under sub. (3m) (a), the number of applications received under each of the criteria listed in sub. (3m) (b).

End insert 8-7 B

(END)

State of Wisconsin
2011 – 2012 LEGISLATURE

LRBa0294/1
TKK:jld:md

SENATE AMENDMENT 2,

TO SENATE AMENDMENT 2,

TO 2011 SENATE BILL 2

January 26, 2011 – Offered by Senator OLSEN.

At the locations indicated, amend the amendment as follows:

1. Page 7, line 6: delete lines 6 to 11 and substitute:

Insert 8-7 C

"SECTION 1r. 121.91 (4) (p) of the statutes is created to read:

121.91 **(4)** (p) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.".

(END)

State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–0855/2
TKK:jld&cjs:jf

DOA:.....Hynek, BB0190 – Timeline for open enrollment

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** changing timing of application process under the open enrollment program and permitting certain pupils to submit open enrollment applications outside of the regular application period.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the 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 (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing applications under the OEP. An application to attend a school in a nonresident school district is due between the first Monday in February and the third Friday following the first Monday in February. A school board that receives an application must forward a copy of the application to the pupil's resident school board by the fourth Monday in February, and may not act on the application until after the third Friday following the first Monday in February. The resident school board may, under certain conditions, deny the pupil's enrollment in the nonresident school district; the resident school board must notify the applicant that its application has been rejected by the first Friday following the first Monday in April.

The nonresident school board must notify the pupil whether it has accepted the application by the first Friday following the first Monday in April and must provide

the pupil with information about the specific program or school the pupil would attend by the second Friday following the first Monday in May. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the first Friday following the first Monday in June. By June 30, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law permits a nonresident school district to deny enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board (and, for the 2011–12 school year, at the February meeting of the nonresident school board). An application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. A nonresident school board that receives an application must forward a copy of the application to the pupil's resident school district by the end of the first weekday following the last weekday in April. The nonresident school board may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May.

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child. This bill requires the nonresident school district to prepare an estimate of the costs to implement an IEP prepared for a child with a disability who has applied to attend a school or program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May. If the nonresident school district fails to provide the information by the required date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability. If the resident school board will deny the pupil's enrollment in the nonresident school district, the resident school board must notify the applicant that its application has been rejected on or before the second Friday following the first Monday in June.

The nonresident school board must notify the pupil whether it has accepted the application on or before the first Friday following the first Monday in June, and if the school board has accepted the application, it must provide the pupil with information

about the specific program or school the pupil would attend at that time. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board.

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil must satisfy one of the following criteria: 1) the resident school district determines that the pupil has been the victim of a violent criminal offense, as defined by DPI by rule; 2) the pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board, and the repeated bullying or harassment continues; 4) the place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) the pupil has moved into this state; 6) the place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; or 7) the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

Current law limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the Consumer Price Index. Several adjustments to the revenue limits are permitted. This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to attend school in a nonresident school district under the OEP, the number of applications denied, and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or

alternative application process and, if the latter, which criterion the applicant applied under.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 118.51 (3) (intro.) of the statutes is created to read:

118.51 **(3)** (intro.) Except as provided under sub. (3m), the following procedures govern pupil applications to attend a public school in a nonresident school district under this section:

SECTION 2. 118.51 (3) (a) 1. of the statutes is amended to read:

118.51 **(3)** (a) 1. The parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in February and not later than the ~~3rd Friday following the first Monday in February~~ last weekday in April of the school year immediately preceding the school year in which the pupil wishes to attend. Applications may be submitted to no more than 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~ The nonresident school board shall send a copy of the application to the pupil's resident school board and the department by the end of the first weekday following the last weekday in April. The application may include a request to attend a specific school or program offered by the nonresident school district.

SECTION 3. 118.51 (3) (a) 1m. of the statutes is created to read:

118.51 **(3)** (a) 1m. By the first Friday following the first Monday in May, the resident school board shall send to the nonresident school district a copy of the

SEC. # RP. 118.40 (8)(h)

individualized education program developed under s. 115.787 (2) for a child with a disability whose parent submitted an application under subd. 1.

SECTION 4. 118.51 (3) (a) 2., 3. and 4. of the statutes are amended to read:

118.51 **(3)** (a) 2. A nonresident school board may not act on any application received under subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ before May 1. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept, including pupils accepted from a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district and, if the nonresident school district is a union high school district, to pupils who are attending an underlying elementary school district of the nonresident school district under this section. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept a pupil or the sibling of a pupil who is already attending the nonresident school district and, if the nonresident school district is a union high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section.

3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday following the first Monday in ~~April~~ June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has accepted the application. If the nonresident school board has accepted the applicant, the school board shall identify the specific school or program that the applicant may

attend in the following school year. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

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

SECTION 5. 118.51 (3) (a) 5. of the statutes is repealed.

SECTION 6. 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 **(3)** (a) 6. ~~If~~ Except as provided in sub. (5) (d) 2., if an application is accepted, on or before the ~~first~~ last Friday ~~following the first Monday~~ in June following receipt of a notice of acceptance, or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under sub. (5) (d) ~~or s. 118.40 (8) (h) 5.~~, the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

SECTION 7. 118.51 (3) (a) 7. of the statutes is ~~amended to read:~~

~~118.51 **(3)** (a) 7. If the department has not notified a virtual charter school of the pupils who may attend the school under s. 118.40 (8) (h) by the deadline for informing applicants under subd. 3. or 5., the nonresident school district shall specify in its notices under subd. 3. or 5. that the school district's acceptance is conditional.~~

SECTION 8. 118.51 (3) (b) of the statutes is amended to read:

118.51 **(3)** (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the

Strike

pupil's resident school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (b) 5., the nonresident school board shall report the name of the pupil to the pupil's resident school board within 10 days of receiving notice of the pupil's selection from the department.~~

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

118.51 **(3m)** ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to attend a public school in a nonresident school district under this section may, in lieu of applying under sub. (3), submit an application under this subsection, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wants to attend if the pupil satisfies at least one of the criteria under par. (b). Applications may be submitted to no more than 3 nonresident school boards in any school year.

(b) The parent of a pupil may apply under this subsection only if the pupil meets one of the following criteria, and shall describe the criteria that the pupil meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense, as defined by the department by rule. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application within 30 days after the determination of the resident school board.

2. The pupil is or has been a homeless pupil in the current or immediately preceding school year. In this subdivision, "homeless pupil" means an individual who is included in the category of homeless children and youths, as defined in 42 USC 11434a (2).

1 3. The pupil has been the victim of repeated bullying or harassment and all of
2 the following apply:
3 a. The pupil's parent has reported the bullying or harassment to the resident
4 school board.
5 b. Despite action taken under subd. 3. a., the repeated bullying and harassment
6 continues.
7 4. The place of residence of the pupil's parent or guardian and of the pupil has
8 changed as a result of military orders. An application made on the basis of this
9 criteria is not valid unless the nonresident school board receives the application no
10 later than 30 days after the date on which the military orders changing the place of
11 residence were issued.
12 5. The pupil moved into this state. An application made on the basis of this
13 criteria is not valid unless the nonresident school board receives the application no
14 later than 30 days after moving into this state.
15 6. The place of residence of the pupil has changed as a result of a court order
16 or custody agreement or because the pupil was placed in a foster home or with a
17 person other than the pupil's parent, or removed from a foster home or from the home
18 of a person other than the pupil's parent. An application made on the basis of this
19 criteria is not valid unless the nonresident school board receives the application no
20 later than 30 days after the pupil's change in residence.
21 7. The parent of the pupil and the nonresident school board agree that
22 attending school in the nonresident school district is in the best interests of the pupil.
23 (c) If a nonresident school board receives an application under par. (a), the
24 nonresident school board shall immediately forward a copy of the application to the
25 resident school board, and shall notify the applicant, in writing, whether it has

accepted the application no later than 20 days after receiving the application. If the nonresident school board has accepted the application, the nonresident school board shall identify the specific school or program that the pupil may attend.

(d) A resident school district may notify an applicant under par. (a) that the pupil may not attend a school or program in the nonresident school district only for the following reasons:

1. The resident school district determines that the criteria relied on by the applicant under par. (b) does not apply to the pupil.

2. a. Except as provided in subd. 2. b., the resident school district determines that the costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under par. (a), as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special education or related services costs for children with disabilities continuing to be served by the resident school district.

b. Subdivision 2. a. does not apply to a pupil who submits an application under par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

(e) If an application is accepted by the nonresident school board under par. (c), the pupil may immediately begin attending the school or program in the nonresident school district and shall begin attending the school or program no later than the 15th day following receipt by the parent of the pupil of the notice of acceptance under par. (c). If the pupil has not enrolled in or attended school in the nonresident school

1 district by the day specified in this paragraph, the nonresident school district may
2 notify the pupil's parent, in writing, that the pupil is no longer authorized to attend
3 the school or program in the nonresident school district.

4 **SECTION 10.** 118.51 (5) (a) (intro.) of the statutes is amended to read:

5 118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)
6 2., the criteria for accepting and rejecting applications from nonresident pupils
7 under ~~sub.~~ subs. (3) (a) and (3m) (a) may include only the following:

8 **SECTION 11.** 118.51 (5) (a) 1. (intro.) of the statutes is amended to read:

9 118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs,
10 classes, or grades within the nonresident school district. The nonresident school
11 board shall determine the number of regular education and special education spaces
12 available within the school district in the January meeting of the school board, except
13 that for the 2011–12 school year the board shall determine the number of regular
14 education and special education spaces available within the school district in the
15 February meeting of the school board. In determining the availability of space, the
16 nonresident school board may consider criteria such as class size limits,
17 pupil–teacher ratios, or enrollment projections established by the nonresident school
18 board and may include in its count of occupied spaces all of the following:

19 **SECTION 12.** 118.51 (5) (a) 1. b. of the statutes is amended to read:

20 118.51 **(5)** (a) 1. b. Pupils and siblings of pupils who have applied under sub.
21 (3) (a) or (3m) (a) and are already attending the nonresident school district.

22 **SECTION 13.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

23 118.51 **(5)** (a) 1. c. If the nonresident school district is a union high school
24 district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently

1 attending an underlying elementary school district of the nonresident school district
2 under this section.

3 **SECTION 14.** 118.51 (5) (d) of the statutes is renumbered 118.51 (5) (d) 1. and
4 amended to read:

5 118.51 **(5)** (d) 1. The school board of a nonresident school district may create
6 a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. The
7 nonresident school board may accept pupils from a waiting list created under this
8 paragraph until the 3rd Thursday in September but only if the pupil will be in
9 attendance at the school or program in the nonresident school district on the 3rd
10 Friday in September. Notwithstanding sub. (3) (a) 6., if a pupil is accepted from a
11 waiting list created under this paragraph after the start of the school term, the
12 parent shall immediately notify the resident school district of the pupil's intent to
13 attend school in the nonresident school district for the current school term.

14 3. The department shall promulgate rules to implement and administer this
15 paragraph.

16 **SECTION 15.** 118.51 (5) (d) 2. of the statutes is created to read:

17 118.51 **(5)** (d) 2. A pupil accepted from a waiting list created under this
18 paragraph may attend the school or program in the nonresident school district even
19 if the pupil has attended a school or program in the pupil's resident school district
20 in the current school term, but not if the pupil has attended a school or program in
21 a nonresident school district in the current school term.

22 **SECTION 16.** 118.51 (8) of the statutes is amended to read:

23 118.51 **(8)** DISCIPLINARY RECORDS. Notwithstanding s. 118.125, for an
24 application submitted under sub. (3) (a), by the first Friday following the first
25 Monday in May, and within 10 days of receiving a copy of an application under sub.

(3m) (c), the resident school board shall provide to the nonresident school board to which a pupil has applied under this section~~, upon request by that school board,~~ a copy of any expulsion findings and orders pertaining to the pupil, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

SECTION 17. 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), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d), (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 18. 118.51 (12) (am) of the statutes is created to read:

118.51 **(12)** (am) *Estimate of costs.* 1. The nonresident school district shall prepare an estimate of the costs to provide the special education or related services required in the individualized education program developed under s. 115.787 (2) for

a child with a disability whose parent has submitted an application under this section. For an application submitted for a child with a disability under sub. (3) (a), the nonresident school district shall provide a copy of the estimate of costs to the resident school district by the 3rd Friday following the first Monday in May. For an application submitted for a child with a disability under sub. (3m) (a), the nonresident school district shall provide a copy of the estimate of costs to the resident school district within 10 days after receiving or developing the individualized education program for the applicant.

2. Except as provided in subd. 3., if the nonresident school district fails to comply with the requirement under this section by the date specified, the nonresident school district may not charge the resident school district for any actual, additional costs incurred by the nonresident school district to provide the special education and related services for the child with a disability.

3. Subdivision 2. does not apply if the resident school district fails to comply with the requirements under sub. (3) (a) 1m.

SECTION 19. 118.51 (12) (b) 1. of the statutes is amended to read:

118.51 **(12)** (b) 1. If the <u>estimate of the</u> costs of the special education or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under sub. (3) (a), as proposed to be implemented by the nonresident school district <u>and as provided to the resident school district as required under par. (am)</u>, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil<u>,</u> and the per pupil special education or related services costs for children with disabilities continuing

to be served by the resident school district, the child's resident school board may notify the child's parent and the nonresident school board by the ~~first~~ 2nd Friday following the first Monday in ~~April~~ June that the pupil may not attend the nonresident school district to which the child has applied.

SECTION 20. 118.51 (15) (a) of the statutes is amended to read:

118.51 **(15)** (a) *Application form.* Prepare, distribute to school districts, and make available to parents an application form to be used by parents under sub. (3) (a) and an application form to be used by parents under sub. (3m) (a). The form shall include provisions that permit a parent to apply for transportation reimbursement under sub. (14) (b). The form shall require an applicant who is applying to attend a virtual charter school to indicate that he or she is applying to attend a virtual charter school, the number of virtual charter schools to which he or she is applying, and whether he or she is a sibling of a pupil currently enrolled in a virtual charter school through the open enrollment program.

SECTION 21. 118.51 (15) (c) of the statutes is renumbered 118.51 (15) (c) (intro.) and amended to read:

118.51 **(15)** (c) *Annual report.* (intro.) Annually submit a report to the governor~~,~~ and to the appropriate standing committees of the legislature under s. 13.172 (3)~~, on the~~. The report under this paragraph shall include all of the following information:

1. The number of pupils who applied to attend public school in a nonresident school district under this section~~, the~~.

3. The number of applications denied and the bases for the denials~~, and the~~.

4. The number of pupils attending public school in a nonresident school district under this section. The department shall specify, separately, the number of pupils attending public school in a nonresident school district whose applications were

1 accepted under subs. (3) (a) 3. and (3m) (c), and, for the applications accepted under
2 sub. (3m) (c), the number of pupils attending under each of the criteria listed in sub.
3 (3m) (b).

4 **SECTION 22.** 118.51 (15) (c) 2. of the statutes is created to read:

5 118.51 **(15)** (c) 2. The number of applications received under subs. (3) (a) and
6 (3m) (a) and, for the applications received under sub. (3m) (a), the number of
7 applications received under each of the criteria listed in sub. (3m) (b).

8 **SECTION 23.** 121.91 (4) (p) of the statutes is created to read:

9 121.91 **(4)** (p) The limit otherwise applicable to a school district under sub. (2m)
10 in any school year is increased by the amount of any reduction to that school district's
11 state aid payment made under s. 118.51 (16) (b) 2. and (c) in the previous school year
12 for a pupil who was not included in the calculation of the number of pupils enrolled
13 in that school district in the previous school year.

14 **(END)**

State of Wisconsin
2011 – 2012 LEGISLATURE

LRB–0853/1
PG:cjs:rs

A

DOA:.....Hynek, BB0188 – Charter schools; eliminate cap on virtual charter school enrollment

FOR 2011–13 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, no more than 5,250 pupils may attend virtual charter schools under the Open Enrollment Program in any school year. This bill eliminates this limit.

(OEP)

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

2 **SECTION 1.** 118.40 (8) (h) of the statutes is repealed.

3 **SECTION 2.** 118.51 (3) (a) 6. of the statutes is amended to read:

4 118.51 **(3)** (a) 6. If an application is accepted, on ~~or~~ before the first Friday
5 following the first Monday ~~in~~ June following receipt of a notice of acceptance, ~~or~~
6 ~~within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting~~

DN

¶ This draft reconciles LRB-0853 and LRB-0855.

NO ¶ This draft incorporates all of LRB-0853, relating to eliminating the cap on virtual charter school enrollment. It replaces LRB-0853 in the compiled bill.

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0855/3dn
PG:jld:ph

February 18, 2011

This draft reconciles LRB-0853 and LRB-0855. This draft incorporates all of LRB-0853, relating to eliminating the cap on virtual charter school enrollment. It replaces LRB-0853 in the compiled bill.

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State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-0855/3
TKK&PG:jld&cjs:ph

DOA:.....Hynek, BB0190 - Timeline for open enrollment

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** changing timing of application process under the open enrollment program, permitting certain pupils to submit open enrollment applications outside of the regular application period, and eliminating the limit on virtual charter school enrollment.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, no more than 5,250 pupils may attend virtual charter schools under the Open Enrollment Program (OEP) in any school year. This bill eliminates this limit.

Under the OEP, a pupil may apply to attend a public school in a school district other than the pupil's resident school district (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing applications under the OEP. An application to attend a school in a nonresident school district is due between the first Monday in February and the third Friday following the first Monday in February. A school board that receives an application must forward a copy of the application to the pupil's resident school board by the fourth Monday in February, and may not act on the application until after the third Friday following the first Monday in February. The resident school board may, under certain

conditions, deny the pupil's enrollment in the nonresident school district; the resident school board must notify the applicant that its application has been rejected by the first Friday following the first Monday in April.

The nonresident school board must notify the pupil whether it has accepted the application by the first Friday following the first Monday in April and must provide the pupil with information about the specific program or school the pupil would attend by the second Friday following the first Monday in May. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the first Friday following the first Monday in June. By June 30, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law permits a nonresident school district to deny enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board (and, for the 2011-12 school year, at the February meeting of the nonresident school board). An application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. A nonresident school board that receives an application must forward a copy of the application to the pupil's resident school district by the end of the first weekday following the last weekday in April. The nonresident school board may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May.

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child. This bill requires the nonresident school district to prepare an estimate of the costs to implement an IEP prepared for a child with a disability who has applied to attend a school or program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May. If the nonresident school district fails to provide the information by the required date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability. If the resident school board will deny the pupil's enrollment in the nonresident school district, the resident school board must notify the applicant that

its application has been rejected on or before the second Friday following the first Monday in June.

The nonresident school board must notify the pupil whether it has accepted the application on or before the first Friday following the first Monday in June, and if the school board has accepted the application, it must provide the pupil with information about the specific program or school the pupil would attend at that time. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board.

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil must satisfy one of the following criteria: 1) the resident school district determines that the pupil has been the victim of a violent criminal offense, as defined by DPI by rule; 2) the pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board, and the repeated bullying or harassment continues; 4) the place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) the pupil has moved into this state; 6) the place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; or 7) the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

Current law limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the Consumer Price Index. Several adjustments to the revenue limits are permitted. This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to attend school in a nonresident school district under the OEP, the number of

applications denied, and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or alternative application process and, if the latter, which criterion the applicant applied under.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 118.40 (8) (h) of the statutes is repealed.

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

3 118.51 **(3)** (intro.) Except as provided under sub. (3m), the following procedures
4 govern pupil applications to attend a public school in a nonresident school district
5 under this section:

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

7 118.51 **(3)** (a) 1. The parent of a pupil who wishes to attend a public school in
8 a nonresident school district under this section shall submit an application, on a form
9 provided by the department under sub. (15) (a), to the school board of the nonresident
10 school district that the pupil wishes to attend, not earlier than the first Monday in
11 February and not later than the ~~3rd Friday following the first Monday in February~~
12 last weekday in April of the school year immediately preceding the school year in
13 which the pupil wishes to attend. Applications may be submitted to no more than
14 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~
15 The nonresident school board shall send a copy of the application to the pupil's
16 resident school board and the department by the end of the first weekday following
17 the last weekday in April. The application may include a request to attend a specific
18 school or program offered by the nonresident school district.

SECTION 4. 118.51 (3) (a) 1m. of the statutes is created to read:

118.51 **(3)** (a) 1m. By the first Friday following the first Monday in May, the resident school board shall send to the nonresident school district a copy of the individualized education program developed under s. 115.787 (2) for a child with a disability whose parent submitted an application under subd. 1.

SECTION 5. 118.51 (3) (a) 2., 3. and 4. of the statutes are amended to read:

118.51 **(3)** (a) 2. A nonresident school board may not act on any application received under subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ before May 1. If a nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept, including pupils accepted from a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district and, if the nonresident school district is a union high school district, to pupils who are attending an underlying elementary school district of the nonresident school district under this section. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept a pupil or the sibling of a pupil who is already attending the nonresident school district and, if the nonresident school district is a union high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section.

3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday following the first Monday in ~~April~~ June following receipt of the application, the nonresident school board shall notify the applicant, in writing, whether it has

accepted the application. If the nonresident school board has accepted the applicant, the school board shall identify the specific school or program that the applicant may attend in the following school year. If the nonresident school board rejects an application, it shall include in the notice the reason for the rejection.

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

SECTION 6. 118.51 (3) (a) 5. of the statutes is repealed.

SECTION 7. 118.51 (3) (a) 6. of the statutes is amended to read:

118.51 **(3)** (a) 6. ~~If~~ Except as provided in sub. (5) (d) 2., if an application is accepted, on or before the ~~first~~ last Friday ~~following the first Monday~~ in June following receipt of a notice of acceptance, or within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting list under ~~s. 118.40 (8) (h) 5.~~ sub. (5) (d), the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.

SECTION 8. 118.51 (3) (a) 7. of the statutes is repealed.

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

118.51 **(3)** (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's~~

~~resident school board within 10 days of receiving notice of the pupil's selection from the department.~~

SECTION 10. 118.51 (3m) of the statutes is created to read:

118.51 **(3m)** ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to attend a public school in a nonresident school district under this section may, in lieu of applying under sub. (3), submit an application under this subsection, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wants to attend if the pupil satisfies at least one of the criteria under par. (b). Applications may be submitted to no more than 3 nonresident school boards in any school year.

(b) The parent of a pupil may apply under this subsection only if the pupil meets one of the following criteria, and shall describe the criteria that the pupil meets in the application:

1. The resident school board determines that the pupil has been the victim of a violent criminal offense, as defined by the department by rule. An application made on the basis of this criteria is not valid unless the nonresident school board receives the application within 30 days after the determination of the resident school board.

2. The pupil is or has been a homeless pupil in the current or immediately preceding school year. In this subdivision, "homeless pupil" means an individual who is included in the category of homeless children and youths, as defined in 42 USC 11434a (2).

3. The pupil has been the victim of repeated bullying or harassment and all of the following apply:

1 a. The pupil's parent has reported the bullying or harassment to the resident
2 school board.
3 b. Despite action taken under subd. 3. a., the repeated bullying and harassment
4 continues.
5 4. The place of residence of the pupil's parent or guardian and of the pupil has
6 changed as a result of military orders. An application made on the basis of this
7 criteria is not valid unless the nonresident school board receives the application no
8 later than 30 days after the date on which the military orders changing the place of
9 residence were issued.
10 5. The pupil moved into this state. An application made on the basis of this
11 criteria is not valid unless the nonresident school board receives the application no
12 later than 30 days after moving into this state.
13 6. The place of residence of the pupil has changed as a result of a court order
14 or custody agreement or because the pupil was placed in a foster home or with a
15 person other than the pupil's parent, or removed from a foster home or from the home
16 of a person other than the pupil's parent. An application made on the basis of this
17 criteria is not valid unless the nonresident school board receives the application no
18 later than 30 days after the pupil's change in residence.
19 7. The parent of the pupil and the nonresident school board agree that
20 attending school in the nonresident school district is in the best interests of the pupil.
21 (c) If a nonresident school board receives an application under par. (a), the
22 nonresident school board shall immediately forward a copy of the application to the
23 resident school board, and shall notify the applicant, in writing, whether it has
24 accepted the application no later than 20 days after receiving the application. If the

1 nonresident school board has accepted the application, the nonresident school board
2 shall identify the specific school or program that the pupil may attend.
3 (d) A resident school district may notify an applicant under par. (a) that the
4 pupil may not attend a school or program in the nonresident school district only for
5 the following reasons:
6 1. The resident school district determines that the criteria relied on by the
7 applicant under par. (b) does not apply to the pupil.
8 2. a. Except as provided in subd. 2. b., the resident school district determines
9 that the costs of the special education or related services required in the
10 individualized education program under s. 115.787 (2) for a child with a disability
11 whose parent has submitted an application under par. (a), as proposed to be
12 implemented by the nonresident school district, would impose upon the child's
13 resident school district an undue financial burden in light of the resident school
14 district's total economic circumstances, including its revenue limit under subch. VII
15 of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special
16 education or related services costs for children with disabilities continuing to be
17 served by the resident school district.
18 b. Subdivision 2. a. does not apply to a pupil who submits an application under
19 par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.
20 (e) If an application is accepted by the nonresident school board under par. (c),
21 the pupil may immediately begin attending the school or program in the nonresident
22 school district and shall begin attending the school or program no later than the 15th
23 day following receipt by the parent of the pupil of the notice of acceptance under par.
24 (c). If the pupil has not enrolled in or attended school in the nonresident school
25 district by the day specified in this paragraph, the nonresident school district may

notify the pupil's parent, in writing, that the pupil is no longer authorized to attend the school or program in the nonresident school district.

SECTION 11. 118.51 (5) (a) (intro.) of the statutes is amended to read:

118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils under ~~sub.~~ subs. (3) (a) and (3m) (a) may include only the following:

SECTION 12. 118.51 (5) (a) 1. (intro.) of the statutes is amended to read:

118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs, classes, or grades within the nonresident school district. The nonresident school board shall determine the number of regular education and special education spaces available within the school district in the January meeting of the school board, except that for the 2011-12 school year the board shall determine the number of regular education and special education spaces available within the school district in the February meeting of the school board. In determining the availability of space, the nonresident school board may consider criteria such as class size limits, pupil-teacher ratios, or enrollment projections established by the nonresident school board and may include in its count of occupied spaces all of the following:

SECTION 13. 118.51 (5) (a) 1. b. of the statutes is amended to read:

118.51 **(5)** (a) 1. b. Pupils and siblings of pupils who have applied under sub. (3) (a) or (3m) (a) and are already attending the nonresident school district.

SECTION 14. 118.51 (5) (a) 1. c. of the statutes is amended to read:

118.51 **(5)** (a) 1. c. If the nonresident school district is a union high school district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently attending an underlying elementary school district of the nonresident school district under this section.

SECTION 15. 118.51 (5) (d) of the statutes is renumbered 118.51 (5) (d) 1. and amended to read:

118.51 **(5)** (d) 1. The school board of a nonresident school district may create a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. The nonresident school board may accept pupils from a waiting list created under this paragraph until the 3rd Thursday in September but only if the pupil will be in attendance at the school or program in the nonresident school district on the 3rd Friday in September. Notwithstanding sub. (3) (a) 6., if a pupil is accepted from a waiting list created under this paragraph after the start of the school term, the parent shall immediately notify the resident school district of the pupil's intent to attend school in the nonresident school district for the current school term.

3. The department shall promulgate rules to implement and administer this paragraph.

SECTION 16. 118.51 (5) (d) 2. of the statutes is created to read:

118.51 **(5)** (d) 2. A pupil accepted from a waiting list created under this paragraph may attend the school or program in the nonresident school district even if the pupil has attended a school or program in the pupil's resident school district in the current school term, but not if the pupil has attended a school or program in a nonresident school district in the current school term.

SECTION 17. 118.51 (8) of the statutes is amended to read:

118.51 **(8)** DISCIPLINARY RECORDS. Notwithstanding s. 118.125, for an application submitted under sub. (3) (a), by the first Friday following the first Monday in May, and within 10 days of receiving a copy of an application under sub. (3m) (c), the resident school board shall provide to the nonresident school board to which a pupil has applied under this section~~, upon request by that school board,~~ a

1 copy of any expulsion findings and orders pertaining to the pupil, a copy of records
2 of any pending disciplinary proceeding involving the pupil, a written explanation of
3 the reasons for the expulsion or pending disciplinary proceeding and the length of
4 the term of the expulsion or the possible outcomes of the pending disciplinary
5 proceeding.

6 **SECTION 18.** 118.51 (9) of the statutes is amended to read:

7 118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an
8 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from
9 attending public school in a nonresident school district under sub. (3m) (d), (6), (7)
10 or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public
11 school in the nonresident school district under sub. (11), the pupil's parent may
12 appeal the decision to the department within 30 days after the decision. If the
13 nonresident school board provides notice that the special education or related service
14 is not available under sub. (12) (a), the pupil's parent may appeal the required
15 transfer to the department within 30 days after receipt of the notice. If the resident
16 school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may
17 appeal the required transfer to the department within 30 days after receipt of the
18 notice. The department shall affirm the school board's decision unless the
19 department finds that the decision was arbitrary or unreasonable.

20 **SECTION 19.** 118.51 (12) (am) of the statutes is created to read:

21 118.51 **(12)** (am) *Estimate of costs.* 1. The nonresident school district shall
22 prepare an estimate of the costs to provide the special education or related services
23 required in the individualized education program developed under s. 115.787 (2) for
24 a child with a disability whose parent has submitted an application under this
25 section. For an application submitted for a child with a disability under sub. (3) (a),

1 the nonresident school district shall provide a copy of the estimate of costs to the
2 resident school district by the 3rd Friday following the first Monday in May. For an
3 application submitted for a child with a disability under sub. (3m) (a), the
4 nonresident school district shall provide a copy of the estimate of costs to the resident
5 school district within 10 days after receiving or developing the individualized
6 education program for the applicant.

7 2. Except as provided in subd. 3., if the nonresident school district fails to
8 comply with the requirement under this section by the date specified, the
9 nonresident school district may not charge the resident school district for any actual,
10 additional costs incurred by the nonresident school district to provide the special
11 education and related services for the child with a disability.

12 3. Subdivision 2. does not apply if the resident school district fails to comply
13 with the requirements under sub. (3) (a) 1m.

14 **SECTION 20.** 118.51 (12) (b) 1. of the statutes is amended to read:

15 118.51 **(12)** (b) 1. If the <u>estimate of the</u> costs of the special education or related
16 services required in the individualized education program under s. 115.787 (2) for a
17 child with a disability whose parent has submitted an application under sub. (3) (a),
18 as proposed to be implemented by the nonresident school district <u>and as provided to</u>
19 <u>the resident school district as required under par. (am)</u>, would impose upon the
20 child's resident school district an undue financial burden in light of the resident
21 school district's total economic circumstances, including its revenue limit under
22 subch. VII of ch. 121, its ability to pay tuition costs for the pupil<u>,</u> and the per pupil
23 special education or related services costs for children with disabilities continuing
24 to be served by the resident school district, the child's resident school board may
25 notify the child's parent and the nonresident school board by the ~~first~~ <u>2nd</u> Friday

following the first Monday in ~~April~~ June that the pupil may not attend the nonresident school district to which the child has applied.

SECTION 21. 118.51 (15) (a) of the statutes is amended to read:

118.51 **(15)** (a) *Application form.* Prepare, distribute to school districts, and make available to parents an application form to be used by parents under sub. (3) (a) and an application form to be used by parents under sub. (3m) (a). The form shall include provisions that permit a parent to apply for transportation reimbursement under sub. (14) (b). The form shall require an applicant who is applying to attend a virtual charter school to indicate that he or she is applying to attend a virtual charter school, the number of virtual charter schools to which he or she is applying, and whether he or she is a sibling of a pupil currently enrolled in a virtual charter school through the open enrollment program.

SECTION 22. 118.51 (15) (c) of the statutes is renumbered 118.51 (15) (c) (intro.) and amended to read:

118.51 **(15)** (c) *Annual report.* (intro.) Annually submit a report to the governor~~,~~ and to the appropriate standing committees of the legislature under s. 13.172 (3)~~, on the~~. The report under this paragraph shall include all of the following information:

1. The number of pupils who applied to attend public school in a nonresident school district under this section~~, the~~.

3. The number of applications denied and the bases for the denials~~, and the~~.

4. The number of pupils attending public school in a nonresident school district under this section. The department shall specify, separately, the number of pupils attending public school in a nonresident school district whose applications were accepted under subs. (3) (a) 3. and (3m) (c), and, for the applications accepted under

1 sub. (3m) (c), the number of pupils attending under each of the criteria listed in sub.
2 (3m) (b).

3 **SECTION 23.** 118.51 (15) (c) 2. of the statutes is created to read:

4 118.51 **(15)** (c) 2. The number of applications received under subs. (3) (a) and
5 (3m) (a) and, for the applications received under sub. (3m) (a), the number of
6 applications received under each of the criteria listed in sub. (3m) (b).

7 **SECTION 24.** 121.91 (4) (p) of the statutes is created to read:

8 121.91 **(4)** (p) The limit otherwise applicable to a school district under sub. (2m)
9 in any school year is increased by the amount of any reduction to that school district's
10 state aid payment made under s. 118.51 (16) (b) 2. and (c) in the previous school year
11 for a pupil who was not included in the calculation of the number of pupils enrolled
12 in that school district in the previous school year.

13 **(END)**