

2011 DRAFTING REQUEST

Bill

Received: 01/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Luther Olsen (608) 266-0751

By/Representing: Sara Archibald

May Contact:

Drafter: tkuczens

Subject: Education - school boards

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email: Sen.Olsen@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes to timing of application process under full-time open enrollment

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 01/06/2011	jdyer 01/06/2011	mduchek 01/07/2011	_____	lparisi 01/07/2011		S&L
	tkuczens 01/10/2011	jdyer 01/11/2011		_____			
/P2	tkuczens 01/11/2011	jdyer 01/11/2011	phenry 01/11/2011	_____	mbarman 01/11/2011		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1			rschluet 01/11/2011	_____	sbasford 01/11/2011	sbasford 01/11/2011	

FE Sent For:

*at
intro*

<END>

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	tkuczens 01/10/2011	jdyer 01/11/2011		_____			
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/?		P2 1/11 JLD		_____			S&L
/P1	tkuczens 01/06/2011	jdyer 01/06/2011	mduchek 01/07/2011	1/11 _____	lparisi 01/07/2011		

FE Sent For:

1/11 ph
1/11 ph/RS
<END>

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/?	tkuczens	P1/6jld	1/6	V7 DH/ff			

FE Sent For:

<END>

1/4/11
Sana Archiball
Sen. Olsen

6-0751

~~will be after 11 am~~

By 12TH
IF POSSIBLE

RE open enrollment program

118.51 (3) (a) 1. Δ to

> 1st Mon in Feb to last
Fri in April

> Δ 4th Mon in Feb to "May 1

or within ~~to~~ 7 days after
the ~~4th Mon in Feb~~ last Fri
in April, whichever is later"
Got receipt of application

2.

Δ to last Fri in April

3. By 5/31

4. By 5/31

5. ~~End of~~ June 30

6. 3rd Fri in July

~~2~~ (b) July 31



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-08842 P1
TKK: A... JL
RMRUN

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 1/6/11

Wanted 1/12/11 or sooner

X

Gen

- 1 AN ACT ...; relating to: changes to timing of application process under the open
- 2 enrollment program. ✓

Analysis by the Legislative Reference Bureau

third Friday following the first Monday in February

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 last Friday in April. A school board that receives an application must forward a copy of the application to the pupil's resident school district by the 4th Monday in February, and may not act on the application until after the 3rd 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. board

fourth

board
third

X

The nonresident school district 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 district 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 district must report the name of each pupil accepted under the OEP to the pupil's resident school district. Current law also

board ✓ board ✓ board ✓

permits the parent of a pupil who is eligible for a free or reduced-price lunch and who will be attending a school under the OEP to apply to the Department of Public Instruction (DPI) for reimbursement of costs to transport the pupil to the nonresident school. DPI must provide an estimate of the amount of reimbursement the parent will receive by the second Friday following the first Monday in May.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, an application to attend a school in a nonresident school district is due between the first Monday in February and the last Friday in April. A school board that receives an application must forward a copy of the application to the pupil's resident school district by May 1st or within 7 days of receiving the application, whichever is later. The nonresident school district may not act on the application until the last Friday in April. 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 by May 31st.

The nonresident school district must notify the pupil whether it has accepted the application by May 31st and must provide the pupil with information about the specific program or school the pupil would attend by June 30th. The pupil must inform the nonresident school district whether he or she will attend a school in the nonresident school district by the third Friday in July. By July 31st, the nonresident school district must report the name of each pupil accepted under the OEP to the pupil's resident school district. DPI must provide an estimate of the amount of reimbursement for transportation costs the parent will receive by June 30th.

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. 118.51 (3) (a) 1., 2., 3., 4., 5. and 6. of the statutes are amended to
2 read:

3 118.51 (3) (a) 1. The parent of a pupil who wishes to attend a public school in
4 a nonresident school district under this section shall submit an application, on a form
5 provided by the department under sub. (15) (a), to the school board of the nonresident
6 school district that the pupil wishes to attend, not earlier than the first Monday in
7 February and not later than the 3rd Friday following the first Monday in February
8 last Friday in April of the school year immediately preceding the school year in which
9 the pupil wishes to attend. Applications may be submitted to no more than 3

nonresident

board

x board

board

board
board

1 nonresident school boards in any school year. On the ~~4th Monday in February~~ May
2 1 or within 7[✓] days of receipt of the application, whichever is later, the nonresident
3 school board shall send a copy of the application to the pupil's resident school board
4 and the department. The application may include a request to attend a specific
5 school or program offered by the nonresident school district.

6 **History:** 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

7 2. A nonresident school board may not act on any application received under
8 subd. 1. until after the 3rd Friday following the first Monday in February last Friday
9 in April.[✓] If a nonresident school board receives more applications for a particular
10 grade or program than there are spaces available in the grade or program, the
11 nonresident school board shall determine which pupils to accept, including pupils
12 accepted from a waiting list under sub. (5) (d), on a random basis, after giving
13 preference to pupils and to siblings of pupils who are already attending the
14 nonresident school district and, if the nonresident school district is a union high
15 school district, to pupils who are attending an underlying elementary school district
16 of the nonresident school district under this section. If a nonresident school board
17 determines that space is not otherwise available for open enrollment pupils in the
18 grade or program to which an individual has applied, the school board may
19 nevertheless accept a pupil or the sibling of a pupil who is already attending the
20 nonresident school district and, if the nonresident school district is a union high
21 school district, a pupil who is attending an underlying elementary school district of
22 the nonresident school district under this section.

23 **History:** 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

24 3. ~~On or before the first Friday following the first Monday in April~~ By May 31[✓]
following receipt of the application, the nonresident school board shall notify the
applicant, in writing, whether it has accepted the application. If the nonresident

1 school board rejects an application, it shall include in the notice the reason for the
2 rejection.

3 History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

3 4. ~~On or before the first Friday following the first Monday in April~~ [✓] By May 31
4 following receipt of a copy of the application, if a resident school board denies a pupil's
5 enrollment in a nonresident school district under sub. (6), (7) or (12) (b) 1., the
6 resident school board shall notify the applicant and the nonresident school board, [✓] in
7 writing, that the application has been denied and include in the notice the reason for
8 the denial.

9 History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

9 5. If an application is accepted, on or before ~~the 2nd Friday following the first~~
10 ~~Monday in May~~ [✓] June 30 following receipt of the application, the nonresident school
11 board shall notify the applicant, in writing, of the specific school or program that the
12 pupil may attend in the following school year.

13 History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

13 6. If an application is accepted, on or before the ~~first~~ ^{3rd} Friday ^{plain} following the
14 ~~first Monday in June~~ [✓] in July following receipt of a notice of acceptance, or within 10
15 days of receiving a notice of acceptance if a pupil is selected from a waiting list under
16 s. 118.40 (8) (h) 5., the pupil's parent shall notify the nonresident school board of the
17 pupil's intent to attend school in that school district in the following school year.

18 History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

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

19 118.51 (3) (b) *Notice to resident school district.* Annually by ~~June 30~~ [✓] July 31,
20 each nonresident school board that has accepted a pupil under this section for
21 attendance in the following school year shall report the name of the pupil to the
22 pupil's resident school board. If a pupil is selected from a waiting list under s. 118.40
23 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's

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

3 **History:** 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

3 **SECTION 3.** 118.51 (12) (b) 1. of the statutes is amended to read:

4 118.51 (12) (b) *Undue financial burden.* 1. If the costs of the special education
5 or related services required in the individualized education program under s.
6 115.787 (2) for a child with a disability whose parent has submitted an application
7 under sub. (3) (a), as proposed to be implemented by the nonresident school district,
8 would impose upon the child's resident school district an undue financial burden in
9 light of the resident school district's total economic circumstances, including its
10 revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil
11 and the per pupil special education or related services costs for children with
12 disabilities continuing to be served by the resident school district, the child's resident
13 school board may notify the child's parent and the nonresident school board by ~~the~~
14 ~~first Friday following the first Monday in April~~ May 31 that the pupil may not attend
15 the nonresident school district to which the child has applied.

16 **History:** 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

16 **SECTION 4.** 118.51 (14) (b) of the statutes is amended to read:

17 118.51 (14) (b) *Low-income assistance.* The parent of a pupil who is eligible for
18 a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public
19 school in a nonresident school district in the following school year under this section
20 may apply to the department, on the form prepared under sub. (15) (a), for the
21 reimbursement of costs incurred by the parent for the transportation of the pupil to
22 and from the pupil's residence and the school that the pupil will be attending. The
23 department shall determine the reimbursement amount and shall pay the amount
24 from the appropriation under s. 20.255 (2) (cy). The reimbursement amount may not

1 exceed the actual transportation costs incurred by the parent or 3 times the
2 statewide average per pupil transportation costs, whichever is less. If the
3 appropriation under s. 20.255 (2) (cy) in any one year is insufficient to pay the full
4 amount of approved claims under this paragraph, payments shall be prorated among
5 the parents entitled thereto. By the ~~2nd Friday following the first Monday in May~~
6 June 30 following receipt of the parent's application under sub. (3) (a), the
7 department shall provide to each parent requesting reimbursement under this
8 paragraph an estimate of the amount of reimbursement that the parent will receive
9 if the pupil attends public school in the nonresident school district in the following
10 school year.

11 **History:** 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

(END)

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Thursday, January 06, 2011 1:23 PM
To: Kuczenski, Tracy
Subject: Document outlining new open enrollment law

Attachments: Expansion of application period 6_11.docx

Hi Tracy,
Sorry if this is sort of a convoluted process – I'm new to this role and totally open to feedback on how best to work with you guys!
Thanks,
Sarah



Expansion of
application perio...

Options to Expand Open Enrollment Application Period
(Dependent on repeal of VCS wait list)

This proposal expands the open enrollment application period from a 3-week period in February to the 3 months beginning with the 1st weekday in February and ending with the last weekday in April. This expansion is made possible by efficiencies gained through the on-line application and reporting as well as compression of some other activities as follows:

1. School boards will be required to set the number of regular education available spaces and special education space criteria at the January school board meeting. Since the statute prescribes how spaces will be filled, it is not necessary to allow time for nonresident school boards to act on individual applications.
2. Resident school boards will be required to send special education and expulsion records when the application is submitted, rather than having to wait for a request from the nonresident school board. (Also, estimates will be able to be submitted electronically, saving another day or so.) [Need to review FERPA issues.]
3. Since the approval/denial date will be pushed back to June, the nonresident district can send the school assignment at the same time as approval.
4. Resident districts may need additional time to review cost estimates, so the resident district denial date is set a week later than the nonresident district approval/denial date. Thus, the majority of approvals and denials are not held up pending consideration of a relatively small number of applications.

As a result, the application period is extended by over two months, while the total process from beginning to end takes only a week longer.

Activity	Current schedule	Possible change
Nonresident school boards approve regular education spaces by grade and approve criteria for special education space.	No current requirement	January school board meeting (except in 2011 it would be Feb) (No need for nonresident school boards to act on individual applications)
Parent application period Districts may not act on application until after the 3 rd Friday following the 1 st Monday	1 st Monday in February to 3 rd Friday following 1st Monday in February (§)	First weekday in February to last weekday in April (4:00 pm). (Unless non-resident district receiving the student has adopted a later deadline.) Districts may not act on application before

Activity	Current schedule	Possible change
		May 1.
Nonresident school district provides copy of application to resident district & DPI (via OPAL)	4 th Monday in February (§)	Not needed for applications submitted on-line. Require nonresident district to enter paper applications by end of the 1 st weekday following the end of the application period.
Nonresident district requests special education & expulsion records.	End of February or early March (depending on end of application period)	Resident district required to send special education and expulsion records by 1 st Friday following 1 st Monday in May.
Resident district provides records (5 days)	March 15 (Adm Rule)	Nonresident district required to send estimate of cost by 3 rd Friday following 1 st Monday in May. If estimate not received on or before this day, nonresident district may not charge any actual, additional costs (if record received from res district).
Nonresident district sends estimate of special education cost to resident district.	Early March and early April	
School board meetings (many school boards actually approve/deny applications)	1 st Friday following 1 st Monday in April (§)	Nonresident district must approve or deny applications no later than 1 st Friday following 1 st Monday in June.
Notices of approval or denial sent to parent	2 nd Friday following 1 st Monday in May (§)	Resident district must deny applications no later than 2 nd Friday following 1 st Monday in June (to allow time to review cost estimates)
School assignment	1 st Friday following 1 st Monday in June . (§)	Nonresident district send with approval (1 st Friday following 1 st Monday in June).
Parent must respond	June 30	Last Friday in June
Nonresident district notify resident district of students who plan to attend	July 7	

Activity	Current schedule	Possible change
Appeals	Parents have 30 days to file appeal	None. However, later approval/denial date may make it more difficult to resolve all appeals before the beginning of the school year.
Wait list	Last day to offer space from wait list is 3 rd Friday in Aug (Adm Rule)	<p>May offer space from wait list until 11 days before 3rd Friday in September (to allow parent 10 days to respond).</p> <p>May offer space up to day before 3rd Friday in September as long as student is in attendance on or before the 3rd Friday in September .</p> <p>Student may accept space from wait list even if student already attended resident school district. However, may not accept space from wait list if student has attended another nonresident district.</p>

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Friday, January 07, 2011 4:18 PM
To: Kuczenski, Tracy
Subject: RE: Draft review: LRB 11-0884/P1 Topic: Changes to timing of application process under full-time open enrollment
Attachments: Expansion of application period 1_7_11.docx

Hi Tracy,

Thanks for getting us that initial draft. Attached is a slightly modified version of the document I sent over earlier in the week. Please use this document as the basis for draft 2. Once you get a chance to look at it, it would be great if you could give me an estimate of when the changes will be made. I'm hoping they aren't too significant. It was helpful to have a first draft to circulate for cosponsorship, so your efforts were not in vain.

Call me if you have any questions, and have a great weekend!
Sarah

From: Kuczenski, Tracy
Sent: Friday, January 07, 2011 1:48 PM
To: Archibald, Sarah
Subject: FW: Draft review: LRB 11-0884/P1 Topic: Changes to timing of application process under full-time open enrollment

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Parisi, Lori
Sent: Friday, January 07, 2011 9:22 AM
To: Kuczenski, Tracy
Subject: Draft review: LRB 11-0884/P1 Topic: Changes to timing of application process under full-time open enrollment

Draft Requester: Luther Olsen

Following is the PDF version of draft LRB 11-0884/P1.

3-page Document received 1/7/11
 as modified by Elsevier office
 Tkck

Options to Expand Open Enrollment Application Period
 (Dependent on repeal of VCS wait list)

This proposal expands the open enrollment application period from a 3-week period in February to the 3 months beginning with the 1st weekday in February and ending with the last weekday in April. This expansion is made possible by efficiencies gained through the on-line application and reporting as well as compression of some other activities as follows:

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2. Resident school boards will be required to send special education and expulsion records when the application is submitted, rather than having to wait for a request from the nonresident school board. (Also, estimates will be able to be submitted electronically, saving another day or so.) [Need to review FERPA issues.]
3. Since the approval/denial date will be pushed back to June, the nonresident district can send the school assignment at the same time as approval.
4. Resident districts may need additional time to review cost estimates, so the resident district denial date is set a week later than the nonresident district approval/denial date. Thus, the majority of approvals and denials are not held up pending consideration of a relatively small number of applications.

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Parent application period Districts may not act on application until after the 3 rd Friday following the 1 st Monday	1 st Monday in February to 3 rd Friday following 1 st Monday in February (§)	First weekday in February to last weekday in April (4:00 pm). Districts may not act on application before May 1.

Activity	Current schedule	Possible change
Nonresident school district provides copy of application to resident district & DPI (via OPAL)	4 th Monday in February (§)	Not needed for applications submitted on-line. Require nonresident district to enter paper applications by end of the 1 st weekday following the end of the application period.
Nonresident district requests special education & expulsion records.	End of February or early March (depending on end of application period)	Resident district required to send special education and expulsion records by 1 st Friday following 1 st Monday in May.
Resident district provides records (5 days)	March 15 (Adm Rule)	Nonresident district required to send estimate of cost by 3 rd Friday following 1 st Monday in May. If estimate not received on or before this day, nonresident district may not charge any actual, additional costs (if record received from res district).
Nonresident district sends estimate of special education cost to resident district. School board meetings (many school boards actually approve/deny applications)	Early March and early April	Nonresident district must approve or deny applications no later than 1 st Friday following 1 st Monday in June. Resident district must deny applications no later than 2 nd Friday following 1 st Monday in June (to allow time to review cost estimates)
Notices of approval or denial sent to parent	1 st Friday following 1 st Monday in April (§)	Nonresident district send with approval (1 st Friday following 1 st Monday in June).
School assignment	2 nd Friday following 1 st Monday in May (§)	Last Friday in June
Parent must respond	1 st Friday following 1 st Monday in June . (§)	July 7
Nonresident district notify resident district of students who plan to attend	June 30	None. However, later approval/denial date may make it more difficult to resolve all
Appeals	Parents have 30 days to file appeal	

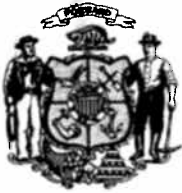
118.51(8)

Activity	Current schedule	Possible change
Wait list	Last day to offer space from wait list is 3 rd Friday in Aug (Adm Rule)	<p>appeals before the beginning of the school year.</p> <p>May offer space from wait list until 11 days before 3rd Friday in September (to allow parent 10 days to respond).</p> <p>May offer space up to day before 3rd Friday in September as long as student is in attendance on or before the 3rd Friday in September .</p> <p>Student may accept space from wait list even if student already attended resident school district. However, may not accept space from wait list if student has attended another nonresident district.</p>

✓

✓

✓



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/10/2011
wanted 1/11/11 as early as possible

4

Egen

- 1 **AN ACT to amend** ~~118.51 (3)~~ (a) 1., 2., 3., 4., 5. and 6., 118.51 (3) (b), 118.51 (12)
- 2 (b) 1. and 118.51 (14) (b) of the statutes; **relating to:** changes to timing of
- 3 application process under the open enrollment program. ✓

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.

check
△

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.

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.

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 must provide the pupil with information about the specific program or school the pupil would attend by June 30. 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 A

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 also permits the parent of a pupil who is eligible for a free or reduced-price lunch and who will be attending a school under the OEP to apply to the Department of Public Instruction (DPI) for reimbursement of costs to transport the pupil to the nonresident school. DPI must provide an estimate of the amount of reimbursement the parent will receive by the second Friday following the first Monday in May.~~

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, an application to attend a school in a nonresident school district is due between the first Monday in February and the last Friday 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 May 1 or within seven days of receiving the application, whichever is later. The nonresident school board may not act on the application until the last Friday in April. 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 by May 31.

The nonresident school board must notify the pupil whether it has accepted the application by May 31, and must provide the pupil with information about the specific program or school the pupil would attend by June 30. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the third Friday in July. By July 31, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. DPI must provide an estimate of the amount of reimbursement for transportation costs the parent will receive by June 30.

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) (a) 1., 2., 3., 4., 5. and 6. 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 Friday in April of the school year immediately preceding the school year in which

weekday

weekday

Insert Analysis C

on or before the second Friday following the first Monday in June

June

Insert analysis B
the end of the first weekday following the last weekday in April
before May 1

on or before the first Friday following the first Monday in June

1 the pupil wishes to attend. Applications may be submitted to no more than 3
2 nonresident school boards in any school year. ~~On the 4th Monday in February~~ ^{strike} ~~May~~

3 1 or within 7 days of receipt of the application, whichever is later, ~~the~~ ^{strike} ~~nonresident~~ ^{The}
4 school board shall send a copy of the application to the pupil's resident school board
5 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
6 school or program offered by the nonresident school district.

7 2. A nonresident school board may not act on any application received under
8 subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ ^{↓ ↓ ↓} ~~last Friday~~

9 in April ^{before May 1}. If a nonresident school board receives more applications for a particular
10 grade or program than there are spaces available in the grade or program, the
11 nonresident school board shall determine which pupils to accept, including pupils
12 accepted from a waiting list under sub. (5) (d), on a random basis, after giving
13 preference to pupils and to siblings of pupils who are already attending the
14 nonresident school district and, if the nonresident school district is a union high
15 school district, to pupils who are attending an underlying elementary school district
16 of the nonresident school district under this section. If a nonresident school board
17 determines that space is not otherwise available for open enrollment pupils in the
18 grade or program to which an individual has applied, the school board may
19 nevertheless accept a pupil or the sibling of a pupil who is already attending the
20 nonresident school district and, if the nonresident school district is a union high
21 school district, a pupil who is attending an underlying elementary school district of
22 the nonresident school district under this section.

23 ^{Except as provided under sub. (5)(d) leg on} 3. On or before the first Friday following the first Monday in April ^{plain} By May 31 ^{June =}

24 following receipt of the application, the nonresident school board shall notify the
25 applicant, in writing, whether it has accepted the application. If the nonresident

^{NO} If the nonresident school board has accepted the applicant, ^{score} the school board shall identify the specific school or program that the applicant may attend in the following school year.

1 school board rejects an application, it shall include in the notice the reason for the
2 rejection. plain ^{2nd} ~~may~~ plain ✓

✓
June

3 4. On or before the first Friday following the first Monday in April By May 31
4 following receipt of a copy of the application, if a resident school board denies a pupil's
5 enrollment in a nonresident school district under sub. (6), (7) or (12) (b) 1., the
6 resident school board shall notify the applicant and the nonresident school board, in
7 writing, that the application has been denied and include in the notice the reason for
8 the denial.

Insert 4-13 ✓

9 5. If an application is accepted, on or before the ~~2nd~~ Friday following the first
10 ~~Monday in May~~ June 30 following receipt of the application, the nonresident school
11 board shall notify the applicant, in writing, of the specific school or program that the
12 pupil may attend in the following school year.

Strike Except as provided in sub (5)(d) 20; if ✓

13 118.51 (a) 6. If an application is accepted, on or before the first ~~3rd~~ Friday ✓
14 (3) first Monday in June in July following receipt of a notice of acceptance, or within 10
15 days of receiving a notice of acceptance if a pupil is selected from a waiting list under ^{sub (5)(d)} or ✓

16 s. 118.40 (8) (h) 5., the pupil's parent shall notify the nonresident school board of the
17 pupil's intent to attend school in that school district in the following school year.

Insert 4-18 ✓

18 SECTION 2. 118.51 (3) (b) of the statutes is amended to read:
19 118.51 (3) (b) *Notice to resident school district.* Annually by ~~June 30~~ July 31,
20 each nonresident school board that has accepted a pupil under this section for
21 attendance in the following school year shall report the name of the pupil to the
22 pupil's resident school board. If a pupil is selected from a waiting list under s. 118.40
23 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's
24 resident school board within 10 days of receiving notice of the pupil's selection from
25 the department.

✓
7

Inser 5-1 ✓

SECTION 3. 118.51 (12) (b) 1. of the statutes is amended to read:

118.51 (12) (b) *Undue financial burden.* 1. If 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, 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 Friday following the first Monday in April (May 3) that the pupil may not attend the nonresident school district to which the child has applied.

SECTION 4. 118.51 (14) (b) of the statutes is amended to read:

118.51 (14) (b) *Low-income assistance.* The parent of a pupil who is eligible for a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public school in a nonresident school district in the following school year under this section may apply to the department, on the form prepared under sub. (15) (a), for the reimbursement of costs incurred by the parent for the transportation of the pupil to and from the pupil's residence and the school that the pupil will be attending. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy). The reimbursement amount may not exceed the actual transportation costs incurred by the parent or 3 times the statewide average per pupil transportation costs, whichever is less. If the appropriation under s. 20.255 (2) (cy) in any one year is insufficient to pay the full

le
1 amount of approved claims under this paragraph, payments shall be prorated among
2 the parents entitled thereto. By the 2nd Friday following the first Monday in May
3 June 30 following receipt of the parent's application under sub. (3) (a), the
4 department shall provide to each parent requesting reimbursement under this
5 paragraph an estimate of the amount of reimbursement that the parent will receive
6 if the pupil attends public school in the nonresident school district in the following
7 school year.

8

(END)

1 **Insert analysis A**

~~NO~~ 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.

2 **Insert analysis B**

~~NO~~ the nonresident school district must determine the number of regular education and special education spaces available within the school district in the January meeting of the school board (and, for the 2011-12 school year, in the February meeting of the school board). *nonresident* *at* *at*

3 **Insert analysis C**

~~NO~~ 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 board 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. *district* *

4 **Insert 4-13**

5 **SECTION 1.** 118.51 (3) (a) 5. of the statutes is repealed. *X*

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

7 **Insert 4-18**

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

9 118.51 (3) (a) 7. If the department has not notified a virtual charter school of
10 the pupils who may attend the school under s. 118.40 (8) (h) by the deadline for
11 informing applicants under subd. 3. or 5., the nonresident school district shall specify
12 in its notices under subd. 3. or 5. that the school district's acceptance is conditional.

(end ins 4-18)

Insert 5-1

SECTION 4. 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:

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

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

118.51 (5) (d) ^gWaiting list. 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 ~~1st~~^{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 ~~third~~^{e 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.



INS 5-1
CONT

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

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

3 **SECTION 6.** 118.51 (5) (d) 2. of the statutes is created to read:

4 118.51 (5) (d) 2. A pupil accepted from a waiting list created under this
5 paragraph may attend the school or program in the nonresident school district even
6 if the pupil has attended a school or program in the pupil's resident school district
7 in the current school term, but not if the pupil has attended a school or program in
8 a nonresident school district in the current school term.

9 **SECTION 7.** 118.51 (8) of the statutes is amended to read:

10 118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, by the first
11 Friday following the first Monday in May, the resident school board shall provide to
12 the nonresident school board to which a pupil has applied under this section, ~~upon~~
13 ~~request by that school board~~, a copy of any expulsion findings and orders pertaining
14 to the pupil, a copy of records of any pending disciplinary proceeding involving the
15 pupil, a written explanation of the reasons for the expulsion or pending disciplinary
16 proceeding and the length of the term of the expulsion or the possible outcomes of the
17 pending disciplinary proceeding.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 57; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

18 **SECTION 8.** 118.51 (12) (am) of the statutes is created to read:

19 118.51 (12) (am) *Estimate of costs.* The nonresident school district shall
20 prepare an estimate of the costs to provide the special education or related services
21 required in the individualized education program developed under s. 115.787 (2) for
22 a child with a disability whose parent has submitted an application under sub. (3)
23 (a) and shall provide a copy to the resident school district by the third Friday
24 following the first Monday in May. If the nonresident school district fails to comply

23

24



INS 5-1
CONT

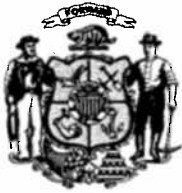
1 with the requirement under this section by the date specified, the nonresident school
2 district may not charge the resident school district for any actual, additional costs
3 incurred by the nonresident school district to provide the special education and
4 related services for the child with a disability.

5 SECTION 9. 118.51 (12) (b) 1. of the statutes is amended to read:

6 118.51 (12) (b) 1. If the estimate of the costs of the special education or related
7 services required in the individualized education program under s. 115.787 (2) for a
8 child with a disability whose parent has submitted an application under sub. (3) (a),
9 as proposed to be implemented by the nonresident school district and as provided to
10 the resident school district as required under par. (am), would impose upon the
11 child's resident school district an undue financial burden in light of the resident
12 school district's total economic circumstances, including its revenue limit under
13 subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil
14 special education or related services costs for children with disabilities continuing
15 to be served by the resident school district, the child's resident school board may
16 notify the child's parent and the nonresident school board by the first ~~second~~ ^{2nd} Friday
17 following the first Monday in ~~April~~ June that the pupil may not attend the
18 nonresident school district to which the child has applied.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

(end ins)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

7/11/11 TODAY

LX Regen

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

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.

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 must provide the pupil with information about the specific program or school the pupil would attend by June 30. 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.

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

2 118.51 (3) (a) 1. The parent of a pupil who wishes to attend a public school in
3 a nonresident school district under this section shall submit an application, on a form
4 provided by the department under sub. (15) (a), to the school board of the nonresident
5 school district that the pupil wishes to attend, not earlier than the first Monday in
6 February and not later than the ~~3rd Friday following the first Monday in February~~
7 last weekday in April of the school year immediately preceding the school year in
8 which the pupil wishes to attend. Applications may be submitted to no more than
9 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~
10 The nonresident school board shall send a copy of the application to the pupil's
11 resident school board and the department by the end of the first weekday following
12 the last weekday in April. The application may include a request to attend a specific
13 school or program offered by the nonresident school district.

14 2. A nonresident school board may not act on any application received under
15 subd. 1. ~~until after the 3rd Friday following the first Monday in February~~ before May

16 1. If a nonresident school board receives more applications for a particular grade or
17 program than there are spaces available in the grade or program, the nonresident
18 school board shall determine which pupils to accept, including pupils accepted from
19 a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils
20 and to siblings of pupils who are already attending the nonresident school district
21 and, if the nonresident school district is a union high school district, to pupils who

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

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

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

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

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

24 118.51 (3) (a) 6. If Except as provided in sub. (5) (d) 2., if an application is
25 accepted, on or before the ~~first~~ last Friday ~~following the first Monday in June~~

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

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

6 118.51 (3) (a) 7. If the department has not notified a virtual charter school of
7 the pupils who may attend the school under s. 118.40 (8) (h) by the deadline for
8 informing applicants under subd. 3. ~~or 5.~~, the nonresident school district shall specify
9 in its notices under subd. 3. ~~or 5.~~ that the school district's acceptance is conditional.

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

11 118.51 (3) (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7,
12 each nonresident school board that has accepted a pupil under this section for
13 attendance in the following school year shall report the name of the pupil to the
14 pupil's resident school board. If a pupil is selected from a waiting list under s. 118.40
15 (8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's
16 resident school board within 10 days of receiving notice of the pupil's selection from
17 the department.

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

19 118.51 (5) (a) 1. (intro.) The availability of space in the schools, programs,
20 classes, or grades within the nonresident school district. The nonresident school
21 board shall determine the number of regular education and special education spaces
22 available within the school district in the January meeting of the school board, except
23 that for the 2011-12 school year the board shall determine the number of regular
24 education and special education spaces available within the school district in the
25 February meeting of the school board. In determining the availability of space, the

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

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

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

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

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

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

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

24 118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, by the first
25 Friday following the first Monday in May, the resident school board shall provide to

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

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

8 118.51 (12) (am) *Estimate of costs.* The nonresident school district shall
9 prepare an estimate of the costs to provide the special education or related services
10 required in the individualized education program developed under s. 115.787 (2) for
11 a child with a disability whose parent has submitted an application under sub. (3)
12 (a) and shall provide a copy to the resident school district by the 3rd Friday following
13 the first Monday in May. If the nonresident school district fails to comply with the
14 requirement under this section by the date specified, the nonresident school district
15 may not charge the resident school district for any actual, additional costs incurred
16 by the nonresident school district to provide the special education and related
17 services for the child with a disability.

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

19 .118.51 (12) (b) 1. If the estimate of the costs of the special education or related
20 services required in the individualized education program under s. 115.787 (2) for a
21 child with a disability whose parent has submitted an application under sub. (3) (a),
22 as proposed to be implemented by the nonresident school district and as provided to
23 the resident school district as required under par. (am), would impose upon the
24 child's resident school district an undue financial burden in light of the resident
25 school district's total economic circumstances, including its revenue limit under

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

7 (END)

Basford, Sarah

From: Archibald, Sarah
Sent: Tuesday, January 11, 2011 1:44 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0884/1 Topic: Changes to timing of application process under full-time open enrollment

RUSH –We need this ASAP/by 4pm this afternoon. Thanks!

Please Jacket LRB 11-0884/1 for the SENATE.



2011 BILL 2

"Corrected copy"
Requested by TKK
01-13-2011
→ see changes
on page 2.

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

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

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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.

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 must provide the pupil with information about the specific program or school the pupil would attend by June 30. 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.

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

2 118.51 (3) (a) 1. The parent of a pupil who wishes to attend a public school in
3 a nonresident school district under this section shall submit an application, on a form
4 provided by the department under sub. (15) (a), to the school board of the nonresident
5 school district that the pupil wishes to attend, not earlier than the first Monday in
6 February and not later than the ~~3rd Friday following the first Monday in February~~
7 last weekday in April of the school year immediately preceding the school year in
8 which the pupil wishes to attend. Applications may be submitted to no more than
9 3 nonresident school boards in any school year. ~~On the 4th Monday in February the~~
10 The nonresident school board shall send a copy of the application to the pupil's
11 resident school board and the department by the end of the first weekday following
12 the last weekday in April. The application may include a request to attend a specific
13 school or program offered by the nonresident school district.

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

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

7

(END)