

**2011 DRAFTING REQUEST**

**Bill**

Received: **02/15/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Assembly Chief Clerk**

By/Representing:

May Contact:

Drafter: **tkuczens**

Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **patrick.fuller@legis.wisconsin.gov**

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

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

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**Instructions:**

See attached

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**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>
/?	tkuczens 02/15/2011	jdyer 02/16/2011		_____			
/1			jfrantze 02/16/2011	_____	mbarman 02/16/2011	mbarman 02/16/2011	

FE Sent For:

<END>

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/?	tkuczens	1 2/15 JLD	JLD	PK 2/16			

FE Sent For:

<END>

**SENATE BILL 2 (LRB -0884)**

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 timing of application process under the open enrollment program. (FE)

**2011**

01-11.	S.	Introduced by Senators <b>Olsen, Darling, Grothman, Lazich</b> and <b>Vukmir</b> ; cosponsored by Representatives <b>Jacque, Pridemore</b> and <b>Thiesfeldt</b> .	
01-11.	S.	Read first time and referred to committee on Education.	
01-13.	S.	Public hearing held.	
01-13.	S.	Representative Spanbauer added as a cosponsor .....	42
01-20.	S.	Executive action taken.	
01-20.	S.	Report introduction of Senate Amendment 1 recommended by committee on Education, Ayes 7, Noes 0 <b>(LRB a0088)</b> .....	57
01-20.	S.	Report adoption of Senate Amendment 1 recommended by committee on Education, Ayes 7, Noes 0 .....	57
01-20.	S.	Report introduction of Senate Amendment 2 recommended by committee on Education, Ayes 7, Noes 0 <b>(LRB a0128)</b> .....	57
01-20.	S.	Report adoption of Senate Amendment 2 recommended by committee on Education, Ayes 5, Noes 2 .....	57
01-20.	S.	Report passage as amended recommended by committee on Education, Ayes 5, Noes 2 .....	57
01-20.	S.	Available for scheduling.	
01-24.	S.	Fiscal estimate received.	
01-26.	S.	Senate amendment 1 to Senate amendment 2 offered by Senator Olsen <b>(LRB a0295)</b> .....	65
01-26.	S.	Senate amendment 2 to Senate amendment 2 offered by Senator Olsen <b>(LRB a0294)</b> .....	65
01-31.	S.	Placed on calendar 2-2-2011 pursuant to Senate Rule 18(1) .....	71
02-01.	S.	Senate amendment 3 offered by Senators Olsen and Jauch <b>(LRB a0422)</b> .....	85
02-02.	S.	Read a second time .....	87
02-02.	S.	Senate amendment 1 <b>adopted</b> .....	87
02-02.	S.	Senate amendment 1 to Senate amendment 2 withdrawn and returned to author .....	87
02-02.	S.	Senate amendment 2 to Senate amendment 2 <b>adopted</b> .....	87
02-02.	S.	Senate amendment 3 to Senate amendment 2 offered by Senators C. Larson, Taylor, Miller and Risser <b>(LRB a0442)</b> .....	87
02-02.	S.	Senate amendment 3 to Senate amendment 2 laid on table, Ayes 20, Noes 11 .....	87
02-02.	S.	Senate amendment 2 <b>adopted</b> .....	87
02-02.	S.	Senate amendment 3 <b>adopted</b> .....	87
02-02.	S.	Ordered to a third reading .....	87
02-02.	S.	Rules suspended .....	87
02-02.	S.	Read a third time and <b>passed</b> , Ayes 20, Noes 11 .....	87
02-02.	S.	Ordered immediately messaged .....	87
02-04.	A.	Received from Senate .....	96
02-04.	A.	Read first time and referred to committee on Education .....	96



LPS - FROM LRB-0884/1



State of Wisconsin  
2011 - 2012 LEGISLATURE

CORRECTED COPY

1452/1

LRB-0884/1

TKK:jld:rs

Stays

RMAR inserts

LPS - FREEZE SECTIONS

ENGROSSED

2011 SENATE BILL 2

February 16, 2011 -

Printed by direction of ASSEMBLY CHIEF CLERK

TODAY

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

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.

Insert 1-5 SA 2

SAZ

Insert analysis Engrossment

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

**SENATE BILL 2**

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 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 A

IEP

Insert analysis B

SENATE BILL 2

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. 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~~ 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.

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

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SA 2

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✓ Invert 3-14  
SA 1

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2  
118.51 (3) (a)

## SENATE BILL 2

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~~ 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~~ last Friday ~~following the first Monday in June~~

SENATE BILL 2

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:

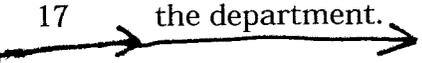
11 118.51 (3) (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7,  
12 each nonresident school board that has accepted a pupil under this section for  
13 attendance in the following school year shall report the name of the pupil to the  
14 pupil's resident school board. If a pupil 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

✓ SAZ

Insert 5-18



SENATE BILL 2

SAZ  
Insert 6-4

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:

SAZ  
Insert 6-24

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

SAZ  
Insert 6-25

SENATE BILL 2

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 of the estimate of costs SA 2

13 (a) and shall provide a copy to the resident school district by the 3rd Friday following  
14 the first Monday in May. If the nonresident school district fails to comply with the  
15 requirement under this section by the date specified, the nonresident school district

16 may not charge the resident school district for any actual, additional costs incurred  
17 by the nonresident school district to provide the special education and related  
18 services for the child with a disability.

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

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

Insert 7-7  
SA 2

Insert 7-12  
SA 2

Insert 7-13  
SA 2

Insert 7-18  
SA 1

SA 1

SENATE BILL 2

SECTION 11

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)

move {  
7  
Insert 8-7 A ✓ SAZ  
Insert 8-7 B ✓ SA3  
Insert 8-7 C ✓ SA2 to SAZ

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

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 Department of Public Instruction (DPI)

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<sup>✓</sup> 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.<sup>✓</sup> 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.<sup>✓</sup>

(end Insert analysis-B)

1  
\*  
Insert analysis Engrossment

\*  
Engrossment information:

2011 The text of Engrossed Senate Bill 2, as passed by the senate on February 2, 2011, consists of the following documents adopted in the senate on February 2, 2011: the bill as affected by Senate Amendment 1 (as affected by Senate Amendment 2 thereto); and Senate Amendments 2 and 3 (as affected by Senate Amendment 2 thereto and as affected by the February 16, 2011, chief clerk's correction thereto; and Senate Amendment 3

\*  
Content of Engrossed 2011 Senate Bill 2:

the February 16, 2011, chief clerk's correction

Amendment  
3

(end ins analysis Engrossment)



State of Wisconsin  
2011-2012 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 2**

Prepared by the Legislative Reference Bureau  
(February 16, 2011)

In engrossing, the following correction was made:

1. Page 1, line 10: delete "4" and substitute "4."

(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.

1 At the locations indicated, amend the bill as follows:

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

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

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

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

6 118.51 (3) (a) 1m. By the first Friday following the first Monday in May, the

7 resident school board shall send to the nonresident school district a copy of the

8 individualized education program developed under s. 115.787 (2) for a child with a

9 disability whose parent submitted an application under subd. 1.

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

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

12 "118.51 (3) (a) 2."

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

Begin insert 3-14

End insert 3-14

CCC

do not delete STET

do not delete STET

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

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

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

Insert  
7-18

4

~~3.~~ Subdivision 2. does not apply if the resident school district fails to comply

5

with the requirements under sub. (3) (a) 1m. <sup>e</sup>

6

(END)

(end ins 7-18)



State of Wisconsin  
2011-2012 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 2**

Prepared by the Legislative Reference Bureau  
(February 16, 2011)

In engrossing, the following corrections were made:

- 1.** Page 1, line 6: delete “**1g**” and substitute “**1d**”.
- 2.** Page 1, line 10: item 4 of senate amendment 2 was not given effect because item 1 of senate amendment 1 deleted that material.
- 3.** Page 5, line 4: delete “sub.” and substitute “~~sub.~~ subs.”.

(END)



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.

1 At the locations indicated, amend the bill as follows:

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

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

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

6 SECTION 118.51 (3) (intro.) of the statutes is created to read:  
7 118.51 (3) (intro.) Except as provided under sub. (3m), the following procedures  
8 govern pupil applications to attend a public school in a nonresident school district  
9 under this section:

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

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

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

STET frzn  
5g



Begin insert 1-5

end insert 1-5

Begin insert 3-1

End insert 3-1

CCC

Begin insert 5-18

INS 5-18  
CONT  
ARBa0128/1  
TKK:cjs:rs

Insert  
5-18 (cont)

1           118.51 (3m) ✓ ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN  
 2 CIRCUMSTANCES. (a) ✓ Notwithstanding sub. (3), the parent of a pupil who wishes to  
 3 attend a public school in a nonresident school district under this section may, in lieu  
 4 of applying under sub. (3), ✓ submit an application under this subsection, 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 wants to attend if the pupil satisfies at least one of the  
 7 criteria under par. (b). Applications may be submitted to no more than 3 nonresident  
 8 school boards in any school year.

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

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

17           2. The pupil is or has been a homeless pupil in the current or immediately  
 18 preceding school year. In this subdivision, "homeless pupil" means an individual who  
 19 is included in the category of homeless children and youths, as defined in 42 USC  
 20 11434a (2).

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

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



INS 5-18  
cont

Insert  
5-18  
(cont)

1 b. Despite action taken under subd. 3. a.,<sup>✓</sup> the repeated bullying and harassment  
2 continues.

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

8 5. The pupil moved into this state. 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 moving into this state.<sup>✓</sup>

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

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

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



INS 5-18  
CONT

Insert  
5-18  
(cont)

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

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

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

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

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



INS 5-18  
CONT

Do not delete  
STET

1

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

2

118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)

3

2., the criteria for accepting and rejecting applications from nonresident pupils

4

under ~~sub.~~ <sup>sub.</sup> (3) (a) and (3m) (a) may include only the following.

End Insert 5-18

5

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

6

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

7

118.51 (5) (a) 1. b. Pupils and siblings of pupils who have applied under sub.

8

(3) (a) or (3m) (a) and are already attending the nonresident school district.

9

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

10

118.51 (5) (a) 1. c. If the nonresident school district is a union high school

11

district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently

12

attending an underlying elementary school district of the nonresident school district

13

under this section.

End Insert 6-4

14

7. Page 6, line 24: after "s. 118.125," insert "for an application submitted under

15

sub. (3) (a)."

(end ins 6-24)

16

8. Page 6, line 25: after "May" insert "and within 10 days of receiving a copy

17

of an application under sub. (3m) (c)."

(end ins 6-25)

18

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

19

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

20

118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an

21

application under sub. (3) (a) or (7), the resident school board prohibits a pupil from

22

attending public school in a nonresident school district under sub. (3m) (d), (6), (7)

23

or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public

24

school in the nonresident school district under sub. (11), the pupil's parent may

Begin Insert 7-7



INS 7-7  
cont

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

End  
insert  
7-7

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

Insert  
7-12

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

(end ins 7-12)

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

Insert  
7-13

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

(end ins 7-13)

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

Begin  
insert  
8-7  
A

20 SECTION 118.51 (15) (a) of the statutes is amended to read:  
21 118.51 (15) (a) Application form. Prepare, distribute to school districts, and  
22 make available to parents an application form to be used by parents under sub. (3)  
23 (a) and an application form to be used by parents under sub. (3m) (a). The form shall  
24 include provisions that permit a parent to apply for transportation reimbursement



INS 8-7A

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."~~

SA  
SA 2  
SA 2  
SB 202

12

(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.

1 At the locations indicated, amend the amendment as follows:

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

3 SECTION ~~118~~ 121.91(4) (p) of the statutes is created to read:

4 121.91 (4) (p) The limit otherwise applicable to a school district under sub. (2m)

5 in any school year is increased by the amount of any reduction to that school district's

6 state aid payment made under s. 118.51 (16) (b) 2. and (c) in the previous school year

7 for a pupil who was not included in the calculation of the number of pupils enrolled

8 in that school district in the previous school year."

9

Insert  
8-7  
C

frzn  
ce 118 ← 3

END

(end Insert 8-7C)



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:

InscA  
8-7  
B

SECTION ~~118.51~~ <sup>118.51</sup> (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  
8-7 B cont

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

frzn

STET  
do not delete

SECTION ~~118.51~~ 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) <sup>o</sup>.

8

(END)

lend  
Insert  
8-7  
B)