



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1299/1
TKK:wlj

2017 ASSEMBLY BILL 11

January 12, 2017 - Introduced by Representative OTT, by request of Department of Public Instruction. Referred to Committee on Judiciary.

1 **AN ACT to repeal** 118.51 (4) (a) 4., 118.51 (6) and 118.51 (7) (a); **to renumber**
2 118.51 (7) (b); and **to amend** 118.51 (3) (a) 4. and 118.51 (9) of the statutes;
3 **relating to:** open enrollment (suggested as remedial legislation by the
4 Department of Public Instruction).

Analysis by the Legislative Reference Bureau

This bill eliminates an expired provision of the open enrollment program. The bill also eliminates a provision in the open enrollment program that permits a school district to deny the transfer of a pupil into or out of the school district if the transfer would increase racial imbalance in the school district. In December 2007, the Wisconsin attorney general issued an opinion finding this provision to be unenforceable based upon a decision of the U.S. Supreme Court in *Parents Involved in Community Schools, et al. v. Seattle School District No. 1*, 551 U.S. 701 (2007).

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

5 **SECTION 1.** 118.51 (3) (a) 4. of the statutes is amended to read:
6 118.51 (3) (a) 4. On or before the 2nd Friday following the first Monday in June
7 following receipt of a copy of the application, if a resident school board denies a pupil's

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1 enrollment in a nonresident school district ~~under sub. (6) or (7)~~, the resident school
2 board shall notify the applicant and the nonresident school board, in writing, that
3 the application has been denied and include in the notice the reason for the denial.

4 **SECTION 2.** 118.51 (4) (a) 4. of the statutes is repealed.

5 **SECTION 3.** 118.51 (6) of the statutes is repealed.

6 **SECTION 4.** 118.51 (7) (a) of the statutes is repealed.

7 **SECTION 5.** 118.51 (7) (b) of the statutes is renumbered 118.51 (7).

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

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

20 **(END)**