

State of Wisconsin



2009 Senate Bill 250

Date of enactment: **May 12, 2010**
Date of publication*: **May 26, 2010**

2009 WISCONSIN ACT 303

AN ACT *to renumber and amend* 118.51 (5) (a) 1.; *to amend* 118.51 (3) (a) 2.; and *to create* 118.51 (5) (a) 1. c. of the statutes; **relating to:** accepting pupils under the full-time Open Enrollment Program.

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

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

118.51 (3) (a) 2. A nonresident school board may not act on any application received under subd. 1. until after the 3rd Friday following the first Monday in February. 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 public school in the nonresident school district and, if the nonresident school district is a union high school district, to pupils who are attending an underlying elementary school district of the nonresident school district under this section. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept ~~an applicant a~~ pupil or the sibling of a pupil who is already attending school in the nonresident school district ~~or a sibling of the applicant~~ and, if the nonresident school district is a union

high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section.

SECTION 2. 118.51 (5) (a) 1. of the statutes is renumbered 118.51 (5) (a) 1. (intro.) and 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. 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 ~~pupils~~ all of the following:

a. Pupils attending the school district for whom tuition is paid under s. 121.78 (1) (a) ~~and pupils.~~

b. Pupils and siblings of pupils who have applied under sub. (3) (a) and are already attending public school in the nonresident school district.

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

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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4. Effective date.

(1) This act takes effect on July 1, 2010.
