



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 304
[2009 Senate Bill 342]

**Open Enrollment Program
Attendance**

Presently, 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 if certain conditions are met. Under current criteria, a school district may consider the availability of space in the school or program to which the nonresident pupil has applied, whether the pupil has been expelled from school during the current or two preceding years for certain specified reasons, whether a disciplinary proceeding involving the pupil is pending, and whether the pupil's individualized education program needs have been evaluated by the resident school district or can be fulfilled in the nonresident school district.

2009 Wisconsin Act 304 provides that if the nonresident school board determines that a pupil attending the school district under the OEP is habitually truant (absent from school without an acceptable excuse for part or all of five or more school days during any semester) during either semester in the current school year, the school board may then prohibit the pupil from attending school in the school district under the OEP in the succeeding semester or school year.

Wisconsin Act 304 also allows a school board to include in its criteria for accepting or rejecting an application from a nonresident pupil to attend the school district under the OEP, whether the school board determined that the pupil was habitually truant from the school district during any semester of attendance at the school district in the current or previous school year.

Under current law, a parent of a pupil whose application to attend a nonresident school district has been rejected, may appeal the decision to the Department of Public Instruction. Wisconsin Act 304 allows an appeal from a decision to reject an application, and from a decision to prohibit a pupil from attending the nonresident school district in the succeeding semester or school year, based on the pupil's habitual truancy.

Effective date: Wisconsin Act 304 takes effect on May 27, 2010.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.