



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 607

**Assembly Substitute
Amendment 2**

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This memorandum describes current law; and Assembly Substitute Amendment 2 to 2001 Assembly Bill 607, relating to open enrollment in public schools.

CURRENT LAW

Under the full-time open enrollment program in s. 118.51, Stats., a pupil's parent or guardian may apply to have the pupil attend any public school located outside of the pupil's school district of residence. Applications may be submitted to up to three nonresident school boards in any school year.

The resident school district may impose transfer limits. The limit was 3% of pupil membership in the 1998-99 school year, increasing by 1% each year until a 10% limit applies in the 2005-06 school year. In addition, special provisions apply if a transfer would increase the racial imbalance in certain school districts, and special provisions apply with respect to a pupil who requires special education or related services.

A nonresident school board's acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space in its schools, programs, classes, or grades. The nonresident school district may include in its count of occupied spaces pupils who are already attending school in the nonresident school district and siblings of those pupils. If a nonresident school board receives more applications than there are spaces available, the nonresident school board must determine, on a random basis, which pupils to accept, *after* giving preference to pupils and siblings of pupils who are already attending school in the nonresident school district.

Various deadlines are specified in the statutes. In very general terms, applications are made in February, and the nonresident school district notifies the applicant in early April as to whether it has accepted the application. Around mid-May, the nonresident school district notifies the applicant as to the specific school or program the pupil may attend. By early June, the parents must notify the nonresident school district as to whether the pupil will attend the nonresident school district in the

following school year. By June 30, each nonresident school district that has accepted a pupil must report the name of each pupil who will attend the nonresident school district in the following year under the open enrollment program to the resident school district and to the Department of Public Instruction (DPI).

ASSEMBLY SUBSTITUTE AMENDMENT 2 TO 2001 ASSEMBLY BILL 607

Assembly Substitute Amendment 2 to the bill provides that the school board of a nonresident school district may (but is not required to) create a waiting list of pupils who wish to attend school in the nonresident school district under the open enrollment program. This would allow, for example, a school district that received 30 applications for 20 spaces and that made 20 offers but had only 15 acceptances to offer the remaining five spaces to some of the pupils on the waiting list.

The substitute amendment requires DPI to promulgate rules to implement and administer the waiting list.

Assembly Bill 607 was introduced by Representative Walker and others; cosponsored by Senator Rosenzweig and others. It was referred to the Assembly Committee on Education Reform, which held a hearing on January 9, 2002. Assembly Substitute Amendment 1 was introduced by Representative Walker. The Assembly Committee on Education Reform took no action on Assembly Substitute Amendment 1. Assembly Substitute Amendment 2 was introduced by Representatives Walker and Nass. The Assembly Committee on Education Reform recommended adoption of Assembly Substitute Amendment 2 on a vote of Ayes, 7; Noes, 0, and passage of the bill, as amended, on a vote of Ayes, 7; Noes, 0.

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