



## 1995 ASSEMBLY BILL 347

April 28, 1995 – Introduced by Representatives DUFF and COLEMAN, cosponsored by Senators PETAK and PANZER, by request of Governor Tommy G. Thompson. Referred to Committee on Education.

1     **AN ACT to repeal** 118.37 (1) (title) and 118.37 (9); **to renumber** 118.37 (title); **to**  
2     **renumber and amend** 118.37 (1), 118.37 (2) to (8) and 121.78 (1); **to amend**  
3     20.255 (2) (cw), 38.04 (11) (a) 2., 38.22 (1) (intro.), 38.28 (1m) (a) 1., 115.28 (38),  
4     119.04 (1), 119.24, 120.12 (17), 121.05 (1) (a) 5., 121.58 (2) (a), 121.58 (4), 121.77  
5     (1), 121.81 (2) (a) and 121.84 (1) (a); and **to create** subchapter I (title) of chapter  
6     118 [precedes 118.01], subchapter II of chapter 118 [precedes 118.50], 121.54  
7     (10) and 121.78 (1g) of the statutes; **relating to:** establishing interdistrict  
8     school choice and interdistrict and intradistrict enrollment options programs.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school district may admit a pupil who resides in another school district if the pupil's parents pay tuition. In addition, a pupil may attend a public school located outside his or her school district of residence if the 2 school boards agree, the state superintendent of public instruction approves and the school district of residence pays tuition.

This bill creates an interdistrict school choice program. Beginning in the 1996-97 school year, the bill provides that a pupil may attend any public school located outside his or her school district of residence if the pupil's parent complies with certain application dates and procedures, and requires the school district of residence to pay tuition or an amount agreed to between the 2 school districts. The school district of residence continues to count the pupil in enrollment for state aid purposes.

The school board of attendance may reject an application only if there is no space available in the school or program or the pupil is involved in a disciplinary

proceeding. The school board must reject an application, however, if acceptance would violate a plan to reduce racial imbalance in the school district or would be harmful to the efforts of the school board to achieve racial balance in the school district. Similarly, a school district may prohibit a resident pupil from attending school in another school district if the pupil is involved in a disciplinary proceeding. A school district must prohibit a resident pupil from attending school in another school district if allowing such attendance would violate a plan to reduce racial imbalance in the school district or would be harmful to the efforts of the school board to achieve racial balance in the school district.

The parent of a pupil whose application is rejected or who is prohibited from attending school in another school district by the school district of residence may appeal the decision to the state superintendent, whose decision is final.

The bill provides that the parents of a pupil who attends a school in another school district are responsible for transporting the pupil. However, if either school district provides transportation, it is eligible for state transportation aid.

Beginning in the 1996-97 school year, this bill allows a pupil enrolled in a public school to attend a public school in another school district to take one or more courses under certain circumstances. The pupil must continue to attend school in his or her school district of residence for at least one course; the school board of the other school district must determine that there is space available; the school board of the resident school district must not offer, or have space available in, a comparable course; if the course is offered in the high school grades, the school board of the resident school district must determine that the course satisfies high school graduation requirements; and the pupil must meet all of the prerequisites for the course.

Acceptance and rejection criteria and procedures for the interdistrict enrollment options program are identical to the acceptance and rejection criteria and procedures for the interdistrict school choice program.

The school board of the school district of residence must pay to the school board of the other school district an amount equal to the cost of providing a course to a nonresident pupil under the program, as determined by the state superintendent.

Beginning in the 1996-97 school year, this bill allows a pupil enrolled in a public school to attend a public school located within the pupil's school district of residence but outside the pupil's attendance area under certain circumstances. The school board must determine that there is space available and the pupil must meet all of the prerequisites for the course.

The bill provides that the school board may not reject an application to attend a school in a different attendance area based on the pupil's academic achievement. In addition, the provision described above regarding acceptance or rejection based on the effect on the school district's plans to reduce racial imbalance applies to the intradistrict enrollment options program.

The bill allows a school board that is participating in a special transfer program to reduce racial imbalance (commonly known as chapter 220) or in a merged attendance area program to reduce racial imbalance to modify the application deadlines established in this bill if the deadlines would conflict with chapter 220 or merged attendance area program procedures.

In addition, the parent of a pupil who resides in a school district participating in one of the integration programs must submit the application to attend another school district to the school board of the school district of residence for approval.

The bill also authorizes the state superintendent to modify any provision contained in the interdistrict and intradistrict programs if he or she agrees with the school board that the provision is harmful to the integration program or to the school district's efforts to achieve racial balance.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.255 (2) (cw) of the statutes is amended to read:

2           20.255 (2) (cw) *Aid for transportation to institutions of higher education.* The  
3 amounts in the schedule for the payment of state aid for the transportation of pupils  
4 attending an institution of higher education under s. ~~118.37~~ 118.55 (7g).

5           **SECTION 2.** 38.04 (11) (a) 2. of the statutes is amended to read:

6           38.04 (11) (a) 2. In consultation with the state superintendent of public  
7 instruction, the board shall establish, by rule, a uniform format for district boards  
8 to use in reporting the number of pupils attending district schools under ss. 118.15  
9 (1) (b), (cm) and (d) and ~~118.37~~ 118.55 and in reporting pupil participation in  
10 technical preparation programs under s. 118.34, including the number of courses  
11 taken for advanced standing in the district's associate degree program and for  
12 vocational, technical and adult education college credit. The format shall be  
13 identical to the format established by the state superintendent under s. 115.28 (38).

14           **SECTION 3.** 38.22 (1) (intro.) of the statutes is amended to read:

15           38.22 (1) (intro.) Except as provided in subs. (1m) and (1s) and s. ~~118.37~~ 118.55,  
16 every person who is at least the age specified in s. 118.15 (1) (b) is eligible to attend  
17 the schools of a district if the person is:

1           **SECTION 4.** 38.28 (1m) (a) 1. of the statutes is amended to read:

2           38.28 **(1m)** (a) 1. "District aidable cost" means the annual cost of operating a  
3 technical college district, including debt service charges for district bonds and  
4 promissory notes for building programs or capital equipment, but excluding all  
5 expenditures relating to auxiliary enterprises and community service programs, all  
6 expenditures funded by or reimbursed with federal revenues, all receipts under subs.  
7 (6) and (7) and ss. 38.12 (9), 38.14 (3) and (9), 46.32, 118.15 (2) (a), ~~118.37~~ 118.55 and  
8 146.55 (5), all receipts from grants awarded under ss. 38.04 (8) and (20), 38.14 (11),  
9 38.26, 38.27 and 38.38, all fees collected under s. 38.24 and driver education and  
10 chauffeur training aids.

11           **SECTION 5.** 115.28 (38) of the statutes is amended to read:

12           115.28 **(38)** (title) ~~REPORTING OF PUPILS ATTENDING VOCATIONAL SCHOOLS~~  
13 ~~TECHNICAL COLLEGES.~~ In consultation with the technical college system board of  
14 ~~vocational, technical and adult education~~, promulgate rules establishing a uniform  
15 format for school boards to use in reporting the number of pupils attending  
16 ~~vocational, technical and adult education~~ college districts under ss. 118.15 (1) (b),  
17 (cm) and (d) and ~~118.37~~ 118.55 and in reporting pupil participation in technical  
18 preparation programs under s. 118.34, including the number of courses taken for  
19 advanced standing in a ~~vocational, technical and adult education~~ college district's  
20 associate degree program and for ~~vocational, technical and adult education~~ college  
21 credit. The format shall be identical to the format established by the technical college  
22 system board of ~~vocational, technical and adult education~~ under s. 38.04 (11) (a) 2.

23           **SECTION 6.** Subchapter I (title) of chapter 118 [precedes 118.01] of the statutes  
24 is created to read:

25

## CHAPTER 118

## 1 SUBCHAPTER I

## 2 GENERAL SCHOOL OPERATIONS

3 **SECTION 7.** 118.37 (title) of the statutes is renumbered 118.55 (title).4 **SECTION 8.** 118.37 (1) (title) of the statutes is repealed.5 **SECTION 9.** 118.37 (1) of the statutes is renumbered 118.50 (3) and amended to  
6 read:7 118.50 (3) ~~In this section, “institution~~ “Institution of higher education” means  
8 a center or institution within the university of Wisconsin system, a technical college  
9 or a private, nonprofit institution of higher education located in this state.10 **SECTION 10.** 118.37 (2) to (8) of the statutes are renumbered 118.55 (2) to (8),  
11 and 118.55 (7g), as renumbered, is amended to read:12 118.55 (7g) TRANSPORTATION. The parent ~~or guardian~~ of a pupil who is  
13 attending an institution of higher education under this section and is taking a course  
14 for high school credit that is not comparable to a course offered in the school district  
15 may apply to the state superintendent for reimbursement of the cost of transporting  
16 the pupil between the high school in which the pupil is enrolled and the institution  
17 of higher education that the pupil is attending if the pupil and the pupil’s parent ~~or~~  
18 ~~guardian~~ are unable to pay the cost of such transportation. The state superintendent  
19 shall determine the reimbursement amount and shall pay the amount from the  
20 appropriation under s. 20.255 (2) (cw). The state superintendent shall give  
21 preference under this subsection to those pupils who are eligible for a free or  
22 reduced-price lunch under 42 USC 1758 (b).23 **SECTION 11.** 118.37 (9) of the statutes is repealed.24 **SECTION 12.** Subchapter II of chapter 118 [precedes 118.50] of the statutes is  
25 created to read:

**CHAPTER 118****SUBCHAPTER II****ENROLLMENT OPTIONS PROGRAMS**

**118.50 Definitions.** In this subchapter:

(1) "Attendance area" has the meaning given in s. 121.845 (1).

(4) "Parent" includes a guardian.

**118.51 Interdistrict school choice.** (1) **APPLICABILITY; APPLICATION PROCEDURES.** (a) Beginning in the 1996-97 school year, a pupil may attend a public school, including a prekindergarten, early childhood or school-operated day care program, outside his or her school district of residence under this section. The pupil's parent shall submit an application, on a form provided by the state superintendent, to the school board of the school district that the pupil wishes to attend by February 1 of the school year immediately preceding the school year in which he or she wishes to attend, and shall send a copy of the application to the school board of the school district of residence. The application may include a request to attend a specific school or program offered by the school district. By April 1 following receipt of the application, the school board shall notify the applicant, in writing, whether the application has been accepted. If the school board rejects an application, it shall include in the notice the reason for the rejection. By May 1 following receipt of a notice of acceptance, the pupil's parent shall notify the school board of the pupil's intent to attend school in the school district in the following school year.

(am) A school board may not act on any application received under par. (a) until after February 1. A school board shall act on applications in the order in which they were received, except that if a school board receives more applications for a

1 particular grade or program than there are spaces available in the grade or program  
2 the school board shall determine which pupils to accept on a random basis.

3 (b) Annually by May 15, each school board of a school district that has accepted  
4 nonresident pupils under this section shall notify the school board of the school  
5 district of residence of the names of the pupils from the latter school district who will  
6 be attending the former school district in the following school year.

7 (c) 1. If a pupil's parent notifies the school board of a nonresident school district  
8 that the pupil intends to attend school in that school district in the following school  
9 year under par. (a), the pupil shall attend that school district in the following school  
10 year. If at any time the pupil wishes to reattend school in his or her school district  
11 of residence, the pupil's parent shall notify the school boards of the school districts  
12 of residence and of attendance by February 1 preceding the school year in which the  
13 pupil will begin reattending the school district of residence. If at any time the pupil  
14 wishes to attend school in a school district other than the school district that he or  
15 she is currently attending or his or her school district of residence, the pupil's parent  
16 shall follow the application procedure under par. (a).

17 2. Notwithstanding subd. 1., a pupil attending school outside his or her school  
18 district of residence under this section may reattend school in his or her school  
19 district of residence at any time if the school boards of both school districts agree.

20 **(2) ACCEPTANCE CRITERIA.** (a) By December 1, 1995, each school board shall  
21 adopt a resolution specifying criteria for accepting and rejecting applications. If the  
22 school board wishes to revise the criteria, it shall do so by resolution. The criteria  
23 may include any of the following:

1           1. The availability of space in the school, program, class or grade. The school  
2 board may give preference in attendance at a school, program, class or grade to  
3 residents of the school district who live outside the school's attendance area.

4           2. Whether the pupil is involved in a disciplinary proceeding, as determined by  
5 the school board of the school district to which the pupil has applied.

6           (am) The criteria may not include academic achievement, athletic or other  
7 special ability, English language proficiency, the presence of a physical, mental,  
8 emotional or learning disability, previous disciplinary proceedings or anything else  
9 not specified in par. (a) 1. and 2., except as provided under par. (b).

10          (b) 1. A school board shall reject an application if acceptance would violate a  
11 court-ordered plan, or a plan established under s. 121.85 (4), to reduce racial  
12 imbalance in the school district, or would be harmful to the efforts of the school board  
13 to achieve racial balance in the school district under s. 121.85 or 121.86.

14          2. A school board shall give preference in accepting applications to siblings of  
15 pupils who are already attending public school in the school district.

16          (c) 1. A school board may prohibit a resident pupil from attending school in  
17 another school district under this section if the school board determines that the  
18 pupil is involved in a disciplinary proceeding.

19          2. A school board shall prohibit a resident pupil from attending school in  
20 another school district under this section if allowing such attendance would violate  
21 a court-ordered plan, or a plan established under s. 121.85 (4), to reduce racial  
22 imbalance in the school district, or would be harmful to the efforts of the school board  
23 to achieve racial balance in the school district under s. 121.85 or 121.86.

24          3. In the 1996-97 school year, the school board of the school district of residence  
25 may limit the number of resident pupils attending public school in other school



1 districts to 5% of its membership. In the 1997-98 school year, the school board of the  
2 school district of residence may limit the number of resident pupils attending public  
3 school in other school districts to 10% of its enrollment.

4 **(3) APPEAL OF REJECTION.** If an application is rejected under sub. (1) (a) or a pupil  
5 is prohibited from attending school in another school district under sub. (2) (c), the  
6 pupil's parent may appeal the decision to the state superintendent within 30 days  
7 after the decision. The state superintendent's decision is final and is not subject to  
8 judicial review under subch. III of ch. 227.

9 **(4) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS.** A pupil attending a public  
10 school outside of his or her school district of residence under this section has all of  
11 the rights and privileges of resident pupils and is subject to the same rules and  
12 regulations as resident pupils.

13 **(6) TRANSPORTATION.** The parent of a pupil attending a public school outside of  
14 the pupil's school district of residence under this section is responsible for  
15 transporting the pupil to and from school.

16 **(7) TUITION.** The school board of the school district of residence shall pay to the  
17 school board of the school district of attendance, for each pupil attending a public  
18 school outside of his or her school district of residence under this section, tuition  
19 calculated under s. 121.83 for either the school district of residence or the school  
20 district of attendance, whichever is lower, or an amount agreed to by the school  
21 boards of the 2 school districts. The amount to be paid and a payment schedule shall  
22 be specified in a written agreement. If the school boards cannot agree on the amount  
23 of tuition, the state superintendent shall determine the amount.

24 **(8) INFORMATION.** Each school board shall provide information about its schools  
25 and programs in the format and manner prescribed by the state superintendent. The

1 school board may not provide information in a manner that is designed to recruit  
2 nonresident pupils to attend the school district under this section.

3 **118.52 Interdistrict enrollment options. (1)** Beginning in the 1996-97  
4 school year, a pupil enrolled in a public school may attend a public school outside his  
5 or her school district of residence under this section for the purpose of taking one or  
6 more courses offered by the other school district, if all of the following apply:

7 (a) The pupil continues to attend public school in his or her school district of  
8 residence for at least one course.

9 (b) The school board of the other school district determines that there is space  
10 available in the course or courses.

11 (c) The school board of the school district of residence determines that it does  
12 not offer, or have space available in, a comparable course or courses.

13 (d) If the courses are offered in the high school grades, the school board of  
14 residence determines that the courses satisfy high school graduation requirements  
15 under s. 118.33 in that school district.

16 (e) The pupil meets all of the prerequisites for the course or courses that apply  
17 to pupils who reside in the other school district.

18 **(2)** Section 118.51 (1) to (4) applies to pupils under this section, except that if  
19 the school board of the other school district accepts the application the acceptance  
20 applies only for the following school year.

21 **(3)** The parent of a pupil attending a public school outside of the pupil's school  
22 district of residence under this section is responsible for transporting the pupil to and  
23 from the course or courses that the pupil is attending.

24 **(4)** The school board of the school district of residence shall pay to the school  
25 board of the other school district for each pupil attending one or more courses at a

1 public school outside of his or her school district of residence under this section an  
2 amount equal to the cost of providing the course or courses to the pupil, calculated  
3 as determined by the state superintendent.

4 **118.53 Intradistrict enrollment options.** (1) Beginning in the 1996-97  
5 school year, a pupil enrolled in a public school may attend a public school located  
6 within the pupil's school district of residence but outside the pupil's attendance area  
7 under this section for the purpose of taking one or more courses offered by the school  
8 if all of the following apply:

9 (a) The school board determines that there is space available in the course or  
10 courses. The school board shall reserve space in a course for pupils who reside in  
11 the attendance area for the school in which the course is offered.

12 (b) The school board determines that the pupil meets all of the prerequisites  
13 for the course or courses.

14 (2) (a) Except as provided in par. (b), the school board shall establish policies  
15 and procedures for application, notification and acceptance or rejection and shall  
16 make information about the policies and procedures available to school district  
17 residents.

18 (b) 1. The school board may not reject an application based on the pupil's  
19 academic achievement.

20 2. Section 118.51 (2) (b) 1. applies to the acceptance and rejection of applications  
21 under this section.

22 3. Acceptance of an application under this section applies only to the following  
23 school year.

24 4. The school board may reject an application if the pupil is involved in a  
25 disciplinary proceeding.

1           **(3)** Section 118.51 (4) applies to pupils under this section.

2           **(4)** Section 118.52 (3) applies to the transportation of pupils to and from courses  
3 under this section.

4           **118.54 School districts participating in a special transfer program. (1)**

5 If the school board of a school district participating in a program under s. 121.85 or  
6 121.86 determines that the application deadlines under s. 118.51 or 118.52 conflict  
7 with procedures necessary to implement the program under s. 121.85 or 121.86, the  
8 school board may modify the deadlines under ss. 118.51 and 118.52.

9           **(2)** Notwithstanding ss. 118.51 (1) and 118.52 (2), the parent of a pupil who  
10 resides in a school district participating in a program under s. 121.85 or 121.86 shall  
11 submit the application to the school board of the school district of residence. If the  
12 school board of the school district of residence approves the application, it shall  
13 forward the application to the school district of attendance.

14           **(3)** If the school board of a school district participating in a program under s.  
15 121.85 or 121.86 believes that any provision in ss. 118.51 to 118.53 is harmful to the  
16 program or to the school district's efforts to achieve racial balance, the school board  
17 may request the state superintendent to modify the provision. If the state  
18 superintendent determines that the provision is harmful to the program or to the  
19 school district's efforts, he or she shall modify the provision for that school district.

20           **118.56 State superintendent duties.** The state superintendent shall do all  
21 of the following:

22           **(1)** Promulgate rules to implement and administer this subchapter.

23           **(2)** Annually evaluate the effects of the programs under ss. 118.51 to 118.53 and  
24 submit a report to the governor, and to the appropriate standing committees of the  
25 legislature under s. 13.172 (3), summarizing the results of the evaluation. The report

1 shall specify the number of pupils attending a school outside of the pupil's school  
2 district of residence under ss. 118.51 and 118.52 by school, grade, ethnicity and  
3 gender.

4 **SECTION 13.** 119.04 (1) of the statutes is amended to read:

5 119.04 (1) Subchapters IV, V and VII of ch. 115, subch. II of ch. 118, ch. 121 and  
6 ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345,  
7 115.361, 115.364, 115.366, 115.38 (2), 115.40, 115.45, 118.01 to 118.04, 118.06,  
8 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163,  
9 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,  
10 118.30 to 118.42, 120.12 (5) and (15) to (23), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),  
11 (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school  
12 district and board.

13 **SECTION 14.** 119.24 of the statutes is amended to read:

14 **119.24 Admission of pupils.** ~~Each~~ Subject to s. 118.51 (1) (c), each school  
15 under the jurisdiction of the board shall be open to pupils residing within the  
16 attendance district established for that school under s. 119.16 (2). A pupil residing  
17 in any such attendance district may attend a school in another attendance district  
18 with the written permission of the superintendent of schools or as provided in s.  
19 118.53.

20 **SECTION 15.** 120.12 (17) of the statutes is amended to read:

21 120.12 (17) UNIVERSITY OF WISCONSIN SYSTEM TUITION. Pay the tuition of any  
22 pupil enrolled in the school district and attending a center or institution within the  
23 university of Wisconsin system if the pupil is not participating in the program under  
24 s. 118.37 118.55, the course the pupil is attending at the university is not offered in  
25 the school district and the pupil will receive high school credit for the course.

1           **SECTION 16.** 121.05 (1) (a) 5. of the statutes is amended to read:

2           121.05 (1) (a) 5. Pupils attending an institution of higher education under s.  
3 ~~118.37~~ 118.55.

4           **SECTION 17.** 121.54 (10) of the statutes is created to read:

5           121.54 (10) INTERDISTRICT SCHOOL CHOICE. A school board may elect to provide  
6 transportation, including transportation to and from summer classes, for any of the  
7 following pupils:

8           (a) Nonresident pupils accepted under s. 118.51 or 118.52.

9           (b) Resident pupils attending another school district under s. 118.51 or 118.52.

10           (c) Pupils attending a public school located within the pupil's school district of  
11 residence but outside the pupil's attendance area under s. 118.53 who are not  
12 required to be transported under this section.

13           **SECTION 18.** 121.58 (2) (a) of the statutes is amended to read:

14           121.58 (2) (a) A school district which provides transportation to and from a  
15 school under ss. 121.54 (1) to (3), (5) and, (6) and (10) and 121.57 shall be paid state  
16 aid for such transportation at the rate of \$30 per school year per pupil so transported  
17 whose residence is at least 2 miles and not more than 5 miles from the school  
18 attended, \$45 per school year per pupil so transported whose residence is at least 5  
19 miles and not more than 8 miles from the school attended, \$60 per school year per  
20 pupil so transported whose residence is at least 8 miles and not more than 12 miles  
21 from the school attended, \$68 per school year per pupil so transported whose  
22 residence is at least 12 miles and not more than 15 miles from the school attended,  
23 \$75 per school year per pupil so transported whose residence is at least 15 miles and  
24 not more than 18 miles from the school attended, and \$85 per school year per pupil  
25 so transported whose residence is more than 18 miles from the school attended. Such

1 state aid shall be reduced proportionately in the case of a pupil transported for less  
2 than a full school year because of nonenrollment. State aid for transportation shall  
3 not exceed the actual cost thereof. No state aid of any kind may be paid to a school  
4 district which charges the pupil transported or his or her parent or guardian any part  
5 of the cost of transportation provided under ss. 121.54 (1) to (3), (5) ~~and~~, (6) and (10)  
6 and 121.57 or which wilfully or negligently fails to transport all pupils for whom  
7 transportation is required under s. 121.54.

8 **SECTION 19.** 121.58 (4) of the statutes is amended to read:

9 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
10 October 1 of the year in which transportation is provided under s. 121.54 (4) or (10),  
11 the school district clerk shall file with the department a report, containing such  
12 information as the department requires, on transportation provided by the school  
13 board to and from summer classes. Upon receipt of such report and if the summer  
14 classes meet the requirements of s. 121.14 (1), state aid shall be paid for such  
15 transportation. A school district which provides such transportation shall be paid  
16 state aid for such transportation at the rate of \$4 per pupil transported to and from  
17 public school whose residence is at least 2 miles and not more than 5 miles by the  
18 nearest traveled route from the public school attended, and \$6 per pupil transported  
19 to and from public school whose residence is more than 5 miles by the nearest  
20 traveled route from the public school attended, if the pupil is transported 30 days or  
21 more. The state aid shall be reduced proportionately if the pupil is transported less  
22 than 30 days.

23 **SECTION 20.** 121.77 (1) of the statutes is amended to read:

24 121.77 (1) Every elementary school and high school shall be free to all pupils  
25 who reside in the school district. ~~If facilities are adequate, a school board, board of~~

1 ~~control of a cooperative educational service agency or county handicapped children's~~  
2 ~~education board may admit nonresident pupils who meet its entrance requirements.~~  
3 ~~Nonresident pupils are admitted, they shall have all the rights and privileges of~~  
4 ~~resident pupils and shall be subject to the same rules and regulations as resident~~  
5 ~~pupils, subject to s. 118.51 (4). The agency of service shall charge tuition for each~~  
6 ~~nonresident pupil, except as provided in s. 121.78 (1g).~~

7 **SECTION 21.** 121.78 (1) of the statutes is renumbered 121.78 (1m), and 121.78  
8 (1m) (title) and (a), as renumbered, are amended to read:

9 121.78 **(1m)** (title) ~~BY AGREEMENT~~ ATTENDANCE OUT-OF-STATE. (a) Upon the  
10 approval of the state superintendent, ~~the~~ a school board of the ~~district of residence~~  
11 ~~and the school board of the district of attendance may make a written agreement to~~  
12 ~~may~~ permit an elementary or high school a pupil to attend a public school, including  
13 ~~an out-of-state school, located outside the school district of residence, and the school~~  
14 ~~district of residence this state. The school board shall pay the tuition. The and the~~  
15 school district of residence shall be paid state aid as though the pupil were enrolled  
16 in the school district of ~~residence.~~

17 **SECTION 22.** 121.78 (1g) of the statutes is created to read:

18 121.78 **(1g)** INTERDISTRICT SCHOOL CHOICE. The school board of the school district  
19 of residence of a pupil who attends a public school in another school district under  
20 s. 118.51 shall pay to the school district of attendance the amount described under  
21 s. 118.51 (7). The school district of residence shall be paid state aid as though the  
22 pupil were enrolled in that school district.

23 **SECTION 23.** 121.81 (2) (a) of the statutes is amended to read:

24 121.81 **(2)** (a) ~~A pupil whose~~ If a pupil's parent or legal custodian, who is a  
25 resident of this state but not a resident of the school district, misses the application



1 deadline under s. 118.51 (1) (a) for the attendance of the pupil in another school  
2 district, the pupil's parent or legal custodian may file with the school board of the  
3 other school district a written application for enrollment in the schools of ~~the~~ that  
4 school district. The application shall be accompanied by a written declaration of the  
5 parent or legal custodian that the parent or legal custodian will establish residence  
6 in the school district by a specified time. If facilities are adequate, the school board  
7 may permit the pupil to enroll in the schools of the school district, and may require  
8 prepayment of a tuition fee for 9 school weeks or may waive the tuition requirement  
9 for that pupil. If the parent or legal custodian establishes residence in the school  
10 district within such 9 school weeks, the school board shall refund the tuition fee. If  
11 such residence is not established there shall be no refund of the tuition fee but  
12 another written application for enrollment may be filed for the next succeeding 9  
13 school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school  
14 board may permit the pupil to reenroll. If the parent or legal custodian establishes  
15 residence in the school district within the second 9 school weeks, the school board  
16 shall refund the tuition fee for the second 9 school weeks.

17 **SECTION 24.** 121.84 (1) (a) of the statutes is amended to read:

18 121.84 (1) (a) A school board ~~may~~ shall permit a pupil who is enrolled in a school  
19 under its jurisdiction and is a resident of the school district at the beginning of the  
20 school year to complete the school year at the school without payment of tuition, even  
21 though the pupil is no longer a resident of the school district.

22 **SECTION 25. Effective dates.** This act takes effect on the day after  
23 publication, except as follows:

