**BILL HISTORY FOR ASSEMBLY BILL 367 (LRB –2866 )**

An Act to renumber 121.84 (2); to renumber and amend 121.81 (1), 121.84 (1) (a) and 121.84 (3); to amend 115.77 (1), 115.77 (4) (j) 10., 115.777 (1), 115.78 (1), 115.782 (2) (d), 115.787 (3) (d), 115.79 (2), 115.792 (1) (b), 115.792 (3) (a), 115.80 (8), 115.82 (2) (b), 115.88 (8), 118.51 (3) (a) 1. and 2., 118.51 (5) (a) 4., 118.51 (9), 118.51 (12), 118.51 (17), 121.05 (1) (a) 11., 121.54 (10), 118.58 (2) (a), 121.58 (4) and 121.77 (3); and to create 121.81 (1) (a) and (b), 121.84 (1) (a) 2. and 121.84 (4) of the statutes; relating to: school district open enrollment and tuition waivers and payments. (FE)

1999

06–03. A. Introduced by Representatives **Duff, Olsen** and **Ziegelbauer**; cosponsored by Senators **Breske** and **Darling,** by request of Department of Public Instruction.

06–03. A. Read first time and referred to committee on Education Reform ..... 218

06–10. A. Assembly amendment 1 offered by Representative Duff **(LRB a0464)** ..... 224

09–08. A. Fiscal estimate received.

09–08. A. Public hearing held.

09–22. A. Executive action taken.

09–22. A. Assembly amendment 2 offered by committee on Education Reform **(LRB a0566)** ..... 339

09–23. A. Report Assembly amendment 1 adoption recommended by committee on Education Reform, Ayes 9, Noes 0 ..... 340

09–23. A. Report Assembly amendment 2 adoption recommended by committee on Education Reform, Ayes 8, Noes 1 ..... 340

09–23. A. Report passage as amended recommended by committee on Education Reform, Ayes 9, Noes 0 340

09–23. A. Referred to committee on Rules ..... 340

10–28. A. Placed on calendar 11–2–1999 by committee on Rules.

11–02. A. Read a second time ..... 491

11–02. A. Assembly amendment 1 **adopted** ..... 491

11–02. A. Assembly amendment 2 **adopted** ..... 491

11–02. A. Ordered to a third reading ..... 491

11–02. A. Rules suspended ..... 491

11–02. A. Read a third time and **passed**, Ayes 98, Noes 0 ..... 491

11–02. A. Ordered immediately messaged ..... 491

11–04. S. Received from Assembly ..... 322

11–04. S. Read first time and referred to committee on Education ..... 323

2000

01–26. S. Public hearing held.

01–26. S. Executive action taken.

02–01. S. Report concurrence recommended by committee on Education, Ayes 11, Noes 0 ..... 408

02–01. S. Available for scheduling.

03–14. S. Read a second time ..... 501

03–14. S. Ordered to a third reading ..... 501

03–14. S. Rules suspended ..... 501

03–14. S. Read a third time and **concurred in** ..... 501

03–14. S. Ordered immediately messaged ..... 502

03–15. A. Received from Senate concurred in.

# 1999
# ENROLLED BILL

**99en A B- 367**

**ADOPTED DOCUMENTS:**

☒ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **99 - 28661 1**

**Amendments to above (if none, write "NONE"):** AA1, AA2

**Corrections – show date (if none, write "NONE"):** none

**Topic** School district open enrollment and tuition waivers and payments

3/15/00
**Date**

**Enrolling Drafter**

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[rev: 6/5/98 1999enroll(fm)]

# 1999 ASSEMBLY BILL 367

June 3, 1999 – Introduced by Representatives DUFF, OLSEN and ZIEGELBAUER, cosponsored by Senators BRESKE and DARLING, by request of Department of Public Instruction. Referred to Committee on Education Reform.

1 AN ACT ***to renumber*** 121.84 (2); ***to renumber and amend*** 121.81 (1), 121.84 (1)
2 (a) and 121.84 (3); ***to amend*** 115.77 (1), 115.77 (4) (j) 10., 115.777 (1), 115.78 (1),
3 115.782 (2) (d), 115.787 (3) (d), 115.79 (2), 115.792 (1) (b), 115.792 (3) (a), 115.80
4 (8), 115.82 (2) (b), 115.88 (8), 118.51 (3) (a) 1. and 2., 118.51 (5) (a) 4., 118.51 (9),
5 118.51 (12), 118.51 (17), 121.05 (1) (a) 11., 121.54 (10), 121.58 (2) (a), 121.58 (4)
6 and 121.77 (3); and ***to create*** 121.81 (1) (a) and (b), 121.84 (1) (a) 2. and 121.84
7 (4) of the statutes; **relating to:** school district open enrollment and tuition
8 waivers and payments.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school board must permit a pupil who was a resident of and enrolled in the school district at the beginning of a school year to complete the school year at the school he or she is attending without paying tuition, even though the pupil is no longer a resident of the school district.

This bill allows a school board to waive tuition in the circumstances described above. The bill requires a school board to permit a pupil who was a school district resident on the third Friday in September or the second Friday in January of the current school year and who has been enrolled in the school district for at least 20 school days during the current school year to complete the current school year at the

school he or she is attending without paying tuition, even though the pupil is no longer a school district resident. The school district that the pupil is attending counts the pupil for state aid purposes.

The bill also requires a school board to allow a pupil who is a resident of this state and to whom all of the following apply to attend school in the school district in the current school year without paying tuition:

1. The pupil was a resident of the school district on the second Friday in January of the previous school year.

2. The pupil who enrolled in the school district continuously from the second Friday in January of the previous school year to the end of that school term.

3. The pupil ceased to be a resident of the school district after the first Monday in February of the previous school year.

If a pupil attends school outside his or her school district of residence under this provision, the school district in which the pupil resides counts the pupil for state aid purposes. In addition, a number of provisions that currently apply when a pupil attends school outside his or her school district of residence under the open enrollment program also apply in these circumstances. For example, if the pupil is a child with a disability and his or her individualized education program requires special education that is not available in the nonresident school district, the pupil may be transferred to his or her resident school district. Also, in most circumstances the parent or guardian of the pupil is responsible for transporting the pupil to and from school in the nonresident school district.

Finally, the bill provides that in most cases, the local educational agency that is responsible for ensuring a free, appropriate public education to a child with a disability who is attending a public school outside his or her school district of residence is the school district that the child is attending.

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.** 115.77 (1) of the statutes is amended to read:

2 115.77 **(1)** In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)
3 2., if a child with a disability is attending a public school in a nonresident school
4 district under s. 118.51 <u>or 121.84 (1) (a) or (4)</u>, "local educational agency" means the
5 school district that the child is attending.

6 **SECTION 2.** 115.77 (4) (j) 10. of the statutes is amended to read:

115.77 **(4)** (j) 10. If the local educational agency is a school district, the number of children with disabilities who attend the school district under ~~s.~~ ss. 118.51 and 121.84 (1) (a) and (4), the disability of each such child and the special education or related services received by each such child.

**SECTION 3.** 115.777 (1) of the statutes is amended to read:

115.777 **(1)** (a) A physician, nurse, psychologist, social worker or administrator of a social agency who reasonably believes that a child brought to him or her for services has a disability shall refer the child to the local educational agency. If the local educational agency to whom the referral is made is the school district in which the child resides but the child is attending a public school in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), the school board of the school district in which the child resides shall provide the name of the child and related information to the school board of the school district that the child is attending.

(b) A person who is required to be licensed under s. 115.28 (7), who is employed by a local educational agency and who reasonably believes a child has a disability, shall refer the child to the local educational agency. If the local educational agency to whom the referral is made is the school district that the child is attending but the child is a nonresident attending a public school in that school district under s. 118.51 or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide the name of the child and related information to the school board of the child's school district of residence.

(c) Any person other than those specified under par. (a) or (b) who reasonably believes that a child is a child with a disability may refer the child to a local educational agency. If the local educational agency to whom the referral is made is the school district in which the child resides but the child is attending a public school

in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), the school board of the school district in which the child resides shall provide the name of the child and related information to the school board of the school district that the child is attending.

**SECTION 4.** 115.78 (1) of the statutes is amended to read:

115.78 **(1)** DEFINITION. In this section, for a child who is attending a public school in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), "local educational agency" means the school board of the school district that the child is attending.

**SECTION 5.** 115.782 (2) (d) of the statutes is amended to read:

115.782 **(2)** (d) If ~~the~~ a child ~~being evaluated~~ is attending a public school in a nonresident school district under s. 118.51~~, as part of~~ or 121.84 (1) (a) or (4), when the individualized education program team conducts its initial evaluation of the child ~~and as part of~~ or any reevaluation of the child under sub. (4), the ~~individualized education program~~ team shall ~~collaborate with appropriate personnel~~ include at least one person designated by the school board of the child's school district of residence who has knowledge or special expertise about the child.

**SECTION 6.** 115.787 (3) (d) of the statutes is amended to read:

115.787 **(3)** (d) If a child is attending a public school in a nonresident school district under s. 118.51~~,~~ or 121.84 (1) (a) or (4), when the individualized education program team for the child ~~shall develop~~ develops the child's individualized education program ~~in collaboration with appropriate personnel~~, the team shall include at least one person designated by the school board of the school district in which the child resides who has knowledge or special expertise about the child.

**SECTION 7.** 115.79 (2) of the statutes is amended to read:

115.79 **(2)** An educational placement is provided to implement a child's individualized education program. Except as provided in s. 118.51 (12) (a) and (b) 2., if a child with a disability is attending a public school in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide an educational placement for the child and shall pay tuition charges instead of the school district in which the child resides if required by the placement.

**SECTION 8.** 115.792 (1) (b) of the statutes is amended to read:

115.792 **(1)** (b) The local educational agency shall establish and maintain procedures to ensure that a child's parents are provided prior written notice whenever the local educational agency proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the child, or the provision of a free appropriate public education to the child. In this paragraph, "local educational agency" includes the nonresident school district that a child is attending under s. 118.51 or 121.84 (1) (a) or (4).

**SECTION 9.** 115.792 (3) (a) of the statutes is amended to read:

115.792 **(3)** (a) In this subsection, "local educational agency" includes the nonresident school district that a child is attending under s. 118.51 or 121.84 (1) (a) or (4).

**SECTION 10.** 115.80 (8) of the statutes is amended to read:

115.80 **(8)** Except as provided in 20 USC 1415 (k), during the pendency of any proceedings under this section, the local educational agency may not change the educational placement of a child unless the child's parents agree to the change. If the child is applying for initial admission to a public school, the child shall, with the consent of the child's parents, be placed in the public school program until all

proceedings under this section have been completed. In this subsection, "local educational agency" includes the nonresident school district that a child is attending under s. 118.51 or 121.84 (1) (a) or (4).

**SECTION 11.** 115.82 (2) (b) of the statutes is amended to read:

115.82 **(2)** (b) If the child is attending a public school in a nonresident school district under s. 118.51 or 121.84 (1) (a) or (4), the nonresident school district shall provide transportation.

**SECTION 12.** 115.88 (8) of the statutes is amended to read:

115.88 **(8)** ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in a public special education program located in another state and the state superintendent is satisfied that the program in which the child is enrolled complies with this subchapter, the state superintendent shall certify to the department of administration in favor of the school district in which the child resides or the school district attended by the child under s. 118.51 or 121.84 (1) (a) or (4) a sum equal to the percentage of the approved costs under subs. (1) and (2) of the amount expended by the school district during the preceding year for the additional costs associated with the child's special education program. The department of administration shall pay the amount to the school district from the appropriation under s. 20.255 (2) (b).

**SECTION 13.** 118.51 (3) (a) 1. and 2. of the statutes are amended to read:

118.51 **(3)** (a) 1. The parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in February and not later than the 3rd Friday following the first Monday in February of the school year immediately preceding the school year in which the pupil wishes

to attend. On the 4th Monday in February, the nonresident school board shall send a copy of the application to the pupil's resident school board and the department. The application may include a request to attend a specific school or program offered by the nonresident school district.

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 on a random basis.

**SECTION 14.** 118.51 (5) (a) 4. of the statutes is amended to read:

118.51 **(5)** (a) 4. Whether the special education ~~program~~ or related services described in the child's individualized education program under s. 115.787 (2) are available in the nonresident school district or whether there is space available ~~in~~ to provide the special education ~~program~~ or related services identified in the child's individualized education program, including any class size limits, pupil–teacher ratios or enrollment projections established by the nonresident school board.

**SECTION 15.** 118.51 (9) of the statutes is amended to read:

7-22 AAI

118.51 **(9)** APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7) or the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (6), (7) or (12) (b) 1., the pupil's parent may appeal the decision to the department within 30 days after the decision. If the resident school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's

decision unless the department finds that the decision was arbitrary or unreasonable.

**SECTION 16.** 118.51 (12) of the statutes is amended to read:

118.51 **(12)** SPECIAL EDUCATION ~~PROGRAM~~ OR RELATED SERVICES. (a) *Unavailable after enrollment.* If the individualized education program for a pupil, developed or revised under s. 115.787 after a child begins attending public school in a nonresident school district under this section, requires ~~a~~ special education ~~program~~ or related ~~service~~ services that ~~is~~ are not available in the nonresident school district or if there is no space available ~~in~~ to provide the special education ~~program~~ or related services identified in the child's individualized education program, including any class size limits, pupil–teacher ratios or enrollment projections established by the nonresident school board, the nonresident school board may notify the child's parent and the child's resident school board that the ~~program or~~ special education or related service is not available in the nonresident school district. If such notice is provided, the child shall be transferred to his or her resident school district, which shall provide an educational placement for the child under s. 115.79 (2).

(b) *Undue financial burden.* 1. If the costs of the special education ~~program~~ or related services required in the individualized education program under s. 115.787 (2) for a child with a disability whose parent has submitted an application under sub. (3) (a), as proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil special education ~~program~~ or related services costs for children with disabilities continuing to be served by the resident school district, the child's

resident school board may notify the child's parent and the nonresident school board by the first Friday following the first Monday in April that the pupil may not attend the nonresident school district to which the child has applied.

2. If the costs of the special education ~~program~~ or related services required in an individualized education program for a pupil, developed or revised under s. 115.787 after a child begins attending public school in a nonresident school district under this section, as implemented or proposed to be implemented by the nonresident school district, would impose upon the child's resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil and the per pupil special education ~~program~~ or related services costs for children with disabilities continuing to be served by the resident school district, the child's resident school board may notify the pupil's parent and the nonresident school board that the ~~program~~ costs of the special education or related services impose such an undue financial burden on the resident school district. If such notice is provided, the child shall be transferred to his or her resident school district, which shall provide an educational placement for the child under s. 115.79 (2). ~~The pupil's parent may appeal a required transfer under this subdivision to the department within 30 days after receipt of the notice. The department shall affirm the resident school board's determination unless the department finds that the determination was arbitrary or unreasonable.~~

**SECTION 17.** 118.51 (17) of the statutes is amended to read:

118.51 **(17)** SPECIAL EDUCATION TUITION. The resident school board shall pay to the nonresident school board, for each child who is attending public school in the nonresident school district under this section and is ~~enrolled in a program for~~

1 ~~children with disabilities~~ receiving special education or related services under
2 subch. V of ch. 115, tuition calculated using the daily tuition rate under s. 121.83 for
3 such children enrolled ~~in such programs~~ in the nonresident school district, or an
4 amount agreed to by the school boards of the 2 school districts.

5 **SECTION 18.** 121.05 (1) (a) 11. of the statutes is amended to read:

6 121.05 **(1)** (a) 11. Pupils residing in the school district but attending a public
7 school in another school district under s. 118.51 or 121.84 (4).

8 **SECTION 19.** 121.54 (10) of the statutes is amended to read:

9 121.54 **(10)** ~~FULL-TIME OPEN ENROLLMENT~~ ATTENDANCE IN NONRESIDENT SCHOOL
10 DISTRICT. Subject to s. 118.51 (14) (a) 2., a school board may elect to provide
11 transportation, including transportation to and from summer classes, for
12 nonresident pupils who are attending public school in the school district under s.
13 118.51 or 121.84 (4), or its resident pupils who are attending public school in another
14 school district under s. 118.51 or 121.84 (4), or both, except that a school board may
15 not provide transportation under this subsection for a nonresident pupil to or from
16 a location within the boundaries of the school district in which the pupil resides.

17 **SECTION 20.** 121.58 (2) (a) of the statutes is amended to read:

18 121.58 **(2)** (a) A school district which provides transportation to and from a
19 school under ss. 121.54 (1) to (3), (5) and (6) and 121.57, and the nonresident school
20 district that a pupil attends under s. 118.51 or 121.84 (4) which elects to provide
21 transportation under s. 121.54 (10), shall be paid state aid for such transportation
22 at the rate of $30 per school year per pupil so transported whose residence is at least
23 2 miles and not more than 5 miles from the school attended, $45 per school year per
24 pupil so transported whose residence is at least 5 miles and not more than 8 miles
25 from the school attended, $60 per school year per pupil so transported whose

1 residence is at least 8 miles and not more than 12 miles from the school attended, $68
2 per school year per pupil so transported whose residence is at least 12 miles and not
3 more than 15 miles from the school attended, $75 per school year per pupil so
4 transported whose residence is at least 15 miles and not more than 18 miles from the
5 school attended, and $85 per school year per pupil so transported whose residence
6 is more than 18 miles from the school attended. Such state aid shall be reduced
7 proportionately in the case of a pupil transported for less than a full school year
8 because of nonenrollment. State aid for transportation shall not exceed the actual
9 cost thereof. No state aid of any kind may be paid to a school district which charges
10 the pupil transported or his or her parent or guardian any part of the cost of
11 transportation provided under ss. 121.54 (1) to (3), (5), (6) and (10) and 121.57 or
12 which wilfully or negligently fails to transport all pupils for whom transportation is
13 required under s. 121.54.

14 **SECTION 21.** 121.58 (4) of the statutes is amended to read:

15 121.58 **(4)** STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
16 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
17 s. 121.54 (10) if the transportation is provided by the nonresident school district that
18 a pupil attends under s. 118.51 <u>or 121.84 (4)</u>, the school district clerk shall file with
19 the department a report, containing such information as the department requires,
20 on transportation provided by the school board to and from summer classes. Upon
21 receipt of such report and if the summer classes meet the requirements of s. 121.14
22 (1), state aid shall be paid for such transportation. A school district which provides
23 such transportation shall be paid state aid for such transportation at the rate of $4
24 per pupil transported to and from public school whose residence is at least 2 miles
25 and not more than 5 miles by the nearest traveled route from the public school

attended, and $6 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days.

**SECTION 22.** 121.77 (3) of the statutes is amended to read:

121.77 **(3)** Subsections (1) (b) and (2) do not apply to a pupil attending a public school in a nonresident school district under s. 118.51 <u>or 121.84 (4)</u>.

**SECTION 23.** 121.81 (1) of the statutes is renumbered 121.81 (1) (intro.) and amended to read:

121.81 **(1)** (intro.) GENERAL. Before the admission of a nonresident pupil to an elementary or a high school of a school district, the school board of that district shall make a written agreement with the ~~parents~~ <u>pupil's parent or guardian</u> for the payment of tuition ~~at the rate established in accordance with this subchapter,~~ except when the tuition is otherwise chargeable under this subchapter ~~or under subch. V of ch. 115.~~. <u>The tuition amount shall be calculated under s. 118.51 (16) (a) 3. except as follows:</u>

**SECTION 24.** 121.81 (1) (a) and (b) of the statutes are created to read:

121.81 **(1)** (a) If the nonresident pupil attends school in the school district for less than a full school term, the tuition amount shall be prorated based on the number of days that school is in session and the nonresident pupil attends school in the school district.

(b) If the pupil is receiving special education or related services under subch. V of ch. 115, the tuition amount shall be calculated using the daily tuition rate under s. 121.83 for children receiving such special education and related services or an amount agreed to by the school board and the pupil's parent or guardian.

1 **SECTION 25.** 121.84 (1) (a) of the statutes is renumbered 121.84 (1) (a) 1. and
2 amended to read:
3 121.84 **(1)** (a) 1. A school board ~~shall~~ may permit a pupil who ~~is~~ was enrolled
4 in ~~a school under its jurisdiction and is~~ and a resident of the school district at the
5 beginning of the school year to complete the school year at the school he or she is
6 attending without payment of tuition, even though the pupil is no longer a resident
7 of the school district.
8 **SECTION 26.** 121.84 (1) (a) 2. of the statutes is created to read:
9 121.84 **(1)** (a) 2. A school board shall permit a pupil who was a resident of the
10 school district on the 3rd Friday in September or the 2nd Friday in January of the
11 current school year and who has been enrolled in the school district for at least 20
12 school days during the current school year to complete the current school year at the
13 school he or she is attending without payment of tuition, even though the pupil is no
14 longer a resident of the school district.
15 **SECTION 27.** 121.84 (2) of the statutes is renumbered 121.84 (5).
16 **SECTION 28.** 121.84 (3) of the statutes is renumbered 121.84 (1) (d) and
17 amended to read:
18 121.84 **(1)** (d) The school district of attendance shall continue to count pupils
19 under ~~sub. (1)~~ this subsection in membership.
20 **SECTION 29.** 121.84 (4) of the statutes is created to read:
21 121.84 **(4)** (a) A school board shall permit a pupil to whom all of the following
22 apply to attend school in the school district in the current school year without
23 payment of tuition:
24 1. The pupil was a resident of the school district on the 2nd Friday in January
25 of the previous school year.

2. The pupil was enrolled in the school district continuously from the 2nd Friday in January of the previous school year to the end of the school term of the previous school year.

3. The pupil ceased to be a resident of the school district after the first Monday in February of the previous school year.

4. The pupil continues to be a resident of this state.

(b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12), (14), (16) and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) (a), prohibited from attending as a result of s. 118.51 (12) (b) 1. or transferred as a result of s. 118.51 (12) (b) 2., s. 118.51 (9) applies.

**SECTION 30. Initial applicability.**

(1) The treatment of sections 121.81 (1) and 121.84 (1) (a) and (2) to (4) of the statutes and the creation of section 121.81 (1) (a) and (b) of the statutes first apply to pupils who wish to attend school in a school district outside their school district of residence in the school year beginning after the effective date of this subsection.

**(END)**

14-17 A-2

# ASSEMBLY AMENDMENT 1,

# TO 1999 ASSEMBLY BILL 367

June 10, 1999 – Offered by Representative DUFF.

At the locations indicated, amend the bill as follows:

**1.** Page 7, line 22: before "If" insert "If the nonresident school board provides notice that the special education or related service is not available under sub. (12) (a), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice.".

7-22

**(END)**

# ASSEMBLY AMENDMENT 2,

# TO 1999 ASSEMBLY BILL 367

September 22, 1999 – Offered by COMMITTEE ON EDUCATION REFORM.

At the locations indicated, amend the bill as follows:

**1.** Page 6, line 18: after that line insert:

**SECTION 12m.** 118.51 (2) of the statutes is amended to read:

118.51 **(2)** APPLICABILITY. ~~Beginning in the 1998–99 school year, a~~ A pupil may attend a public school, including a prekindergarten, 4–year–old kindergarten, early childhood or school–operated day care program, in a nonresident school district under this section, except that a pupil may attend a prekindergarten, 4–year–old kindergarten, early childhood or school–operated day care program in a nonresident school district only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district.".

6-18

**2.** Page 14, line 17: after that line insert:

14-17

"(2) The treatment of section 118.51 (2) of the statutes first applies to applications submitted during the first complete application period, as specified in section 118.51 (3) (a) 1. of the statutes, as affected by this act, beginning after the effective date of this subsection.".

(END)