

2001 ASSEMBLY BILL 607

October 30, 2001 – Introduced by Representatives WALKER, AINSWORTH, ALBERS, GUNDERSON, HAHN, JESKEWITZ, KRAWCZYK, MUSSER, OTT, STASKUNAS and STONE, cosponsored by Senators ROSENZWEIG, ROESSLER, LAZICH and DARLING. Referred to Committee on Education Reform.

1 **AN ACT** *to amend* 118.51 (3) (a) 2. and 118.51 (5) (a) 1.; and *to create* 118.51 (5)
2 (d) of the statutes; **relating to:** open enrollment in public schools and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

Under the open enrollment program, a pupil may attend any public school located outside of his or her school district of residence if the pupil's parent or guardian complies with certain procedures and meets certain application deadlines. School boards' acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space. Beginning on January 1, 2002, a school board may include in its count of occupied spaces pupils and siblings of pupils who are already attending school in the nonresident school district. In addition, 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.

This bill requires a school board also to give such preference to pupils whose parents or guardians are employees of the nonresident school district and allows a school board to include these pupils in its counts of occupied spaces. In addition, the bill allows a school board to create a waiting list for open enrollment.

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

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

1 **SECTION 1.** 118.51 (3) (a) 2. of the statutes, as affected by 2001 Wisconsin Act
2 16, is amended to read:

3 118.51 **(3)** (a) 2. A nonresident school board may not act on any application
4 received under subd. 1. until after the 3rd Friday following the first Monday in
5 February. If a nonresident school board receives more applications for a particular
6 grade or program than there are spaces available in the grade or program, the
7 nonresident school board shall determine which pupils to accept on a random basis,
8 after giving preference to pupils and to siblings of pupils who are already attending
9 public school in the nonresident school district and to pupils whose parents or
10 guardians are employees of the nonresident school district. If a nonresident school
11 board determines that space is not otherwise available for open enrollment pupils in
12 the grade or program to which an individual has applied, the school board may
13 nevertheless accept an applicant who is already attending school in the nonresident
14 school district or a sibling of the applicant or an applicant whose parent or guardian
15 is an employee of the nonresident school district.

16 **SECTION 2.** 118.51 (5) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
17 16, is amended to read:

18 118.51 **(5)** (a) 1. The availability of space in the schools, programs, classes, or
19 grades within the nonresident school district. In determining the availability of
20 space, the nonresident school board may consider criteria such as class size limits,
21 pupil–teacher ratios, or enrollment projections established by the nonresident school

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1 board and may include in its count of occupied spaces pupils attending the school
2 district for whom tuition is paid under s. 121.78 (1) (a) ~~and~~, pupils and siblings of
3 pupils who have applied under sub. (3) (a) and are already attending public school
4 in the nonresident school district, and pupils whose parents or guardians are
5 employees of the nonresident school district.

6 **SECTION 3.** 118.51 (5) (d) of the statutes is created to read:

7 118.51 (5) (d) *Waiting list.* A nonresident school district may create a waiting
8 list for pupils who wish to attend school in the nonresident school district under this
9 section. The department shall promulgate rules to implement and administer this
10 paragraph.

11 **SECTION 4. Effective date.**

12 (1) This act takes effect on January 1, 2002, or on the day after publication,
13 whichever is later.

14 (END)