



---

---

WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO

---

---

2001 Senate Bill 300

Senate Substitute  
Amendment \_\_ (LRBs0256/1)

Memo published: December 10, 2001

Contact: Russ Whitesel, Senior Staff Attorney (266-0922)

**Current Law**

Senate Bill 300 relates to the open enrollment program in public schools. Under the current program, a pupil may attend any public school located outside his or her school district or resident if the pupil's parent or guardian complies with certain procedures and meets certain application deadlines. The acceptance and rejection criteria used by school boards for open enrollment applications may include, among other things, the availability of space. As of January 1, 2002, a school board is permitted to include in its counting of occupied spaces, those pupils and siblings of pupils who are already attending schools in a nonresident school district. Further, 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 a nonresident school district.

**Provisions of Original Legislation**

As originally introduced, Senate Bill 300 required a school board to also give preference to pupils whose parents or guardians are employees of the nonresident school district and permitted a school board to include those pupils in its counts of occupied spaces. In addition, the original legislation allowed a school board to create a *waiting list* for open enrollment purposes. Finally, the legislation provided that the effective date of the law included an effective date of January 1, 2002 or on the day after publication, whichever was later.

**Provisions of Substitute Amendment**

The substitute amendment makes the following changes in the original bill:

1. The substitute amendment *eliminates* the provisions relating to giving preference to pupils whose parents or guardians are employees of the nonresident school district.
2. The substitute amendment specifies that the selection of students from the waiting list must be on a random basis.
3. The substitute amendment clarifies that the waiting list must be comprised of pupils whose applications were initially rejected by the school board.
4. The substitute amendment removes the effective date provision from the act and replaces it with an initial applicability provision. This provision specifies that the legislation *first* applies to pupils whose open enrollment applications were submitted on the first Monday in February following the effective date of the act.

RW:tlujal



## WAUWATOSA SCHOOL DISTRICT

Superintendent's Office • 12121 W. North Ave. • Wauwatosa, WI 53226  
(414) 773-1010 • FAX: (414) 773-1019

---

November 27, 2001

Sen. Richard A. Grobschmidt  
Chair, Senate Education Committee  
Wisconsin State Senate  
104 South, Capitol  
P.O. Box 7882  
Madison, WI 53702

Dear Sen. Grobschmidt and Other Members of the Senate Education Committee:

I apologize for my inability to testify in person Wednesday on S.B. 300, regarding changes in the open enrollment law. I am one of the educators invited to participate in the summit organized by Morris Andrews to discuss the future of education funding in the state, and I will be in northern Wisconsin Wednesday through Monday.

I strongly believe that the creation of a wait list for the open enrollment program, which is the major change included in S.B. 300, is in keeping with the legislative intent of the original bill. Wisconsin's open enrollment program was specifically designed to offer parents and students more choice within the public education sector. However, the provision that allows students to apply to multiple districts, even though that is now limited to three, creates an obvious conflict. If a student happens to be accepted to all three districts, he or she then takes away the opportunity for another student.

Let me use Wauwatosa's specific numbers to illustrate. Last year, the Wauwatosa School Board agreed to accept 130 open enrollment students. We received 468 applications and, by lottery, selected 130 students for the open seats. Twenty-two of the accepted students never enrolled in a Wauwatosa public school for various reasons, including moving out of the area or acceptance in another school district. However, we were unable to fill those 22 seats with other applicants, because there is no provision under the law for acceptance after the initial notification date or for maintenance of a wait list.

In order to maximize participation in the open enrollment program, I strongly encourage you to endorse legislation which would allow us to maintain a wait list so we can accommodate as many families as possible by filling all available seats. There is NO fiscal impact at the state level, as noted in the fiscal estimate prepared for the bill.

The second change advocated in S.B. 300 concerns preferential treatment for the children of district employees. As we continue to face the impact of cost controls, limited salary increases and a shrinking pool of teacher candidates, any "perk" is helpful. Such a provision, I believe, also enhances an employee's commitment to the district.

Thank you for the opportunity to share these views. If I can answer any questions or provide additional background information, please don't hesitate to contact me.

Sincerely,

Robert Slotterback, Ph.D.  
Superintendent

C: Sen. Peggy Rosenzweig, Rep. Scott Walker, School Board Members, Mary Pat Pfeil,  
Pat Luebke



**Testimony**  
**November 28, 2001**  
**Senate Education Committee Hearing**

Chairman Grobschmidt and fellow committee members:

Thank you for this opportunity to testify to the merits of Senate Bill 300 relating to open enrollment in public schools. I am the author of this bill in the Senate and my colleague Rep. Scott Walker is the author of the companion bill in the Assembly. Unfortunately, Rep. Walker could not be here today because of a prior commitment but it is my understanding that he has submitted written testimony supporting this legislation.

Senate Bill 300 was borne of several discussions I had with the Wauwatosa School Board, as well as administrators from the West Allis school district. They brought to my attention two deficits they found in the current open enrollment program and asked me to help to rectify the situation.

As you will note, Senate Bill 300 is made up of two major components: establishing waiting lists for school districts and offering preference to children of district employees. Allowing a school district to create a waiting list of potential student enrollees would permit each district to serve more families. Currently, a student may apply to up to three school districts. Should the student be accepted at all three districts but of course, enroll in only one, the other two districts would be left with empty spaces they could not fill due to the deadline restrictions of the open enrollment program. This is unfortunate, especially to the families who would like to attend school in a district where the demand for admittance is high. Additionally, there is a provision in the bill that provides preferential treatment to the children of employees of a school district. This is an attempt to assist employees who would like to have their children near them throughout the workday.

As you consider this bill, please keep in mind that during this time of economic crisis, this legislation has no fiscal impact on the State. I believe this legislation would greatly improve the open enrollment program in Wisconsin and I would appreciate your support. Thank you for your time and I am happy to answer questions.



## Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

### Testimony of Rep. Scott Walker on SB 300

Good morning! As the Assembly lead for Senate Bill 300, I want to express my support for changes to the current open enrollment program. These alterations have been requested by the Wauwatosa School District, which I represent. Wauwatosa boasts both the highest number of open enrollment applicants and participants in the state. SB 300 seeks to make two important changes to this program.

First, the bill grants open enrollment preference to the children of nonresident school district employees. Current law already gives this preference to nonresident students and siblings of students who already attend the school. If the school receives more applications than it can accommodate, all other open enrollment students must be selected on a random basis. Giving the children of employees the first opportunity to enroll makes sense from an employer standpoint. This small change represents a way to enhance employee morale, retention and recruitment by giving priority to the needs of teachers and others who work for the school district.

Second, the legislation makes the application process more fair by allowing school districts to compile a waiting list of open enrollment applicants. Since a student may apply to – and thus be accepted by – more than one school district, another student may be unnecessarily prevented from attending the school of his or her choice. Maintaining a waiting list would enable a school district to enroll an alternate student if a pupil already accepted through the program decides to attend school elsewhere.

In summary, these changes allow school districts to enroll the maximum number of applicants, while better enabling nonresident teachers and other workers to enroll their children at the parents' place of employment. Ultimately, SB 300 improves the existing open enrollment program for school districts, their employees and families in general.

Thank you for considering this important legislation. Please contact me with any questions at 266-9180.

Requires the  
parental preference

- But not the  
waiting lists

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION  
TESTIMONY ON 2001 SENATE BILL 300  
November 28, 2001

Good morning. My name is Mary Jo Cleaver. As the administrator of the public school open enrollment program, I am representing the Department of Public Instruction and am testifying for information on Senate Bill 300.

The department *supports* the provision of the bill that allows nonresident school boards to establish waiting lists. Available seats go unfilled each year because students whose applications are accepted decide not to participate. Waiting lists could allow more students to participate. It should be noted that open enrollment is a complex program and waiting lists would add to the complexity and to workload for school districts. But this bill makes waiting lists optional for school boards. If an individual district is willing to take on the additional work of maintaining waiting lists, the department agrees the statute should allow them to do so. Equally important it should not require them to do so.

The department *opposes* the provision of the bill that requires school boards to grant preference to the children of school district employees. We understand this could help some school districts to recruit and retain staff, though it is noted the bill requires this preference regardless of the wishes of the board. But if the school district finds it beneficial to have its employee's children attending school in the district, wouldn't the city find it beneficial, or the local factory or retailer? If it is important for a school district's employee to have his children attend school nearby, wouldn't it be equally as important for the employee of a private company? And what about the next good reason for preference? One of the major strengths of Wisconsin's open enrollment program is that the parent and *only the parent* determines what is a good reason for participating in the program. Once the state starts deciding that one parental reason is better than another; or that the program should become an employee benefit, a recruiting tool or an economic development program rather than a parental choice program, then some parents get greater choice than others and the fundamental fairness of the program is lost. We respectfully request that the bill be amended to delete this provision and would be pleased to support the bill with this change.

Thank you for the opportunity to testify on this bill. I would be happy to answer any questions.

# Vote Record

## Senate - Committee on Education

Date: 1-9-02  
 Moved by: Erpenbach      Seconded by: Roessler  
 AB: \_\_\_\_\_ SB: 300      Clearinghouse Rule: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AR: \_\_\_\_\_ SR: \_\_\_\_\_      Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage *as amended*
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

Committee Member

Sen. Richard Grobschmidt, Chair  
 Sen. Robert Jauch  
 Sen. Kevin Shibilski  
 Sen. Jim Baumgart  
 Sen. Judith Robson  
 Sen. Jon Erpenbach  
 Sen. Carol Roessler  
 Sen. Alberta Darling  
 Sen. Mary Lazich  
 Sen. Sheila Harsdorf  
 Sen. Ted Kanavas

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

# Vote Record

## Senate - Committee on Education

Date: 1-9-02  
 Moved by: Roessler      Seconded by: GROBSCHMIDT  
 AB: \_\_\_\_\_ SB: 300      Clearinghouse Rule: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AR: \_\_\_\_\_ SR: \_\_\_\_\_      Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: URB 5 0256/11  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judith Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sheila Harsdorf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ted Kanavas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

Motion Carried

Motion Failed

## **Moen, Lisa**

---

**From:** Richards, Mike  
**Sent:** Tuesday, January 08, 2002 4:48 PM  
**To:** Moen, Lisa  
**Subject:** FW: Senate Education

He is also in favor of the substitute amendment dealing with SB 300

-----Original Message-----

**From:** Richards, Mike  
**Sent:** Tuesday, January 08, 2002 4:47 PM  
**To:** Moen, Lisa  
**Subject:** Senate Education

Lisa--

As you know my boss, Senator Ted Kanavas, will not be attending the meeting.....

He has informed me that he is:

In favor of the nomination of Mary Anne Moore-Church

Against SB 100

Against SB 314

In favor of AB 492

Against SB 280

IN favor of of SB 300

In favor of SB 302

Any questions let me know--are we going to have a quorum tomorrow?

Michael Richards  
Aide to Senator Ted Kanavas