

2003 Senate Bill 25

Date of enactment: **August 20, 2003**
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2003 WISCONSIN ACT 55

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

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

SECTION 1. 118.51 (3) (a) 2. of the statutes is amended to read:

118.51 (3) (a) 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, including pupils accepted from a waiting list under sub. (5) (d), on a random basis, after giving preference to pupils and to siblings of pupils who are already attending public school in the nonresident school district. If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept an applicant who is already attending

school in the nonresident school district or a sibling of the applicant.

SECTION 2. 118.51 (5) (d) of the statutes is created to read:

118.51 (5) (d) *Waiting list.* The school board of a nonresident school district may create a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. The department shall promulgate rules to implement and administer this paragraph.

SECTION 3. Nonstatutory provisions.

(1) For the purpose of implementing this act as provided in SECTION 4 of this act, the school board of a nonresident school district may create a waiting list for pupils whose applications to attend school in the nonresident school district in the 2003–04 school year were rejected on or before April 11, 2003, because of lack of space, as provided in section 118.51 (5) (a) 1. of the statutes.

SECTION 4. Initial applicability.

(1) This act first applies to applications submitted for attendance in a nonresident school district in the 2003–04 school year.

* Section 991.11, WISCONSIN STATUTES 2001–02 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].