

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 25**

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:

1 **SECTION 1.** 118.51 (3) (a) 2. of the statutes is amended to read:
2 118.51 **(3)** (a) 2. A nonresident school board may not act on any application
3 received under subd. 1. until after the 3rd Friday following the first Monday in
4 February. If a nonresident school board receives more applications for a particular
5 grade or program than there are spaces available in the grade or program, the
6 nonresident school board shall determine which pupils to accept, including pupils
7 accepted from a waiting list under sub. (5) (d), on a random basis, after giving
8 preference to pupils and to siblings of pupils who are already attending public school

1 in the nonresident school district. If a nonresident school board determines that
2 space is not otherwise available for open enrollment pupils in the grade or program
3 to which an individual has applied, the school board may nevertheless accept an
4 applicant who is already attending school in the nonresident school district or a
5 sibling of the applicant.

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

7 118.51 (5) (d) *Waiting list.* The school board of a nonresident school district may
8 create a waiting list of pupils whose applications were rejected under sub. (3) (a) 3.
9 The department shall promulgate rules to implement and administer this
10 paragraph.

11 **SECTION 3. Nonstatutory provisions.**

12 (1) For the purpose of implementing this act as provided in SECTION 4 of this
13 act, the school board of a nonresident school district may create a waiting list for
14 pupils whose applications to attend school in the nonresident school district in the
15 2003–04 school year were rejected on or before April 11, 2003, because of lack of
16 space, as provided in section 118.51 (5) (a) 1. of the statutes.

17 **SECTION 4. Initial applicability.**

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

20 (END)