

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

May 20, 2003 – Offered by COMMITTEE ON EDUCATION, ETHICS AND ELECTIONS.

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

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

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

12 (1) This act first applies to pupils whose open enrollment applications were  
13 submitted on the first Monday in February following the effective date of this  
14 subsection.

15 (END)