

**2003 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB25)**

Received: **04/22/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Dan Kanninen**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Open enrollment

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

**<END>**

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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2001 Senate Bill 300**

**Senate Substitute  
Amendment 1**

**Memo published: January 10, 2002**

**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.

**Committee Votes**

The Senate Education Committee in executive session on January 9, 2002, voted to introduce and adopt the substitute amendment on a vote of Ayes 11; Noes, 0. The committee voted to recommend passage of the bill, as amended, on a vote of Ayes, 8; Noes, 3.

RW:tl;jal;jal;ksm

Today

LRBs0256/1  
M.L:cmh:kjf

LRBs 0063/1  
PK:Kmg

SENATE SUBSTITUTE AMENDMENT 1,  
TO ~~2001~~ SENATE BILL ~~2001~~  
2003 25

January 11, 2002 - Offered by COMMITTEE ON EDUCATION.

Gen. Cat

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:*

SECTION 1. 118.51 (3) (a) 2. of the statutes, ~~as affected by 2001 Wisconsin Act~~  
118.51 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

part { 4 5 6 7 8 9 10 11 12

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.* <sup>The school board of a</sup> ~~A~~ nonresident school district may create a waiting  
8 list of pupils whose applications were rejected under sub. (3) (a) 3. The department  
9 shall promulgate rules to implement and administer this paragraph.

10 **SECTION 3. Initial applicability.**

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

14 (END)