

2007 ASSEMBLY BILL 402

June 14, 2007 – Introduced by Representatives STASKUNAS, JORGENSEN, HAHN and PETROWSKI, cosponsored by Senators OLSEN, DARLING, ROESSLER and SCHULTZ. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 118.52 (5); *to amend* 118.51 (3) (c) 1., 118.51
2 (5) (a) 2. (intro.), 118.51 (5) (b), 118.51 (8), 118.52 (3) (b) and 118.52 (10); and *to*
3 **create** 118.51 (5) (a) 2. e., 118.51 (5) (a) 3., 118.52 (5) (a) and 118.52 (5) (b) of the
4 statutes; **relating to:** eligibility for full-time and part-time public school open
5 enrollment.

Analysis by the Legislative Reference Bureau

Under the current full-time open enrollment program, a pupil may apply to attend a public school in a school district other than the pupil's resident school district if certain conditions are met. Current law establishes criteria that a school district must use to determine whether to accept or reject a nonresident pupil. A school board may consider the availability of space in the school or program to which the nonresident pupil has applied, whether the pupil has been expelled from school during the current or two preceding school years for certain specified reasons, whether a disciplinary proceeding involving the pupil is pending, and whether the pupil's individualized education program needs have been evaluated by the resident school district or can be fulfilled in the nonresident school district. A school district must adopt a resolution specifying its acceptance and rejection criteria.

This bill permits a school district to consider additional criteria related to the disciplinary and criminal history of a pupil when deciding whether to accept or reject the nonresident pupil. These additional criteria include whether the pupil has been suspended in the previous school year; whether the pupil has ever been expelled or

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suspended or subject to discipline for certain specified reasons, including truancy; and whether the pupil has been adjudicated delinquent or in violation of a criminal law or a civil law or ordinance.

Under the current full-time enrollment program, a school district may only require a nonresident pupil to reapply to attend a school in the nonresident school district one time. This bill allows a school district to require the nonresident pupil to reapply when the pupil enters middle school, junior high school, and high school.

Under the current part-time open enrollment program, a pupil enrolled in a public school in the high school grades may apply to attend not more than two courses offered by a nonresident school district. A school board must apply the same criteria for accepting or rejecting a nonresident pupil as it applies to pupils who reside in the district, but may give priority to pupils who reside in the school district. This bill allows a school district to consider whether the pupil has been suspended in the previous school year; whether the pupil has ever been expelled or suspended or subject to discipline for certain specified reasons, including truancy; and whether the pupil has been adjudicated delinquent or in violation of a criminal law or a civil law or ordinance when determining whether to accept or reject a nonresident pupil.

Under the current full-time and part-time open enrollment programs, a nonresident school board may request from a resident school board a copy of any expulsion findings and orders involving a pupil who has applied to attend a nonresident school. The resident school board must comply with the request. This bill requires the resident school board to also provide a nonresident school board with records pertaining to any suspension, detention, or disciplinary proceedings involving the pupil.

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

1 **SECTION 1.** 118.51 (3) (c) 1. of the statutes is amended to read:

2 118.51 **(3)** (c) 1. If a pupil's parent notifies a nonresident school board, under
3 par. (a) 6., that the pupil intends to attend school in that school district in the
4 following school year, the pupil may attend that school district in the following school
5 year and may continue to attend that school district in succeeding school years
6 without reapplying, except that the nonresident school board may require that the
7 pupil reapply, ~~no more than once,~~ when the pupil enters middle school, junior high
8 school ~~or,~~ and high school.

9 **SECTION 2.** 118.51 (5) (a) 2. (intro.) of the statutes is amended to read:

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1 118.51 (5) (a) 2. (intro.) Whether the pupil has been suspended from school
2 within the previous school year; whether the pupil has ever been expelled or
3 suspended from or assigned to detention at school by any school district during the
4 current or ~~2 preceding school~~ years for any of the following reasons; or whether a
5 disciplinary proceeding involving the pupil, which is based on any of the following
6 reasons, is pending:

7 **SECTION 3.** 118.51 (5) (a) 2. e. of the statutes is created to read:

8 118.51 (5) (a) 2. e. Truancy.

9 **SECTION 4.** 118.51 (5) (a) 3. of the statutes is created to read:

10 118.51 (5) (a) 3. Whether the pupil has been adjudged to be delinquent under
11 s. 938.12; to have violated a civil law or ordinance under s. 938.125 or s. 938.17; to
12 be in need of protection or services under s. 938.13; or to have violated a criminal law
13 under s. 938.18 or s. 938.183.

14 **SECTION 5.** 118.51 (5) (b) of the statutes is amended to read:

15 118.51 (5) (b) *Rejection after initial acceptance.* The criteria under par. (a) may
16 provide that, notwithstanding the nonresident school board's acceptance of an
17 application under sub. (3) (a) 3., at any time prior to the beginning of the school year
18 in which the pupil will first attend school in the school district under this section, the
19 school board may notify the pupil that he or she may not attend school in the school
20 district if the school board determines that any of the criteria under par. (a) 2. or 3.
21 are met.

22 **SECTION 6.** 118.51 (8) of the statutes is amended to read:

23 118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident
24 school board shall provide to the nonresident school board to which a pupil has
25 applied under this section, upon request by that school board, a copy of any expulsion

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1 or suspension findings and orders pertaining to the pupil, a copy of records of any
2 detention or disciplinary proceedings involving the pupil, including pending
3 disciplinary proceeding involving the pupil proceedings, a written explanation of the
4 reasons for the any expulsion, suspension, detention, or pending disciplinary
5 proceeding and discipline, the length of the term of the expulsion, suspension,
6 detention, or discipline, and the possible outcomes of the any pending disciplinary
7 proceeding.

8 **SECTION 7.** 118.52 (3) (b) of the statutes is amended to read:

9 118.52 (3) (b) If Except as provided in sub. (5), if a nonresident school board
10 receives more applications for a particular course than there are spaces available in
11 the course, the nonresident school board shall determine which pupils to accept on
12 a random basis.

13 **SECTION 8.** 118.52 (5) of the statutes is renumbered 118.52 (5) (intro.) and
14 amended to read:

15 118.52 (5) NONRESIDENT SCHOOL DISTRICT ACCEPTANCE AND REJECTION CRITERIA.
16 (intro.) School board policies and criteria for accepting and rejecting applications
17 under sub. (3) from pupils who reside in another school district shall be the same as
18 the policies and criteria for entry into the course that apply to pupils who reside in
19 the school district, except that the school board may give preference in attendance
20 in a course to residents of the school district, and may consider the following:

21 **SECTION 9.** 118.52 (5) (a) of the statutes is created to read:

22 118.52 (5) (a) Whether the nonresident pupil has been suspended from school
23 within the previous school year; whether the nonresident pupil has ever been
24 expelled or suspended from or assigned to detention at school by any school district

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1 for any of the following reasons; or whether a disciplinary proceeding involving the
2 nonresident pupil, which is based on any of the following reasons, is pending:

3 1. Conveying or causing to be conveyed any threat or false information
4 concerning an attempt or alleged attempt being made or to be made to destroy any
5 school property by means of explosives.

6 2. Engaging in conduct while at school or while under supervision of a school
7 authority that endangered the health, safety or property of others.

8 3. Engaging in conduct while not at school or while not under the supervision
9 of a school authority that endangered the health, safety or property of others at
10 school or under the supervision of a school authority or of any employee of the school
11 district or member of the school board.

12 4. Possessing a dangerous weapon, as defined in s. 939.22 (10), while at school
13 or while under the supervision of a school authority.

14 5. Truancy.

15 **SECTION 10.** 118.52 (5) (b) of the statutes is created to read:

16 118.52 (5) (b) Whether the nonresident pupil has been adjudged to be
17 delinquent under s. 938.12; to have violated a civil law or ordinance under s. 938.125
18 or s. 938.17; to be in need of protection or services under s. 938.13; or to have violated
19 a criminal law under s. 938.18 or s. 938.183.

20 **SECTION 11.** 118.52 (10) of the statutes is amended to read:

21 118.52 (10) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident
22 school board shall provide to the nonresident school board to which a pupil has
23 applied under this section, upon request by that school board, a copy of any expulsion
24 or suspension findings and orders pertaining to the pupil, a copy of records of any
25 detention or disciplinary proceedings involving the pupil, including pending

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1 ~~disciplinary proceeding involving the pupil proceedings, a written explanation of the~~
2 ~~reasons for the any expulsion, suspension, detention, or pending disciplinary~~
3 ~~proceeding and discipline, the length of the term of the expulsion, suspension,~~
4 ~~detention, or discipline, and the possible outcomes of the any pending disciplinary~~
5 ~~proceeding.~~

6 (END)