2007 DRAFTING REQUEST

Bill

Received: 02/22/2007 Wanted: As time permits For: Tony Staskunas (608) 266-0620 This file may be shown to any legislator: NO					Received By: tkuczens Identical to LRB: By/Representing: Eric Hanson Drafter: tkuczens												
									May Co	ontact:				Addl. Drafters:			
									Subject: Education - miscellaneous					Extra Copies:	pg		
									Submit	via email: YES	5						
Reques	ter's email:	Rep.Stask	unas@legis.	wisconsin.g	ov												
Carbon	copy (CC:) to:	tracy.kucz	zenski@legis	.wisconsin.g	gov												
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/2			jfrantze 04/05/2007	7	lparisi 04/05/2007	cduerst 06/01/2007											

FE Sent For: NONE

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Page 1

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LRB-2040

04/05/2007 01:30:41 PM Page 2

FE Sent For:

<END>

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By/Representing: Eric Hanson

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Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject:

Education - miscellaneous

Extra Copies:

pg

Submit via email: YES

Requester's email:

Rep.Staskunas@legis.wisconsin.gov

Carbon copy (CC:) to:

tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Modifications to open enrollment program.e

Instructions:

See Attached

Drafting History:

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Drafted

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See Attached

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Vers. Drafted

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Submitted

Jacketed

Required

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nwn/p

FE Sent For:

<END>

Kuczenski, Tracy

From:

Basford, Sarah

Sent:

Tuesday, February 20, 2007 9:05 AM

To:

Kuczenski, Tracy

Subject:

FW: Message for Tracy Kuczenski--BILL DRAFT REQUEST

Sarah Basford

Program Assistant Legislative Reference Bureau 1 East Main, Suite 200 (608) 266-3561 sarah.basford@legis.wisconsin.gov

From:

Hanson, Eric

Sent:

Tuesday, February 20, 2007 9:03 AM

To: Cc:

LRB.Legal

Ramirez, Adrienne

Subject:

Message for Tracy Kuczenski--BILL DRAFT REQUEST

Bill Draft Request

2-20-07

For State Representative Tony Staskunas

Bill draft request is submitted by Eric Hanson 6-0620

Any questions regarding the drafting of this bill can be directed to Eric Hanson 6-0620

- 1. Under current law, each year school districts determine the amount of space they will have available for open enrollment students. Once that number is determined, the school must then accept that number of open enrollment applicants.
 - All school districts must accept nonresident students if space is available. [Wis. Stats. § 118.51 (4) (a), (5) (a)]

Each individual school district determines if space is available. This is usually determined based on school population, class size, teacher availability, etc. Each school must have a policy, rules, or a criterion that outlines the amount of space that a school will have available for Open Enrollment Students. The only caveat is that the criteria/policy cannot be arbitrary and unreasonable and DPI asks that schools try to keep a consistent number of spaces available from year to year. So unless one of the schools policies regarding space for Open Enrollment Students is compromised, the school must take students that qualify for this program.

We are looking to give schools more flexibility in regards to the open enrollment program. In particular we would like to allow schools to deny open enrollment applicants even if there is space available.

- 2. Under current law non-resident schools can only look at the following when screening a prospective student
 - A copy of the students IEP report (Individualized Education Program), which outlines the students

individual needs and abilities regarding education

- The costs associated with allowing an open-enrollment student
- A school cannot look at a students discipline record (i.e. past suspensions, detentions, etc) unless there was a past expulsion, or there is a pending discipline hearing that could result in a suspension. Unless there was an expulsion, the non-resident school district would have no information regarding the disciplinary background of an Open Enrollment Applicant.

We are looking to allow the non-resident school district to look at all past disciplinary actions (i.e. suspensions, detentions, attendance record, criminal record, etc) regarding a prospective student, not just past expulsions or current disciplinary proceedings that may lead to an expulsion.

Ent 2/20 to coll:

De also give non-resident school district right to refuse open enrollment to a popil who was responded 2 ar more times whis previous school year.

- 3. Under current law if a child is accepted as an open enrollment student the student may continue in that school district without annual reapplication except
 - Individual districts may require students to reapply only one time either at the beginning of middle or high school
 - middle or high school

 We say (3) (1) \tag{1.5}

 Under certain circumstances, a student who needs special education may be required to return to the student's resident district (18, 51 (12)
 - If there were discipline issues with the student in the past—unless these issues lead to an expulsion or there was a pending hearing, these issues could result in expulsion, then the student's application cannot be rejected.

We are looking to make a change to this policy that only lets schools look at whether or not a student has \(\crime{1}\) been expelled or is facing an expulsion when deciding if the student can make a jump to middle or high school. Would like to have schools have the ability to look at a students disciplinary record—other than expulsions (i.e. suspensions, detentions, attendance record, criminal record, etc), when determining if they student can continue in the open enrollment program in that district.

We ask that this request remain confidential. This request is not considered urgent and does not have to be given priority over other pieces of legislation.

Thank You

Eric Hanson Office of Rep. Tony Staskunas Rm. 221 N State Capitol 608-266-0620



State of Misconsin 2007 - 2008 LEGISLATURE

LRB-2040/P1

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in 3/14/07

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT ...; relating to: eligibility for full-time and part-time public school open

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 two or more times 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.

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

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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 into a course 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 two or more times 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:

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

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

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258.

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

or more times within the previous school year; whether the pupil has ever been

expelled <u>or suspended</u> from <u>or assigned to detention at</u> school by any school district during the current or 2 preceding school years for any of the following reasons; or whether a disciplinary proceeding involving the pupil, which is based on any of the following reasons, is pending:

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258.

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

6 118.51 **(5)** (a) 2. e. Truancy.

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

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

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

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

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258.

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

118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident school board shall provide to the nonresident school board to which a pupil has applied under this section, upon request by that school board, a copy of any expulsion or suspension findings and orders pertaining to the pupil, a copy of records of any

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detention or disciplinary proceedings involving the pupil, including pending disciplinary proceeding involving the pupil proceedings, a written explanation of the reasons for the any expulsion, suspension, detention, or pending disciplinary proceeding and discipline, the length of the term of the expulsion, suspension, detention, or discipline, and the possible outcomes of the any pending disciplinary proceeding.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258.

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

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

History: 1997 a. 27, 41, 164., 2001 a. 16

SECTION 8. 118.52 (5) of the statutes is renumbered 118.52 (5) (intro) and

13 amended to read:

to read: Nonresident school district acceptance and rejection criteria.

applications under sub. (3) from pupils who reside in another school district shall be the same as the policies and criteria for entry into the course that apply to pupils who reside in the school district, except that the school board may give preference in attendance in a course to residents of the school district, and may consider the following:

History: 1997 a. 27, 41, 164.; 2001 a. 16

Section 9. 118.52 (5) (a) of the statutes is created to read:

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118.52 (5) (a) Whether the pupil has been suspended from school 2 or more times within the previous school year; whether the pupil has ever been expelled or suspended from or assigned to detention at school by any school district for any of the

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	following reasons; or whether a disciplinary proceeding involving the pupil, which
2	is based on any of the following reasons, is pending:
3	1 Conveying or causing to be conveyed any threat or false information

- concerning an attempt or alleged attempt being made or to be made to destroy any school property by means of explosives.
- 2. Engaging in conduct while at school or while under supervision of a school authority that endangered the health, safety or property of others.
- 3. Engaging in conduct while not at school or while not under the supervision of a school authority that endangered the health, safety or property of others at school or under the supervision of a school authority or of any employee of the school district or member of the school board.
- 4. Possessing a dangerous weapon, as defined in s. 939.22 (10), while at school or while under the supervision of a school authority.
 - 5. Truancy.

Section 10. 118.52 (5) (b) of the statutes is created to read:

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

Section 11. 118.52 (10) of the statutes is amended to read:

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

pertaining to the pupil

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

History: 1997 a. 27, 41, 164.; 2001 a. 16

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(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2040/P1dn TKK:.....

Representative Staskunas:

Please review this draft carefully to ensure that it captures your intent.

Section 118.51 (5) (a) 2., as amended by this bill, and s. 118.52 (5) (a), as created by this bill, permit a school district to consider a list of reasons, including truancy, for which a pupil may have been suspended, expelled, disciplined or assigned to detention when determining whether to accept or reject a nonresident pupil.

Please be aware that, under s. 120.13 (1) (d), no pupil enrolled in a school district operating under ch. 119 may be suspended or expelled from school for truancy.

Let me know if you have any questions about this draft or would like to make any changes.

Legi Phor E-m

Tracy K. Kuczenski Legislative Attorney Phone: (608) 266-8967

E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2040/1dn TKK:cjs:nwn

March 28, 2007

Representative Staskunas:

Please review this draft carefully to ensure that it captures your intent.

Section 118.51 (5) (a) 2., as amended by this bill, and s. 118.52 (5) (a), as created by this bill, permit a school district to consider a list of reasons, including truancy, for which a pupil may have been suspended, expelled, disciplined, or assigned to detention when determining whether to accept or reject a nonresident pupil.

Please be aware that, under s. 120.13(1)(d), no pupil enrolled in the Milwaukee Public Schools may be suspended or expelled from school for truancy.

Let me know if you have any questions about this draft or would like to make any changes.

Tracy K. Kuczenski Legislative Attorney Phone: (608) 266-8967

E-mail: tracy.kuczenski@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

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State of Misconsin 2007 - 2008 LEGISLATURE

in 4/04/07

2007 BILL

LRB-2040/1 TKK:cjs;nwn

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AN ACT to renumber and amend 118.52 (5); to amend 118.51 (3) (c) 1., 118.51 (5) (a) 2. (intro.), 118.51 (5) (b), 118.51 (8), 118.52 (3) (b) and 118.52 (10); and to create 118.51 (5) (a) 2. e., 118.51 (5) (a) 3., 118.52 (5) (a) and 118.52 (5) (b) of the statutes; relating to: eligibility for full-time and part-time public school open 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 two primore times in the previous school year; whether the pupil has ever

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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.

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 two more times 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:

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

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

1	Section 2. 118.51 (5) (a) 2. (intro.) of the statutes is amended to read:
$\widehat{2}$	118.51 (5) (a) 2. (intro.) Whether the pupil has been suspended from school
3	or more times within the previous school year; whether the pupil has ever been
4	expelled or suspended from or assigned to detention at school by any school district
5	during the current or 2 preceding school years for any of the following reasons; or
6	whether a disciplinary proceeding involving the pupil, which is based on any of the
7	following reasons, is pending:
8	Section 3. 118.51 (5) (a) 2. e. of the statutes is created to read:
9	118.51 (5) (a) 2. e. Truancy.
10	Section 4. 118.51 (5) (a) 3. of the statutes is created to read:
11	118.51 (5) (a) 3. Whether the pupil has been adjudged to be delinquent under
12	s. 938.12; to have violated a civil law or ordinance under s. 938.125 or s. 938.17; to
13	be in need of protection or services under s. 938.13; or to have violated a criminal law
14	under s. 938.18 or s. 938.183.
15	SECTION 5. 118.51 (5) (b) of the statutes is amended to read:
16	118.51 (b) Rejection after initial acceptance. The criteria under par. (a) may
17	provide that, notwithstanding the nonresident school board's acceptance of an
18	application under sub. (3) (a) 3., at any time prior to the beginning of the school year
19	in which the pupil will first attend school in the school district under this section, the
20	school board may notify the pupil that he or she may not attend school in the school
21	district if the school board determines that any of the criteria under par. (a) 2. or 3.
22	are met.
23	SECTION 6. 118.51 (8) of the statutes is amended to read:
24	118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, the resident
25	school board shall provide to the nonresident school board to which a pupil has

applied under this section, upon request by that school board, a copy of any expulsion or suspension findings and orders pertaining to the pupil, a copy of records of any detention or disciplinary proceedings involving the pupil, including pending disciplinary proceeding involving the pupil proceedings, a written explanation of the reasons for the any expulsion, suspension, detention, or pending disciplinary proceeding and discipline, the length of the term of the expulsion, suspension, detention, or discipline, and the possible outcomes of the any pending disciplinary proceeding.

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

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

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

118.52 (5) Nonresident school district acceptance and rejection criteria. (intro.) School board policies and criteria for accepting and rejecting applications under sub. (3) from pupils who reside in another school district shall be the same as the policies and criteria for entry into the course that apply to pupils who reside in the school district, except that the school board may give preference in attendance in a course to residents of the school district, and may consider the following:

Section 9. 118.52 (5) (a) of the statutes is created to read:

118.52 (5) (a) Whether the nonresident pupil has been suspended from school 2 or more times within the previous school year; whether the nonresident pupil has ever been expelled or suspended from or assigned to detention at school by any school

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1	district for any of the following reasons; or whether a disciplinary proceeding
2	involving the nonresident pupil, which is based on any of the following reasons, is
3	pending:
4	1. Conveying or causing to be conveyed any threat or false information
5	concerning an attempt or alleged attempt being made or to be made to destroy any
6	school property by means of explosives.
7	2. Engaging in conduct while at school or while under supervision of a school
8	authority that endangered the health, safety or property of others.
9	3. Engaging in conduct while not at school or while not under the supervision
10	of a school authority that endangered the health, safety or property of others at
11	school or under the supervision of a school authority or of any employee of the school
12	district or member of the school board.
13	4. Possessing a dangerous weapon, as defined in s. 939.22 (10), while at school
14	or while under the supervision of a school authority.
15	5. Truancy.
16	Section 10. 118.52 (5) (b) of the statutes is created to read:
17	118.52 (5) (b) Whether the nonresident pupil has been adjudged to be
18	delinquent under s. 938.12; to have violated a civil law or ordinance under s. 938.125
19	or s. 938.17; to be in need of protection or services under s. 938.13; or to have violated
20	a criminal law under s. 938.18 or s. 938.183.
21	Section 11. 118.52 (10) of the statutes is amended to read:
22	118.52 (10) Disciplinary records. Notwithstanding s. 118.125, the resident
23	school board shall provide to the nonresident school board to which a pupil has
24	applied under this section, upon request by that school board, a copy of any expulsion

or suspension findings and orders pertaining to the pupil, a copy of records of any

detention or disciplinary proceedings involving the pupil, including pending disciplinary proceeding involving the pupil proceedings, a written explanation of the reasons for the any expulsion, suspension, detention, or pending disciplinary proceeding and discipline, the length of the term of the expulsion, suspension, detention, or discipline, and the possible outcomes of the any pending disciplinary proceeding.

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Duerst, Christina

From:

Hanson, Eric

Sent:

Friday, June 01, 2007 10:07 AM

To:

LRB.Legal

Subject:

Draft Review: LRB 07-2040/2 Topic: Modifications to open enrollment program.e

Please Jacket LRB 07-2040/2 for the ASSEMBLY.

Thanks,

Eric Hanson Office of Rep. Staskunas 608-266-0620