2007 ASSEMBLY BILL 286

April 23, 2007 – Introduced by Representatives PRIDEMORE, ALBERS, VOS, NYGREN, WOOD and TOWNSEND. Referred to Committee on Education Reform.

AN ACT to renumber and amend 118.51 (3) (a) 1., 118.51 (3) (a) 3., 118.51 (3) (a) 4., 118.51 (3) (a) 6. and 118.51 (3) (b); to amend 118.51 (2), 118.51 (3) (a) 2. and 118.51 (3) (a) 5.; and to create 118.51 (1) (g), 118.51 (3) (a) 1. b., 118.51 (3) (a) 3. b., 118.51 (3) (a) 4. b., 118.51 (3) (a) 6. b. and 118.51 (3) (b) 2. of the statutes; relating to: applications to attend a virtual charter school under the open enrollment program.

Analysis by the Legislative Reference Bureau

Under the open enrollment program, a pupil may attend any public school located outside of his or her school district of residence if the pupil’s parent or guardian complies with certain procedures and meets certain application deadlines. School boards’ acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space.

Currently, an applicant for open enrollment must submit his or her application between the first Monday in February and the third Friday in February preceding the school year in which the pupil wishes to attend a nonresident school district. The nonresident school district may not act on an application until the application period ends. The nonresident and resident school districts must notify the pupil of his or her acceptance or rejection by the first Friday following the first Monday in April. If an application is accepted, by the second Friday following the first Monday in May the nonresident school district must notify the applicant of the specific school or
program that the pupil may attend. The pupil's parent must notify the nonresident school district of the pupil's intent to attend that school district by the first Friday following the first Monday in June.

This bill provides a different timeline for an application to attend a virtual charter school under the open enrollment program. The bill defines a virtual charter school as a charter school in which instruction is provided primarily through means of the Internet and the pupils and teachers are geographically remote from each other. Under the bill, an application to attend a virtual charter school is due by July 1; the school districts may act on the application at any time but must accept or reject the application by August 8; and the pupil's parent must notify the nonresident school board of the pupil's intent to attend school in that school district by August 22.

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

SECTION 1. 118.51 (1) (g) of the statutes is created to read:

118.51 (1) (g) “Virtual charter school” means a charter school in which instruction is provided primarily through means of the Internet, and the pupils enrolled in and instructional staff employed by the charter school are geographically remote from each other.

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

118.51 (2) APPLICABILITY. A pupil may attend a public school, including a charter school and including a prekindergarten, 4-year-old kindergarten, early childhood or school-operated day care program, in a nonresident school district under this section, except that a pupil may attend a prekindergarten, 4-year-old kindergarten, early childhood or school-operated day care program in a nonresident school district only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district.

SECTION 3. 118.51 (3) (a) 1. of the statutes is renumbered 118.51 (3) (a) 1. a. and amended to read:
118.51 (3) (a) 1. a. The Exception as provided in subd. 1. b., the parent of a pupil who wishes to attend a public school in a nonresident school district under this section shall submit an application, on a form provided by the department under sub. (15) (a), to the school board of the nonresident school district that the pupil wishes to attend, not earlier than the first Monday in February and not later than the 3rd Friday following the first Monday in February of the school year immediately preceding the school year in which the pupil wishes to attend. Applications may be submitted to no more than 3 nonresident school boards in any school year. On the 4th Monday in February, the nonresident school board shall send a copy of the application to the pupil's resident school board and the department. The application may include a request to attend a specific school or program offered by the nonresident school district.

Section 4. 118.51 (3) (a) 1. b. of the statutes is created to read:

118.51 (3) (a) 1. b. If a pupil wishes to attend a virtual charter school in a nonresident school district under this section, his or her parent shall submit the application to the school board of the nonresident school district by July 1 of the school year in which the pupil wishes to attend, and the nonresident school board shall immediately send a copy of the application to the pupil’s resident school board and the department.

Section 5. 118.51 (3) (a) 2. of the statutes is amended to read:

118.51 (3) (a) 2. A nonresident school board may not act on any application received under subd. 1. a. 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
in the nonresident school district. If a nonresident school board determines that
space is not otherwise available for open enrollment pupils in the grade or program
to which an individual has applied, the school board may nevertheless accept an
applicant who is already attending school in the nonresident school district or a
sibling of the applicant.

SECTION 6. 118.51 (3) (a) 3. of the statutes is renumbered 118.51 (3) (a) 3. a. and
amended to read:

118.51 (3) (a) 3. a. On Except as provided in subd. 3. b., on or before the first
Friday following the first Monday in April following receipt of the application, the
nonresident school board shall notify the applicant, in writing, whether it has
accepted the application. If the nonresident school board rejects an application, it
shall include in the notice the reason for the rejection.

SECTION 7. 118.51 (3) (a) 3. b. of the statutes is created to read:

118.51 (3) (a) 3. b. If an application is for attendance at a virtual charter school,
the nonresident school board shall notify the applicant whether it has accepted the
application for attendance at the charter school by August 8.

SECTION 8. 118.51 (3) (a) 4. of the statutes is renumbered 118.51 (3) (a) 4. a. and
amended to read:

118.51 (3) (a) 4. a. On Except as provided in subd. 4. b., on or before the first
Friday following the first Monday in April following receipt of a copy of the
application, if a resident school board denies a pupil’s enrollment in a nonresident
school district under sub. (6), (7) or (12) (b) 1., the resident school board shall notify
the applicant and the nonresident school board, in writing, that the application has been denied and include in the notice the reason for the denial.

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

118.51 (3) (a) 4. b. If an application is for attendance at a virtual charter school, the resident school board shall provide the notices required under subd. 4. a. by August 8.

**SECTION 10.** 118.51 (3) (a) 5. of the statutes is amended to read:

118.51 (3) (a) 5. If an application is accepted, on or before the 2nd Friday following the first Monday in May following receipt of the application, the nonresident school board shall notify the applicant, in writing, of the specific school or program that the pupil may attend in the following school year. This subdivision does not apply to an application for attendance at a virtual charter school.

**SECTION 11.** 118.51 (3) (a) 6. of the statutes is renumbered 118.51 (3) (a) 6. a. and amended to read:

118.51 (3) (a) 6. a. **Except as provided in subd. 6. b., if an application is accepted, on or before the first Friday following the first Monday in June following receipt of a notice of acceptance, the pupil's parent shall notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year.**

**SECTION 12.** 118.51 (3) (a) 6. b. of the statutes is created to read:

118.51 (3) (a) 6. b. If an application for attendance at a virtual charter school is accepted, the pupil's parent shall provide the notice required under subd. 6. a. by August 22.

**SECTION 13.** 118.51 (3) (b) of the statutes is renumbered 118.51 (3) (b) 1. and amended to read:
118.51 (3) (b) 1. Annually Except as provided in subd. 2., annually by June 30, each nonresident school board that has accepted a pupil under this section for attendance in the following school year shall report the name of the pupil to the pupil's resident school board.

SECTION 14. 118.51 (3) (b) 2. of the statutes is created to read:
118.51 (3) (b) 2. Annually by September 1, each nonresident school board that has accepted a pupil under this section for attendance at a virtual charter school in the current school year shall report the name of the pupil to the pupil's resident school board.

SECTION 15. Initial applicability.
(1) This act first applies to an application to attend a nonresident school district in the school year beginning after the effective date of this subsection.

(END)