

2009 DRAFTING REQUEST

Bill

Received: 12/03/2009

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Pat Kreitlow (608) 266-7511**

By/Representing:

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Kreitlow@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Habitual truancy under the Open Enrollment Program

Instructions:

Same as SB 342

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>
/?	pgrant 12/03/2009	jdye 12/04/2009		_____			
/1			phenry 12/04/2009	_____	sbasford 12/04/2009	sbasford 12/04/2009	

FE Sent For: **NONE**

<END>

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for assembly

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/?	pgrant	12/4 jld	12/4 PH	12/4 PH			

FE Sent For:

<END>

Please jacket for Assembly

Grant, Peter

From: Parisi, Lori
Sent: Thursday, December 03, 2009 3:40 PM
To: Grant, Peter
Subject: FW: Jacketing requests

Kreitlow's office has requested an Assembly companion bill to SB342 drafted and jacketed. See e-mail below....

Thanks.
Lori

From: Saxler, Charles
Sent: Thursday, December 03, 2009 3:34 PM
To: Parisi, Lori
Subject: RE: Jacketing requests

Yeah I was looking for Assembly jackets so we can give them to Rep. Smith.

Thanks,
Charlie

Charles Saxler
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
charles.saxler@legis.wisconsin.gov

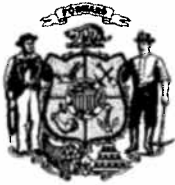
From: Parisi, Lori
Sent: Thursday, December 03, 2009 3:28 PM
To: Saxler, Charles
Subject: Jacketing requests

Hello Charles, I recently received jacketing requests from you for LRB 09-3218/2 and LRB 09-2120/2. These have both been introduced....as SB-342 and SB-325.

Please call with any questions.
Thank you.

Lori Parisi

Program Assistant
State of WI Legislative Reference Bureau
1 East Main Suite 200
Madison, WI., 53703
Phone(608)266-3561 Fax(608)264-6948



State of Wisconsin
2009 - 2010 LEGISLATURE

500h

LRB-3218/2
PG:kjf:md

2009 BILL

LRB-3541/1
PG:KJF

2009 SENATE BILL 342

October 9, 2009 - Introduced by Senators KREITLOW, LEHMAN, TAYLOR and DARLING, cosponsored by Representatives SMITH, POPE-ROBERTS, STASKUNAS, KRUSICK and MOLEPSKE JR., Referred to Committee on Education.

Regen

X

1 AN ACT *to amend* 118.51 (9); and *to create* 118.51 (1) (am), 118.51 (5) (a) 3. and
2 118.51 (11) of the statutes; **relating to:** pupils attending a school district under
3 the Open Enrollment Program who are habitually truant.

Analysis by the Legislative Reference Bureau

Under the current full-time Open Enrollment Program (OEP), 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 the nonresident school district may 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.

This bill provides that if the nonresident school board determines that a pupil attending the school district under the OEP is habitually truant (absent from school without an acceptable excuse for part or all of five or more school days during any semester) during either semester in the current school year, the school board may prohibit the pupil from attending the school district under the OEP in the succeeding semester or school year.

The bill also allows a school board to include in its criteria for accepting or rejecting an application from a nonresident pupil to attend the school district under

SENATE BILL 342

the OEP whether the school board determined that the pupil was habitually truant from the school district during any semester of attendance at the school district in the current or previous school year.

Current law allows the parent of a pupil whose application to attend a nonresident school district was rejected to appeal the decision to the Department of Public Instruction. Similarly, this bill allows an appeal from a decision to reject an application, and from a decision to prohibit a pupil from attending the nonresident school district in the succeeding semester or school year, based upon the pupil's habitual truancy.

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

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

2 118.51 (1) (am) "Habitual truant" has the meaning given in s. 118.16 (1) (a).

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

4 118.51 (5) (a) 3. Whether the nonresident school board determined that the
5 pupil was habitually truant from the nonresident school district during any semester
6 of attendance at the nonresident school district in the current or previous school year.

7 **SECTION 3.** 118.51 (9) of the statutes is amended to read:

8 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
9 application under sub. (3) (a) or (7) ~~or~~, the resident school board prohibits a pupil from
10 attending public school in a nonresident school district under sub. (6), (7) or (12) (b)
11 1., or the nonresident school board prohibits a pupil from attending public school in
12 the nonresident school district under sub. (11). the pupil's parent may appeal the
13 decision to the department within 30 days after the decision. If the nonresident
14 school board provides notice that the special education or related service is not
15 available under sub. (12) (a), the pupil's parent may appeal the required transfer to
16 the department within 30 days after receipt of the notice. If the resident school board
17 provides notice of transfer under sub. (12) (b) 2., the pupil's parent may appeal the

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1 required transfer to the department within 30 days after receipt of the notice. The
2 department shall affirm the school board's decision unless the department finds that
3 the decision was arbitrary or unreasonable.

4 **SECTION 4.** 118.51 (11) of the statutes is created to read:

5 118.51 **(11)** HABITUAL TRUANCY. Notwithstanding subs. (3) (c) and (13), if a
6 nonresident school board determines that a pupil attending the nonresident school
7 district under this section is habitually truant from the nonresident school district
8 during either semester in the current school year, the nonresident school board may
9 prohibit the pupil from attending the nonresident school district under this section
10 in the succeeding semester or school year.

11 **SECTION 5. Initial applicability.**

12 (1) This act first applies to applications to attend and pupils attending a
13 nonresident school district under the open enrollment program in the 2010–11 school
14 year.

15 (END)