



2009 ASSEMBLY BILL 798

March 3, 2010 – Introduced by Representatives PASCH, NASS and TOWNSEND, cosponsored by Senators DARLING and KEDZIE. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 118.51 (5) (a) 1.; *to amend* 118.51 (3) (a) 2.;

2 and *to create* 118.51 (5) (a) 1. c. of the statutes; **relating to:** accepting pupils

3 under the full-time Open Enrollment Program.

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. If a nonresident school district receives more applications than there are spaces available, the school district must determine which pupils to accept on a random basis after giving preference to pupils and to siblings of pupils who are already attending the nonresident school district.

This bill also requires a nonresident school district that is a union high school district (a district operating only grades 9 to 12) to give preference to pupils who are attending an underlying elementary school district (a district operating only grades kindergarten to 8) of the nonresident school district under the Open Enrollment Program.

Current law establishes criteria that a school district must use to determine whether to accept or reject a nonresident pupil. For example, a school board may consider the availability of space in the school or program to which the nonresident pupil has applied. The school board may include in its count of occupied spaces pupils attending the school district for whom tuition is paid, and pupils and their siblings who have applied to attend the school district and are already attending public school in the nonresident school district.

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This bill allows a school board of a union high school district to include in its count of occupied spaces pupils who are currently attending an underlying elementary school district of the nonresident school district under the Open Enrollment Program.

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

1 **SECTION 1.** 118.51 (3) (a) 2. of the statutes is amended to read:

2 118.51 (3) (a) 2. A nonresident school board may not act on any application
3 received under subd. 1. until after the 3rd Friday following the first Monday in
4 February. If a nonresident school board receives more applications for a particular
5 grade or program than there are spaces available in the grade or program, the
6 nonresident school board shall determine which pupils to accept, including pupils
7 accepted from a waiting list under sub. (5) (d), on a random basis, after giving
8 preference to pupils and to siblings of pupils who are already attending public school
9 in the nonresident school district and, if the nonresident school district is a union
10 high school district, to pupils who are attending an underlying elementary school
11 district of the nonresident school district under this section. If a nonresident school
12 board determines that space is not otherwise available for open enrollment pupils in
13 the grade or program to which an individual has applied, the school board may
14 nevertheless accept ~~an applicant~~ a pupil or the sibling of a pupil who is already
15 attending school in the nonresident school district ~~or a sibling of the applicant~~ and,
16 if the nonresident school district is a union high school district, a pupil who is
17 attending an underlying elementary school district of the nonresident school district
18 under this section.

19 **SECTION 2.** 118.51 (5) (a) 1. of the statutes is renumbered 118.51 (5) (a) 1. (intro.)
20 and amended to read:

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1 118.51 (5) (a) 1. (intro.) The availability of space in the schools, programs,
2 classes, or grades within the nonresident school district. In determining the
3 availability of space, the nonresident school board may consider criteria such as class
4 size limits, pupil–teacher ratios, or enrollment projections established by the
5 nonresident school board and may include in its count of occupied spaces pupils all
6 of the following:

7 a. Pupils attending the school district for whom tuition is paid under s. 121.78
8 (1) (a) ~~and pupils.~~

9 b. Pupils and siblings of pupils who have applied under sub. (3) (a) and are
10 already attending ~~public school in~~ the nonresident school district.

11 **SECTION 3.** 118.51 (5) (a) 1. c. of the statutes is created to read:

12 118.51 (5) (a) 1. c. If the nonresident school district is a union high school
13 district, pupils who have applied under sub. (3) (a) and are currently attending an
14 underlying elementary school district of the nonresident school district under this
15 section.

16 **SECTION 4. Effective date.**

17 (1) This act takes effect on July 1, 2010.

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(END)