SENATE BILL 250 (LRB -1882)

An Act to renumber and amend 118.51 (5) (a) 1.; to amend 118.51 (3) (a) 2.; and to create 118.51 (5) (a) 1. c. of the statutes; relating to: accepting pupils under the full-time Open Enrollment Program.

2009

08-05.	S.	Introduced by Senators **Darling** and **Kedzie**; cosponsored by Representatives **Pasch**, **Nass** and **Townsend**.	
08-05.	S.	Read first time and referred to committee on Education	256

2010

02-18.	S.	Public hearing held.	
02-24.	S.	Executive action taken.	
03-02.	S.	Report passage recommended by committee on Education, Ayes 7, Noes 0	605
03-02.	S.	Available for scheduling.	
03-03.	S.	Placed on calendar 3-4-2010 pursuant to Senate Rule 18(1)	609
03-04.	S.	Read a second time	615
03-04.	S.	Ordered to a third reading	615
03-04.	S.	Rules suspended	615
03-04.	S.	Read a third time and **passed**	615
03-04.	S.	Ordered immediately messaged	617
03-05.	A.	Received from Senate	740
03-05.	A.	Read first time and referred to committee on Education	740
03-09.	A.	Public hearing held.	
03-23.	A.	Executive action taken.	
03-31.	A.	Report concurrence recommended by committee on Education, Ayes 12, Noes 0	774
03-31.	A.	Referred to committee on Rules	774
04-13.	A.	Made a special order of business at 11:59 A.M. on 4-15-2010 pursuant to Assembly Resolution 22	825
04-15.	A.	Read a second time.	
04-15.	A.	Ordered to a third reading.	
04-15.	A.	Rules suspended.	
04-15.	A.	Read a third time and **concurred in**.	
04-15.	A.	Ordered immediately messaged.	
04-16.	S.	Received from Assembly concurred in.	

GMB

2009
ENROLLED BILL

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ADOPTED DOCUMENTS:

☑ **Orig** ☐ **Engr** ___ **SubAmdt** ___ **09** -1882/2

Amendments to above (if none, write "NONE"): NONE

Corrections - show date (if none, write "NONE"): NONE

Topic Rel

4-19-10
Date

Enrolling Drafter

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB–1882/2
PG:kjf&bjk:md

2009 SENATE BILL 250

August 5, 2009 – Introduced by Senators DARLING and KEDZIE, cosponsored by Representatives PASCH, NASS and TOWNSEND. 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.

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:

SECTION 1. 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. 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 <u>and, if the nonresident school district is a union high school district, to pupils who are attending an underlying elementary school district of the nonresident school district under this section</u>. 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~~ <u>a pupil or the sibling of a pupil</u> who is already attending ~~school in~~ the nonresident school district ~~or a sibling of the applicant~~ <u>and, if the nonresident school district is a union high school district, a pupil who is attending an underlying elementary school district of the nonresident school district under this section</u>.

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

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

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

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

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

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

SECTION 4. Effective date.

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

(END)