

2011 DRAFTING REQUEST

Senate Amendment (SA-SB2)

Received: 01/18/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Luther Olsen (608) 266-0751

By/Representing: Sarah Archibald

May Contact:

Drafter: tkuczens

Subject: Education - school boards

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email: Sen.Olsen@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Establish alternative timeline for open enrollment applications

Instructions:

See attached

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>
/?							
/P1	tkuczens 01/18/2011	csicilia 01/19/2011	jfrantze 01/19/2011	_____	sbasford 01/19/2011		
	tkuczens 01/19/2011	csicilia 01/19/2011		_____			
/1			rschluet 01/19/2011	_____	lparisi 01/19/2011	lparisi 01/19/2011	

FE Sent For:

<END>

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/P1	tkuczens 01/18/2011	csicilia 01/19/2011	jfrantze 01/19/2011	_____	sbasford 01/19/2011		

FE Sent For: *1* *gs* *4/19* *11* *hall* **<END>**

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Establish alternative timeline for open enrollment applications

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/?	tkuczens	pl j> 1/19 11	<i>[Signature]</i> 1/19	pk 1/19 6			

FE Sent For:

<END>

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Tuesday, January 18, 2011 11:24 AM
To: Kuczenski, Tracy
Subject: Document for drafting of another Amendment to Senate Bill 2

Attachments: OE exceptions-Sen Olsen.docx



OE
tions-Sen Olsen.docx

Hi Tracy,

Here's the document summarizing what we'd like to see in the next amendment. Please let me know if you have any questions. You can also contact Mary Jo Cleaver at DPI.

We are basically trying to keep the 3-month window that the bill introduces but add exceptions, and we're hoping to exec on Thursday morning as I said on the phone.

Thanks!
Sarah

X (6075)

9:00 hearing

118. 51 (5) (a) (intro.)

118. 51 (5) (a) 1. b. (c) ?

Providing Extended Opportunities for Students to Request Open Enrollment

1. Allow parents to request open enrollment outside the regular application period in the following circumstances:

- ✓ a. The resident district has determined the student is a victim of a violent crime (parent must apply within 30 days of determination).
 - ✓ b. The student is homeless or has been homeless within the current or preceding school year.
 - ✓ c. The student has been a victim of repeated bullying and harassment. The bullying or harassment must have been reported to the resident school district and law enforcement if appropriate, and attempts to resolve in the resident school district have failed.
 - ✓ d. The student's residence has changed as a result of military orders (must apply prior to or within 30 days after the location of the home has changed).
 - ✓ e. The student has moved into a district from out-of-state (must apply prior to or within 30 days of becoming a resident of Wisconsin).
 - ✓ f. The student's residence has changed because of a foster home placement or return from a foster home, a court order, a change of parental placement or placement with a person other than a parent if the reason for the placement is for a main purpose other than to attend school (must apply prior to or within 30 days of the change of residence). *primary?*
 - ✓ g. If the parent and the nonresident school district agree that a transfer is in the best interest of the child.
- ✓ 2. Student could apply to no more than 3 nonresident school districts in any school year (current law).
- ✓ 3. District that receives an application must immediately send a copy to the resident school district.
- ✓ 4. Nonresident school board must approve or deny within 10 days after receiving the application.
- ✓ 5. If the application is accepted, the student may immediately begin attending the nonresident school district. If the student has not attended the nonresident school district by the 15th day following receipt of the notice of approval, the nonresident school district may notify the parent that the student may not attend.
- ✓ 6. Nonresident districts could deny for the same reasons they can currently deny. Nonresident district decisions should be final and not appealable to DPI.
- ✓ 7. Resident districts could only deny if they determined that the reason claimed does not exist or if the special education cost is an undue financial burden (unless the student is the victim of a violent crime, in which case the resident district cannot deny).
- ✓ 8. Resident district denials could be appealed to DPI. *am. sub. (9)*
9. Payments would be prorated and made at the same time as other payments (usually the June equalization aid payment). If the student was not counted in membership on the third Friday in September (that is, was not included in the calculation of the school district's revenue limit based on the current year's attendance), the resident district would be granted a revenue limit exemption the following year equal to the amount of the payment.

prorated

12/1.90

adjustment

11

When is reporting to law enforcement appropriate?



gjs

RMPVn
d-note

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2011 SENATE BILL 2**

1/18/11
As soon as possible
Now

Bill
SAV

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 1: before that line insert:
- 3 "SECTION 1g. 118.51 (3) (intro.) of the statutes is created to read:
- 4 118.51 (3) (intro.) Except as provided under sub. (3m), the following procedures
- 5 govern pupil applications to attend a public school in a nonresident school district
- 6 under this section:".
- 7 **2.** Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1r".
- 8 **3.** Page 5, line 18: before that line insert:
- 9 "SECTION 5g. 118.51 (3m) of the statutes is created to read:
- 10 118.51 (3m) ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN
- 11 CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to
- 12 attend a public school in a nonresident school district under this section may, in lieu

1 of applying under sub. (3), submit an application under this subsection, on a form
 2 provided by the department under sub. (15) (a), to the school board of the nonresident
 3 school district that the pupil wants to attend if the pupil satisfies at least one of the
 4 requirements under par. (b). Applications may be submitted to no more than 3
 5 nonresident school boards in any school year. the

6 (b) A pupil may apply under this subsection only under one of the following
 7 circumstances, and shall describe the circumstances in its application: the

8 1. The resident school board has determined that the pupil is a victim of a
 9 violent crime and the nonresident school board receives the pupil's application no
 10 later than 30 days after the determination of the resident school board.

****NOTE: Do you want to require DPI or the school district to establish policies by which it "determines" that the pupil is a victim of a violent crime? ✓

****NOTE: Do you want to define violent crime? See, for example, the definition at s. 969.035 (1). ✓

11 2. The pupil is homeless or has been homeless within the current or preceding
 12 school year.

****NOTE: Is it ever too late in a school year for a pupil to apply under this subdivision? ✓

13 3. The pupil has been the victim of repeated bullying or harassment and all of
 14 the following apply:

15 a. The pupil's parent has reported the bullying or harassment to the resident
 16 school board.

17 b. If appropriate, the pupil's parent has reported the bullying and harassment
 18 to law enforcement authorities.

****NOTE: When is it appropriate to report the bullying or harassment to law enforcement authorities?

19 c. Despite action taken under subd. 3. a. and 3. b., the repeated bullying and
 20 harassment continues.

****NOTE: Is it ever too late in a school year for a pupil to apply under this subdivision?

1 4. The place of residence of the pupil's parent or guardian and of the pupil has
2 changed as a result of military orders and the nonresident school board receives the
3 pupil's application no later than 30 days after the date on which the military orders
4 changing the place of residence were issued.

5 5. The pupil moved into this state and the nonresident school board receives
6 the pupil's application no later than 30 days after moving into this state.

7 6. The place of residence of the pupil has changed as a result of a court order
8 or custody agreement or because the pupil was placed in a foster home or with a
9 person other than the pupil's parent, or removed from a foster home or from the home
10 of a person other than the pupil's parent, but only if the following apply:

11 a. Attending a school in the nonresident school district is not the primary
12 purpose for the change in the pupil's place of residence.

****NOTE: Who determines the primary purpose for the pupil's change in residence?
The resident school district? The nonresident school district? And how is this
determination made? Is a hearing required?

13 b. The nonresident school board receives the pupil's application no later than
14 30 days after the pupil's change in residence.

15 7. The parent of the pupil and the nonresident school board agree that
16 attending school in the nonresident school district is in the best interests of the pupil.

****NOTE: Is it ever too late in a school year for a pupil to apply under this
subdivision?

17 (c) If a nonresident school board receives an application under par. (a), the
18 nonresident school board shall immediately forward a copy of the application to the
19 resident school district, and shall notify the applicant, in writing, whether it has
20 accepted the application no later than 10 days after receiving the application. If the

board

1 nonresident school board has accepted the ^{an application} applicant, the ^{nonresident} school board shall identify
2 the specific school or program that the applicant may attend.

3 (d) A resident school district may notify a pupil who submitted an application
4 under par. (a) that the pupil may not attend a school or program in the nonresident
5 school district only for the following reasons:

6 1. The resident school district determines that the criteria relied on by the
7 pupil, as authorized under par. (b), does not apply to the pupil or that the
8 circumstances described by the pupil do not exist.

9 2. a. Except as provided in subd. 2. b., the resident school district determines
10 that the costs of the special education or related services required in the
11 individualized education program under s. 115.787 (2) for a child with a disability
12 whose parent has submitted an application under par. (a), as proposed to be
13 implemented by the nonresident school district, would impose upon the child's
14 resident school district an undue financial burden in light of the resident school
15 district's total economic circumstances, including its revenue limit under subch. VII
16 of ch. 121, its ability to pay tuition costs for the pupil and the per pupil special
17 education or related services costs for children with disabilities continuing to be
18 served by the resident school district.

19 b. Subdivision paragraph 2. a. does not apply to a pupil who submits an
20 application under par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

21 (e) If the application of a pupil is accepted by the nonresident school board
22 under par. (c), the pupil may immediately begin attending the school or program in
23 the nonresident school district and shall begin attending the school or program no
24 later than the 15th day following receipt by the pupil of the notice of acceptance
25 under par. (c). If the pupil has not attended school in the nonresident school district

1 by the day specified in this paragraph, the nonresident school district may notify the
2 pupil's parent, in writing, that the pupil is no longer authorized to attend the school
3 or program in the nonresident school district.

****NOTE: Should this paragraph require the pupil to both enroll in and attend the school in the nonresident school district by the specified day?

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

5 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)
6 2., the criteria for accepting and rejecting applications from nonresident pupils
7 under sub. (3) (a) and (3m) (a) may include only the following.”.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

8 **4.** Page 6, line 3: after that line insert:

9 “**SECTION 6g.** 118.51 (5) (a) 1. b. of the statutes is amended to read:

10 118.51 (5) (a) 1. b. Pupils and siblings of pupils who have applied under sub.
11 (3) (a) or sub. (3m) (a) and are already attending the nonresident school district.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

12 **SECTION 6r.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

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

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

17 **5.** Page 7, line 6: after “proceeding.” insert “this subsection does not apply to
18 applications received under sub. (3m).”.

19 **6.** Page 7, line 6: after that line insert:

20 “**SECTION 9m.** 118.51 (9) of the statutes is amended to read:

21 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
22 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from

1 attending public school in a nonresident school district under sub. (3m) (d), (6), (7)
2 or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public
3 school in the nonresident school district under sub. (11), the pupil's parent may
4 appeal the decision to the department within 30 days after the decision. If the
5 nonresident school board provides notice that the special education or related service
6 is not available under sub. (12) (a), the pupil's parent may appeal the required
7 transfer to the department within 30 days after receipt of the notice. If the resident
8 school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may
9 appeal the required transfer to the department within 30 days after receipt of the
10 notice. The department shall affirm the school board's decision unless the
11 department finds that the decision was arbitrary or unreasonable.”.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

12 **7.** Page 8, line 6: after that line insert:

13 **“SECTION 11m.** 118.51 (15) (a) of the statutes is amended to read:

14 118.51 (15) (a) *Application form.* Prepare, distribute to school districts, and
15 make available to parents an application form to be used by parents under sub. (3)
16 (a) and an application form to be used by parents under sub. (3m) (a). The form shall
17 include provisions that permit a parent to apply for transportation reimbursement
18 under sub. (14) (b). The form shall require an applicant who is applying to attend
19 a virtual charter school to indicate that he or she is applying to attend a virtual
20 charter school, the number of virtual charter schools to which he or she is applying,
21 and whether he or she is a sibling of a pupil currently enrolled in a virtual charter
22 school through the open enrollment program.”.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304.

23 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0128/?dn

TKK:/:.....

gjs

- late -

Senator Olsen:

I have embedded a series of questions into this draft amendment. This draft does not contain material in response to the instructions at item 9.; I will incorporate this language in the next draft. I have the following additional questions:

Do you want to require the resident school board to forward disciplinary records of pupils applying under the alternative application process? As drafted, s. 118.51 (8) does not apply in the alternative application process.

What should the schedule be, under s. 118.51 (12) (am) and (b) 1., for the resident and nonresident school districts to determine the special education and related services costs for a pupil who applies under sub. (3m) and who is also a child with a disability?

Will low income assistance be available under s. 118.51 (14) (b) for a child who applies under sub. (3m)?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0128/P1dn
TKK:cjs:jf

January 19, 2011

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Do you want to require the resident school board to forward disciplinary records of pupils applying under the alternative application process? As drafted, s. 118.51 (8) does not apply in the alternative application process.

What should the schedule be, under s. 118.51 (12) (am) and (b) 1., for the resident and nonresident school districts to determine the special education and related services costs for a pupil who applies under sub. (3m) and who is also a child with a disability?

Will low income assistance be available under s. 118.51 (14) (b) for a child who applies under sub. (3m)?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

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I have embedded a series of questions into this draft amendment. This draft does not contain material in response to the instructions at item 9.; I will incorporate this language in the next draft. I have the following additional questions:

Do you want to require the resident school board to forward disciplinary records of pupils applying under the alternative application process? As drafted, s. 118.51 (8) does not apply in the alternative application process. *yes - w/in 10 days after receiving copy of app.*

What should the schedule be, under s. 118.51 (12) (am) and (b) 1., for the resident and nonresident school districts to determine the special education and related services costs for a pupil who applies under sub. (3m) and who is also a child with a disability? *For non-res - 10 days after receiving or developing IEP*

Will low income assistance be available under s. 118.51 (14) (b) for a child who applies under sub. (3m)?

yes, but not clear how to address DPI's role.

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Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczynski@legis.wisconsin.gov

1/19/2011

T. conference w/ Sarah Archibald - answers to questions in green.

*For ~~****~~ NOTES:*

- define violent criminal offense from 2007 LRB - 3827/1*
- define homeless pupil from 2007 LRB 3827/1*
- No application deadline for special circumstances for which no time limit (ex/30 days) provided.*
- require pupil to attend and enroll in school by 15 days after receiving acceptance*

BILL

1 a. The pupil has been the victim of a violent criminal offense, as defined by the
2 department by rule. In this case, the application shall be submitted to the school
3 board of the nonresident school district within 30 days after the resident school
4 district has determined that the pupil has been the victim of a violent criminal
5 offense.

6 b. The pupil is or has been a homeless pupil in the current or immediately
7 preceding school year. In this subd. 1. b., “homeless pupil” means an individual who
8 is included in the category homeless children and youths, as defined in 42 USC
9 11434a (2).

10 c. The residence of the pupil has changed as a result of military orders. In this
11 case, the application shall be submitted to the school board of the nonresident school
12 district within 30 days after the date on which the residence of the pupil has changed.

13 d. The resident school board votes after the 3rd Friday following the first
14 Monday in February to close the school that the pupil would attend in the next school
15 year. In this case, the application shall be submitted to the school board of the
16 nonresident school district within 30 days after the date on which the resident school
17 board voted to close the school that would have been attended by the pupil.

18 2. Applications may be submitted under this paragraph to no more than 3
19 nonresident school boards in any school year. The application may include a request
20 to attend a specific school or program offered by the nonresident school district.

21 3. A nonresident school board that receives an application under this
22 paragraph shall immediately send a copy of the application to the pupil’s resident
23 school board and to the department.

24 4. A nonresident school board that receives an application under this
25 paragraph shall within 45 days after receiving the application notify the applicant



Stays insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO 2011 SENATE BILL 2

1/19/11
Kow

Insert 1-2

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 1: before that line insert:

3 **“SECTION 1g.** 118.51 (3) (intro.) of the statutes is created to read:

4 118.51 (3) (intro.) Except as provided under sub. (3m), the following procedures
5 govern pupil applications to attend a public school in a nonresident school district
6 under this section.”.

7 **2.** Page 3, line 1: delete **“SECTION 1”** and substitute **“SECTION 1r”**.

8 **3.** Page 5, line 18: before that line insert:

9 **“SECTION 5g.** 118.51 (3m) of the statutes is created to read:

10 118.51 (3m) ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN
11 CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to
12 attend a public school in a nonresident school district under this section may, in lieu

1 of applying under sub. (3), submit an application under this subsection, on a form
 2 provided by the department under sub. (15) (a), to the school board of the nonresident
 3 school district that the pupil wants to attend if the pupil satisfies at least one of the
 4 requirements^{criteria} under par. (b). Applications may be submitted to no more than 3
 5 nonresident school boards in any school year.

6 (b) ^{The parent of} A pupil may apply under this subsection only under^{if the pupil meets} one of the following
 7 circumstances^{criteria}, and shall describe the circumstances^{criteria that the pupil meets} in the application:

8 1. The resident school board has determined that the pupil is a victim of a
 9 violent crime and the nonresident school board receives the application no later than
 10 30 days after the determination of the resident school board.

****NOTE: Do you want to require DPI or the school district to establish policies by which it "determines" that the pupil is a victim of a violent crime?

****NOTE: Do you want to define violent crime? See, for example, the definition at s. 969.035 (1).

11 2. The pupil is homeless or has been homeless within the current or preceding
 12 school year.

****NOTE: Is it ever too late in a school year for a pupil to apply under this subdivision?

13 3. The pupil has been the victim of repeated bullying or harassment and all of
 14 the following apply:

15 a. The pupil's parent has reported the bullying or harassment to the resident
 16 school board.

17 b. ~~If appropriate, the pupil's parent has reported the bullying and harassment~~
 18 ~~to law enforcement authorities.~~

****NOTE: When is it appropriate to report the bullying or harassment to law enforcement authorities?

19 b. ^c ~~c~~. Despite action taken under subd. 3. a. and b, the repeated bullying and
 20 harassment continues.

Insert 2-8

An application made on the basis of this criteria is not valid unless

****NOTE: Is it ever too late in a school year for a pupil to apply under this subdivision?

4. The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders and the nonresident school board receives the application no later than 30 days after the date on which the military orders changing the place of residence were issued.

An application made on the basis of this criteria is not valid unless

5. The pupil moved into this state and the nonresident school board receives the application no later than 30 days after moving into this state.

6. The place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent, but only if the following apply:

a. Attending a school in the nonresident school district is not the primary purpose for the change in the pupil's place of residence.

****NOTE: Who determines the primary purpose for the pupil's change in residence? The resident school district? The nonresident school district? And how is this determination made? Is a hearing required?

b. The nonresident school board receives the application no later than 30 days after the pupil's change in residence.

7. The parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

****NOTE: Is it ever too late in a school year for a pupil to apply under this subdivision?

(c) If a nonresident school board receives an application under par. (a), the nonresident school board shall immediately forward a copy of the application to the resident school board, and shall notify the applicant, in writing, whether it has accepted the application no later than 10 days after receiving the application. If the

No To
An application made on the basis of this criteria is not valid unless the

move up

1 nonresident school board has accepted the application, the nonresident school board
2 shall identify the specific school or program that the applicant^{pupil} may attend.

3 (d) A resident school district may notify a pupil who submitted an application^{an applicant}
4 under par. (a) that the pupil may not attend a school or program in the nonresident
5 school district only for the following reasons:

6 1. The resident school district determines that the criteria relied on by the
7 pupil, as authorized^{applicant} under par. (b) does not apply to the pupil or that the
8 circumstances described by the pupil do not exist.

9 2. a. Except as provided in subd. 2. b., the resident school district determines
10 that the costs of the special education or related services required in the
11 individualized education program under s. 115.787 (2) for a child with a disability
12 whose parent has submitted an application under par. (a), as proposed to be
13 implemented by the nonresident school district, would impose upon the child's
14 resident school district an undue financial burden in light of the resident school
15 district's total economic circumstances, including its revenue limit under subch. VII
16 of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special
17 education or related services costs for children with disabilities continuing to be
18 served by the resident school district.

19 b. Subdivision 2. a. does not apply to a pupil who submits an application under
20 par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

21 (e) If the^{an} application of a pupil^{is} accepted by the nonresident school board
22 under par. (c), the pupil may immediately begin attending the school or program in
23 the nonresident school district and shall begin attending the school or program no
24 later than the 15th day following receipt by the pupil^{parent of the} of the notice of acceptance
25 under par. (c). If the pupil has not attended school in the nonresident school district

enrolled in or

1 by the day specified in this paragraph, the nonresident school district may notify the
2 pupil's parent, in writing, that the pupil is no longer authorized to attend the school
3 or program in the nonresident school district.

****NOTE: Should this paragraph require the pupil to both enroll in and attend the school in the nonresident school district by the specified day?

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

5 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)
6 2., the criteria for accepting and rejecting applications from nonresident pupils
7 under sub. (3) (a) and (3m) (a) may include only the following:"

8 **4.** Page 6, line 3: after that line insert:

9 "SECTION 6g. 118.51 (5) (a) 1. b. of the statutes is amended to read:

10 118.51 (5) (a) 1. b. Pupils and siblings of pupils who have applied under sub.
11 (3) (a) or (3m) (a) and are already attending the nonresident school district.

12 **SECTION 6r.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

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

Insert 5-17

17 **5.** Page 7, line 6: after "proceeding." insert "This subsection does not apply to
18 applications received under sub. (3m)."

19 **6.** Page 7, line 6: after that line insert:

20 "SECTION 9m. 118.51 (9) of the statutes is amended to read:

21 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
22 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from
23 attending public school in a nonresident school district under sub. (3m) (d), (6), (7)

1 or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public
 2 school in the nonresident school district under sub. (11), the pupil's parent may
 3 appeal the decision to the department within 30 days after the decision. If the
 4 nonresident school board provides notice that the special education or related service
 5 is not available under sub. (12) (a), the pupil's parent may appeal the required
 6 transfer to the department within 30 days after receipt of the notice. If the resident
 7 school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may
 8 appeal the required transfer to the department within 30 days after receipt of the
 9 notice. The department shall affirm the school board's decision unless the
 10 department finds that the decision was arbitrary or unreasonable."

Insert 6-11

11 **7.** Page 8, line 6: after that line insert:

12 "SECTION 11⁹(m) 118.51 (15) (a) of the statutes is amended to read:

13 118.51 (15) (a) *Application form.* Prepare, distribute to school districts, and
 14 make available to parents an application form to be used by parents under sub. (3)
 15 (a) and an application form to be used by parents under sub. (3m) (a). The form shall
 16 include provisions that permit a parent to apply for transportation reimbursement
 17 under sub. (14) (b). The form shall require an applicant who is applying to attend
 18 a virtual charter school to indicate that he or she is applying to attend a virtual
 19 charter school, the number of virtual charter schools to which he or she is applying,
 20 and whether he or she is a sibling of a pupil currently enrolled in a virtual charter
 21 school through the open enrollment program."

Insert 6-22

22 (END)

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TKK:cjs:jf

1 **Insert 1-2**

2 **1.** Page 1, line 4: delete "changes to" and substitute "changing". ✓

3 **2.** Page 1, line 5: after "program" insert "and permitting certain pupils to
4 submit open enrollment applications outside of the statutory application period".

5 **Insert 2-8**

6 1. The resident school board determines that the pupil has been the victim of
7 a violent criminal offense, as defined by the department by rule. An application made
8 on the basis of this criteria is not valid unless the nonresident school board receives
9 the application within 30 days after the determination of the resident school board.

10 2. The pupil is or has been a homeless pupil in the current or immediately
11 preceding school year. In this subd. 1. b. "homeless pupil" means an individual who
12 is included in the category ^{of} homeless children and youths, as defined in 42 USC
13 11434a (2). *LPS: fix quotation mark*
subdivision

14 **Insert 5-17**

15 **3.** Page 6, line 24: after "s. 118.125," insert "for an application submitted under
16 sub. (3) (a)." ✓

17 **4.** Page 6, line 25: after "May," insert "and within 10 days of receiving a copy
18 of an application under sub. (3m) (c)." ✓

19 **Insert 6-11**

20 **5.** Page 7, line 11: delete "sub. (3)" and substitute "this section." ✓

1 **6.** Page 7, line 12: delete "(a) and" and substitute "For an application
 2 submitted for a child with a disability under sub. (3) (a), the nonresident school
 3 board". *e district*

4 **7.** Page 7, line 13: after "May." insert "For an application submitted for a child
 5 with a disability under sub. (3m) (a), the nonresident school board shall provide a
 6 copy of the estimate of costs to the resident school district within 10 days after
 7 receiving or developing the individualized education program for the applicant." *g district*

Insert 6-22 *x*

SECTION 11r. 121.91 (4) (p) of the statutes is created to read:

10 121.91 (4) (p) The limit otherwise applicable to a school district under sub. (2m)
 11 in any school year is increased by the amount of any payment received by the school
 12 district under s. 118.51 (16) (c) in the previous school year for a pupil who was not
 13 included in the calculation of the number of pupils enrolled in the school district in
 14 the previous school year."

9 #. Page 7, line 12: after "copy" insert "of
 the estimate of costs" *o*