



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Engrossed Senate Bill 2

**Senate Amendment 1 to
Assembly Amendment 3**

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Engrossed Senate Bill 2 makes changes to the application process for the Open Enrollment Program. This Memo describes the provisions that are affected by Senate Amendment 1 to Assembly Amendment 3 to the bill.

Current Law

Under current law, a pupil may attend public school in a school district other than the pupil's resident school district (nonresident school district) if certain conditions are met. A parent must apply to have his or her child attend school in another district in the following school year. The timeframe for submitting such applications is between the first Monday in February and the third Friday following the first Monday in February.

Engrossed Senate Bill 2

The bill expands the period during which a parent may apply to have a pupil attend school in a nonresident school district. Under the bill, an application to enroll in another school district must be submitted between the first Monday in February and the last weekday in April.

Engrossed Senate Bill 2 also creates an alternate application process in the Open Enrollment Program. Under the bill, the parent of a pupil who wishes to attend a public school in a nonresident school district may, in lieu of applying as provided under current law, submit an application to the school board of the nonresident school district that the pupil wants to attend if the pupil satisfies at least one of the criteria described below. Applications may be submitted to no more than three nonresident school boards in any school year.

The pupil must meet one of the following criteria, and the parent must describe in the application the criteria that the pupil meets:

1. The resident school district determines that the pupil has been the victim of a violent criminal offense, as defined by the Department of Public Instruction (DPI) by rule.
2. The pupil is or has been a homeless pupil in the current or immediately preceding school year.
3. The pupil has been the victim of repeated bullying or harassment. This criterion requires that the parent has reported the bullying or harassment to the resident school board and, despite reporting the circumstances, the repeated bullying or harassment continues.
4. The place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders.
5. The pupil has moved 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.
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.

Assembly Amendment 3

Assembly Amendment 3 changes the last criterion under the alternative open enrollment process created in the bill so that the parent of the pupil, the resident school district, and the nonresident school district must agree that attending school in the nonresident school district is in the best interests of the pupil.

Senate Amendment 1 to Assembly Amendment 3

Senate Amendment 1 creates an additional criterion for the alternative application process created in the bill. The criterion is that 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.

For this criterion, if the resident school board notifies the parent that the pupil may not attend the nonresident school district, the parent may appeal the resident school district's decision to DPI and must explain in the appeal why the pupil applied to attend school in the nonresident school district. The resident school district must respond to the appeal and provide an explanation for rejecting the pupil's transfer into the nonresident school district. If DPI determines that the resident school district's decision to deny the pupil's transfer is not in the best interests of the pupil, DPI must notify the resident and nonresident school districts and the pupil's parent that the pupil may attend the nonresident school district. This decision is final.

Legislative History

Senate Amendment 1 to Assembly Amendment 3 was offered by Senator Olsen. On January 17, 2012, the Senate adopted Senate Amendment 1 on a vote of Ayes, 18; Noes, 14, and concurred in Assembly Amendment 3, as amended, on a voice vote.

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