

**2019 DRAFTING REQUEST****Bill**

For: **Jeremy Thiesfeldt (608) 266-3156** Drafter: **fknepp**  
 By: **Katie** Secondary Drafters:  
 Date: **10/10/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Thiesfeldt@legis.wisconsin.gov**  
 Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**  
**krista.pleviak@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Expanding the part-time open enrollment program

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	fknepp 10/18/2019				
/P1	fknepp 11/20/2019	anienaja 10/21/2019	mbarman 10/21/2019		Local
/P2	fknepp 11/27/2019	anienaja 11/21/2019	lparisi 11/21/2019		Local
/P3	fknepp 12/4/2019	anienaja 11/27/2019	mbarman 11/27/2019		Local
/P4	fknepp	csicilia	dwalker		Local

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P5	fknepp 12/12/2019	csicilia 12/6/2019	mbarman 12/6/2019		Local
/P6	fknepp 12/19/2019	anienaja 12/12/2019	dwalker 12/12/2019		Local
/1		dwalker 12/19/2019	dwalker 12/19/2019	dwalker 1/14/2020	Local

FE Sent For: *At Intro*

<END>

## **Knepp, Fern**

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**From:** Scott, Katie  
**Sent:** Thursday, October 10, 2019 11:50 AM  
**To:** Pleviak, Krista; Knepp, Fern  
**Subject:** Bill draft request - Course Choice  
**Attachments:** Course Choice part-time open enrollment model legislation.pdf

Hi Krista and Fern,

Can we get the attached bill idea drafted as a bill draft?

Thank you!  
Katie

Katie Scott  
Policy Advisor  
Office of Representative Jeremy Thiesfeldt  
52nd Assembly District  
(608) 266-3156

### **118.52- Course Choice (2019)**

(1) Definitions. In this section:

(ar) "Nonresident school board" means the school board of a nonresident school district.

(b) "Parent" includes a guardian.

(c) "Resident school district" means the school district in which a pupil resides.

(d) "Educational institution" includes a resident public school district, public school in a nonresident school district, a school district other than the pupil's resident school district pursuant to a whole grade sharing agreement under s. 118.50, a virtual school under Wis. Stat. 118.076(4)(a), a charter school, as defined by Wis. Stat. 118.40, a private school, defined by Wis. Stat. 118.167, and any nonprofit organization that has been approved by the department.

(e) "Parental choice pupil" means a pupil participating in a parental choice program under Wis. Stat. 118.60 or Wis. Stat. 119.23 and attending a private school.

(f) "Fulltime educational institution" means the educational institution that the pupil attends in the school year the pupil applies to participate.

(g) "Pupil" means a Wisconsin student enrolled in an educational institution for grades first through high school.

(h) "Educational institution board" means a board elected or appointed to govern an educational institution or, if no board is appointed or elected to govern the educational institution, any other person having direct charge of the educational institution.

(2) Applicability. A pupil enrolled in an educational institution, may attend a different educational institution under this section for the purpose of taking a course offered by the educational institution. A pupil may attend no more than 2 courses at any time at educational institutions under this section.

(a) Annually, by June 1, any educational institution board of a private school, under Wis. Stat. 118.167, a nonprofit organization approved by the Superintendent, and a charter school, defined by Wis. Stat. 118.40(2r) and 118.40(2x), wishing to participate in the program shall do all of the following:

1. Adopt a resolution specifying that the educational institution will participate in the program for the upcoming school year.

2. Adopt a resolution of its acceptance and rejection criteria under par (3).

3. Shall publish and post on its Internet site whether the educational institution will participate and if participating, a description of the classes available not later than 8 weeks prior to the date on which the course is scheduled to commence. The educational institution shall maintain and update the description of courses available throughout the year.

(b) Annually, by June 1, any educational institution board of a resident public school wishing to participate in the program shall do all of the following:

1. Adopt a resolution of its acceptance and rejection criteria under par (3).

2. Shall publish and post on its Internet site whether the educational institution will participate and if participating, a description of the classes available not later than 8 weeks prior to the date on which the course is scheduled to commence. The educational institution shall maintain and update the description of courses available throughout the year.

(3) Application procedures.

(a) The parent of a pupil who wishes to attend an educational institution for the purpose of taking a course under this section shall submit an application, on a form provided by the department, to the educational institution in which the pupil wishes to attend a course not later than 6 weeks prior to the date on which the course is scheduled to commence. The application shall specify the course that the pupil wishes to attend and may specify the school or schools at which the pupil wishes to attend the course. The educational institution shall send a copy of the application to the pupil's fulltime educational institution.

(b) If an educational institution receives more applications for a particular course than there are spaces available in the course, the educational institution shall determine which pupils to accept on a random basis.

(c) No later than one month prior to the date on which the course is scheduled to commence, the educational institution's board, shall do all of the following:

1. Inform every applicant the cost of the course.

2. Inform the applicant, in writing, whether the application has been accepted, and if the application is accepted, the location at which the applicant may attend the course. The acceptance criteria applies only for the following semester, school year, or other session in which the course is offered.

a. If the educational institution denies an application to attend a course at an educational institution notify the applicant and the applicant's fulltime educational institution, in writing, that the application has been denied and include in the notice the reason for the rejection.

(d) Following receipt of a notice of acceptance but 2 weeks prior to the date on which the course is scheduled to commence, the pupil's parent shall notify the pupil's fulltime educational institution and the educational institution providing the course of the pupil's intent to attend the course

(5) Educational institution acceptance and rejection criteria. Educational institution board policies and criteria for accepting and rejecting applications under sub. (2)(a) from pupils who attend another educational institution shall be the same as the policies and criteria for entry into the course that apply to pupils who attend their fulltime educational institution..

(a) Individualized education program requirements. The school board of a pupil's resident school district, or, if the pupil is attending school in a school district other than the pupil's resident school district pursuant to a whole grade sharing agreement under s. 118.50, the school board of the district in which the pupil is attending school, shall reject a pupil's application to attend a course at an educational institution under this section if the resident school board or the school board of the district in which the pupil is attending school, respectively, determines that the course conflicts with the individualized education program for the pupil under s. 115.787 (2).

(b) Undue financial burden. The school board of a pupil's educational institution may reject an application to attend a course at a different educational institution if the cost of the course would impose upon the resident school district an undue financial burden in light of the resident school district's total economic circumstances, including its revenue limit under subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil cost for children continuing to be served by the resident school district.

(6) Appeal of rejection. If an application is rejected under sub. (3) (c) or a pupil is prohibited from attending a course at an educational institution under sub. (5), the pupil's parent may appeal the decision to the department within 30 days after the decision. The department shall affirm the decision unless the department finds that the decision was arbitrary or unreasonable. The department's decision is final and is not subject to judicial review under subch. III of ch. 227.

(7) Rights and privileges of nonresident pupils. A pupil attending a course at an educational institution under this section has all of the rights and privileges of pupils attending the educational institution and is subject to the same rules and regulations as those pupils.

(8) Disciplinary records. Notwithstanding s. 118.125, the pupil's fulltime educational institution shall provide to the educational institution to which a pupil has applied under this section, upon request by that educational institution, a copy of any expulsion findings and orders, a copy of records of any pending disciplinary proceeding involving the pupil, a written explanation of the reasons for the expulsion or pending disciplinary proceeding, and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding.

(9) Transportation.

(a) Responsibility. The parent of a pupil attending a course at an educational institution under this section is responsible for transporting the pupil to and from the course that the pupil is attending.

(b) Low-income assistance. The parent of a pupil who is attending a course at an educational institution under this section may apply to the department for reimbursement of the costs incurred by the parent for the transportation of the pupil to and from the pupil's residence or school in which the pupil is enrolled and the educational institution at which the pupil is attending the course if the pupil and parent are unable to pay the cost of such transportation. The department shall determine the reimbursement amount and shall pay the amount from the appropriation under s. 20.255 (2) (cy). The department shall give preference under this paragraph to those pupils who satisfy the income eligibility criteria for a free

or reduced-price lunch under 42 USC 1758 (b) (1) and to pupils who attend an educational institution in a rural community.

(10) Tuition. The resident school board shall pay to the educational institution, for each of its pupil attending a course at the educational institution under this section, an amount equal to the cost of providing the course to the pupil, calculated by the educational institution. The educational institution may not charge to or receive from the pupil or the pupil's resident school board any additional payment for a pupil attending a course at the educational institution under this section.

(a) Pupils attending an educational institution that is a nonprofit organization that apply to take a course at an educational institution must pay for the cost of the course out of pocket and the educational institution is not liable for the costs of participation.

(i) Educational institutions that are a nonprofit organizations serving parental choice pupils may recover the fees for the course under Wis. Stat. 119.23(3m)(am)1. and Wis. Stat. 118.60(3m)(am)1.

(11) Public information campaign. The Department of Public Instruction shall include on its Internet site, information on this program, including information on the participating institutions and web links to participating institution's course offerings. The Department shall maintain this Internet site so that it reports accurate information about participating educational institutions.



State of Wisconsin  
2019 - 2020 LEGISLATURE

In 10-18  
only 10-21a22

LRB-4616/? /PI  
FFK:... Ann

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
Xref  
Pwf

Gen.

1 AN ACT ...; relating to: creating a course choice program for pupils in grades 1  
2 to 12.

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.  
For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. 20.255 (2) (cy) of the statutes is amended to read:  
4 ~~20.255 (2) (cy)~~ Aid for transportation; open enrollment and early college credit  
5 program. The amounts in the schedule to reimburse parents for the costs of  
6 transportation of open enrollment pupils under ss. s. 118.51 (14) (b) and course choice  
7 pupils under s. 118.52 (11) (b) and for the payment of state aid under s. 118.55 (7g)



1 for the transportation of pupils attending a course at an institution of higher  
2 education and receiving credit for the course under s. 118.55 (3) (b).

**History:** 1971 c. 42, 56, 125; 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1971 c. 211 ss. 24, 126; 1971 c. 215; 1973 c. 89 s. 20 (2); 1973 c. 90, 190, 243, 300, 307, 333, 336; 1975 c. 39 ss. 97 to 109, 732 (1); 1975 c. 105, 220, 224, 395; 1977 c. 26 s. 75; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 418 ss. 88m to 90, 929 (55); 1979 c. 34 ss. 164 to 191, 2102 (43) (a); 1979 c. 221 ss. 96e to 97w, 2200 (43); 1979 c. 331; 1979 c. 346 ss. 9, 15; 1981 c. 20, 86, 169; 1981 c. 314 s. 146; 1983 a. 22 s. 6; 1983 a. 27 ss. 158 to 212, 2200 (42), 2202 (42); 1983 a. 192; 1983 a. 333 s. 6; 1983 a. 370; 1985 a. 29, 56, 75, 120; 1987 a. 27, 339, 399; 1989 a. 31, 56, 114, 122, 269, 299, 309, 336, 359; 1991 a. 32, 39, 196, 269; 1993 a. 16, 168, 367, 377, 437, 454, 458, 490, 491; 1995 a. 27 ss. 563, 567 to 599, 622, 623, 9145 (1); 1995 a. 49, 227; 1997 a. 27, 113, 164, 237, 252; 1999 a. 9, 185; 2001 a. 16, 57, 105, 109; 2003 a. 33; 2005 a. 25, 43; 2007 a. 20; 2009 a. 11, 28, 58, 329; 2011 a. 32, 76, 157, 158, 166; 2013 a. 20, 59; 2013 a. 165 s. 114; 2013 a. 256; 2015 a. 53, 55, 228, 280; 2017 a. 30, 31, 36, 59, 92, 136, 142; 2019 a. 9.

3 **SECTION 2.** 115.28 (54m) of the statutes is amended to read:

4 ~~115.28 (54m)~~ NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the  
5 department's Internet site a link to information about all of the educational options  
6 available to children in the state who are at least 3 years old but not yet 18 years old,  
7 including public schools, private schools participating in a parental choice program,  
8 charter schools, virtual schools, full-time ~~or part-time~~ open enrollment in a  
9 nonresident school district, the course choice program, the early college credit  
10 program, and options for pupils enrolled in a home-based private educational  
11 program.

**History:** 1971 c. 40, 125; 1973 c. 89, 90; 1975 c. 39, 115, 199, 220, 224, 395, 422; 1977 c. 26, 29, 203, 418, 429; 1979 c. 28, 331; 1979 c. 346 ss. 10, 15; 1979 c. 355; 1981 c. 20, 241; 1983 a. 27, 412; 1985 a. 12; 1985 a. 29 ss. 1686m, 1689, 3202 (43); 1987 a. 27, 159; 1989 a. 31, 56, 297, 336, 359; 1991 a. 39, 93, 108, 164, 227, 250, 269, 315; 1993 a. 16, 27, 213, 223, 335, 339, 437, 455, 492; 1995 a. 27 ss. 3847g to 3858, 9126 (19), 9145 (1); 1995 a. 225; 1997 a. 27, 113, 114, 164, 240, 245, 252; 1999 a. 9, 19, 32, 124, 185, 186; 2001 a. 16; 2003 a. 33, 42; 2005 a. 25 ss. 1108, 1855, 1856m, 1856w; 2005 a. 218, 220, 466; 2007 a. 20 ss. 2683 to 2684m, 9121 (6) (a); 2007 a. 68, 222; 2009 a. 28, 64, 99, 220, 302, 329; 2011 a. 32, 157, 166, 173, 209; 2013 a. 20, 253, 256, 258; 2015 a. 55, 190; 2017 a. 31, 59, 143, 209; 2017 a. 365 s. 112; 2019 a. 9; s. 35.17 correction in (7g) (a) 1., (b), (c).

**NOTE:** 1993 Wis. Act 339, which created sub. (7) (e), contains explanatory notes.

12 **SECTION 3.** 115.385 (4) of the statutes is amended to read:

13 ~~115.385 (4)~~ Annually, each public school, including a charter school, and each  
14 private school participating in a parental choice program under s. 118.60 or 119.23  
15 shall provide a copy of the school's accountability report to the parent or guardian of  
16 each pupil enrolled in or attending the school. Each school shall simultaneously  
17 provide to the parent or guardian of each pupil enrolled in the school a list of the  
18 educational options available to children who reside in the pupil's resident school  
19 district, including public schools, private schools participating in a parental choice  
20 program, charter schools, virtual schools, full-time ~~or part-time~~ open enrollment in

1 a nonresident school district, the course choice program, the early college credit  
2 program, and options for pupils enrolled in a home-based private educational  
3 program.

History: 2013 a. 20; 2015 a. 20, 55, 195, 212; 2017 a. 59, 209, 365; 2017 a. 366 s. 99.

Move to  
2-11

4 **SECTION 4.** 115.38 (1) (d) of the statutes is amended to read:

5 ~~115.38 (1) (d)~~ The number and percentage of resident pupils enrolled in the  
6 school district attending a course in a nonresident school district offered by an  
7 educational institution under s. 118.52, the number of nonresident pupils who are  
8 not enrolled in the school district who are <sup>but</sup> attending a course in the school district  
9 under s. 118.52, and the courses taken by those pupils.

History: 1991 a. 39, 269; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 244; 1999 a. 9; 2001 a. 16; 2005 a. 62; 2009 a. 28; 2013 a. 20; 2017 a. 59.

10 **SECTION 5.** ~~115.52~~ (title) of the statutes is repealed and recreated to read:

11 ~~115.52~~ (title) **Course choice program.**

12 **SECTION 6.** 118.52 (1) (ad) of the statutes is created to read:

13 ~~118.52 (1) (ad)~~ "Educational institution" means all of the following:

- 14 1. A public school under the charge of a pupil's resident school board.
- 15 2. A public school under the charge a pupil's nonresident school board.
- 16 3. A virtual school, as defined in s. 118.076 (4) (a).
- 17 4. A charter school established under s. 118.40 (2r) or (2x).
- 18 5. A private school.
- 19 6. Any nonprofit organization approved by the department.

20 **SECTION 7.** 118.52 (1) (af) of the statutes is created to read:

21 ~~118.52 (1) (af)~~ "Full-time educational institution" means the educational  
22 institution at which the pupil is enrolled or attends school full time during the school  
23 year for which an application is made under this section. If a pupil attends school

If a pupil attends school

1 in a school district other than the school district in which the pupil resides under a  
 2 whole grade sharing agreement under s. 118.50, the school district in which the pupil  
 3 attends school pursuant to the whole grade sharing agreement is considered the  
 4 pupil's full-time educational institution.

5 SECTION 8. 118.52 (1) (ah) of the statutes is created to read:

6 118.52 (1) (ah) "Governing body" means the board that is elected or appointed  
 7 to govern an educational institution. If a board is not elected or appointed to govern  
 8 the educational institution, "governing body" means the person having direct charge  
 9 of the educational institution.

10 SECTION 9. 118.52 (1) (bg) of the statutes is created to read:

11 118.52 (1) (bg) "Parental choice pupil" means a pupil attending a private school  
 12 under s. 118.60 or 119.23.

13 \* \*\*\*\*NOTE:

*I did not include a definition of "parental choice pupil" because that term is not used in the draft.*  
 Not used in the draft.

13 SECTION 10. 118.52 (1) (e) of the statutes is amended to read:

14 118.52 (1) (e) "Resident school district" means the school district in which a  
 15 pupil resides. If a pupil attends school in a school district other than the school  
 16 district in which the pupil resides under a whole grade sharing agreement under s.  
 17 118.50 the school district in which the pupil attends school pursuant to the whole  
 18 grade sharing agreement is considered the pupil's resident school district.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

19 SECTION 11. 118.52 (2) of the statutes is amended to read:

20 118.52 (2) Beginning in the 2018-19 2020-21 school year, a pupil <sup>who is</sup> enrolled in  
 21 ~~a public school in the high school grades 1 to 12~~ who is enrolled in or attends an  
 22 educational institution may attend public school in a nonresident school district  
 23 another educational institution under this section for the purpose of taking a course

1 offered by ~~the nonresident school district~~ that educational institution. A pupil may  
2 attend no more than 2 courses at any time in ~~nonresident school districts~~ at  
3 educational institutions under this section.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

4 **SECTION 12.** 118.52 (2m) of the statutes is created to read:

5 ~~118.52 (2m)~~ **118.52 (2m)** APPLICABILITY; CERTAIN EDUCATIONAL INSTITUTIONS. (a) Annually, by  
6 June 1, the governing body of an educational institution under sub. (1) (ad) 3. to 6.  
7 that wishes to participate in the program under this section in the following school  
8 year shall do all of the following:

9 1. Adopt a resolution specifying that the educational institution will  
10 participate in the program under this section in the following school year.

11 2. Adopt a resolution specifying the acceptance <sup>and</sup> rejection criteria described  
12 in subs. (5) and (6) that the educational institution will implement for the following  
13 school year.

14 3. Publish and post on its Internet site, if applicable, whether the educational  
15 institution will participate in the program under this section and <sup>if</sup> it will participate,  
16 no later than 8 weeks before the date of which a course will begin, post a description  
17 of the course <sup>that</sup> will be available to pupils applying under sub. (3). The educational  
18 institution shall maintain and update the description of available courses  
19 throughout the school year.

20 **SECTION 13.** 118.52 (4) of the statutes is renumbered 118.52 (2m) (b) and  
21 amended to read:

22 ~~118.52 (2m) (b)~~ **118.52 (2m) (b)** ~~By February 1, 1998,~~ Annually, by June 1, each school board  
23 shall adopt a resolution specifying the criteria and policies described in subs. (5) and

1 (6). If the school board wishes to revise the criteria or policies, it shall do so by  
2 resolution.

\*\*\*\*NOTE: Do you want to make participation in this program optional for school boards?

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

3 **SECTION 14.** 118.52 (3) (a) of the statutes is amended to read:

4 ~~118.52 (3) (a)~~ The parent of a pupil who wishes to attend ~~public school in a~~  
5 ~~nonresident school district~~ an educational institution for the purpose of taking a  
6 course under this section shall submit an application, on a form provided by the  
7 department, to the school board of the ~~nonresident school district in~~ educational  
8 institution at which the pupil wishes to attend a course not later than 6 weeks prior  
9 to the date on which the course is scheduled to commence. The application shall  
10 specify the course that the pupil wishes to attend and may specify the school or  
11 schools at which the pupil wishes to attend the course. ~~The nonresident school board~~  
12 An educational institution that receives an application under this paragraph shall  
13 send a copy of the application to the pupil's resident school board, except that if the  
14 pupil is attending a school in a school district other than the pupil's resident school  
15 district pursuant to a whole grade sharing agreement under s. 118.50, the  
16 nonresident school district to which the pupil applies under this section shall send  
17 a copy of the application to the school board of the district in which the pupil is  
18 attending school pursuant to the whole grade sharing agreement full-time  
19 educational institution.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

20 **SECTION 15.** 118.52 (3) (b) of the statutes is amended to read:

21 ~~118.52 (3) (b)~~ If ~~a nonresident school board~~ an educational institution receives  
22 more applications for a particular course than there are spaces available in the

1 course, the ~~nonresident school board~~ educational institution shall determine which  
2 pupils to accept on a random basis.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

3 **SECTION 16.** 118.52 (3) (c) of the statutes is renumbered 118.52 (3) (c) (intro.)  
4 and amended to read:

5 ~~118.52 (3) (c) (intro.)~~ No later than ~~one week~~ 4 weeks prior to the date on which  
6 the course is scheduled to commence, the ~~nonresident school board~~ governing body  
7 of the educational institution shall ~~notify~~ do all of the following:

8 1. Notify the applicant and the ~~resident school board~~ applicant's full-time  
9 educational institution, in writing, whether the application has been accepted and,  
10 if the application is accepted, the school location at which the pupil may attend the  
11 course. ~~If the applicant pupil is attending a school in a school district other than the~~  
12 ~~pupil's resident school district pursuant to a whole grade sharing agreement under~~  
13 ~~s. 118.50, the school board of the district to which the pupil applies under this section~~  
14 ~~shall provide the notice required under this paragraph to the school board of the~~  
15 ~~district in which the pupil is attending school pursuant to the whole grade sharing~~  
16 ~~agreement.~~ The acceptance applies only for the following semester, school year, or  
17 other session in which the course is offered. ~~If the school board of the district~~  
18 governing body of the educational institution to which the pupil applies under this  
19 section rejects an application, ~~it~~ the governing body shall include in the notice the  
20 reason for the rejection.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

21 **SECTION 17.** 118.52 (3) (c) 2. of the statutes is created to read:

22 ~~118.52 (3) (c) 2.~~ Notify each applicant of the cost of the course.

\*\*\*\*NOTE: Do you want to require them to notify an applicant of the cost even if the application is rejected?

Cross-reference: See also ch. PI 36, Wis. adm. code.

1 **SECTION 18.** 118.52 (3) (d) of the statutes is repealed.

2 **SECTION 19.** 118.52 (3) (e) of the statutes is amended to read:

3 ~~118.52 (3) (e)~~ Following receipt of a notice of acceptance but prior to 2 weeks  
4 before the date on which the course is scheduled to commence, the pupil's parent  
5 shall notify the resident school board, or, if the pupil is attending school in a school  
6 district other than the pupil's resident school district pursuant to a whole grade  
7 sharing agreement under s. 118.50, the school board of the district in which the pupil  
8 is attending school, the pupil's full-time educational institution and the school board  
9 of the district to educational institution providing the course for which the pupil  
10 applies under this section of the pupil's intent to attend the course in the school  
11 district to which the pupil applies under this section.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

12 **SECTION 20.** 118.52 (5) of the statutes is amended to read:

13 ~~118.52 (5) NONRESIDENT SCHOOL DISTRICT GOVERNING BODIES OF EDUCATIONAL~~  
14 ~~INSTITUTIONS; ACCEPTANCE AND REJECTION CRITERIA.~~ School board A governing body's  
15 policies and criteria for accepting and rejecting applications under sub. (3) from  
16 pupils who reside in another school district are enrolled in or attend a different  
17 educational institution shall be the same as the policies and criteria for entry into  
18 the course that apply to pupils who reside in the school district, except that the school  
19 board may give preference in attendance in a course to residents of the school district  
20 are enrolled in or attend the educational institution governed by the governing body  
21 on a full-time basis.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

1           **SECTION 21.** 118.52 (6) of the statutes is amended to read:

2           ~~118.52 (6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA. (a) Individualized~~  
3           ~~education program requirements. The school board of a~~ A pupil's resident school  
4           ~~district, or, if the pupil is attending school in a school district other than the pupil's~~  
5           ~~resident school district pursuant to a whole grade sharing agreement under s.~~  
6           ~~118.50, the school board of the district in which the pupil is attending school, board~~  
7           ~~shall reject a pupil's application to attend a course in a public school in a nonresident~~  
8           ~~school district offered by an educational institution under this section if the resident~~  
9           ~~school board or the school board of the district in which the pupil is attending school,~~  
10           ~~respectively, determines that the course conflicts with the individualized education~~  
11           ~~program for the pupil under s. 115.787 (2).~~

12           (b) *Undue financial burden.* ~~The school board of a~~ A pupil's resident school  
13           ~~district board may reject an the pupil's application to attend a course in a public~~  
14           ~~school in a nonresident school district offered by an educational institution under~~  
15           ~~this section~~ if the cost of the course would impose upon the resident school district  
16           an undue financial burden in light of the resident school district's total economic  
17           circumstances, including its revenue limit under subch. VII of ch. 121, its ability to  
18           pay tuition costs for the pupil, and the per pupil cost for children continuing to be  
19           served by the resident school district.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

20           **SECTION 22.** 118.52 (8) of the statutes is amended to read:

21           ~~118.52 (8) APPEAL OF REJECTION.~~ If an application is rejected under sub. (3) (c)  
22           ~~or a pupil is prohibited from attending a course in a public school in a nonresident~~  
23           ~~school district under sub. (6), the pupil's parent may appeal the decision to the~~  
24           department within 30 days after the decision. The department shall affirm the



1 decision unless the department finds that the decision was arbitrary or  
2 unreasonable. The department's decision is final and is not subject to judicial review  
3 under subch. III of ch. 227.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

4 **SECTION 23.** 118.52 (9) of the statutes is amended to read:

5 ~~118.52 (9)~~ RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
6 course in a public school in a nonresident school district offered by an educational  
7 institution under this section has all of the rights and privileges of pupils residing  
8 in that school district attending the educational institution on a full-time basis and  
9 is subject to the same rules and regulations as pupils residing in that school district  
10 attending the educational institution on a full-time basis.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

11 **SECTION 24.** 118.52 (10) of the statutes is amended to read:

12 ~~118.52 (10)~~ Notwithstanding s. 118.125, the resident school board governing  
13 body of an educational institution shall provide to the nonresident school board  
14 governing body of the educational institution to which a pupil has applied under this  
15 section, upon request by that school board governing body, a copy of any expulsion  
16 findings and orders, a copy of records of any pending disciplinary proceeding  
17 involving the pupil, a written explanation of the reasons for the expulsion or pending  
18 disciplinary proceeding, and the length of the term of the expulsion or the possible  
19 outcomes of the pending disciplinary proceeding.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

20 **SECTION 25.** 118.52 (11) of the statutes is amended to read:

21 ~~118.52 (11)~~ (a) *Responsibility*. The parent of a pupil attending a course in a  
22 public school in a nonresident school district offered by an educational institution

↳ Transportation

1 under this section is responsible for transporting the pupil to and from the course  
2 that the pupil is attending.

3 (b) *Low-income assistance.* The parent of a pupil who is attending a course in  
4 ~~a public school in a nonresident school district~~ offered by an educational institution  
5 under this section may apply to the department for reimbursement of the costs  
6 incurred by the parent for the transportation of the pupil to and from the pupil's  
7 residence or school in which the pupil is enrolled and the ~~school~~ educational  
8 institution at which the pupil is attending the course if the pupil and parent are  
9 unable to pay the cost of such transportation. The department shall determine the  
10 reimbursement amount and shall pay the amount from the appropriation under s.  
11 20.255 (2) (cy). The department shall give preference under this paragraph to those  
12 pupils who satisfy the income eligibility criteria for a free or reduced-price lunch  
13 under 42 USC 1758 (b) (1) and to pupils who attend a full-time educational  
14 institution in a rural community.

\*\*\*\*NOTE: Did you want the new preference to be for pupils who attend a full-time  
educational institution in a rural community or who attend a course under this section  
at an educational institution in a rural community?

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

15 **SECTION 26.** 118.52 (12) of the statutes is renumbered 118.52 (12) (a) and  
16 amended to read:

17 ~~118.52 (12) (a) The resident school board~~ If a pupil's full-time educational  
18 institution is a public school in the pupil's resident school district, other than a  
19 charter school under s. 118.40 (2r) or (2x), the resident school board shall pay to the  
20 nonresident school board, for each educational institution offering the course the  
21 pupil attending a course in a public school in the nonresident school district attends  
22 under this section, an amount equal to the cost of providing the course to the pupil,

1 calculated in a manner determined by the department educational institution. The  
 2 educational institution may not charge or receive from the pupil or the pupil's  
 3 resident school board any additional payment for the pupil attending the course  
 4 offered by the educational institution under this section.

\*\*\*\*NOTE: What is the intent if a pupil's full-time educational institution is a public school in a nonresident school district under full-time open enrollment? As drafted, this paragraph would not apply to that situation.

History: 1997 a. 27, 41, 164.; 2001 a. 16; 2013 a. 20, 173; 2015 a. 55; 2017 a. 59.

Cross-reference: See also ch. PI 36, Wis. adm. code.

5 **SECTION 27.** 118.52 (12) (b) of the statutes is created to read:

6 ~~×~~ 118.52 (12) (b) If a pupil's full-time educational institution is an educational  
 7 institution described in sub. (1) (ad) 3. to 6., the pupil's parent, or the pupil if he or  
 8 she is an adult, shall ~~shall~~ pay the cost of the course the pupil attend<sup>rs</sup> under this  
 9 section, as determine by the educational institution. The pupil's full-time  
 10 educational institution is not liable for the cost of the pupil attending the course  
 11 under this section.

12 **SECTION 28.** 118.52 (13) of the statutes is created to read:

13 ~~×~~ 118.52 (13) PROGRAM PUBLICITY. The department shall include on its Internet  
 14 site information <sup>on</sup> of the program under this section, including a list of participating  
 15 educational institutions other than school boards, links to websites of participating  
 16 educational institutions, and the courses offered by each participating educational  
 17 institution under this section. The department <sup>shall</sup> maintain this information on its  
 18 <sup>Internet site</sup> website so that the information is current and accurate throughout the school year.

19 **SECTION 29.** 118.57 (1) of the statutes is amended to read:

20 ~~×~~ 118.57 (1) Annually, by January 31, each school board shall publish as a class  
 21 1 notice, under ch. 985, and post on its Internet site a description of the educational  
 22 options available to children in the school district, including public schools, private

1 schools participating in a parental choice program, charter schools, virtual schools,  
2 full-time or part-time open enrollment in a nonresident school district, the course  
3 choice program, and the early college credit program.

History: 2015 a. 55; 2017 a. 59, 143.

4 **SECTION 30.** 118.60 (3m) (am) 1. i. of the statutes is created to read:

5 ✕ 118.60 **(3m)** (am) 1. i. A course under s. 118.52.

\*\*\*\*NOTE: This seems to suggest that a private school participating in a parental choice program will pay for the course first and then recover the costs from a pupil. Under the bill, for a pupil attending an educational institution other than a school district school, the pupil is responsible for the costs. This seems to be a conflict. Please let me know your intention related to payments for pupils attending schools other than school district schools. The same issue applies to the MPCP.

6 **SECTION 31.** 119.23 (3m) (am) 1. i. of the statutes is created to read:

7 ✕ 119.23 **(3m)** (am) 1. i. A course under s. 118.52.

8 (END)

## Knepp, Fern

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**From:** Scott, Katie  
**Sent:** Friday, November 15, 2019 11:21 AM  
**To:** Knepp, Fern  
**Subject:** Course Choice Bill draft  
**Attachments:** 19-4616\_P1.pdf

Hi Fern,

Thank you for drafting the attached Course Choice Bill. The bill looks great! Can we get the following changes made to the draft:

-Can we ensure that students may take up to 2 courses, either at 2 different schools or they can take 2 courses at the same school as well,

✓ -Page 2, line 11 to read: 'who are at least 3 years old but not yet graduated high school' (so delete '18 years old' & replace it with 'graduated high school')

-Page 4, that drafting note is fine.

-Page 4, Section 11, line 21 – “the governing body of an education institution under sub (1) (ad) **5. to 6.** →

-Page 7 – Top Drafting Note: Yes.

-Page 7 – Bottom Drafting Note: No. (Because current law states that public schools must participate.) *what about no. 5?*

-Page 10, Drafting Note: The preference should be for pupils who attend a full-time educational institution in a rural community.

- Page 10, Section 25, lines 22-23 – **The pupil’s full-time educational institution** shall...

-Page 11, line 5 – determined by the **department** ...

-Page 11, Drafting Note: Yes. Allow all pupil’s to open enroll via course choice, even those whose full-time educational institution is a public school in a nonresident school district under full-time open enrollment.

-Section 26 – delete entirely

-Section 29 – delete entirely

Thanks!  
Katie

Katie Scott  
Policy Advisor  
Office of Representative Jeremy Thiesfeldt  
52nd Assembly District  
(608) 266-3156



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-4616/P1/P2  
FFK:amn

In 11-26  
and 21 of 25  
(I am out on the 22)

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

SA  
PwS

Repeal

1 **AN ACT to repeal** 118.52 (3) (d); **to renumber and amend** 118.52 (3) (c), 118.52  
2 (4) and 118.52 (12); **to amend** 20.255 (2) (cy), 115.28 (54m), 115.38 (1) (d),  
3 115.385 (4), 118.52 (1) (e), 118.52 (2), 118.52 (3) (a), 118.52 (3) (b), 118.52 (3) (e),  
4 118.52 (5), 118.52 (6), 118.52 (8), 118.52 (9), 118.52 (10), 118.52 (11) and 118.57  
5 (1); **to repeal and recreate** 118.52 (title); and **to create** 118.52 (1) (ad), 118.52  
6 (1) (af), 118.52 (1) (ah), 118.52 (2m), 118.52 (3) (c) 2., 118.52 (12) (b), 118.52 (13),  
7 118.60 (3m) (am) 1. i. and 119.23 (3m) (am) 1. i. of the statutes; **relating to:** a  
8 course choice program for pupils in grades 1 to 12.

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**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 20.255 (2) (cy) of the statutes is amended to read:

2           20.255 (2) (cy) *Aid for transportation; open enrollment and early college credit*  
3 *program.* The amounts in the schedule to reimburse parents for the costs of  
4 transportation of open enrollment pupils under ss. s. 118.51 (14) (b) and course choice  
5 pupils under s. 118.52 (11) (b) and for the payment of state aid under s. 118.55 (7g)  
6 for the transportation of pupils attending a course at an institution of higher  
7 education and receiving credit for the course under s. 118.55 (3) (b).

8           **SECTION 2.** 115.28 (54m) of the statutes is amended to read:

9           115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the  
10 department's Internet site a link to information about all of the educational options  
11 available to children in the state who are at least 3 years old but not yet <sup>2 1/2</sup> 18 years old, <sup>and</sup> <sup>who</sup>  
12 including public schools, private schools participating in a parental choice program, <sup>have</sup>  
13 charter schools, virtual schools, full-time or ~~part-time~~ open enrollment in a <sup>not</sup>  
14 nonresident school district, the course choice program, the early college credit <sup>graduated</sup>  
15 program, and options for pupils enrolled in a home-based private educational  
16 program. <sup>from high school</sup>

17 <sup>NOTE: I modeled the definition of "child" in s. 115.76(2), okay?</sup>  
18           **SECTION 3.** 115.38 (1) (d) of the statutes is amended to read:

19           115.38 (1) (d) The number and percentage of resident pupils enrolled in the  
20 school district attending a course in a nonresident school district offered by an  
21 educational institution under s. 118.52, the number of nonresident pupils who are  
22 not enrolled in the school district but are attending a course in the school district  
23 under s. 118.52, and the courses taken by those pupils.

24           **SECTION 4.** 115.385 (4) of the statutes is amended to read:

25           115.385 (4) Annually, each public school, including a charter school, and each  
private school participating in a parental choice program under s. 118.60 or 119.23

1 shall provide a copy of the school's accountability report to the parent or guardian of  
2 each pupil enrolled in or attending the school. Each school shall simultaneously  
3 provide to the parent or guardian of each pupil enrolled in the school a list of the  
4 educational options available to children who reside in the pupil's resident school  
5 district, including public schools, private schools participating in a parental choice  
6 program, charter schools, virtual schools, full-time or part-time open enrollment in  
7 a nonresident school district, the course choice program, the early college credit  
8 program, and options for pupils enrolled in a home-based private educational  
9 program.

10 SECTION 5. 118.52 (title) of the statutes is repealed and recreated to read:

11 118.52 (title) **Course choice program.**

12 SECTION 6. 118.52 (1) (ad) of the statutes is created to read:

13 118.52 (1) (ad) "Educational institution" means all of the following:

- 14 1. A public school under the charge of a pupil's resident school board.
- 15 2. A public school under the charge of a pupil's nonresident school board.
- 16 3. A virtual school, as defined in s. 118.076 (4) (a).
- 17 4. A charter school established under s. 118.40 (2r) or (2x).
- 18 5. A private school, including a private virtual school, as defined in s. 118.076 (4)(a).
- 19 6. Any nonprofit organization approved by the department.

including a school under contract with the school board under s. 118.40

20 SECTION 7. 118.52 (1) (af) of the statutes is created to read:

21 118.52 (1) (af) "Full-time educational institution" means the educational  
22 institution at which the pupil is enrolled or attends school full time during the school  
23 year for which an application is made under this section.

24 SECTION 8. 118.52 (1) (ah) of the statutes is created to read:

*NOTE - please note that I made modifications to this definition in order to distinguish between virtual charter schools & private virtual schools*



1           118.52 (1) (ah) "Governing body" means the board that is elected or appointed  
 2 to govern an educational institution. If a board is not elected or appointed to govern  
 3 the educational institution, "governing body" means the person having direct charge  
 4 of the educational institution.

\*\*\*\*NOTE: I did not include a definition of "parental choice pupil" because that term  
 is not used in the draft.

5           **SECTION 9.** 118.52 (1) (e) of the statutes is amended to read:

6           118.52 (1) (e) "Resident school district" means the school district in which a  
 7 pupil resides. If a pupil attends school under a whole grade sharing agreement under  
 8 s. 118.50 in a school district other than the school district in which the pupil resides,  
 9 the school district in which the pupil attends school under the whole grade sharing  
 10 agreement is considered the pupil's resident school district.

11           **SECTION 10.** 118.52 (2) of the statutes is amended to read:

12           118.52 (2) Beginning in the 2018-19 2020-21 school year, <sup>subject to sub. (2m)(b)</sup> a pupil who is  
 13 enrolled in ~~a public school in the high school~~ or attends an educational institution  
 14 in grades 1 to 12 may attend public school in a nonresident school district another  
 15 educational institution under this section for the purpose of taking a course offered  
 16 by the nonresident school district that educational institution. A pupil may attend  
 17 no more than 2 courses at any time in nonresident school districts at educational  
 18 institutions under this section.

19           **SECTION 11.** 118.52 (2m) of the statutes is created to read:

20           118.52 (2m) APPLICABILITY; CERTAIN EDUCATIONAL INSTITUTIONS (a) <sup>To par (b)</sup> Annually, by  
 21 June 1, the governing body of an educational institution under sub. (1) (ad) 3. to 6.  
 22 that wishes to participate in the program under this section in the following school  
 23 year shall do all of the following:

Enc

1       1. Adopt a resolution specifying that the educational institution will  
2 participate in the program under this section in the following school year.

3       2. Adopt a resolution specifying the acceptance and rejection criteria described  
4 in subs. (5) and (6) that the educational institution will implement for the following  
5 school year.

6       3. Publish and post on its Internet site, if applicable, whether the educational  
7 institution will participate in the program under this section and, if it will  
8 participate, no later than 8 weeks before the date of which a course will begin, post  
9 a description of the course that will be available to pupils applying under sub. (3).  
10 The educational institution shall maintain and update the description of available  
11 courses throughout the school year.

12       **SECTION 12.** 118.52 (3) (a) of the statutes is amended to read:

13       118.52 (3) (a) The parent of a pupil who wishes to attend public school in a  
14 nonresident school district an educational institution for the purpose of taking a  
15 course under this section shall submit an application, on a form provided by the  
16 department, to the school board of the nonresident school district in educational  
17 institution at which the pupil wishes to attend a course not later than 6 weeks prior  
18 to the date on which the course is scheduled to commence. The application shall  
19 specify the course that the pupil wishes to attend and may specify the school or  
20 schools at which the pupil wishes to attend the course. ~~The nonresident school board~~  
21 An educational institution that receives an application under this paragraph shall  
22 send a copy of the application to the pupil's resident school board, ~~except that if the~~  
23 ~~pupil is attending a school in a school district other than the pupil's resident school~~  
24 ~~district pursuant to a whole grade sharing agreement under s. 118.50, the~~  
25 ~~nonresident school district to which the pupil applies under this section shall send~~

1 a copy of the application to the school board of the district in which the pupil is  
2 attending school pursuant to the whole grade sharing agreement full-time  
3 educational institution.

4 **SECTION 13.** 118.52 (3) (b) of the statutes is amended to read:

5 118.52 (3) (b) If a nonresident school board an educational institution receives  
6 more applications for a particular course than there are spaces available in the  
7 course, the nonresident school board educational institution shall determine which  
8 pupils to accept on a random basis.

9 **SECTION 14.** 118.52 (3) (c) of the statutes is renumbered 118.52 (3) (c) (intro.)  
10 and amended to read:

11 118.52 (3) (c) (intro.) No later than ~~one week~~ 4 weeks prior to the date on which  
12 the course is scheduled to commence, the nonresident school board governing body  
13 of the educational institution shall ~~notify~~ do all of the following:

14 1. Notify the applicant and the resident school board applicant's full-time  
15 educational institution, in writing, whether the application has been accepted and,  
16 if the application is accepted, the school location at which the pupil may attend the  
17 course. If the applicant pupil is attending a school in a school district other than the  
18 pupil's resident school district pursuant to a whole grade sharing agreement under  
19 s. 118.50, the school board of the district to which the pupil applies under this section  
20 shall provide the notice required under this paragraph to the school board of the  
21 district in which the pupil is attending school pursuant to the whole grade sharing  
22 agreement. The acceptance applies only for the following semester, school year, or  
23 other session in which the course is offered. If the school board of the district  
24 governing body of the educational institution to which the pupil applies under this

1 section rejects an application, ~~it~~ the governing body shall include in the notice the  
2 reason for the rejection.

3 **SECTION 15.** 118.52 (3) (c) 2. of the statutes is created to read:

4 118.52 (3) (c) 2. Notify each applicant of the cost of the course.

\*\*\*\*NOTE: Do you want to require them to notify an applicant of the cost even if the application is rejected?

5 **SECTION 16.** 118.52 (3) (d) of the statutes is repealed.

6 **SECTION 17.** 118.52 (3) (e) of the statutes is amended to read:

7 118.52 (3) (e) Following receipt of a notice of acceptance but prior to 2 weeks  
8 before the date on which the course is scheduled to commence, the pupil's parent  
9 shall notify the resident school board, or, if the pupil is attending school in a school  
10 district other than the pupil's resident school district pursuant to a whole grade  
11 sharing agreement under s. 118.50, the school board of the district in which the pupil  
12 is attending school, pupil's full-time educational institution and the school board of  
13 the district to educational institution providing the course for which the pupil applies  
14 under this section of the pupil's intent to attend the course in the school district to  
15 which the pupil applies under this section.

16 **SECTION 18.** 118.52 (4) of the statutes is renumbered 118.52 <sup>(2p)</sup> (2m) (b) and  
17 amended to read:

18 118.52 (2m) (b) By February 1, 1998, Annually, by June 1, each school board <sup>(2p)</sup> School boards and charter  
19 and governing board of a charter school shall adopt a resolution specifying the criteria and policies described in subs. (5) and  
20 (6). If the school board wishes to revise the criteria or policies, it shall do so by  
21 resolution.

\*\*\*\*NOTE: Do you want to make participation in this program optional for school boards?

22 **SECTION 19.** 118.52 (5) of the statutes is amended to read:

1           118.52 (5) ~~NONRESIDENT SCHOOL DISTRICT~~ GOVERNING BODIES OF EDUCATIONAL  
2 INSTITUTIONS; ACCEPTANCE AND REJECTION CRITERIA. ~~School board~~ A governing body's  
3 policies and criteria for accepting and rejecting applications under sub. (3) from  
4 pupils who ~~reside in another school district~~ are enrolled in or attend a different  
5 educational institution shall be the same as the policies and criteria for entry into  
6 the course that apply to pupils who ~~reside in the school district, except that the school~~  
7 ~~board may give preference in attendance in a course to residents of the school district~~  
8 are enrolled in or attend on a full-time basis the educational institution governed by  
9 the governing body.

10           **SECTION 20.** 118.52 (6) of the statutes is amended to read:

11           118.52 (6) RESIDENT SCHOOL DISTRICT REJECTION CRITERIA. (a) *Individualized*  
12 *education program requirements.* ~~The school board of a~~ A pupil's resident school  
13 ~~district, or, if the pupil is attending school in a school district other than the pupil's~~  
14 ~~resident school district pursuant to a whole grade sharing agreement under s.~~  
15 ~~118.50, the school board of the district in which the pupil is attending school, board~~  
16 ~~shall reject a pupil's application to attend a course in a public school in a nonresident~~  
17 ~~school district~~ offered by an educational institution under this section if the resident  
18 school board ~~or the school board of the district in which the pupil is attending school,~~  
19 ~~respectively, determines that the course conflicts with the individualized education~~  
20 ~~program for the pupil under s. 115.787 (2).~~

21           (b) *Undue financial burden.* ~~The school board of a~~ A pupil's resident school  
22 ~~district~~ board may reject an the pupil's application to attend a course ~~in a public~~  
23 ~~school in a nonresident school district~~ offered by an educational institution under  
24 this section if the cost of the course would impose upon the resident school district  
25 an undue financial burden in light of the resident school district's total economic

1 circumstances, including its revenue limit under subch. VII of ch. 121, its ability to  
2 pay tuition costs for the pupil, and the per pupil cost for children continuing to be  
3 served by the resident school district.

4 **SECTION 21.** 118.52 (8) of the statutes is amended to read:

5 118.52 (8) APPEAL OF REJECTION. If an application is rejected under sub. (3) (c)  
6 or a pupil is prohibited from attending a course ~~in a public school in a nonresident~~  
7 ~~school district~~ under sub. (6), the pupil's parent may appeal the decision to the  
8 department within 30 days after the decision. The department shall affirm the  
9 decision unless the department finds that the decision was arbitrary or  
10 unreasonable. The department's decision is final and is not subject to judicial review  
11 under subch. III of ch. 227.

12 **SECTION 22.** 118.52 (9) of the statutes is amended to read:

13 118.52 (9) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a  
14 course ~~in a public school in a nonresident school district~~ offered by an educational  
15 institution under this section has all of the rights and privileges of pupils residing  
16 ~~in that school district~~ attending the educational institution on a full-time basis and  
17 is subject to the same rules and regulations as pupils ~~residing in that school district~~  
18 attending the educational institution on a full-time basis.

19 **SECTION 23.** 118.52 (10) of the statutes is amended to read:

20 118.52 (10) Notwithstanding s. 118.125, the resident school board ~~governing~~  
21 body of an educational institution shall provide to the ~~nonresident school board~~  
22 governing body of the educational institution to which a pupil has applied under this  
23 section, upon request by that school board ~~governing body~~, a copy of any expulsion  
24 findings and orders, a copy of records of any pending disciplinary proceeding  
25 involving the pupil, a written explanation of the reasons for the expulsion or pending

1 disciplinary proceeding, and the length of the term of the expulsion or the possible  
2 outcomes of the pending disciplinary proceeding.

3 SECTION 24. 118.52 (11) of the statutes is amended to read:

4 118.52 (11) TRANSPORTATION. (a) *Responsibility*. The parent of a pupil  
5 attending a course ~~in a public school in a nonresident school district~~ offered by an  
6 educational institution under this section is responsible for transporting the pupil  
7 to and from the course that the pupil is attending.

8 (b) ~~Low-income assistance~~. <sup>Assistance; low-income or rural community</sup> The parent of a pupil who is attending a course in  
9 a public school in a nonresident school district offered by an educational institution  
10 under this section may apply to the department for reimbursement of the costs  
11 incurred by the parent for the transportation of the pupil to and from the pupil's  
12 residence or school in which the pupil is enrolled and the school educational  
13 institution at which the pupil is attending the course if the pupil and parent are  
14 unable to pay the cost of such transportation. The department shall determine the  
15 reimbursement amount and shall pay the amount from the appropriation under s.  
16 20.255 (2) (cy). The department shall give preference under this paragraph to those  
17 pupils who satisfy the income eligibility criteria for a free or reduced-price lunch  
18 under 42 USC 1758 (b) (1) <sup>those</sup> and to pupils who attend a full-time educational  
19 institution in a rural community.

\*\*\*NOTE: Did you want the new preference to be for pupils who attend a full-time  
educational institution in a rural community or who attend a course under this section  
at an educational institution in a rural community?

20 SECTION 25. 118.52 (12) of the statutes is renumbered 118.52 (12) (a) and  
21 amended to read:

22 118.52 (12) (a) <sup>Tuition CS</sup> ~~The resident school board~~ <sup>no strike</sup> If a pupil's full-time educational  
23 institution is a public school in the pupil's resident school district, other than a

1 charter school under s. 118.40 (2r) or (2x), the resident school board shall pay to the  
 2 nonresident school board, for each educational institution offering the course the  
 3 pupil attending a course in a public school in the nonresident school district attends  
 4 under this section, an amount equal to the cost of providing the course to the pupil,  
 5 calculated in a manner determined by the department educational institution. The  
 6 educational institution may not charge or receive from the pupil or the pupil's  
 7 resident school board any additional payment for the pupil attending the course  
 8 offered by the educational institution under this section.

*pupil's full-time educational institution*

*as no strike*

*no strike*

*plain*

*offering the course the pupil attends under this section*

*full-time educational institution*

~~\*\*\*\*NOTE: What is the intent if a pupil's full-time educational institution is a public school in a nonresident school district under full-time open enrollment? As drafted, this paragraph would not apply to that situation.~~

**SECTION 26.** 118.52 (12) (b) of the statutes is created to read:

10 118.52 (12) (b) If a pupil's full-time educational institution is an educational  
 11 institution described in sub. (1) (ad) 3. to 6., the pupil's parent, or the pupil if he or  
 12 she is an adult, shall pay the cost of the course the pupil attends under this section,  
 13 as determine by the educational institution. The pupil's full-time educational  
 14 institution is not liable for the cost of the pupil attending the course under this  
 15 section.

**SECTION 27.** 118.52 (13) of the statutes is created to read:

17 118.52 (13) PROGRAM PUBLICITY. The department shall include on its Internet  
 18 site information on the program under this section, including a list of participating  
 19 educational institutions other than school boards, links to websites of participating  
 20 educational institutions, and the courses offered by each participating educational  
 21 institution under this section. The department shall maintain this information on  
 22 its Internet site so that the information is current and accurate throughout the school  
 23 year.



1           **SECTION 28.** 118.57 (1) of the statutes is amended to read:

2           118.57 (1) Annually, by January 31, each school board shall publish as a class  
3           1 notice, under ch. 985, and post on its Internet site a description of the educational  
4           options available to children in the school district, including public schools, private  
5           schools participating in a parental choice program, charter schools, virtual schools,  
6           full-time or part-time open enrollment in a nonresident school district, the course  
7           choice program, and the early college credit program.

8           **SECTION 29.** 118.60 (3m) (am) 1. i. of the statutes is created to read:

9           118.60 (3m) (am) 1. i. A course under s. 118.52.

\*\*\*NOTE: This seems to suggest that a private school participating in a parental choice program will pay for the course first and then recover the costs from a pupil. Under the bill, for a pupil attending an educational institution other than a school district school, the pupil is responsible for the costs. This seems to be a conflict. Please let me know your intention related to payments for pupils attending schools other than school district schools. The same issue applies to the MPCP.

10          **SECTION 30.** 119.23 (3m) (am) 1. i. of the statutes is created to read:

11          119.23 (3m) (am) 1. i. A course under s. 118.52.

12

(END)

**2019-2020 DRAFTING INSERT  
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LEGISLATIVE REFERENCE BUREAU**

LRB  
.....

INS

1           **SECTION 1.** 118.51<sup>2</sup> (2m) of the statutes is created to read:

2           118.51<sup>2</sup> **(2m)** PROGRAM PARTICIPATION; PRIVATE SCHOOLS AND NONPROFIT  
3 ORGANIZATIONS. (a) In order for an educational institution under sub. (1) (ad) 4. or  
4 5. to participate in the program under this section, before the June 1 preceding the  
5 school year in which the educational institution wishes to participate, the governing  
6 body of the educational institution shall do all of the following:

S \*\*\*\*\*NOTE: As drafted, this applies to private schools, including private virtual  
school, and to nonprofit organizations approved by the department. It does not apply to  
independent charter schools. Okay?

7           1. Adopt a resolution specifying that the educational institution will  
8 participate in the program under this section in the following school year.

9           2. Adopt a resolution specifying the acceptance and rejection criteria described  
10 in subs. (5) and (6) that the educational institution will implement for the following  
11 school year.

12           3. Publish and post on its Internet site, if applicable, whether the educational  
13 institution will participate in the program under this section and, if it will  
14 participate, no later than 8 weeks before the date of<sup>on</sup> which a course will begin, post  
15 a description of the course that will be available to pupils applying under sub. (3).  
16 The educational institution shall maintain and update the description of available  
17 courses throughout the school year.

18           (b) If an educational institution under sub. (1) (ad) 4. or 5. does not participate  
19 in the program under this section, sub. (2) does not apply to a pupil attending the  
20 educational institution or to a pupil attending another educational institution who  
21 wishes to attend a course offered by the educational institution under this section.  
22