



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 ASSEMBLY BILL 286**

May 16, 2007 - Offered by Representative PRIDEMORE.

1 **AN ACT** *to renumber and amend* 118.51 (3) (a) 1., 118.51 (3) (a) 3., 118.51 (3)
2 (a) 4., 118.51 (3) (a) 6. and 118.51 (3) (b); **to amend** 118.51 (2), 118.51 (3) (a) 2.
3 and 118.51 (3) (a) 5.; and **to create** 118.51 (1) (g), 118.51 (3) (a) 1. b., 118.51 (3)
4 (a) 3. b., 118.51 (3) (a) 4. b., 118.51 (3) (a) 6. b. and 118.51 (3) (b) 2. of the statutes;
5 **relating to:** certain applications to attend a virtual charter school under the
6 open enrollment program.

Analysis by the Legislative Reference Bureau

Under the open enrollment program, a pupil may attend any public school located outside of his or her school district of residence if the pupil's parent or guardian complies with certain procedures and meets certain application deadlines. School boards' acceptance and rejection criteria for open enrollment applications may include, among other things, availability of space.

Currently, an applicant for open enrollment must submit his or her application between the first Monday in February and the third Friday in February preceding the school year in which the pupil wishes to attend a nonresident school district. The nonresident school district may not act on an application until the application period ends. The nonresident and resident school districts must notify the pupil of his or her acceptance or rejection by the first Friday following the first Monday in April.

If an application is accepted, by the second Friday following the first Monday in May the nonresident school district must notify the applicant of the specific school or program that the pupil may attend. The pupil's parent must notify the nonresident school district of the pupil's intent to attend that school district by the first Friday following the first Monday in June.

This bill provides a different timeline for an application to attend a virtual charter school under the open enrollment program if the application is from a pupil who moves to this state or who moves to a different school district after the third Friday in February. The bill defines a virtual charter school as a charter school in which instruction is provided primarily through means of the Internet and the pupils and teachers are geographically remote from each other. Under the bill, such an application is due by July 1; the school districts may act on the application at any time but must accept or reject the application by August 8; and the pupil's parent must notify the nonresident school board of the pupil's intent to attend school in that school district by August 22.

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

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

2 118.51 (1) (g) “Virtual charter school” means a charter school in which
3 instruction is provided primarily through means of the Internet, and the pupils
4 enrolled in and instructional staff employed by the charter school are geographically
5 remote from each other.

6 **SECTION 2.** 118.51 (2) of the statutes is amended to read:

7 118.51 (2) **APPLICABILITY.** A pupil may attend a public school, including a
8 charter school and including a prekindergarten, 4-year-old kindergarten, early
9 childhood or school-operated day care program, in a nonresident school district
10 under this section, except that a pupil may attend a prekindergarten, 4-year-old
11 kindergarten, early childhood or school-operated day care program in a nonresident
12 school district only if the pupil's resident school district offers the same type of
13 program that the pupil wishes to attend and the pupil is eligible to attend that
14 program in his or her resident school district.

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

3 118.51 (3) (a) 1. a. ~~The Except as provided in subd. 1. b., the~~ parent of a pupil
4 who wishes to attend a public school in a nonresident school district under this
5 section shall submit an application, on a form provided by the department under sub.
6 (15) (a), to the school board of the nonresident school district that the pupil wishes
7 to attend, not earlier than the first Monday in February and not later than the 3rd
8 Friday following the first Monday in February of the school year immediately
9 preceding the school year in which the pupil wishes to attend. Applications may be
10 submitted to no more than 3 nonresident school boards in any school year. On the
11 4th Monday in February, the nonresident school board shall send a copy of the
12 application to the pupil's resident school board and the department. The application
13 may include a request to attend a specific school or program offered by the
14 nonresident school district.

15 **SECTION 4.** 118.51 (3) (a) 1. b. of the statutes is created to read:

16 118.51 (3) (a) 1. b. If a pupil wishes to attend a virtual charter school in a
17 nonresident school district under this section, and either moves to this state or moves
18 to a different school district after the 3rd Monday in February, his or her parent shall
19 submit the application to the school board of the nonresident school district by July
20 1 of the school year in which the pupil wishes to attend, and the nonresident school
21 board shall immediately send a copy of the application to the pupil's resident school
22 board and the department.

23 **SECTION 5.** 118.51 (3) (a) 2. of the statutes is amended to read:

24 118.51 (3) (a) 2. A nonresident school board may not act on any application
25 received under subd. 1. a. until after the 3rd Friday following the first Monday in

1 February. If a nonresident school board receives more applications for a particular
2 grade or program than there are spaces available in the grade or program, the
3 nonresident school board shall determine which pupils to accept, including pupils
4 accepted from a waiting list under sub. (5) (d), on a random basis, after giving
5 preference to pupils and to siblings of pupils who are already attending public school
6 in the nonresident school district. If a nonresident school board determines that
7 space is not otherwise available for open enrollment pupils in the grade or program
8 to which an individual has applied, the school board may nevertheless accept an
9 applicant who is already attending school in the nonresident school district or a
10 sibling of the applicant.

11 **SECTION 6.** 118.51 (3) (a) 3. of the statutes is renumbered 118.51 (3) (a) 3. a. and
12 amended to read:

13 118.51 (3) (a) 3. a. ~~On~~ Except as provided in subd. 3. b., on or before the first
14 Friday following the first Monday in April following receipt of the application, the
15 nonresident school board shall notify the applicant, in writing, whether it has
16 accepted the application. If the nonresident school board rejects an application, it
17 shall include in the notice the reason for the rejection.

18 **SECTION 7.** 118.51 (3) (a) 3. b. of the statutes is created to read:

19 118.51 (3) (a) 3. b. If an application for attendance at a virtual charter school
20 is submitted under subd. 1. b., the nonresident school board shall notify the applicant
21 whether it has accepted the application for attendance at the charter school by
22 August 8.

23 **SECTION 8.** 118.51 (3) (a) 4. of the statutes is renumbered 118.51 (3) (a) 4. a. and
24 amended to read:

1 118.51 (3) (a) 4. a. ~~On~~ Except as provided in subd. 4. b., on or before the first
2 Friday following the first Monday in April following receipt of a copy of the
3 application, if a resident school board denies a pupil's enrollment in a nonresident
4 school district under sub. (6), (7) or (12) (b) 1., the resident school board shall notify
5 the applicant and the nonresident school board, in writing, that the application has
6 been denied and include in the notice the reason for the denial.

7 **SECTION 9.** 118.51 (3) (a) 4. b. of the statutes is created to read:

8 118.51 (3) (a) 4. b. If an application for attendance at a virtual charter school
9 is submitted under subd. 1. b., the resident school board shall provide the notices
10 required under subd. 4. a. by August 8.

11 **SECTION 10.** 118.51 (3) (a) 5. of the statutes is amended to read:

12 118.51 (3) (a) 5. If an application is accepted, on or before the 2nd Friday
13 following the first Monday in May following receipt of the application, the
14 nonresident school board shall notify the applicant, in writing, of the specific school
15 or program that the pupil may attend in the following school year. This subdivision
16 does not apply to an application for attendance at a virtual charter school.

17 **SECTION 11.** 118.51 (3) (a) 6. of the statutes is renumbered 118.51 (3) (a) 6. a.
18 and amended to read:

19 118.51 (3) (a) 6. a. If Except as provided in subd. 6. b., if an application is
20 accepted, on or before the first Friday following the first Monday in June following
21 receipt of a notice of acceptance, the pupil's parent shall notify the nonresident school
22 board of the pupil's intent to attend school in that school district in the following
23 school year.

24 **SECTION 12.** 118.51 (3) (a) 6. b. of the statutes is created to read:

