



2007 ASSEMBLY BILL 286

April 23, 2007 – Introduced by Representatives PRIDEMORE, ALBERS, VOS, NYGREN, WOOD and TOWNSEND. Referred to Committee on Education Reform.

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:** applications to attend a virtual charter school under the open
6 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

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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. 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, an application to attend a virtual charter school 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.

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

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

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

14 118.51 (3) (a) 1. b. If a pupil wishes to attend a virtual charter school in a
15 nonresident school district under this section, his or her parent shall submit the
16 application to the school board of the nonresident school district by July 1 of the
17 school year in which the pupil wishes to attend, and the nonresident school board
18 shall immediately send a copy of the application to the pupil's resident school board
19 and the department.

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

21 118.51 (3) (a) 2. A nonresident school board may not act on any application
22 received under subd. 1. a. until after the 3rd Friday following the first Monday in
23 February. If a nonresident school board receives more applications for a particular
24 grade or program than there are spaces available in the grade or program, the
25 nonresident school board shall determine which pupils to accept, including pupils

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

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

10 118.51 (3) (a) 3. a. ~~On~~ Except as provided in subd. 3. b., on or before the first
11 Friday following the first Monday in April following receipt of the application, the
12 nonresident school board shall notify the applicant, in writing, whether it has
13 accepted the application. If the nonresident school board rejects an application, it
14 shall include in the notice the reason for the rejection.

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

16 118.51 (3) (a) 3. b. If an application is for attendance at a virtual charter school,
17 the nonresident school board shall notify the applicant whether it has accepted the
18 application for attendance at the charter school by August 8.

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

21 118.51 (3) (a) 4. a. ~~On~~ Except as provided in subd. 4. b., on or before the first
22 Friday following the first Monday in April following receipt of a copy of the
23 application, if a resident school board denies a pupil's enrollment in a nonresident
24 school district under sub. (6), (7) or (12) (b) 1., the resident school board shall notify

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1 the applicant and the nonresident school board, in writing, that the application has
2 been denied and include in the notice the reason for the denial.

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

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

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

8 118.51 (3) (a) 5. If an application is accepted, on or before the 2nd Friday
9 following the first Monday in May following receipt of the application, the
10 nonresident school board shall notify the applicant, in writing, of the specific school
11 or program that the pupil may attend in the following school year. This subdivision
12 does not apply to an application for attendance at a virtual charter school.

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

15 118.51 (3) (a) 6. a. If Except as provided in subd. 6. b., if an application is
16 accepted, on or before the first Friday following the first Monday in June following
17 receipt of a notice of acceptance, the pupil's parent shall notify the nonresident school
18 board of the pupil's intent to attend school in that school district in the following
19 school year.

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

21 118.51 (3) (a) 6. b. If an application for attendance at a virtual charter school
22 is accepted, the pupil's parent shall provide the notice required under subd. 6. a. by
23 August 22.

24 **SECTION 13.** 118.51 (3) (b) of the statutes is renumbered 118.51 (3) (b) 1. and
25 amended to read:

