



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5143/1
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2019 SENATE BILL 639

January 8, 2020 - Introduced by Senators KOOYENGA and CRAIG, cosponsored by Representatives SANFELIPPO and KUGLITSCH. Referred to Committee on Education.

1 **AN ACT to amend** 118.51 (3) (a) 2., 118.51 (4) (a) 3. and 118.51 (5) (a) (intro.); and
2 **to create** 118.51 (3) (a) 2m. and 118.51 (4) (a) 3m. of the statutes; **relating to:**
3 allowing the School District of New Berlin to give preference to residents of New
4 Berlin in accepting full-time open enrollment applications.

Analysis by the Legislative Reference Bureau

Under current law, a pupil may attend a public school in a school district other than the pupil's resident school district (nonresident school district) under the full-time open enrollment program (OEP). Under the OEP, a nonresident school district must annually determine the number of regular education and special education spaces that it has available for nonresident pupils under the OEP. If a nonresident school district receives more applications than it has available in a particular grade or program, the nonresident school board must determine, on a random basis, which applications to accept, after applying certain preferences.

Under current law, when accepting OEP applications, a nonresident school board must give preference to pupils and siblings of pupils who are already attending the nonresident school district and, if the nonresident school district is a union high school district, to pupils attending an underlying elementary school district under

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the OEP. This bill allows the New Berlin School Board to also give preference to pupils who reside in New Berlin.

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

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

2 118.51 (3) (a) 2. A nonresident school board may not act on any application
3 received under subd. 1. before May 1. If a nonresident school board receives more
4 applications for a particular grade or program than there are spaces available in the
5 grade or program, the nonresident school board shall determine which pupils to
6 accept, including pupils accepted from a waiting list under sub. (5) (d), on a random
7 basis, after giving preference to pupils and to siblings of pupils who are already
8 attending the nonresident school district and, if the nonresident school district is a
9 union high school district, to pupils who are attending an underlying elementary
10 school district of the nonresident school district under this section the preferences
11 under subd. 2m. If a nonresident school board determines that space is not otherwise
12 available for open enrollment pupils in the grade or program to which an individual
13 has applied, the school board may nevertheless accept a pupil or the sibling of a pupil
14 who is already attending the nonresident school district and, if the nonresident
15 school district is a union high school district, a pupil who is attending an underlying
16 elementary school district of the nonresident school district under this section.

17 **SECTION 2.** 118.51 (3) (a) 2m. of the statutes is created to read:

18 118.51 (3) (a) 2m. a. In accepting applications under subd. 2., a nonresident
19 school board shall give preference to pupils and to siblings of pupils who are already
20 attending the nonresident school district and if the nonresident school district is a

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1 union high school district, to pupils who are attending an underlying elementary
2 school district of the nonresident school district under this section.

3 b. In accepting applications under subd. 2., if the nonresident school board is
4 the school board in charge of the School District of New Berlin, the nonresident school
5 board may give preference to pupils who reside in the city of New Berlin.

6 **SECTION 3.** 118.51 (4) (a) 3. of the statutes is amended to read:

7 118.51 **(4)** (a) 3. A statement of the preference required under sub. (3) (a) ~~2~~ 2m.
8 a.

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

10 118.51 **(4)** (a) 3m. If applicable, a statement of whether the school board will
11 give the preference allowed under sub. (3) (a) 2m. b.

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

13 118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)
14 2. and 2m., the criteria for accepting and rejecting applications from nonresident
15 pupils under subs. (3) (a) and (3m) (a) may include only the following:

16 (END)