



2013 ASSEMBLY BILL 330

August 23, 2013 - Introduced by Representatives POPE, WRIGHT, KOLSTE, MASON, SINICKI, BERCEAU, SARGENT, HESSELBEIN, WACHS, JORGENSEN, OHNSTAD, HEBL and MILROY. Referred to Joint Committee on Finance.

1 **AN ACT** *to repeal* 118.52 (1) (am) and 118.52 (6) (c); *to amend* 20.255 (2) (cy),
2 115.38 (1) (d), 118.52 (2), 118.52 (3) (a) to (c), 118.52 (3) (d) 1. and (e), 118.52 (6)
3 (a) and 118.52 (8) to (12); *to repeal and recreate* 118.52 (title); and *to create*
4 118.52 (6) (b) of the statutes; **relating to:** a part-time open enrollment program
5 for public school pupils.

Analysis by the Legislative Reference Bureau

Current law allows a pupil enrolled in any grade in a public school to attend an educational institution to take up to two courses. "Educational institution" means a public school located outside the pupil's school district of residence, the University of Wisconsin System, a technical college, a nonprofit institution of higher education, a tribal college, a charter school, and any nonprofit organization that has been approved by the Department of Public Instruction (DPI).

The pupil's resident school board may reject an application to attend a course at an educational institution if the school board determines that the course does not satisfy high school graduation requirements or the course does not conform to or support the pupil's academic and career plan. An educational institution may not charge to, or receive from, the pupil or the pupil's resident school district any payment for the course other than the tuition payment determined by DPI for a course at the educational institution.

This bill eliminates these provisions. Under the bill, a pupil enrolled in grades 9 to 12 in a public school may attend public school outside his or her school district

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of residence to take up to two courses. The school district in which the pupil resides pays the nonresident school district an amount equal to the cost of providing the course to the pupil, as determined by DPI. The pupil's resident school board may prohibit a pupil from attending a course in a nonresident school district if the cost would impose an undue financial burden on the school district.

For further information see the *state and 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:

1 **SECTION 1.** 20.255 (2) (cy) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 20.255 (2) (cy) *Aid for transportation; open enrollment and course options.* The
4 amounts in the schedule to reimburse parents for the costs of transportation of open
5 enrollment pupils under ss. 118.51 (14) (b) and 118.52 (11) (b).

6 **SECTION 2.** 115.38 (1) (d) of the statutes, as affected by 2013 Wisconsin Act 20,
7 is amended to read:

8 115.38 (1) (d) The number and percentage of resident pupils attending a course
9 ~~at an educational institution in a nonresident school district~~ under s. 118.52, the
10 number of nonresident pupils attending a course in the school district under s.
11 118.52, and the courses taken by those pupils.

12 **SECTION 3.** 118.52 (title) of the statutes, as affected by 2013 Wisconsin Act 20,
13 is repealed and recreated to read:

14 **118.52 (title) Part-time open enrollment.**

15 **SECTION 4.** 118.52 (1) (am) of the statutes, as created by 2013 Wisconsin Act 20,
16 is repealed.

17 **SECTION 5.** 118.52 (2) of the statutes, as affected by 2013 Wisconsin Act 20, is
18 amended to read:

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1 118.52 (2) APPLICABILITY. A pupil enrolled in a public school in the high school
2 grades may attend an ~~educational institution~~ public school in a nonresident school
3 district under this section for the purpose of taking a course offered by the
4 ~~educational institution~~ nonresident school district. A pupil may attend no more than
5 2 courses at any time ~~at educational institutions~~ in nonresident school districts
6 under this section.

7 **SECTION 6.** 118.52 (3) (a) to (c) of the statutes, as affected by 2013 Wisconsin
8 Act 20, are amended to read:

9 118.52 (3) (a) The parent of a pupil who wishes to attend an ~~educational~~
10 ~~institution~~ public school in a nonresident school district for the purpose of taking a
11 course under this section shall submit an application, on a form provided by the
12 department, to the school board of the nonresident school district in which the pupil
13 wishes to attend a course not later than 6 weeks prior to the date on which the course
14 is scheduled to commence. The application shall specify the course that the pupil
15 wishes to attend and may specify the school or schools at which the pupil wishes to
16 attend the course. ~~The educational institution~~ nonresident school board shall send
17 a copy of the application to the pupil's resident school board.

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

22 (c) No later than one week prior to the date on which the course is scheduled
23 to commence, the ~~educational institution~~ nonresident school board shall notify the
24 applicant and the resident school board, in writing, whether the application has been
25 accepted and, if the application is accepted, the school at which the pupil may attend

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1 the course. The acceptance applies only for the following semester, school year or
2 other session in which the course is offered. If the ~~educational institution~~
3 nonresident school board rejects an application, it shall include in the notice the
4 reason for the rejection.

5 **SECTION 7.** 118.52 (3) (d) 1. and (e) of the statutes, as affected by 2013 Wisconsin
6 Act 20, are amended to read:

7 118.52 (3) (d) 1. If it denies an application to attend ~~an educational institution~~
8 public school in a nonresident school district under sub. (6), notify the applicant and
9 the ~~educational institution~~ nonresident school board, in writing, that the application
10 has been denied and include in the notice the reason for the rejection.

11 (e) Following receipt of a notice of acceptance but prior to the date on which the
12 course is scheduled to commence, the pupil's parent shall notify the resident school
13 board and the ~~educational institution~~ nonresident school board of the pupil's intent
14 to attend the course at in the educational institution nonresident school district.

15 **SECTION 8.** 118.52 (6) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
16 is amended to read:

17 118.52 (6) (a) *Individualized education program requirements.* The school
18 board of a pupil's resident school district shall reject a pupil's application to attend
19 a course ~~at an educational institution~~ in a public school in a nonresident school
20 district if the resident school board determines that the course conflicts with the
21 individualized education program for the pupil under s. 115.787 (2).

22 **SECTION 9.** 118.52 (6) (b) of the statutes is created to read:

23 118.52 (6) (b) *Undue financial burden.* The school board of a pupil's resident
24 school district may reject an application to attend a course in a public school in a
25 nonresident school district if the cost of the course would impose upon the resident

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1 school district an undue financial burden in light of the resident school district's total
2 economic circumstances, including its revenue limit under subch. VII of ch. 121, its
3 ability to pay tuition costs for the pupil and the per pupil costs for children continuing
4 to be served by the resident school district.

5 **SECTION 10.** 118.52 (6) (c) of the statutes, as created by 2013 Wisconsin Act 20,
6 is repealed.

7 **SECTION 11.** 118.52 (8) to (12) of the statutes, as affected by 2013 Wisconsin Act
8 20, are amended to read:

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

16 **(9)** RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS. A pupil attending a course
17 ~~at an educational institution in a public school in a nonresident school district~~ under
18 this section has all of the rights and privileges of other pupils attending the
19 ~~educational institution~~ residing in that school district and is subject to the same rules
20 and regulations as those pupils residing in that school district.

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

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1 reasons for the expulsion or pending disciplinary proceeding and the length of the
2 term of the expulsion or the possible outcomes of the pending disciplinary
3 proceeding.

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

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

18 (12) TUITION. The resident school board shall pay to the educational institution
19 nonresident school board, for each pupil attending a course at the educational
20 ~~institution in a public school in the nonresident school district~~ under this section, an
21 amount equal to the cost of providing the course to the pupil, calculated in a manner
22 determined by the department. ~~The educational institution may not charge to or~~
23 ~~receive from the pupil or the pupil's resident school board any additional payment~~
24 ~~for a pupil attending a course at the educational institution under this section.~~

25 **SECTION 12. Effective date.**

