



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1472/1
FFK:skw

2021 SENATE BILL 41

January 28, 2021 - Introduced by Senators KOYENGA, STROEBEL, BERNIER, FELZKOWSKI, WANGGAARD, BRADLEY, DARLING, NASS and MARKLEIN, cosponsored by Representatives DITTRICH, BROOKS, GUNDRUM, HORLACHER, MAGNAFICI, MOSES, ROZAR, THIESFELDT, WICHGERS and SKOWRONSKI. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT relating to:** applications for the full-time open enrollment program in
- 2 the 2020-21 and 2021-22 school years and the family income requirement for
- 3 the Wisconsin Parental Choice Program in the 2021-22 school year.

Analysis by the Legislative Reference Bureau

For the 2021-22 school year, this bill increases the income eligibility for the Wisconsin Parental Choice Program to 300 percent of the federal poverty level, allows a pupil to submit full-time open enrollment applications to an unlimited number of nonresident school districts, and prohibits a resident school district from denying a full-time open enrollment (OEP) application submitted under the alternative application process if the basis for the application is that the pupil's parent and nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil. Under the bill, the prohibition on resident school districts denying OEP applications submitted under the alternative application process also applies to an OEP application for the 2020-21 school year that is submitted on or after the date on which the bill becomes law.

Wisconsin parental choice program; family income requirement for the 2021-22 school year

For purposes of attending a private school participating in the WPCP in the 2021-22 school year, this bill changes the family income eligibility requirement for the WPCP to a family income that is no more than 300 percent of the federal poverty level, which is the same as the family income eligibility requirement for the Racine and Milwaukee Parental Choice Programs. Under current law, the income eligibility

SENATE BILL 41

requirement for the WPCP is a family income of no more than 220 percent of the federal poverty level.

Full-time open enrollment; applications for the 2020-21 and 2021-22 school years

Under current law, a pupil may attend a public school, including a virtual charter school, in a nonresident school district under the full-time open enrollment program (OEP). For purposes of the OEP, a virtual charter school is located in the school district that authorized the virtual charter school.

The standard OEP application procedure requires a pupil's parent to apply to a nonresident school district during the spring semester immediately preceding the school year in which the pupil wishes to attend the nonresident school district. However, current law provides an alternative application procedure that allows a pupil's parent to apply to a nonresident school district at any time during the school year if certain circumstances apply. One of the circumstances under which a pupil may apply using the alternative application procedure is if the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil. Current law allows a resident school board to deny a pupil's application if the resident school board determines the circumstance relied upon by the pupil to use the alternative application procedure does not apply to the pupil. Current law also provides an appeal process in the event the resident school board denies a pupil's application.

Under the bill, during the 2020-21 and 2021-22 school years, if a pupil submits an OEP application using the alternative application procedure on the basis of the pupil's parent and nonresident school board agreeing that attending school in the nonresident school district is in the best interests of the pupil, the pupil's resident school board may not deny the application for any reason.

Current law also limits the number of nonresident school boards to which a pupil may apply to attend a public school under the OEP to no more than three nonresident school boards in any school year. Under the bill, this limitation does not apply to 1) applications for the 2020-21 school year that are submitted under the alternative application procedure, or 2) applications for the 2021-22 school year that are submitted under the standard or alternative application procedure.

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:

1 **SECTION 1. Nonstatutory provisions.**

2 (1) FULL-TIME OPEN ENROLLMENT; APPLICATIONS TO ATTEND A NONRESIDENT SCHOOL
3 DISTRICT IN THE 2020-21 AND 2021-22 SCHOOL YEARS.

SENATE BILL 41

1 (a) In this subsection:

2 1. “Nonresident school board” has the meaning given in s. 118.51 (1) (b).

3 2. “Nonresident school district” has the meaning given in s. 118.51 (1) (c).

4 3. “Parent” has the meaning given in s. 118.51 (1) (d).

5 (b) 1. Notwithstanding s. 118.51 (3) (a) 1., there is no limitation on the number
6 of nonresident school boards to which the parent of a pupil may submit an application
7 under s. 118.51 (3) (a) during the 2020-21 school year for the pupil to attend a public
8 school in a nonresident school district under s. 118.51 in the 2021-22 school year.

9 2. Notwithstanding s. 118.51 (3m) (a), there is no limitation on the number of
10 nonresident school boards to which the parent of a pupil may submit an application
11 under s. 118.51 (3m) (a) during the 2020-21 or 2021-22 school year for the pupil to
12 attend a public school in a nonresident school district under s. 118.51 in the 2020-21
13 or 2021-22 school year.

14 (c) During the 2020-21 and 2021-22 school years, if a pupil submits an
15 application to a nonresident school board under s. 118.51 (3m) (a) on the basis of the
16 criteria under s. 118.51 (3m) (b) 8., the pupil’s resident school board, as defined in s.
17 118.51 (1) (e), may not reject the application for any reason, including under s. 118.51
18 (3m) (d).

19 (2) INCOME ELIGIBILITY FOR THE WISCONSIN PARENTAL CHOICE PROGRAM; 2021-22
20 SCHOOL YEAR.

21 (a) In this subsection:

22 1. “Department” means the department of public instruction.

23 2. “Eligible school district” has the meaning given in s. 118.60 (1) (am).

24 3. “Wisconsin parental choice program” means the program under s. 118.60
25 under which pupils in grades kindergarten to 12 who reside in a school district, other

SENATE BILL 41**SECTION 1**

1 than an eligible school district or a 1st class city school district, may attend any
2 private school.

3 (b)

4 1. Notwithstanding s. 118.60 (2) (bm), for purposes of attending a private school
5 under the Wisconsin parental choice program in the 2021-22 school year, a pupil's
6 total family income may not exceed 3.0 times the poverty level, determined in
7 accordance with criteria established by the director of the federal office of
8 management and budget. In this subdivision, a pupil's "family income" includes the
9 income of the pupil's parents or legal guardians. Except as provided in s. 118.60 (2)
10 (a) 1. c., a pupil's family income shall be verified as provided in s. 118.60 (2) (a) 1. b.

11 2. Nothing in subd. 1. prohibits a pupil attending a private school under the
12 Wisconsin parental choice program whose family income increases from continuing
13 to attend a private school under s. 118.60, as provided in s. 118.60 (2) (bm).

14 **SECTION 2. Initial applicability.**

15 (1) FULL-TIME OPEN ENROLLMENT APPLICATIONS; ALTERNATIVE APPLICATION PROCESS.
16 Section (1) (b) 2. and (c) of this act first applies to an application submitted under s.
17 118.51 (3m) on the effective date of this subsection.

18 (END)