



**SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 2**

January 20, 2011 – Offered by COMMITTEE ON EDUCATION.

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 1, line 4: delete “changes to” and substitute “changing”.
- 3           **2.** Page 1, line 5: after “program” insert “and permitting certain pupils to
- 4 submit open enrollment applications outside of the regular application period”.
- 5           **3.** Page 3, line 1: before that line insert:
- 6           “**SECTION 1g.** 118.51 (3) (intro.) of the statutes is created to read:
- 7           118.51 (**3**) (intro.) Except as provided under sub. (3m), the following procedures
- 8 govern pupil applications to attend a public school in a nonresident school district
- 9 under this section.”.
- 10          **4.** Page 3, line 1: delete “**SECTION 1**” and substitute “**SECTION 1r**”.
- 11          **5.** Page 5, line 18: before that line insert:
- 12          “**SECTION 5g.** 118.51 (3m) of the statutes is created to read:

1           118.51 **(3m)**     ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN  
2 CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to  
3 attend a public school in a nonresident school district under this section may, in lieu  
4 of applying under sub. (3), submit an application under this subsection, on a form  
5 provided by the department under sub. (15) (a), to the school board of the nonresident  
6 school district that the pupil wants to attend if the pupil satisfies at least one of the  
7 criteria under par. (b). Applications may be submitted to no more than 3 nonresident  
8 school boards in any school year.

9           (b) The parent of a pupil may apply under this subsection only if the pupil meets  
10 one of the following criteria, and shall describe the criteria that the pupil meets in  
11 the application:

12           1. The resident school board determines that the pupil has been the victim of  
13 a violent criminal offense, as defined by the department by rule. An application  
14 made on the basis of this criteria is not valid unless the nonresident school board  
15 receives the application within 30 days after the determination of the resident school  
16 board.

17           2. The pupil is or has been a homeless pupil in the current or immediately  
18 preceding school year. In this subdivision, "homeless pupil" means an individual who  
19 is included in the category of homeless children and youths, as defined in 42 USC  
20 11434a (2).

21           3. The pupil has been the victim of repeated bullying or harassment and all of  
22 the following apply:

23           a. The pupil's parent has reported the bullying or harassment to the resident  
24 school board.

1           b. Despite action taken under subd. 3. a., the repeated bullying and harassment  
2 continues.

3           4. The place of residence of the pupil's parent or guardian and of the pupil has  
4 changed as a result of military orders. An application made on the basis of this  
5 criteria is not valid unless the nonresident school board receives the application no  
6 later than 30 days after the date on which the military orders changing the place of  
7 residence were issued.

8           5. The pupil moved into this state. An application made on the basis of this  
9 criteria is not valid unless the nonresident school board receives the application no  
10 later than 30 days after moving into this state.

11           6. The place of residence of the pupil has changed as a result of a court order  
12 or custody agreement or because the pupil was placed in a foster home or with a  
13 person other than the pupil's parent, or removed from a foster home or from the home  
14 of a person other than the pupil's parent. An application made on the basis of this  
15 criteria is not valid unless the nonresident school board receives the application no  
16 later than 30 days after the pupil's change in residence.

17           7. The parent of the pupil and the nonresident school board agree that  
18 attending school in the nonresident school district is in the best interests of the pupil.

19           (c) If a nonresident school board receives an application under par. (a), the  
20 nonresident school board shall immediately forward a copy of the application to the  
21 resident school board, and shall notify the applicant, in writing, whether it has  
22 accepted the application no later than 20 days after receiving the application. If the  
23 nonresident school board has accepted the application, the nonresident school board  
24 shall identify the specific school or program that the pupil may attend.

1 (d) A resident school district may notify an applicant under par. (a) that the  
2 pupil may not attend a school or program in the nonresident school district only for  
3 the following reasons:

4 1. The resident school district determines that the criteria relied on by the  
5 applicant under par. (b) does not apply to the pupil.

6 2. a. Except as provided in subd. 2. b., the resident school district determines  
7 that the costs of the special education or related services required in the  
8 individualized education program under s. 115.787 (2) for a child with a disability  
9 whose parent has submitted an application under par. (a), as proposed to be  
10 implemented by the nonresident school district, would impose upon the child's  
11 resident school district an undue financial burden in light of the resident school  
12 district's total economic circumstances, including its revenue limit under subch. VII  
13 of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special  
14 education or related services costs for children with disabilities continuing to be  
15 served by the resident school district.

16 b. Subdivision 2. a. does not apply to a pupil who submits an application under  
17 par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

18 (e) If an application is accepted by the nonresident school board under par. (c),  
19 the pupil may immediately begin attending the school or program in the nonresident  
20 school district and shall begin attending the school or program no later than the 15th  
21 day following receipt by the parent of the pupil of the notice of acceptance under par.  
22 (c). If the pupil has not enrolled in or attended school in the nonresident school  
23 district by the day specified in this paragraph, the nonresident school district may  
24 notify the pupil's parent, in writing, that the pupil is no longer authorized to attend  
25 the school or program in the nonresident school district.

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

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

5           **6.** Page 6, line 3: after that line insert:

6           “**SECTION 6g.** 118.51 (5) (a) 1. b. of the statutes is amended to read:

7           118.51 (5) (a) 1. b. Pupils and siblings of pupils who have applied under sub.  
8           (3) (a) or (3m) (a) and are already attending the nonresident school district.

9           **SECTION 6r.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

10           118.51 (5) (a) 1. c. If the nonresident school district is a union high school  
11           district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently  
12           attending an underlying elementary school district of the nonresident school district  
13           under this section.”

14           **7.** Page 6, line 24: after “s. 118.125,” insert “for an application submitted under  
15           sub. (3) (a).”

16           **8.** Page 6, line 25: after “May,” insert “and within 10 days of receiving a copy  
17           of an application under sub. (3m) (c).”

18           **9.** Page 7, line 6: after that line insert:

19           “**SECTION 9m.** 118.51 (9) of the statutes is amended to read:

20           118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an  
21           application under sub. (3) (a) or (7), the resident school board prohibits a pupil from  
22           attending public school in a nonresident school district under sub. (3m) (d), (6), (7)  
23           or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public  
24           school in the nonresident school district under sub. (11), the pupil’s parent may

1 appeal the decision to the department within 30 days after the decision. If the  
2 nonresident school board provides notice that the special education or related service  
3 is not available under sub. (12) (a), the pupil's parent may appeal the required  
4 transfer to the department within 30 days after receipt of the notice. If the resident  
5 school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may  
6 appeal the required transfer to the department within 30 days after receipt of the  
7 notice. The department shall affirm the school board's decision unless the  
8 department finds that the decision was arbitrary or unreasonable.”.

9 **10.** Page 7, line 11: delete “sub. (3)” and substitute “this section.”.

10 **11.** Page 7, line 12: delete “(a) and” and substitute “For an application  
11 submitted for a child with a disability under sub. (3) (a), the nonresident school  
12 district”.

13 **12.** Page 7, line 12: after “copy” insert “of the estimate of costs”.

14 **13.** Page 7, line 13: after “May.” insert “For an application submitted for a  
15 child with a disability under sub. (3m) (a), the nonresident school district shall  
16 provide a copy of the estimate of costs to the resident school district within 10 days  
17 after receiving or developing the individualized education program for the  
18 applicant.”.

19 **14.** Page 8, line 6: after that line insert:

20 “**SECTION 11g.** 118.51 (15) (a) of the statutes is amended to read:

21 118.51 (15) (a) *Application form.* Prepare, distribute to school districts, and  
22 make available to parents an application form to be used by parents under sub. (3)  
23 (a) and an application form to be used by parents under sub. (3m) (a). The form shall  
24 include provisions that permit a parent to apply for transportation reimbursement

1 under sub. (14) (b). The form shall require an applicant who is applying to attend  
2 a virtual charter school to indicate that he or she is applying to attend a virtual  
3 charter school, the number of virtual charter schools to which he or she is applying,  
4 and whether he or she is a sibling of a pupil currently enrolled in a virtual charter  
5 school through the open enrollment program.

6 **SECTION 11r.** 121.91 (4) (p) of the statutes is created to read:

7 121.91 (4) (p) The limit otherwise applicable to a school district under sub. (2m)  
8 in any school year is increased by the amount of any payment received by the school  
9 district under s. 118.51 (16) (c) in the previous school year for a pupil who was not  
10 included in the calculation of the number of pupils enrolled in the school district in  
11 the previous school year.”.

12

(END)