



## 2013 ASSEMBLY BILL 329

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

1     **AN ACT to repeal** 118.53, 121.004 (7) (em) and 121.05 (1) (a) 12m.; and **to amend**  
2             118.145 (4), 119.04 (1), 121.54 (2) (c) and 121.90 (1) (intro.) of the statutes;  
3             **relating to:** attendance at a public school of pupils enrolled in home-based  
4             private educational programs.

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### *Analysis by the Legislative Reference Bureau*

Current law requires a school board to allow a pupil enrolled in a home-based private educational program who meets the admission standards to attend up to two courses at a public school in the school district each semester if there is sufficient space in the classroom. The pupil is counted as 0.25 pupil for state aid purposes for each course he or she takes if the pupil is attending a public school outside his or her school district of residence.

This bill eliminates these provisions. The bill provides that a school district operating grades 9 to 12 must allow a pupil enrolled in a home-based private educational program who meets the standards for admission to high school, to take up to two courses each semester if the pupil resides in the school district and there is sufficient space in the classroom. The pupils are counted on a full-time equivalency basis for state aid purposes.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 118.145 (4) of the statutes, as affected by 2013 Wisconsin Act 20,  
2 is amended to read:

3           118.145 (4) The school board of a school district operating high school grades  
4 shall allow a pupil enrolled in a private school ~~or~~, a pupil enrolled in a tribal school,  
5 or a pupil enrolled in a home-based educational program, who has met the standards  
6 for admission to high school under sub. (1), to take up to 2 courses during each school  
7 semester if the pupil resides in the school district in which the public school is located  
8 and if the school board determines that there is sufficient space in the classroom.

9           **SECTION 2.** 118.53 of the statutes, as created by 2013 Wisconsin Act 20, is  
10 repealed.

11           **SECTION 3.** 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is  
12 amended to read:

13           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
15 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,  
16 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
17 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
18 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
19 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, ~~118.53~~, 118.55,  
20 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17)

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1 to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are  
2 applicable to a 1st class city school district and board.

3 **SECTION 4.** 121.004 (7) (em) of the statutes is repealed.

4 **SECTION 5.** 121.05 (1) (a) 12m. of the statutes is repealed.

5 **SECTION 6.** 121.54 (2) (c) of the statutes is amended to read:

6 121.54 (2) (c) An annual or special meeting of a common or union high school  
7 district, or the school board of a unified school district, may elect to provide  
8 transportation for pupils who are not required to be transported under this section,  
9 including pupils attending public school under s. 118.145 (4) ~~or 118.53~~.  
10 Transportation may be provided for all or some of the pupils who reside in the school  
11 district to and from the public school they are entitled to attend or the private school,  
12 within or outside the school district, within whose attendance area they reside. If  
13 transportation is provided for less than all such pupils there shall be reasonable  
14 uniformity in the minimum distance that pupils attending public and private schools  
15 will be transported. Except for elementary school districts electing to furnish  
16 transportation under par. (b) 2., this paragraph does not permit a school district  
17 operating only elementary grades to provide transportation for pupils attending  
18 private schools.

19 **SECTION 7.** 121.90 (1) (intro.) of the statutes, as affected by 2013 Wisconsin Act  
20 20, is amended to read:

21 121.90 (1) (intro.) “Number of pupils enrolled” means the number of pupils  
22 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)  
23 (a) 1. to 11. and 13., and the number of pupils attending the Challenge Academy  
24 program under s. 321.03 (1) (c) in the previous spring session, except that “number

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**SECTION 7**

1 of pupils enrolled” excludes the number of pupils attending public school under ss.  
2 s. 118.145 (4) and ~~118.53~~ and except as follows:

3 **SECTION 8. Effective date.**

4 (1) This act takes effect on July 1, 2014.

5 (END)