

# State of Wisconsin



2021 Assembly Bill 59

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

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

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

### SECTION 1. Nonstatutory provisions.

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

(a) In this subsection:

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

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

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

(c) During the 2020–21 and 2021–22 school years, if a pupil submits an application to a nonresident school

board under s. 118.51 (3m) (a) on the basis of the criteria under s. 118.51 (3m) (b) 8., the pupil’s resident school board, as defined in s. 118.51 (1) (e), may not reject the application for any reason, including under s. 118.51 (3m) (d).

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

(a) In this subsection:

1. “Department” means the department of public instruction.
2. “Eligible school district” has the meaning given in s. 118.60 (1) (am).
3. “Wisconsin parental choice program” means the program under s. 118.60 under which pupils in grades kindergarten to 12 who reside in a school district, other than an eligible school district or a 1st class city school district, may attend any private school.

(b) 1. Notwithstanding s. 118.60 (2) (bm), for purposes of attending a private school under the Wisconsin parental choice program in the 2021–22 school year, a pupil’s total family income may not exceed 3.0 times the poverty level, determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision, a pupil’s “family income” includes the income of the pupil’s parents or legal guardians. Except as provided in s. 118.60

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”

(2) (a) 1. c., a pupil's family income shall be verified as provided in s. 118.60 (2) (a) 1. b.

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

**SECTION 2. Initial applicability.**

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

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