

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby proposes to repeal PI 36.03 (1) (e) 1. a., note following PI 36.03 (1) (i), note following PI 36.03 (2) (d) 2., PI 36.04 (11), and PI 36.05 (8) (b) and (9); to renumber PI 36.04 (1) and PI 36.05 (5); to renumber and amend PI 36.02 (1), PI 36.03 (1) (e) 1. b. and c., PI 36.04 (2), and PI 36.04 (5); to amend PI 36.01 (2) (a), PI 36.02 (4), PI 36.03 (1) (a) and (b), PI 36.03 (1) (f) and (h), PI 36.03 (2) (b), PI 36.03 (3) (title), PI 36.03 (3) (a), PI 36.04 (4), PI 36.04 (6) (a) (intro.), (7), (8) and (9) (intro.) and (a), PI 36.04 (12), PI 36.04 (16) and (17), PI 36.05 (3), PI 36.05 (6) (a) (intro.), (7) and (8) (intro.) and (a), PI 36.05 (10) to (12), and PI 36.10 (4) (a); to repeal and recreate PI 36.03 (3) (c), PI 36.04 (9) (b), PI 36.04 (13), and PI 36.09; and to create PI 36.02 (1), PI 36.02 (7m), PI 36.02 (10m), PI 36.03 (1) (b) 2., PI 36.03 (3) (d), PI 36.04 (1), PI 36.04 (2) (b), PI 36.04 (5), PI 36.05 (5) (b), note following PI 36.05 and the note following PI 36.10, relating to public school inter-district open enrollment.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory Authority: ss. 118.51 (5) (d) and 227.11 (2) (a) and (b), Stats.
Statutes Interpreted: s. 118.51, Stats.

1997 Wisconsin Act 27 created the full-time inter-district public school open enrollment program. Since that time, several laws affecting the program have been enacted and administrative procedures have been developed for the efficient operation of the program. This proposed order updates and amends ch. PI 36 to address statutory changes to the program, to provide clarification in some areas and to amend administrative procedures, including removal of some unnecessary reporting.

1997 Wisconsin Act 164 made significant changes to special education law. The proposed order brings the rules into conformity with Act 164, including changing the terms “handicapped child” and “child with exceptional educational needs” to be “child with a disability,” and eliminating reference to screening children for disabilities and multi-disciplinary teams.

1999 Wisconsin Act 117 amended the open enrollment law to provide that pupils could open enroll for 4-year-old kindergarten only if the pupil’s resident school district also provides 4-year-old kindergarten and only if the pupil is eligible for 4-year-old kindergarten in the resident school district. This order incorporates the provisions of Act 117 into the rules.

1999 Wisconsin Act 118 provided that a pupil could apply to no more than three nonresident school districts in any application period. The proposed rules provide that if a pupil applies to more than three school districts in any application period, any applications submitted during that application period may be declared invalid by the resident and/or each nonresident school district may declare the application it received invalid.

In addition, the proposed rules clarify that a resident school district must be indicated on the application form, that the resident school district to be indicated on the application form is the resident district in which the pupil will reside in the first year of open enrollment, and that the pupil may not indicate multiple resident school districts. If the pupil is not a resident of the district indicated on the form on the immediately following third Friday in September, the open enrollment is void.

2001 Wisconsin Act 16 allows a school board to accept an applicant who is already attending the nonresident school or the applicant’s sibling even if space is not available in the open enrollment program.

2003 Wisconsin Act 55 permits nonresident school districts to establish waiting lists of pupils who have been denied due to lack of space and requires the department to adopt administrative rules to implement and administer the provision. The proposed rules require school boards that wish to establish waiting lists to adopt policies prior to the first day of the application period to which the waiting list will first apply. The policies must include all of the following:

- A procedure to establish a numbered waiting list of all applicants, following its acceptance and rejection criteria and the required random selection process.
- A procedure for notifying parents if the pupil has been accepted from the waiting list. The notification must include:
 - Notice that the pupil has been accepted from the waiting list and of the school or program to which the pupil will be assigned.
 - A date by which the parent must notify the board whether the pupil will attend the nonresident school district and the procedures to follow. The board must provide 10 calendar days for the parent to respond and may provide that if the parent does not respond within the specified time period, the acceptance will be rescinded and the space will be offered to the next applicant on the waiting list.

The last date on which the school board may offer applicants a space from the waiting list is the third Friday in August. The proposed rules require that the denial notice must include the pupil's place on the waiting list.

Clarifications and Amendments to Administrative Procedures:

- Clarify that pupils not enrolled in a Wisconsin public school district during the application period may apply for open enrollment and must enroll in the resident school district prior to attendance in the nonresident school district.
- Provide that a nonresident school district must notify the parent of an open enrolled pupil prior to the first day of the application period if the pupil will be required to reapply under a board's policy requiring reapplication at the beginning of middle school, junior high or high school. Clarify that the resident school board does not act on such a reapplication.
- Permit, but not require, a nonresident school board to determine that a pupil may not open enroll if the parent has not provided the required notice of intent to attend.
- Eliminate the requirement that a parent must submit an application for reimbursement of transportation expenses by April 1 to be ensured of reimbursement in the following school year.
- Provide that after the pupil has begun attending a nonresident school district (at least until the third Friday in September of the first year of open enrollment), the pupil may continue to attend the nonresident school district without reapplication (except as permitted in the statute) even if the pupil moves to a different school district. Provide that the resident school district on the third Friday in September is considered to be the resident school district for the entire school year.
- Clarify that if a pupil withdraws from the nonresident school district or enrolls in and attends another public school district, private school or home-based private educational program, the open enrollment ends and the pupil may not resume open enrollment without submitting a new application in the next open enrollment application period. Provide that if a pupil has not attended the nonresident school district on or before the third Friday in September, the open enrollment ends. Also provide that if a nonresident school district expels an open enrolled pupil, it may also terminate the pupil's open enrollment.
- The proposed rules eliminate requirements for school boards to send copies to the department of various actions that do not affect the aid adjustment nor are required to be reported to the legislature.
- Clarify what actions must be reported to the resident school district and the department. These are actions that would affect the pupil's open enrollment status or the aid adjustment.
- Provide that school board open enrollment policies must be adopted or revised prior to the beginning of the application period to which they will first apply.
- Eliminate the requirement to send decisions in open enrollment appeals by certified mail.
- Simplify the calculation of full-time equivalency for determining the cost of a course under the part-time open enrollment program.

SECTION 1. PI 36.01 (2) (a) is amended to read:

PI 36.01 (2) (a) Under s. 118.51, Stats., ~~beginning in the 1998-99 school year,~~ a pupil in grades kindergarten to twelve may attend a public school in a nonresident school district under the full-time open enrollment program. A pupil may

attend a prekindergarten, 4-year-old kindergarten, early childhood or school-operated day care program in a nonresident school district only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and only if the pupil is eligible to attend that program in his or her resident school district.

SECTION 2. PI 36.02 (1) is renumbered to be PI 36.02 (1m) and amended to read:

PI 36.02 (1m) "Child with ~~exceptional educational needs~~ a disability" has the meaning given in s. 115.76 ~~(3)~~ (5), Stats.

SECTION 3. PI 36.02 (1) is created to read:

PI 36.02 (1) "Application period" means the period beginning on the first Monday in February and ending with the third Friday following the first Monday in February, as specified in s. 118.51 (3) (a) 1., Stats., during which application forms may be submitted to nonresident school boards.

SECTION 4. PI 36.02 (4) is amended to read:

PI 36.02 (4) "Kindergarten" ~~includes both 4-year-old and~~ means 5-year-old kindergarten, ~~as described under s. 115.01 (2), Stats.~~

SECTION 5. PI 36.02 (7m) is created to read:

PI 36.02 (7m) "Parental notification date" means the first Friday following the first Monday in June by which parents are required under s. 118.51 (3) (a) 6., Stats., to notify the nonresident school district whether the pupil will attend the nonresident school district in the following school year.

SECTION 6. PI 36.02 (10m) is created to read:

PI 36.02 (10m) "School term" has the meaning given in s. 115.001 (12), Stats.

SECTION 7. PI 36.03 (1) (a) and (b) are amended to read:

PI 36.03 (1) (a) The parent of a pupil who wishes to attend a public school in a nonresident school district under the full-time open enrollment program shall apply on the form developed by the department. The application shall be submitted to the nonresident school board and shall be received in the nonresident school district office no earlier than the first ~~Monday in February~~ day of the application period and no later than 4:00 p.m. on the ~~third Friday in February~~ last day of the application period. A postmark does not constitute timely submission.

(b) 1. A separate application form shall be submitted for each pupil applying. A separate application form shall be submitted to the board of each nonresident school district to which the pupil is applying. Applications may be submitted to no more than 3 nonresident school boards for any pupil in any school year. If applications are submitted to more than 3 nonresident school districts for any pupil, all the applications are invalid.

SECTION 8. PI 36.03 (1) (b) 2. is created to read:

PI 36.03 (1) (b) 2. The application form shall indicate the resident school district in which the pupil will reside in the first school term in which the pupil first wishes to attend a nonresident school district. No more than one resident school district may be indicated on any application form submitted for the pupil during any application period, and all

application forms shall contain the same resident school district. Failure to indicate a resident school district or indicating more than one resident school district on a single or multiple applications shall render invalid all applications submitted for that pupil during that application period.

SECTION 9. PI 36.03 (1) (e) 1. a. is repealed.

SECTION 10. PI 36.03 (1) (e) 1. b. and c. are renumbered PI 36.03 (1) (e) 1. a. and b. and are amended to read:

PI 36.03 (1) (e) 1. a. Information about whether the pupil has been referred for a ~~multi-disciplinary team~~ special education evaluation under s. 115.777 (1), Stats.

b. Whether the pupil has been found to ~~have an exceptional educational need~~ be a child with a disability; whether the pupil has a current individualized education program; and, if so, a copy of the pupil's individualized education program.

SECTION 11. PI 36.03 (1) (f) and (h) are amended to read:

PI 36.03 (1) (f) The parent of a pupil who is enrolled in a private school or a home-based private ~~education~~ educational program or who is otherwise not enrolled in a Wisconsin school district may apply for the pupil to attend a nonresident school district under the full-time open enrollment program in the following school year. If the application is accepted by the nonresident school board and is not denied by the resident school board and if the parent notifies the nonresident school board that the pupil will attend the nonresident school district in the following school year, the parent shall ensure that, prior to attending school in the nonresident school district, the pupil enrolls in the resident Wisconsin school district according to procedures established by the resident school board under s. PI 36.05 (10).

(h) If the application is accepted by the nonresident school board and is not denied by the resident school board, the parent shall notify the nonresident school board no later than the ~~first Monday in June~~ parental notification date of the pupil's intent to attend school in that district in the following school year. If the nonresident school board does not receive the notification under this paragraph ~~by 4:00 p.m. on~~ on or before the ~~first Monday in June~~ parental notification date, the nonresident school board ~~shall~~ may determine that the pupil does not intend to attend school in that district the following school year. ~~A postmark does not constitute timely submission.~~

SECTION 12. The note following s. PI 36.03 (1) (i) is repealed.

SECTION 13. PI 36.03 (2) (b) is amended to read:

PI 36.03 (2) (b) The parent of a pupil who is eligible for a free or reduced-price meal under 42 USC 1758 (b) may apply for reimbursement of costs incurred by the parent for transportation of the pupil to and from the pupil's residence ~~or a designated stop in the nonresident school district~~ and the school the pupil will be attending. ~~The parent shall apply on the form developed by the department in order to apply for transportation assistance and receive an estimate of transportation reimbursement under s. 118.51 (14) (b), Stats. The parent shall submit the form to the nonresident school board with the application for the full-time open enrollment program under sub. (1) or to the department postmarked no later than April 1. If a parent submits an application for transportation reimbursement after April 1, the parent may receive transportation reimbursement only if funds remain after payment of transportation claims to parents who submitted applications on or~~

~~before April 1.~~ If the parent incurs costs for transportation less than the full distance between the pupil's residence and the school, reimbursement is based on the distance for which the parent incurred costs. If the parent incurs costs for transportation greater than the distance between the school and pupil's residence, for example, transportation to and from the school and an alternative site, such as a day care program that is farther from the school than the pupil's residence, reimbursement is limited to the costs for transportation to and from the pupil's residence and the school.

SECTION 14. The note following s. PI 36.03 (2) (d) 2. is repealed.

SECTION 15. PI 36.03 (3) (title) is amended to read:

PI 36.03 (3) (title) CHANGE OF ADDRESS; ~~RETURN TO RESIDENT SCHOOL DISTRICT~~ CHANGE OF OPEN ENROLLMENT STATUS

SECTION 16. PI 36.03 (3) (a) is amended to read:

PI 36.03 (3) (a) If, after notifying the nonresident school board by the ~~first Monday in June~~ parental notification date that the pupil will attend the nonresident school district in the following school year, the parent decides that the pupil will not attend the nonresident school district in the following school year, the parent shall promptly notify both the resident and nonresident school boards in writing. The parent may not later notify the resident and nonresident school boards that the child will attend school in the nonresident school district the following school year.

SECTION 17. PI 36.03 (3) (c) is repealed and recreated to read:

PI 36.03 (3) (c) The parent shall promptly notify the nonresident school district of any change of address. If the address change results in a change of resident school district prior to the third Friday in September of the first year in which the pupil has applied to attend the nonresident school district under this section, the open enrollment is void. If the address change results in a change of resident school district at any time after the third Friday in September of the first school year in which the pupil attends the nonresident school district under this section, the pupil may continue attending the nonresident school district under the program without reapplication unless required under s. 118.51 (3) (c), Stats.

SECTION 18. PI 36.03 (3) (d) is created to read:

PI 36.03 (3) (d) If, in any school term, the pupil enrolls in and attends any other public school district, charter school under s. 118.40 (2r), Stats., private school or home-based private educational program, in or out of Wisconsin, the open enrollment ceases and the pupil may not attend the nonresident school district under this program in that school term. If, in any school term for which the pupil is entitled to attend the nonresident school district under this program, the pupil has not attended school in the nonresident school district on or before the third Friday in September, the open enrollment ceases and the pupil may not attend the nonresident school district under this program in that school term. If the pupil wishes to attend the nonresident school district in any subsequent school year, the pupil shall submit a new application as provided in s. 118.51 (3) (a), Stats., and this section.

SECTION 19. PI 36.04 (1) is renumbered PI 36.04 (2) (a).

SECTION 20. PI 36.04 (1) is created to read:

PI 36.04 (1) (a) The nonresident school board shall adopt policies to administer the full-time open enrollment program as required in s. 118.51 (4) (a), Stats., and as permitted in par. (b). If the nonresident school board wishes to amend its policies under s. 118.51 (4) (b), Stats., it shall do so prior to the first day of the application period to which the policy will first apply.

(b) If a school board wishes to create a waiting list as permitted under s. 118.51 (5) (d), Stats., it shall adopt a policy prior to the first day of the application period to which the waiting list will first apply. The policy shall provide for all of the following:

1. A procedure to establish a numbered waiting list of all applicants, following its acceptance and rejection criteria under s. 118.51 (5) (a) and (b), Stats., and the procedures required by s. 118.51 (3) (a) 2., Stats., and this section.

2. A procedure for notifying parents if the pupil has been accepted from the waiting list. The notification shall include all of the following:

a. A written notice that the pupil has been accepted from the waiting list and a written notice of the school or program to which the pupil will be assigned.

b. The date by which the parent must notify the nonresident school board whether the pupil will attend the nonresident school district and the procedures the parent must follow to do so. The school board shall provide 10 calendar days from the date the notice was mailed for the parent to respond. The policies may provide that if the parent does not respond within the specified time period, the acceptance will be rescinded and the space will be offered to the next applicant on the waiting list.

(c) The last date on which the school board may notify a parent that an applicant has been accepted from the waiting list is the third Friday in August.

SECTION 21. PI 36.04 (2) is renumbered PI 36.04 (2) (c) and is amended to read:

PI 36.04 (2) (c) The nonresident school board shall establish a procedure to receive and date applications that are received during the application period ~~specified in s. 118.51 (3) (a) 1., Stats.~~ The nonresident school board shall return to the parent any application received prior to the first ~~Monday in February~~ day of the application period or after 4:00 p.m. on the ~~third Friday in February~~ last day of the application period. The nonresident school board shall notify the parent of the reason for returning the application and of the dates of the application period.

SECTION 22. PI 36.04 (2) (b) is created to read:

PI 36.04 (2) (b) If the nonresident school board has adopted a policy under s. 118.51 (4) (a) 1., Stats., requiring reapplication under s. 118.51 (3) (c) 1., Stats., it shall notify a pupil's parents no later than the first day of the application period if a pupil will be required to reapply for the following school year.

SECTION 23. PI 36.04 (4) is amended to read:

PI 36.04 (4) ~~Except as provided in sub. (6), after~~ After the third Friday in February last day of the application period, the nonresident school board shall act on the applications received using the criteria in its policies developed under s. 118.51

(4) (a) 1. to 3. and 5., Stats. If the nonresident school board receives more applications for a particular grade or program than there are spaces available in the grade or program, the nonresident school board shall determine which pupils to accept on a random basis, ~~using a method approved by the board,~~ after granting preferences required in sub (6).

SECTION 24. PI 36.04 (5) is renumbered PI 36.04 (2) (d) and is amended to read:

PI 36.04 (2) (d) ~~Except as provided in sub. (6), if~~ If the application submitted by the parent is incomplete, the nonresident school board ~~shall~~ may make an effort to obtain the missing information provided the information is received prior to the end of the application period. The nonresident school board may not request any information in addition to the information on the application form except ~~that the nonresident school board may request~~ the information authorized under s. 118.51 (8), Stats., and ~~under~~ s. PI 36.03 (1) (e).

SECTION 25. PI 36.04 (5) is created to read:

PI 36.04 (5) If a nonresident school board determines that space is not otherwise available for open enrollment pupils in the grade or program to which an individual has applied, the school board may nevertheless accept an applicant who is already attending school in the nonresident school district or a sibling of the applicant.

SECTION 26. PI 36.04 (6) (a) (intro.), (7), (8) and (9) (intro.) and (a) are amended to read:

PI 36.04 (6) (a) The nonresident school board shall give preference in accepting applications to pupils and to siblings of pupils who are already attending public school in the nonresident school district, including, but not limited to, the following pupils:

(7) For each applicant who is a child with ~~exceptional educational needs~~ a disability, on or before March 15, the nonresident school board shall notify the resident school board of the estimated tuition cost for the special education program required by a pupil's individualized education program, including the estimated cost for transportation, if transportation is required by the pupil's individualized education program.

(8) The notification of acceptance or rejection required under s. 118.51 (3) (a) 3., Stats., ~~shall~~ may be made on ~~the application~~ a form created by the department ~~under s. 118.51 (15) (a), Stats.~~ If the notification of acceptance or rejection is postmarked on or before the first Friday following the first Monday in April following receipt of the application, it shall be considered timely. If the board does not make timely notification that the application is rejected, the application shall be considered approved.

(9) If the application is rejected ~~by the nonresident school board,~~ the nonresident school board shall send written notice of the rejection as required in s. 118.51 (3) (a) 3., Stats. The notice shall include the following:

(a) ~~Include information~~ The reason for the denial and information about appealing the denial, to the department.

SECTION 27. PI 36.04 (9) (b) is repealed and recreated to read:

PI 36.04 (9) (b) The pupil's number on the waiting list under s. 118.51 (5) (d), Stats., if applicable.

SECTION 28. PI 36.04 (11) is repealed.

SECTION 29. PI 36.04 (12) is amended to read:

~~PI 36.04 (12) Following receipt of the notice required under s. 118.51 (3) (e), Stats., the nonresident school board shall send a copy of the application form, including the notifications of acceptance and placement and the parent's notification of intent, to the department. If the nonresident school board does not receive the notification under this paragraph by 4:00 p.m. s. 118.51 (3) (a) 6., Stats., on or before the first Monday in June parental notification date, the nonresident school board shall may determine that the pupil does not intend to attend school in that district the following school year and shall note this fact on the form and send a copy of the form to the department.~~

SECTION 30. PI 36.04 (13) is repealed and recreated to read:

PI 36.04 (13) The nonresident school board shall notify the resident school board and the department of changes in a pupil's status as an open enrolled pupil including, but not limited to, the following:

(a) A change in the pupil's resident school district that results in termination of the pupil's open enrollment, such as:

1. The pupil becomes a resident of the nonresident school district.
2. The pupil becomes a resident of a school district other than one indicated on the application form, if the change in resident school district took place prior to the third Friday in September of the first school term in which the pupil attends the nonresident school district under this program.

3. The pupil is no longer a resident of Wisconsin.

(b) A change in the pupil's resident school district that does not result in termination of the pupil's open enrollment. If the pupil's resident school district changes after the third Friday in September of the first school term in which the pupil attends the nonresident school district, the pupil may continue to attend the nonresident school district without reapplication. The school district in which the pupil resides on the third Friday in September in any school year shall be the resident school district for purposes of full-time open enrollment in that school year.

(c) The pupil is found to be a child with a disability or is found to no longer be a child with a disability.

(d) The pupil withdraws from the nonresident school district or enrolls in another school district, charter school under s. 118.40 (2r), Stats., private school, or home-based private educational program, in or out of Wisconsin, in which case, the pupil's open enrollment is terminated.

(e) The pupil is expelled from the nonresident school district, in which case the nonresident school district may notify the parent that the pupil's open enrollment is terminated.

SECTION 31. PI 36.04 (16) and (17) are amended to read:

PI 36.04 (16) For each child with ~~exceptional educational needs that~~ a disability who is accepted for full-time open enrollment by the nonresident school district and is not prevented from attending the nonresident school district by the resident school board, the nonresident school board and the resident school board shall either determine that the amount of payment shall be calculated using the daily tuition rate under s. 121.83, Stats., or shall jointly agree to a different amount.

(17) The nonresident school board shall provide such information as the department determines is needed to comply with s. 118.51 (15) (c), Stats., ~~and such information as the legislative audit bureau determines is needed to comply with s. 13.94 (11), Stats.~~

SECTION 32. PI 36.05 (3) is amended to read:

PI 36.05 (3) Upon request of the nonresident school board, the resident school board shall promptly provide the disciplinary records specified under s. 118.51 (8), Stats., and the records related to a ~~pupil with exceptional educational needs~~ child with a disability as specified under s. PI 36.03 (1) (e).

SECTION 33. PI 36.05 (5) is renumbered PI 36.05 (5) (a).

SECTION 34. PI 36.05 (5) (b) is created to read:

PI 36.05 (5) (b) Once a pupil has begun open enrollment, the resident school board may not act on any subsequent application for the pupil that was submitted to the nonresident school board pursuant to the nonresident school board's policy to require reapplication under s. 118.51 (3) (c) 1., Stats.

SECTION 35. PI 36.05 (6) (a) (intro.), (7) and (8) (intro.) and (a) are amended to read:

(6) (a) The resident school board shall give preference in accepting applications to pupils and to siblings of pupils who are already attending public school in the nonresident school district, including, but not limited to, the following pupils:

(7) The notification of acceptance or rejection required under s. 118.51 (3) (a) 3., Stats., ~~shall~~ may be made on ~~the application~~ a form created by the department under s. 118.51 (15) (a), Stats. If the notification of acceptance or rejection is postmarked on or before the first Friday following the first Monday in April following receipt of the application, it shall be considered timely. If the board does not make timely notification that the application is rejected, the application shall be considered approved.

(8) If the application is rejected, the resident school board shall:

~~(a) Provide~~ provide notice to the parent stating why the application was rejected and that the decision may be appealed to the department within 30 days; ~~and.~~

SECTION 36. PI 36.05 (8) (b) and (9) are repealed.

SECTION 37. PI 36.05 (10) to (12) are amended to read:

PI 36.05 (10) The resident school board shall establish procedures for pupils who were ~~enrolled in a private school or home-based educational program or who did not reside~~ not enrolled in the resident school district at the time of applying for full-time open enrollment in a nonresident school district to enroll in the resident school district so that the resident school district may include the pupils in the report required under s. 121.05 (1) (a) 11., Stats.

(11) The resident school board shall provide such information as the department determines is needed to comply with s. 118.51 (15) (c), Stats., ~~and such information as the legislative audit bureau determines is needed to comply with s. 13.94 (11), Stats.~~

(12) For each child with ~~exceptional educational needs~~ a disability that is accepted for full-time open enrollment by the nonresident school district and is not prevented from attending the nonresident school district by the resident school board, the resident school board and the nonresident school board shall either determine that the amount of payment shall be calculated using the daily tuition rate under s. 121.83, Stats., or shall jointly agree to a different amount. The resident school board shall pay the amount agreed upon according to a schedule that is agreed upon by the 2 school boards.

SECTION 38. The following Note is inserted after s. PI 36.05:

Note: Information about the Full-Time Public School Open Enrollment Program, including the open enrollment brochure for parents and open enrollment forms including application forms, transportation reimbursement claims, school board approval and denial forms and notification of school or program assignment forms, may be obtained from the Department of Public Instruction Open Enrollment web site at www.dpi.state.wi.us/dpi/dfm/sms/psctoc.html or are available at no charge by writing to the Wisconsin Department of Public Instruction, School Management Services, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 39. PI 36.09 is repealed and recreated to read:

PI 36.09 **Calculating cost of course.** The cost of the course under s. 118.51 (12), Stats., shall be calculated as follows:

- (1) Calculate the total number of hours of instruction that the student will be enrolled in the course.
- (2) Calculate the total number of hours of instruction required annually for a full-time high school student in the nonresident school district.
- (3) Divide the result of sub. (1) by the result of sub. (2).
- (4) Multiply the result of sub. (3) by the school district's regular annual tuition rate, as calculated under s. 121.83 (1), Stats.

SECTION 40. PI 36.10 (4) (a) is amended to read:

PI 36.10 (4) (a) The decision of the state superintendent shall be in writing stating separate findings of fact and conclusions of law. Decisions shall be served on all parties by mailing a copy to each party's last known address ~~by certified mail.~~

SECTION 41. The following Note is inserted after s. PI 36.10:

Note: Information about filing an appeal, including a form which may be used to file the appeal, may be obtained from the Department of Public Instruction Open Enrollment web site at www.dpi.state.wi.us/dpi/dfm/sms/psctoc.html or are available at no charge by writing to the Wisconsin Department of Public Instruction, School Management Services, P.O. Box 7841, Madison, WI 53707-7841.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this ____ day of August, 2004

Elizabeth Burmaster
State Superintendent