

Private School Attendance Area

Under s. 121.51(1), Wis. Stats., the private school attendance area is defined as "the geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located."

Private school administrators work with their respective governing bodies to establish their attendance areas. The structures of governing bodies of private schools may vary.

Religious Denomination Overlap

Section 121.51(1), Wis. Stats., further states: "The attendance areas of private schools affiliated with the same religious denomination shall not overlap unless one school limits its enrollment to pupils of the same sex and the other school limits its enrollment to pupils of the opposite sex or admits pupils of both sexes." The Wisconsin Supreme Court has ruled that this "non-overlapping" rule applies to all private schools, whether they are secular or religious in nature. (State ex rel. Vanko v. Kahl, 52 Wis. 2d 206).

In approving an attendance area for a private school, it is the public school board's responsibility to ensure that the private school's attendance area does not overlap with the attendance area of another private school of the same religious denomination. Because attendance areas are approved by the school board of the district in which the private school is located, it is important for that school board to verify non-overlapping attendance boundaries in consultation with neighboring public school districts.

Proposed Attendance Area Submittal

Pursuant to s. 121.54(2)(b)(3), Wis. Stats., "Annually, by April 1, each private school shall submit its proposed attendance area for the ensuing school year to the school board of each school district having territory within the proposed attendance area. If a proposal is not submitted by April 1, the existing attendance area shall remain in effect for the ensuing school year."

Although the district in which the private school is located is responsible for approving the proposed attendance area, *each school board which has territory in the private school's designated attendance area* is to receive the information from the private school's governing body or administrator of the private school. Therefore, each public school board receiving proposed attendance area designations should review the request to ensure there is no overlapping of private school attendance areas, as discussed above. Formal board action should be taken with regard to approval of a proposed attendance area.

Attendance areas commonly include a description and/or map of territory. The April 1 statutory timeline for submitting an attendance area is critical. If that deadline is not met, the existing attendance area remains in effect for the following school year.

Overlapping Attendance Conflict Resolution

It is recommended that the public school district(s) and the private schools involved with an overlapping attendance area make every effort to work out a solution. If a solution cannot be reached, s. 121.51(1), Wis. Stats., provides: "If the private school and the school board cannot agree on the attendance area, the state superintendent shall, upon the request of the private school and the board, make a final determination of the attendance area."