



2001 ASSEMBLY BILL 879

March 4, 2002 – Introduced by Representatives GROTHMAN, ALBERS, GUNDERSON, HINES and URBAN, cosponsored by Senator WELCH. Referred to Committee on Education.

1 **AN ACT** *to repeal* 121.004 (7) (cm); *to amend* 121.004 (7) (c) 1. (intro.), 121.004
2 (7) (f) and 121.86 (3); and *to create* 120.145 and 121.07 (6) (ag) of the statutes;
3 **relating to:** the funding of 4-year-old kindergarten programs.

Analysis by the Legislative Reference Bureau

Under current law, a school district other than a union high school district must operate a five-year-old kindergarten program. A pupil enrolled in a five-year-old kindergarten program is counted for state aid purposes as one-half pupil, except that a pupil enrolled in a five-year-old kindergarten program requiring full-day attendance for five days a week for an entire school year is counted as one pupil and a pupil enrolled in a five-year-old kindergarten program requiring full-day attendance for less than five days a week for an entire school year is counted according to the time scheduled for the program. A school district is not required to operate a four-year-old kindergarten program. If it does and the program provides 437 hours of direct pupil instruction, an enrolled pupil is counted as one-half pupil. If in addition it offers 87.5 hours of outreach activity, an enrolled pupil is counted as 0.6 pupil. If a four-year-old kindergarten program requires more than 437 hours of direct pupil instruction, an enrolled pupil is still counted as either one-half pupil or 0.6 pupil. If a school district operates a four-year-old kindergarten program requiring fewer than 437 hours of direct pupil instruction, the pupil is not counted at all for state aid.

This bill discontinues the counting of all four-year-old kindergarten pupils. The bill also provides that a school district may not include any expenditures for a

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four-year-old kindergarten program in its shared cost (the amount that may be aided by the state), or levy a property tax for a four-year-old kindergarten program, unless the school board adopts a resolution stating its intention to do so and the resolution is approved at a referendum. Approval at a referendum is valid for five years.

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

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

1 **SECTION 1.** 120.145 of the statutes is created to read:

2 **120.145 Referendum for 4-year-old kindergarten aid and tax levy. (1)**

3 Notwithstanding ss. 65.07 (1) (c), 119.46, 120.10 (6), (8), and (10m), and 120.12 (3),
4 beginning in 2003, if a school board wishes to include its expenditures for a
5 4-year-old kindergarten program in its shared cost under s. 121.07 (6) (a) and (ag)
6 and to be able to levy property taxes for that purpose, the school board shall adopt
7 a resolution to that effect. The resolution shall be filed as provided in s. 8.37.

8 **(2)** (a) The school board shall call a referendum for the purpose of submitting
9 the resolution to the electors of the school district for approval or rejection. The
10 referendum shall be held at the next succeeding spring primary or election that is
11 held not sooner than 42 days after the filing of the resolution of the school board.

12 (b) The school district clerk shall publish type A, B, C, D, and E notices of the
13 referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice
14 shall include a copy of the resolution under sub. (1). Section 5.01 (1) applies in the
15 event of failure to comply with the notice requirements of this paragraph.

16 (c) The referendum shall be held in accordance with chs. 5 to 12. The school
17 district clerk shall provide the election officials with all necessary election supplies.
18 The form of the ballot shall correspond substantially with the standard form for

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1 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

2 (a). The question submitted shall be whether the school district may proceed as
3 specified in the resolution for the succeeding 5 years.

4 (d) The school board may proceed as specified in the resolution for the
5 succeeding 5 years if the resolution is approved by a majority of the school district
6 electors voting at the referendum.

7 **SECTION 2.** 121.004 (7) (c) 1. (intro.) of the statutes is amended to read:

8 121.004 (7) (c) 1. (intro.) A pupil enrolled in kindergarten may be counted only
9 if the pupil attains the age permitted under s. 120.12 (25) or required under s. 118.14
10 for ~~kindergarten admission to a 5-year-old kindergarten program~~. A kindergarten
11 pupil enrolled in a 5-year-old kindergarten program shall be counted as one-half
12 pupil, except that:

13 **SECTION 3.** 121.004 (7) (cm) of the statutes is repealed.

14 **SECTION 4.** 121.004 (7) (f) of the statutes is amended to read:

15 121.004 (7) (f) A pupil who transfers from one school district to another under
16 s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as
17 0.75 pupil or, if appropriate, as a number equal to the result obtained by multiplying
18 0.75 by the appropriate fraction under par. (c), ~~(cm)~~ or (d).

19 **SECTION 5.** 121.07 (6) (ag) of the statutes is created to read:

20 121.07 (6) (ag) Except as provided in s. 120.145, "shared cost" excludes any
21 expenditures for a 4-year-old kindergarten program.

22 **SECTION 6.** 121.86 (3) of the statutes is amended to read:

23 121.86 (3) STATE AID EXCEPTION. Pupils under sub. (2) (b) and (c) who are
24 enrolled in a kindergarten program or in a preschool program under subch. V of ch.

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SECTION 6

1 115 shall be multiplied under sub. (2) (a) 2. by a number equal to the result obtained
2 by multiplying 0.25 by the appropriate fraction under s. 121.004 (7) (c), ~~(em)~~ or (d).

3 **SECTION 7. Initial applicability.**

4 (1) This act first applies to the distribution of state school aid in, and the
5 calculation of revenue limits for, the 2002-03 school year.

6 (END)