



2003 ASSEMBLY BILL 725

January 5, 2004 - Introduced by Representatives OLSEN, TOWNS, BIES, GIELOW, GUNDERSON, KESTELL, KREIBICH, J. LEHMAN, M. LEHMAN, MUSSER, PETROWSKI, RHOADES and J. WOOD, cosponsored by Senators WELCH and BROWN. Referred to Committee on Education.

1 **AN ACT to repeal** 101.14 (1) (d), 115.001 (11), 115.28 (3m) (c), 115.28 (7m), 115.28
2 (32), 115.28 (33), 115.28 (34), 115.28 (37), 115.28 (44), 118.015 (2) and (3), 118.07
3 (2) (b), 118.258 (2) (b), 120.12 (13) and 120.25 (5); **to renumber** 118.258 (2) (a)
4 and 120.12 (17); **to renumber and amend** 118.07 (2) (a); and **to amend**
5 118.019 (5), 118.126 (1) (intro.), 118.126 (1) (b), 118.126 (2), 118.257 (1) (c),
6 118.258 (1), 118.38 (1) (a) 7., 120.12 (23), 120.13 (11), 121.53 (6), 121.54 (2) (b)
7 1. and 250.06 (6) of the statutes; **relating to:** eliminating various school district
8 and Department of Public Instruction requirements.

Analysis by the Legislative Reference Bureau

This bill makes a variety of changes to the laws governing elementary and secondary education, including:

1. Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence. This bill provides that a school district providing transportation for private school pupils must do so only on days on which public school is held in the school district.

2. Current law directs the Department of Public Instruction (DPI) to license school nurses, although a school district may employ a nurse who is not licensed by DPI. This bill eliminates the authority of DPI to license nurses as school nurses.

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3. Each school district is currently required to employ a reading specialist, certified by DPI, to develop and coordinate a comprehensive reading curriculum. This bill eliminates this requirement.

4. Currently, a school board must pay the tuition of a pupil enrolled in the school district who attends the University of Wisconsin System if the course that the pupil is taking is not offered in the school district, the pupil will receive high school credit for the course, and the pupil is not participating in the Youth Options Program. This bill eliminates this requirement.

5. Current law requires each public and private school to file a report annually pertaining to fire drills with the Department of Commerce and with the local fire department. This bill eliminates this requirement. The bill requires each public and private school to keep a record of each fire drill for at least seven years.

6. Currently, a school district that offers an instructional program in human growth and development must appoint an advisory committee to review the curriculum of the program every three years. This bill requires the committee to review the curriculum as needed.

7. Current law directs each school board to adopt rules prohibiting a pupil from using or possessing a paging or two-way communication device while on school premises and to submit the rules to DPI. This bill eliminates these requirements. Under the bill, if a school board adopts such rules, it must provide a copy to each pupil enrolled in the school district.

8. Current law requires a school board to report school bus accidents to DPI. This bill eliminates this requirement.

9. Current law requires a school district to report to DPI when the school district contracts with another school district to acquire or use the latter district's facilities or equipment. This bill eliminates this requirement.

10. This bill eliminates the requirement that a school board annually adopt a policy on access to extracurricular and recreational school programs and activities.

11. This bill eliminates the requirement that DPI coordinate the exchange of teachers.

12. This bill eliminates the requirement that DPI promote public awareness of, access to, and training of health professionals for rural and underserved urban areas.

13. This bill eliminates the requirement that school boards maintain a mailbox for each school located on a rural mail route.

14. This bill eliminates the requirement that DPI report to the legislature every three years on all cooperative educational service agency programs and services.

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:

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1 **SECTION 2.** 115.001 (11) of the statutes is repealed.

2 **SECTION 3.** 115.28 (3m) (c) of the statutes is repealed.

3 **SECTION 4.** 115.28 (7m) of the statutes is repealed.

4 **SECTION 5.** 115.28 (32) of the statutes is repealed.

5 **SECTION 6.** 115.28 (33) of the statutes is repealed.

6 **SECTION 7.** 115.28 (34) of the statutes is repealed.

7 **SECTION 8.** 115.28 (37) of the statutes is repealed.

8 **SECTION 9.** 115.28 (44) of the statutes is repealed.

9 **SECTION 10.** 118.015 (2) and (3) of the statutes are repealed.

10 **SECTION 11.** 118.019 (5) of the statutes is amended to read:

11 118.019 (5) **ADVISORY COMMITTEE.** In any school district that offers a human
12 growth and development curriculum, the school board shall appoint an advisory
13 committee composed of parents, teachers, school administrators, pupils, health care
14 professionals, members of the clergy and other residents of the school district. The
15 advisory committee shall develop the human growth and development curriculum
16 and advise the school board on the design, review and implementation of the advisory
17 committee's human growth and development curriculum. The advisory committee
18 shall review the curriculum ~~at least every 3 years~~ as needed.

19 **SECTION 12.** 118.07 (2) (a) of the statutes is renumbered 118.07 (2) and
20 amended to read:

21 118.07 (2) Once each month, without previous warning, the person having
22 direct charge of any public or private school shall drill all pupils in the proper method
23 of departure from the building as if in case of fire, except when the person having
24 direct charge deems that the health of the pupils may be endangered by inclement

ASSEMBLY BILL 725**SECTION 12**

1 weather conditions. The school board or governing body of the private school shall
2 maintain for at least 7 years a record of each fire drill conducted.

3 **SECTION 13.** 118.07 (2) (b) of the statutes is repealed.

4 **SECTION 14.** 118.126 (1) (intro.) of the statutes is amended to read:

5 118.126 (1) (intro.) A school psychologist, school counselor, school social
6 worker, and nurse, and any teacher or administrator designated by the school board
7 who engages in alcohol or drug abuse program activities, shall keep confidential
8 information received from a pupil that the pupil or another pupil is using or is
9 experiencing problems resulting from the use of alcohol or other drugs unless:

10 **SECTION 15.** 118.126 (1) (b) of the statutes is amended to read:

11 118.126 (1) (b) The school psychologist, school counselor, school social worker,
12 nurse, teacher, or administrator has reason to believe that there is serious and
13 imminent danger to the health, safety, or life of any person and that disclosure of the
14 information to another person will alleviate the serious and imminent danger. No
15 more information than is required to alleviate the serious and imminent danger may
16 be disclosed; or

17 **SECTION 16.** 118.126 (2) of the statutes is amended to read:

18 118.126 (2) A school psychologist, school counselor, school social worker, or
19 nurse, or any teacher or administrator designated by the school board who engages
20 in alcohol or drug abuse program activities, who in good faith discloses or fails to
21 disclose information under sub. (1) is immune from civil liability for such acts or
22 omissions. This subsection does not apply to information required to be reported
23 under s. 48.981.

24 **SECTION 17.** 118.257 (1) (c) of the statutes is amended to read:

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1 118.257 (1) (c) "Pupil services professional" means a school counselor, school
2 social worker, school psychologist, or school nurse.

3 **SECTION 18.** 118.258 (1) of the statutes is amended to read:

4 118.258 (1) ~~Each~~ A school board ~~shall~~ may adopt rules prohibiting a pupil from
5 using or possessing an electronic paging or 2-way communication device while on
6 premises owned or rented by or under the control of a public school. The rules may
7 allow for the use or possession of such a device by a pupil if the school board or its
8 designee determines that the device is used or possessed for a medical, school,
9 educational, vocational, or other legitimate use.

10 **SECTION 19.** 118.258 (2) (a) of the statutes is renumbered 118.258 (2).

11 **SECTION 20.** 118.258 (2) (b) of the statutes is repealed.

12 **SECTION 21.** 118.38 (1) (a) 7. of the statutes is amended to read:

13 118.38 (1) (a) 7. Licensure ~~or certification~~ under s. 115.28 (7) ~~or (7m)~~ other than
14 the licensure of the school district administrator or business manager.

15 **SECTION 22.** 120.12 (13) of the statutes is repealed.

16 **SECTION 23.** 120.12 (17) of the statutes is renumbered 120.13 (30).

17 **SECTION 24.** 120.12 (23) of the statutes is amended to read:

18 120.12 (23) PUPIL PARTICIPATION IN SCHOOL ACTIVITIES. ~~Annually, adopt~~ Adopt a
19 policy on access to extracurricular and recreational school programs and activities
20 that encourages full participation by all elementary grade pupils in these programs
21 and activities. This subsection does not apply to the school board of a union high
22 school district.

23 **SECTION 25.** 120.13 (11) of the statutes is amended to read:

24 120.13 (11) NURSES AND DENTISTS. Employ qualified public health nurses,
25 ~~school nurses, registered nurses,~~ and licensed dentists who shall cooperate with the

ASSEMBLY BILL 725**SECTION 25**

1 local board of health, as defined in s. 250.01 (3), and the department of health and
2 family services.

3 **SECTION 26.** 120.25 (5) of the statutes is repealed.

4 **SECTION 27.** 121.53 (6) of the statutes is amended to read:

5 121.53 (6) Within 10 days after its occurrence, every accident involving a motor
6 vehicle while providing transportation under this subchapter shall be reported to the
7 appropriate school board and promptly by the school board to the state
8 superintendent on forms provided by the state superintendent.

9 **SECTION 28.** 121.54 (2) (b) 1. of the statutes is amended to read:

10 121.54 (2) (b) 1. Except as provided in sub. (1) or otherwise provided in this
11 subsection, the school board of each school district operating high school grades shall
12 provide transportation, on days on which public school is held in the school district,
13 to and from the school a pupil attends for each pupil residing in the school district
14 who attends any elementary grade, including kindergarten, or high school grade at
15 a private school located 2 miles or more from the pupil's residence, if such private
16 school is a school within whose attendance area the pupil resides and is situated
17 within the school district or not more than 5 miles beyond the boundaries of the
18 school district measured along the usually traveled route.

19 **SECTION 29.** 250.06 (6) of the statutes is amended to read:

20 250.06 (6) This section ~~shall~~ does not apply to school nurses, ~~as defined in s.~~
21 ~~115.001 (11),~~ while acting in the employ of a public school.

22 **SECTION 30. Effective dates.** This act takes effect on the day after publication,
23 except as follows:

