



2017 SENATE BILL 227

May 4, 2017 - Introduced by Senators BEWLEY, MILLER, ERPENBACH, RINGHAND, RISSER, SHILLING and VINEHOUT, cosponsored by Representatives POPE, HINTZ, BERCEAU, CONSIDINE, GENRICH, GOYKE, HEBL, HESSELBEIN, KOLSTE, MASON, OHNSTAD, SARGENT, SPREITZER, SUBECK, C. TAYLOR, WACHS and ZAMARRIPA. Referred to Committee on Education.

1 **AN ACT** *to amend* 118.60 (4d) (b) 1. (intro.) and 121.91 (4) (n) 1.; and *to create*
2 118.60 (4e) of the statutes; **relating to:** state aid to a school district of residence
3 of a pupil attending a private school under the Racine and statewide parental
4 choice programs.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Public Instruction from making certain reductions in state aid paid to a school district until the electors of a school district have approved the reduction in state aid by a referendum vote. Current law requires DPI to reduce the state aid paid to a school district in a school year by the amount paid in that school year to a private school participating in the Racine or statewide parental choice program for each pupil who resides in that school district but who attends a private school under the Racine or statewide parental choice program.

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:

5 **SECTION 1.** 118.60 (4d) (b) 1. (intro.) of the statutes is amended to read:

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1 118.60 (4d) (b) 1. (intro.) Beginning in the 2015-16 school year, subject to sub.
2 (4e) and s. 121.085 (1), the department shall decrease a school district's state aid
3 payment under s. 121.08 by an amount calculated as follows:

4 **SECTION 2.** 118.60 (4e) of the statutes is created to read:

5 118.60 (4e) (a) In this subsection:

6 1. "Circulator" has the meaning given for "qualified circulator" under s. 5.02
7 (16g).

8 2. "Commission" means the elections commission.

9 (b) The department may not decrease a school district's state aid payment
10 under s. 121.08 as provided in sub. (4d) (b) until the school district qualifies as
11 provided under this subsection. A school district may not qualify under this
12 subsection until a petition is certified as provided in this paragraph and the petition
13 is approved at a referendum as provided in par. (d). A petition may not be certified
14 unless all of the following occur:

15 1. An individual, committee, or group files a registration statement with the
16 commission to initiate a petition to have the state aid paid to the school district under
17 s. 121.08 reduced as provided in sub. (4d) (b). The registration statement shall
18 include the name and mailing address of the individual, committee, or group
19 initiating the petition.

20 2. The individual, committee, or group circulates the petition and files the
21 petition with the commission no later than 60 days after the date on which the
22 registration statement is filed under subd. 1. The certification of a circulator shall
23 appear at the bottom of each petition filed with the commission. The certification of
24 the circulator shall include the name and mailing address of the individual,
25 committee, or group initiating the petition and a statement that he or she personally

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1 circulated the petition and personally obtained each of the signatures; he or she
2 knows the signatures are of qualified electors, as described in s. 6.02, of the school
3 district that is the subject of the petition as the petition requires; he or she knows the
4 signers signed the petition with full knowledge of its content; he or she knows the
5 respective residences given for each signer; and he or she knows each signer signed
6 on the date stated opposite his or her signature. The certification shall also include
7 a statement that the circulator is a qualified elector of this state or, if not a qualified
8 elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident
9 of this state, would not be disqualified from voting under s. 6.03; that he or she
10 intends to support the implementation of the program under this section in the
11 school district that is the subject of the petition; and that he or she is aware that
12 falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall
13 indicate the date that he or she makes the certification next to his or her signature.

14 3. The commission, within 31 days after a petition is filed under subd. 2.,
15 reviews the signatures to determine whether any signatures or petition sheets may
16 not be counted for the reasons provided in par. (c). If, after review, the commission
17 determines that the petition contains a number of signatures of qualified electors in
18 the school district that is the subject of the petition equal to not less than 20 percent
19 of the number of electors voting in the last election of school board members in the
20 school district, the commission shall certify that result to the school district clerk.

21 (c) 1. An individual signature on a petition sheet may not be counted if:

22 a. The signature is not dated.

23 b. The signature is dated outside the circulation period.

24 c. The signature is dated after the date of the certification contained on the
25 petition sheet.

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1 d. The residency of the signer of the petition sheet cannot be determined by the
2 address given.

3 e. The signature is that of an individual who is not a resident of the school
4 district that is the subject of the petition.

5 f. The signer has been adjudicated not to be a qualified elector on grounds of
6 incompetency or limited incompetency as provided in s. 6.03 (3).

7 g. The signer is not a qualified elector by reason of age.

8 h. The circulator knew or should have known that the signer, for any other
9 reason, was not a qualified elector.

10 2. No signature on the petition sheet may be counted if:

11 a. The circulator fails to sign his or her certification.

12 b. The circulator is not a qualified circulator.

13 (d) Within 10 days after the commission certifies the petition under par. (b) 3.,
14 the school board shall notify the department of the scheduled date of the referendum
15 and submit a copy of the petition and certification to the department. The school
16 board shall call a special referendum for the purpose of submitting the petition to the
17 electors of the school district for approval or rejection. In lieu of a special referendum,
18 the school board may specify that the referendum be held at the next succeeding
19 spring primary or election or September primary or general election, if such election
20 is to be held not sooner than 42 days after the petition is certified by the commission.
21 The referendum shall be held in accordance with chs. 5 to 12. The form of the ballot
22 shall correspond substantially with the standard form for referendum ballots
23 prescribed by the commission under ss. 5.64 (2) and 7.08 (1) (a). The question
24 submitted shall be whether the reduction in state aid to the school district under s.
25 121.08, as provided for under s. 118.60 (4d) (b), shall be made. If a majority of those

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1 voting on the question approve, the reduction in state aid shall be made as provided
2 in s. 118.60 (4d) (b). The school district clerk shall do all of the following:

3 1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2).
4 Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any
5 certificate submitted to the school district clerk by the commission under par. (b) 3.
6 and the question to be submitted to the voters as provided in this paragraph. Section
7 5.01 (1) applies in the event of failure to comply with the notice requirements of this
8 paragraph.

9 2. Provide the election officials with all necessary election supplies.

10 (e) The department shall make the reduction in state aid under s. 121.08 in a
11 school district that qualifies under this subsection in the first school year that begins
12 after the date on which the question submitted under par. (d) is approved.

13 (f) A school district that qualifies under this subsection shall remain qualified
14 under this subsection.

15 **SECTION 3.** 121.91 (4) (n) 1. of the statutes is amended to read:

16 121.91 (4) (n) 1. The For a school district that qualifies as provided under s.
17 118.60 (4e), beginning in the school year described in s. 118.60 (4e) (e) and annually
18 thereafter, the limit otherwise applicable to a school district under sub. (2m) in any
19 school year is increased by an amount equal to the amount determined for that school
20 district under s. 118.60 (4d) (b) 1.

21 (END)