



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4451/1
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2021 ASSEMBLY BILL 600

October 7, 2021 - Introduced by Representatives DITTRICH, KUGLITSCH, CABRAL-GUEVARA, ROZAR, MAGNAFICI, GUNDRUM, MURPHY, PENTERMAN, EDMING, ARMSTRONG, BRANDTJEN, TRANEL, BEHNKE and KNODL, cosponsored by Senators JAGLER, NASS and DARLING. Referred to Committee on Mental Health.

1 **AN ACT** *to repeal* 20.255 (2) (fw); and *to create* 20.255 (2) (fw) of the statutes;
2 **relating to:** state aid payments for pupils in grades kindergarten to 12 who
3 transfer schools due to the existence or absence of mandates regarding pupil
4 face coverings or COVID-19 vaccines; school district membership in an
5 interscholastic athletic association in the 2021-22 school year; and making an
6 appropriation.

Analysis by the Legislative Reference Bureau

This bill provides that, during the 2021-22 and 2022-23 school years, a pupil enrolled in or attending a public or private school may, under certain conditions, transfer to another school. The bill allows a pupil to transfer one time per school year under the following conditions:

1. If a school requires pupils to wear face coverings to prevent the transmission of the novel coronavirus SARS-CoV-2 (face coverings), a pupil enrolled in or attending the school may transfer to a school that does not require pupils to wear face coverings.

2. If a school does not require pupils to wear face coverings, a pupil enrolled in or attending the school may transfer to a school that does require pupils to wear face coverings.

3. If a school requires pupils to receive, or to show proof of having received, COVID-19 vaccines, a pupil enrolled in or attending the school may transfer to a

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school that does not require pupils to receive or to show proof of having received COVID-19 vaccines.

4. If a school does not require pupils to receive, or to show proof of having received, COVID-19 vaccines, a pupil enrolled in or attending the school may transfer to a school that does require pupils to receive or to show proof of having received COVID-19 vaccines.

Under the bill, if a pupil is eligible to transfer schools, the pupil's parent must apply to the school the pupil wants to attend (transferee school), and, if the pupil is accepted and attends the transferee school, the Department of Public Instruction must make a payment to the transferee school on behalf of the pupil. The payment amount is one of the following:

1. If the pupil transfers to a transferee school that is a private school and the pupil is not a child with a disability, the per pupil amount is equal to the per pupil amount for a pupil who participates in a parental choice program, which, for the 2021-22 school year, is \$8,336 for a pupil in grades kindergarten to eight and \$8,982 for a pupil in grades 9 to 12.

2. If the pupil transfers to a transferee school that is a private school and the pupil is a child with a disability, the per pupil amount is equal to the per pupil scholarship amount for a pupil who participates in the Special Needs Scholarship Program, which for the 2021-22 school year, is \$13,013.

3. If the pupil transfers to a transferee school that is a public school and the pupil is not a child with a disability, the per pupil amount is equal to the per pupil transfer amount for a pupil who is not a child with a disability under the full-time open enrollment program, which, for the 2021-22 school year, is \$8,161.

4. If the pupil transfers to a transferee school that is a public school and the pupil is a child with a disability, the per pupil amount is equal to the per pupil transfer amount for a pupil who is a child with a disability under the full-time open enrollment program, which, for the 2021-22 school year, is \$13,013.

The bill specifies that, if the pupil transfers after the third Friday in September, DPI must prorate the applicable per pupil amount. The bill requires DPI to reduce state aid or certain other amounts otherwise payable to the public or private school from which the pupil transfers by the per pupil amount DPI pays to the transferee school on behalf of the pupil.

The bill also prohibits a school district from being a member of an interscholastic athletic association in the 2021-22 school year unless, for the 2021-22 school year, the association allows an exception to the association's transfer rules based on the manner in which educational programming was delivered during the 2020-21 and 2021-22 school years. Specifically, under the bill, for purposes of eligibility for the 2021-22 school year, the interscholastic athletic association must consider the method by which educational programming was delivered during the 2020-21 or 2021-22 school year to be an extenuating circumstance that justifies transferring schools. Under the bill, the "method of delivering educational programming" includes virtual instruction, in-person instruction, and a combination of both virtual and in-person instruction. Additionally, if a waiver is granted based on the method of delivering educational programming in the 2020-21

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or 2021-22 school year, the association must allow the pupil to play any level of athletics during the 2021-22 school year, including varsity athletics.

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.** 20.255 (2) (fw) of the statutes is created to read:

2 20.255 (2) (fw) *Pupil transfers based on the existence or absence of COVID-19*
3 *mandates.* A sum sufficient to make the payments under 2021 Wisconsin Act (this
4 act), section 3 (d).

5 **SECTION 2.** 20.255 (2) (fw) of the statutes, as created by 2021 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 3. Nonstatutory provisions.**

8 (1) PUPIL TRANSFERS BASED ON THE EXISTENCE OR ABSENCE OF COVID-19 MANDATES.

9 (a) *Definitions.* In this subsection:

10 1. “Charter school” has the meaning given in s. 115.001 (1).

11 2. “Child with a disability” has the meaning given in s. 115.76 (5).

12 3. “COVID-19” means the infection caused by the novel coronavirus
13 SARS-CoV-2 or by any viral strain originating from SARS-CoV-2.

14 4. “COVID-19 vaccine” means a vaccine against the novel coronavirus
15 SARS-CoV-2, which causes COVID-19.

16 5. “Department” means the department of public instruction.

17 6. “Governing body” means any of the following:

18 a. For a school district, the school board in charge of the schools of the school
19 district.

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1 b. For a charter school under s. 118.40 (2r) or (2x), the operator of the charter
2 school.

3 c. For a private school, the governing body of the private school.

4 7. “Private school” has the meaning given in s. 115.001 (3r).

5 8. “School” means a public school, including a charter school, or a private school
6 in this state.

7 9. “Transferee school” means a school to which a pupil is eligible to transfer
8 under par. (b) 1., 2., 3., or 4.

9 10. “Transferor school” means a school from which a pupil is eligible to transfer
10 under par. (b) 1., 2., 3., or 4.

11 (b) *Allowed transfers.*

12 1. Subject to par. (f), if the governing body of a school requires pupils to wear
13 face coverings to prevent the transmission of the novel coronavirus SARS-CoV-2,
14 a pupil enrolled in or attending the school may transfer, as provided under par. (c),
15 to a school that does not require pupils to wear face coverings.

16 2. Subject to par. (f), if the governing body of a school does not require pupils
17 to wear face coverings to prevent the transmission of the novel coronavirus
18 SARS-CoV-2, a pupil enrolled in or attending the school may transfer, as provided
19 under par. (c), to a school that does require pupils to wear face coverings.

20 3. Subject to par. (f), if the governing body of a school requires pupils to receive,
21 or to show proof of having received, COVID-19 vaccines, a pupil enrolled in or
22 attending the school may transfer, as provided under par. (c), to a school that does
23 not require pupils to receive or to show proof of having received COVID-19 vaccines.

24 4. Subject to par. (f), if the governing body of a school does not require pupils
25 to receive, or to show proof of having received, COVID-19 vaccines, a pupil enrolled

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1 in or attending the school may transfer, as provided under par. (c), to a school that
2 does require pupils to receive or to show proof of having received COVID-19 vaccines.

3 (c) *Application process.*

4 1. The parent of a pupil who wants to transfer to a transferee school as allowed
5 under par. (b) 1., 2., 3., or 4. shall submit an application to the governing body of the
6 transferee school.

7 2. No later than 20 days after the governing body of a transferee school receives
8 an application under subd. 1., the governing body shall notify the applicant whether
9 the governing body accepts or rejects the application.

10 3. If the application of the parent of a pupil is accepted under subd. 2., the
11 parent shall, no later than 10 days after receiving the notice of acceptance, notify the
12 governing body of the pupil's transferor school of the acceptance and the date on
13 which the pupil will begin attending the transferee school. The pupil may
14 immediately begin attending the transferee school and shall begin attending the
15 transferee school no later than 15 days after the parent receives the notice of
16 acceptance. If the pupil has not enrolled in or attended the transferee school by the
17 day specified in this subdivision, the transferee school may notify the pupil's parent
18 that the pupil is no longer authorized to attend the transferee school.

19 (d) *Transfer payments.*

20 1. If a pupil transfers to a transferee school under this subsection, the
21 department shall pay the governing body of the transferee school, on behalf of the
22 parent of the pupil, the following amount:

23 a. If the transferee school is a private school and the pupil is not a child with
24 a disability, an amount equal to the per pupil amount determined under s. 118.60 (4)
25 (bg) for the school year.

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1 b. If the transferee school is a private school and the pupil is a child with a
2 disability, an amount equal to the per pupil scholarship amount determined under
3 s. 115.7915 (4m) (a) for the school year.

4 c. If the transferee school is a public school, including a charter school, and the
5 pupil is not a child with a disability, an amount equal to the per pupil transfer amount
6 determined under s. 118.51 (16) (a) 3. for the school year.

7 d. If the transferee school is a public school, including a charter school, and the
8 pupil is a child with a disability, an amount equal to the per pupil transfer amount
9 determined under s. 118.51 (17) (b) 2. c.

10 2. Notwithstanding subd. 1., if a pupil transfers to a transferee school under
11 this subsection after the 3rd Friday in September, the department shall prorate the
12 payment under subd. 1.

13 (e) *State aid adjustments.*

14 1. If a pupil transfers under this subsection from a transferor school that is a
15 public school in a school district, other than a charter school under s. 118.40 (2r) or
16 (2x), to a transferee school that is a private school, charter school under s. 118.40 (2r)
17 or (2x), or public school in another school district, the department shall decrease the
18 transferor school district's state aid payment under s. 121.08 for the school year by
19 an amount equal to the total amount paid under par. (d) on behalf of the parent of
20 the pupil for the school year. If the transferor school district's state aid payment
21 under s. 121.08 is insufficient to cover the reduction, the department shall decrease
22 other state aid payments made by the department to the transferor school district
23 by the remaining amount.

24 2. If a pupil transfers under this subsection from a transferor school that is a
25 charter school under s. 118.40 (2r) or (2x) to a transferee school, the department shall

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1 withhold from the operator of the charter school any remaining installment amounts
2 the operator would have received under s. 118.40 (2r) (e), (f), or (fm) or (2x) (e) or (em)
3 on behalf of the parent of the pupil for the remainder of the school year.

4 3. If a pupil transfers under this subsection from a transferor school that is a
5 private school participating in a program under s. 115.7915, 118.60, or 119.23 to a
6 transferee school, the department shall withhold from the governing body of the
7 private school any remaining installment amounts the governing body would have
8 received under s. 115.7915 (4m) or (4p), 118.60 (4) or (4m), or 119.23 (4) or (4m) on
9 behalf of the parent of the pupil for the remainder of the school year.

10 (f) *Limitations.*

11 1. This subsection does not apply after the 2022-23 school year.

12 2. A pupil may transfer to a transferee school under this subsection no more
13 than one time in each school year.

14 (2) INTERSCHOLASTIC ATHLETIC ASSOCIATION MEMBERSHIP; 2021-22 SCHOOL YEAR. In
15 the 2021-22 school year, no school district may be a member of an interscholastic
16 athletic association unless, for purposes of determining pupil eligibility for the
17 2021-22 school year, the interscholastic athletic association does all of the following:

18 (a) If a request to waive the association's transfer rules is submitted on behalf
19 of a pupil, considers the method by which educational programming was delivered
20 during the 2020-21 and 2021-22 school years to be an extenuating circumstance
21 that justifies the pupil transferring schools. For purposes of this paragraph, the
22 "method by which educational programming was delivered" includes virtual
23 instruction, in-person instruction, or a combination of virtual and in-person
24 instruction.

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SECTION 3

1 (b) If a waiver is granted based on the extenuating circumstance described in
2 par. (a), allows the pupil to participate in all levels of competition, including varsity
3 competition, during the 2021-22 school year.

4 **SECTION 4. Effective dates.** This act takes effect on the day after publication,
5 except as follows:

6 (1) The repeal of s. 20.255 (2) (fw) takes effect on July 1, 2023.

7 (END)