



## 2013 ASSEMBLY BILL 749

February 11, 2014 - Introduced by Representatives KESTELL, WRIGHT, CLARK, STEINEKE, THIESFELDT, POPE, KULP, RIEMER, KOLSTE, HINTZ, GOYKE, MURSAU, DOYLE and KOYENGA, cosponsored by Senators OLSEN, FARROW and HARSDORF. Referred to Committee on Education.

1     **AN ACT** *to repeal* 115.01 (10) (b) and 121.02 (1) (f) 1.; *to renumber* 115.01 (10)  
2           (a); *to renumber and amend* 121.004 (8), 121.006 (2) (a), 121.02 (1) (f) 2. and  
3           121.14 (1); *to amend* 118.04 (4), 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15),  
4           120.12 (27), 121.004 (5), 121.004 (7) (c) 1. a. and b., 121.004 (7) (cm), 121.23 (2)  
5           (intro.), 121.58 (4), 121.83 (2) (b) and 121.90 (3); and *to create* 121.004 (8) (b),  
6           121.006 (2) (a) 2., 3. and 4. and 121.14 (1) (a) 2. of the statutes; **relating to:**  
7           number of school days and hours of instruction held in a school year and state  
8           aid for summer classes.

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### *Analysis by the Legislative Reference Bureau*

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

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This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180 days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

Current law permits a school district to receive state aid for pupils who enroll in academic summer classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes. Current law also permits a school district to include in its revenue limit calculation a portion of the summer class enrollment for such necessary, academic classes and laboratory periods.

This bill permits a school district to receive state aid for and include in its revenue limit calculations a portion of the summer class enrollment of high school pupils who complete an online summer course offered by the school district if all of the following conditions are satisfied: 1) the pupil either resides in the school district that offers the online course or is enrolled in that school district through the open enrollment program; 2) the pupil receives credit for completing the online course; and 3) the school board of the school district that offers the online course has determined that the course fulfills a prerequisite to the receipt of a high school diploma.

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

1           **SECTION 1.** 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

2           **SECTION 2.** 115.01 (10) (b) of the statutes is repealed.

3           **SECTION 3.** 118.04 (4) of the statutes is amended to read:

4           118.04 (4) Shall not charge tuition for attendance at summer classes of pupils  
5 who are residents of the school district if the school board receives aid for such classes  
6 under s. 121.14 (1) (a) 1. The school board may establish and collect reasonable fees  
7 for social, recreational, or extracurricular summer classes and, programs, and  
8 courses which are neither credited toward graduation nor aided under s. 121.14.

9           **SECTION 4.** 118.38 (2) (bm) of the statutes is amended to read:

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1           118.38 (2) (bm) The department shall promulgate rules establishing criteria  
2 for waiving the requirement to schedule at least the number of hours of direct pupil  
3 instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified  
4 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c).

5           **SECTION 5.** 118.40 (8) (d) 2. of the statutes is amended to read:

6           118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil  
7 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~  
8 each school year. No more than 10 hours in any 24-hour period may count toward  
9 the requirement under this subdivision.

10          **SECTION 6.** 120.12 (15) of the statutes is amended to read:

11          120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
12 school day. The school board may differentiate between the various elementary and  
13 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~  
14 ~~defined in s. 115.01 (10), shall be held during the school term.~~

15          **SECTION 7.** 120.12 (27) of the statutes is amended to read:

16          120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school  
17 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the  
18 department of health services under s. 252.02 (3), notify the department. The notice  
19 shall include the reason for the closure.

20          (b) Within 24 hours of reopening a school that was closed for a reason specified  
21 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under  
22 s. 252.02 (3), notify the department that the school has reopened. In the notice, the  
23 school board shall include the number of days the school was closed.

24          **SECTION 8.** 121.004 (5) of the statutes is amended to read:

**ASSEMBLY BILL 749****SECTION 8**

1           121.004 (5) MEMBERSHIP. “Membership” for any school district is the sum of  
2 pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer  
3 average daily membership equivalent for classes and courses approved under s.  
4 121.14.

5           **SECTION 9.** 121.004 (7) (c) 1. a. and b. of the statutes are amended to read:

6           121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program  
7 requiring full-day attendance for 5 days a week for an entire school year term shall  
8 be counted as one pupil.

9           b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day  
10 attendance for less than 5 days a week for an entire school year term shall be counted  
11 as the result obtained by multiplying the number of hours in each day in which the  
12 pupil is enrolled by the total number of days for which the pupil is enrolled, and  
13 dividing the result by the ~~product of the~~ total number of hours of attendance ~~per day~~  
14 required of first grade pupils in the school district ~~multiplied by 180~~.

15           **SECTION 10.** 121.004 (7) (cm) of the statutes is amended to read:

16           121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,  
17 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),  
18 that provides the required number of hours of direct pupil instruction under s. 121.02  
19 (1) (f) ~~2~~, shall be counted as 0.6 pupil if the program annually provides at least 87.5  
20 additional hours of outreach activities.

21           **SECTION 11.** 121.004 (8) of the statutes is renumbered 121.004 (8) (intro.) and  
22 amended to read:

23           121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. (intro.) “Summer  
24 average daily membership equivalent” is ~~the~~ a number determined by dividing the  
25 sum of the following by 48,600:

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1           (a) The total number of minutes in which pupils are enrolled in academic  
2           summer classes or laboratory periods, as defined by the state superintendent under  
3           s. 121.14, ~~divided by 48,600.~~

4           **SECTION 12.** 121.004 (8) (b) of the statutes is created to read:

5           121.004 **(8)** (b) The sum of the number of minutes of online course instruction  
6           completed per pupil for each high school pupil who completes an online summer  
7           course offered by a school district if all of the following are satisfied:

8           1. The online course is offered by a school district.

9           2. The pupil receiving instruction in the online course resides in the school  
10          district under subd. 1. or is attending that school district under s. 118.51.

11          3. The pupil receiving instruction in the online course receives credit for  
12          completion of the course.

13          4. The school board of the school district under subd. 1. determines that the  
14          credit received under subd. 3. fulfills a requirement under s. 118.33 (1) (a) 1.

15          **SECTION 13.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)  
16          and amended to read:

17          121.006 **(2)** (a) (intro.) ~~Hold school for at least 180 days each year~~ the minimum  
18          number of hours of direct pupil instruction required for the grade in which a pupil  
19          is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

20          1. Hours during which the state superintendent determines that school is not  
21          held or educational standards are not maintained as the result of a strike by school  
22          district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

23          **SECTION 14.** 121.006 (2) (a) 2., 3. and 4. of the statutes are created to read:

**ASSEMBLY BILL 749****SECTION 14**

1           121.006 (2) (a) 2. Hours during which school is closed by order of the school  
2 district administrator because of inclement weather and hours during which  
3 parent-teacher conferences are held, not to exceed 35 hours during the school term.

4           3. Hours during which school is closed by order of a local health officer, as  
5 defined in s. 250.01 (5), or the department of health services.

6           4. Hours during which school is closed by order of the school district  
7 administrator because of a threat to the health or safety of pupils or school personnel,  
8 but not including inclement weather, unless the school board determines that the  
9 hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1)  
10 (f).

11           **SECTION 15.** 121.02 (1) (f) 1. of the statutes is repealed.

12           **SECTION 16.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and  
13 amended to read:

14           121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction  
15 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and  
16 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours  
17 under this subdivision paragraph include recess and time for pupils to transfer  
18 between classes but do not include the lunch period. Scheduled hours under this  
19 paragraph may include up to 35 hours on Saturdays. A school board operating a  
20 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for  
21 outreach activities.

22           **SECTION 17.** 121.14 (1) of the statutes is renumbered 121.14 (1) (a) (intro.) and  
23 amended to read:

24           121.14 (1) (a) (intro.) State aid shall be paid to each district or county children  
25 with disabilities education board ~~only~~ for all of the following:

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1           1. Subject to par. (b), those academic summer classes or laboratory periods that  
2 are for necessary academic purposes, as defined by the state superintendent by rule.

3           **(b)** Recreational programs and team sports shall not be eligible for aid under  
4 this section, and pupils participating in such programs shall not be counted as pupils  
5 enrolled under s. 121.004 (5) nor shall costs associated with such programs be  
6 included in shared costs under s. 121.07 (6).

7           **SECTION 18.** 121.14 (1) (a) 2. of the statutes is created to read:

8           121.14 (1) (a) 2. Those online courses offered as summer classes to high school  
9 pupils who reside in the school district, or who are attending the online course in the  
10 school district under s. 118.51, provided the pupil receives a credit for the course and  
11 the school board of the school district determines the credit fulfills a requirement  
12 under s. 118.33 (1) (a) 1.

13           **SECTION 19.** 121.23 (2) (intro.) of the statutes is amended to read:

14           121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to  
15 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)  
16 (f) as the result of a strike by school district employees, for the purposes of computing  
17 general aid, the state superintendent shall compute the school district's primary and  
18 secondary ceiling costs per member in accordance with the procedure specified in  
19 pars. (a) to (e). In making the calculation, the state superintendent shall:

20           **SECTION 20.** 121.58 (4) of the statutes is amended to read:

21           121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
22 October 1 of the year in which transportation is provided under s. 121.54 (4), or under  
23 s. 121.54 (10) if the transportation is provided by the nonresident school district that  
24 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with  
25 the department a report, containing such information as the department requires,

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1 on transportation provided by the school board to and from summer classes. Upon  
2 receipt of such report and if the summer classes meet the requirements of s. 121.14  
3 (1) (a) 1., state aid shall be paid for such transportation. A school district which  
4 provides such transportation shall be paid state aid for such transportation at the  
5 rate of \$4 per pupil transported to and from public school whose residence is at least  
6 2 miles and not more than 5 miles by the nearest traveled route from the public school  
7 attended, and \$6 per pupil transported to and from public school whose residence is  
8 more than 5 miles by the nearest traveled route from the public school attended, if  
9 the pupil is transported 30 days or more. The state aid shall be reduced  
10 proportionately if the pupil is transported less than 30 days.

11 **SECTION 21.** 121.83 (2) (b) of the statutes is amended to read:

12 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for  
13 the previous school year multiplied by ~~180~~ the number of school days held in the  
14 previous school year times the summer average daily membership equivalent of the  
15 pupil.

16 **SECTION 22.** 121.90 (3) of the statutes is amended to read:

17 121.90 (3) "Summer enrollment" means the summer average daily  
18 membership equivalent for classes and courses approved under s. 121.14.

19 **SECTION 23. Initial applicability.**

20 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition  
21 charged for online courses in the 2014-15 school year.

22 (2) The treatment of section 121.004 (5) of the statutes, the renumbering and  
23 amendment of sections 121.004 (8) and 121.14 (1) of the statutes, and the creation  
24 of sections 121.004 (8) (b) and 121.14 (1) (a) 2. of the statutes first applies to state aid  
25 paid for summer classes in the 2014-15 school year.



