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To: Joint Committee on Finance

From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Reestimate of GPR Revenue from MA Reimbursement for School Based Services (DHFS/DPI)

CURRENT LAW

1995 Wisconsin Act 27 established "school medical services" as a medical assistance (MA) benefit. School medical services are defined as health care services provided in a school to children who are eligible for MA. These services must be appropriate to a school setting and may include: (a) speech, language, audiology and hearing services; (b) occupational and physical therapy services; (c) psychological or counseling services; (d) nursing services; (e) durable medical equipment; and (f) special transport services.

If a school district or cooperative educational service agency (CESA) elects to provide school based services and if it meets all certification and reporting requirements, it is reimbursed for 60% of the federal share of allowable charges for school based services. The remaining 40% of the federal share is credited to the general fund as GPR-earned.

GOVERNOR

Estimate that MA reimbursements for school based services deposit to the general fund will total \$341,700 in 1996-97 and \$222,400 in 1997-98 and 1998-99.

DISCUSSION POINTS

1. As of April 31, 1997, \$895,900 of federal MA reimbursement for school based services was deposited to the general fund for the 1996-97 fiscal year. By the close of the fiscal

year, it is estimated that a total of \$1,154,300 will be deposited to the general fund. This would increase the opening balance of the general fund by \$812,600, compared to previous estimates.

2. In addition, it is estimated that the state's share of the federal reimbursement for these services will increase GPR revenues by \$1,550,300 annually in 1997-99. This amount represents an increase of \$1,327,900 annually from the amounts assumed in SB 77.

MODIFICATION TO BILL

1. Increase estimated revenues to the general fund by \$1,327,900 annually to reflect reestimates of MA reimbursement for school based services. In addition, increase projected revenues to the general fund by \$812,600 in 1996-97.

| Modification | GPR |
|----------------------------------|-------------|
| 1997-99 REVENUE (Change to Bill) | \$2,655,800 |

Prepared by: Amie T. Goldman

Modification

| MOA | | | |
|----------|---|---|---|
| JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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|-----------|---|---|---|
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 16 NO 0 ABS

PUBLIC INSTRUCTION

One-Time Hold Harmless Aid for CHCEBs

Motion:

Move to provide \$143,100 GPR in 1997-98 to fund a one-time hold harmless provision, which would pay each county handicapped children's education board (CHCEB) the amount by which its aid in 1996-97 was less than its aid in 1995-96. Provide that these payments could be prorated if necessary. Delete an offsetting amount of equalization aids to maintain funding of 66.7% of partial revenues.

4510
MO# _____

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|-----------|---|---|---|
| JENSEN | Y | X | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| 1 GARD | X | N | A |
| 2 KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | Y | X | A |

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|-----------|---|---|---|
| BURKE | Y | X | A |
| DECKER | Y | X | A |
| GEORGE | Y | X | A |
| JAUCH | Y | X | A |
| WINEKE | Y | X | A |
| SHIBILSKI | Y | X | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 8 NO 8 ABS _____

PUBLIC INSTRUCTION

Driver's Education Programming Eligibility

Motion:

Move to require school districts to accept home-based educated children into school district administered driver's education courses.

Note:

Under current law, a school district may, but is not required to, provide supplemental and or shared services in non-required subject areas. A driver's education course is considered a non-required subject area.

MO# 1765

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|-----------|--------------|--------------|---|
| 1 JENSEN | Y | N | A |
| 2 OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |
| | | | |
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 4 NO 12 ABS

PUBLIC INSTRUCTION

Hospital Aids

Motion:

Move to provide school districts 100% of the prior year costs of special education for children in hospitals and convalescent homes for orthopedically disabled children.

Note:

Under current law, hospital aid payments are paid from a \$275.5 million annual appropriation for handicapped education aids. If appropriated funds are insufficient to pay the full cost, the statutes direct that the state aid payments be prorated among the eligible recipients. This appropriation has been historically insufficient to cover full costs. It should be noted that costs not reimbursed through categorical aids (including hospital aid) are eligible for state sharing under the general equalization aid formula.

In 1995-96, DPI provided hospital aid payments of 67.4% of total eligible costs for the prior school year (1994-95) to the following school districts: (a) \$126,462 to Madison; and (b) \$82,278 to Wauwatosa. Based on the 1995-96 payments, Madison would have received \$61,167 and Wauwatosa would have received \$42,215 in additional payments if 100% of the costs would have been reimbursed. If this motion is adopted, it would have the effect of redistributing a total of approximately \$100,000 to \$150,000 from other school districts eligible for handicapped aids, to Madison and Wauwatosa.

MO# 3187

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|----------|--------------|--------------|---|
| JENSEN | Y | N | A |
| OURADA | Y | X | A |
| HARSDORF | Y | X | A |
| ALBERS | Y | X | A |
| GARD | Y | N | A |
| ZKAUFERT | Y | X | A |
| LINTON | Y | X | A |
| COGGS | Y | X | A |

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|-----------|--------------|--------------|---|
| BURKE | Y | X | A |
| DECKER | Y | X | A |
| GEORGE | Y | X | A |
| JAUCH | Y | X | A |
| WINEKE | Y | X | A |
| SHIBILSKI | Y | X | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

PUBLIC INSTRUCTION

Lifetime Teacher Licensing Requirements

Motion:

Move to create an exception from current DPI administrative rules for persons who hold a lifetime teaching license. This exception would specify that persons over the age of 65 would not be required to remain active in the teaching profession through at least 90 days of service in any given school year and would not be required to complete six semester credits of continuing education courses in order to have his or her teaching license revalidated after five consecutive years of inactivity.

Note:

A lifetime teaching license issued prior to July 1, 1962, is valid for the lifetime of the holder unless revoked by the State Superintendent. A lifetime license issued on or after July 1, 1962, is valid as long as the holder is active in the teaching profession or unless revoked by the State Superintendent. DPI stopped issuing lifetime licenses on July 1, 1983.

Under current administrative rules, employment in the teaching profession for at least 90 days in a given school year is required to maintain validity of a lifetime license. A lifetime license becomes invalid if, for five or more consecutive years, the holder is not actively employed in the teaching profession. An invalidated license may be revalidated if the applicant satisfactorily completes six semester credits or the equivalent during the five years immediately preceding his or her application for revalidation. A licensee is not required to pay a fee to have his or her license reinstated.

This motion would provide an exception to this current administrative rule requirement for persons over 65 years of age.

MO# 3181

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|----------|--------------|--------------|---|
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

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|---------------------|--------------|--------------|---|
| ² BURKE | Y | N | A |
| ¹ DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 5 NO 11 ABS

PUBLIC INSTRUCTION

Wisconsin Educational Opportunity Program

Motion:

Move to provide \$121,700 GPR in 1997-98 and \$137,800 GPR in 1998-99 and 3.0 GPR positions beginning in 1997-98 for the Wisconsin Educational Opportunity Program.

Note:

The Wisconsin Educational Opportunity Program (WEOP) consists of four statewide programs whose primary goal is to assist minority and economically disadvantaged middle school and high school pupils in pursuing postsecondary education. Pupils in all school districts are counseled through seven district offices located in Ashland, Eau Claire, Green Bay, Madison, Racine, Wausau and Milwaukee. There are currently 17.0 employees who advise, counsel, place and recruit pupils that participate in the four programs. In total, \$920,000 GPR was expended in 1995-96 to operate the district offices.

This motion would provide \$121,700 GPR in 1997-98 and \$137,800 GPR for an additional 3.0 GPR positions at the WEOP district offices. The motion would provide a 0.25 program assistant position at each of the following offices: Ashland, Eau Claire, Green Bay, Beloit, Racine and Wausau. The motion would also provide an additional 0.5 program assistant and a 0.5 counselor at Milwaukee, and a 0.5 counselor at Ashland.

[Change to Base: \$259,500 GPR and 3.0 GPR positions]

[Change to Bill: \$259,500 GPR and 3.0 GPR positions]

MO# 4509

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| JENSEN | Y | X | A |
| OURADA | Y | X | A |
| HARSDORF | Y | X | A |
| ALBERS | Y | X | A |
| GARD | Y | X | A |
| KAUFERT | Y | X | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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| BURKE | X | N | A |
| /DECKER | X | N | A |
| GEORGE | X | N | A |
| ZJAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | Y | X | A |
| PANZER | Y | N | A |

Motion #4509

AYE 8 NO 8 ABS _____

PUBLIC INSTRUCTION

School District Revenue Limits -- Summer School Enrollment

Motion:

Move to permit school districts to count 20% of their full-time equivalent (FTE) summer school enrollment in classes taught by licensed teachers as part of the three-year revenue limit average, beginning with the summer school enrollment count for the 1998-99 school year. Specify that the summer school FTE count would not be added to prior school year enrollment counts. Provide that this would phase in by including 20% of FTE summer school enrollment only in the fall, 1998, membership count in calculating revenue limits in 1998-99. Specify that in 1999-2000, 20% of FTE summer school enrollment would be included in the fall, 1998, and fall, 1999, membership count, and continue to add years in the future. Provide \$3,960,000 GPR in 1998-99 for equalization aids.

Note:

It is estimated that this proposal would cost approximately \$3,960,000 in 1998-99 for general equalization aids in order to maintain the state's commitment to fund 66.7% of partial school revenues. Once the proposal would be fully phased in, the annualized costs would be an estimated \$11.9 million GPR.

[Change to Base: \$3,960,000 GPR]
 [Change to Bill: \$3,960,000 GPR]

MO# 3202

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|----------|---|---|---|
| JENSEN | Y | X | A |
| OURADA | Y | X | A |
| HARSDORF | Y | X | A |
| ALBERS | Y | X | A |
| ZGARD | Y | X | A |
| KAUFERT | Y | X | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | X | A |
| PANZER | Y | X | A |

AYE 8 NO 8 ABS _____

PUBLIC INSTRUCTION

Head Start Supplement

Motion:

Move to provide \$750,000 GPR annually for Head Start state supplemental funding.

Note:

Since 1991, state grants have been provided as a supplement to the federal Head Start program which provides educational, nutritional, health and social services to low-income, pre-school children and their families. Funds are distributed to federally-designated Head Start agencies, with preference given to those already receiving federal funding, to increase the number of children served by the program. In 1996-97, Wisconsin received approximately \$54 million in federal funding and the state provided \$4,950,000 GPR in supplemental funds for Head Start. This motion would increase the amount of state supplemental funds by \$750,000 GPR annually.

[Change to Base: \$1,500,000 GPR]

[Change to Bill: \$1,500,000 GPR]

1747
MO# 1747

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|----------|---|---|---|
| JENSEN | Y | X | A |
| OURADA | Y | X | A |
| HARSDORF | Y | X | A |
| ALBERS | Y | X | A |
| GARD | Y | X | A |
| KAUFERT | Y | X | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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|-----------|---|---|---|
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | Y | X | A |
| PANZER | Y | X | A |

AYE 8 NO 8 ABS

PUBLIC INSTRUCTION

Minority Precollege Scholarships

Motion:

Move to reduce the Wisconsin Higher Education Grant (WHEG) program for UW students by \$311,500 GPR annually and increase funding for the minority precollege scholarship program by \$311,500 GPR annually.

MO# 4508

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| JENSEN | X | N | A |
| OURADA | Y | X | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| Z COGGS | X | N | A |
| | | | |
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 15 NO 1 ABS

PUBLIC INSTRUCTION

Elks/Easter Seal Respite Program

Motion:

Move to provide \$75,000 GPR annually for the Wisconsin Elks/Easter Seal Center for Respite and Recreation. Provide that the appropriation would be located under the Department of Public Instruction (DPI) and that DPI would be responsible for distributing the funds to the organization annually.

Note:

The Wisconsin Elks and Easter Seals provide a year-round respite program for children and adults with physical, cognitive and multiple disabilities and their families. The program serves approximately 300 children and adults each year through respite weekends September to May and ongoing one-week sessions during Christmas and throughout the summer. Currently, the program is funded through program fees and private contributions through the Easter Seals. This motion would provide \$75,000 GPR annually distributed by DPI to support this program.

[Change to Base: \$150,000 GPR]

[Change to Bill: \$150,000 GPR]

MO# 1742

| | | | |
|----------|--------------|--------------|---|
| JENSEN | Y | X | A |
| OURADA | Y | N | A |
| HARSDORF | Y | X | A |
| ALBERS | Y | X | A |
| GARD | Y | X | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | X | N | A |

| | | | | |
|---|-----------|--------------|--------------|---|
| 2 | BURKE | X | N | A |
| 1 | DECKER | Y | N | A |
| | GEORGE | Y | N | A |
| | JAUCH | Y | N | A |
| | WINEKE | Y | X | A |
| | SHIBILSKI | X | N | A |
| | COWLES | Y | X | A |
| | PANZER | Y | X | A |

AYE 8 NO 8 ABS

UW SYSTEM

UW-Milwaukee Evaluation of Pilot Project in Mathematics

Motion:

Move to increase the University's general program operations appropriation by \$25,000 GPR annually for UW-Milwaukee to evaluate a pilot mathematics program in the Milwaukee Public Schools (MPS). Provide that the additional funding would be removed from the University's base budget after the 2002-03 fiscal year.

Note:

This motion would provide \$25,000 GPR annually during the next three biennia for UW-Milwaukee to evaluate the success of a pilot mathematics program at an MPS elementary school. The funds would be used to purchase and score standardized tests and to conduct the evaluation. The additional funding would be removed from the UW System's base budget after the 2002-03 fiscal year.

[Change to Bill: ~~\$50,000~~ GPR]

PR

MO# 2068

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|----------|---|---|---|
| JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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|-----------|---|---|---|
| BURKE | X | N | A |
| DECKER | Y | X | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | Y | X | A |
| COWLES | Y | X | A |
| PANZER | X | N | A |

AYE 13 NO 3 ABS _____

PUBLIC INSTRUCTION

School for the Visually Handicapped -- Adult Summer School

Motion:

Move to provide \$63,500 GPR in 1997-98 and \$64,600 GPR in 1998-99 and 1.5 GPR positions beginning in 1997-98 to restore the length of the adult summer school program from three to five weeks.

Note:

This motion would provide 1.5 GPR positions and related funding to staff adult summer school at the School for the Visually Handicapped.

[Change to Base: \$128,100 GPR, 1.5 GPR positions]

[Change to Bill: \$128,100 GPR, 1.5 GPR positions]

MO# 3199

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|-----------|---|---|---|
| JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| ZGARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |
| | | | |
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | X | X | A |
| PANZER | X | N | A |

AYE 15 NO 1 ABS

PUBLIC INSTRUCTION

Wisconsin Morning Milk

Motion:

Move to provide \$104,300 GPR annually to the Wisconsin Morning Milk school district grant program administered by the Department of Public Instruction (DPI). Delete \$34,800 annually from general equalization aids.

Note:

The Wisconsin Morning Milk program provides state reimbursements to school districts that serve daily milk to low-income children in preschool through grade five and do not participate in the federal special milk program. In 1996-97, 197 public school districts and 34 private schools participated in the program and served 3,801,070 half-pints of milk and 7,297 half-pints of juice at a cost of \$0.1324 per half pint. In 1996-97, \$325,000 GPR was appropriated for this program and schools made claims for approximately \$505,000; therefore, DPI prorated the reimbursements to approximately 64% of the claims. This motion would provide \$104,300 GPR annually for Wisconsin Morning Milk, which would provide for 85% reimbursement of school district claims over the biennium, based on 1996-97 participation rates and costs. Further, this motion would decrease general equalization aids by \$34,800 annually from general equalization aids in order to maintain the state's two-thirds funding of school districts.

[Change to Base: \$139,000 GPR]
[Change to Bill: \$139,000 GPR]

MO# 4501

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|------------|---|---|---|
| JENSEN | Y | X | A |
| OURADA | X | N | A |
| 2 HARSDORF | X | N | A |
| ALBERS | Y | X | A |
| GARD | Y | X | A |
| KAUFERT | Y | X | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

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|-----------|---|---|---|
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | Y | X | A |
| PANZER | Y | X | A |

Motion #4501

AYE 10 NO 6 ABS

PUBLIC INSTRUCTION

Funding for DPI for Milwaukee Public Museum African American History Initiative

Motion:

Move to provide \$50,000 GPR annually in an annual appropriation in DPI to provide a grant to the Milwaukee Public Museum to develop curriculum and exhibits relating to African American history. Require that the Milwaukee Public Museum provide matching funds.

[Change to Base: \$100,000 GPR]

[Change to Bill: \$100,000 GPR]

MO# 4500

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|----------------------|--------------|--------------|---|---------------|
| JENSEN | Y | X | A | |
| OURADA | X | N | A | |
| HARSDORF | X | N | A | |
| ALBERS | X | N | A | |
| GARD | Y | X | A | |
| ² KAUFERT | Y | X | A | |
| LINTON | X | N | A | |
| COGGS | Y | N | A | <i>recuse</i> |
| | | | | |
| BURKE | Y | N | A | <i>recuse</i> |
| DECKER | X | N | A | |
| GEORGE | X | N | A | |
| JAUCH | X | N | A | |
| WINEKE | X | N | A | |
| SHIBILSKI | X | N | A | |
| COWLES | Y | X | A | |
| PANZER | X | N | A | |

AYE 10 NO 4 ABS _____

PUBLIC INSTRUCTION

Pupil Uniforms

Motion:

Move to provide that all school boards in the state require all pupils to wear school district uniforms beginning in the 1999-2000 school year.

MO# 3223

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| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| ZLINTON | Y | N | A |
| COGGS | Y | N | A |

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|-----------|--------------|--------------|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 1 NO 15 ABS _____

PUBLIC INSTRUCTION

Preschool to Grade Five Program

Motion:

Move to provide \$333,500 GPR annually for the Preschool to Grade Five (P-5) program.

Note:

Since 1986-87, grants have supported programs designed to improve the education of preschool through grade five pupils enrolled in school districts with high concentrations of economically disadvantaged and low-achieving pupils. A district receiving a grant must ensure that each elementary school complies with certain requirements regarding class size (no more than 25 pupils per teacher), annual testing in basic skills, 4-year old kindergarten, identification of pupils needing remedial assistance, parental involvement, in-service training and staff evaluations.

Grants are awarded on a competitive basis for a three-year period to elementary schools within a limited number of school districts, based on high numbers of dropouts and low-income pupils. Grants cannot be renewed unless it is determined that the school has met performance objectives jointly established by DPI and the school. The grants are to supplement existing programs and cannot replace funds otherwise available for such programs. In 1996-97, 39 elementary schools in the Beloit, Kenosha, Milwaukee and Racine school districts participated in the P-5 program. The total appropriation in 1996-97 is \$6,670,000 GPR. This motion would provide \$333,500 GPR annually, which represents a 5% increase above the base in each year of the biennium.

[Change to Base: \$667,000 GPR]

[Change to Bill: \$667,000 GPR]

MO# 1743

| | | | |
|----------|--------------|--------------|---|
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

| | | | |
|-----------|--------------|--------------|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 8 NO 8 ABS _____

PUBLIC INSTRUCTION

Milwaukee Public Schools and State Trust Fund Loans

Motion:

Move to specify that the Common Council of the City of Milwaukee must, on behalf of the Milwaukee Public Schools (MPS), levy taxes equal to the amount required to make principal and interest payments for the state trust fund loan, as specified by MPS in its budget notice to the City of Milwaukee. Direct MPS on an annual basis, by December 31, to transfer to Milwaukee sufficient funds, when accrued interest is considered, to cover the principal and interest payments due in the following year.

Note:

Under current law, MPS is not authorized to levy taxes. Currently, MPS must adopt a resolution stating its intention to include in its budget submitted to the Common Council of the City of Milwaukee a notice specifying the amount of necessary to pay the principal and interest of the state trust fund loan.

MO# 3182

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| JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |
| | | | |
| BURKE | Y | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 15 NO 1 ABS _____

PUBLIC INSTRUCTION

CESA Leasing Authority

Motion:

Move to modify current law to specify that CESAs could lease equipment for purposes of aiding students with a visual handicap to read.

MO# 3231

| | | | |
|----------|---|---|---|
| 1 JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

| | | | |
|-----------|---|---|---|
| 2 BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| SHIBILSKI | X | N | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 16 NO 0 ABS _____

PUBLIC INSTRUCTION

School District Credit Enhancement Program

Motion:

Move to create a school district credit enhancement program whereby the state would guarantee repayment of a school district's short-term and long-term borrowing as follows:

(a) Provide that all school districts would be eligible for the program. In order to participate, require school boards to adopt a resolution requesting DPI to make the principal and interest payment and to withhold equalization aid for the purpose of making the payment. Provide that the school board would be required to notify DPI no later than 30 working days before payment is due;

(b) Require DPI to transfer to the paying agency the lesser of an amount sufficient to make the debt service payment or the balance of any funds due the school district under any state education appropriation for the current school year, reduced by the amount of interest charged to the school district by the state;

(c) Require DPI to charge interest to the school district equal to the amount of interest which the state would have accrued had the aid payments been made when scheduled;

(d) Require DPI to reduce school district aid payments by the amount of the debt payment and interest charged by the state;

(e) Specify that the school board could not increase its levy by the amount of the school aid reduction;

(f) Direct a school board under the program to submit a plan to the State Superintendent for approval specifying the measures it would intend to implement to resolve the issues which led to its inability to make the payment and to prevent future defaults. Specify, that if the plan would be approved, the school district would be required to implement the plan; and

(g) Require DOA to obtain a bond counsel opinion and submit DOA's recommendations to the Joint Committee on Finance (JFC) regarding the constitutionality of the proposed program by January 1, 1998. Upon approval of JFC under a 14-day passive review process, the program would become effective.

Note:

The Capital Finance Director indicates that legal research may be required relating to whether such a program would violate Article VIII, Section 3 of the Wisconsin Constitution, which prohibits extension of the State's credit.

The fiscal effect of this program is difficult to determine. The program could reduce district costs by providing lower interest rates to school districts for obtaining both short term and long term borrowing. Total shared costs aidable under the general equalization aid formula could be reduced, which could result in a redistribution of state aids among school districts. At this time, it is not possible to determine a net fiscal effect.

MO# 4507

| | | | |
|------------|---|---|---|
| JENSEN | Y | X | A |
| OURADA | X | N | A |
| 1 HARSDORF | X | N | A |
| ALBERS | Y | X | A |
| GARD | Y | X | A |
| 2 KAUFERT | Y | X | A |
| LINTON | Y | X | A |
| COGGS | X | N | A |
| | | | |
| BURKE | Y | X | A |
| DECKER | Y | X | A |
| GEORGE | Y | X | A |
| JAUCH | Y | X | A |
| WINEKE | Y | X | A |
| SHIBILSKI | Y | X | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 5 NO 11 ABS _____

Motion # ~~3179~~ 4507

PUBLIC INSTRUCTION/UW SYSTEM

Environmental Education Board

Motion:

Move to transfer the Environmental Education Board (EEB), which is currently attached to the Department of Public Instruction (DPI), to the UW System. Provide for the transfer, from DPI to the UW System, of all assets and liabilities, tangible personal property including records, pending matters and contracts primarily related to EEB, as determined by the Secretary of Administration. Provide that all rules promulgated by DPI and all orders issued by DPI in effect on the effective date of the transfer that are primarily related to EEB would remain in effect until their specified expiration date or until amended or repealed by the Board of Regents of the UW System.

Provide for the transfer from DPI's budget to the UW System's budget, of \$229,700 GPR and \$230,000 SEG annually and 0.5 GPR position beginning in 1997-98, for environmental education grants and administrative costs associated with EEB and the environmental education grant program. ~~Specify that this funding would not count towards the state's goal of funding 66.7% of partial K-12 school revenues.~~

Require the UW-Stevens Point Center for Environmental Education to assist EEB in administering environmental education grants.

Note:

The Environmental Education Board, which is currently attached to DPI, provides grants to school districts, private schools, governmental units and nonprofit corporations for the development, dissemination and presentation of environmental education programs. The UW-Stevens Point Center for Environmental Education is required to assist the Board in addressing statewide teacher training needs in environmental education and DPI is required to assist the Board in administering grants. Grants are currently funded through two appropriations within DPI: an annual GPR appropriation (\$200,000 annually under SB 77); and a continuing segregated appropriation (\$30,000 annually under SB 77). The appropriations currently count toward the

state's goal of funding 66.7% of partial K-12 school revenues. The segregated funds are derived from the environmental fund. In addition, EEB is required to seek private funds for grants.

Recent action taken by the Joint Committee on Finance provided \$200,000 SEG annually from the forestry account for the Board to award grants for forestry-related environmental education programs. In 1996-97, \$29,700 GPR and 0.5 GPR position is allocated for administrative activities associated with the Board and the grant program.

This motion would transfer the attachment of EEB, as well as all funding and positions associated with the grant program and administration of the grants, from DPI to the UW System. The motion would transfer all assets and liabilities, tangible personal property, pending matters, contracts and rules and orders which are primarily related to EEB, as determined by the Secretary of DOA, from DPI to the UW System. The motion would require the UW-Stevens Point Center for Environmental Education to assist EEB in administering the grants. The total amount transferred from DPI to the UW System for environmental education grants under the motion would be as follows: \$200,000 GPR annually; \$200,000 SEG annually from the forestry account; and \$30,000 SEG annually from the environmental fund. In addition, the motion would transfer \$29,700 GPR and 0.5 GPR position for administration. Of this amount, \$16,700 is provided for the salary and fringe benefits for the 0.5 position and \$13,000 is provided for supplies and services.

MO# #2102 w/Amend

| | | | |
|----------|---|---|---|
| JENSEN | X | N | A |
| OURADA | X | N | A |
| HARSDORF | X | N | A |
| ALBERS | X | N | A |
| GARD | X | N | A |
| KAUFERT | X | N | A |
| LINTON | X | N | A |
| COGGS | X | N | A |

| | | | |
|------------|---|---|---|
| BURKE | X | N | A |
| DECKER | X | N | A |
| GEORGE | X | N | A |
| JAUCH | X | N | A |
| WINEKE | X | N | A |
| ZSHIBILSKI | X | N | A |
| COWLES | X | N | A |
| PANZER | X | N | A |

AYE 15 NO 1 ABS

PUBLIC INSTRUCTION

Move DPI Staff to Milwaukee, Purchase of Sinai Samaritan Hospital

Motion:

Move to:

- (a) Enumerate the purchase and remodeling of Sinai Samaritan Hospital and provide \$20 million of general obligation bonding for this purpose;
- (b) Specify that the State Superintendent of Public Instruction would be required to maintain an office in Milwaukee, which would be staffed by all the positions currently located at GEF III, except at most 10.0 positions which could be retained in Madison. Provide that this requirement would apply once the Secretary of Administration certifies that suitable state-owned office space is ready for occupancy in Milwaukee; and
- (c) Provide \$900,000 GPR in 1997-98 in the Joint Finance Committee's appropriation for release under s.13.10 of the statutes for office moving and household relocation costs associated with the required move of DPI staff to Milwaukee.
- (d) Specify that this relocation to Milwaukee would not apply to positions subject to transfer from DPI to other agencies under SB 77.

Note:

This motion would enumerate the purchase and remodeling of the Sinai Samaritan Hospital with a project budget of \$20 million. The motion would require that all DPI positions currently located at GEF III move to Milwaukee, except at most 10 which could remain in Madison.

Staff from the Department of Administration have provided information relating to the potential costs associated with the proposed purchase of the Sinai Samaritan facility. Based on this information from DOA, the facility contains approximately 740,000 rentable square feet. DPI would require approximately 70,000 square feet. If the facility could be purchased for \$17 million, annual debt service would be an estimated \$1.4 million annually over the 20-year life of the bonds. It is estimated that conversion of medical space to Class A office space would cost approximately \$30 per square foot, or an estimated \$2.1 million in remodeling costs for DPI's

space, which could be funded out of bond proceeds. Debt service on this additional borrowing would cost an estimated \$175,000 annually. In addition, building operating costs at \$4.50 per square foot would require \$315,000 of annual funding. Based on these DOA assumptions, at a purchase price of \$17 million, it would cost an estimated \$1,890,000 annually for debt service and facility operating costs associated with the DPI space.

DOA estimates that it could cost \$600 per FTE to move the DPI office to Milwaukee. If 400 FTE positions are moved, this would require \$240,000 of funding. Under current law, the state must provide financial assistance to state employees who are required to move. Using the assumption that 200 employees would choose to move to Milwaukee, an estimated \$620,000 of funding would be needed to fund these costs. In total, estimated move related costs would total \$860,000. The motion would provide \$900,000 GPR in 1997-98 in the Joint Committee on Finance GPR supplement appropriation for this purpose.

Current DOA space rental rates for Class A office space is \$15.10 per square foot. If this facility would be part of the state office space managed by DOA, the costs associated with acquiring and remodeling the space would be incorporated in the DOA space rental account. This could lead to an earlier increase in the DOA charges for office space than would otherwise be the case.

[Change to Base: \$20,000,000 BR, \$900,000 GPR]

[Change to Bill: \$20,000,000 BR, \$900,000 GPR]

MO# 3185

| | | | |
|----------|--------------|--------------|---|
| ZJENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

| | | | |
|-----------|--------------|--------------|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| / GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 5 NO 11 ABS _____

PUBLIC INSTRUCTION

LFB Summary Items for Which No Issue Papers Have Been Prepared

| <u>Item #</u> | <u>Title</u> | MO# | <u>Items (OOT 9)</u> | | |
|---------------|--|-----------|----------------------|----|-----|
| 1 | Standard Budget Adjustments | JENSEN | X | N | A |
| 6 | Milwaukee Parental Choice Program | ZOURADA | X | N | A |
| 8 | Driver Education | HARSDORF | X | N | A |
| 9 | Children-at-Risk Aid Reduction | ALBERS | X | N | A |
| 12 | School District Revenue Limits -- Milwaukee Public Schools | GARD | X | N | A |
| 15 | Funding for Current Required Examinations | KAUFERT | X | N | A |
| 17 | Federal Revenue Reestimates | LINTON | X | N | A |
| 18 | Program Revenue Reestimates | COGGS | X | N | A |
| 19 | Personnel Licensure Funding | BURKE | X | N | A |
| 21 | Residential Schools -- Utilities Reestimate | DECKER | X | N | A |
| 22 | Residential Schools -- Teacher Salary Costs | GEORGE | X | N | A |
| 23 | Residential Schools -- Pupil Transportation | JAUCH | X | N | A |
| 24 | Residential Schools -- Nonresident Fees | WINEKE | X | N | A |
| 25 | Residential Schools -- Educational Services Center | SHIBILSKI | X | N | A |
| 44 | School District Contracts for Outpatient Services | COWLES | X | N | A |
| | | PANZER | X | N | A |
| | | AYE | 16 | NO | 0 |
| | | | | | ABS |

LFB Summary Items to be Addressed in Subsequent Papers

| <u>Item #</u> | <u>Title</u> |
|---------------|--------------------------------------|
| 16 | Debt Service Reestimates |
| 29 | Interdistrict School Choice Programs |

LFB Summary Items for Introduction as Separate Legislation

| <u>Item #</u> | <u>Title</u> |
|---------------|---|
| 13 | Scheduling Referenda Relating to School Borrowing and Revenue Limits |
| 27 | Academic Standards |
| 36 | Technical Preparation Programs |
| 38 | Release of Confidential Information and Teacher License Restrictions for Failure to Pay Child Support or Delinquent Taxes |
| 39 | Administrative Leadership Academy |
| 40 | Delete Separate Annual Report on Bilingual-Bicultural Education |
| 41 | Procedures for Setting Standards for Early Admission |
| 42 | Preapproval of Summer School Classes |
| 43 | DPI Role in High School Admission and Course of Study |
| 45 | CESA Annual Convention and Planning and Reporting Requirements |



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 2, 1997

*AC to Center
9:00 AM 6/5/97*

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Budget Issue Papers

Attached are budget issue papers, prepared by this office, on the following agencies:

- Interdistrict School Choice Programs
- Department of Corrections -- Juvenile Institutions (Daily Rates, Youth Aids and Serious Juvenile Offender Program)
- Department of Natural Resources -- Air, Waste and Contaminated Land
- Department of Health and Family Services -- (Kinship Care, Milwaukee County Child Welfare Services and Domestic Violence)
- Child Abuse and Neglect Prevention Board
- Department of Administration -- General Statutory Provisions
- Land Information Board
- Department of Veterans Affairs
- Health Insurance Risk Sharing Plan
- Department of Workforce Development -- Economic Support and Child Care
- Building Program
- Shared Revenue and Property Tax Relief -- Local Revenue Options
- Secretary of State
- Miscellaneous Appropriations - Julie
- General Fund Taxes - Julie

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 9:00 a.m. on Wednesday, June 4, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas
Attachments

6/4/97 7:46/5/97

MO# Attendance

| | | | | | | | | | | | | | | | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| X |
| JENSEN | OURADA | HAFSDORF | ALBERS | GARD | KAUFERT | LINTON | COGGS | | | | | | | | | | | | |
| BURKE | DECKER | GEORGE | JAUCH | WINEKE | SHIBILSKI | COWLES | PANZER | | | | | | | | | | | | |

AYE NO ABS

1997-99 BUDGET PAPERS

June 4, 1997

Paper #

676 **Interdistrict School Choice Programs**

Corrections -- Juvenile Corrections

- 329 Juvenile Population Projections and Daily Rates
- 330 Youth Aids
- 331 Serious Juvenile Offender Program
- 332 Residential Alternate Care

Natural Resources -- Air, Waste and Contaminated Land

- 590 Overview of Recycling Funding Proposals
- 591 Recycling Market Development Board -- Commerce
- 592 Recycling Fund Transfer to General Fund
- 593 Municipal and County Recycling Grant Calculation
- 594 Recycling Staff Conversion
- 606 Brownfields Grant Program -- Commerce
- 607 Brownfields Redevelopment Loan Guarantee Program -- WHEDA
- 608 Brownfields -- Funding Changes
- 609 Brownfields -- Property Affected by Offsite Discharges
- 610 Brownfields -- Voluntary Party Liability Limitation
- 611 Brownfields -- Exemption from Hazardous Substances Spills Law for Local Governments and Nonprofit Economic Development Corporations
- 612 Brownfields -- Lender Liability Exemption
- 613 Brownfields -- Civil Immunity for Lenders and Voluntary Parties
- 614 Brownfields -- Stewardship Funding Priority
- 615 Brownfields -- Spills Law Stepped Enforcement
- 616 Brownfields -- Delay Spills Law Cleanup Requirement
- 617 Air Quality Monitoring and Data Acquisition and Reporting System
- 618 Program Revenue Reestimate - Air Management, Asbestos Abatement
- 619 Air Management Permit Review Program Revenue Deficit
- 620 Environmental Management Account Condition, Vehicle Environmental Impact Fee and Spills Cleanup
- 621 Well Compensation Fee and Grants -- Water Quality
- 622 Nonmetallic Mining Reclamation
- 623 Safe Drinking Water Enforcement -- Water Quality

Paper #

Health and Family Services

- 462 Kinship Care Funding
- 463 Kinship Care Statutory Provisions
- 478 Milwaukee Child Welfare Services -- Funding Reestimate
- 479 Milwaukee Child Welfare -- MA Eligibility for Parents of Children
in Child Protective System
- 480 Milwaukee Child Welfare -- Additional Funding Requests
- 481 Milwaukee Child Welfare -- County Contribution
- 482 Milwaukee Child Welfare -- Case Management
- 483 Milwaukee Child Welfare -- Quality Assurance
- 484 Milwaukee Child Welfare -- Site Selection Process

Child Abuse Neglect Prevention Board

Administration -- General Statutory Provisions

- 138 Payment of Stadium District Bills to DOA
- 139 State Energy Conservation Audits and Construction Projects

Land Information Board

- 140 Land Information Program
- 141 Land Information Board Grant Process

Veterans Affairs

- 915 Veterans Trust Fund Condition Statement Overview
- 916 Benefits Eligibility for Peacetime Veterans
- 917 Veterans Trust Fund -- Personal and Economic Assistance Loan Program
- 918 Veterans Trust Fund -- Veteran Assistance Program
- 919 Veterans Trust Fund -- Grants to Veterans -- Tuition Fee Reimbursement Veterans Trust
- 920 Fund -- Grants to Veterans -- Part-time Study Grant Program
- 921 Veterans Trust Fund -- Grants to Veterans -- Retraining Grant Program
- 922 Veterans Trust Fund -- Grants to Veterans -- Combined Educational Grant
Program
- 923 Veterans Trust Fund -- Grants to Veterans -- Health Care Aid Grant Program
- 924 Primary Home Loan and Home Improvement Loan Program
- 925 Veterans Home -- Nursing Care Staff
- 926 Veterans Home -- Eligibility Requirements
- 927 Grants to County Veteran Service Officers and State Veterans Service Organizations
- 928 Computerization of CVSO and VSO Offices
- 929 Veterans Cemetery Debt Service

Health Insurance Risk Sharing Plan

- 512 HIRSP -- Program Modifications and Transfer

Paper #

Workforce Development -- Economic Support and Child Care

- 970 Public Assistance Funding Overview
- 971 Appropriation Structure and Base Funding for Public Assistance Programs
- 972 Subsidized Employment Under W-2
- 973 SSI Administration and Benefits
- 974 Copayments and Income Eligibility Limit for W-2 Child Care
- 975 Minor Policy and Technical Changes -- W-2 Child Care Eligibility
- 976 Employment Skills Advancement Grants
- 977 Employment Transportation Under W-2
- 978 Evaluation of the W-2 Program
- 979 Assignment of Child Support Under W-2
- 980 New Hope Project
- 981 Work Requirement for Two-Parent Families Under W-2
- 982 18- and 19-Year Old Parents Under W-2
- 983 Time Limit for Participation in W-2
- 984 W-2 Dispute Resolution
- 985 Aid to 18-Year-Old Students
- 986 Public Assistance: Drug-Related Convictions and Drug Testing
- 987 Food Stamp Sanctions
- 988 Release of Information Regarding Food Stamp Recipients
- 989 Food Stamp Waiver
- 995 Minor Policy and Technical Changes -- Food Stamp and MA Administration by W-2 Agencies

Building Program

- 195 Increase of Enumeration Requirement to \$500,000
- 196 Exceptions to Enumeration Requirement
- 197 Enumeration of Projects in 1999-2001 Biennium
- 198 Enumeration of Secure Treatment Center
- 199 Funding for Planning and Design of Projects
- 200 WISTAR Funding
- 201 Healthstar Funding
- 202 Moveable Equipment Master Lease
- 203 Local Inducements for State Building Projects
- 204 Construction Contract Bids
- 205 Bid Requirements for Projects Less Than \$100,000
- 206 Percent-for-Art Program
- 207 State Fair Park Capital Budget
- 208 Nash Automobile Museum
- 209 Thompson Correctional Center Fence
- 210 Veterans Home Bonding Appropriations
- 211 Submission of the Capital Budget

Paper #

- 212 Minor Policy and Technical Changes -- Adjustments to a Project Enumeration and Bonding Amounts
- 213 Minor Policy and Technical Modifications -- Debt Service on UW-Madison Athletic Facilities Maintenance
- 214 Minor Policy and Technical Modification -- Ethan Allen Gatehouse
- 215 Excess General Obligation Bonding
- 216 Debt Service Estimates

Shared Revenue and Property Tax Relief -- Local Revenue Options

Secretary of State

Miscellaneous Appropriations

- 565 Minor Policy and Technical Changes -- Operating Note Interest Cost Estimate
- 566 Terminal Tax Distribution

General Fund Taxes

- 714 Information Technology Funding
- 100 Revenue Field Auditors
- 101 Integrated Tax System
- 102 Sales Tax Agreements with Direct Marketers
- 103 Sales Tax on Interstate Telecommunications That Terminate in This State
- 104 Sales Tax on Coin-Operated Laundries
- 105 Sales Tax on Telephone Answering Services
- 106 Sales Tax on Fabricated Building Units and Manufactured Buildings
- 107 Sales Tax on University Food Contracts
- 108 Reestimate Funding for the Earned Income Tax Credit
- 109 Individual Income Tax Treatment of Nonresidents and Part-Year Residents
- 110 Internal Revenue Code Update
- 111 Minor Policy and Technical Changes -- Tax Appeals Commission Filing Fee
- 112 Tax Amnesty Program
- 113 Utility Tax on Personal Communications Services
- 114 Minor Policy and Technical Changes -- Use Tax on Automobiles Used by Dealers
- 115 Increase Cigarette Tax
- 116 Individual Income Tax -- One-Time Credit
- 117 Individual Income Tax -- Indexing

Interdistrict School Choice Programs

Interdistrict School Choice Programs (Paper #676)

To: Joint Committee on Finance
From: Bob Lang, Director
Legislative Fiscal Bureau

ISSUE

Interdistrict School Choice Programs (DPI)

[LFB Summary: Page 473, #29]

CURRENT LAW

Under current law, every public school is required to be free of charge to all pupils residing in that school district. A school district may admit a pupil who resides in another school district if the pupil's parents pay tuition. In addition, a pupil may attend a public school located outside his or her school district of residence if the two school boards agree, the State Superintendent approves and the school district of residence pays tuition; in such cases, the resident district counts the pupil in its membership for state aid purposes.

GOVERNOR

Create two public school choice programs, including an interdistrict school choice program and an interdistrict enrollment options program.

Interdistrict School Choice Program

a. *General Provisions.* Provide that, beginning in the 1998-99 school year, a pupil may attend any public school located outside his or her school district of residence, if the pupil's parent complies with certain application dates and procedures. This provision would apply to attendance districts in Milwaukee Public Schools. However, a pupil could attend a prekindergarten, early childhood or school-operated day care program outside his or her district of residence only if the pupil's district of residence offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her school district of

residence. The school district of residence would be required to pay tuition for the pupil and would continue to count the pupil in its membership for state aid purposes. This program would replace the current statute which allows a pupil to attend an in-state public school outside his or her district of residence if the two school boards agree and if the State Superintendent approves.

b. *Application Procedures.* Require the pupil's parent to submit an application on a form provided by DPI to the school district that the pupil wishes to attend, with a copy sent to the school district of residence, by February 1 of the school year immediately preceding the school year in which he or she wishes to attend. This application could include a request to attend a specific school or program offered by the school district that the pupil wishes to attend, which for purposes of this summary is referred to as the "nonresident school district". The term parent would be defined to include parent or guardian and membership and attendance area would be defined as under current law for school finance purposes.

School boards could not act on applications until after February 1 and, in the case where the number of applications received for a particular grade or program exceeds the availability of space, the district would be required to select pupils on a random basis.

By April 1, the nonresident school board would have to notify the applicant in writing whether the application has been accepted. If the board rejects an application, it would have to include in the notice the reason for the rejection. A technical correction is needed to clarify the notification process.

By May 1, the pupil's parent would have to notify the nonresident school board of the pupil's intent to attend school in that school district in the following school year. Annually by May 15, each school board accepting nonresident pupils must notify the resident school district of the names of the pupils from that district who would be attending the nonresident district in the following school year.

c. *Attendance Requirements.* If a pupil's parent notifies the school board of a nonresident school district that the pupil intends to attend school in that school district in the following year, the pupil would have to attend that school district in that year. Once enrolled in a nonresident school district under the choice program, a pupil could continue to attend school in that district without reapplying.

If, at any time, the pupil wishes to reattend school in the district of residence, the pupil's parent would have to notify both school districts by February 1 preceding the school year in which the pupil will begin reattending the district of residence.

If, at any time, the pupil wishes to attend a school in a school district other than the school district of attendance or residence, the pupil's parent would have to follow the application procedure set out above. However, a pupil attending school outside the district of residence could reattend school in the district of residence at any time if both school districts agree.

d. *Nonresident School District Acceptance Criteria.* By December 1, 1997, each school board would be required to adopt a resolution specifying criteria for accepting and rejecting applications. If the school board wishes to revise the criteria, it would have to do so by resolution. Any of the following criteria would be permitted:

1. The availability of space in the school, program, class or grade, including any class size limits, pupil-teacher ratios or enrollment projections established by the nonresident school board. The criteria could specify that the board would reject applications if accepting them would require the board to hire additional personnel, construct a new school or classroom or convert or reopen a building or portion of a building not currently used for instruction. The school board could give preference in attendance at a school, program, class or grade to residents of the school district who live outside of the school's attendance area.

2. Whether the pupil is involved in a disciplinary proceeding, as determined by the nonresident school district.

3. Whether the pupil has been suspended or expelled in the current or two preceding school years for any of the following:

a. knowingly conveying or causing to be conveyed a threat or false information concerning an attempt or alleged attempt to destroy school property with explosives;

b. engaging in conduct at school or while under the supervision of a school authority that endangered the property, health or safety of others;

c. engaging in conduct while not at school or under the supervision of a school authority that endangered the property, health or safety of others at school or under the supervision of a school authority or of any employe or school board member of the pupil's school district;

d. possessing a firearm while at school or while under the supervision of a school authority.

The criteria could not include: academic achievement; athletic or other special ability; English language proficiency; the presence of a physical, mental, emotional or learning disability; or anything else not listed as permissible criteria above. However, a school district would be required to give preference to nonresident pupils and their siblings, if the pupils would already be attending public school in that district.

e. *Transfers Prohibited by School District of Residence.* A school board could prohibit a resident pupil from attending school in another school district if the board determines that the pupil is involved in a disciplinary proceeding.

A school board would be required to prohibit a resident pupil from attending school in another school district if allowing such attendance would violate a voluntary or court-ordered plan to reduce racial imbalance in the resident district.

In the first year of the program (1998-99), a school board would be allowed to limit the number of resident pupils attending public school in another district to 3% of the resident district's membership. In each of the seven succeeding school years, the threshold would be increased by an additional 1% (for example, 4% in 1999-2000 and 5% in 2000-01) up to a maximum of 10% in the eighth year (2005-06). After that year, no limit could be imposed by the resident district.

If more resident pupils want to transfer than allowed under the 3% to 10% limit in any school year, the pupils who could transfer would be determined by the resident school board on a random basis. However, the board would have to give preference to resident pupils and their siblings who are already attending school in the district to which they are applying. The board would be required to notify the applicants of its determination by April 1.

f. *Relationship to the Chapter 220 Program.* If a school board participating under the integration aids (Chapter 220) program or with a merged attendance area would determine that the deadlines under the proposed interdistrict school choice or enrollment options programs conflict, the board could modify the deadlines for these new programs.

If a pupil would attend school outside of his or her district of residence under the interdistrict school choice program and would also be eligible to transfer under the Chapter 220 program, the school district of residence would not be required to pay tuition and, instead, the pupil would be considered an interdistrict transfer under the Chapter 220 program. If a school district would receive one or more minority group pupils as Chapter 220 interdistrict transfers, the board would be required to reject the application of nonminority group pupils under the interdistrict school choice program, unless the board had accepted all of the minority group pupils under Chapter 220 for the grade for which the nonminority pupils had applied.

g. *Appeal of Rejection.* If an application is rejected by the nonresident school district or the pupil's attendance is prohibited by the resident district due to involvement in a disciplinary proceeding, the pupil's parent could appeal the decision to DPI within 30 days after the decision. The Department's decision would be subject to judicial review under Chapter 227 of the statutes.

h. *Children with Exceptional Educational Needs (EEN).* If a child with exceptional educational needs attends school in another district under the program, the responsibility for providing special education to that pupil would be as follows:

1. Each school district would be responsible for screening each child residing in the district to determine if there is reasonable cause to believe that the child has exceptional educational needs.

2. The resident district would be responsible for the multidisciplinary team (M-team) evaluation and the development of the individualized education program (IEP) of a child in the choice program. In addition, the resident district would be required to consult with the nonresident district.

3. The nonresident district would be responsible for providing an appropriate educational placement for the child.

4. Generally, the resident school district would be required to pay tuition to the nonresident district. However, if the nonresident school district would use one of four placement options available under current law, the nonresident school district would pay tuition, rather than the resident school district. These four appropriate educational placement options include: (a) the UW-Madison's model school EEN program; (b) any EEN program operated in this state by a public agency as near as possible to the pupil's residence; (c) a public EEN program located in another state (only with DPI approval); and (d) a private special education program (only with DPI approval).

A current law school district reporting requirement relating to EEN children would apply to children who attend a school in another district under the program.

i. *Transportation.* The pupil's parent would be responsible for transporting the pupil to and from the school. However, a school district would be allowed to provide transportation, including to and from summer classes, for any nonresident or resident pupil participating in the choice program. A district that provides such transportation would be eligible for state categorical aid in the same amounts as currently specified in the statutes for transporting other pupils.

j. *Tuition Payments and State Aid.* The resident school district would be required to pay tuition to the nonresident district. For pupils not enrolled in special education programs, the payment amount would be the lesser of the tuition amounts calculated for the two districts under current law that specifies the costs that are included in tuition, unless the two districts agree to a different amount. A modification could be made to clarify the level of tuition that would be required to be paid. For pupils enrolled in special education programs, the payment would be based on the tuition amount calculated for the district of attendance for children enrolled in such programs, unless the two districts agree to a different amount. In either case, if the two districts cannot agree on a tuition amount, the Department would be required to determine the amount.

The tuition amount and the payment schedule would be specified in a written agreement. If the resident or nonresident school boards do not agree to a payment schedule, payment would be made in four installments. The first three installments would be based on estimated costs and paid on the last day of September, December and March during the school year. The final payment would be adjusted for actual costs and paid when such costs are known.

The resident school district would count the pupil in its membership and include the tuition costs for state aid purposes. In other words, the resident district would receive state aid as though the pupil were enrolled in that school district.

k. *Information.* Each school board would be required to provide information about its schools and programs in the format and manner prescribed by DPI. Include interdistrict school choice transfers under the current law requirement that a school district transfer records within five working days upon request.

l. *Academic Excellence Scholarships.* Provide that a senior attending a public school under the proposed interdistrict school choice program would not be eligible for an academic excellence scholarship unless the senior also attended that school district in his or her entire junior year.

m. *Parent Establishes Residency.* Under current law, a pupil's parent who is not a resident of a school district may apply for enrollment in that school district if the parent declares that the parent will establish residence in the district by a specified time. If facilities are adequate, the school board may permit the pupil to enroll and can require the prepayment of a tuition fee for nine school weeks. If the parent establishes residence within nine weeks, any prepaid tuition must be refunded. If the parent does not establish residence within nine weeks, the same process can be repeated for a second nine weeks, although tuition prepayment is required for the second nine weeks.

Effective July 1, 1998, modify this provision so that it applies to a parent who misses the application deadline for attendance in another school district under the proposed interdistrict school choice program.

n. *Report.* DPI would be required to annually submit a report to the Governor and the appropriate standing committees of the Legislature summarizing the number of pupils attending school outside of the pupil's resident school district under the interdistrict school choice program, by school, grade, ethnicity and gender.

Interdistrict Enrollment Options Program

a. *General Provisions.* Provide that, beginning in the 1998-99 school year, a pupil enrolled in a public school in grades 9 to 12 would be allowed to enroll in one or two courses offered in another school district under the following conditions:

1. The nonresident school district determines that there is space available in the course or courses.

2. The district of residence determines that these courses satisfy the high school graduation requirements in that school district.

3. The pupil meets all the prerequisites for the course or courses that apply to pupils who reside in the other school district.

b. *Application Procedures.* Same provisions as the interdistrict school choice program, except that if a pupil's application is accepted by the nonresident district, the acceptance would apply only for the following school year. In addition, the application would include the course or courses that the pupil wanted to attend.

c. *Attendance Requirements.* If a pupil's parent notifies the nonresident district that the pupil intends to attend courses in that district in the following school year, the pupil would have to attend those courses in that year. However, a pupil could cease attending such courses at any time during the school year if the school boards of both districts agree.

d. *Nonresident School District Acceptance Criteria.* Similar provisions as the interdistrict school choice program, except that school districts acceptance criteria would not include class size limits, pupil-teacher ratios or enrollment projections.

e. *Transfers Prohibited by School District of Residence.* Same provisions as the interdistrict choice program, except that there would be no limit on the number of resident pupils attending courses in another district.

f. *Appeal of Rejection.* Same provision as the interdistrict choice program, except that DPI's decision would be final and not subject to judicial review under Chapter 227 of the statutes.

g. *Transportation.* Same provision as the interdistrict choice program.

h. *Tuition Payments.* The resident school district would have to pay the other school district an amount equal to the cost of providing the course or courses to the pupil, calculated as determined by DPI. A modification could be made to clarify the level of tuition that would be required to be paid. The payment schedule provision would be the same as the interdistrict choice program.

Other Provisions

a. *Rights of Pupil.* Under both programs, a pupil attending school or courses in a school outside his or her district of residence would have all the rights and privileges of resident pupils and would be subject to the same rules and regulations as resident pupils.

b. *DPI Rules.* DPI would be required to create rules to implement and administer the two programs.

c. *Records Relating to Suspension or Expulsion.* Provide that a resident school district would be required to provide a school district to which a pupil has applied under either program, a copy of records relating to the pupil's suspension or expulsion, to the extent permitted under federal regulations.

d. *Out-of-State Schools.* Under current law, a school district with DPI's approval may enter into an agreement with another public school district to allow a pupil to attend the other school district, including an out-of-state school. The school district of residence has to pay tuition to the school district of attendance, but continues to count the pupil for state aid purposes. Under the bill, effective July 1, 1998, this provision would be modified to, instead, provide that with DPI's approval, a school board could allow a pupil to attend an out-of-state public school. The school board would pay tuition, but would continue to count the pupil for state aid purposes.

e. *School Year Completion.* Under current law, a school board may permit a pupil to complete the school year at the school without payment of tuition if the pupil: (a) is enrolled in a school under its jurisdiction; (b) was a resident of the district at the beginning of the school year; and (c) is no longer a resident. The bill would make this provision mandatory, effective July 1, 1998.

DISCUSSION POINTS

1. Proponents of public school interdistrict choice programs argue that competition among school districts would be beneficial. If a school district would lose students under a choice program, it would have an incentive to improve its educational programming. This competitive pressure could result in school districts being more responsive to the concerns of parents and students.

2. A second argument often made in favor of a public school interdistrict choice program is that parents would be provided more educational choices. Under current law, parents must secure approval of both school boards and the State Superintendent for their children to change school districts. This approval procedure limits the ability of parents to choose a different school district, if they are dissatisfied with the performance of the current school district.

3. Proponents of public school interdistrict choice programs maintain that higher income parents already have a choice program available to them, in that they may be able to afford to send their children to private schools. Lower income parents may not be able to afford this option. In this view, the SB 77 provision would provide parents with all income levels the ability to choose a different school for their children, if it is to their advantage.

4. Opponents of public school choice programs would argue that while a school district that loses students may have a greater incentive to compete, the requirement that it pay tuition could leave it with less resources with which to improve its programs. Although the loss of students could reduce costs for the school district, this cost reduction may be significantly less than the required tuition payment, which could impair the district's ability to compete for students by providing new or enhanced educational opportunities.

5. Opponents of public school choice programs indicate that the current system of school finance has local taxpayers paying for local schools. In their view, a public school choice program could work to undermine local community support for the local school district. If parents have their children attending a different school district, their school property taxes would no longer go to support the education of their children. As a result, it could be more difficult for the local school district to get a spending referendum passed, even if the spending would be vital for the district. In this view, a choice program would break the link between the local property taxes paid and the educational benefits received for these parents.

6. Another argument that could be made against public school choice is that a troubled school district could lose its most motivated parents and students. If parents could freely withdraw their children from a school district that is having some difficulty, it is possible that parents who are most involved in their local school's activities would have the motivation and opportunity to transfer their children. Although this may be to their personal advantage, it would work against the interests of the children who remain in the local school district.

7. Opponents of public school choice programs indicate that this proposal could contribute to flight from urban school districts to surrounding suburban school districts. If so, it is possible that the proposal could result in a greater level of economic and racial imbalance in urban school districts.

8. The issue of public school choice was debated in the last session of the Legislature and has surfaced in a number of forms in recent months. In the last legislative session, 1995 AB 347 was introduced. This bill, which outlined the concept of an open-enrollment program was adopted by the Assembly Committee on Education but was not reported out of the Joint Committee on Finance.

At the conclusion of the last session, the Legislative Council formed a Special Committee on Public School Open Enrollment. That Committee completed its work and has developed legislation which encompasses its recommendations. In addition, the State Superintendent of Public Instruction included an initiative in his 1997-99 budget request which was similar in concept, to 1995 AB 347.

9. On April 15, 1997, the State Superintendent submitted a letter to the Joint Committee on Finance supporting the Legislative Council's Special Committee on Public School Open Enrollment proposal, rather than the Governor's recommendation. In addition, the State

Superintendent requested that funding and staffing be provided to allow DPI to administer the program.

10. Under both proposals, in the first year of the program (1998-99), a school board would be allowed to limit the number of resident pupils attending public school in another district to 3% of the resident district's membership. In each of the seven succeeding school years, the threshold would be increased by an additional 1% (for example, 4% in 1999-2000 and 5% in 2000-01) up to a maximum of 10% in the eighth year (2005-06). After that year, no limit could be imposed by the resident district. DPI estimates that only 1% to 2% of students statewide would enroll in another school district, this could equal up to 16,000 students participating in the program.

11. The Special Committee's proposal would provide \$1 million in 1998-99 for full-time open enrollment transportation assistance for parents of low-income pupils. The parent of a pupil participating in the program who is eligible for a free or reduced price lunch under the National School Lunch Program may apply to DPI for reimbursement of the costs incurred by the parent for the pupil's transportation. DPI would determine the reimbursement amount, which could not exceed the parent's actual costs or three times the statewide average per pupil transportation costs, whichever is less. In 1995-96, approximately 224,000 students participated in the free and reduced price lunch program.

If 2% of the 224,000 students (4,480 students) participated in the full-time open enrollment program, the \$1 million would provide approximately \$223 per student. If the appropriation would be insufficient to pay the full amount of approved claims, payments would be prorated among the parents entitled to the payments.

12. A review of other states administering open enrollment programs shows that staffing provided ranges from 1.0 full-time-equivalent (FTE) position to 1.5 FTE positions for programs that are ongoing. The administrators of these programs indicate that the startup years are labor intensive and additional effort is necessary to initiate an open enrollment program. Based on subsequent conversations with DPI staff, the State Superintendent recommends that \$52,600 GPR in 1997-98 and \$64,600 GPR in 1998-99 and 1.0 GPR position annually be provided for DPI to administer the program.

13. The Special Committee recognized that no funding mechanism would accurately reflect the fiscal effect on each school district of gaining or losing a pupil under open enrollment. The Special Committee attempted to recognize the incremental costs to a school district of gaining or losing a pupil by basing its funding proposal on costs which are most likely to vary with the number of pupils served (instructional, co-curricular and pupil support costs) and excluding certain fixed costs which are less likely to vary with the number of pupils served (such as building operations and maintenance, administration and debt service costs). To provide for ease of administration, the proposal: (a) uses a single dollar amount, based on a statewide average cost, which would be computed annually by DPI; and (b) provides the funding through

state aid adjustments, rather than tuition payments from one school district to another as the Governor proposes in SB 77. Under both proposals, payments for special education students would be based on the nonresident school district's costs.

Under the Special Committee's proposal, it is possible that up to \$70 million of funding could shift between school districts, although this estimate depends on the level of participation in the program, and could generate a lower net transfer amount if there would be offsetting movement of students. This estimate is based on the 1995-96 statewide average per pupil school district cost for regular instruction, co-curricular activities, instructional support services and pupil support services. The 1995-96 unaudited per pupil cost for these four categories is estimated to be \$4,203. Under SB 77, for children other than children with exceptional educational needs, the resident school district would be required to pay the nonresident school district the "regular annual tuition rate" for the resident or nonresident school district, whichever is less. The "regular annual tuition rate" is computed by determining the school district's net school cost per member. Based on 1995-96 complete annual school costs, the statewide average cost per member was \$7,231.

14. Attached is a comparison of the interdistrict public school open enrollment proposals as included in SB 77 and as recommended by the Legislative Council's Special Committee on Public School Open Enrollment. The attachment, prepared by Jane Henkel, Deputy Director of the Legislative Council Staff, briefly summarizes major policy differences between the proposals and includes two tables which provide side-by-side comparisons of the proposals.

ALTERNATIVES TO BILL

A. Interdistrict School Choice and Enrollment Options Programs

1. Adopt the Governor's recommendation with a technical correction to clarify the notification process.

2. Delete the Governor's recommendation and, instead, adopt the Legislative Council Special Committee's proposal for public school choice.

3. Delete the Governor's recommendation.

B. Transportation Assistance

1. Adopt the Legislative Council Special Committee's proposal to provide \$1 million in 1998-99 for transportation assistance for parents of low-income pupils.

| <u>Alternative B1</u> | <u>GPR</u> |
|---|-------------|
| Transportation Assistance Payments (Change to Bill) | \$1,000,000 |
| SB 77 Equalization Aids | - 333,000 |
| Net Effect to SB 77 (Change to Bill) | \$667,000 |

2. Take no action.

C. DPI Position

1. Adopt the Legislative Council Special Committee's proposal to provide \$52,600 GPR in 1997-98 and \$64,600 GPR in 1998-99 and 1.0 GPR position beginning in 1997-98 for DPI to administer the two public school choice programs, including an interdistrict school choice program and an interdistrict enrollment options program.

| <u>Alternative C1</u> | <u>GPR</u> |
|------------------------------------|------------|
| 1997-99 FUNDING (Change to Bill) | \$117,200 |
| 1998-99 POSITIONS (Change to Bill) | 1.00 |

2. Take no action.

MO# ALL AB

Prepared by: Bob Soldner

| | | | |
|----------|--------------|--------------|---|
| JENSEN | Y | N | A |
| OURADA | Y | N | A |
| HARSDORF | Y | N | A |
| ALBERS | Y | N | A |
| GARD | Y | N | A |
| KAUFERT | Y | N | A |
| LINTON | Y | N | A |
| COGGS | Y | N | A |

| | | | |
|-----------|--------------|--------------|---|
| BURKE | Y | N | A |
| DECKER | Y | N | A |
| GEORGE | Y | N | A |
| JAUCH | Y | N | A |
| WINEKE | Y | N | A |
| SHIBILSKI | Y | N | A |
| COWLES | Y | N | A |
| PANZER | Y | N | A |

AYE 9 NO 7 ABS



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536
Telephone (608) 266-1304
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DATE: May 19, 1997
TO: INTERESTED LEGISLATORS
FROM: Jane R. Henkel, Deputy Director
SUBJECT: Comparison of Interdistrict Public School Open Enrollment Proposals Made by the Governor and Recommended by the Joint Legislative Council's Special Committee on Public School Open Enrollment

This memorandum compares the interdistrict public school open enrollment proposals made by the Governor, in his 1997-99 budget proposal (1997 Senate Bill 77), and recommended by the Joint Legislative Council's Special Committee on Public School Open Enrollment (LRB-2957/2). First, this memorandum briefly summarizes major policy differences between the proposals. Next, two tables which provide detailed side-by-side comparisons of the proposals are presented. This memorandum is organized as follows:

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| TABLE B: PART-TIME OPEN ENROLLMENT | 19 |

In the following summaries and tables:

1. "Resident school district" means the school district in which a pupil resides and "resident school board" means the school board of that school district.

2. "Nonresident school district" means the school district that a pupil wishes to attend or is attending under an open enrollment program and "nonresident school board" means the school board of that school district.

A. SUMMARY: FULL-TIME OPEN ENROLLMENT

1. Tuition or State Aid Adjustments

Governor: For children other than children with exceptional educational needs (EEN), the resident school board must pay the nonresident school board the "regular annual tuition rate" for the resident or nonresident school district, whichever is less, calculated under the current statutes relating to tuition payments. The "regular annual tuition rate" is computed by determining the school district's net school cost per member.

Special Committee: The Department of Public Instruction (DPI) must annually determine a per pupil transfer amount equal to the statewide average per pupil school district costs for regular instruction, cocurricular activities, instructional support services and pupil support services for the prior school year. The school district's state aids are increased or decreased by an amount equal to the per pupil transfer amount multiplied by the school district's net gain or loss of pupils under the open enrollment program. If a school district experiences a net loss of pupils under the program and does not receive state aid payments sufficient to cover the net transfer payments, the balance will be deducted from the state tuition payment appropriation.

Both proposals: For children with EEN, tuition is based on the nonresident school district's costs.

2. Transportation

Both proposals: Parents are responsible for transporting pupils to and from nonresident schools.

Governor: Either school board may elect to provide transportation and, if it does so, will be paid state transportation aid.

Special Committee: Either school district may elect to provide transportation, but the nonresident school district may not provide transportation for a pupil to or from a location in the resident school district. Also, only the nonresident school district is eligible for state transportation aid.

3. Low-Income Transportation Assistance

Governor: No similar provision.

Special Committee: Parents of pupils who are eligible for a free or reduced-price lunch may apply for reimbursement of transportation costs. The DPI shall determine the reimbursement amount, which may not exceed the parent's actual costs or three times the statewide average per pupil transportation costs, whichever is less. A \$1,000,000 annual appropriation is provided, for fiscal year 1998-99, to fund these payments.

4. Racial Balance and Chapter 220

Governor: A resident school board must prohibit a pupil from attending another school district if such attendance would violate a voluntary or court-ordered plan to reduce racial imbalance in the school district.

If any minority group pupils transfer into a nonresident school district under the interdistrict Chapter 220 program, the nonresident school district must reject all nonminority group open enrollment applications for a grade, unless it has accepted all minority pupils who requested to transfer into that grade under Chapter 220. Also, if an open enrollment pupil is eligible to transfer into a nonresident school district under Chapter 220, the resident school board shall not pay tuition under the open enrollment program. Instead, the pupil shall be treated as a Chapter 220 pupil for the purposes of payment.

Special Committee: A school district that is eligible for interdistrict or intradistrict Chapter 220 (integration) aid may not accept an application for transfer into or out of the school district if the transfer would increase racial imbalance in the school district.

A nonresident school district that receives applications for transfer into the school district under both Chapter 220 and the open enrollment program must accept or reject all Chapter 220 applications before it accepts or rejects open enrollment applications.

5. Special Education Responsibilities

Governor: The resident school district is responsible for the multidisciplinary team (M-team) evaluation of a child with EEN and developing the child's individualized education program (IEP). The nonresident school district must provide an appropriate special education program and placement for the child.

Special Committee: The nonresident school district is responsible for the M-team evaluation of a child, developing the child's IEP and providing an appropriate educational program and placement for the child.

6. Availability and Costs of Special Education Programs

Governor: No similar provisions.

Special Committee: If the special education program or related service described in the IEP for a child with EEN are unavailable in the nonresident school district, or there is no space available in the special education program identified in the child's IEP, the nonresident school district may reject the application from the child. Also, if the child's IEP is developed or revised after the child begins attending school in the nonresident school district, the nonresident school district may notify the resident school district that the program is not available. If such notice is provided, the child shall be transferred to his or her resident school district which must provide an educational program for the child.

Similar provisions allow a resident school district to reject the application of a child, or require the child to transfer back to the resident school district, if the costs of the special education program or services required in the child's IEP, as implemented or proposed to be implemented by the nonresident school district, would impose an undue financial burden on the resident school district (which must pay tuition for the child).

B. SUMMARY: PART-TIME OPEN ENROLLMENT

1. Application Process

Governor: Applications must be submitted by February 1.

Special Committee: Applications must be submitted six weeks prior to the scheduled commencement of the course.

2. Acceptance Criteria

Governor: Permissible nonresident school district acceptance criteria are specified in the Bill.

Special Committee: Nonresident school districts must apply the same criteria they apply to resident pupils, except preference may be given to resident pupils.

3. Undue Financial Burden

Governor: No similar provision.

Special Committee: A resident school board may prohibit a pupil from attending a course in a nonresident school district if the cost of the course would impose upon the resident school district (which must pay tuition for the pupil) an undue financial burden.

4. Transportation

Both proposals: Parents are responsible for transporting pupils to and from the course.

Governor: Either school board may elect to provide transportation and, if it does so, will be paid state transportation aid.

Special Committee: No similar authorization or aid.

5. Transportation Assistance

Governor: No similar provision.

Special Committee: Parents may apply for reimbursement of transportation costs. DPI must determine the reimbursement amount and pay the amount out of the current postsecondary options transportation appropriation. DPI must give preference in making reimbursement to pupils who are eligible for free or reduced-price lunch.

TABLE A

FULL-TIME OPEN ENROLLMENT

GOVERNOR'S BUDGET PROPOSAL

SPECIAL COMMITTEE'S PROPOSAL

I. General Provisions

I. General Provisions

- a. Subject to the limitation under item b., below, beginning in the *1998-99* school year, a pupil residing in any public school district in the state may attend a public school, including a prekindergarten, early childhood or school-operated day care program, in a nonresident school district.
- b. A pupil may attend a prekindergarten, early childhood or school-operated day care program only if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district.
- c. Deletes current authorization for a pupil to attend public school in a nonresident school district if the two school boards agree, the State Superintendent of Public Instruction approves and the child's resident school district pays tuition.

- a. Same.
- b. Same.
- c. No similar provision. The current authorization is retained.

II. Application Process

II. Application Process

- a. By *February 1*, the pupil's parent must submit an application, on a form provided by DPI, to the nonresident school board.
- b. By *February 1*, the *pupil's parent* must send a copy of the application to the resident school board.
- c. The application may include a request to attend a specific school or program.
- d. The nonresident school board may not act on applications until after *February 1*.
- e. By *April 1*:
 - (1) The *nonresident* school board must notify the applicant, in writing, whether the application has been accepted. If the application is rejected, the notice must include the reason for the rejection.

- a. Same, except the application must be submitted between the *first Monday in February* and the *third Friday in February*.
- b. The *nonresident school board* must send a copy of the pupil's application to the resident school board and DPI on the *fourth Monday in February*.
- c. Same.
- d. Same, after *the third Friday in February*.
- e. By the *first Monday in April*:
 - (1) Similar.

GOVERNOR'S BUDGET PROPOSAL

(2) The *resident* school board must notify applicants of its determinations under the 3%/10% limit described in Section VII. b. and c., below.

f. No similar provision.

g. If the application is accepted, the parent must notify the nonresident school board, *by May 1*, of the pupil's intent to attend school in that school district in the following school year.

h. *By May 15*, each nonresident school board that has accepted pupils must notify the resident school district of the names of pupils from that district who will attend the nonresident school district in the following school year.

i. A school board of a school district that is participating in an interdistrict or intradistrict Chapter 220 program to reduce racial imbalance may modify the application deadlines if the deadlines conflict with Chapter 220 program procedures.

III. Selection Process if Applications Exceed Available Space

If the number of applications received for a particular grade or program exceeds the spaces available, the nonresident school board must select pupils on a random basis.

IV. Attendance Rights and Reapplication Requirements

a. If the pupil's parent notifies a nonresident school board that the pupil intends to attend that school district in the following school year, the pupil *must* attend the nonresident school district in that school year.

b. Once enrolled in a nonresident school district, a pupil may continue to attend school in that district without reapplying.

SPECIAL COMMITTEE'S PROPOSAL

(2) The *resident* school board must notify the applicant and the nonresident school board, in writing, if it denies the application for any of the reasons under Sections VII. and VIII., below.

f. If the application is accepted, by the *third Friday following the first Monday in May*, the nonresident school board must notify the applicant, in writing, of the specific school or program that the pupil may attend in the following school year.

g. Same, by the *first Friday following the first Monday in June*.

h. Similar, by *June 30*.

i. No similar provision. (The application deadlines under the Special Committee's proposal were selected to avoid such conflicts.)

III. Selection Process if Applications Exceed Available Space

Same.

IV. Attendance Rights and Reapplication Requirements

a. If the pupil's parent notifies a nonresident school board that the pupil intends to attend that school district in the following school year, the pupil *may* attend the nonresident school district in that school year.

b. The nonresident school board may require reapplication, no more than once, when the pupil enters middle school, junior high school or high school.

GOVERNOR'S BUDGET PROPOSAL

c. A pupil may reattend school in his or her resident school district beginning in any school year by notifying the resident and nonresident school boards by the preceding *February 1*. Also, a pupil may reattend his or her resident school district at any time if the resident and nonresident school boards agree.

d. If a pupil wishes to attend another nonresident school district, his or her parent must follow the application procedure described in Section II., above.

V. School Board Adoption of Criteria and Policies

By December 1, 1997, each school board must adopt a resolution specifying its criteria for accepting and rejecting applications from nonresident pupils, described under Sections VI., VII. and VIII, below. The criteria may be revised by resolution.

VI. Acceptance Criteria: Nonresident School District Board

a. The nonresident school board's acceptance criteria *may include* any of the following:

- (1) Availability of space in the school, program, class or grade, including any class size limits, pupil-teacher ratios or enrollment projections established by the nonresident school board.
- (2) Whether the school board would be required to hire additional personnel, construct a new school or classroom or convert or reopen a building or portion of a building not currently used for instructional purposes to accommodate the additional pupils.
- (3) Whether the pupil is currently involved in a disciplinary proceeding, as determined by the nonresident school board.

SPECIAL COMMITTEE'S PROPOSAL

c. No specific provision. A pupil may reattend his or her resident school district at any time.

d. Same.

V. School Board Adoption of Criteria and Policies

By December 1, 1997, each school board must adopt a resolution specifying its nonresident school district acceptance/rejection criteria (see Section VI., below), reapplication requirements (see Section IV. b., above), racial balance limitations, if applicable (see Section VIII., below), resident school district transfer limitations (see Section VII., below) and transportation policies (see Section XIV., below). The criteria may be revised by resolution.

VI. Acceptance Criteria: Nonresident School District Board

a. The nonresident school board's acceptance criteria *may include* any of the following:

- (1) Similar, except also includes consideration of pupils attending the nonresident school district for whom tuition is paid by other school districts.
- (2) No specific provision. See the available space criterion under item (1), above.
- (3) See item (4), below.

GOVERNOR'S BUDGET PROPOSAL

(4) Whether during the current or two preceding school years, the pupil has been suspended or expelled for any of the following:

- Threatening to, or conveying false information regarding an attempt or alleged attempt to, destroy school property by means of explosives.
- While at school or under the supervision of a school authority, endangering the property, health or safety of others.
- While not at school or under the supervision of a school authority, endangering the property, health or safety of others at school or under the supervision of a school authority or of any school employe or school board member.
- Possessing a firearm while at school or under the supervision of a school authority.

(5) No similar provision.

(6) No similar provision.

(7) No similar provision.

SPECIAL COMMITTEE'S PROPOSAL

(4) Whether the pupil has been expelled from any school district during the current or two preceding school years for any of the following *or* whether a disciplinary proceeding involving the pupil, which is based on any of the following, is pending:¹

- Same.
- Same.
- Same.
- Similar, except applies to possession of a weapon.

(5) Whether the special education program or related services described in the IEP for a child with EEN are available in the nonresident school district or whether there is space available in the special education program identified in the child's IEP, including any class size limits, pupil-teacher ratios or enrollment projections established by the nonresident school board.

(6) Whether the child has been screened by his or her resident school district to determine if there is reasonable cause to believe that the child is a child with EEN.

(7) Whether the child has been referred for evaluation by an M-team to determine if the child has EEN, but has not yet been evaluated.

1. The nonresident school district's criteria may provide that, notwithstanding its acceptance of an application, at any time prior to the beginning of the school year in which the pupil will first attend the nonresident school district, the nonresident school district may notify the pupil that he or she may not attend the school district if any of these criteria are met.

GOVERNOR'S BUDGET PROPOSAL

- b. The criteria *may not* include any of the following:
- (1) Academic achievement, athletic or other special ability.
 - (2) English language proficiency.
 - (3) The presence of a physical, mental, emotional or learning disability.
 - (4) Anything else not listed as permissible criteria, under item a., above, except as described under item c., below.
- c. A nonresident school board *must give preference to*:
- (1) Nonresident pupils already attending school in the nonresident school district.
 - (2) Siblings of nonresident pupils already attending public school in that school district.
- Also, see Section VIII., below.

VII. Acceptance Criteria: Resident School Board

- a. A resident school board *may prohibit* a resident pupil from attending another school district if it determines that the pupil is involved in a disciplinary proceeding.
- b. A resident school board *may limit* the number of its pupils attending public school in another district as follows:
- (1) In the first year of the program, to 3% of its membership.
 - (2) The 3% threshold shall be increased by 1% each year for seven years up to a maximum of 10% of the school district's membership in the eighth year.
 - (3) After the eighth year, no limits apply.
- c. If more pupils want to transfer than may do so under the 3%/10% limit, the pupils who may attend a nonresident school district shall be selected by the resident school board by random selection, except that the school board shall give preference to pupils already attending school in the district to which they are applying and siblings of such pupils.

SPECIAL COMMITTEE'S PROPOSAL

- b. No similar statements. Acceptance criteria are limited to those listed in the draft as permissible criteria.
- c. Same.
- (1) Same.
 - (2) Same.
- Also, see Section VIII., below.

VII. Acceptance Criteria: Resident School Board

- a. No similar provision.
- b. Same.
- c. Same.

GOVERNOR'S BUDGET PROPOSAL

- d. No similar provision.

Also, see Section VIII., below.

VIII. Racial Balance and Chapter 220

- a. A resident school board must prohibit a pupil from attending another school district if such attendance would violate a voluntary or court-ordered plan to reduce racial imbalance in the school district.
- b. If an open enrollment pupil is eligible under Chapter 220, the resident school board shall not pay tuition under the open enrollment program. Instead, the pupil shall be treated as a Chapter 220 pupil for the purposes of payment.

If any minority group pupils transfer into a non-resident school district under the interdistrict Chapter 220 program, the nonresident school district must reject all nonminority group open enrollment applications for a grade unless it has accepted all minority group pupils who requested to transfer into that grade under Chapter 220.

IX. Pupil Assignment

- a. No similar provision.
- b. The nonresident school board may give preference in attendance at a school, program, class or grade to residents of the district who live outside of the school's attendance area.

SPECIAL COMMITTEE'S PROPOSAL

- d. The pupil is a child with EEN and the costs of the special education program or services required in the child's IEP, as proposed to be implemented by the nonresident school district, would impose an undue financial burden on the resident school district (which must pay tuition for the child).

Also, see Section VIII., below.

VIII. Racial Balance and Chapter 220

- a. A school district that is eligible for interdistrict or intradistrict Chapter 220 (integration) aid may not accept an application for transfer into or out of the school district if the transfer would increase racial imbalance in the school district.
- b. A nonresident school district that receives applications for transfer into the school district under both Chapter 220 and the open enrollment program must accept or reject all Chapter 220 applications before it accepts or rejects open enrollment applications.

IX. Pupil Assignment

- a. The nonresident school board may assign open enrollment pupils to schools or programs in the school district.
- b. Same.

GOVERNOR'S BUDGET PROPOSAL

X. Appeals

- a. If an application is rejected by the nonresident school board or the transfer is prohibited by the resident school board, the pupil's parent may appeal the decision to DPI within 30 days of the decision.
- b. No similar provision.
- c. DPI's decision is subject to court review under ch. 227, Stats.

XI. Pupils' Rights

- a. Nonresident pupils have all of the rights and privileges of resident pupils and are subject to the same rules and regulations as resident pupils.
- b. A nonresident senior participating in the open enrollment program is not eligible for an academic excellence scholarship unless the senior also attended that nonresident school district in his or her junior year.

XII. Special Education Responsibilities

- a. No similar provision.
- b. Each school board is responsible for screening each child *residing* in the school district to determine if there is reasonable cause to believe that the child is a child with EEN.
- c. The *resident* school district shall be responsible for the M-team evaluation of the child. In addition, the M-team shall consult with appropriate personnel from the nonresident school district.

SPECIAL COMMITTEE'S PROPOSAL

X. Appeals

- a. Same.
- b. DPI must affirm the school board's decision unless it finds that the decision was arbitrary or unreasonable.
- c. Same.

XI. Pupils' Rights

- a. Same.
- b. No similar provision.

XII. Special Education Responsibilities

- a. Resident and nonresident school districts must notify each other of the names of, and related information about, pupils participating in the open enrollment program who are reported to them by specified persons who have reasonable cause to believe that the pupil is a child with EEN. (Such children must be evaluated as described under item c., below.)
- b. Same. In addition, if a child who is participating in the open enrollment program is identified pursuant to the screening, the resident school board must provide the name of the child and related information to the nonresident school board.
- c. The *nonresident* school district shall be responsible for the M-team evaluation of the child. In addition, the M-team shall consult with appropriate personnel designated by the resident school board.

GOVERNOR'S BUDGET PROPOSAL

d. The *resident* school district shall develop the child's IEP. In addition, the resident school district shall consult with appropriate personnel from the nonresident school district.

e. The *nonresident* school district shall provide an appropriate educational program and placement for the child.

XIII. Availability and Costs of Special Education Programs for Participating Pupils

No similar provision.

XIV. Transportation

a. Parents are responsible for transporting pupils to and from nonresident schools.

b. Either school board may elect to provide transportation, including transportation to and from summer classes.

c. A school board which elects to provide transportation will be paid state transportation aid.

SPECIAL COMMITTEE'S PROPOSAL

d. The *nonresident* school district shall develop the child's IEP in collaboration with appropriate personnel designated by the resident school board.

e. Same. However, see the two exceptions described in Section XIII., below.

XIII. Availability and Costs of Special Education Programs for Participating Pupils

If the IEP for a pupil who is a child with EEN is developed or revised after the pupil begins attending the nonresident school district, the pupil may be required to transfer back to his or her resident school district in two circumstances. The resident school district must then provide an educational placement for the pupil that meets the requirements of his or her IEP. The two circumstances are:

a. The IEP requires a special education program or related service that is not available in the nonresident school district or there is no space available in the special education program identified in the IEP. (The nonresident school board may initiate the transfer under this provision.)

b. The costs of the special education program required in the IEP, as implemented or proposed to be implemented by the nonresident school district, would impose upon the resident school district (which must pay tuition for the pupil) an undue financial burden. (The resident school board may initiate the transfer under this provision.)

XIV. Transportation

a. Same, except that if the child is a child with EEN and transportation is required in the child's IEP, the nonresident school district must provide transportation for the child.

b. Same, except that the nonresident school district may not provide transportation for a pupil to or from a location in the resident school district.

c. Only the nonresident school district is eligible for state transportation aid.

GOVERNOR'S BUDGET PROPOSAL

d. No similar provision.

XV. Tuition and State Aid

The resident school district would count the pupil in its membership and include the tuition costs, described below, in its costs for state aid purposes.

Pupils Other Than Children With EEN:

The resident school board must pay the nonresident school board the "regular annual tuition rate" for the resident or nonresident school district, *whichever is less*, calculated as provided in s. 121.83, Stats. The "regular annual tuition rate" is computed by determining the school district's "net school cost" divided by its "average daily membership."²

2. To avoid double counting special education costs, the "regular annual tuition rate" for pupils enrolled in special education programs is reduced by the difference between costs and receipts related to special education. These amounts are included in the "special annual tuition rate" used in determining the tuition amount for children with EEN.

SPECIAL COMMITTEE'S PROPOSAL

d. Parents of pupils who are eligible for a free or reduced-price lunch may apply to DPI for reimbursement of transportation costs. DPI shall determine the reimbursement amount, which may not exceed the parent's actual costs or three times the statewide average per pupil transportation costs, whichever is less. A \$1,000,000 annual appropriation is provided, for fiscal year 1998-99, to fund these payments. If the appropriation is insufficient, payments must be prorated.

XV. Tuition and State Aid

Same for tuition for children with EEN. For other pupils, general state aids are determined, annually, counting the pupils in the memberships of their resident school districts; then the state aid adjustments, described below, are made.

Pupils Other Than Children With EEN:

DPI must annually determine a per pupil transfer amount equal to the statewide average per pupil school district costs for regular instruction, cocurricular activities, instructional support services and pupil support services for the prior school year. A school district's state aids are increased or decreased by an amount equal to the per pupil transfer amount multiplied by the school district's net gain or loss of pupils under the open enrollment program. If a school district experiences a net loss of pupils under the program and does not receive state aid payments sufficient to cover the net transfer payments, the balance must be deducted from the state tuition payment appropriation.

GOVERNOR'S BUDGET PROPOSAL

Children With EEN:

Tuition is based on the nonresident school district's costs. The amount of the tuition is the sum of the nonresident school district's "regular annual tuition rate" and its "special annual tuition rate." The "special annual tuition rate" is the sum of instructional and "specified services" costs unique to the special education program in which the child is enrolled in the nonresident school district, divided by the average daily membership of pupils enrolled in that program.³

Other Provisions:

- a. The two school boards may agree on an alternative amount of tuition.
- b. If the school boards cannot agree on the costs or other factors used to compute the amount of tuition and do not agree on an alternative amount of tuition, DPI must calculate the tuition, as described above.
- c. Unless the school boards agree to a different schedule, tuition payments shall be made in four instalments. The first three instalments, based on estimated costs, shall be paid on the last days of September, December and March in the school year in which the costs are incurred. A final instalment adjusted for actual costs shall be paid when actual costs are known.
- d. The amount of the tuition and the payment schedule must be specified in a written agreement.

XVI. Revenue Limits

- a. Assuming that the funds used by the resident school district to pay tuition are derived from general state aid or property taxes, those amounts are subject to the resident school district's revenue limits.
- b. Tuition payments received by the nonresident school district are not subject to the nonresident school district's revenue limits.

SPECIAL COMMITTEE'S PROPOSAL

Children With EEN:

Same.

Other Provisions:

- a. Same for children with EEN.
- b. No similar provision.
- c. No similar provision.
- d. No similar provision.

XVI. Revenue Limits

- a. Same for tuition payments for children with EEN.
- b. Same for tuition payments for children with EEN.

3. The nonresident school district receives state special education aid for the costs of the child's special education program. The nonresident school district then transmits a proportional share of that aid, based on the average daily membership of pupils enrolled in the special education program, to the resident school district.

GOVERNOR'S BUDGET PROPOSAL

c. No similar provision.

XVII. Information

Each school board must provide information about its schools and programs in the format and manner prescribed by DPI.

XVIII. Rules and Application Form

a. DPI must promulgate rules to implement and administer this program.

b. Applications must be submitted on a form provided by DPI.

XIX. Reports and Audit

a. DPI must submit an annual report to the Governor and the appropriate standing committees of the Legislature specifying:

- (1) No similar provision.
- (2) No similar provision.

(3) The number of pupils attending school in a nonresident school district under the program by school, grade, ethnicity and gender.

SPECIAL COMMITTEE'S PROPOSAL

c. State aid adjustments for pupils other than children with EEN are not considered in determining a school district's revenue limit. Thus, the increase in state aid payments to a school district that has a net gain in pupils is not included in that school district's revenues that are subject to its revenue limits. A school district that experiences a net decrease in state aids may not increase its property tax levy to compensate for the state aid loss.

XVII. Information

DPI must develop and implement an outreach program to educate parents about the full-time open enrollment program, including activities specifically designed to educate low-income parents and services to answer parents' questions about the program and assist them in using the program.

XVIII. Rules and Application Form

a. No specific provision. However, under s. 227.11, Stats., DPI may promulgate rules interpreting the provisions of any statute enforced or administered by it.

b. Prepare, distribute to school districts and make available to parents an application form to be used by parents. The form must include provisions that permit a parent to apply for low-income transportation reimbursement under Section XIV., above.

XIX. Reports and Audit

a. DPI must submit an annual report to the Governor and the appropriate standing committees of the Legislature on all of the following:

- (1) The number of pupils applying to attend another school district under the program.
- (2) The number of applications denied and bases of the denials.
- (3) The number of pupils attending school in a nonresident school district under the program.

GOVERNOR'S BUDGET PROPOSAL

- b. No similar provision.

XX. Other

- a. No similar provision.

b. A resident school district must provide to the nonresident school district to which a pupil has applied under the program a copy of records relating to the pupil's suspension or expulsion, subject to federal regulations relating to notifying the parent or pupil of such a disclosure.

SPECIAL COMMITTEE'S PROPOSAL

b. By July 1, 2002, the Legislative Audit Bureau must conduct a performance evaluation of the program. The audit must evaluate the effects of the program on the quality of elementary and secondary education in the state including:

- (1) The extent to which the program has resulted in the creation of new or innovative programs by school districts.
- (2) The satisfaction of participating and nonparticipating pupils and parents with the program.
- (3) The fiscal effect of the program on school districts.
- (4) The socioeconomic effects of the program on school districts.
- (5) Other issues affecting the quality of education.

XX. Other

a. Pupils attending a nonresident school district shall be considered to be residents of that school district for the purpose of participation in programs of a cooperative educational service agency or a county handicapped children's education board.

b. A resident school district must provide to the nonresident school district to which a pupil has applied under the program, a copy of any expulsion findings and orders pertaining to the pupil, a copy of any pending disciplinary proceeding involving the pupil, a written record of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding. (Although not explicitly stated in the draft, such disclosure would be subject to federal regulations relating to notifying the parent or pupil of such a disclosure.)

GOVERNOR'S BUDGET PROPOSAL

c. A school board must permit a pupil who moves out of the school district during a school year to complete the school year at the school he or she was attending in that school district without the payment of tuition, even though the pupil is no longer a resident of the school district. (Current law authorizes, but does not require, a school district to permit such continued attendance.)

d. Current law allows school districts to admit nonresident pupils whose parents file a written declaration that they intend to move into the school district by a specified date, if facilities are adequate. Tuition may be required but must be refunded if the parent establishes residency within nine weeks of the pupil's enrollment. The Bill limits this authorization to parents who miss the open enrollment deadline.

SPECIAL COMMITTEE'S PROPOSAL

c. Same.

d. No similar limitation.

TABLE B

PART-TIME OPEN ENROLLMENT

GOVERNOR'S BUDGET PROPOSAL

SPECIAL COMMITTEE'S PROPOSAL

I. General Provisions

I. General Provisions

Beginning in the *1998-99* school year, a pupil enrolled in *grades 9 to 12* in any public school district in the state may take one or two courses in a nonresident school district if all of the following conditions are met:

Same.

- a. The nonresident school board determines that there is space available in the course or courses. Also, see Section V. a. (1), below.
- b. The resident school board determines that the courses satisfy high school graduation requirements, under s. 118.33, Stats., in the resident school district.
- c. The pupil meets all of the prerequisites for the course or courses that apply to pupils who reside in the nonresident school district.

- a. Similar. See Section III., below.
- b. No similar requirement. See Section II. h. (2), below.
- c. Similar. See Section V. a., below.

II. Application Process

II. Application Process

- a. *By February 1*, the pupil's parent must submit an application, on a form provided by DPI, to the nonresident school board.
- b. The pupil's parent must send a copy of the application to the pupil's resident school board.
- c. The application must specify the course or courses that the pupil wishes to attend.
- d. The nonresident school board may not act on applications *until February 1*.
- e. The nonresident school board must notify the applicant, in writing, whether the application has been accepted *by April 1*.
- f. If rejected, the notice must include the reason for the rejection.
- g. Acceptance applies only for the following school year.

- a. Similar, except the application must be submitted not later than *six weeks prior to the date the course is scheduled to commence*.
- b. The nonresident school board must send a copy of the application to the pupil's resident school board.
- c. Same. In addition, the application may specify the school at which the pupil wishes to attend the course.
- d. No specific provision.
- e. No later than *one week prior to the date on which the course is scheduled to commence*, the nonresident school board must notify the applicant and the resident school board, in writing, whether the application has been accepted and the school at which the pupil may attend the course.
- f. Same.
- g. Same for the following semester, school year or other session in which the course is offered.

GOVERNOR'S BUDGET PROPOSAL

h. No similar provisions.

i. If accepted, the parent must notify the nonresident school board, *by May 1*, of the pupil's intent to attend a course or courses in that school district in the following school year.

j. *By May 15*, each school board that has accepted nonresident pupils must notify the resident school district of the names of pupils from that district who will attend courses in the nonresident school district in the following school year.

III. Selection Process if Applications Exceed Space

If the number of applications received for a particular course exceeds the amount of space available, the nonresident school board must select pupils on a random basis.

IV. School Board Adoption of Criteria

By December 1, 1997, each nonresident school board must adopt a resolution specifying criteria for accepting and rejecting applications. The criteria may be revised by resolution.

SPECIAL COMMITTEE'S PROPOSAL

h. No later than one week prior to the commencement of the course, the *resident* school board must:

(1) If it denies an application as provided in Section VI., below, notify the applicant and the nonresident school board, in writing, that the application has been denied and the reason for the denial.

(2) If it determines that the course does not satisfy high school graduation requirements, notify the applicant in writing.

i. If accepted, the parent must notify resident and nonresident school boards, *prior to the date on which the course is scheduled to commence*, of the pupil's intent to attend the course in the nonresident school district.

j. See items e. and i., above.

III. Selection Process if Applications Exceed Space

Same.

IV. School Board Adoption of Criteria

Same for both the resident and nonresident school boards.

GOVERNOR'S BUDGET PROPOSAL

V. Acceptance Criteria: Nonresident School Board

a. The nonresident school board's criteria *may include* all of the following:

(1) Availability of space in the course, including whether the school board would be required to hire new personnel, construct a new school or classroom or convert or reopen a building or portion of a building not currently used. The board may give preference in attendance in a course to residents of the district who live outside of the school's attendance area.

(2) Whether the pupil is currently involved in a disciplinary proceeding, as determined by the nonresident school board.

(3) Whether during the current or two preceding school years, the pupil has been suspended or expelled for any of the following:

- Threatening to, or conveying false information regarding an attempt or alleged attempt to, destroy school property by means of explosives.
- While at school or under the supervision of a school authority, endangering the property, health or safety of others.
- While not at school or under the supervision of a school authority, endangering the property, health or safety of others at school or under the supervision of a school authority or of any school employe or school board member.
- Possessing a firearm while at school or under the supervision of a school authority.

b. The criteria *may not include* any of the following:

(1) Academic achievement, athletic or other special ability.

(2) English language proficiency.

(3) The presence of a physical, mental, emotional or learning disability.

(4) Anything else not listed as permissible criteria, under item a., above, except as described under item c., below, for pupils already attending courses in the school district.

SPECIAL COMMITTEE'S PROPOSAL

V. Acceptance Criteria: Nonresident School Board

a. The nonresident school board's criteria must be *the same* as the criteria for entry into the course applicable to pupils who reside in the school district, except that a school board may give preference to residents of the school district.

See Section III., above, relating to availability of space.

b. No similar provision. See item a., above.

GOVERNOR'S BUDGET PROPOSAL

c. A nonresident school board *must give preference* to pupils already attending school in the nonresident district.

VI. Acceptance Criteria: Resident School Board

a. A resident school board may prohibit a pupil from attending another school district if it determines that the pupil is involved in a disciplinary proceeding.

b. A resident school board must prohibit a pupil from attending another school district if such attendance would violate a voluntary or court-ordered plan to reduce racial imbalance in the school district.

c. No similar provision.

d. No similar provision.

VII. Appeals

a. If an application is rejected or the transfer is prohibited by the resident school board, the pupil's parent may appeal the decision to DPI within 30 days of the decision.

b. No similar provision.

c. DPI's decision is final and is not subject to court review under ch. 227, Stats.

VIII. Attendance Rights and Limitations

a. If the pupil's parent notifies a nonresident school board that the pupil intends to attend courses in that school district in the following school year, the pupil must attend those courses in the nonresident school district in that school year.

SPECIAL COMMITTEE'S PROPOSAL

c. No similar provision.

VI. Acceptance Criteria: Resident School Board

a. No similar provision.

b. No similar provision.

c. A resident school board may prohibit a pupil from attending a course in a nonresident school district if the cost of the course would impose upon the resident school district an undue financial burden.

d. A resident school board must prohibit a child with EEN from attending a course in a nonresident school district if the course conflicts with the child's IEP.

VII. Appeals

a. Same.

b. DPI must affirm the school board's decision unless it finds that the decision was arbitrary or unreasonable.

c. Same.

VIII. Attendance Rights and Limitations

a. No similar provision.

GOVERNOR'S BUDGET PROPOSAL

- b. A pupil may cease attending a course at any time if the resident and nonresident school boards agree.

IX. Pupils' Rights and Responsibilities

Nonresident pupils have all of the rights and privileges of resident pupils and are subject to the same rules and regulations as resident pupils.

X. Transportation

- a. Parents are responsible for transporting pupils to and from courses.
- b. Either school board may elect to provide transportation.
- c. A school board which elects to provide transportation will be paid state transportation aid.
- d. No similar provision.

XI. Tuition and State Aid

- a. The resident school district must pay to the nonresident school district an amount equal to the cost of providing the course or courses to the pupil, calculated as determined by DPI.
- b. Unless the school boards agree to a different schedule, tuition payments shall be made in four instalments. The first three instalments, based on estimated costs, shall be paid on the last days of September, December and March in the school year in which the costs are incurred. A final instalment adjusted for actual costs shall be paid when actual costs are known.
- c. The resident school district shall count the pupils in its membership for general state aid purposes.

SPECIAL COMMITTEE'S PROPOSAL

- b. No similar provision.

IX. Pupils' Rights and Responsibilities

Same.

X. Transportation

- a. Same.
- b. No similar provision.
- c. No similar provision.
- d. The parent of a pupil may apply to DPI for reimbursement of the costs of the pupil's transportation. DPI must determine the amount of the reimbursement and pay the amount out of the current postsecondary enrollment options transportation appropriation. DPI must give preference in making transportation reimbursement to pupils who are eligible for a free or reduced-price lunch.

XI. Tuition and State Aid

- a. Same.
- b. No similar provision.
- c. Same.

GOVERNOR'S BUDGET PROPOSAL

XII. Revenue Limits

- a. Assuming that the funds used by the resident school district to pay tuition are derived from general state aid or property taxes, those amounts are subject to the resident school district's revenue limits.
- b. Tuition payments received by the nonresident school district are not subject to the nonresident school district's revenue limits.

XIII. Rules

DPI must promulgate rules to implement and administer this program.

XIV. Annual Report

No similar provision.

XV. Other

A resident school district must provide to the non-resident school district to which a pupil has applied under the program a copy of records relating to the pupil's suspension or expulsion, subject to federal regulations relating to notifying the parent or pupil of such a disclosure.

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SPECIAL COMMITTEE'S PROPOSAL

XII. Revenue Limits

- a. Same.
- b. Same.

XIII. Rules

No specific provision. However, under s. 227.11, Stats., DPI may promulgate rules interpreting the provisions of any statute enforced or administered by it.

XIV. Annual Report

School districts must report to DPI on the use of the program in their annual school performance report.

XV. Other

A resident school district must provide to the non-resident school district to which a pupil has applied under the program, a copy of any expulsion findings and orders pertaining to the pupil, a copy of any pending disciplinary proceeding involving the pupil, a written record of the reasons for the expulsion or pending disciplinary proceeding and the length of the term of the expulsion or the possible outcomes of the pending disciplinary proceeding. (Although not explicitly stated in the draft, such disclosure would be subject to federal regulations relating to notifying the parent or pupil of such a disclosure.)