

State of Wisconsin



2005 Senate Bill 482

Date of enactment: **March 27, 2006**

Date of publication*: **April 10, 2006**

2005 WISCONSIN ACT 219

AN ACT *to renumber and amend* 121.105 (2) (am); *to amend* 121.905 (3) (a) 1., 121.905 (3) (b) 1., 121.91 (2m) (r) 2. b., 121.91 (4) (f) 1. and 121.91 (4) (f) 2.; and *to create* 121.105 (2) (am) 2., 121.905 (3) (a) 3., 121.905 (3) (b) 3., 121.91 (2m) (s) and 121.91 (4) (f) 1m. of the statutes; **relating to:** the calculation of a school district's special adjustment aid and revenue limit when territory is detached from one or more school districts to create a new school district.

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

SECTION 1. 121.105 (2) (am) of the statutes is renumbered 121.105 (2) (am) 1. and amended to read:

121.105 (2) (am) 1. If Except as provided in subd. 2., if a school district would receive less in state aid in the current school year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to 85% of the sum amount of the state aid that it received in the previous school year and the adjustment, if any, made, as adjusted under s. 121.15 (4) (b) in the current school year, its state aid for the current school year shall be increased to an amount equal to 85% of the state aid received in the previous school year.

SECTION 2. 121.105 (2) (am) 2. of the statutes is created to read:

121.105 (2) (am) 2. If a school district from which territory was detached to create a new school district under s. 117.105 would receive in state aid in the school year beginning on the first July 1 following the effective date of the reorganization less than 85 percent of the amount determined as follows, its state aid in the school year beginning on the first July 1 following the effective

date of the reorganization shall be increased to an amount equal to 85 percent of the amount determined as follows:

a. Divide the school district's membership in the preceding school year by the school district's membership in the 2nd preceding school year.

b. Multiply the amount of state aid received by the school district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current school year, by the quotient under subd. 2. a.

SECTION 3. 121.905 (3) (a) 1. of the statutes is amended to read:

121.905 (3) (a) 1. Except as provided under subd. subs. 2. and 3., calculate the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under s. 121.91 (4) (c), and the costs of the county children with disabilities education board program, as defined in s. 121.135 (2) (a) 2., for pupils who were school district residents and solely enrolled in a special education program provided by a county children with disabilities education board in the previous school year.

SECTION 4. 121.905 (3) (a) 3. of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

121.905 (3) (a) 3. For a school district from which territory was detached to create a new school district under s. 117.105, for the school year beginning with the effective date of the reorganization, perform the following calculations:

a. Calculate the sum under subd. 1. for each of the school districts from which territory was detached to create the new school district.

b. For each of those school districts, divide the result in subd. 3. a. by the number of pupils enrolled in that school district in the previous school year.

c. For each of those school districts, multiply the result in subd. 3. b. by the number of pupils enrolled in that school district in the previous school year who did not reside in territory that was detached to create the new school district.

SECTION 5. 121.905 (3) (b) 1. of the statutes is amended to read:

121.905 (3) (b) 1. Except as provided under ~~subd. subds. 2. and 3.~~, divide the result in par. (a) 1. by the sum of the average of the number of pupils enrolled in the 3 previous school years and the number of pupils enrolled who were school district residents and solely enrolled in a special education program provided by a county children with disabilities education board program in the previous school year.

SECTION 6. 121.905 (3) (b) 3. of the statutes is created to read:

121.905 (3) (b) 3. For a school district from which territory was detached to create a new school district under s. 117.105, for the school year beginning with the effective date of the reorganization, divide the result in par. (a) 3. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in territory that was detached to create the new school district; for the school year beginning on the first July 1 following the effective date of the reorganization, divide the result in par. (a) 3. by the number of pupils enrolled in the previous school year; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, divide the result in par. (a) 3. by the average of the number of pupils enrolled in the 2 previous school years.

SECTION 7. 121.91 (2m) (r) 2. b. of the statutes is amended to read:

121.91 (2m) (r) 2. b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school years shall be used under ~~pars. (e) 4., (d) 4. and par. (e) 3. 4.~~ instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 8. 121.91 (2m) (s) of the statutes is created to read:

121.91 (2m) (s) 1. Notwithstanding par. (e), if territory is detached from a school district to create a new

school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

a. Divide the result under s. 121.905 (3) (a) 3. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in territory that was detached to create the new school district.

b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a.

c. Multiply the result under subd. 1. b. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in the detached territory, or by the number of pupils enrolled in the school district in the current school year, whichever is greater.

2. If territory is detached from a school district to create a new school district under s. 117.105, the following adjustments to the calculations under par. (e) apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

a. For the school year beginning on the first July 1 following the effective date of the reorganization, the number of pupils in the previous school year shall be used under par. (e) 1. instead of the average of the number of pupils in the 3 previous school years; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, the average of the number of pupils in the 2 previous school years shall be used under par. (e) 1. instead of the average of the number of pupils in the 3 previous school years.

b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school year shall be used under par. (e) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

SECTION 9. 121.91 (4) (f) 1. of the statutes is amended to read:

121.91 (4) (f) 1. ~~For~~ Except as provided in subd. 1m., for the 1999-2000 school year or any school year thereafter, if the average of the number of pupils enrolled in the current and the 2 preceding school years is less than the average of the number of pupils enrolled in the 3 previous school years, the limit otherwise applicable under sub. (2m) (e) is increased by the additional amount that would have been calculated had the decline in average enrollment been 25% of what it was.

SECTION 10. 121.91 (4) (f) 1m. of the statutes is created to read:

121.91 (4) (f) 1m. If territory is detached from a school district to create a new school district under s. 117.105, all of the following apply to the school district from which territory was detached and to the new school district:

a. In the school year in which the school district reorganization takes effect, subd. 1. does not apply.

b. For the school year beginning on the first July 1 following the effective date of the school district reorganization, if the number of pupils enrolled in that school year is less than the number of pupils enrolled in the previous school year, the limit otherwise applicable under sub. (2m) (e) is increased by the additional amount that would have been calculated had the decline in enrollment been 25 percent of what it was.

c. For the school year beginning on the 2nd July 1 following the effective date of the school district reorgani-

zation, if the average of the number of pupils enrolled in that school year and the previous school year is less than the average of the number of pupils enrolled in the 2 previous school years, the limit otherwise applicable under sub. (2m) (e) is increased by the additional amount that would have been calculated had the decline in average enrollment been 25 percent of what it was.

SECTION 11. 121.91 (4) (f) 2. of the statutes is amended to read:

121.91 (4) (f) 2. Any additional revenue received by a school district as a result of ~~subd. subds. 1. and 1m.~~ shall not be included in the base for determining the school district's limit under sub. (2m) (e) for the following school year.

SECTION 12. Initial applicability.

(1) This act first applies to school district reorganizations that take effect on July 1, 2006.
