



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2165/P2  
KRP&FFK:all

DOA:.....Kretschmann, BB0444 - Statutory language repeals and clarifications

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

***1. Eliminate Opportunity Schools and Partnership Programs***

This bill repeals the Opportunity Schools and Partnership Programs. Under current law, there are three OSPPs: a first class city OSPP applicable only to Milwaukee Public Schools; the MPS superintendent of schools OSPP; and the OSPP for certain eligible school districts. Current law provides that the first class city OSPP and each eligible school district OSPP are under the supervision of a commissioner appointed by the county executive of the county in which the school district is located. Currently, under each OSPP, the commissioner, or MPS superintendent of schools, grants supervision over the operation and general management of each eligible school in the school district to an entity other than the school board. Those entities include a person that operates a charter school and the governing body of a nonsectarian private school participating in a parental choice program. Under current law, an eligible school is a school that was assigned to the lowest performance category on the most recent accountability report published for the school.

***2. Eliminate teacher licensure based on an alternative teacher certification program***

This bill eliminates the requirement that DPI issue an initial teaching license to an individual who completes an alternative teacher certification program operated by a provider that is a nonprofit organization and that meets all of the following criteria: 1) the organization operates in at least five states; 2) the organization has been operating an alternative teacher certification program for at least ten years; and 3) the organization requires candidates for certification to pass a subject area exam and the pedagogy exam known as the Professional Teaching Knowledge exam.

***3. Eliminate restriction on the number of school district referenda in a calendar year***

Under current law, if a school board wants to borrow money through a bond issue or exceed the revenue limit otherwise applicable to the school district, the school board must obtain the approval of the school district's electors at a referendum. Under current law, a school board may submit a resolution to borrow money or exceed the revenue limit to electors for approval or rejection no more than two times in any calendar year. The bill eliminates that restriction.

***4. Eliminate Open Enrollment transfer amount based on actual costs***

This bill eliminates the process for determining a full-time Open Enrollment transfer amount for a child with a disability based on the actual cost to educate the child in the previous year and reinstates the OEP transfer amount for a child with a disability that existed prior to the 2017 Biennial Budget Act. Under the bill, the OEP transfer amount for a child with disability is the same for all children and is determined by law. In the 2018-19 school year, the amount is \$12,431.

[2017 Wisconsin Act 59](#), the 2017 Biennial Budget Act, created a process that allows the transfer amount for a child with a disability in the full-time OEP to be determined based on the actual costs to educate the child in the previous school year, as reported by the nonresident school district. The maximum OEP transfer amount based on actual costs is \$30,000. Under current law, an OEP transfer amount based on actual costs will first be transferred in the 2019-20 school year.

***5. Annual adjustment to Open Enrollment transfer amount***

Under current law, the OEP transfer amount is adjusted annually. The annual adjustment is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2019-20 school year, the OEP transfer amount annual adjustment is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase, if any, in the per member amount of per pupil aid paid to school districts between the previous school year and the current school year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 13.94 (intro.) of the statutes is amended to read:

**13.94 Legislative audit bureau.** (intro.) There is created a bureau to be known as the “Legislative Audit Bureau,” headed by a chief known as the “State Auditor.” The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Subject to s. 230.35 (4) (a) and (f), the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records, or other documents maintained by the departments and relating to their expenditures, revenues, operations, and structure, including specifically any such books, records, or other documents that are confidential by law, except as provided in sub. (4) and except that access to documents of counties, cities, villages, towns, or school districts is limited to work performed in connection with audits authorized under sub. (1) (m) ~~and except that access to documents of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 is limited to work performed in connection with audits authorized under sub. (1) (os).~~ In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

\*\*\*NOTE: This is reconciled s. 13.94 (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 2.** 13.94 (1) (b) of the statutes is amended to read:

13.94 (1) (b) At the state auditor's discretion or as the joint legislative audit committee directs, audit the records of each department. Audits of the records of a county, city, village, town, or school district may be performed only as provided in par. (m). ~~Audits of the records of the opportunity schools and partnership programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 may be performed only as provided in par. (os).~~ After completion of any audit under this paragraph, the bureau shall file with the chief clerk of each house of the legislature, the governor, the department of administration, the legislative reference bureau, the joint committee on finance, the legislative fiscal bureau, and the department audited, a detailed report of the audit, including the bureau's recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. The chief clerks shall distribute the report to the joint legislative audit committee, the appropriate standing committees of the legislature, and the joint committee on legislative organization.

\*\*\*NOTE: This is reconciled s. 13.94 (1) (b). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 3.** 13.94 (1) (e) of the statutes is amended to read:

13.94 (1) (e) Make such special examinations of the accounts and financial transactions of any department, agency, or officer as the legislature, joint legislative audit committee, or joint committee on legislative organization directs. Examinations of the accounts and transactions of a county, city, village, town, or, ~~subject to par. (os), of a~~ school district, may be performed only as authorized in par. (m).

**SECTION 4.** 13.94 (1) (os) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 13.94 (1) (os). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 5.** 13.94 (1s) (a) of the statutes is amended to read:

13.94 (1s) (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services performed at the request of a department or at the request of the federal government that the bureau is not required to perform under sub. (1) (b) or (c) or any other law. This paragraph does not apply to counties, cities, villages, towns, or school districts ~~or to the opportunity schools and partnership programs under sub. (1) (os).~~

**SECTION 6.** 20.255 (2) (cg) of the statutes is amended to read:

20.255 (2) (cg) *Tuition payments; full-time open enrollment transfer payments.* The amounts in the schedule for payment of tuition under subch. V of ch. 121 and full-time open enrollment transfer payments under s. 118.51 (16) (b) 2. and (17) (c) 2. and ~~(cm) 2.~~

**SECTION 7.** 20.255 (2) (fs) of the statutes is repealed.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 8.** 40.03 (2) (x) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 40.03 (2) (x). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 9.** 59.17 (2) (b) 7. of the statutes is repealed.

**SECTION 10.** 59.796 of the statutes is repealed.

**SECTION 11.** 62.53 of the statutes is repealed.

**SECTION 12.** 63.23 (1) of the statutes is amended to read:

63.23 (1) The city service commission shall classify all offices and positions in the city service, excepting those subject to the exemptions of s. 63.27 ~~and those subject to an exclusion under s. 119.33 (2) (e) 1. or 119.9002 (5) (a),~~ according to the duties and responsibilities of each position. Classification shall be so arranged that

all positions ~~which~~ that in the judgment of the commission are substantially the same with respect to authority, responsibility, and character of work are included in the same class. From time to time the commission may reclassify positions upon a proper showing that the position belongs to a different class.

**SECTION 13.** 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section, “municipality” means the state or any department or agency thereof, or any city, village, town, county, or school district, ~~the opportunity schools and partnership programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of schools opportunity schools and partnership program under s. 119.33,~~ or any public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under s. 66.1201, redevelopment authority created under s. 66.1333, community development authority created under s. 66.1335, or city-county health department.

\*\*\*NOTE: This is reconciled s. 66.0301 (1) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 14.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

67.05 (6a) (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs. (7) and (15), and subject to the limit on the number of referendums that may be called in any calendar year under subd. 2. a., if the board of any school district, or the electors at a regularly called school district meeting, by a majority vote adopt an initial resolution to raise an amount of money by a bond issue, the school district clerk shall, within 10 days, publish notice of such adoption as a class 1 notice under ch. 985 or post the notice as provided under s. 10.05. The notice shall state the maximum amount proposed to be borrowed, the purpose of the borrowing, that the resolution was adopted under this subdivision and the place where and the hours during which the resolution may be inspected. The school board shall also do one of the following:

**SECTION 15.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

67.05 (6a) (a) 2. a. Direct the school district clerk to submit the resolution to the electors for approval or rejection at the next regularly scheduled spring primary or election or partisan primary or general election, provided such election is to be held not earlier than 70 days after the adoption of the resolution. ~~A school board may proceed under this subd. 2. a. and under s. 121.91 (3) (a) 1. no more than 2 times in any calendar year.~~ The resolution shall not be effective unless adopted by a majority of the school district electors voting at the referendum.

**SECTION 16.** 67.05 (6a) (am) 1. of the statutes is amended to read:

67.05 (6a) (am) 1. If the public hearing under par. (a) 2. b. is for informational purposes only and, within 30 days after the public hearing, a petition is filed with the school district clerk for a referendum on the resolution signed by at least 7,500 electors of the school district or at least 20 percent of the school district electors, as determined under s. 115.01 (13), whichever is less, the resolution shall not be

effective unless adopted by a majority of the school district electors voting at the referendum. ~~Subject to the limit therein, the~~ The school board shall hold the referendum in accordance with par. (a) 2. a. The question submitted shall be whether the initial resolution shall or shall not be approved.

**SECTION 17.** 67.12 (12) (h) of the statutes is amended to read:

67.12 (12) (h) Paragraph (e) 2. does not apply to borrowing by the school board of a school district created by a reorganization under s. 117.105, or by the school board from which territory is detached to create a school district under s. 117.105, for the purpose of financing any assets or liabilities apportioned to the school district or assets apportioned to another school district under s. 117.105 (1m), or (2m), ~~or~~ (4m).

**SECTION 18.** 115.28 (7) (a) of the statutes is amended to read:

115.28 (7) (a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.195, ~~and 118.197~~; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

**SECTION 19.** 115.28 (10m) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 115.28 (10m). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 20.** 115.28 (10o) of the statutes is repealed.

**SECTION 21.** 115.77 (1) of the statutes is amended to read:

115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), “local educational agency” means the school district that the child is attending.

**SECTION 22.** 115.79 (1) (b) of the statutes is amended to read:

115.79 (1) (b) An educational placement is provided to implement a child’s individualized education program. Except as provided in s. 118.51 (12) ~~(b)~~, if a child with a disability is attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child is attending shall provide an educational placement for the child and shall pay tuition charges instead of the school district in which the child resides if required by the placement.

**SECTION 23.** Subchapter IX (title) of chapter 115 [precedes 115.999] of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled subch. IX (title) of ch. 115. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 24.** 115.999 of the statutes is repealed.

**SECTION 25.** 117.05 (1m) of the statutes is amended to read:

117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The state superintendent shall set the time and place for meetings of the board under ss. 117.10, 117.105 (2m) and

~~(4m)~~, 117.12 (5), and 117.132 and for meetings of appeal panels under ss. 117.12 (4) and 117.13.

**SECTION 26.** 117.05 (2) (a) of the statutes is amended to read:

117.05 (2) (a) *Board.* The state superintendent shall appoint 7 members of the board to perform any review under ss. 117.10, 117.105 (2m) ~~and (4m)~~, 117.12 (5), and 117.132. The 7 members shall include the state superintendent or his or her designee on the board, 2 board members from school districts with small enrollments, 2 board members from school districts with medium enrollments, and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

**SECTION 27.** 117.05 (4) (a) (intro.) of the statutes is amended to read:

117.05 (4) (a) *Pending proceedings.* (intro.) A reorganization proceeding is pending from the date that a petition is filed under s. 117.105 (1) (a), 117.11 (2), or 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.105 (1) (b) ~~or (4m)~~, 117.13 (2), or 117.132 (2) until the date on which the latest of any of the following occurs:

**SECTION 28.** 117.05 (4) (d) 1. of the statutes is amended to read:

117.05 (4) (d) 1. Except as provided in subd. 2., no petition may be filed or resolution adopted for the creation of a new school district under s. 117.105 (1) (a) or (b) before the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or the adoption of a resolution under s. 117.105 (1) (b) ~~or the date of an order issued under s. 117.105 (4m) (e)~~ for any reorganization that includes any of the same territory.

**SECTION 29.** 117.05 (9) (a) 1m. of the statutes is repealed.

**SECTION 30.** 117.105 (4m) of the statutes is repealed.

**SECTION 31.** 117.20 (1) (a) of the statutes is amended to read:

117.20 (1) (a) Except as provided in par. (b), if a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under s. 117.105 (3), it shall be held on the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1). ~~If a referendum is required under s. 117.105 (4m), it shall be held on the Tuesday after the first Monday in November following the date an order is issued by the board under s. 117.105 (4m) (c).~~

**SECTION 32.** 117.22 (2) (bm) of the statutes is amended to read:

117.22 (2) (bm) If an order of reorganization is issued under s. 117.105, the first election of school board members shall be held at the spring election following the referendum under s. 117.105 (3) ~~or (4m)~~.

**SECTION 33.** 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. No later than the next working day, a school district, and a private school participating in the program under s. 118.60 or in the program under s. 119.23, ~~and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her~~

parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and “school district” include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

\*\*\*\*NOTE: This is reconciled s. 118.125 (4). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 34.** 118.19 (3) (a) of the statutes is amended to read:

118.19 (3) (a) No license to teach in any public school may be issued unless the applicant possesses a bachelor’s degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a), 118.191, 118.1915, 118.192, 118.193, and 118.194, ~~and 118.197~~. Notwithstanding s. 36.11 (16), no teacher preparatory program in this state may be approved by the state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school. No license to teach in any public school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as

determined by the state superintendent. The state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall promulgate rules to implement this subsection. If for the purpose of granting a license to teach or for approving a teacher preparatory program the state superintendent requires that an institution of higher education be accredited, the state superintendent shall accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. department of education or by a programmatic accrediting organization.

\*\*\*\*NOTE: This is reconciled s. 118.19 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-2163/P1 and LRB-2165/P1.

**SECTION 35.** 118.197 of the statutes is repealed.

**SECTION 36.** 118.30 (1g) (a) 3. of the statutes is amended to read:

118.30 (1g) (a) 3. The governing body of each private school participating in the program under s. 119.23 and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

\*\*\*\*NOTE: This is reconciled s. 118.30 (1g) (a) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 37.** 118.30 (1s) (intro.) of the statutes is amended to read:

118.30 (1s) (intro.) Annually, the governing body of each private school participating in the program under s. 119.23, other than a private school at which fewer than 20 pupils in grades 3 to 12 are attending the school under the program under s. 119.23, and ~~the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~ do all of the following:

\*\*\*\*NOTE: This is reconciled s. 118.30 (1s) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 38.** 118.33 (1) (f) 2. of the statutes is amended to read:

118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that operates high school grades ~~and an individual or group or a person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ and that operates high school grades shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

\*\*\*\*NOTE: This is reconciled s. 118.33 (1) (f) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 39.** 118.33 (1) (f) 2m. of the statutes is amended to read:

118.33 (1) (f) 2m. The governing body of each private school participating in the program under s. 119.23 ~~and the governing body of a private school that, pursuant~~

~~to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. 119.23 or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.~~

\*\*\*NOTE: This is reconciled s. 118.33 (1) (f) 2m. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 40.** 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under s. 118.40 (2r) or (2x) ~~nor an individual or group or person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. Neither the No governing body of a private school participating in the program under s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may grant a high school diploma to any pupil attending the private school under s. 119.23 or the school transferred~~

~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m. The governing body of a private school participating in the program under s. 118.60 may not grant a high school diploma to any pupil attending the private school under s. 118.60 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2r.~~

\*\*\*\*NOTE: This is reconciled s. 118.33 (1) (f) 3. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 41.** 118.51 (1) (aj) of the statutes is repealed.

**SECTION 42.** 118.51 (9) of the statutes is amended to read:

118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an application under sub. (3) (a) or (7), the resident school board prohibits a pupil from attending public school in a nonresident school district under sub. (3m) (d) or the nonresident school board prohibits a pupil from attending public school in the nonresident school district under sub. (11), the pupil's parent may appeal the decision to the department within 30 days after the decision. If the nonresident school board provides notice that the special education or related service is not available under sub. (12) (b), the pupil's parent may appeal the required transfer to the department within 30 days after receipt of the notice. The department shall affirm the school board's decision unless the department finds that the decision was arbitrary or unreasonable.

**SECTION 43.** 118.51 (12) (title) of the statutes is amended to read:

118.51 (12) (title) ~~NONRESIDENT SCHOOL DISTRICT STATEMENT OF EDUCATIONAL COSTS; SPECIAL~~ SPECIAL EDUCATION OR RELATED SERVICES.

**SECTION 44.** 118.51 (12) (a) of the statutes is repealed.

**SECTION 45.** 118.51 (12) (b) of the statutes is renumbered 118.51 (12).

**SECTION 46.** 118.51 (16) (a) 1. of the statutes is amended to read:

118.51 **(16)** (a) 1. For each school district, the number of nonresident pupils attending public school in the school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

**SECTION 47.** 118.51 (16) (a) 2. of the statutes is amended to read:

118.51 **(16)** (a) 2. For each school district, the number of resident pupils attending public school in a nonresident school district under this section, other than pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

**SECTION 48.** 118.51 (16) (a) 3. b. of the statutes is amended to read:

118.51 **(16)** (a) 3. b. Beginning with the amount in the 2015-16 school year and ending with the amount for the 2018-19 school year, except as provided in subd. 3. c., ~~in each school year thereafter~~, the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

\*\*\*\*NOTE: This is reconciled s. 118.51 (16) (a) 3. b. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 49.** 118.51 (16) (a) 3. bm. of the statutes is created to read:

118.51 **(16)** (a) 3. bm. Beginning with the amount for the 2019-20 school year, except as provided in subd. 3. c., and in each school year thereafter, the sum of the amount determined under this subdivision for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school

year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

\*\*\*\*NOTE: This is reconciled s. 118.51 (16) (a) 3. bm. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 50.** 118.51 (16) (a) 3. c. of the statutes is amended to read:

118.51 (16) (a) 3. c. For the amount in the 2017-18 to 2020-21 school years, the amount determined under subd. 3. b. or bm. plus \$100.

\*\*\*\*NOTE: This is reconciled s. 118.51 (16) (a) 3. c. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 51.** 118.51 (16) (c) of the statutes is amended to read:

118.51 (16) (c) If a pupil attends public school in a nonresident school district under this section for less than a full school term, the department shall prorate the state aid adjustments under this subsection and sub. (17) (c) ~~and (em)~~ based on the number of days that school is in session and the pupil attends public school in the nonresident school district.

**SECTION 52.** 118.51 (16) (d) of the statutes is amended to read:

118.51 (16) (d) The department shall ensure that the aid adjustments under par. (b) and sub. (17) (c) ~~and (em)~~ do not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

**SECTION 53.** 118.51 (17) (title) of the statutes is amended to read:

118.51 (17) (title) ~~PUPIL TRANSFER AMOUNT AND PAYMENTS TO A NONRESIDENT SCHOOL BOARD~~ STATE AID ADJUSTMENTS AND TUITION; CHILDREN WITH DISABILITIES.

**SECTION 54.** 118.51 (17) (b) 2. b. of the statutes is amended to read:

118.51 (17) (b) 2. b. In the 2017-18 and 2018-19 school year years, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for

the current school year, if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive.

\*\*\*NOTE: This is reconciled s. 118.51 (17) (b) 2. b. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 55.** 118.51 (17) (b) 2. c. of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 118.51 (17) (b) 2. c. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 56.** 118.51 (17) (b) 2. d. of the statutes is created to read:

118.51 (17) (b) 2. d. Beginning in the 2019-20 school year, the per pupil transfer amount is the sum of the per pupil transfer amount for the previous school year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the previous school year and the current school year, if positive.

\*\*\*NOTE: This is reconciled s. 118.51 (17) (b) 2. d. This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 57.** 118.51 (17) (b) 3. of the statutes is repealed.

**SECTION 58.** 118.51 (17) (bm) of the statutes is repealed.

\*\*\*NOTE: This is reconciled s. 118.51 (17) (bm) This SECTION has been affected by drafts with the following LRB numbers: -1717/P1 and -2165/P1.

**SECTION 59.** 118.51 (17) (c) of the statutes is amended to read:

118.51 (17) (c) 1. If the number determined in par. (b) 1. a. is greater than the number determined in par. (b) 1. b. for a school district, in the 2016-17, 2017-18, and 2018-19 school years year and in each school year thereafter, the department shall increase that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by an the amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year.

2. If the number determined in par. (b) 1. a. is less than the number determined in par. (b) 1. b. for a school district, in the 2016-17, ~~2017-18, and 2018-19~~ school ~~years~~ year and in each school year thereafter, the department shall decrease that school district's state aid payment under s. 121.08 by an amount equal to the difference multiplied by an amount under par. (b) 2. ~~a., b., or c.~~ for the applicable school year. If the state aid payment under s. 121.08 is insufficient to cover the reduction, the department shall decrease other state aid payments made by the department to the school district by the remaining amount. If the state aid payment under s. 121.08 and other state aid payments made by the department to the school district are insufficient to cover the reduction, the department shall use the moneys appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd. 1.

**SECTION 60.** 118.51 (17) (cm) of the statutes is repealed.

**SECTION 61.** Subchapter I (title) of chapter 119 [precedes 119.01] of the statutes is repealed.

**SECTION 62.** 119.02 (1) of the statutes is amended to read:

119.02 (1) "Board" means the board of school directors in charge of the public schools of a city of the 1st class ~~other than those public schools transferred to the opportunity schools and partnership programs under s. 119.33 or subch. II.~~

**SECTION 63.** 119.02 (2g) of the statutes is repealed.

**SECTION 64.** 119.02 (4) of the statutes is repealed.

**SECTION 65.** 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 115.447,

115.448, 115.449, 115.457, 115.458, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.237, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board ~~but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.~~

\*\*\*\*NOTE: This is reconciled s. 119.04 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0974/P2, LRB-1301/P2, LRB-1746/P2, LRB-1787/P2, LRB-1801/P4, and LRB-2165/P1.

**SECTION 66.** 119.16 (1n) of the statutes is repealed.

**SECTION 67.** 119.16 (2) of the statutes is amended to read:

119.16 (2) ESTABLISH SCHOOLS AND DISTRICTS. The board shall maintain the public schools in the city, ~~other than those public schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II,~~ and shall establish, organize, and maintain such schools as the board determines are necessary to accommodate the children entitled to instruction therein. The board shall divide the city into attendance districts for such schools.

**SECTION 68.** 119.16 (8) (a) of the statutes is amended to read:

119.16 (8) (a) Annually before adopting its budget for the ensuing school year and at least 5 days before transmitting its completed budget under par. (b), the board shall hold a public hearing on the proposed school budget at a time and place fixed

by the board. At least 45 days before the public hearing, the board shall notify the superintendent of schools ~~and the commissioner~~ of the date, time, and place of the hearing. At least one week before the public hearing, the board shall publish a class 1 notice, under ch. 985, of the public hearing.

**SECTION 69.** 119.16 (8) (b) of the statutes is amended to read:

119.16 (8) (b) The board shall transmit its completed budget to the common council on or before the first Monday in August of each year on forms furnished by the auditing officer of the city, and shall include in the budget the information specified under s. 119.46 (1) for all public schools in the city under this chapter, ~~including the schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II.~~ The board shall itemize those portions of the budget allocated to schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II. Such completed budget shall be published with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).

**SECTION 70.** 119.16 (9) of the statutes is amended to read:

119.16 (9) SCHOOL BUDGET. Annually, the board shall prepare a budget for each school in the school district operating under this chapter, ~~other than the schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II.~~

**SECTION 71.** 119.16 (15) of the statutes is repealed.

**SECTION 72.** 119.33 of the statutes is repealed.

**SECTION 73.** 119.44 (2) (a) 5. of the statutes is repealed.

**SECTION 74.** 119.46 (1) of the statutes is amended to read:

119.46 (1) As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the

ensuing school year to operate all public schools in the city under this chapter, including the schools transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to repair and keep in order school buildings and equipment, including school buildings and equipment transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to make material improvements to school property, and to purchase necessary additions to school sites. The report shall specify the amount of net proceeds from the sale or lease of city-owned property used for school purposes deposited in the immediately preceding school year into the school operations fund as specified under s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school building deposited in the immediately preceding school year into the school operations fund as specified under s. 119.61 (5). The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board under s. 121.136 and by the amount specified in the notice received by the board under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes ~~which~~ that the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under ss. 119.60 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

\*\*\*NOTE: This is reconciled s. 119.46 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-2163/P1 and LRB-2165/P1.

**SECTION 75.** 119.49 (4) of the statutes is amended to read:

119.49 (4) The common council shall levy and collect a tax upon all taxable property in the city, in the same manner and at the same time as other taxes are levied and collected, ~~which~~ that shall be sufficient to pay the interest on all school bonds issued under this ~~subchapter~~ chapter ~~that~~ are outstanding and to pay such part of the principal of such school bonds as becomes due during the ensuing school year.

**SECTION 76.** 119.61 (2) (b) of the statutes is amended to read:

119.61 (2) (b) The board shall submit a copy of the inventory required under par. (a) to ~~the commissioner,~~ the superintendent of schools, the city clerk, the department, and the joint committee on finance.

**SECTION 77.** 119.61 (2) (c) of the statutes is amended to read:

119.61 (2) (c) In addition to the inventory required under par. (a), the board shall annually notify ~~the commissioner,~~ the superintendent of schools, the city clerk, the department, and the joint committee on finance any time a change is made to the use of a school building.

**SECTION 78.** 119.61 (3) (a) of the statutes is amended to read:

119.61 (3) (a) If, within 60 days after receipt of the inventory required under sub. (2) (a) or of a notice under sub. (2) (c), ~~either the commissioner or the superintendent of schools~~ submits a letter of interest regarding an eligible school building, the common council shall immediately proceed to add ~~the commissioner or the superintendent of schools, respectively,~~ as an agent of the board on any existing lease for the eligible school building between the common council and the board.

**SECTION 79.** 119.61 (3) (b) of the statutes is amended to read:

119.61 (3) (b) If, no more than 60 days after providing ~~the commissioner and~~ the superintendent of schools with a copy of the inventory under sub. (2) (a) or of a notice under sub. (2) (c), ~~neither the commissioner nor~~ the superintendent of schools has not submitted a letter of interest under par. (a), the city clerk shall post a public notice on the city's Internet site. The city clerk shall include in the public notice under this subsection the address of and the information specified under sub. (2) (a) 1. and 8. for each school building identified on the inventory under sub. (2) (a), or on the notice under sub. (2) (c), that is an eligible school building. The city clerk shall include in the public notice a request for and instructions for submitting letters of interest from persons interested in purchasing an eligible school building.

**SECTION 80.** 119.66 of the statutes is amended to read:

**119.66 Interest in contracts forbidden.** During the term for which elected or appointed and for 2 years after the expiration of the term, no member of the board may be employed by the board or by the department of employee trust funds in any capacity for which a salary or emolument is provided by the board or the department of employee trust funds. No board member, superintendent of schools, assistant superintendent, other assistant, teacher or other employee of the board may have any interest in the purchase or sale of property by the city for the use or convenience of the schools. No contract made in violation of this section is valid. Any consideration paid by the city for a purchase or sale prohibited by this section may be recovered in an action at law in the name of the city. Any person violating this section shall be removed from any position held under this ~~subchapter~~ chapter.

**SECTION 81.** Subchapter II (title) of chapter 119 [precedes 119.9000] of the statutes is repealed.

**SECTION 82.** 119.9000 of the statutes is repealed.

**SECTION 83.** 119.9001 of the statutes is repealed.

**SECTION 84.** 119.9002 of the statutes is repealed.

**SECTION 85.** 119.9003 of the statutes is repealed.

**SECTION 86.** 119.9004 of the statutes is repealed.

**SECTION 87.** 119.9005 of the statutes is repealed.

**SECTION 88.** 120.18 (1) (o) of the statutes is repealed.

\*\*\*\*NOTE: This is reconciled s. 120.18 (1) (o). This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 89.** 121.84 (4) (b) of the statutes is amended to read:

121.84 (4) (b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9) applies.

**SECTION 90.** 121.91 (3) (a) 1. of the statutes is amended to read:

121.91 (3) (a) 1. If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department that it will schedule a referendum for the purpose of

submitting the resolution to the electors of the school district for approval or rejection and shall submit a copy of the resolution to the department. Except as provided in subd. 2., the school board shall schedule the referendum to be held at the next regularly scheduled spring primary or election or partisan primary or general election, provided such election is to be held not sooner than 70 days after the filing of the resolution of the school board. ~~A school board may proceed under this subdivision and under s. 67.05 (6a) 2. a. no more than 2 times in any calendar year.~~ The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

**SECTION 91.** 121.91 (4) (p) 1. of the statutes is amended to read:

121.91 (4) (p) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. ~~or (em) 2.~~ in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

**SECTION 92.** 146.89 (1) (d) 2. of the statutes is amended to read:

146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates in the choice program under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23 ~~or that, pursuant to s. 115.999 (3), 119.33 (2) (e) 3., or 119.9002 (3) (e), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119.~~

\*\*\*\*NOTE: This is reconciled s. 146.89 (1) (d) 2. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 93.** 146.89 (1) (g) 1. of the statutes is amended to read:

146.89 (1) (g) 1. A public elementary school, ~~including an elementary school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119.~~

\*\*\*NOTE: This is reconciled s. 146.89 (1) (g) 1. This SECTION has been affected by drafts with the following LRB numbers: LRB-1704/P4 and LRB-2165/P1.

**SECTION 94.** 938.49 (2) (b) of the statutes is amended to read:

938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last enrolled in a private school participating in the program under s. 118.60 or in the program under s. 119.23 ~~or, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), in a school under the operation and general management of the governing body of a private school, the private school or the governing body of a private school,~~ in writing of its obligation under s. 118.125 (4).

(END)