

State of Wisconsin



1997 Senate Bill 468

Date of enactment: April 15, 1998
Date of publication*: April 29, 1998

1997 WISCONSIN ACT 113

AN ACT *to repeal* 20.255 (2) (bm), 20.255 (2) (ef), 20.255 (2) (eg), 115.28 (35), 115.40, 119.497, 119.80 (1), 121.10, 121.105 (2) (a) 1. a., 121.105 (2) (a) 1. b., 121.905 (3) (c) 1., 121.91 (1) and 121.91 (2); *to renumber and amend* 119.80 (2) and 121.105 (2) (a) 1. c.; and *to amend* 13.101 (6) (a), 118.10, 118.153 (4) (a), 118.19 (3) (a), 118.19 (4m), 118.19 (8), 118.19 (9) (a) (intro.), 118.19 (10) (c), 118.33 (1) (a) (intro.), 118.33 (1) (b), 118.55 (2) (a), 119.04 (1), 119.23 (2) (a) (intro.), 119.23 (2) (b), 119.496 (6) (a), 119.55 (1) (b), 119.55 (2), 119.73, 121.007, 121.02 (1) (s), 121.05 (4), 121.06 (3), 121.07 (1) (a), 121.07 (7) (b), 121.105 (1), 121.105 (2) (a) 2., 121.135 (2) (c), 121.15 (3m) (b), 121.54 (2) (b) 3., 121.58 (7), 121.87 (1) (intro.), 121.90 (2), 121.905 (3) (a), 121.91 (3) (a), 121.91 (3) (c), 121.91 (4) (a) 1., 121.91 (4) (a) 2., 121.91 (4) (b), 121.91 (4) (c) (intro.), 121.91 (4) (d) and 121.91 (5) (a) of the statutes; **relating to:** eliminating obsolete language and provisions from the statutes governing public schools and the department of public instruction (suggested as remedial legislation by the department of public instruction).

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of public instruction and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 13.101 (6) (a) of the statutes, as affected by 1997 Wisconsin Acts 27 and 35, is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the committee may reduce any appropriation made to any board, commission, department, the university of Wisconsin system or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh),

(~~bm~~), (cg), (cr) and (q), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax) and (6) (aq) and (ar), 20.435 (6) (a) and (7) (da) and 20.445 (3) (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

* Section 991.11, WISCONSIN STATUTES 1995-96: 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].

SECTION 2. 20.255 (2) (bm) of the statutes is repealed.

NOTE: SECTIONS 1 and 2 delete an outdated provision and statutory cross-reference to minimum state aid and educational aids.

SECTION 3. 20.255 (2) (ef) of the statutes is repealed.

NOTE: This SECTION deletes an outdated provision regarding collaborative projects, none of which could be funded after June 30, 1996.

SECTION 4. 20.255 (2) (eg) of the statutes is repealed.

NOTE: This SECTION deletes an outdated provision regarding collaborative service programs, none of which could be funded after June 30, 1996.

SECTION 5. 115.28 (35) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: This statute, relating to grants for collaborative projects to integrate social services and school responsibilities, does not apply after June 30, 1996. Because the statute is now obsolete, it is repealed.

SECTION 6. 115.40 of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: This statute, relating to grants for collaborative service programs, does not permit such grants to be awarded after June 30, 1996. Because the statute is now obsolete, it is repealed.

SECTION 7. 118.10 of the statutes is amended to read:

118.10 School safety patrols. Any school board may organize school safety patrols and, with the permission of the parents, appoint pupils as members thereof for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing in this section authorizes or permits the use of any safety patrol member for the purpose of directing vehicular traffic, nor may any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic, ~~but this section shall not affect any plan in operation on July 11, 1939, under which a junior police patrol directs traffic under the authorization, supervision and control of either the sheriff's department or of the chief of police or traffic department of the police department of any city, town or village.~~ No liability shall attach to the school district or any individual, school board member, school district administrator, teacher or other school authority by virtue of the organization, maintenance or operation of a school safety patrol organized, maintained and operated under this section.

NOTE: The amendment to this statute deletes a reference to a plan in operation on July 11, 1939, under which junior police patrols direct traffic under the direction of a sheriff's or police department. According to the department of public instruction (DPI), no such plan exists.

SECTION 8. 118.153 (4) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.153 (4) (a) ~~Beginning Annually~~ in August 1994, ~~and annually thereafter~~, a school board that applied for aid under this section in the previous school year shall submit a report to the state superintendent. The report shall include only information about the pupils enrolled in a program for children at risk in the previous school year that is necessary for the state superintendent to determine the number of pupils who achieved each of the objectives under par. (c).

NOTE: The amendment to this statute revises language requiring an annual report for children-at-risk programs.

SECTION 9. 118.19 (3) (a) of the statutes, as affected by 1997 Wisconsin Act 27, 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) and 118.192. Notwithstanding s. 36.11 (16), ~~beginning August 31, 1990,~~ 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. ~~Beginning August 31, 1990, no~~ 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.

NOTE: The amendment to this statute deletes an outdated starting date regarding approval and completion of student teaching requirements.

SECTION 10. 118.19 (4m) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.19 (4m) ~~Beginning July 1, 1995,~~ The state superintendent may not issue or renew a license to teach the visually impaired unless the applicant demonstrates, based on criteria established by the state superintendent by rule, that he or she is proficient in reading and writing braille and in teaching braille. In promulgating rules under this subsection, the state superintendent shall take

into consideration the standard used by the librarian of congress for certifying braille transcribers.

NOTE: The amendment to this statute deletes an outdated starting date regarding a requirement for certain teachers to demonstrate proficiency in braille.

SECTION 11. 118.19 (8) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.19 (8) ~~Beginning July 1, 1992, the~~ The state superintendent may not grant to any person a license to teach unless the person has received instruction in the study of minority group relations, including instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state.

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that prospective teacher licensees have received instruction in the study of minority group relations.

SECTION 12. 118.19 (9) (a) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.19 (9) (a) (intro.) Except as provided in par. (b), ~~beginning on July 1, 1996,~~ the state superintendent may not issue an initial teaching license, school district administrator's license or school administrator's license unless the applicant has demonstrated competency in all of the following:

NOTE: The amendment to this statute deletes an outdated starting date for issuance of an initial teaching license by DPI upon the applicant's demonstration of competence in certain specified areas.

SECTION 13. 118.19 (10) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.19 (10) (c) If the person under par. (b) is a nonresident, or if the state superintendent determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the state superintendent shall require the person to be ~~photographed and~~ fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrest and conviction.

NOTE: The amendment to this statute deletes the requirement that nonresident or selected other applicants for an initial teaching license be photographed in addition to fingerprinted. According to DPI, these photographs are not used or needed.

SECTION 14. 118.33 (1) (a) (intro.) of the statutes is amended to read:

118.33 (1) (a) (intro.) Except as provided in par. (d), ~~beginning on September 1, 1988,~~ a school board may not grant a high school diploma to any pupil unless the pupil has earned:

NOTE: The amendment to this statute deletes an outdated starting date regarding high school graduation standards.

SECTION 15. 118.33 (1) (b) of the statutes is amended to read:

118.33 (1) (b) ~~Beginning September 1, 1988,~~ a A school board may not grant a high school diploma to any pupil unless, during the high school grades, the pupil has been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day, or the pupil has been enrolled in an alternative education program, as defined in s. 115.28 (7) (e) 1. Nothing in this paragraph prohibits a school board from establishing a program that allows a pupil enrolled in the high school grades who has demonstrated a high level of maturity and personal responsibility to leave the school premises for up to one class period each day if the pupil does not have a class scheduled during that class period.

NOTE: The amendment to this statute deletes an outdated starting date regarding high school graduation standards.

SECTION 16. 118.55 (2) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.55 (2) (a) ~~Beginning in the 1992-93 school year,~~ any Any public school pupil enrolled in the 11th or 12th grade who is not attending a technical college under sub. (7r) or s. 118.15 (1) (b) may enroll in an institution of higher education for the purpose of taking one or more nonsectarian courses at the institution of higher education, subject to par. (b). The pupil shall submit an application to the institution of higher education in the previous school semester. The pupil shall indicate on the application whether he or she will be taking the course or courses for high school credit or postsecondary credit. The pupil shall also specify on the application that if he or she is admitted the institution of higher education may disclose the pupil's grades, the courses that he or she is taking and his or her attendance record to the public school in which the pupil is enrolled.

NOTE: The amendment to this statute deletes an outdated starting date regarding permitting high school pupils to enroll in postsecondary education courses.

SECTION 17. 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), ~~115.40,~~ 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (24), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

NOTE: The amendment to this statute deletes an obsolete statutory reference to grants for collaborative service programs.

SECTION 18. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to par. (b), ~~beginning in the 1990-91 school year~~, any pupil in grades kindergarten to 12 who resides within the city may attend, at no charge, any private school located in the city if all of the following apply:

SECTION 19. 119.23 (2) (b) of the statutes is amended to read:

119.23 (2) (b) ~~In the 1995-96 school year, no more than 7% of the school district's membership may attend private schools under this section. Beginning in the 1996-97 school year, no~~ No more than 15% of the school district's membership may attend private schools under this section. If in any school year there are more spaces available in the participating private schools than the maximum number of pupils allowed to participate, the department shall prorate the number of spaces available at each participating private school.

NOTE: In SECTIONS 17 and 18, the amendments to these statutes delete outdated starting dates regarding attendance at private schools under the Milwaukee parental choice program.

SECTION 20. 119.496 (6) (a) of the statutes is amended to read:

119.496 (6) (a) The board adopts a resolution declaring its intention to comply with s. 119.497, 1995 stats., and notifies the secretary of administration of its action.

NOTE: The amendment to this statute deletes an outdated reference to the 1995 statutes in a statute relating to borrowing on promissory notes.

SECTION 21. 119.497 of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: This provision repeals the statute relating to a facility plan to be submitted by the Milwaukee board of education and which was due to the DPI and the legislative audit bureau by December 1, 1992. This statute is now outdated.

SECTION 22. 119.55 (1) (b) of the statutes is amended to read:

119.55 (1) (b) ~~Beginning on July 1, 1996, the~~ The board shall establish 2 youth service centers under par. (a).

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that the Milwaukee board of education establish 2 youth service centers.

SECTION 23. 119.55 (2) of the statutes is amended to read:

119.55 (2) ~~Beginning on July 1, 1996, the~~ The board shall pay the city a sum sufficient to pay the costs of salaries and fringe benefits of 4 law enforcement officers to work on truancy abatement and burglary suppression on a full-time basis.

NOTE: The amendment to this statute deletes an outdated starting date requiring the Milwaukee board of education to pay costs for law enforcement officers to work on truancy abatement and burglary suppression.

SECTION 24. 119.73 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

119.73 Kindergarten and early childhood programs. The board shall evaluate the effectiveness of the expanded 5-year-old kindergarten programs under s. 119.71 and the early childhood education programs under s. 119.72 in meeting the needs of disadvantaged children. ~~By January 1, 1990, and annually thereafter~~ Annually by January 1, the board shall submit a report summarizing its findings to the state superintendent and to the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

NOTE: The amendment to this statute deletes an outdated starting date for a requirement for a report by the Milwaukee board of education regarding the effectiveness of the expanded 5-year old kindergarten and early childhood education programs in meeting the needs of disadvantaged children.

SECTION 25. 119.80 (1) of the statutes is repealed.

NOTE: This SECTION deletes a statutory provision requiring a spending plan for the 1995-96 school year, since that year has already passed.

SECTION 26. 119.80 (2) of the statutes is renumbered 119.80, and 119.80 (1) and (1m), as renumbered, are amended to read:

119.80 (1) The board shall submit to the governor a proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the 1996-97 school year ~~and in each school year thereafter~~.

(1m) ~~By June 1, 1996, and annually thereafter~~ Annually by June 1, the governor shall submit to the joint committee on finance and to the appropriate standing committees of the legislature under s. 13.172 (3) a proposal for the expenditure of the funds in the appropriation under s. 20.255 (2) (ec) in the following school year. By June 15, each such standing committee may submit written recommendations on the proposal to the joint committee on finance.

NOTE: The amendments to this statute delete outdated deadlines for submittal of spending plans.

SECTION 27. 121.007 of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), ~~(bm)~~, (cg), (cr) and (q) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employes and as to claims for school materials, supplies, fuel and current repairs.

NOTE: This provision deletes a cross-reference to a statute that is repealed in this bill.

SECTION 28. 121.02 (1) (s) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.02 (1) (s) ~~Beginning in the 1993-94 school year, administer~~ Administer the examinations required under s. 118.30 (1m) ~~(a), (am) and (b); beginning in the 1996-97 school year, administer the examination required under s. 118.30 (1m) (a); and, beginning in the 1999-2000 school year, administer the high school graduation examination required under s. 118.30 (1m) (d).~~

NOTE: The amendments to this statute deleted outdated references to dates for administration of certain 4th grade examinations.

SECTION 29. 121.05 (4) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.05 (4) ~~Beginning in the 1994-95 school year, the~~ The school board of a school district in which a foster or group home that is not exempt under s. 70.11 is located may submit a report to the state superintendent. If the school board submits a report, it shall submit it by June 30. The report shall indicate, on a full-time equivalent basis, the number of pupils residing in such foster or group homes who were provided educational services by the school district during the current school year but were not included in the September or January membership count under sub. (1) (a). The state superintendent shall adjust the school district's membership based on the report. The state superintendent shall make proportional adjustments to the memberships of the school districts in which the pupil was previously enrolled during that school year. The state superintendent shall obtain from such school districts the information necessary to make such adjustments. The state superintendent shall promulgate rules to implement and administer this subsection.

NOTE: The amendment to this statute deletes an outdated starting date for submittal of a budget and membership report to the state superintendent.

SECTION 30. 121.06 (3) of the statutes is amended to read:

121.06 (3) ~~Beginning in the 1984-85 school year and thereafter, for~~ For purposes of computing state aid under s. 121.08 equalized valuations calculated under sub. (1) and certified under sub. (2) shall exclude property taxed under s. 70.114, 1981 stats., s. 70.116, 1981 stats., s. 70.117, 1981 stats., or s. 70.175, 1981 stats.

NOTE: The amendment to this statute deletes an outdated starting date for equalized valuations calculations for the purposes of computing state aid.

SECTION 31. 121.07 (1) (a) of the statutes is amended to read:

121.07 (1) (a) The membership of the school district in the previous school year and the shared cost for the previous school year shall be used in computing general aid, except that ~~beginning with state aid paid in the 1995-96 school year~~ the membership used to compute state aid to the school district operating under ch. 119 shall include those pupils who are attending a private school under s. 119.23 in the current school year and were enrolled in grades kindergarten to 3 in a private school located in the

city of Milwaukee other than under s. 119.23 in the previous school year. If a school district has a state trust fund loan as a result of s. 24.61 (3) (c) 2., the school district's debt service costs shall be based upon current school year costs for the term of the loan and for one additional school year.

NOTE: The amendment to this statute deletes an outdated starting date for payment of state aid based on membership of the school district in the previous school year and the shared cost for the previous school year.

SECTION 32. 121.07 (7) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.07 (7) (b) The "secondary guaranteed valuation per member" is an amount, rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09, ~~121.10,~~ 121.105, 121.85 (6) (b) 2. and 3. and (c) and 121.86, fully distributes an amount equal to the amount remaining in the appropriation under s. 20.255 (2) (ac) plus \$75,000,000 in the 1997-98 school year and \$100,000,000 in the 1998-99 school year for payments under ss. 121.08 and 121.85 (6) (a) and (g).

NOTE: This provision deletes a cross-reference to a statute that is repealed in this bill.

SECTION 33. 121.10 of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

NOTE: This provision deletes an outdated statute regarding minimum state aid.

SECTION 34. 121.105 (1) of the statutes is amended to read:

121.105 (1) In this section "state aid" means the sum of the payments provided to a school district under this section and ss. 121.08, ~~121.10, excluding any aid reduction under s. 121.10 (6),~~ 121.85 and 121.86. ~~In the 1993-94 school year, "state aid" includes the payment provided to a school district under s. 16.40 (20), 1991 stats.~~

NOTE: The amendments to this statute delete references to the statute regarding minimum state aid, which is repealed in this bill, and outdated references to the 1993-94 school year.

SECTION 35. 121.105 (2) (a) 1. a. of the statutes is repealed.

SECTION 36. 121.105 (2) (a) 1. b. of the statutes is repealed.

NOTE: SECTIONS 35 and 36 delete outdated statutes regarding special adjustment aids for the 1993-94 and 1994-95 school years.

SECTION 37. 121.105 (2) (a) 1. c. of the statutes is renumbered 121.105 (2) (a) 1. and amended to read:

121.105 (2) (a) 1. ~~Beginning in the 1995-96 school year, if~~ If a school district would receive less than 85% of the state aid for the current school year than it received as state aid in the previous 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 38. 121.105 (2) (a) 2. of the statutes is amended to read:

121.105 (2) (a) 2. ~~Beginning in the 1993-94 school year, if~~ If a school district would receive less in state aid in the current school year than an amount equal to the aid that it received in the previous school year minus \$1,000,000, its state aid for the current school year shall be increased to an amount equal to the state aid that it received in the previous school year minus \$1,000,000.

NOTE: SECTIONS 37 and 38 delete outdated starting dates in statutes relating to special adjustment aids.

SECTION 39. 121.135 (2) (c) of the statutes, as affected by 1997 Wisconsin Act (Senate Bill 384), is amended to read:

121.135 (2) (c) The state superintendent shall pay the additional general aid to the county children with disabilities education board. ~~If a school district is eligible for minimum aid under s. 121.10, the state superintendent shall pay to the county children with disabilities education board the minimum aid amount for which the school district is eligible under s. 121.10 for those pupils enrolled solely in the county children with disabilities education board program who are residents of the school district.~~

NOTE: The amendment to this statute deletes references to a statute regarding minimum state aid, which is repealed in this bill.

SECTION 40. 121.15 (3m) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.15 (3m) (b) ~~By June 15, 1996, and annually~~ Annually by June 15 ~~thereafter~~, the department, the department of administration and the legislative fiscal bureau shall jointly certify to the joint committee on finance an estimate of the amount necessary to appropriate under s. 20.255 (2) (ac) in the following school year to ensure that the sum of state school aids and the school levy tax credit under s. 79.10 (4) equals two-thirds of partial school revenues.

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that DPI, the department of administration and the legislative fiscal bureau certify to the joint committee on finance an estimate of the amount of school aid to be appropriated.

SECTION 41. 121.54 (2) (b) 3. of the statutes is amended to read:

121.54 (2) (b) 3. ~~By Annually by April 1, 1986, and annually thereafter by that date,~~ each private school shall submit its proposed attendance area for the ensuing school year to the school board of each school district having territory within the proposed attendance area. If a proposal is not submitted by April 1, the existing attendance area shall remain in effect for the ensuing school year.

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that a private school submits its

proposed attendance area for the ensuing school year to the school board.

SECTION 42. 121.58 (7) of the statutes is amended to read:

121.58 (7) PAYMENT. ~~Beginning with payments made in the 1985-86 school year, each~~ Each school district entitled to state aid under this section shall receive its total aid entitlement in January.

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that payment of state aid to school districts be made in January.

SECTION 43. 121.87 (1) (intro.) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.87 (1) (intro.) Any school district that receives aid under this subchapter ~~in the 1989-90 school year or in any school year thereafter~~ shall submit a report to the state superintendent, on a form provided by the state superintendent, by August 15 of the following school year. The report shall include all of the following for the school year in which the school district received aid:

NOTE: The amendment to this statute deletes an outdated starting date for a requirement that any school district that receives special transfer aid submit a report to the state superintendent by August 15 of the following school year.

SECTION 44. 121.90 (2) of the statutes is amended to read:

121.90 (2) "State aid" means aid under ss. 121.08, 121.09, ~~121.10~~ and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4), except that "state aid" excludes any additional aid that a school district receives as a result of ss. 121.07 (6) (e) and (7) (e) and 121.105 (3) for school district consolidations that are effective on or after July 1, 1995, as determined by the department.

SECTION 45. 121.905 (3) (a) of the statutes, as affected by 1997 Wisconsin Act (Senate Bill 384), is amended to read:

121.905 (3) (a) Calculate the sum of the amount of aid received under ss. 121.08, ~~121.10~~ and 121.105 and subch. VI in the previous school year and property taxes levied for the previous school year, 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.

NOTE: In SECTIONS 44 and 45, the amendments to these statutes delete references to a statute regarding minimum state aid, which is repealed in this bill.

SECTION 46. 121.905 (3) (c) 1. of the statutes is repealed.

NOTE: This SECTION deletes an outdated reference to the 1995-96 school year.

SECTION 47. 121.91 (1) of the statutes is repealed.

SECTION 48. 121.91 (2) of the statutes is repealed.

SECTION 49. 121.91 (3) (a) of the statutes is amended to read:

121.91 (3) (a) If a school board wishes to exceed the limit under sub. ~~(1), (2)~~ or (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 school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election, if such election is to be held not earlier than 35 days after the adoption of the resolution of the school board.

SECTION 50. 121.91 (3) (c) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The school district clerk shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under sub. ~~(1), (2)~~ or (2m) may be exceeded by a specified amount. If the resolution provides that any of the excess revenue will be used for a nonrecurring purpose, the ballot in the election shall so state and shall specify the amount that will be used for a nonrecurring purpose. The school district clerk shall promptly certify the results of the referendum to the state superintendent. The limit otherwise applicable to the school district under sub. ~~(1), (2)~~ or (2m) is increased by the amount approved by a majority of those voting on the question.

SECTION 51. 121.91 (4) (a) 1. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 (4) (a) 1. If a school board transfers to another governmental unit responsibility for providing any service that it provided in the preceding school year, the limit otherwise applicable under sub. ~~(1), (2)~~ or (2m) in the current school year is decreased by the cost that it would have incurred to provide that service, as determined by the state superintendent.

SECTION 52. 121.91 (4) (a) 2. of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 (4) (a) 2. If a school board increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit in the previous school year, the limit otherwise applicable under sub. ~~(1), (2)~~ or (2m) in the current school year

is increased by the cost of that service, as determined by the state superintendent.

SECTION 53. 121.91 (4) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 (4) (b) 1. If a school district increases its territory by a boundary change under s. 117.10, 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. ~~(1), (2)~~ or (2m) is increased by an amount equal to the cost of extending services to the attached territory in the school year to which the limit applies, as determined by the state superintendent.

2. If a school district decreases its territory due to a boundary change under s. 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. ~~(1), (2)~~ or (2m) is decreased by an amount equal to the cost of services that it provided to the detached territory in the school year to which the limit applies, as determined by the state superintendent.

SECTION 54. 121.91 (4) (c) (intro.) of the statutes is amended to read:

121.91 (4) (c) (intro.) The limit under sub. ~~(1), (2)~~ or (2m) is increased by the following amount:

SECTION 55. 121.91 (4) (d) of the statutes is amended to read:

121.91 (4) (d) If a school district's revenue in the preceding school year was less than the limit under sub. ~~(2)~~ or (2m) in the preceding school year, the limit otherwise applicable to the school district's revenue in the current school year under sub. (2m) is increased by an amount equal to 75% of the difference between the amount of its revenue in the preceding school year and the amount of the limit in the preceding school year under sub. ~~(2)~~ or (2m).

NOTE: In SECTIONS 47 to 55, the amendments to these statutes delete obsolete references to calculations of school district revenue limits for the 1993-94, 1994-95 and 1995-96 school years.

SECTION 56. 121.91 (5) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.91 (5) (a) Upon request by a school board, the state superintendent may increase the school district's limit under sub. ~~(1)~~ s. 121.91 (1), 1995 stats., by the amount necessary to allow the school district to avoid increasing its level of short-term borrowing over the amount of short-term borrowing incurred by the school district in the 1992-93 school year if the school district presents clear and convincing evidence of the need for the increase in the limit. The school board shall provide the state superintendent with any information that the state superintendent requires to make the determination.

NOTE: The amendment to this statute updates a provision in the statutes which references the school district's revenue limits which may be increased by the state superintendent of public instruction upon request by a school board.

SECTION 57. Effective date.

after publication, whichever is later.

(1) This act takes effect on July 1, 1998, or on the day
