

1999 Senate Bill 241

Date of enactment: **May 8, 2000**
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1999 WISCONSIN ACT 123

AN ACT to *repeal* 118.153 (1) (a) 1., 118.153 (2) (b) 2. and 118.153 (3) (a) (intro.); to *renumber and amend* 118.153 (2) (b) 1.; to *amend* 118.153 (title), 118.153 (1) (a) (intro.), 118.153 (3) (a) 2., 118.153 (3) (b), 118.153 (4) (c) 3. and 5. and 118.153 (6); to *repeal and recreate* 118.153 (5); and to *create* 118.153 (1) (a) 5. of the statutes; **relating to:** programs for children at risk of not graduating from high school.

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

PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on the children at risk program. It contains a series of changes to the current children-at-risk statute to focus funding on specific programs designed to serve students at risk of not graduating from high school. The bill does not increase the current funding for the program despite the conclusion of the committee that the need for such programs far outpaces the funding allocated. The bill reflects the approach of refocusing the current funding on specific programs with measurable goals with the anticipation that if the results warrant additional funding, those will be provided in the future. The bill makes the following modifications in the current law:

1. The name of the program is changed from "children at risk" to "children at risk of not graduating from high school" to reflect the refocusing of the program.

2. The definition of children at risk is changed. Currently "children at risk" is defined under s. 118.153 (1) (a) to mean pupils in grades 5 to 12 who are one or more years behind their age group in the number of high school credits attained, or 2 or more years behind their age group in basic skill levels, and are also one or more of the following: (a) dropouts; (b) habitual truants; (c) parents; or (d) adjudicated delinquents. The bill revises this definition to provide that children at risk means pupils in grades 5 to 12 who are at risk of not graduating from high school because they failed the high school graduation exam administered under s. 118.30 (1m) (d), are dropouts, or are 2 or more of the following:

a. One or more years behind their age group in the number of high school credits attained.

b. Two or more years behind their age group and basic skill levels.

c. Habitual truants.

d. Parents.

e. Adjudicated delinquents.

f. Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1. was below the basic level, 8th grade pupils who failed the examination under s. 118.30 (1m) (am) 2. and 8th grade pupils who failed to be promoted to the 9th grade.

3. The funding for the children-at-risk program, although retained at the current level of \$3.5 million annually, is changed to require participating school districts to specify the amount given to each program based on the ability of that program to meet specified statutory objectives. The bill requires a school board receiving funds to give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and private, nonprofit, nonsectarian agencies located in the school district or within 5 miles of the boundaries of the school district. The bill provides a specific definition of the terms "alternative school" and "school within a school". An "alternative school" is defined to mean a public school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and offers a nontraditional curriculum. A "school within a school" is defined to mean a school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and is housed in the space specifically dedicated to it in a public school.

* Section 991.11, WISCONSIN STATUTES 1997-98: 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].

4. Under current law, any school that had 50 or more dropouts and a dropout rate exceeding 5% of its total enrollment is required to apply to the state superintendent for children-at-risk aid. The bill makes participation by a school district *permissive* for any school district that had **30** or more dropouts *or* a dropout rate that exceeded 5% of its total enrollment in the previous school year.

5. Under current statutes, the program for children at risk must be designed to allow pupils enrolled to meet high school graduation requirements under s. 118.33. The statutes also currently provide that the school board of the school district operating under ch. 119 (Milwaukee) shall ensure that there are at least 40 pupils and no more than 200 pupils in each program and that a separate administrator or teacher is in charge of each program. The bill modifies the allowable size of the Milwaukee programs to require at least 30 pupils and no more than 250 pupils in each program.

6. Under current law, schools are entitled to receive an additional 10% of the school district's average per pupil aids for each pupil that meets at least 3 of the following statutory objectives:

- a. The pupil's attendance was at least 70%.
- b. The pupil remained in school.
- c. The pupil, if a high school senior, received a high school diploma.
- d. The pupil earned at least 4.5 academic credits or a pro-rated number of credits if the pupil was enrolled in the program for less than the entire school year.
- e. The pupil demonstrated, on standardized tests or other appropriate measures, at least one month's gain in reading and mathematics for each month of enrollment.

The bill modifies item c., above, by adding additional language providing that the criteria would also be met if the pupil has passed the high school graduation examination administered under s. 118.30 (1m) (d). The bill also amends item e., above, to provide that the pupil has demonstrated on standardized tests or other appropriate measures a gain in reading and mathematics commensurate with the duration of his or her enrollment in the program. Each pupil is still required to achieve at least 3 of the specified objectives.

7. Current law requires the legislative audit bureau to conduct an audit every 2 years regarding the eligibility, performance criteria and state aid payments under the program. This bill provides that by January 1, 2005, the legislative audit bureau shall audit the programs funded under the children-at-risk program to determine the extent to which they meet the objectives specified under s. 118.153 (4) (c), discussed above.

SECTION 1. 118.153 (title) of the statutes is amended to read:

118.153 (title) Children at risk of not graduating from high school.

SECTION 2. 118.153 (1) (a) (intro.) of the statutes is amended to read:

118.153 (1) (a) (intro.) "Children at risk" means pupils in grades 5 to 12 who are ~~one~~ at risk of not graduating from high school because they failed the high school graduation examination administered under s. 118.30 (1m) (d), are dropouts, or are 2 or more of the following:

1m. One or more years behind their age group in the number of high school credits attained, or 2.

2. Two or more years behind their age group in basic skill levels, and are also one or more of the following:

SECTION 3. 118.153 (1) (a) 1. of the statutes is repealed.

SECTION 4. 118.153 (1) (a) 5. of the statutes is created to read:

118.153 (1) (a) 5. Eighth grade pupils whose score in each subject area on the examination administered under s. 118.30 (1m) (am) 1. was below the basic level, 8th grade pupils who failed the examination administered under s. 118.30 (1m) (am) 2., and 8th grade pupils who failed to be promoted to the 9th grade.

SECTION 5. 118.153 (2) (b) 1. of the statutes is renumbered 118.153 (2) (b) and amended to read:

118.153 (2) (b) If in the previous school year a school district had ~~50~~ 30 or more dropouts ~~and~~ or a dropout rate exceeding 5% of its total high school enrollment, the school board ~~shall~~ may apply to the state superintendent for aid under this section.

SECTION 6. 118.153 (2) (b) 2. of the statutes is repealed.

SECTION 7. 118.153 (3) (a) (intro.) of the statutes is repealed.

SECTION 8. 118.153 (3) (a) 2. of the statutes is amended to read:

118.153 (3) (a) 2. Upon request of a pupil who is a child at risk or the pupil's parent or guardian, a school board described under subd. 1. shall enroll the pupil in the program for children at risk. If the school board makes available more than one program for children at risk, the school board shall enroll the pupil in the program selected by the pupil's parent or guardian if the pupil meets the prerequisites for that program. If there is no space in that program for the pupil, the school board of the school district operating under ch. 119 shall place the pupil's name on a waiting list for that program and offer the pupil ~~an alternative~~ another program for children at risk until space in the requested program becomes available.

SECTION 9. 118.153 (3) (b) of the statutes is amended to read:

118.153 (3) (b) A program for children at risk shall be designed to allow the pupils enrolled to meet high school graduation requirements under s. 118.33. The school board of the school district operating under ch. 119 shall ensure that there are at least 40 ~~30~~ 30 pupils and no more than ~~200~~ 250 pupils in each program and that a separate administrator or teacher is in charge of each program.

SECTION 10. 118.153 (4) (c) 3. and 5. of the statutes are amended to read:

118.153 (4) (c) 3. The pupil, if a high school senior, received a high school diploma or passed the high school graduation examination administered under s. 118.30 (1m) (d).

5. The pupil has demonstrated, on standardized tests or other appropriate measures, ~~at least one month's~~ a gain in reading and mathematics ~~for each month of~~ commen-

surate with the duration of his or her enrollment in the program.

SECTION 11. 118.153 (5) of the statutes is repealed and recreated to read:

118.153 (5) (a) In this subsection:

1. "Alternative school" means a public school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and offers a nontraditional curriculum.

2. "School within a school" means a school that has at least 30 pupils and no more than 250 pupils, has a separate administrator or teacher in charge of the school and is housed in a space specifically dedicated to it in a public school.

(b) Subject to sub. (3) (c) 3., a school board receiving funds under this section shall provide a specific sum to each program for children at risk in which pupils enrolled in the school district are enrolled based on the ability of the program to meet the objectives under sub. (4) (c).

(c) A school board receiving funds under this section shall give preference in allocating those funds to programs for children at risk provided by alternative schools, charter schools, schools within schools and agencies identified under sub. (3) (c) 1.

SECTION 12. 118.153 (6) of the statutes is amended to read:

118.153 (6) ~~Biennially~~ By January 1, 2005, the legislative audit bureau shall audit ~~school district eligibility, performance criteria and state aid payments programs funded~~ under this section to determine the extent to which they meet the objectives under sub. (4) (c).

SECTION 13. Initial applicability.

(1) The treatment of section 118.153 (4) (c) 3. and 5. of the statutes first applies to the report due in August 2001 and to state aid paid in the 2001-02 school year.

SECTION 14. Effective date.

(1) This act takes effect on July 1, 2000.