

**2001 DRAFTING REQUEST**

**Bill**

Received: 10/10/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing:

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: **Education - school boards**  
**Education - state superintendent**

Extra Copies: **MJL**

Submit via email: YES

Requester's email: **Rep.Albers@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Withhold state aid if ban pledge of allegiance

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 10/10/2001	gilfokm 10/10/2001		_____			
/1			pgreensl 10/11/2001	_____	lrb_docadmin 10/11/2001	lrb_docadmin 10/11/2001	

FE Sent For:

L none needed

<END>

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**<END>**

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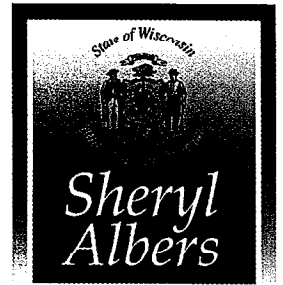
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1?	grantpr	1-10/10 KMG	10/11 PS	10/11 PS/RS			

FE Sent For:

<END>



To: LRB – Drafting  
From: Representative Sheryl K. Albers

Date: 10 October 2001  
Subject: Pledge of Allegiance / National Anthem & 2/3 Funding of Public Instruction

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In response to the Madison School Board's decision to ban offering the Pledge of Allegiance in Madison public schools, please draft a 2001 Assembly Bill that bars school districts from receiving 2/3 funding for public schools unless they offer the Pledge of Allegiance in grades one to twelve each school day. In line with current law that requires all schools to offer the pledge or the National Anthem, but does not require any student to recite the pledge or sing the anthem, school districts under this legislation would not be penalized if a student or students do not participate in the recitation of the pledge.

Please provide me with this legislation as soon as possible.

10/10/01

Spoke with Scott in Albany etc.

Request is to withdraw gen'l state  
and if s.d. bans pledge. (Their  
choice - can still offer only anthem, but  
get no #).

## Grant, Peter

---

**From:** Southworth, Scott  
**Sent:** Wednesday, October 10, 2001 2:10 PM  
**To:** Grant, Peter  
**Subject:** Pledge of Allegiance Legislation

Peter,

After talking further with Rep. Albers, please modify her request for legislation, relating to barring the distribution of general school aids to school districts that do not offer the Pledge of Allegiance, as follows:

- 1) Modify the current law requiring schools to offer the Pledge of Allegiance or the National Anthem to specify that offering the National Anthem means to offer both the music and the words.
- 2) Bar the distribution of general school aids to school districts that do not comply with the law.

This differs from the initial request in that Rep. Albers did not originally tie compliance with section 118.06 (2) to general school aids; rather, she wanted a separate requirement to offer the pledge as a condition of receiving aids.

Thanks.



2001

Date (time) needed

very soon

LRB - 4009, 1

PG: King

BILL

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] to repeal...; to renumber...; to consolidate and renumber...; to renumber and amend...; to consolidate, renumber and amend...; to amend...; to repeal and recreate...; and to create... of the

statutes; relating to: the requirements to offer the pledge of school of allegiance or the national anthem in school.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar:
For the main heading, execute: create -> anal: -> title: -> head
For the subheading, execute: create -> anal: -> title: -> sub
For the sub-subheading, execute: create -> anal: -> title: -> sub-sub
For the analysis text, in the component bar:
For the text paragraph, execute: create -> anal: -> text

(attached)

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

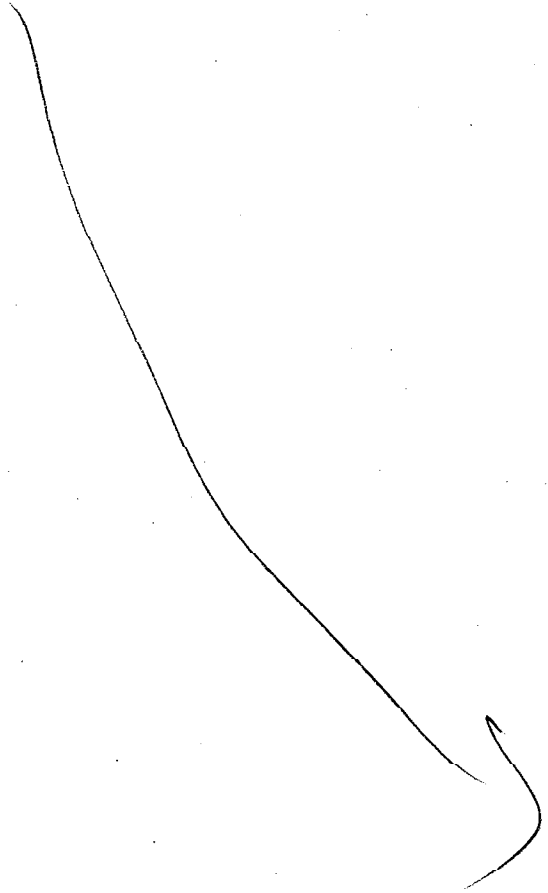
SECTION #.

as affected by 2001 Wisconsin Act 16,

Section #. 118.06 (2) of the statutes is amended to read:

118.06 (2) Every public and private school shall offer the pledge of allegiance in grades one to 8 at the beginning of school at least one day per week. No pupil may be compelled, against the pupil's objections or those of the pupil's parents or guardian, to recite the pledge.

History: 1993 a. 492.



(c) The effect of the imposition of the requirement on crime in the school, including weapons possession, assault, battery, and vandalism, and on pupil suspensions and expulsions.

(6) Nothing in this section affects the authority of a school board to require pupils to wear uniforms for extra-curricular activities, and the provisions of sub. (3) do not apply to such a requirement.

SECTION 2673p. 118.045 (3) of the statutes is amended to read:

118.045 (3) A school board may commence the school term before September 1 in any school year if it holds a public hearing on the issue and adopts a resolution to that effect in that school year the school board requests the department to allow it to commence the school term before September 1 and the school board includes reasons with its request. The department may grant a request only if it determines that there are extraordinary reasons for granting it. The department shall promulgate rules to implement and administer this subsection.

SECTION 2674d. 118.06 (title) of the statutes is amended to read:

118.06 (title) Flag and, pledge of allegiance, and national anthem.

~~SECTION 2674j. 118.06 (2) of the statutes is amended to read:~~

118.06 (2) Every public ~~and private~~ school shall offer the pledge of allegiance or the national anthem in grades one to ~~12~~ 12 each school ~~at least one~~ school day. Every private school shall offer the pledge of allegiance or the national anthem in grades one to 12 each school day unless the governing body of the private school determines that the requirement conflicts with the school's religious doctrines. No pupil may be compelled, against the pupil's objections or those of the pupil's parents or guardian, to recite the pledge or to sing the anthem.

SECTION 2679m. 118.135 of the statutes is created to read:

118.135 Eye examinations and evaluations. (1) Beginning in the 2002-03 school year, each school board and each charter school shall request each pupil entering kindergarten to provide evidence that the pupil has had his or her eyes examined by an optometrist licensed under ch. 449 or evaluated by a physician licensed under ch. 448.

(2) A pupil who complies with a request under sub. (1) shall provide evidence of an eye examination or evaluation by December 31 following the pupil's enrollment in kindergarten. The school board or charter school shall provide pupils with the form distributed by the department of regulation and licensing under s. 440.03 (16) for that purpose.

(3) To the extent feasible, the medical examining board and the optometry examining board shall encourage physicians and optometrists, for the purpose of this

section, to conduct free eye examinations or evaluations of pupils who are in financial need and do not have insurance coverage for eye examinations or evaluations.

SECTION 2679t. 118.163 (1m) (c) of the statutes is created to read:

118.163 (1m) (c) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1d) (c).

SECTION 2679u. 118.163 (2) (L) of the statutes is created to read:

118.163 (2) (L) An order for the person to report to a youth report center after school, in the evening, on weekends, on other nonschool days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342 (1g) (k).

SECTION 2695e. 118.29 (2) (a) 2r. of the statutes is created to read:

118.29 (2) (a) 2r. Except for glucagon administered under subd. 2., may administer glucagon to any pupil who appears to be experiencing a severe hypoglycemic event if, as soon as practicable, the school bus operator, employee, or volunteer reports the event to an emergency medical service provider.

SECTION 2695m. 118.29 (2) (a) 3. of the statutes is amended to read:

118.29 (2) (a) 3. Is immune from civil liability for his or her acts or omissions in administering a drug or prescription drug to a pupil under subd. 1., 2. ~~or~~ 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

SECTION 2700. 118.30 (1m) (a) of the statutes is amended to read:

118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the school board has not developed and adopted its own 4th grade examination, the school board shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.~~

2. Beginning on July 1, 2002, if the school board has developed or adopted its own 4th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. ~~The school board shall provide a pupil with at least 2~~

from  
01 Act 16

Plan

ms. A

Plan ->

SEC. CR. 121.006(3)

121.006 (3) The state <sup>superintendent</sup> shall withhold  
state aid <sup>under this chapter</sup> from any school district ~~in which~~  
~~if the school board determines not to~~  
~~that prohibits~~ <sup>any</sup> school from offering the  
that violates the requirement  
pledge of ~~allegiance~~ under s. 118.06 (2).

(End)

(A)



If a school offers the national  
an  
anthem, it shall offer both the  
music and the words.

## Analysis

Current law requires every public and private school to offer the pledge of allegiance or national anthem in grades one to 12

also each school day. The bill directs the state superintendent of public instruction to withhold state aid

from any school district ~~in which~~ ~~any~~ school board prohibits school from offering

the pledge of allegiance that violates these ~~state~~ requirements.

This bill provides that if a school offers the national anthem, it must offer both the music and the words.

**Emery, Lynn**

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**From:** Bohman, Carrie  
**Sent:** Thursday, October 11, 2001 4:20 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-4009/1 Topic: Withhold state aid if ban pledge of allegiance

It has been requested by <Bohman, Carrie> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4009/1 Topic: Withhold state aid if ban pledge of allegiance