

2001 ASSEMBLY BILL 878

March 4, 2002 – Introduced by Representatives GROTHMAN, ALBERS, GUNDRUM, HINES and URBAN, cosponsored by Senator WELCH. Referred to Committee on Education.

1 **AN ACT to repeal** 119.71 (1) and 121.004 (7) (c) 1. a. and b.; **to renumber and**
2 **amend** 121.004 (7) (c) 1. (intro.) and 121.004 (7) (c) 2.; and **to create** 120.145
3 and 121.07 (6) (ag) of the statutes; **relating to:** the funding of kindergarten
4 programs.

Analysis by the Legislative Reference Bureau

Under current law, a school district other than a union high school district must operate a five-year-old kindergarten program. A pupil enrolled in a five-year-old kindergarten program is counted for state aid purposes as one-half pupil, except that a pupil enrolled in a five-year-old kindergarten program requiring full-day attendance for five days a week for an entire school year is counted as one pupil and a pupil enrolled in a five-year-old kindergarten program requiring full-day attendance for less than five days a week for an entire school year is counted according to the time scheduled for the program. A school district is not required to operate a four-year-old kindergarten program. If it does, an enrolled pupil is counted as one-half pupil, except that if the program offers at least 87.5 hours of outreach activity, an enrolled pupil is counted as 0.6 pupil.

This bill counts all five-year-old kindergarten pupils as 0.60 pupil. The bill does not modify how pupils enrolled in four-year-old kindergarten programs are counted. The bill also provides that a school district may not include any expenditures for a four-year-old or five-year-old kindergarten program in its shared cost (the amount that may be aided by the state), or levy a property tax for a four-year-old or five-year-old kindergarten program, unless the school board

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adopts a resolution stating its intention to do so and the resolution is approved at a referendum. Approval at a referendum is valid for five years.

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

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

1 **SECTION 1.** 119.71 (1) of the statutes is repealed.

2 **SECTION 2.** 120.145 of the statutes is created to read:

3 **120.145 Referendum for kindergarten aid and tax levy. (1)**

4 Notwithstanding ss. 65.07 (1) (c), 119.46, 120.10 (6), (8), and (10m), and 120.12 (3),
5 beginning in 2003, if a school board wishes to include its expenditures for a
6 kindergarten program in its shared cost under s. 121.07 (6) (a) and (ag) and to be able
7 to levy property taxes for that purpose, the school board shall adopt a resolution to
8 that effect. The resolution shall be filed as provided in s. 8.37.

9 **(2)** (a) The school board shall call a referendum for the purpose of submitting
10 the resolution to the electors of the school district for approval or rejection. The
11 referendum shall be held at the next succeeding spring primary or election that is
12 held not sooner than 42 days after the filing of the resolution of the school board.

13 (b) The school district clerk shall publish type A, B, C, D, and E notices of the
14 referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice
15 shall include a copy of the resolution under sub. (1). Section 5.01 (1) applies in the
16 event of failure to comply with the notice requirements of this paragraph.

17 (c) The referendum shall be held in accordance with chs. 5 to 12. The school
18 district clerk shall provide the election officials with all necessary election supplies.
19 The form of the ballot shall correspond substantially with the standard form for
20 referendum ballots prescribed by the elections board under ss. 5.64 (2) and 7.08 (1)

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1 (a). The question submitted shall be whether the school district may proceed as
2 specified in the resolution for the succeeding 5 years.

3 (d) The school board may proceed as specified in the resolution for the
4 succeeding 5 years if the resolution is approved by a majority of the school district
5 electors voting at the referendum.

6 **SECTION 3.** 121.004 (7) (c) 1. (intro.) of the statutes is renumbered 121.004 (7)
7 (c) and amended to read:

8 121.004 (7) (c) A pupil enrolled in kindergarten may be counted only if the pupil
9 attains the age permitted under s. 120.12 (25) or required under s. 118.14 for
10 kindergarten admission. A kindergarten pupil enrolled in a 5-year-old
11 kindergarten program shall be counted as ~~one-half~~ 0.60 pupil ~~except that:.~~ Except
12 as provided in par. (cm), a pupil enrolled in a 4-year-old kindergarten program shall
13 be counted as 0.5 pupil.

14 **SECTION 4.** 121.004 (7) (c) 1. a. and b. of the statutes are repealed.

15 **SECTION 5.** 121.004 (7) (c) 2. of the statutes is renumbered 119.71 (2) and
16 amended to read:

17 119.71 (2) In ~~subd. 1. a. and b.~~ this section, “full-day” means the length of the
18 school day for pupils in the first grade of the school district ~~operating the 5-year-old~~
19 ~~kindergarten program.~~

20 **SECTION 6.** 121.07 (6) (ag) of the statutes is created to read:

21 121.07 (6) (ag) Except as provided in s. 120.145, “shared cost” excludes any
22 expenditures for a kindergarten program.

23 **SECTION 7. Initial applicability.**

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1 (1) This act first applies to the distribution of state school aid in, and the
2 calculation of revenue limits for, the 2002–03 school year.

3 (END)