

1 106.215 (10) (g) 2m. In lieu of a partial incentive payment under subd. 2. the
2 ~~board~~ department may authorize a partial education voucher to a person who is
3 employed as a corps enrollee and who receives a satisfactory employment evaluation
4 upon termination of employment if the person is employed as a corps enrollee for less
5 than a 6-month period of continuous employment, and the ~~board~~ department
6 determines that employment was terminated because of special circumstances
7 beyond the control of the corps enrollee.

8 *~~-0671/4.2~~* SECTION 2600. 106.215 (10) (g) 3. of the statutes is amended to
9 read:

10 106.215 (10) (g) 3. The education voucher is valid for ~~3~~ 4 years after the date
11 of issuance for the payment of tuition and required program activity fees at any
12 institution of higher education, as defined ~~under s. 39.32 (1) (a), which in 20 USC~~
13 1002, that accepts the voucher, and the ~~board~~ department shall authorize payment
14 to the institution of face value of the voucher upon presentment.

 ***NOTE: This is reconciled s. 106.215 (10) (g) 3. This SECTION has been affected
by drafts with the following LRB numbers: LRB-0671/3 and LRB-1891/3.

15 *~~-1891/4.79~~* SECTION 2601. 106.215 (10) (h) of the statutes is amended to read:

16 106.215 (10) (h) *Helmets; footwear; safety equipment.* The ~~board~~ department
17 shall provide each corps enrollee working on a conservation activity with a safety
18 helmet displaying a Wisconsin conservation corps emblem. The ~~board~~ department
19 shall require each corps enrollee to have adequate protective footwear, if needed for
20 the project, and may partially reimburse corps enrollees for the cost of obtaining this
21 footwear. The ~~board~~ department shall ensure that all other necessary safety
22 equipment is provided for each corps enrollee.

23 *~~-1891/4.80~~* SECTION 2602. 106.215 (11) of the statutes is amended to read:

1 106.215 (11) QUALIFICATIONS AND REQUIREMENTS FOR CORPS ENROLLEES. (a) *Age.*
2 ~~In order to~~ To qualify for employment as a corps member or an assistant crew leader,
3 a person is required to have attained the age of 18 years but may not have attained
4 the age of 26 years at the time ~~he or she~~ the person accepts employment. ~~In order~~
5 ~~to~~ To qualify for employment as a crew leader or a regional crew leader, a person is
6 required to have attained the age of 18 years at the time ~~he or she~~ the person accepts
7 employment.

8 (b) *Unemployed.* ~~In order to~~ To qualify for employment as a corps member, a
9 person is required to be unemployed at the time ~~he or she~~ the person applies for
10 employment. ~~In order to~~ To qualify for employment as an assistant crew leader, a
11 person is required to be either unemployed at the time ~~he or she~~ the person applies
12 for employment or is required to be employed as a corps member. ~~In order to~~ To
13 establish that a person is unemployed at the time of application for employment, the
14 board department may require the person to be certified as unemployed by a local
15 job service office.

16 (c) *Enrollment period.* ~~In order to~~ To qualify for employment as a corps enrollee,
17 a person is required to sign a statement of intention to serve in the Wisconsin
18 conservation corps program for a 6-month to one-year period. This statement does
19 not obligate the board department to provide employment for the enrollee for that
20 period.

21 (d) *Training and skills.* No training or skills are required ~~in order~~ to qualify
22 for employment as a corps member. The board department shall establish minimum
23 levels of performance, training, and skills required to qualify for employment as or
24 promotion to assistant crew leader, crew leader, or regional crew leader. The council
25 shall advise the department in establishing those minimum levels.

1 (e) *Physical examination.* No physical examination is required in order to apply
2 for employment as a corps enrollee, but the ~~board~~ department may require a physical
3 examination after a corps enrollee is employed. The ~~board~~ department may accept
4 evidence of a physical examination conducted within one year prior to employment
5 as meeting such a requirement if the examining physician signs a form containing
6 the information required by the ~~board~~ department.

7 *-1891/4.81* SECTION 2603. 106.215 (12) of the statutes is amended to read:

8 106.215 (12) SELECTION OF CORPS ENROLLEES. (a) *Standards.* The ~~board~~
9 department shall establish standards for the selection of full-time and part-time
10 corps enrollees from among those persons who are qualified and seek employment.
11 The council shall advise the department in establishing those standards.

12 (am) *Employment of certain persons.* ~~On and after January 1, 1988, the board~~
13 The department shall attempt to hire at least 50% of its corps members from among
14 those persons who are receiving public assistance at the time of application for
15 employment, who have received public assistance within one year of the time of
16 application for employment, or who are likely to be eligible for public assistance if
17 they do not obtain employment.

18 (b) *Affirmative action plan.* The ~~board~~ department shall adopt a statewide
19 affirmative action plan and shall comply with the requirements under s. 230.06 (1)
20 (g) to (k). The council shall advise the department in adopting that plan. The
21 standards established under par. (a) shall be consistent with ~~this~~ that plan.

22 (c) *Hiring procedure.* The ~~board~~ department shall develop procedures for the
23 hiring of corps enrollees ~~in cooperation with the department.~~ The council shall
24 advise the department in developing those procedures. The ~~board~~ department shall
25 utilize any appropriate local job service office in the area of a project to distribute

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1 applications, conduct interviews and evaluate applicants, and make
2 recommendations concerning the hiring of corps enrollees. The ~~board~~ department
3 may utilize project sponsors who are sponsoring long-term projects to conduct
4 interviews, evaluate applicants, and make recommendations concerning the hiring
5 of corps enrollees.

6 *~~1891/4.82~~* **SECTION 2604.** 106.215 (13) of the statutes is amended to read:

7 106.215 (13) ENROLLMENT PERIOD; EVALUATION; PROMOTION; DISCIPLINE. (a)
8 *Enrollment period.* The ~~board~~ department may authorize the employment of a corps
9 member who is not promoted to assistant crew leader beyond the 6-month to
10 one-year enrollment period for a limited time, not to exceed one year, if the corps
11 member has a disability. The normal enrollment period for a corps member who is
12 promoted to assistant crew leader or for a person who is hired as assistant crew
13 leader is 2 years. The ~~board~~ department may authorize the employment of a corps
14 member or assistant crew leader beyond the normal enrollment period for a limited
15 time, not to exceed 3 months, under special circumstances ~~where~~ when continued
16 employment is required ~~in order~~ to complete a project in progress. The normal
17 enrollment period for a crew leader or a regional crew leader is 2 years. The ~~board~~
18 department may extend the employment of a crew leader beyond the normal
19 enrollment period if the crew leader possesses special experience, training, or skills
20 valuable to the program. The ~~board~~ department may extend the employment of a
21 regional crew leader for an unlimited time.

22 (b) *Evaluation; promotion; discipline.* The ~~board~~ department shall establish
23 standards and procedures to evaluate the performance, to determine promotions, for
24 discipline, and for termination of employment of corps enrollees. The council shall
25 advise the department in establishing those standards and procedures.

1 ***-0475/3.2*** SECTION 2605. 108.07 (8) (b) of the statutes is amended to read:

2 108.07 (8) (b) If a claimant is a prisoner of a state prison, ~~as defined~~ listed in
3 s. 302.01, and has employment with an employer other than the department of
4 corrections or a private business leasing space within a state prison under s. 303.01
5 (2) (em), and the claimant's employment terminates because conditions of
6 incarceration or supervision make it impossible to continue the employment, the
7 department shall charge to the fund's balancing account any benefits based on the
8 terminated employment that are otherwise chargeable to the account of an employer
9 that is subject to the contribution requirements under ss. 108.17 and 108.18.

10 ***-0015/1.1*** SECTION 2606. 110.20 (6) (a) 1. of the statutes is amended to read:

11 110.20 (6) (a) 1. For a nonexempt vehicle required to be registered on an annual
12 or other periodic basis in this state, within ~~90 days~~ the period of time specified by the
13 department under sub. (9) (d) prior to renewal of registration in the 2nd year after
14 the nonexempt vehicle's model year and every 2 years thereafter, except as provided
15 in sub. (9) (j).

16 ***-0015/1.2*** SECTION 2607. 110.20 (9) (d) of the statutes is amended to read:

17 110.20 (9) (d) Specify a period of time during which an emissions inspection
18 must be performed for a nonexempt vehicle subject to sub. (6) (a) 1. or 2.

19 ***-0911/4.1*** SECTION 2608. 111.70 (1) (a) of the statutes is amended to read:

20 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
21 obligation of a municipal employer, through its officers and agents, and the
22 representative of its municipal employees in a collective bargaining unit, to meet and
23 confer at reasonable times, in good faith, with the intention of reaching an
24 agreement, or to resolve questions arising under such an agreement, with respect to
25 wages, hours, and conditions of employment, and with respect to a requirement of

1 the municipal employer for a municipal employee to perform law enforcement and
2 fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s.
3 40.81 (3) and except that a municipal employer shall not meet and confer with respect
4 to any proposal to diminish or abridge the rights guaranteed to municipal employees
5 under ch. 164. The duty to bargain, however, does not compel either party to agree
6 to a proposal or require the making of a concession. Collective bargaining includes
7 the reduction of any agreement reached to a written and signed document. The
8 municipal employer shall not be required to bargain on subjects reserved to
9 management and direction of the governmental unit except insofar as the manner
10 of exercise of such functions affects the wages, hours, and conditions of employment
11 of the municipal employees in a collective bargaining unit. In creating this
12 subchapter the legislature recognizes that the municipal employer must exercise its
13 powers and responsibilities to act for the government and good order of the
14 jurisdiction which it serves, its commercial benefit and the health, safety, and
15 welfare of the public to assure orderly operations and functions within its
16 jurisdiction, subject to those rights secured to municipal employees by the
17 constitutions of this state and of the United States and by this subchapter.

18 ***-0911/4.2*** SECTION 2609. 111.70 (4) (cm) 8s. of the statutes is amended to
19 read:

20 111.70 (4) (cm) 8s. 'Forms for determining costs; determination of fringe
21 benefits coverage.' a. The commission shall prescribe forms for calculating the total
22 increased cost to the municipal employer of compensation and fringe benefits
23 provided to school district professional employees. The cost shall be determined
24 based upon the total cost of compensation and fringe benefits provided to school
25 district professional employees who are represented by a labor organization on the

1 90th day before expiration of any previous collective bargaining agreement between
2 the parties, or who were so represented if the effective date is retroactive, or the 90th
3 day prior to commencement of negotiations if there is no previous collective
4 bargaining agreement between the parties, without regard to any change in the
5 number, rank or qualifications of the school district professional employees. For
6 purposes of such determinations, any cost increase that is incurred on any day other
7 than the beginning of the 12-month period commencing with the effective date of the
8 agreement or any succeeding 12-month period commencing on the anniversary of
9 that effective date shall be calculated as if the cost increase were incurred as of the
10 beginning of the 12-month period beginning on the effective date or anniversary of
11 the effective date in which the cost increase is incurred. In each collective bargaining
12 unit to which subd. 5s. applies, the municipal employer shall transmit to the
13 commission and the labor organization a completed form for calculating the total
14 increased cost to the municipal employer of compensation and fringe benefits
15 provided to the school district professional employees covered by the agreement as
16 soon as possible after the effective date of the agreement.

17 ***-0911/4.3* SECTION 2610.** 111.70 (4) (cm) 8s. b. of the statutes is created to
18 read:

19 111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits
20 provided to municipal employees are maintained by a municipal employer under a
21 qualified economic offer, the commission shall consider substantially similar health
22 care benefits to be identical to existing health care benefits. Rules promulgated by
23 the office of the commissioner of insurance under s. 601.415 (13) shall be used to
24 determine if the health care benefits are substantially similar.

25 ***-2338/1.1* SECTION 2611.** 111.70 (4) (jm) 4. k. of the statutes is created to read:

1 111.70 (4) (jm) 4. k. Establish a system for conducting interrogations of
2 members of the police department that is limited to the hours between 7 a.m. and 5
3 p.m. on working days, as defined in s. 227.01 (14), if the interrogations could lead to
4 disciplinary action, demotion, or dismissal.

5 *~~1590/3.1~~* SECTION 2612. 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are
6 amended to read:

7 111.70 (4) (m) (title) *Prohibited subjects of bargaining; school districts.*

8 1. Reassignment of municipal employees ~~who perform services for a board of~~
9 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a
10 decision of the ~~board of school directors~~ municipal employer to contract with ~~an~~
11 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.
12 115.001 (1), or to convert a school to a charter school, or the impact of any such
13 reassignment on the wages, hours, or conditions of employment of the municipal
14 employees ~~who perform those services~~.

15 2. Reassignment of municipal employees ~~who perform services for a board of~~
16 ~~school directors~~, with or without regard to seniority, as a result of the decision of the
17 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or
18 the impact of any such reassignment on the wages, hours, or conditions of
19 employment of the municipal employees ~~who perform those services~~.

20 4. Any decision of a ~~board of school directors~~ municipal employer to contract
21 with a school or agency to provide educational programs under s. ~~119.235~~ 118.37, or
22 the impact of any such decision on the wages, hours, or conditions of employment of
23 the municipal employees who perform services for the ~~board~~ municipal employer.

24 *~~1613/1.1~~* SECTION 2613. 111.70 (4) (m) 5. of the statutes is created to read:

1 111.70 (4) (m) 5. Layoff or reassignment of municipal employees, with or
2 without regard to seniority, as provided under s. 117.25 (1) (e), or the impact of any
3 such layoff or reassignment on the wages, hours, or conditions of employment of the
4 municipal employees.

5 ***-1693/7.3*** SECTION 2614. 111.70 (4) (m) 7. of the statutes is created to read:

6 111.70 (4) (m) 7. Assignment of municipal employees, with or without regard
7 to seniority, in any school district designated a school district with expanded
8 flexibility under s. 118.39, or the impact of any such assignment on the wages, hours,
9 or conditions of employment of the municipal employees.

10 ***-1392/3.1*** SECTION 2615. 111.70 (4) (m) 8. of the statutes is created to read:

11 111.70 (4) (m) 8. The establishment of the school calendar. This subdivision
12 shall not be construed to eliminate a school district's duty to bargain collectively with
13 respect to the impact of the school calendar on wages, hours, and conditions of
14 employment of the municipal employees who perform services for a school district.

15 ***-0911/4.4*** SECTION 2616. 111.70 (4) (o) of the statutes is created to read:

16 111.70 (4) (o) *Permissive subjects of collective bargaining*. In a school district,
17 the municipal employer is not required to bargain collectively with respect to the
18 selection of any group health care benefits provider for school district professional
19 employees if the provider offers health care benefits coverage that is substantially
20 similar to that offered by other providers in bids submitted under s. 120.12 (24).
21 Rules promulgated by the office of the commissioner of insurance under s. 601.415
22 (13) shall be used to determine if health care benefits coverage offered by different
23 providers is substantially similar.

24 ***-1151/4.1*** SECTION 2617. 115.28 (7) (a) of the statutes is amended to read:

1 115.28 (7) (a) License all teachers for the public schools of the state, make rules
2 establishing standards of attainment and procedures for the examination and
3 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192,
4 and 118.195, prescribe by rule standards and procedures for the approval of teacher
5 preparatory programs leading to licensure, file in the state superintendent's office
6 all papers relating to state teachers' licenses, and register each such license.

7 ***-1903/1.1*** SECTION 2618. 115.28 (7) (b) of the statutes is amended to read:

8 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
9 applicants and, granting and revocation of licenses or certificates under par. (a), and
10 limitation and suspension of licenses under s. 115.31, the state superintendent shall
11 grant certificates and licenses to teachers in private schools, except that teaching
12 experience requirements for such certificates and licenses may be fulfilled by
13 teaching experience in either public or private schools. An applicant is not eligible
14 for a license or certificate unless the state superintendent finds that the private
15 school in which the applicant taught offered an adequate educational program
16 during the period of the applicant's teaching therein. Private schools are not
17 obligated to employ only licensed or certified teachers.

18 ***-1151/4.2*** SECTION 2619. 115.28 (7) (c) of the statutes is amended to read:

19 115.28 (7) (c) Subject to ~~s. ss. 118.19 (4m)~~ and 118.195, license and make rules
20 for the examination and licensing of persons, including teachers, employed to
21 provide publicly funded special education and related services, as those terms are
22 defined in s. 115.76 (14) and (15).

23 ***-1151/4.3*** SECTION 2620. 115.28 (7) (e) 2. of the statutes is amended to read:

24 115.28 (7) (e) 2. ~~Promulgate~~ Subject to ss. 118.19 and 118.195, promulgate rules
25 establishing requirements for licensure as an alternative education program teacher

1 and for the approval of teacher education programs leading to licensure as an
2 alternative education program teacher. The rules shall encompass the teaching of
3 multiple subjects or grade levels or both, as determined by the state superintendent.
4 The rules may require teacher education programs to grant credit towards licensure
5 as an alternative education program teacher for relevant experience or
6 demonstrated proficiency in relevant skills and knowledge.

7 ***-1601/2.1* SECTION 2621.** 115.28 (9) of the statutes is amended to read:

8 115.28 (9) FEDERAL AIDS. Accept federal funds for any function over which the
9 state superintendent has jurisdiction ~~and~~, act as the agent for the receipt and
10 disbursement of such funds, and distribute to school districts the maximum amount
11 of such funds allowed under federal law except those funds provided for
12 administrative purposes.

13 ***-0916/6.2* SECTION 2622.** 115.28 (26) of the statutes is amended to read:

14 115.28 (26) PERIODICAL AND REFERENCE INFORMATION DATABASES. Contract with
15 one or more persons to provide statewide access, through the Internet, to periodical
16 and reference information databases. The state superintendent shall charge each
17 school district a fee for use of the databases.

18 ***-1694/11.12* SECTION 2623.** 115.28 (27) of the statutes is repealed.

19 ***-1602/1.1* SECTION 2624.** 115.28 (30) (c) of the statutes is created to read:

20 115.28 (30) (c) Ensure that the vocational education consultants employed by
21 the department coordinate their activities with, and support the activities of, the
22 staff of the governor's work-based learning board under s. 106.12.

23 ***-1623/2.3* SECTION 2625.** 115.28 (33) of the statutes is repealed and recreated
24 to read:

1 115.28 (33) GRANTS FOR CONSOLIDATION AND COORDINATION STUDIES. From the
2 appropriation under s. 20.255 (2) (es), award grants to 2 or more school districts that
3 are considering consolidating or coordinating the provision of educational services
4 for the purpose of studying the feasibility of the consolidation or coordination. The
5 department shall promulgate rules to implement and administer this subsection.

6 *~~1694/11.13~~* SECTION 2626. 115.28 (42) of the statutes is created to read:

7 115.28 (42) WISCONSIN GEOGRAPHICAL EDUCATION PROGRAM. Enter into an
8 agreement with the National Geographical Society Education Foundation to
9 establish a geographical education program in this state. The agreement shall
10 require each of the following:

11 (a) That the National Geographical Society Education Foundation shall
12 establish and manage a trust fund consisting of any grant made under 2001
13 Wisconsin Act (this act), section 9101 (1) (b), and \$500,000 in matching funds
14 provided by the Foundation.

15 (b) That, from the trust fund established under par. (a) and any income thereon,
16 the National Geographical Society Education Foundation shall award grants and
17 support programs for improving geographical education in this state, with an
18 emphasis on improving student use of geographic information systems technology.

19 (c) That the National Geographical Society Education Foundation annually
20 submit to the department an audited financial statement of the trust fund
21 established under par. (a) that is prepared by an independent auditor and a report
22 listing the names of grant recipients and the amounts and purposes of awards and
23 other expenditures made from the trust fund.

24 (d) That, if the trust fund established under par. (a) is dissolved, the National
25 Geographical Society Education Foundation shall return to the department the

1 grant made under 2001 Wisconsin Act (this act), section 9101 (1) (b), and
2 unexpended income thereon.

3 (e) That the agreement is not effective unless the secretary of administration
4 determines that the transfer between the appropriation accounts described under
5 2001 Wisconsin Act (this act), section 9101 (1) (b), has occurred and that the
6 National Geographical Society Education Foundation has provided the matching
7 funds described in par. (a).

8 ***-1699/2.1* SECTION 2627.** 115.285 of the statutes is created to read:

9 **115.285 Rule making; distance education.** (1) In this section, "distance
10 education" means education that is characterized by separation, in time or place,
11 between the teacher and the pupil, and includes courses that are taught principally
12 through the use of video or audio transmission or transmission over the Internet.

13 (2) Notwithstanding ss. 227.10 (1) and 227.11 (2), the state superintendent
14 may not promulgate a rule that relates to distance education without the approval
15 of the secretary of administration, the technical college system board, and the
16 technology for educational achievement in Wisconsin board.

17 ***-1151/4.4* SECTION 2628.** 115.29 (6) of the statutes is created to read:

18 **115.29 (6) LICENSING OF TEACHERS.** Establish different levels of teacher
19 licensure, such as initial, professional, and master licenses, and promulgate rules
20 establishing different standards for each level.

21 ***-1903/1.2* SECTION 2629.** 115.31 (title) of the statutes is amended to read:

22 **115.31 (title) License or permit limitation, suspension, and revocation;**
23 **reports; investigation.**

24 ***-1903/1.3* SECTION 2630.** 115.31 (1) (d) of the statutes is created to read:

25 **115.31 (1) (d) "License" includes a permit issued under s. 118.192.**

1 ***-1903/1.4* SECTION 2631.** 115.31 (1) (e) of the statutes is created to read:
2 115.31 (1) (e) “Limit” has the meaning under s. 440.01 (1) (d).

3 ***-1903/1.5* SECTION 2632.** 115.31 (1) (f) of the statutes is created to read:
4 115.31 (1) (f) “Suspend” has the meaning under s. 440.01 (1) (h).

5 ***-1903/1.6* SECTION 2633.** 115.31 (2) of the statutes is amended to read:
6 115.31 (2) Except as provided under sub. (2g), after written notice of the
7 charges and of an opportunity for defense, any license granted by the state
8 superintendent may be limited, suspended, or revoked by the state superintendent
9 for incompetency or immoral conduct on the part of the licensee.

10 ***-1903/1.7* SECTION 2634.** 115.31 (2g) of the statutes is renumbered 115.31
11 (2g) (intro.) and amended to read:

12 115.31 (2g) (intro.) Notwithstanding subch. II of ch. 111, the state
13 superintendent shall revoke a license granted by the state superintendent, without
14 a hearing, if the licensee is convicted of any of the following:

15 (a) A Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and
16 940.205, for a violation that occurs on or after September 12, 1991.

17 ***-1903/1.8* SECTION 2635.** 115.31 (2g) (b) of the statutes is created to read:

18 115.31 (2g) (b) A crime under the law of another state or another country that
19 is substantially similar to a crime specified under par. (a), for a violation that occurs
20 on or after the effective date of this paragraph [revisor inserts date].

21 ***-1903/1.9* SECTION 2636.** 115.31 (2g) (br) of the statutes is created to read:

22 115.31 (2g) (br) A Class BC felony under ch. 940 or 948 for a violation that
23 occurs on or after the effective date of this paragraph [revisor inserts date].

24 ***-1903/1.10* SECTION 2637.** 115.31 (6) (b) of the statutes is amended to read:

1 115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person
2 licensed by the state superintendent, the state superintendent shall investigate to
3 determine whether to initiate limitation, suspension, or revocation proceedings.
4 During the investigation, the state superintendent shall keep confidential all
5 information pertaining to the investigation except the fact that an investigation is
6 being conducted and the date of the limitation, suspension, or revocation hearing.

7 ***-1903/1.11*** SECTION 2638. 115.31 (6) (c) of the statutes is amended to read:

8 115.31 (6) (c) Notwithstanding s. 16.61 (4), the department shall destroy all
9 information pertaining to an investigation or a limitation, suspension, or revocation
10 proceeding, other than the fact that a person was convicted of a crime described
11 under sub. (3) (a) 1., 3 years from the date on which the investigation is terminated
12 or a final decision denying limitation, suspension, or revocation of the person's
13 license is issued, whichever is later.

14 ***-1903/1.12*** SECTION 2639. 115.31 (7m) of the statutes is created to read:

15 115.31 (7m) At the request of the state superintendent, an educational agency
16 shall disclose to the state superintendent all records relating to an employee or
17 former employee of the educational agency who is licensed by the state
18 superintendent if the state superintendent has commenced an investigation to
19 determine whether to initiate limitation, suspension, or revocation proceedings
20 under this section. The state superintendent shall keep confidential all information
21 disclosed under this subsection.

22 ***-2358/4.9*** ***-1880/3.7*** SECTION 2640. 115.38 (1) of the statutes is
23 renumbered 115.38 (1r), and 115.38 (1r) (intro.), (b) 2. and (c), as renumbered, are
24 amended to read:

1 115.38 (1r) (intro.) ~~The state superintendent board~~ shall develop a school and
2 school district performance report for use by school districts under sub. (2). The
3 report shall include all of the following by school and by school district:

4 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
5 are suspended or expelled, reported according to categories specified by the state
6 superintendent board; the length of time for which pupils are expelled, reported
7 according to categories specified by the ~~state superintendent board~~; whether pupils
8 return to school after their expulsion; the educational programs and services, if any,
9 provided to pupils during their expulsions, reported according to categories specified
10 by the ~~state superintendent board~~; the schools attended by pupils who are suspended
11 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
12 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

13 (c) Staffing and financial data information, as determined by the state
14 superintendent board, not to exceed 10 items. ~~The state superintendent board~~ may
15 not request a school board to provide information solely for the purpose of including
16 the information in the report under this paragraph.

17 *~~-2358/4.10~~* *~~-1880/3.8~~* SECTION 2641. 115.38 (1g) of the statutes is created
18 to read:

19 115.38 (1g) In this section, "board" means the board on education evaluation
20 and accountability.

21 *~~-2358/4.11~~* *~~-1880/3.9~~* SECTION 2642. 115.38 (2) of the statutes is amended
22 to read:

23 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
24 1, each school board shall distribute to the parent or guardian of each pupil enrolled
25 in the school district, including pupils enrolled in charter schools located in the school

1 district, or give to each pupil to bring home to his or her parent or guardian, a school
2 and school district performance report that includes the information specified by the
3 ~~state superintendent board~~ under sub. (1) (1r).

4 *~~2358/4.12~~* *~~1880/3.10~~* SECTION 2643. 115.38 (3) of the statutes is
5 amended to read:

6 115.38 (3) Annually, the ~~state superintendent board~~ shall publish and
7 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
8 (2).

9 *~~2358/4.13~~* *~~1702/1.1~~* SECTION 2644. 115.38 (4) of the statutes is amended
10 to read:

11 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
12 Annually, the state superintendent shall identify those school districts that are low
13 in performance and those schools in which there are pupils enrolled who do not meet
14 the state minimum performance standards on the examinations administered under
15 s. 118.30. The state superintendent shall make recommendations regarding how the
16 programs and operations of the identified school districts and schools may be
17 improved ~~and~~. Each school district shall review the recommendations and develop
18 an improvement plan. The state superintendent shall periodically assess school
19 district implementation of the recommendations plans.

20 *~~2358/4.14~~* *~~1880/3.11~~* SECTION 2645. 115.38 (4) of the statutes, as affected
21 by 2001 Wisconsin Act (this act), is amended to read:

22 115.38 (4) Annually, the ~~state superintendent board~~ shall identify those school
23 districts that are low in performance and those schools in which there are pupils
24 enrolled who do not meet the state minimum performance standards on the
25 examinations administered under s. 118.30. The ~~state superintendent board~~ shall

1 make recommendations regarding how the programs and operations of the identified
2 school districts and schools may be improved. Each school district shall review the
3 recommendations and develop an improvement plan. The ~~state superintendent~~
4 board shall periodically assess school district implementation of the plans.

5 *~~2358/4.15~~* *~~1702/1.2~~* **SECTION 2646.** 115.38 (5) of the statutes is created
6 to read:

7 115.38 (5) Annually, the state superintendent shall publish and distribute to
8 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
9 and schools that are identified under sub. (4).

10 *~~2358/4.16~~* **SECTION 2647.** 115.38 (5) of the statutes, as created by 2001
11 Wisconsin Act (this act), is amended to read:

12 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
13 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
14 school districts and schools that are identified under sub. (4).

15 *~~1705/4.1~~* **SECTION 2648.** 115.385 of the statutes is created to read:

16 **115.385 Bureau for school improvement.** (1) In this section, “bureau”
17 means the bureau for school improvement in the department.

18 (2) The bureau shall provide on-site, technical assistance to schools and school
19 districts, especially to schools and school districts that are identified as low in
20 performance under s. 115.38. The bureau shall consist of multidisciplinary school
21 improvement teams, each of which shall include at least one licensed teacher
22 employed by a school district and on assignment to the department under sub. (3).

23 (3) The department shall enter into agreements with school districts under s.
24 230.047 for the temporary assignment of licensed teachers to the department for

1 inclusion on the school improvement teams under sub. (2). Approval of the secretary
2 of employment relations is not required for an agreement under this subsection.

3 (4) The bureau shall administer the grant programs under s. 118.39 (5).

4 (5) This section does not apply unless the governor approves the reorganization
5 plan under 2001 Wisconsin Act ... (this act), section 9140 (1).

****NOTE: This section refers to s. 118.39 (5), which is created in LRB-1693. If that
draft is deleted from the bill, this section must be changed.

6 *-1775/4.2* SECTION 2649. 115.415 of the statutes is created to read:

7 **115.415 School performance grants.** (1) Beginning in the 2003-04 school
8 year, the department shall, from the appropriation under s. 20.255 (2) (f), award
9 grants to school boards on behalf of schools in school districts that demonstrate
10 improved performance over the previous school year. The department shall, after
11 considering the proposed criteria submitted under 2001 Wisconsin Act ... (this act),
12 section 9140 (1), promulgate rules to implement and administer this section. The
13 rules shall include, as criteria for grant eligibility, dropout rates, graduation rates,
14 improvement in pupils' academic performance and in teachers' knowledge and skills,
15 and the number of teachers certified by the National Board for Professional Teaching
16 Standards. In promulgating its rules, the department shall specify the weight
17 assigned to each criterion, except that the department shall assign 75% of the weight
18 to improvement in pupils' academic performance.

19 (2) The department may not award grants under sub. (1) to more than 6 school
20 boards in the same school year and shall ensure that the amount of each grant does
21 not exceed \$2,000 multiplied by the number of employees in all schools in the school
22 district that meet the performance requirements contained in the rules promulgated
23 under sub. (1). The department may not award a grant after June 30, 2004, to a

1 school board that was ineligible to receive a grant before that date. The department
2 may renew grants to school boards that received grants before June 30, 2004, if their
3 schools continue, without interruption, to meet performance requirements
4 contained in the rules promulgated under sub. (1).

5 ***-1151/4.5* SECTION 2650.** 115.42 (1) (a) 3. of the statutes is repealed.

6 ***-1151/4.6* SECTION 2651.** 115.42 (1) (b) of the statutes is amended to read:

7 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
8 costs of obtaining certification under par. (a) 1. that are borne by the person, not to
9 exceed \$2,000. The department shall award the grant under this subsection ~~in the~~
10 ~~school year in which the person is certified under par. (a) 1., except that if the person~~
11 ~~becomes certified under par. (a) 1. while he or she is not a resident of this state, the~~
12 ~~department shall award the grant under this subsection~~ in the first school year in
13 which the person meets the requirements under par. (a).

14 ***-1151/4.7* SECTION 2652.** 115.42 (2) (intro.) of the statutes is renumbered
15 115.42 (2) (a) (intro.) and amended to read:

16 115.42 (2) (a) (intro.) The department shall award ~~a~~ 9 grants of \$2,500 grant
17 each to each person who received a grant under sub. (1) ~~in each of the 9 school years~~
18 ~~following the school year in which he or she received the grant~~ if the person satisfies
19 all of the following requirements:

20 ***-1151/4.8* SECTION 2653.** 115.42 (2) (a) and (b) of the statutes are renumbered
21 115.42 (2) (a) 1. and 2.

22 ***-1151/4.9* SECTION 2654.** 115.42 (2) (bL) of the statutes is created to read:

23 115.42 (2) (bL) The department shall award the grants under this subsection
24 annually, one grant in each of the school years following the school year in which the

1 grant under sub. (1) was awarded and in which the person satisfies the requirements
2 under par. (a).

3 ***-1151/4.10*** SECTION 2655. 115.42 (2) (c) of the statutes is repealed.

4 ***-1151/4.11*** SECTION 2656. 115.42 (2) (d) of the statutes is renumbered 115.42
5 (2) (a) 4.

6 ***-1903/1.13*** SECTION 2657. 115.425 (5) of the statutes, as affected by 1999
7 Wisconsin Act 32, is amended to read:

8 115.425 (5) Propose to the state superintendent standards and procedures for
9 limiting, suspending, or revoking a teaching license.

10 ***-0850/1.4*** SECTION 2658. 115.43 (2) (d) of the statutes is created to read:

11 115.43 (2) (d) The state superintendent shall submit a report on the
12 effectiveness of the program under this section to the governor and to the legislature
13 under s. 13.172 (2). The state superintendent shall include in the report the number
14 of students who both participated in the program under this section and graduated
15 from a University of Wisconsin System institution, a technical college located in this
16 state, or a private educational institution located in this state that awards a
17 bachelor's or higher degree or provides a program that is acceptable for credit toward
18 such a degree.

19 ***-1903/1.14*** SECTION 2659. 115.46 (3) (e) of the statutes is amended to read:

20 115.46 (3) (e) The certification or other acceptance of a person who has been
21 accepted pursuant to the terms of a contract shall not be revoked or otherwise
22 impaired because the contract has expired or been terminated. However, any
23 certificate or other qualifying document may be revoked, limited, or suspended on
24 any ground which would be sufficient for revocation or suspension of a certificate or
25 other qualifying document initially granted or approved in the receiving state.

1 ***-1828/1.1*** SECTION 2660. 115.77 (3) of the statutes is amended to read:

2 115.77 (3) Any state ~~or federal~~ aid that is made available to a local educational
3 agency for special education and related services ~~shall~~ may be used by the local
4 educational agency only to comply with this subchapter or for the purposes, specified
5 in 20 USC 1413 (a), (f), or (g).

6 ***-1828/1.2*** SECTION 2661. 115.77 (4) (d) of the statutes is repealed.

7 ***-1828/1.3*** SECTION 2662. 115.78 (2) (c) of the statutes is repealed.

8 ***-1828/1.4*** SECTION 2663. 115.782 (2) (e) of the statutes is amended to read:

9 115.782 (2) (e) ~~Each individualized education program team participant person~~
10 who administers tests, assessments or other evaluation materials as part of an
11 evaluation or reevaluation of a child under this section shall prepare and make
12 available to all ~~team participants~~ persons who are participating in the evaluation of
13 the child, at a ~~team~~ meeting, a written summary of the ~~participant's~~ person's findings
14 that will assist with program planning.

15 ***-1828/1.5*** SECTION 2664. 115.782 (3) (b) of the statutes is amended to read:

16 115.782 (3) (b) If the individualized education program team determines that
17 a child is a child with a disability, the team shall prepare an evaluation report that
18 includes documentation of determination of eligibility. The local educational agency
19 shall give a copy of the evaluation report to the child's parents. The local educational
20 agency shall also ask each individualized education program team participant if he
21 or she wants a copy of the evaluation report or additional time before the
22 individualized education program team develops the child's individualized
23 education program. If any individualized education program team participant
24 requests a copy of the evaluation report at any point in the process of developing the
25 child's individualized education program or considering the child's educational

1 placement, the local educational agency shall give a copy of the report to each
2 individualized education program team participant before continuing with the
3 process. ~~If no individualized education program team participant requests a copy of~~
4 ~~the evaluation report, the local educational agency shall give a copy to the child's~~
5 ~~parents with the notice of placement under s. 115.792 (2).~~

6 *~~1828/1.6~~* SECTION 2665. 115.782 (3) (c) of the statutes is amended to read:

7 115.782 (3) (c) If the individualized education program team determines that
8 a child is not a child with a disability, the team shall prepare an evaluation report.
9 The report shall identify any educational needs of the child and any services offered
10 by the local educational agency from which the child may benefit and shall include
11 information about any programs and services, other than those offered by the local
12 educational agency, that may benefit the child. The local educational agency shall
13 give a copy of the evaluation report to the child's parents ~~with the notice under s.~~
14 ~~115.792 (1) (b).~~

15 *~~1828/1.7~~* SECTION 2666. 115.782 (4) (a) (intro.) of the statutes is amended
16 to read:

17 115.782 (4) (a) (intro.) A local educational agency shall ~~ensure that the~~
18 ~~individualized education program team does~~ do all of the following:

19 *~~1828/1.8~~* SECTION 2667. 115.787 (2) (g) 1. of the statutes is amended to read:

20 115.787 (2) (g) 1. Beginning when the child attains the age of 14, and annually
21 thereafter until the child is no longer eligible for special education and related
22 services, a statement of the transition services needed by the child, identifying the
23 courses of study needed to prepare the child for a successful transition to his or her
24 goals for life after secondary school, such as participation in advanced placement
25 courses or a vocational education program.

1 ***-0886/3.8*** SECTION 2668. 115.88 (2) of the statutes is amended to read:

2 115.88 (2) TRANSPORTATION AID. If upon receipt of the plan under s. 115.77 (4)
3 the state superintendent is satisfied that the transportation of children with
4 disabilities has been maintained during the preceding year in accordance with the
5 law, the state superintendent shall certify to the department of administration in
6 favor of each county, cooperative educational service agency, or school district
7 transporting such pupils an amount equal to the amount expended for such
8 transportation as costs eligible for reimbursement from the appropriations
9 appropriation under s. 20.255 (2) (b) and ~~(br)~~. Pupils for whom aid is paid under this
10 subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
11 applies to any child with a disability who requires special assistance in
12 transportation, including any such child attending regular classes who requires
13 special or additional transportation. This subsection does not apply to any child with
14 a disability attending regular or special classes who does not require any special or
15 additional transportation.

16 ***-0885/3.1*** SECTION 2669. 115.88 (8m) of the statutes is created to read:

17 115.88 (8m) SUPPLEMENTAL AID. (a) If an operator of a charter school
18 established under s. 118.40 (2r), a school district, a county, or a cooperative
19 educational service agency incurs special education costs for a pupil that equal or
20 exceed \$50,000, the department shall, beginning in the 2002-03 school year,
21 reimburse the operator, school district, county, or cooperative educational service
22 agency from the appropriation under s. 20.255 (2) (b) an amount calculated as
23 follows:

24 1. For each special education pupil, determine the amount of aidable costs
25 under subs. (1) to (6) and (8) in the previous school year.

1 2. Subtract from the amount under subd. 1. the amount of aid paid under this
2 section for those costs.

3 3. Subtract \$50,000 from the result under subd. 2.

4 4. Multiply the result under subd. 3. by 0.50.

5 (b) An operator, school district, county, or cooperative educational service
6 agency seeking aid under this subsection shall submit a claim for aid to the
7 department no later than September 1 of the school year following the school year
8 in which the costs were incurred.

9 ***-1690/3.1*** SECTION 2670. 115.882 of the statutes is renumbered 115.882 (1)
10 and amended to read:

11 **115.882 Payment of state aid.** (1) Funds appropriated under s. 20.255 (2)
12 (b) shall be used first for the ~~purpose~~ purposes of s. 115.88 (4) and (8m). ~~Costs~~ Except
13 as provided under sub. (2), costs eligible for reimbursement from the ~~appropriations~~
14 appropriation under s. 20.255 (2) (b) ~~and (br)~~ under ss. 115.88 (1m) to (3), (6), and (8),
15 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
16 appropriated for reimbursement for such costs, not to exceed 100%.

 ****NOTE: This SECTION reconciles the treatment of s. 115.882 (1) by LRB-0885,
LRB-0886, and LRB-1690.

17 ***-1690/3.2*** SECTION 2671. 115.882 (2) of the statutes is created to read:

18 115.882 (2) (a) In this subsection:

19 1. "Eligible charter school" means a charter school established under s. 118.40
20 (2r) that is receiving state aid under sub. (1).

21 2. "Eligible school district" means a school district that is receiving state aid
22 under sub. (1).

23 3. "Membership" has the meaning given in s. 121.004 (5).

1 (b) Beginning in the 2001–02 school year, the department shall distribute to
2 eligible school districts and eligible charter schools, in the manner described in pars.

3 (c) and (d), the following portion of the amount appropriated under s. 20.255 (2) (b):

4 1. In the 2001–02 school year, \$10,000,000.

5 2. In the 2002–03 school year, an amount equal to 5% of the amount
6 appropriated under s. 20.255 (2) (b).

7 3. In the 2003–04 school year and in each school year thereafter, an amount
8 equal to 10% of the amount appropriated under s. 20.255 (2) (b).

9 (c) An amount equal to 85% of the total amount distributed under this
10 subsection each school year shall be distributed as follows:

11 1. Divide the eligible school district's membership, or the number of pupils
12 attending the eligible charter school, by the sum of the memberships of all eligible
13 school districts and the number of pupils attending all eligible charter schools.

14 2. Multiply the quotient under subd. 1. by the appropriate amount specified or
15 determined under par. (b).

16 (d) An amount equal to 15% of the total amount distributed under this
17 subsection each school year shall be distributed as follows:

18 1. Divide the number of pupils included in the eligible school district's
19 membership, or the number of pupils attending the eligible charter school, that are
20 eligible for a free or reduced-price lunch under 42 USC 1758 by the sum of all such
21 pupils in all eligible school districts and charter schools.

22 2. Multiply the quotient under subd. 1. by the appropriate amount specified or
23 determined under par. (b).

24 *-1700/1.1* SECTION 2672. 115.898 of the statutes is renumbered 115.898 (1).

25 *-1700/1.2* SECTION 2673. 115.898 (2) of the statutes is created to read:

1 115.898 (2) To the extent practicable, the state superintendent shall ensure
2 that all rules promulgated under the authority of this subchapter are identical to the
3 federal regulations adopted under the authority of 20 USC 1400 to 1487.

4 *~~-1701/1.1~~* SECTION 2674. 115.97 (2) of the statutes is amended to read:

5 115.97 (2). If, in a language group under s. 115.96 (1), there are 10 or more
6 limited-English proficient pupils in kindergarten to grade 3 in attendance at a
7 particular elementary school and whose parents or legal custodians give written
8 consent to such pupils' placement under s. 115.96 (3), the school board shall establish
9 a bilingual-bicultural education program for such pupils during the school term.
10 ~~Such program shall be taught by a bilingual teacher.~~

11 *~~-1701/1.2~~* SECTION 2675. 115.97 (3) of the statutes is amended to read:

12 115.97 (3) If, in a language group under s. 115.96 (1), there are 20 or more
13 limited-English proficient pupils in grades 4 to 8 in attendance at a particular
14 elementary, middle or junior high school and whose parents or legal custodians give
15 written consent to such pupils' placement under s. 115.96 (3), the school board shall
16 establish a bilingual-bicultural education program for such pupils during the school
17 term. ~~Such program shall be taught by a bilingual teacher.~~

18 *~~-1701/1.3~~* SECTION 2676. 115.97 (5) (a) (intro.) of the statutes is amended to
19 read:

20 115.97 (5) (a) (intro.) Except as provided under par. (b), if a school board is
21 required to establish a bilingual-bicultural education program under sub. (2), (3) or
22 (4), but bilingual teachers for the language groups are unavailable, the program may
23 be taught by certified teachers of English as a 2nd language upon receipt of approval
24 of the state superintendent. The state superintendent may approve a program under
25 this paragraph only if the school board demonstrates all of the following:

1 ***-1623/2.4*** SECTION 2677. 116.12 of the statutes is created to read:

2 **116.12 Grants to develop services for school districts.** A board of control
3 or a consortium of 2 or more boards of control may apply to the department for a grant
4 to fund the development, for school districts, of education services that are unrelated
5 to instruction. As a condition of receiving a grant, a board of control or a consortium
6 shall provide matching funds in an amount equal to at least 50% of the amount of
7 the grant. A grant may not exceed \$300,000. The department shall award grants
8 from the appropriation under s. 20.255 (2) (fh). The department shall promulgate
9 rules to implement and administer this section.

10 ***-1301/5.101*** SECTION 2678. 117.20 (2) of the statutes is amended to read:

11 117.20 (2) The clerk of each affected school district shall publish notice, as
12 required under s. 8.55, in the territory of that school district. The procedures for
13 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a
14 referendum held under this section. The school board and school district clerk of each
15 affected school district shall each perform, for that school district, the functions
16 assigned to the school board and the school district clerk, respectively, under those
17 subsections. The form of the ballot shall correspond to the form prescribed by the
18 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
19 district shall file with the secretary of the board a certified statement prepared by
20 the school district board of canvassers of the results of the referendum in that school
21 district.

22 ***-1613/1.2*** SECTION 2679. 117.25 (1) (e) of the statutes is created to read:

23 117.25 (1) (e) For 60 days after the effective date, the school district
24 administrator of the new school district may lay off or reassign school district
25 employees without regard to seniority in service.

1 ***-1392/3.2*** SECTION 2680. 118.045 (3) of the statutes is amended to read:

2 118.045 (3) A school board may commence the school term before September
3 1 in any school year if it holds a public hearing on the issue after April 30 of the
4 previous school year and adopts a resolution to that effect ~~in that school year.~~

5 ***-1151/4.12*** SECTION 2681. 118.19 (3) (a) of the statutes is amended to read:

6 118.19 (3) (a) No license to teach in any public school may be issued unless the
7 applicant possccses a bachelor's degree including such professional training as the
8 department by rule requires, except as permitted under par. (b), subs. (13) and (14),
9 and ss. 115.28 (17) (a) and 118.192. Notwithstanding s. 36.11 (16), no teacher
10 preparatory program in this state may be approved by the state superintendent
11 under s. 115.28 (7) (a), unless each student in the program is required to complete
12 student teaching consisting of full days for a full semester following the daily
13 schedule and semester calendar of the cooperating school. ~~No~~ Except as provided in
14 subs. (13) and (14), ~~no~~ license to teach in any public school may be granted to an
15 applicant who completed a professional training program outside this state unless
16 the applicant completed student teaching consisting of full days for a full semester
17 following the daily schedule and semester calendar of the cooperating school or the
18 equivalent, as determined by the state superintendent. The state superintendent
19 may grant exceptions to the student teaching requirements under this paragraph
20 when the midyear calendars of the institution offering the teacher preparatory
21 program and the cooperating school differ from each other and would prevent
22 students from attending classes at the institution in accordance with the
23 institution's calendar. The state superintendent shall promulgate rules to
24 implement this subsection.

25 ***-1903/1.15*** SECTION 2682. 118.19 (4) (a) of the statutes is amended to read:

1 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
2 may not grant a license to any person who has been convicted of any Class A, B, C,
3 or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent
4 crime in another state or country, for a violation that occurs on or after September
5 12, 1991, but before the effective date of this paragraph [revisor inserts date], for
6 6 years following the date of the conviction, and may grant the license only if the
7 person establishes by clear and convincing evidence that he or she is entitled to the
8 license.

9 ***-1903/1.16*** SECTION 2683. 118.19 (4) (am) of the statutes is created to read:

10 118.19 (4) (am) Notwithstanding subch. II of ch. 111, the state superintendent
11 may not grant a license to any person who has been convicted of any Class A, B, BC,
12 C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of a
13 substantially similar crime in another state or country, for a violation that occurs on
14 or after the effective date of this paragraph [revisor inserts date], for 6 years
15 following the date of the conviction, and may grant the license only if the person
16 establishes by clear and convincing evidence that he or she is entitled to the license.

17 ***-1903/1.17*** SECTION 2684. 118.19 (4) (b) of the statutes is amended to read:

18 118.19 (4) (b) Notwithstanding ~~par.~~ pars. (a) and (am), the state
19 superintendent shall grant a license to a person convicted of a crime described under
20 par. (a) or (am), prior to the expiration of the 6-year period following the conviction,
21 if the conviction is reversed, set aside, or vacated.

22 ***-1151/4.13*** SECTION 2685. 118.19 (4m) of the statutes is amended to read:

23 118.19 (4m) The Except as provided in subs. (13) and (14), the state
24 superintendent may not issue or renew a license to teach the visually impaired
25 unless the applicant demonstrates, based on criteria established by the state

1 superintendent by rule, that he or she is proficient in reading and writing braille and
2 in teaching braille. In promulgating rules under this subsection, the state
3 superintendent shall take into consideration the standard used by the librarian of
4 congress for certifying braille transcribers.

5 ***-1151/4.14* SECTION 2686.** 118.19 (6) of the statutes is amended to read:

6 118.19 (6) In granting ~~certificates or~~ licenses for the teaching of courses in
7 economics, social studies, or agriculture, adequate instruction in cooperative
8 marketing and consumers' cooperatives shall be required. In granting ~~certificates~~
9 ~~or~~ licenses for the teaching of courses in science or social studies, adequate
10 instruction in the conservation of natural resources shall be required. This
11 subsection does not apply to a license granted under sub. (13) or (14).

12 ***-1151/4.15* SECTION 2687.** 118.19 (7) of the statutes is amended to read:

13 118.19 (7) ~~No certificate or~~ Except as provided in subs. (13) and (14), no license
14 to teach industrial arts subjects may be issued unless the applicant has had 3 years
15 of practical experience beyond apprenticeship or 4 years of institutional training in
16 such subjects. ~~For purposes of salary schedules and promotion, any person teaching~~
17 ~~an industrial arts subject on January 1, 1936, who had 5 years of practical or teaching~~
18 ~~experience in such subject shall be deemed to have the equivalent of a bachelor's~~
19 ~~degree.~~

20 ***-1151/4.16* SECTION 2688.** 118.19 (8) of the statutes is amended to read:

21 118.19 (8) The Except as provided in subs. (13) and (14), the state
22 superintendent may not grant to any person a license to teach unless the person has
23 received instruction in the study of minority group relations, including instruction
24 in the history, culture, and tribal sovereignty of the federally recognized American
25 Indian tribes and bands located in this state.

SECTION 2689

1 ***-1151/4.17*** **SECTION 2689.** 118.19 (9) (a) (intro.) of the statutes is amended
2 to read:

3 118.19 (9) (a) (intro.) Except as provided in par. (b) and subs. (13) and (14), the
4 state superintendent may not issue an initial teaching license, school district
5 administrator's license, or school administrator's license unless the applicant has
6 demonstrated competency in all of the following:

7 ***-1903/1.18*** **SECTION 2690.** 118.19 (10) (f) of the statutes is amended to read:

8 118.19 (10) (f) The state superintendent shall keep confidential all information
9 received under this subsection from the department of justice or the federal bureau
10 of investigation. Except as provided in ~~par.~~ pars. (g) and (h), such information is not
11 subject to inspection or copying under s. 19.35.

12 ***-1903/1.19*** **SECTION 2691.** 118.19 (10) (h) of the statutes is created to read:

13 118.19 (10) (h) At the request of an educational agency and upon receiving
14 signed consent from the employee or applicant, the state superintendent shall
15 release to the educational agency the results of a background investigation under
16 this subsection if the background investigation concerns a person who is employed
17 by the educational agency or who is applying for a position with the educational
18 agency. The educational agency shall keep confidential all information released
19 under this paragraph.

20 ***-1151/4.18*** **SECTION 2692.** 118.19 (12) of the statutes is amended to read:

21 118.19 (12) ~~Beginning~~ Except as provided in subs. (13) and (14), beginning on
22 July 1, 1998, the department may not issue or renew a license that authorizes the
23 holder to teach reading or language arts to pupils in any prekindergarten class or in
24 any of the grades from kindergarten to 6 unless the applicant has successfully
25 completed instruction preparing the applicant to teach reading and language arts

1 using appropriate instructional methods, including phonics. The phonics
2 instruction need not be provided as a separate course. In this subsection, "phonics"
3 means a method of teaching beginners to read and pronounce words by learning the
4 phonetic value of letters, letter groups, and syllables.

5 ***-1151/4.19* SECTION 2693.** 118.19 (13) of the statutes is created to read:

6 118.19 (13) (a) Upon request by a school board, the department shall grant a
7 temporary initial teaching license to any person who satisfies all of the requirements
8 for an initial teaching license other than the educational requirements if the school
9 board states in its request that it intends to employ the person as a teacher and that
10 at least one of the following apply:

11 1. The person has a bachelor's degree from an accredited institution of higher
12 education in a field related to the subject that he or she will teach.

13 2. The person has at least 5 years of practical or teaching experience in a field
14 related to the subject that he or she will teach.

15 3. The person served in the U.S. armed forces or in forces incorporated as part
16 of the U.S. armed forces for at least 5 consecutive years, was discharged under
17 conditions other than dishonorable, and has practical or teaching experience in a
18 field related to the subject that he or she will teach.

19 (b) If the board intends to employ the person as a teacher in grades
20 kindergarten to 5, the requirement under par. (a) 1. and 2. is satisfied if the person
21 has a bachelor's degree or at least 5 years of practical or teaching experience in a field
22 related to mathematics, English, social studies, or science.

23 (c) A temporary license granted under par. (a) is valid for 2 years and may not
24 be renewed. If a person who has been granted a temporary license under par. (a)
25 completes an alternative teacher training program approved by the department

1 before the expiration of the temporary license, the department shall grant an initial
2 teaching license to the person that shall be considered retroactively effective to the
3 date that the temporary license was granted. The department may not approve an
4 alternative teacher training program for the purposes of this paragraph unless it
5 consists of at least 100 hours of instruction over the course of no more than 2 years.

6 ***-1151/4.20* SECTION 2694.** 118.19 (14) of the statutes is created to read:

7 118.19 (14) Subject to subs. (1m), (1r), (1s), (4), and (10), the department shall
8 do all of the following:

9 (a) Except as provided in par. (b), grant an initial teacher's license to any person
10 who holds a valid license as a teacher issued by another state.

11 (b) If the department establishes different levels of teacher licensure under s.
12 115.29 (6), grant the highest level of teacher's license to any person who holds a valid
13 license as a teacher issued by another state and is certified by the National Board
14 for Professional Teaching Standards.

15 ***-1775/4.3* SECTION 2695.** 118.245 (3) of the statutes is amended to read:

16 118.245 (3) No school district may provide to its nonrepresented professional
17 employees for any 12-month period ending on June 30 an average increase for all
18 such employees in the total cost to the school district of compensation and fringe
19 benefits for such employees having an average cost per employee exceeding 3.8% of
20 the average total cost per employee of compensation and fringe benefits provided by
21 the school district to its nonrepresented professional employees for the preceding
22 12-month period ending on June 30 or the average total percentage increased cost
23 per employee of compensation and fringe benefits provided to its represented
24 professional employees during the 12-month period ending on June 30 preceding the

1 date that the increase becomes effective, whichever is greater. For purposes of this
2 subsection, ~~the~~:

3 (a) The average total percentage increased cost per employee of the
4 compensation provided by a school district to its represented professional employees
5 shall be determined in accordance with the method prescribed by the employment
6 relations commission under s. 111.70 (4) (cm) 8s.

7 ***-1775/4.4* SECTION 2696.** 118.245 (3) (b) of the statutes is created to read:

8 118.245 (3) (b) Any compensation received by nonrepresented professional
9 employees from a grant under s. 115.415 shall not be subject to the limitation under
10 this subsection.

11 ***-2358/4.17* *-1880/3.12* SECTION 2697.** 118.30 (1) of the statutes is
12 renumbered 118.30 (1d) and amended to read:

13 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
14 examinations designed to measure pupil attainment of knowledge and concepts in
15 the 4th, 8th and 10th grades.

16 (b) The ~~department~~ board shall develop a high school graduation examination
17 that is designed to measure whether pupils meet the pupil academic standards
18 issued by the governor as executive order no. 326, dated January 13, 1998.

19 ***-2358/4.18* *-1880/3.13* SECTION 2698.** 118.30 (1b) of the statutes is created
20 to read:

21 118.30 (1b) In this section, "board" means the board on education evaluation
22 and accountability.

23 ***-2358/4.19* *-1880/3.14* SECTION 2699.** 118.30 (1g) (b) of the statutes is
24 amended to read:

1 118.30 (1g) (b) Each school board operating high school grades and each
2 operator of a charter school under s. 118.40 (2r) that operates high school grades shall
3 adopt a high school graduation examination that is designed to measure whether
4 pupils meet the pupil academic standards adopted by the school board or operator
5 of the charter school under par. (a). If the school board or operator of the charter
6 school has adopted the pupil academic standards issued as executive order no. 326,
7 dated January 13, 1998, the school board or operator of the charter school may adopt
8 the high school graduation examination developed by the ~~department~~ board under
9 sub. (1) (1d) (b). If a school board or operator of a charter school develops and adopts
10 its own high school graduation examination, it shall notify the ~~department~~ board
11 annually by October 1 that it intends to administer the examination in the following
12 school year.

13 *~~-2358/4.20~~* *~~-1880/3.15~~* SECTION 2700. 118.30 (1g) (c) of the statutes is
14 amended to read:

15 118.30 (1g) (c) Each school board operating elementary grades and each
16 operator of a charter school under s. 118.40 (2r) that operates elementary grades may
17 develop or adopt its own examination designed to measure pupil attainment of
18 knowledge and concepts in the 4th grade and may develop or adopt its own
19 examination designed to measure pupil attainment of knowledge and concepts in the
20 8th grade. If the school board or operator of the charter school develops or adopts an
21 examination under this paragraph, it shall notify the ~~department~~ board.

22 *~~-2358/4.21~~* *~~-0888/1.1~~* SECTION 2701. 118.30 (1m) (a) of the statutes is
23 amended to read:

24 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
25 examination adopted or approved by the state superintendent under sub. (1) to all

1 pupils enrolled in the school district, including pupils enrolled in charter schools
2 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
3 ~~school board has not developed and adopted its own 4th grade examination, the~~
4 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
5 ~~examination administered under this subdivision.~~

6 2. Beginning on July 1, 2002, if the school board has developed or adopted its
7 own 4th grade examination, administer that examination to all pupils enrolled in the
8 school district, including pupils enrolled in charter schools located in the school
9 district, in the 4th grade. ~~The school board shall provide a pupil with at least 2~~
10 ~~opportunities to take the examination administered under this subdivision.~~

11 ~~*-2358/4.22* *-1880/3.16*~~ SECTION 2702. 118.30 (1m) (a) 1. of the statutes, as
12 affected by 2001 Wisconsin Act (this act), is amended to read:

13 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
14 examination adopted or approved by the state superintendent board under sub. (1)
15 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
16 schools located in the school district, in the 4th grade.

17 ~~*-2358/4.23* *-0888/1.2*~~ SECTION 2703. 118.30 (1m) (am) of the statutes is
18 amended to read:

19 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
20 examination adopted or approved by the state superintendent under sub. (1) to all
21 pupils enrolled in the school district, including pupils enrolled in charter schools
22 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
23 ~~school board has not developed and adopted its own 8th grade examination, the~~
24 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
25 ~~examination administered under this subdivision.~~

1 2. Beginning on July 1, 2002, if the school board has developed or adopted its
2 own 8th grade examination, administer that examination to all pupils enrolled in the
3 school district, including pupils enrolled in charter schools located in the school
4 district, in the 8th grade. ~~The school board shall provide a pupil with at least 2~~
5 ~~opportunities to take the examination administered under this subdivision.~~

6 *~~2358/4.24~~* *~~1880/3.17~~* SECTION 2704. 118.30 (1m) (am) 1. of the statutes,
7 as affected by 2001 Wisconsin Act ... (this act), is amended to read:

8 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
9 examination adopted or approved by the ~~state superintendent~~ board under sub. ~~(1)~~
10 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
11 schools located in the school district, in the 8th grade.

12 *~~2358/4.25~~* *~~0888/1.3~~* SECTION 2705. 118.30 (1r) (a) of the statutes is
13 amended to read:

14 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
15 examination adopted or approved by the state superintendent under sub. (1) (a) to
16 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
17 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
18 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
19 ~~opportunities to take the examination administered under this subdivision.~~

20 2. Beginning on July 1, 2002, if the operator of the charter school has developed
21 or adopted its own 4th grade examination, administer that examination to all pupils
22 enrolled in the charter school in the 4th grade. ~~The operator of the charter school~~
23 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
24 ~~administered under this subdivision.~~

1 ***-2358/4.26* *-1880/3.18* SECTION 2706.** 118.30 (1r) (a) 1. of the statutes, as
2 affected by 2001 Wisconsin Act (this act), is amended to read:

3 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
4 examination adopted or approved by the state superintendent board under sub. (1)
5 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

6 ***-2358/4.27* *-0888/1.4* SECTION 2707.** 118.30 (1r) (am) of the statutes is
7 amended to read:

8 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
9 examination adopted or approved by the state superintendent under sub. (1) (a) to
10 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
11 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
12 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
13 ~~opportunities to take the examination administered under this subdivision.~~

14 2. Beginning on July 1, 2002, if the operator of the charter school has developed
15 or adopted its own 8th grade examination, administer that examination to all pupils
16 enrolled in the charter school in the 8th grade. ~~The operator of the charter school~~
17 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
18 ~~administered under this subdivision.~~

19 ***-2358/4.28* *-1880/3.19* SECTION 2708.** 118.30 (1r) (am) 1. of the statutes,
20 as affected by 2001 Wisconsin Act (this act), is amended to read:

21 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
22 examination adopted or approved by the state superintendent board under sub. (1)
23 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

24 ***-2358/4.29* *-0910/5.1* SECTION 2709.** 118.30 (1s) of the statutes is created
25 to read:

1 118.30 (1s) (a) Annually, by September 15, the governing body of each private
2 school participating in the program under s. 119.23 shall notify the board whether
3 it will administer the examinations under par. (b) or (c) or both in the current school
4 year.

5 (b) If the private school notifies the board that it will administer the
6 examinations under this paragraph, the private school shall do all of the following:

7 1. Administer a standardized reading test developed by the board to all pupils
8 attending the 3rd grade in the private school under s. 119.23.

9 2. Administer the 4th grade examination adopted or approved by the board
10 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
11 s. 119.23.

12 3. Administer the 8th grade examination adopted or approved by the board
13 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
14 s. 119.23.

15 4. Administer the 10th grade examination adopted or approved by the board
16 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
17 s. 119.23.

18 (c) If the private school notifies the board that it will administer the
19 examination under this paragraph, beginning in the 2002–03 school year the private
20 school shall administer the high school graduation examination developed by the
21 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
22 private school under s. 119.23. The governing body of the private school shall
23 administer the examination at least twice each school year and may administer the
24 examination only to pupils attending the 11th and 12th grades.

1 ***-2358/4.30*** ***-0910/5.2*** SECTION 2710. 118.30 (2) (b) 1. of the statutes is
2 amended to read:

3 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
4 subch. V of ch. 115, the school board or operator of the a charter school under s. 118.40
5 (2r), or governing body of a private school participating in the program under s.
6 119.23 and administering any of the examinations under sub. (1s), shall comply with
7 s. 115.77 (1m) (bg).

8 ***-2358/4.31*** ***-0910/5.3*** SECTION 2711. 118.30 (2) (b) 2. of the statutes is
9 amended to read:

10 118.30 (2) (b) 2. According to criteria established by the ~~state superintendent~~
11 board by rule, the school board or operator of the a charter school under s. 118.40 (2r),
12 or governing body of a private school participating in the program under s. 119.23
13 may determine not to administer an examination under this section to a
14 limited-English proficient pupil, as defined under s. 115.955 (7), may permit the
15 pupil to be examined in his or her native language, or may modify the format and
16 administration of an examination for such pupils.

17 ***-2358/4.32*** ***-0910/5.4*** SECTION 2712. 118.30 (2) (b) 5. of the statutes is
18 created to read:

19 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
20 body of a private school participating in the program under s. 119.23 shall excuse the
21 pupil from taking an examination administered under sub. (1s) (b) 2. to 4. or (c).

22 ***-2358/4.33*** ***-0891/1.3*** SECTION 2713. 118.30 (3) of the statutes is
23 renumbered 118.30 (3) (a) and amended to read:

24 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
25 allow a person to view an examination required to be administered under this section

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1 if the person submits to the state superintendent a written request to do so within
2 90 days after the date of administration, ~~any of the examination required to be~~
3 ~~administered under this section.~~ This subsection paragraph does not apply while the
4 an examination is being developed or validated.

5 ***-2358/4.34* SECTION 2714.** 118.30 (3) (a) of the statutes, as affected by 2001
6 Wisconsin Act (this act), is amended to read:

7 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
8 examination required to be administered under this section if the person submits to
9 the ~~state superintendent~~ board a written request to do so within 90 days after the
10 date of administration of the examination. This paragraph does not apply while an
11 examination is being developed or validated.

12 ***-2358/4.35* SECTION 2715.** 118.30 (3) (b) of the statutes is created to read:

13 118.30 (3) (b) The state superintendent shall promulgate rules establishing
14 procedures to administer par. (a). To the extent feasible, the rules shall protect the
15 security and confidentiality of the examinations required to be administered under
16 this section.

17 ***-2358/4.36* SECTION 2716.** 118.30 (3) (b) of the statutes, as created by 2001
18 Wisconsin Act (this act), is amended to read:

19 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
20 establishing procedures to administer par. (a). To the extent feasible, the rules shall
21 protect the security and confidentiality of the examinations required to be
22 administered under this section.

23 ***-2358/4.37* *-1880/3.22* SECTION 2717.** 118.30 (4) of the statutes is
24 amended to read:

1 118.30 (4) The department board shall study the utility of administering
2 technology-based performance assessments to pupils.

3 *~~2358/4.38~~* *~~1880/3.23~~* SECTION 2718. 118.30 (6) of the statutes is
4 amended to read:

5 118.30 (6) A school board and an operator of a charter school under s. 118.40
6 (2r) is not required to administer the 4th and 8th grade examinations adopted or
7 approved by the ~~state superintendent~~ board under sub. ~~(1)~~ (1d) if the school board
8 or the operator of the charter school administers its own 4th and 8th grade
9 examinations, the school board or operator of the charter school provides the state
10 ~~superintendent~~ board with statistical correlations of those examinations with the
11 examinations adopted or approved by the ~~state superintendent~~ board under sub. ~~(1)~~
12 (1d), and the federal department of education approves.

13 *~~2358/4.39~~* *~~0910/5.5~~* SECTION 2719. 118.30 (7) of the statutes is created
14 to read:

15 118.30 (7) (a) The board shall provide the examinations administered under
16 sub. (1s) and score the examinations free of charge.

17 (b) The board may not disclose the results of the examinations administered
18 under sub. (1s) except as follows:

19 1. The board shall publish the aggregate results of all of the examinations
20 provided to the board.

21 2. The board shall report each pupil's scores to the pupil's parent or guardian.

22 *~~1151/4.21~~* SECTION 2720. 118.38 (1) (a) 7. of the statutes is amended to read:
23 118.38 (1) (a) 7. ~~Licensure or certification~~ Certification under s. 115.28 ~~(7) or~~
24 ~~(7m) other than the licensure of the school district administrator or business~~
25 manager.

1 *~~2358/4.40~~* *~~1880/3.24~~* **SECTION 2721.** 118.38 (1) (a) 8. of the statutes is
2 created to read:

3 118.38 (1) (a) 8. The school performance report under s. 115.38.

4 *~~1693/7.4~~* **SECTION 2722.** 118.39 of the statutes is created to read:

5 **118.39 School districts with expanded flexibility. (1)** A school board may,
6 by October 15 of an even-numbered year, apply to the department to have its school
7 district designated as a school district with expanded flexibility if all of the following
8 are true:

9 (a) For the 2 preceding school years, the percentage of pupils enrolled in the
10 school district who took each assessment administered under ss. 118.30 (1m) (a) and
11 (am) and 121.02 (1) (r) and whose score on each assessment administered under ss.
12 118.30 (1m) (a) and (am) and 121.02 (1) (r) was at the proficient level or above was
13 at least equal to the statewide average. This paragraph does not apply to a union
14 high school district.

15 (b) For the 2 preceding school years, the percentage of pupils enrolled in the
16 school district who took the assessment under s. 118.30 (1m) (b) and whose score on
17 the assessment was at the proficient level or above was at least equal to the statewide
18 average. This paragraph does not apply to the underlying elementary school district
19 of a union high school district.

20 (c) Beginning in the 2004–05 school year, for the 2 preceding school years, the
21 percentage of pupils enrolled in the school district who took and passed the high
22 school graduation examination administered under ss. 118.30 (1m) (d) equaled or
23 exceeded the statewide average. This paragraph does not apply to the underlying
24 elementary school district of a union high school district.

1 (d) For the 2 preceding school years, the school district's attendance rate at
2 least equaled the statewide average attendance rate.

3 (e) For the 2 preceding school years, the school district's high school graduation
4 rate at least equaled the statewide average high school graduation rate. This
5 paragraph does not apply to the underlying elementary school district of a union high
6 school district.

7 (2) Beginning on July 1 of an odd-numbered year, the department shall
8 designate a school district that applied for designation and met the criteria under
9 sub. (1) as a school district with expanded flexibility. A school district retains the
10 designation of expanded flexibility for 4 school years unless it fails to satisfy the
11 requirements under sub. (3) and may reapply for the designation. In considering a
12 reapplication, the department shall consider the school district's success in achieving
13 the goals under sub. (3) (d).

14 (3) A school district with expanded flexibility shall do all of the following:

15 (a) Allocate 85% of school district revenues, including federal revenues, for use
16 by principals at their respective schools.

17 (b) Ensure that at least 95% of the pupils in the school district who are eligible
18 takes the assessments and high school graduation examination under s. 118.30 (1m).

19 (c) Allow the pupil's parent or guardian to choose the school in which to enroll
20 the pupil if there are at least 2 schools that offer the appropriate grade for the pupil.

21 (d) Ensure that each school in the school district prepares an annual plan that
22 includes performance goals for all pupils, for minority group pupils, for low-income
23 pupils, and for teachers.

1 (e) By July 1 of the calendar year following application under sub. (1), submit
2 to the department a written policy specifying how the school district will comply with
3 pars. (a) and (c).

4 (4) A school district with expanded flexibility may do all of the following:

5 (a) Create school governance councils, a majority of whose members are parents
6 of pupils enrolled in the school district, to advise school principals.

7 (b) Reassign staff members of schools in the school district without regard to
8 seniority in service.

9 (5) A school district with expanded flexibility, and, where appropriate, its
10 employees, are exempt from the requirements and free from the prohibitions of of ss.
11 118.015 (2) to (4), 118.017 (1), 118.019 (2), (3), and (5), 118.02, 118.03 (1), 118.153 (2)
12 (a), 118.162, 118.18, 118.22, 118.258, 118.33 (1) (b), 118.34 (1) and (3), 118.35 (3),
13 119.71, 119.73, 119.74, 119.75, 119.78, 120.125, and 121.02 (1) (b), (d), (e), (f) 1., (h),
14 (j) to (n), (q), and (t).

15 (6) (a) By November 15 of each even-numbered year, the department shall
16 identify which school districts are eligible to receive the designation of expanded
17 flexibility.

18 (b) From the appropriation under s. 20.255 (2) (fr), the department shall, in the
19 school year of identification under par. (a), award grants on a competitive basis to
20 school districts identified under par. (a) to help implement school district
21 decentralization plans, including training and providing technical assistance to
22 teachers to prepare them to work in decentralized school districts, meeting the
23 requirements under sub. (3), and creating school governance councils under sub. (4)
24 (a). The amount of a grant under this paragraph may not exceed \$7,500 multiplied
25 by the number of schools in the school district or \$100,000, whichever is less. A grant

1 recipient under this paragraph may spend the grant moneys during the school year
2 the grant is awarded and during the following school year.

3 (c) From the appropriation under s. 20.255 (2) (fs), the department shall, in the
4 school year of identification under par. (a), award grants on a competitive basis to
5 individual school districts identified under par. (a), to consortia consisting of 2 or
6 more school districts identified under par. (a), or to consortia consisting of 2 or more
7 school districts identified under par. (a) and a statewide organization that is a
8 member of the School Administrators Alliance, that submit written plans specifying
9 how the grant moneys will be used to train superintendents, principals, and
10 prospective principals to decentralize the administration of their school districts and
11 work effectively in decentralized school districts. A grant recipient under this
12 paragraph may spend the grant moneys during the school year the grant is awarded
13 and during the following school year.

14 (7) The department shall promulgate rules to implement and administer this
15 section.

16 ***-0960/2.1* SECTION 2723.** 118.40 (2r) (a) of the statutes is repealed and
17 recreated to read:

18 118.40 (2r) (a) In this subsection:

19 1. "Membership" means the sum of the number of pupils attending the charter
20 school in the current school year and the summer average daily membership
21 equivalent, as defined in s. 121.004 (8), for the summer of the previous school year.

22 2. "University" has the meaning given in s. 36.05 (13).

****NOTE: This is reconciled s. 118.40 (2r) (a). This section has been affected by
drafts with the following LRB #s: -0957 and -0960.

23 ***-0957/4.1* SECTION 2724.** 118.40 (2r) (b) of the statutes is amended to read:

1 118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of
2 ~~the University of Wisconsin–Milwaukee and the Milwaukee area~~ a university within
3 the University of Wisconsin System, the board of control of a cooperative educational
4 service agency, and a technical college district board may establish by charter and
5 operate a charter school or, on behalf of their respective entities, may initiate a
6 contract with an individual or group to operate a school as a charter school. A charter
7 shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract
8 shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall
9 specify the effect of the establishment of the charter school on the liability of the
10 contracting entity under this paragraph. The contract may include other provisions
11 agreed to by the parties. The chancellor of ~~the University of Wisconsin–Milwaukee~~
12 a university within the University of Wisconsin System may not establish or enter
13 into a contract for the establishment of a charter school under this paragraph
14 without the approval of the board of regents of the University of Wisconsin System.

15 *–0957/4.2* SECTION 2725. 118.40 (2r) (c) of the statutes is repealed and
16 recreated to read:

17 118.40 (2r) (c) Only pupils who reside in the school district in which the charter
18 school is located may attend the charter school, except that, if the charter school is
19 established or operated by the board of control of a cooperative educational service
20 agency, a pupil who resides in any school district served by the cooperative
21 educational service agency may attend the charter school.

22 *–0960/2.2* SECTION 2726. 118.40 (2r) (e) of the statutes is amended to read:

23 118.40 (2r) (e) From the appropriation under s. 20.255 (2) (fm), the department
24 shall pay to the operator of the charter school an amount equal to the sum of the
25 amount paid per pupil under this paragraph in the previous school year and the

1 amount of revenue increase per pupil allowed under subch. VII of ch. 121 in the
2 current school year, multiplied by the ~~number of pupils attending the charter school~~
3 membership. The department shall pay 25% of the total amount in September, 25%
4 in December, 25% in February, and 25% in June. The department shall send the
5 check to the operator of the charter school.

6 ***-0957/4.3* SECTION 2727.** 118.40 (7) (am) 2. of the statutes is amended to
7 read:

8 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
9 school located in the school district operating under ch. 119 that is converted to a
10 charter school is not an instrumentality of ~~the~~ any school district ~~operating under ch.~~
11 ~~119~~ and the no school board of ~~that school district~~ may not employ any personnel for
12 the charter school.

13 ***-0957/4.4* SECTION 2728.** 118.40 (8) of the statutes is repealed.

****NOTE: Peter: I repealed this because it is obsolete. If you want a new audit to
be conducted, please let me know, and I will redraft accordingly.

14 ***-1704/1.3* SECTION 2729.** 118.40 (9) of the statutes is created to read:

15 118.40 (9) CHARTER SCHOOL DEVELOPMENT LOANS. Beginning in the 2002-03
16 school year, from the appropriations under ss. 20.255 (2) (fz), (g), and (m), the state
17 superintendent shall make loans to school districts to support the establishment of
18 charter schools, other than charter schools established under sub. (2r). The funds
19 may be used for capital expenditures, staff or curriculum development, or other costs
20 of starting a charter school. The state superintendent shall allocate a total of
21 \$1,000,000 in the appropriation under s. 20.255 (2) (m) for loans under this
22 subsection. The term of a loan under this subsection is 5 years. The state
23 superintendent shall specify the annual repayment amount.

1 ***-0956/6.3*** SECTION 2730. 118.43 (2) (f) of the statutes is repealed.

2 ***-0956/6.4*** SECTION 2731. 118.43 (2) (g) of the statutes is created to read:

3 118.43 (2) (g) The department may renew an achievement guarantee contract
4 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
5 of receiving payments under a renewal of an achievement guarantee contract, a
6 school board shall maintain the reduction of class size achieved during the last school
7 year of the original achievement guarantee contract for the grades specified for the
8 last school year of the contract.

9 ***-0956/6.5*** SECTION 2732. 118.43 (3) (ar) (intro.) of the statutes is renumbered
10 118.43 (3) (ar) 1m. (intro.) and amended to read:

11 118.43 (3) (ar) 1m. (intro.) For contracts that begin in the 2000–01 school year
12 on behalf of schools whose low-income pupil enrollment in the 2000–01 school year
13 was at least 50%, reduce each class size to 15 in the following manner:

14 ***-0956/6.6*** SECTION 2733. 118.43 (3) (ar) 1. to 3. of the statutes are
15 renumbered 118.43 (3) (ar) 1m. a. to c.

16 ***-0956/6.7*** SECTION 2734. 118.43 (3) (ar) 2m. of the statutes is created to read:

17 118.43 (3) (ar) 2m. For contracts that begin in the 2000–01 school year on behalf
18 of schools whose low-income pupil enrollment in the 2000–01 school year was less
19 than 50%, maintain for the 2001–02 to 2004–05 school years the reduced class size
20 achieved during the 2000–01 school year in at least grades kindergarten and one.

21 ***-0956/6.8*** SECTION 2735. 118.43 (6) (b) 7. of the statutes is amended to read:

22 118.43 (6) (b) 7. In the 2001–02 and 2002–03 school years, \$2,000 multiplied
23 by the number of low-income pupils enrolled in grades eligible for funding in each
24 school in the school district covered by contracts under sub. (3) (am) and by renewals
25 of contracts under sub. (2) (g). After making these payments, the department shall

1 pay school districts on behalf of schools that are covered by contracts under sub. (3)
2 (ar), an amount equal to \$2,000 multiplied by the number of low-income pupils
3 enrolled in grades eligible for funding in each school in the school district covered by
4 contracts under sub. (3) (ar).

5 ***-0956/6.9* SECTION 2736.** 118.43 (6) (b) 8. of the statutes is amended to read:

6 118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied
7 by the number of low-income pupils enrolled in grades eligible for funding in each
8 school in the school district covered by contracts under sub. (3) (ar) and by renewals
9 of contracts under sub. (2) (g).

10 ***-2358/4.41* *-0958/1.1* SECTION 2737.** 118.43 (7) of the statutes is amended

11 to read:

12 118.43 (7) EVALUATION. ~~Beginning in the 1996–97 school year~~ Annually, the
13 department shall arrange for an evaluation of the program under this section and
14 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
15 that purpose. To ensure an impartial evaluation, the department shall select an
16 evaluator by using a competitive process.

17 ***-2358/4.42* *-1880/3.25* SECTION 2738.** 118.43 (7) of the statutes, as
18 affected by 2001 Wisconsin Act (this act), is amended to read:

19 118.43 (7) EVALUATION. Annually, the ~~department~~ board on education
20 evaluation and accountability shall arrange for an evaluation of the program under
21 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505
22 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
23 ~~department~~ board shall select an evaluator by using a competitive process.

24 ***-0947/1.1* SECTION 2739.** 118.51 (3) (a) 2. of the statutes is amended to read:

1 118.51 (3) (a) 2. A nonresident school board may not act on any application
2 received under subd. 1. until after the 3rd Friday following the first Monday in
3 February. If a nonresident school board receives more applications for a particular
4 grade or program than there are spaces available in the grade or program, the
5 nonresident school board shall determine which pupils to accept on a random basis,
6 after giving preference to pupils and to siblings of pupils who are already attending
7 public school in the nonresident school district. If a nonresident school board
8 determines that space is not otherwise available for open enrollment pupils in the
9 grade or program to which an individual has applied, the school board may
10 nevertheless accept an applicant who is already attending school in the nonresident
11 school district or a sibling of the applicant.

12 ***-0947/1.2*** SECTION 2740. 118.51 (4) (a) 3. of the statutes is amended to read:

13 118.51 (4) (a) 3. A statement of the preference required under sub. (5)(e) (3) (a)
14 2.

15 ***-0947/1.3*** SECTION 2741. 118.51 (5) (a) (intro.) of the statutes is amended to
16 read:

17 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in ~~par. (e)~~ sub.
18 (3) (a) 2., the criteria for accepting and rejecting applications from nonresident pupils
19 under sub. (3) (a) may include only the following:

20 ***-0947/1.4*** SECTION 2742. 118.51 (5) (a) 1. of the statutes is amended to read:

21 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
22 grades within the nonresident school district, ~~including any.~~ In determining the
23 availability of space, the nonresident school board may consider criteria such as class
24 size limits, pupil-teacher ratios, pupils attending the school district for whom tuition
25 is paid under s. 121.78 (1) (a) or enrollment projections established by the

1 nonresident school board and may include in its count of occupied spaces pupils
2 attending the school district for whom tuition is paid under s. 121.78 (1) (a) and
3 pupils and siblings of pupils who have applied under sub. (3) (a) and are already
4 attending public school in the nonresident school district.

5 *~~0947/1.5~~* SECTION 2743. 118.51 (5) (c) of the statutes is repealed.

6 *~~1632/3.1~~* SECTION 2744. 118.51 (16) (a) 3. of the statutes is amended to read:

7 118.51 (16) (a) 3. ~~The Two-thirds of the~~ statewide average per pupil school
8 district cost ~~for regular instruction, cocurricular activities, instructional support~~
9 ~~services and pupil support services~~ in the previous school year.

10 *~~0892/1.3~~* SECTION 2745. 118.52 (11) (b) of the statutes is amended to read:

11 118.52 (11) (b) *Low-income assistance*. The parent of a pupil who is attending
12 a course in a public school in a nonresident school district under this section may
13 apply to the department for reimbursement of the costs incurred by the parent for
14 the transportation of the pupil to and from the pupil's residence or school in which
15 the pupil is enrolled and the school at which the pupil is attending the course if the
16 pupil and parent are unable to pay the cost of such transportation. The department
17 shall determine the reimbursement amount and shall pay the amount from the
18 appropriation under s. 20.255 (2) ~~(ew)~~ (cy). The department shall give preference
19 under this paragraph to those pupils who are eligible for a free or reduced-price
20 lunch under 42 USC 1758 (b).

21 *~~1590/3.2~~* SECTION 2746. 119.18 (23) of the statutes is renumbered 118.36
22 and amended to read:

23 **118.36 School closings.** ~~The~~ If a school board may close closes any school that
24 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that
25 effect. ~~If the superintendent of schools~~ school district administrator recommends to

1 the school board that a school be closed for low performance, he or she shall state the
2 reasons for the recommendation in writing. If the school board closes a school that
3 is low in performance, the ~~superintendent of schools~~ school district administrator
4 may reassign the school's staff members without regard to seniority in service. If the
5 school board reopens the school, the ~~superintendent of schools~~ school district
6 administrator may reassign staff members to the school without regard to seniority
7 in service.

8 ***-1697/3.1* SECTION 2747.** 119.23 (2) (a) (intro.) of the statutes is amended to
9 read:

10 119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades
11 kindergarten to 12 who resides within the city or any private school located outside
12 the city that is situated on property any portion of which is located in the city may
13 attend, at no charge, any private school located in the city if all of the following apply:

****NOTE: This is reconciled s. 119.23 (2) (a) (intro.). This SECTION has been affected
by LRB-1692 and LRB-1697.

14 ***-1697/3.2* SECTION 2748.** 119.23 (2) (a) 1. of the statutes is amended to read:

15 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
16 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined
17 in accordance with criteria established by the director of the federal office of
18 management and budget.

19 ***-0887/4.1* SECTION 2749.** 119.23 (2) (a) 3. of the statutes is amended to read:

20 119.23 (2) (a) 3. The private school notified the state superintendent of its
21 intent to participate in the program under this section by ~~May~~ February 1 of the
22 previous school year. The notice shall specify the number of pupils participating in
23 the program under this section for which the school has space.

1 ***-0887/4.2*** SECTION 2750. 119.23 (2) (c) of the statutes is created to read:

2 119.23 (2) (c) 1. If the department receives a notice from a private school under
3 par. (a) 3., by March 1 the department shall notify the private school whether it is
4 eligible to participate in the program under this section. If the department
5 determines that the private school is ineligible, the notice shall include an
6 explanation of that determination.

7 2. If the department determines under subd. 1. that a private school is
8 ineligible, the private school may appeal the decision to the department within 14
9 days after the decision. The department shall approve, reverse, or modify its decision
10 within 7 days of receiving an appeal.

11 ***-0887/4.3*** SECTION 2751. 119.23 (2) (d) of the statutes is created to read:

12 119.23 (2) (d) By August 1, a private school that intends to participate in the
13 program under this section in the current school year shall submit to the department
14 a report stating the number of pupils that will attend the private school under this
15 section in the current school year.

16 ***-1697/3.3*** SECTION 2752. 119.23 (2) (e) of the statutes is created to read:

17 119.23 (2) (e) A pupil who attends a private school under this section is eligible
18 to attend a private school under this section in succeeding school years even if the
19 pupil no longer meets the criterion under par. (a) 1.

20 ***-0887/4.4*** SECTION 2753. 119.23 (4) (a) of the statutes is amended to read:

21 119.23 (4) (a) Annually, on or before ~~October 15~~ September 1, a private school
22 participating in the program under this section shall file with the department a
23 report stating its summer average daily membership equivalent and its summer
24 choice average daily membership equivalent for the purpose of sub. (4m).

25 ***-0887/4.5*** SECTION 2754. 119.23 (5) of the statutes is amended to read:

1 119.23 (5) ~~The state superintendent shall~~ In order to ensure that pupils and
2 parents and guardians of pupils who reside in the city are informed ~~annually~~ of the
3 private schools participating in the program under this section, annually by May 15
4 the state superintendent shall publish a list of the private schools that have been
5 determined under sub. (2) (c) to be eligible to participate in the program under this
6 section in the succeeding school year.

7 *~~1590/3.3~~* SECTION 2755. 119.235 of the statutes is renumbered 118.37, and
8 118.37 (1), (2) (intro.), (b), (d), (e) 2. and (f) and (3) to (5), as renumbered, are amended
9 to read:

10 118.37 (1) ~~The~~ A school board may contract with any nonsectarian private
11 school located in the ~~city~~ school district or any nonsectarian private agency located
12 in the ~~city~~ school district to provide educational programs to pupils enrolled in the
13 school district ~~operating under this chapter~~. The school board shall ensure that each
14 private school or agency under contract with the board complies with ss. 118.125 and
15 118.13, 20 USC 1232g, 20 USC 1681 to 1688, 20 USC 3171 to 3197, 29 USC 794, 42
16 USC 2000d, and 42 USC 6101 to 6107, and all health and safety laws and rules that
17 apply to public schools.

18 (2) (intro.) Each private school or agency under contract with the school board
19 shall do all of the following:

20 (b) Participate in the school board's parent information program.

21 (d) Meet insurance and financial requirements established by the school board.

22 (e) 2. A pupil selection process that gives preference to the siblings of enrolled
23 pupils and that gives no other preferences except those approved by the school board.

24 (f) Report to the school board any information requested by the school board.

1 (3) Any pupil enrolled in the school district ~~operating under this chapter~~ may
2 attend, at no charge, any private school or agency with which the school board has
3 contracted under sub. (1) if space is available in the private school or agency.

4 (4) The school board shall establish appropriate, quantifiable performance
5 standards for pupils at each private school or agency with which it contracts in such
6 areas as attendance, reading achievement, pupil retention, pupil promotion, parent
7 surveys, credits earned, and grade point average.

8 (5) Annually, the school board shall monitor the performance of the program
9 under this section. The school board may use the results of standardized basic
10 educational skills tests to do so. The school board shall include a summary of its
11 findings in its annual report to the state superintendent ~~under s. 119.44.~~

12 *~~1598/1.6~~* SECTION 2756. 119.48 (4) (b) of the statutes is amended to read:

13 119.48 (4) (b) The communication shall state the purposes for which the funds
14 from the increase in the levy rate will be used and shall request the common council
15 to submit to the voters of the city the question of exceeding the levy rate specified in
16 s. 65.07 (1) (f) ~~at the September election or a special election.~~

17 *~~1598/1.7~~* SECTION 2757. 119.48 (4) (c) of the statutes is amended to read:

18 119.48 (4) (c) Upon receipt of the communication, the common council shall file
19 the communication as provided in s. 8.37 and shall cause the question of exceeding
20 the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters of the city
21 at the September election or at a special election next regularly scheduled spring
22 election or general election that occurs not sooner than 42 days after receipt of the
23 communication or at a special election held on the Tuesday after the first Monday in
24 November in an odd-numbered year if that date occurs not sooner than 42 days after
25 receipt of the communication. The question of exceeding the levy rate specified under

1 s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the levy rate
2 specified in s. 65.07 (1) (f) is taken separately from any other question submitted to
3 the voters. If a majority of the electors voting on the question favors exceeding the
4 levy rate specified under s. 65.07 (1) (f), the common council shall approve the
5 increase in the levy rate and shall levy and collect a tax equal to the amount of money
6 approved by the electors.

7 ***-1598/1.8* SECTION 2758.** 119.49 (1) (b) of the statutes is amended to read:

8 119.49 (1) (b) The communication shall state the amount of funds needed under
9 par. (a) and the purposes for which the funds will be used and shall request the
10 common council to submit to the voters of the city ~~at the next election held in the city~~
11 the question of issuing school bonds in the amount and for the purposes stated in the
12 communication.

13 ***-1598/1.9* SECTION 2759.** 119.49 (2) of the statutes is amended to read:

14 119.49 (2) Upon receipt of the communication, the common council shall file
15 the communication as provided in s. 8.37 and shall cause the question of issuing such
16 school bonds in the stated amount and for the stated school purposes to be submitted
17 to the voters of the city ~~at the next election held in the city~~ regularly scheduled spring
18 election or general election that occurs not sooner than 42 days after receipt of the
19 communication or at a special election held on the Tuesday after the first Monday in
20 November in an odd-numbered year if that date occurs not sooner than 42 days after
21 receipt of the communication. The question of issuing such school bonds shall be
22 submitted so that the vote upon issuing such school bonds is taken separately from
23 any other question submitted to the voters. If a majority of the electors voting on the
24 school bond question favors issuing such school bonds, the common council shall

1 cause the school bonds to be issued immediately or within the period permitted by
2 law, in the amount requested by the board and in the manner other bonds are issued.

3 ***-1301/5.102*** SECTION 2760. 120.06 (5) of the statutes is repealed.

4 ***-1392/3.3*** SECTION 2761. 120.12 (15) of the statutes is amended to read:

5 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
6 school day. The school board may differentiate between the various elementary and
7 high school grades in scheduling the school day. The equivalent of 180 such days, as
8 defined in s. 115.01 (10), shall be held during the school term. This subsection shall
9 not be construed to eliminate a school district's duty to bargain with the employee's
10 ~~collective bargaining representative over any calendaring proposal which is~~
11 primarily related to collectively with respect to the impact of the school calendar on
12 wages, hours, and conditions of employment.

13 ***-1396/1.1*** SECTION 2762. 121.004 (6) of the statutes is amended to read:

14 121.004 (6) NET COST. The "net cost" of a fund means the gross cost of that fund
15 minus all nonduplicative revenues and other financing sources of that fund except
16 property taxes ~~and, general aid, and aid received under s. 79.095 (4).~~ In this
17 subsection, "nonduplicative revenues" includes federal financial assistance under 20
18 USC 236 to 245, to the extent permitted under federal law and regulations.

19 ***-0886/3.9*** SECTION 2763. 121.007 of the statutes is amended to read:

20 **121.007 Use of state aid; exemption from execution.** All moneys paid to
21 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr) ~~and (e)~~ shall be used by
22 the school district solely for the purposes for which paid. Such moneys are exempt
23 from execution, attachment, garnishment, or other process in favor of creditors,
24 except as to claims for salaries or wages of teachers and other school employees and
25 as to claims for school materials, supplies, fuel, and current repairs.

SECTION 2764

1 ***-1693/7.5*** SECTION 2764. 121.02 (1) (a) 1. of the statutes is amended to read:

2 121.02 (1) (a) 1. Ensure that every teacher, supervisor, administrator and
3 professional staff member holds a certificate, license or permit to teach issued by the
4 department before entering on duties for such position. This subdivision does not
5 apply to supervisors, administrators, or noninstructional, professional staff
6 members of school boards with expanded flexibility under s. 118.39.

7 ***-2358/4.43*** ***-1880/3.26*** SECTION 2765. 121.02 (1) (r) of the statutes is
8 amended to read:

9 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
10 a standardized reading test developed by the department board on education
11 evaluation and accountability to all pupils enrolled in the school district in grade 3,
12 including pupils enrolled in charter schools located in the school district.

13 ***-1590/3.4*** SECTION 2766. 121.05 (1) (a) 10. of the statutes is amended to read:

14 121.05 (1) (a) 10. Pupils attending a private school or agency under contract
15 with the board under s. ~~119.235~~ 118.37.

16 ***-1631/1.1*** SECTION 2767. 121.07 (6) (d) 1. of the statutes is repealed and
17 recreated to read:

18 121.07 (6) (d) 1. The “secondary ceiling cost per member” is \$6,900 in the
19 2001–02 school year and \$7,300 in the 2002–03 school year.

20 ***-1631/1.2*** SECTION 2768. 121.07 (6) (d) 2. of the statutes is amended to read:

21 121.07 (6) (d) 2. The “secondary ceiling cost per member” in the ~~1997–98~~
22 ~~2003–04~~ school year and in each school year thereafter is an amount determined by
23 multiplying the secondary ceiling cost per member in the previous school year by 1.0
24 plus the rate certified under s. 73.03 (46) expressed as a decimal.

25 ***-0886/3.10*** SECTION 2769. 121.09 (1) of the statutes is amended to read:

1 121.09 (1) If, on or after July 1, 1980, the tax appeals commission or a court
2 makes a final redetermination on the assessment of property subject to taxation
3 under s. 70.995 that is lower than the previous assessment, or if, on or after January
4 1, 1982, the state board of assessors makes a final redetermination on the
5 assessment of property subject to taxation under s. 70.995 that is lower than the
6 previous assessment, the school board of the school district in which the property is
7 located may, within 4 years after the date of the determination, decision, or
8 judgment, file the determination of the state board of assessors, the decision of the
9 tax appeals commission, or the judgment of the court with the state superintendent,
10 requesting an adjustment in state aid to the school district. If the state
11 superintendent determines that the determination, decision, or judgment is final
12 and that it has been filed within the 4-year period, the state shall pay to the school
13 district in the subsequent fiscal year, from the ~~appropriations~~ appropriation under
14 s. 20.255 (2) (ac) and (q), an amount equal to the difference between the state aid
15 computed under s. 121.08 for the school year commencing after the year subject to
16 the valuation recertification, using the school district's equalized valuation as
17 originally certified, and the state aid computed under s. 121.08 for that school year
18 using the school district's equalized valuation as recertified under s. 70.57 (2).

19 ***-1395/3.1*** SECTION 2770. 121.105 (2) (a) 1. of the statutes is renumbered
20 121.105 (2) (am) and amended to read:

21 121.105 (2) (am) If a school district would receive less in state aid in the current
22 year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to
23 85% of the sum of the state aid that it received in the previous school year and the
24 adjustment, if any, made under s. 121.15 (4) (b) in the current school year, its state

1 aid for the current school year shall be increased to an amount equal to 85% of the
2 state aid received in the previous school year.

3 *~~1395/3.2~~* SECTION 2771. 121.105 (2) (a) 2. of the statutes is repealed.

4 *~~1395/3.3~~* SECTION 2772. 121.105 (2) (a) 3. of the statutes is repealed.

5 *~~0886/3.11~~* SECTION 2773. 121.105 (3) of the statutes is amended to read:

6 121.105 (3) In the school year in which a school district consolidation takes
7 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the
8 consolidated school district's state aid shall be an amount that is not less than the
9 aggregate state aid received by the consolidating school districts in the school year
10 prior to the school year in which the consolidation takes effect. The additional state
11 aid shall be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
12 (e).

13 *~~0960/2.3~~* SECTION 2774. 121.14 (1) of the statutes is amended to read:

14 121.14 (1) State aid shall be paid to each district, operator of a charter school
15 under s. 118.40 (2r), or county children with disabilities education board only for
16 those academic summer classes or laboratory periods that are for necessary
17 academic purposes, as defined by the state superintendent by rule. Recreational
18 programs and team sports shall not be eligible for aid under this section, and pupils
19 participating in such programs shall not be counted as pupils enrolled under s.
20 121.004 (5) nor shall costs associated with such programs be included in shared costs
21 under s. 121.07 (6).

22 *~~0960/2.4~~* SECTION 2775. 121.14 (2) (b) of the statutes is amended to read:

23 121.14 (2) (b) Annually on or before October 1, the school district clerk,
24 appropriate administrator of a charter school under s. 118.40 (2r), or chairperson of

1 the county children with disabilities education board shall file with the department
2 a report stating the summer average daily membership equivalent.

3 ***-0886/3.12* SECTION 2776.** 121.15 (1m) (a) (intro.) and 3. of the statutes are
4 consolidated, renumbered 121.15 (1m) (a) and amended to read:

5 121.15 (1m) (a) Notwithstanding subs. (1) and (1g), ~~a portion of state aid to~~
6 ~~school districts shall be distributed as follows:~~ 3. Beginning beginning in the
7 1999-2000 school year, annually the state shall pay to school districts, from the
8 appropriation under s. 20.255 (2) (ac), \$75,000,000 on the 4th Monday in July of the
9 following school year.

10 ***-0886/3.13* SECTION 2777.** 121.15 (1m) (a) 1. of the statutes is repealed.

11 ***-0886/3.14* SECTION 2778.** 121.15 (1m) (a) 2. of the statutes is repealed.

12 ***-0886/3.15* SECTION 2779.** 121.15 (1m) (b) of the statutes is amended to read:

13 121.15 (1m) (b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced
14 proportionally to reflect ~~the payments~~ payment made under par. (a). School districts
15 shall treat the ~~payments~~ payment made in July under par. (a) as if ~~they~~ it had been
16 received in the previous school year.

17 ***-0886/3.16* SECTION 2780.** 121.15 (3m) (a) 1. of the statutes is amended to
18 read:

19 121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids,
20 other than the ~~amounts~~ amount appropriated under s. 20.255 (2) (bi) ~~and (cv);~~
21 property taxes levied for school districts; and aid paid to school districts under s.
22 79.095 (4), less the amount of any revenue limit increase under s. 121.91 (4) (a) 2. due
23 to a school board's increasing the services that it provides by adding responsibility
24 for providing a service transferred to it from another school board, less the amount

1 of any revenue limit increase under s. 121.91 (4) (a) 3., and less the amount of any
2 revenue limit increase under s. 121.91 (4) (h).

3 ***-0940/4.1* SECTION 2781.** 121.79 (1) (d) (intro.) of the statutes is amended to
4 read:

5 121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or
6 group homes, if the foster home, treatment foster home, or group home is located
7 outside the school district in which the pupil's parent or guardian resides and either
8 of the following applies:

9 ***-0940/4.2* SECTION 2782.** 121.79 (1) (d) 1. of the statutes is repealed.

10 ***-0940/4.3* SECTION 2783.** 121.79 (1) (d) 3. of the statutes is created to read:

11 121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
12 and at least 4% of the pupils enrolled in the school district reside in foster homes,
13 treatment foster homes, or group homes that are not exempt under s. 70.11.
14 Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
15 subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

16 ***-0886/3.17* SECTION 2784.** 121.85 (6) (e) of the statutes is amended to read:

17 121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be
18 paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and (q).

19 ***-0886/3.18* SECTION 2785.** 121.85 (8) of the statutes is amended to read:

20 121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section
21 shall be subject to the same rules and regulations as resident pupils and shall have
22 the responsibilities, privileges, and rights of resident pupils in the school district or
23 attendance area. Subject to this subsection, a pupil transferring schools under either
24 sub. (3) (a) or (b) has the right to complete his or her education at the elementary,

1 middle, or high school to which he or she transfers so long as full funding therefor
2 is available under s. 20.255 (2) (ac) ~~and (q)~~.

3 ***-0886/3.19* SECTION 2786.** 121.85 (9) (c) of the statutes is amended to read:

4 121.85 (9) (c) The obligation under par. (a) to organize planning councils shall
5 apply only with regard to school terms for which full pupil transfer aids are
6 appropriated under s. 20.255 (2) (ac) ~~and (q)~~ and planning council assistance funds
7 are appropriated under s. 20.255 (1) (a).

8 ***-0941/2.1* SECTION 2787.** 121.90 (1) (d) of the statutes is amended to read:

9 121.90 (1) (d) In determining a school district's revenue limit in the 2001-02
10 school year, a number equal to 20% of the summer enrollment in the year 1999 shall
11 be included in the number of pupils enrolled on the 3rd Friday of September 1999;
12 a number equal to 40% of the summer enrollment in the year 2000 shall be included
13 in the number of pupils enrolled on the 3rd Friday of September 2000; and a number
14 equal to 40% 25% of the summer enrollment in the year 2001 shall be included in the
15 number of pupils enrolled on the 3rd Friday of September 2001.

16 ***-0941/2.2* SECTION 2788.** 121.90 (1) (dm) of the statutes is amended to read:

17 121.90 (1) (dm) In determining a school district's revenue limit in the 2002-03
18 school year, a number equal to 40% of the summer enrollment in the year 2000 shall
19 be included in the number of pupils enrolled on the 3rd Friday of September 2000;
20 a number equal to 40% 25% of the summer enrollment in the year 2001 shall be
21 included in the number of pupils enrolled on the 3rd Friday of September 2001; and
22 a number equal to 40% 25% of the summer enrollment in the year 2002 shall be
23 included in the number of pupils enrolled on the 3rd Friday of September 2002.

24 ***-0941/2.3* SECTION 2789.** 121.90 (1) (dr) of the statutes is amended to read:

1 121.90 (1) (dr) In determining a school district's revenue limit in the 2003–04
2 school year and in each school year thereafter, a number equal to 40% 25% of the
3 summer enrollment shall be included in the number of pupils enrolled on the 3rd
4 Friday of September of each appropriate school year.

5 ***-0935/4.1*** SECTION 2790. 121.905 (1) of the statutes is amended to read:

6 121.905 (1) In this section, "revenue ceiling" means \$6,300 \$6,700 in the
7 ~~1999–2000~~ 2001–02 school year and in any subsequent school year means \$6,500
8 \$6,900.

9 ***-2057/1.2*** SECTION 2791. 121.905 (3) (c) of the statutes is repealed and
10 recreated to read:

11 121.905 (3) (c) For the limit for the 2001–02 school year or for any school year
12 thereafter, add \$220.29 to the result under par. (b).

13 ***-2057/1.3*** SECTION 2792. 121.91 (2m) (e) (intro.) of the statutes is amended
14 to read:

15 121.91 (2m) (e) (intro.) Except as provided in subs. (3) and (4), no school district
16 may increase its revenues for the ~~1999–2000~~ 2001–02 school year or for any school
17 year thereafter to an amount that exceeds the amount calculated as follows:

18 ***-2057/1.4*** SECTION 2793. 121.91 (2m) (e) 2. of the statutes is repealed.

19 ***-2057/1.5*** SECTION 2794. 121.91 (2m) (e) 3. of the statutes is repealed and
20 recreated to read:

21 121.91 (2m) (e) 3. Add \$220.29 to the result under subd. 1.

22 ***-2057/1.6*** SECTION 2795. 121.91 (2m) (r) 1. b. of the statutes is repealed and
23 recreated to read:

24 121.91 (2m) (r) 1. b. Add \$220.29 to the result under subd. 1. a.

1 ***-2057/1.7*** SECTION 2796. 121.91 (2m) (r) 2. b. of the statutes is amended to
2 read:

3 121.91 (2m) (r) 2. b. For the school year beginning on the first July 1 following
4 the effective date of the reorganization the average of the number of pupils in the
5 current and the previous school years shall be used under pars. (c) 4., (d) 4., and (e)
6 ~~3. 4.~~ instead of the average of the number of pupils in the current and the 2 preceding
7 school years.

8 ***-1598/1.10*** SECTION 2797. 121.91 (3) (a) of the statutes is amended to read:

9 121.91 (3) (a) If a school board wishes to exceed the limit under sub. (2m)
10 otherwise applicable to the school district in any school year, it shall promptly adopt
11 a resolution supporting inclusion in the final school district budget of an amount
12 equal to the proposed excess revenue. The resolution shall specify whether the
13 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
14 proposed excess revenue is for both recurring and nonrecurring purposes, the
15 amount of the proposed excess revenue for each purpose. The resolution shall be filed
16 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
17 shall notify the department of the scheduled date of the referendum and submit a
18 copy of the resolution to the department. The school board shall call a special
19 referendum for the purpose of submitting the resolution to the electors of the school
20 district for approval or rejection. ~~In lieu of a special referendum, the school board~~
21 ~~may specify that the referendum be held at the next succeeding spring primary or~~
22 ~~election or September primary or general election, if such election is to be held not~~
23 ~~sooner than 42 days after the filing of the resolution of the school board, or at a special~~
24 ~~election held on the Tuesday after the first Monday in November in an~~
25 ~~odd-numbered year if that date occurs not earlier than 42 days after the filing of the~~

1 resolution of the school board. The school district clerk shall certify the results of the
2 referendum to the department within 10 days after the referendum is held.

3 ***-1513/2.1* SECTION 2798.** 121.91 (4) (dg) of the statutes is created to read:

4 121.91 (4) (dg) Notwithstanding par. (d), if a school district's revenue in the
5 preceding school year was less than the limit under sub. (2m) in the preceding school
6 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
7 current school year, and the increase in aid was less than the amount determined
8 under subd. 2., the limit otherwise applicable to the school district's revenue in the
9 current school year under sub. (2m) is increased by an amount determined as follows:

10 1. Determine the increase in aid under s. 121.15 (4) (b).

11 2. Subtract the school district's revenue in the preceding school year from the
12 school district's limit under sub. (2m) in the preceding school year.

13 3. Subtract from subd. 2. the amount determined under subd. 1. and multiply
14 the remainder by 0.75.

15 4. Add the results under subds. 1. and 3.

16 ***-1513/2.2* SECTION 2799.** 121.91 (4) (dr) of the statutes is created to read:

17 121.91 (4) (dr) Notwithstanding par. (d), if a school district's revenue in the
18 preceding school year was less than the limit under sub. (2m) in the preceding school
19 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
20 current school year, and the increase in aid was equal to or greater than the amount
21 determined under par. (dg) 2., the limit otherwise applicable to the school district's
22 revenue in the current school year under sub. (2m) is increased by the difference
23 between the amount of its revenue in the preceding school year and the amount of
24 the limit in the preceding school year under sub. (2m).

25 ***-0890/1.1* SECTION 2800.** 121.92 (2) (c) of the statutes is amended to read:

1 121.92 (2) (c) If the amount of the deductions under pars. (a) and (b) is
2 insufficient to cover the excess revenue, order the school board to reduce the property
3 tax obligations of its taxpayers by an amount that represents the remainder of the
4 excess revenue. The school district's refunds to taxpayers who have already paid
5 their taxes shall be increased by interest at the rate of 0.5% per month. If the school
6 board violates the order, any resident of the school district may seek injunctive relief.
7 This paragraph does not apply to property taxes levied for the purpose of paying the
8 principal and interest on valid bonds or notes issued by the school board.

9 *-2318/3.1* SECTION 2801. 125.04 (12) (c) of the statutes is created to read:

10 125.04 (12) (c) *Retail license or permit for the same premises.* No municipality
11 may issue a Class "A," "Class A," Class "B," "Class B," or "Class C" license, and the
12 department may not issue a Class "B" or "Class B" permit, to an applicant if the
13 premises described in the application for a license or permit is already covered by a
14 current license or permit of the same kind unless all of the following apply:

15 1. The applicant provides proof to the municipality or department that, not less
16 than 15 days nor more than 30 days before submitting the application, the current
17 licensee or permittee for the premises has provided to the applicant the name and
18 address of each fermented malt beverages wholesaler to whom the current licensee
19 or permittee is indebted.

20 2. The applicant provides proof to the municipality or department that, not less
21 than 15 days nor more than 30 days before submitting the application, the applicant
22 has notified each wholesaler identified under subd. 1. of the address and current
23 name of the premises for which the license or permit application is made, of the name
24 and address of the current licensee or permittee, and that the applicant is applying
25 for a license or permit for the premises.

SECTION 2801

1 3. The current licensee or permittee is not in violation of s. 125.33 (7) or 125.69
2 (4) unless the violation consists of an indebtedness discharged in bankruptcy.

3 4. The current licensee or permittee is not the subject of any proceeding under
4 s. 125.12.

5 *~~1301/5.103~~* SECTION 2802. 125.05 (2) (h) of the statutes is amended to read:

6 125.05 (2) (h) *Number of electors.* The number of electors in a residence district
7 shall equal not less than the number of names with residences in the district which
8 appear on ~~a~~ the registration list, as defined in s. 5.02 (17). ~~If there is no registration~~
9 ~~list, the number of electors shall equal the number of names with residences in the~~
10 ~~district which appear on a poll list as defined in s. 5.02 (14) compiled at the last~~
11 ~~gubernatorial or presidential election, whichever is most recent, for the residence~~
12 ~~district on the date that the remonstrance, consent, or counter petition is filed. A~~
13 ~~person whose name does not appear on a registration list or poll list may not sign a~~
14 ~~protest petition, consent or counter petition.~~

15 *~~2318/3.2~~* SECTION 2803. 125.06 (8) of the statutes is amended to read:

16 125.06 (8) SALE BY SECURED PARTY. The sale of alcohol beverages by a secured
17 party in good faith under the terms of a security agreement, if the sale is not for the
18 purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course
19 of the business of lending money secured by a security interest in alcohol beverages
20 or warehouse receipts or other evidence of ownership. A sale of fermented malt
21 beverages must be made within 30 days after the secured party takes possession of
22 the fermented malt beverages unless the secured party demonstrates good cause
23 why a sale in compliance with s. 409.504 or the security agreement cannot be made
24 within this time period.

25 *~~2318/3.3~~* SECTION 2804. 125.145 of the statutes is amended to read:

1 **125.145 Prosecutions by attorney general.** Upon request by the secretary
2 of revenue, the attorney general may represent this state or assist a district attorney
3 in prosecuting any case arising under this chapter. Notwithstanding s. 971.19 (6),
4 upon request by the secretary of revenue, the attorney general may commence any
5 action to enforce s. 125.30 (1) in the circuit court for Dane County.

6 ***-2318/3.4* SECTION 2805.** 125.17 (6) (a) (intro.) of the statutes is amended to
7 read:

8 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
9 body may issue an operator's license unless the applicant has successfully completed
10 a responsible beverage server training course at any location that is offered by a
11 technical college district and that conforms to curriculum guidelines specified by the
12 technical college system board or a comparable training course, which may include
13 computer-based training and testing, that is approved by the department or the
14 educational approval board, or unless the applicant fulfills one of the following
15 requirements:

16 ***-2318/3.5* SECTION 2806.** 125.30 (6) of the statutes is created to read:

17 125.30 (6) Notwithstanding s. 125.11, the department shall issue a written
18 warning to any person located outside this state who sells or ships fermented malt
19 beverages into this state in violation of sub. (1) if the person has not previously
20 received a warning under this section. Any person located outside this state who
21 sells or ships fermented malt beverages into this state in violation of sub. (1) and who
22 has been previously issued a written warning under this subsection shall be fined not
23 more than \$10,000 or imprisoned for not more than 2 years or both.

24 ***-2318/3.6* SECTION 2807.** 125.33 (2) (a) of the statutes is amended to read:

1 125.33 (2) (a) Give to any campus or Class "B" licensee or permittee, during any
2 calendar year, for placement inside the premises, signs, clocks, or menu boards with
3 an aggregate value of not more than ~~\$150~~ \$2,500. If a gift of any item would cause
4 the ~~\$150~~ \$2,500 limit to be exceeded, the recipient shall pay the brewer or wholesaler
5 the amount of the item's value in excess of ~~\$150~~ \$2,500. ~~Each recipient shall keep~~
6 ~~an invoice or credit memo containing the name of the donor~~ Both the donating brewer
7 or wholesaler and the recipient shall keep written documentation containing the
8 name of the recipient and donor and the number and value of items received provided
9 under this paragraph. The value of an item is its cost to the donor. Each donor and
10 recipient shall make the records kept under this paragraph available to the
11 department for inspection upon request.

12 *~~2318/3.7~~* SECTION 2808. 125.33 (2) (b) 2. of the statutes is amended to read:

13 125.33 (2) (b) 2. Signs made from paper ~~or~~, cardboard, plastic, or vinyl, or signs
14 made from other materials with a useful life of less than one year, for placement
15 inside the premises, not withstanding the aggregate value limitation of par. (a).

16 *~~2318/3.8~~* SECTION 2809. 125.33 (2) (L) of the statutes is renumbered 125.33
17 (2) (L) 1.

18 *~~2318/3.9~~* SECTION 2810. 125.33 (2) (L) 2. of the statutes is created to read:

19 125.33 (2) (L) 2. Purchase advertising from any person who does not hold a
20 license or permit under this chapter and who conducts a bona fide advertising,
21 promotional, or media business, to promote brewer or wholesaler sponsored
22 sweepstakes, contests, or promotions on the premises of Class "B" licensees or
23 permittees if the advertising or promotional material or media includes at least 5
24 unaffiliated Class "B" licensees and if the Class "B" licensee on whose premises the

1 event will occur does not receive compensation, directly or indirectly, for hosting the
2 event.

3 ***-2318/3.10* SECTION 2811.** 125.33 (2) (L) 3. of the statutes is created to read:

4 125.33 (2) (L) 3. Conduct its own sweepstakes, contests, or promotions on the
5 premises of Class “B” licensees or permittees if the advertising or promotional
6 material or media for the event includes at least 5 unaffiliated Class “B” licensees
7 and if the Class “B” licensee on whose premises the event will occur does not receive
8 compensation, directly or indirectly, for hosting the event.

9 ***-2318/3.11* SECTION 2812.** 125.33 (2) (n) 2. of the statutes is amended to read:

10 125.33 (2) (n) 2. Notwithstanding subd. 1., no brewer or wholesaler may
11 provide business entertainment to a Class “B” licensee or permittee under subd. 1.
12 in one day that has a value exceeding \$75 \$500, and no brewer or wholesaler may
13 provide business entertainment to a Class “B” licensee or permittee under subd. 1.
14 on more than 12 days in any calendar year.

15 ***-2318/3.12* SECTION 2813.** 125.33 (2s) of the statutes is amended to read:

16 125.33 (2s) EXCEPTION FOR RETAIL TRADE ASSOCIATION CONTRIBUTIONS.
17 Notwithstanding the prohibitions in sub. (1), a brewer ~~that produces 350,000 or more~~
18 ~~barrels of fermented malt beverages annually~~ or wholesaler may contribute money
19 or other things of value to a bona fide national ~~or statewide, or local~~ trade association
20 which derives its principle income from membership dues of Class “B” licensees.

21 ***-0392/3.31* SECTION 2814.** Chapter 126 of the statutes is created to read:

22 **CHAPTER 126**

23 **AGRICULTURAL PRODUCER SECURITY**

24 **SUBCHAPTER I**

25 **GENERAL**

1 **126.01 General definitions.** In this chapter:

2 (1) “Affiliate” means any of the following persons:

3 (a) An owner, major stockholder, partner, officer, director, member, employee,
4 or agent of a contractor.

5 (b) A person owned, controlled, or operated by a person under par. (a).

6 (2) “Asset” means anything of value owned by a person.

7 (3) “Audited financial statement” means a financial statement on which an
8 independent certified public accountant, or an independent public accountant
9 holding a certificate of authority under ch. 442, has done all of the following:

10 (a) Stated that the financial statement presents fairly, in all material respects,
11 the financial position of a contractor as of a specific date or for a specific period,
12 according to one of the following:

13 1. Generally accepted accounting principles.

14 2. The historical cost basis method of accounting, if the financial statement is
15 a sole proprietor’s personal financial statement and the financial statement is
16 prepared on a historical cost basis.

17 (b) Conducted an audit according to generally accepted auditing standards.

18 (4) “Balance sheet” means a statement of assets, liabilities, and equity on a
19 specific date.

20 (5) “Contractor,” unless otherwise qualified, means any of the following:

21 (a) A grain dealer, as defined in s. 126.10 (9).

22 (b) A grain warehouse keeper, as defined in s. 126.25 (9).

23 (c) A milk contractor, as defined in s. 126.40 (8).

24 (d) A vegetable contractor, as defined in s. 126.55 (14).

1 (6) "Current assets" means cash and other assets, including trade or
2 investment items, that may be readily converted into cash in the ordinary course of
3 business within one year after the date as of which the value of those assets is
4 determined.

5 (7) "Current liabilities" means those liabilities that are due within one year
6 after the date as of which the value of those liabilities is determined.

7 (8) "Department" means the department of agriculture, trade and consumer
8 protection.

9 (9) "Equity" means the value of assets less the value of liabilities.

10 (10) "Equity statement" means a report of the change in equity from the
11 beginning to the end of the accounting period covered by the report.

12 (11) "Fund" means the agricultural producer security fund established under
13 s. 25.463.

14 (12) "Generally accepted accounting principles" means the accounting
15 standards adopted by the Financial Accounting Standards Board, except that for a
16 business entity organized and operating outside the United States "generally
17 accepted accounting principles" includes generally accepted foreign accounting
18 standards that are substantially equivalent to standards adopted by the Financial
19 Accounting Standards Board.

20 (13) "Grain" means corn, wheat, soybeans, oats, barley, rye, buckwheat,
21 sorghum, flax seed, milo, sunflower seed, and mixed grain, as defined in 7 CFR
22 810.801, except that "grain" does not include any of the following:

23 (a) Sweet corn or other canning crops for processing.

1 (b) Seed corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax
2 seed, milo, sunflower seed, or mixed grain used or intended for use solely for planting
3 purposes.

4 (c) Corn, wheat, soybeans, oats, barley, rye, buckwheat, sorghum, flax seed,
5 milo, sunflower seed, or mixed grain that has been rolled, cracked, roasted, or
6 otherwise processed.

7 (14) “Income statement” means a report of the financial results of business
8 operations for a specific period.

9 (15) “Individual” means a natural person.

10 (16) “Interim financial statement” means a statement of financial condition
11 prepared for a period shorter than a fiscal year.

12 (17) “Milk” has the meaning given in s. 97.22 (1) (e).

13 (18) “Person,” notwithstanding s. 990.01 (26), means an individual,
14 corporation, cooperative, partnership, limited liability company, trust, state agency,
15 as defined in s. 20.001 (1), local governmental unit, as defined in s. 66.0131 (1) (a),
16 or other legal entity.

17 (19) “Producer,” unless otherwise qualified, means a grain producer, as defined
18 in s. 126.10 (10), milk producer, as defined in s. 126.40 (10), or vegetable producer,
19 as defined in s. 126.55 (16).

20 (20) “Reviewed financial statement” means a contractor’s financial statement,
21 other than an audited financial statement, if all of the following apply:

22 (a) The contractor attests in writing, under oath, that the financial statement
23 is complete and accurate.