

SENATE BILL 55

1 111.70 (4) (cm) 8s. Forms for determining costs; determination of fringe
2 benefits coverage. a. The commission shall prescribe forms for calculating the total
3 increased cost to the municipal employer of compensation and fringe benefits
4 provided to school district professional employees. The cost shall be determined
5 based upon the total cost of compensation and fringe benefits provided to school
6 district professional employees who are represented by a labor organization on the
7 90th day before expiration of any previous collective bargaining agreement between
8 the parties, or who were so represented if the effective date is retroactive, or the 90th
9 day prior to commencement of negotiations if there is no previous collective
10 bargaining agreement between the parties, without regard to any change in the
11 number, rank or qualifications of the school district professional employees. For
12 purposes of such determinations, any cost increase that is incurred on any day other
13 than the beginning of the 12-month period commencing with the effective date of the
14 agreement or any succeeding 12-month period commencing on the anniversary of
15 that effective date shall be calculated as if the cost increase were incurred as of the
16 beginning of the 12-month period beginning on the effective date or anniversary of
17 the effective date in which the cost increase is incurred. In each collective bargaining
18 unit to which subd. 5s. applies, the municipal employer shall transmit to the
19 commission and the labor organization a completed form for calculating the total
20 increased cost to the municipal employer of compensation and fringe benefits
21 provided to the school district professional employees covered by the agreement as
22 soon as possible after the effective date of the agreement.

23 ***-0911/4.3*** SECTION 2609. 111.70 (4) (cm) 8s. b. of the statutes is created to
24 read:

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1 111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits
2 provided to municipal employees are maintained by a municipal employer under a
3 qualified economic offer, the commission shall consider substantially similar health
4 care benefits to be identical to existing health care benefits. Rules promulgated by
5 the office of the commissioner of insurance under s. 601.415 (13) shall be used to
6 determine if the health care benefits are substantially similar.

7 *~~2338/1.1~~* **SECTION 2610.** 111.70 (4) (jm) 4. k. of the statutes is created to read:

8 111.70 (4) (jm) 4. k. Establish a system for conducting interrogations of
9 members of the police department that is limited to the hours between 7 a.m. and 5
10 p.m. on working days, as defined in s. 227.01 (14), if the interrogations could lead to
11 disciplinary action, demotion, or dismissal.

12 *~~1590/3.1~~* **SECTION 2611.** 111.70 (4) (m) (title), 1., 2. and 4. of the statutes are
13 amended to read:

14 111.70 (4) (m) (title) *Prohibited subjects of bargaining: school districts.*

15 1. Reassignment of municipal employees ~~who perform services for a board of~~
16 ~~school directors under ch. 119~~, with or without regard to seniority, as a result of a
17 decision of the ~~board of school directors~~ municipal employer to contract with an
18 ~~individual or group~~ a person to operate a school as a charter school, as defined in s.
19 115.001 (1), or to convert a school to a charter school, or the impact of any such
20 reassignment on the wages, hours, or conditions of employment of the municipal
21 employees ~~who perform those services~~.

22 2. Reassignment of municipal employees ~~who perform services for a board of~~
23 ~~school directors~~, with or without regard to seniority, as a result of the decision of the
24 ~~board~~ municipal employer to close or reopen a school under s. ~~119.18 (23)~~ 118.36, or

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1 the impact of any such reassignment on the wages, hours, or conditions of
2 employment of the municipal employees ~~who perform those services.~~

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

7 ***-1613/1.1* SECTION 2612.** 111.70 (4) (m) 5. of the statutes is created to read:

8 111.70 (4) (m) 5. Layoff or reassignment of municipal employees, with or
9 without regard to seniority, as provided under s. 117.25 (1) (e), or the impact of any
10 such layoff or reassignment on the wages, hours, or conditions of employment of the
11 municipal employees.

12 ***-1693/7.3* SECTION 2613.** 111.70 (4) (m) 7. of the statutes is created to read:

13 111.70 (4) (m) 7. Assignment of municipal employees, with or without regard
14 to seniority, in any school district designated a school district with expanded
15 flexibility under s. 118.39, or the impact of any such assignment on the wages, hours,
16 or conditions of employment of the municipal employees.

17 ***-1392/3.1* SECTION 2614.** 111.70 (4) (m) 8. of the statutes is created to read:

18 111.70 (4) (m) 8. The establishment of the school calendar. This subdivision
19 shall not be construed to eliminate a school district's duty to bargain collectively with
20 respect to the impact of the school calendar on wages, hours, and conditions of
21 employment of the municipal employees who perform services for a school district.

22 ***-0911/4.4* SECTION 2615.** 111.70 (4) (o) of the statutes is created to read:

23 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,
24 the municipal employer is not required to bargain collectively with respect to the
25 selection of any group health care benefits provider for school district professional

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1 employees if the provider offers health care benefits coverage that is substantially
2 similar to that offered by other providers in bids submitted under s. 120.12 (24).
3 Rules promulgated by the office of the commissioner of insurance under s. 601.415
4 (13) shall be used to determine if health care benefits coverage offered by different
5 providers is substantially similar.

6 ***-1151/4.1* SECTION 2616.** 115.28 (7) (a) of the statutes is amended to read:

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

13 ***-1903/1.1* SECTION 2617.** 115.28 (7) (b) of the statutes is amended to read:

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

24 ***-1151/4.2* SECTION 2618.** 115.28 (7) (c) of the statutes is amended to read:

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1 115.28 (7) (c) Subject to ~~s. ss. 118.19 (4m)~~ and 118.195, license and make rules
2 for the examination and licensing of persons, including teachers, employed to
3 provide publicly funded special education and related services, as those terms are
4 defined in s. 115.76 (14) and (15).

5 ***-1151/4.3*** **SECTION 2619.** 115.28 (7) (e) 2. of the statutes is amended to read:

6 115.28 (7) (e) 2. ~~Promulgate~~ Subject to ss. 118.19 and 118.195, promulgate rules
7 establishing requirements for licensure as an alternative education program teacher
8 and for the approval of teacher education programs leading to licensure as an
9 alternative education program teacher. The rules shall encompass the teaching of
10 multiple subjects or grade levels or both, as determined by the state superintendent.
11 The rules may require teacher education programs to grant credit towards licensure
12 as an alternative education program teacher for relevant experience or
13 demonstrated proficiency in relevant skills and knowledge.

14 ***-1601/2.1*** **SECTION 2620.** 115.28 (9) of the statutes is amended to read:

15 115.28 (9) **FEDERAL AIDS.** Accept federal funds for any function over which the
16 state superintendent has jurisdiction ~~and~~, act as the agent for the receipt and
17 disbursement of such funds, and distribute to school districts the maximum amount
18 of such funds allowed under federal law except those funds provided for
19 administrative purposes.

20 ***-0916/6.2*** **SECTION 2621.** 115.28 (26) of the statutes is amended to read:

21 115.28 (26) **PERIODICAL AND REFERENCE INFORMATION DATABASES.** Contract with
22 one or more persons to provide statewide access, through the Internet, to periodical
23 and reference information databases. The state superintendent shall charge each
24 school district a fee for use of the databases.

25 ***-1694/11.12*** **SECTION 2622.** 115.28 (27) of the statutes is repealed.

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1 ***-1602/1.1*** **SECTION 2623.** 115.28 (30) (c) of the statutes is created to read:

2 115.28 **(30)** (c) Ensure that the vocational education consultants employed by
3 the department coordinate their activities with, and support the activities of, the
4 staff of the governor's work-based learning board under s. 106.12.

5 ***-1623/2.3*** **SECTION 2624.** 115.28 (33) of the statutes is repealed and recreated
6 to read:

7 115.28 **(33)** GRANTS FOR CONSOLIDATION AND COORDINATION STUDIES. From the
8 appropriation under s. 20.255 (2) (es), award grants to 2 or more school districts that
9 are considering consolidating or coordinating the provision of educational services
10 for the purpose of studying the feasibility of the consolidation or coordination. The
11 department shall promulgate rules to implement and administer this subsection.

12 ***-1694/11.13*** **SECTION 2625.** 115.28 (42) of the statutes is created to read:

13 115.28 **(42)** WISCONSIN GEOGRAPHICAL EDUCATION PROGRAM. Enter into an
14 agreement with the National Geographical Society Education Foundation to
15 establish a geographical education program in this state. The agreement shall
16 require each of the following:

17 (a) That the National Geographical Society Education Foundation shall
18 establish and manage a trust fund consisting of any grant made under 2001
19 Wisconsin Act (this act), section 9101 (10) (b), and \$500,000 in matching funds
20 provided by the Foundation.

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

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

6 (d) That, if the trust fund established under par. (a) is dissolved, the National
7 Geographical Society Education Foundation shall return to the department the
8 grant made under 2001 Wisconsin Act ... (this act), section 9101 (10) (b), and
9 unexpended income thereon.

10 (e) That the agreement is not effective unless the secretary of administration
11 determines that the transfer between the appropriation accounts described under
12 2001 Wisconsin Act ... (this act), section 9101 (10) (b), has occurred and that the
13 National Geographical Society Education Foundation has provided the matching
14 funds described in par. (a).

15 ***-1699/2.1* SECTION 2626.** 115.285 of the statutes is created to read:

16 **115.285 Rule making; distance education.** (1) In this section, “distance
17 education” means education that is characterized by separation, in time or place,
18 between the teacher and the pupil, and includes courses that are taught principally
19 through the use of video or audio transmission or transmission over the Internet.

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

24 ***-1151/4.4* SECTION 2627.** 115.29 (6) of the statutes is created to read:

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1 115.29 (6) LICENSING OF TEACHERS. Establish different levels of teacher
2 licensure, such as initial, professional, and master licenses, and promulgate rules
3 establishing different standards for each level.

4 *-1903/1.2* SECTION 2628. 115.31 (title) of the statutes is amended to read:

5 115.31 (title) **License or permit limitation, suspension, and revocation;**
6 **reports; investigation.**

7 *-1903/1.3* SECTION 2629. 115.31 (1) (d) of the statutes is created to read:

8 115.31 (1) (d) “License” includes a permit issued under s. 118.192.

9 *-1903/1.4* SECTION 2630. 115.31 (1) (e) of the statutes is created to read:

10 115.31 (1) (e) “Limit” has the meaning under s. 440.01 (1) (d).

11 *-1903/1.5* SECTION 2631. 115.31 (1) (f) of the statutes is created to read:

12 115.31 (1) (f) “Suspend” has the meaning under s. 440.01 (1) (h).

13 *-1903/1.6* SECTION 2632. 115.31 (2) of the statutes is amended to read:

14 115.31 (2) Except as provided under sub. (2g), after written notice of the
15 charges and of an opportunity for defense, any license granted by the state
16 superintendent may be limited, suspended, or revoked by the state superintendent
17 for incompetency or immoral conduct on the part of the licensee.

18 *-1903/1.7* SECTION 2633. 115.31 (2g) of the statutes is renumbered 115.31
19 (2g) (intro.) and amended to read:

20 115.31 (2g) (intro.) Notwithstanding subch. II of ch. 111, the state
21 superintendent shall revoke a license granted by the state superintendent, without
22 a hearing, if the licensee is convicted of any of the following:

23 (a) A Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and
24 940.205, for a violation that occurs on or after September 12, 1991.

25 *-1903/1.8* SECTION 2634. 115.31 (2g) (b) of the statutes is created to read:

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1 115.31 (2g) (b) A crime under the law of another state or another country that
2 is substantially similar to a crime specified under par. (a), for a violation that occurs
3 on or after the effective date of this paragraph [revisor inserts date].

4 ***-1903/1.9*** SECTION 2635. 115.31 (2g) (br) of the statutes is created to read:

5 115.31 (2g) (br) A Class BC felony under ch. 940 or 948 for a violation that
6 occurs on or after the effective date of this paragraph [revisor inserts date].

7 ***-1903/1.10*** SECTION 2636. 115.31 (6) (b) of the statutes is amended to read:

8 115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person
9 licensed by the state superintendent, the state superintendent shall investigate to
10 determine whether to initiate limitation, suspension, or revocation proceedings.
11 During the investigation, the state superintendent shall keep confidential all
12 information pertaining to the investigation except the fact that an investigation is
13 being conducted and the date of the limitation, suspension, or revocation hearing.

14 ***-1903/1.11*** SECTION 2637. 115.31 (6) (c) of the statutes is amended to read:

15 115.31 (6) (c) Notwithstanding s. 16.61 (4), the department shall destroy all
16 information pertaining to an investigation or a limitation, suspension, or revocation
17 proceeding, other than the fact that a person was convicted of a crime described
18 under sub. (3) (a) 1., 3 years from the date on which the investigation is terminated
19 or a final decision denying limitation, suspension, or revocation of the person's
20 license is issued, whichever is later.

21 ***-1903/1.12*** SECTION 2638. 115.31 (7m) of the statutes is created to read:

22 115.31 (7m) At the request of the state superintendent, an educational agency
23 shall disclose to the state superintendent all records relating to an employee or
24 former employee of the educational agency who is licensed by the state
25 superintendent if the state superintendent has commenced an investigation to

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1 determine whether to initiate limitation, suspension, or revocation proceedings
2 under this section. The state superintendent shall keep confidential all information
3 disclosed under this subsection.

4 ***-2358/4.9* *-1880/3.7* SECTION 2639.** 115.38 (1) of the statutes is
5 renumbered 115.38 (1r), and 115.38 (1r) (intro.), (b) 2. and (c), as renumbered, are
6 amended to read:

7 115.38 (1r) (intro.) The ~~state superintendent~~ board shall develop a school and
8 school district performance report for use by school districts under sub. (2). The
9 report shall include all of the following by school and by school district:

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

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

23 ***-2358/4.10* *-1880/3.8* SECTION 2640.** 115.38 (1g) of the statutes is created
24 to read:

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

3 *~~2358/4.11~~* *~~1880/3.9~~* **SECTION 2641.** 115.38 (2) of the statutes is amended
4 to read:

5 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
6 1, each school board shall distribute to the parent or guardian of each pupil enrolled
7 in the school district, including pupils enrolled in charter schools located in the school
8 district, or give to each pupil to bring home to his or her parent or guardian, a school
9 and school district performance report that includes the information specified by the
10 state superintendent board under sub. (1) (1r).

11 *~~2358/4.12~~* *~~1880/3.10~~* **SECTION 2642.** 115.38 (3) of the statutes is
12 amended to read:

13 115.38 (3) Annually, the ~~state superintendent~~ board shall publish and
14 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
15 (2).

16 *~~2358/4.13~~* *~~1702/1.1~~* **SECTION 2643.** 115.38 (4) of the statutes is amended
17 to read:

18 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
19 Annually, the state superintendent shall identify those school districts that are low
20 in performance and those schools in which there are pupils enrolled who do not meet
21 the state minimum performance standards on the examinations administered under
22 s. 118.30. The state superintendent shall make recommendations regarding how the
23 programs and operations of the identified school districts and schools may be
24 improved ~~and~~. Each school district shall review the recommendations and develop

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1 an improvement plan. The state superintendent shall periodically assess school
2 district implementation of the ~~recommendations~~ plans.

3 ***-2358/4.14* *-1880/3.11* SECTION 2644.** 115.38 (4) of the statutes, as affected
4 by 2001 Wisconsin Act (this act), is amended to read:

5 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
6 districts that are low in performance and those schools in which there are pupils
7 enrolled who do not meet the state minimum performance standards on the
8 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
9 make recommendations regarding how the programs and operations of the identified
10 school districts and schools may be improved. Each school district shall review the
11 recommendations and develop an improvement plan. The ~~state superintendent~~
12 board shall periodically assess school district implementation of the plans.

13 ***-2358/4.15* *-1702/1.2* SECTION 2645.** 115.38 (5) of the statutes is created
14 to read:

15 115.38 (5) Annually, the state superintendent shall publish and distribute to
16 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
17 and schools that are identified under sub. (4).

18 ***-2358/4.16* SECTION 2646.** 115.38 (5) of the statutes, as created by 2001
19 Wisconsin Act (this act), is amended to read:

20 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
21 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
22 school districts and schools that are identified under sub. (4).

23 ***-1705/4.1* SECTION 2647.** 115.385 of the statutes is created to read:

24 **115.385 Bureau for school improvement.** (1) In this section, “bureau”
25 means the bureau for school improvement in the department.

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

6 (3) The department shall enter into agreements with school districts under s.
7 230.047 for the temporary assignment of licensed teachers to the department for
8 inclusion on the school improvement teams under sub. (2). Approval of the secretary
9 of employment relations is not required for an agreement under this subsection.

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

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

 ****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.

13 *~~1775/4.2~~* **SECTION 2648.** 115.415 of the statutes is created to read:

14 **115.415 School performance grants.** (1) Beginning in the 2003-04 school
15 year, the department shall, from the appropriation under s. 20.255 (2) (fj), award
16 grants to school boards on behalf of schools in school districts that demonstrate
17 improved performance over the previous school year. The department shall, after
18 considering the proposed criteria submitted under 2001 Wisconsin Act (this act),
19 section 9140 (5), promulgate rules to implement and administer this section. The
20 rules shall include, as criteria for grant eligibility, dropout rates, graduation rates,
21 improvement in pupils' academic performance and in teachers' knowledge and skills,
22 and the number of teachers certified by the National Board for Professional Teaching
23 Standards. In promulgating its rules, the department shall specify the weight

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1 assigned to each criterion, except that the department shall assign 75% of the weight
2 to improvement in pupils' academic performance.

3 (2) The department may not award grants under sub. (1) to more than 6 school
4 boards in the same school year and shall ensure that the amount of each grant does
5 not exceed \$2,000 multiplied by the number of employees in all schools in the school
6 district that meet the performance requirements contained in the rules promulgated
7 under sub. (1). The department may not award a grant after June 30, 2004, to a
8 school board that was ineligible to receive a grant before that date. The department
9 may renew grants to school boards that received grants before June 30, 2004, if their
10 schools continue, without interruption, to meet performance requirements
11 contained in the rules promulgated under sub. (1).

12 *-1151/4.5* SECTION 2649. 115.42 (1) (a) 3. of the statutes is repealed.

13 *-1151/4.6* SECTION 2650. 115.42 (1) (b) of the statutes is amended to read:

14 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
15 costs of obtaining certification under par. (a) 1. that are borne by the person, not to
16 exceed \$2,000. The department shall award the grant under this subsection in the
17 school year in which the person is certified under par. (a) 1., except that if the person
18 becomes certified under par. (a) 1. while he or she is not a resident of this state, the
19 department shall award the grant under this subsection in the first school year in
20 which the person meets the requirements under par. (a).

21 *-1151/4.7* SECTION 2651. 115.42 (2) (intro.) of the statutes is renumbered
22 115.42 (2) (a) (intro.) and amended to read:

23 115.42 (2) (a) (intro.) The department shall award a 9 grants of \$2,500 grant
24 each to each person who received a grant under sub. (1) ~~in each of the 9 school years~~

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1 following the school year in which he or she received the grant if the person satisfies
2 all of the following requirements:

3 ***-1151/4.8* SECTION 2652.** 115.42 (2) (a) and (b) of the statutes are renumbered
4 115.42 (2) (a) 1. and 2.

5 ***-1151/4.9* SECTION 2653.** 115.42 (2) (bL) of the statutes is created to read:
6 115.42 (2) (bL) The department shall award the grants under this subsection
7 annually, one grant in each of the school years following the school year in which the
8 grant under sub. (1) was awarded and in which the person satisfies the requirements
9 under par. (a).

10 ***-1151/4.10* SECTION 2654.** 115.42 (2) (c) of the statutes is repealed.

11 ***-1151/4.11* SECTION 2655.** 115.42 (2) (d) of the statutes is renumbered 115.42
12 (2) (a) 4.

13 ***-1903/1.13* SECTION 2656.** 115.425 (5) of the statutes, as affected by 1999
14 Wisconsin Act 32, is amended to read:

15 115.425 (5) Propose to the state superintendent standards and procedures for
16 limiting, suspending, or revoking a teaching license.

17 ***-0850/1.4* SECTION 2657.** 115.43 (2) (d) of the statutes is created to read:

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

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1 *~~1903/1.14~~* **SECTION 2658.** 115.46 (3) (e) of the statutes is amended to read:

2 115.46 (3) (e) The certification or other acceptance of a person who has been
3 accepted pursuant to the terms of a contract shall not be revoked or otherwise
4 impaired because the contract has expired or been terminated. However, any
5 certificate or other qualifying document may be revoked, limited, or suspended on
6 any ground which would be sufficient for revocation or suspension of a certificate or
7 other qualifying document initially granted or approved in the receiving state.

8 *~~1828/1.1~~* **SECTION 2659.** 115.77 (3) of the statutes is amended to read:

9 115.77 (3) Any state ~~or federal~~ aid that is made available to a local educational
10 agency for special education and related services ~~shall~~ may be used by the local
11 educational agency only to comply with this subchapter ~~or for the purposes, specified~~
12 in 20 USC 1413 (a), (f), or (g).

13 *~~1828/1.2~~* **SECTION 2660.** 115.77 (4) (d) of the statutes is repealed.

14 *~~1828/1.3~~* **SECTION 2661.** 115.78 (2) (c) of the statutes is repealed.

15 *~~1828/1.4~~* **SECTION 2662.** 115.782 (2) (e) of the statutes is amended to read:

16 115.782 (2) (e) ~~Each individualized education program team participant person~~
17 who administers tests, assessments or other evaluation materials as part of an
18 evaluation or reevaluation of a child under this section shall prepare and make
19 available to all ~~team participants~~ persons who are participating in the evaluation of
20 the child, at a ~~team~~ meeting, a written summary of the ~~participant's~~ person's findings
21 that will assist with program planning.

22 *~~1828/1.5~~* **SECTION 2663.** 115.782 (3) (b) of the statutes is amended to read:

23 115.782 (3) (b) If the individualized education program team determines that
24 a child is a child with a disability, the team shall prepare an evaluation report that
25 includes documentation of determination of eligibility. The local educational agency

SENATE BILL 55**SECTION 2663**

1 ~~shall give a copy of the evaluation report to the child's parents.~~ The local educational
2 agency shall also ask each individualized education program team participant if he
3 or she wants a copy of the evaluation report or additional time before the
4 individualized education program team develops the child's individualized
5 education program. If any individualized education program team participant
6 requests a copy of the evaluation report at any point in the process of developing the
7 child's individualized education program or considering the child's educational
8 placement, the local educational agency shall give a copy of the report to each
9 individualized education program team participant before continuing with the
10 process. ~~If no individualized education program team participant requests a copy of~~
11 ~~the evaluation report, the local educational agency shall give a copy to the child's~~
12 ~~parents with the notice of placement under s. 115.792 (2).~~

13 ***-1828/1.6* SECTION 2664.** 115.782 (3) (c) of the statutes is amended to read:

14 115.782 (3) (c) If the individualized education program team determines that
15 a child is not a child with a disability, the team shall prepare an evaluation report.
16 The report shall identify any educational needs of the child and any services offered
17 by the local educational agency from which the child may benefit and shall include
18 information about any programs and services, other than those offered by the local
19 educational agency, that may benefit the child. The local educational agency shall
20 give a copy of the evaluation report to the child's parents ~~with the notice under s.~~
21 ~~115.792 (1) (b).~~

22 ***-1828/1.7* SECTION 2665.** 115.782 (4) (a) (intro.) of the statutes is amended
23 to read:

24 115.782 (4) (a) (intro.) A local educational agency shall ~~ensure that the~~
25 ~~individualized education program team does~~ do all of the following:

SENATE BILL 55**SECTION 2666**

1 ***-1828/1.8*** **SECTION 2666.** 115.787 (2) (g) 1. of the statutes is amended to read:

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

8 ***-0886/3.8*** **SECTION 2667.** 115.88 (2) of the statutes is amended to read:

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

23 ***-0885/3.1*** **SECTION 2668.** 115.88 (8m) of the statutes is created to read:

24 115.88 (8m) **SUPPLEMENTAL AID.** (a) If an operator of a charter school
25 established under s. 118.40 (2r), a school district, a county, or a cooperative

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1 educational service agency incurs special education costs for a pupil that equal or
2 exceed \$50,000, the department shall, beginning in the 2002-03 school year,
3 reimburse the operator, school district, county, or cooperative educational service
4 agency from the appropriation under s. 20.255 (2) (b) an amount calculated as
5 follows:

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

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

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

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

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

16 ***-1690/3.1* SECTION 2669.** 115.882 of the statutes is renumbered 115.882 (1)
17 and amended to read:

18 **115.882 Payment of state aid.** (1) Funds appropriated under s. 20.255 (2)
19 (b) shall be used first for the purpose purposes of s. 115.88 (4) and (8m). Costs Except
20 as provided under sub. (2), costs eligible for reimbursement from the appropriations
21 appropriation under s. 20.255 (2) (b) and (br) under ss. 115.88 (1m) to (3), (6), and (8),
22 115.93, and 118.255 (4) shall be reimbursed at a rate set to distribute the full amount
23 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.

SENATE BILL 55**SECTION 2670**

1 *~~1690/3.2~~* **SECTION 2670.** 115.882 (2) of the statutes is created to read:

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

3 1. “Eligible charter school” means a charter school established under s. 118.40
4 (2r) that is receiving state aid under sub. (1).

5 2. “Eligible school district” means a school district that is receiving state aid
6 under sub. (1).

7 3. “Membership” has the meaning given in s. 121.004 (5).

8 (b) Beginning in the 2001–02 school year, the department shall distribute to
9 eligible school districts and eligible charter schools, in the manner described in pars.
10 (c) and (d), the following portion of the amount appropriated under s. 20.255 (2) (b):

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

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

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

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

18 1. Divide the eligible school district’s membership, or the number of pupils
19 attending the eligible charter school, by the sum of the memberships of all eligible
20 school districts and the number of pupils attending all eligible charter schools.

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

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

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

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

7 *~~1700/1.1~~* **SECTION 2671.** 115.898 of the statutes is renumbered 115.898 (1).

8 *~~1700/1.2~~* **SECTION 2672.** 115.898 (2) of the statutes is created to read:

9 115.898 (2) To the extent practicable, the state superintendent shall ensure
10 that all rules promulgated under the authority of this subchapter are identical to the
11 federal regulations adopted under the authority of 20 USC 1400 to 1487.

12 *~~1701/1.1~~* **SECTION 2673.** 115.97 (2) of the statutes is amended to read:

13 115.97 (2) If, in a language group under s. 115.96 (1), there are 10 or more
14 limited-English proficient pupils in kindergarten to grade 3 in attendance at a
15 particular elementary school and whose parents or legal custodians give written
16 consent to such pupils' placement under s. 115.96 (3), the school board shall establish
17 a bilingual-bicultural education program for such pupils during the school term.
18 ~~Such program shall be taught by a bilingual teacher.~~

19 *~~1701/1.2~~* **SECTION 2674.** 115.97 (3) of the statutes is amended to read:

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

SENATE BILL 55**SECTION 2675**

1 ***-1701/1.3*** **SECTION 2675.** 115.97 (5) (a) (intro.) of the statutes is amended to
2 read:

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

9 ***-1623/2.4*** **SECTION 2676.** 116.12 of the statutes is created to read:

10 **116.12 Grants to develop services for school districts.** A board of control
11 or a consortium of 2 or more boards of control may apply to the department for a grant
12 to fund the development, for school districts, of education services that are unrelated
13 to instruction. As a condition of receiving a grant, a board of control or a consortium
14 shall provide matching funds in an amount equal to at least 50% of the amount of
15 the grant. A grant may not exceed \$300,000. The department shall award grants
16 from the appropriation under s. 20.255 (2) (fh). The department shall promulgate
17 rules to implement and administer this section.

18 ***-1301/5.101*** **SECTION 2677.** 117.20 (2) of the statutes is amended to read:

19 117.20 (2) The clerk of each affected school district shall publish notice, as
20 required under s. 8.55, in the territory of that school district. The procedures for
21 school board elections under s. 120.06 ~~(5)~~, (9), (11), (13) and (14) apply to a
22 referendum held under this section. The school board and school district clerk of each
23 affected school district shall each perform, for that school district, the functions
24 assigned to the school board and the school district clerk, respectively, under those
25 subsections. The form of the ballot shall correspond to the form prescribed by the

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1 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school
2 district shall file with the secretary of the board a certified statement prepared by
3 the school district board of canvassers of the results of the referendum in that school
4 district.

5 ***-1613/1.2* SECTION 2678.** 117.25 (1) (e) of the statutes is created to read:

6 117.25 (1) (e) For 60 days after the effective date, the school district
7 administrator of the new school district may lay off or reassign school district
8 employees without regard to seniority in service.

9 ***-1392/3.2* SECTION 2679.** 118.045 (3) of the statutes is amended to read:

10 118.045 (3) A school board may commence the school term before September
11 1 in any school year if it holds a public hearing on the issue after April 30 of the
12 previous school year and adopts a resolution to that effect ~~in that school year.~~

13 ***-1151/4.12* SECTION 2680.** 118.19 (3) (a) of the statutes is amended to read:

14 118.19 (3) (a) No license to teach in any public school may be issued unless the
15 applicant possesses a bachelor's degree including such professional training as the
16 department by rule requires, except as permitted under par. (b), subs. (13) and (14),
17 and ss. 115.28 (17) (a) and 118.192. Notwithstanding s. 36.11 (16), no teacher
18 preparatory program in this state may be approved by the state superintendent
19 under s. 115.28 (7) (a), unless each student in the program is required to complete
20 student teaching consisting of full days for a full semester following the daily
21 schedule and semester calendar of the cooperating school. ~~No~~ Except as provided in
22 subs. (13) and (14), no license to teach in any public school may be granted to an
23 applicant who completed a professional training program outside this state unless
24 the applicant completed student teaching consisting of full days for a full semester
25 following the daily schedule and semester calendar of the cooperating school or the

SENATE BILL 55**SECTION 2680**

1 equivalent, as determined by the state superintendent. The state superintendent
2 may grant exceptions to the student teaching requirements under this paragraph
3 when the midyear calendars of the institution offering the teacher preparatory
4 program and the cooperating school differ from each other and would prevent
5 students from attending classes at the institution in accordance with the
6 institution's calendar. The state superintendent shall promulgate rules to
7 implement this subsection.

8 ***-1903/1.15* SECTION 2681.** 118.19 (4) (a) of the statutes is amended to read:

9 118.19 (4) (a) Notwithstanding subch. II of ch. 111, the state superintendent
10 may not grant a license to any person who has been convicted of any Class A, B, C,
11 or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent
12 crime in another state or country, for a violation that occurs on or after September
13 12, 1991, but before the effective date of this paragraph [revisor inserts date], for
14 6 years following the date of the conviction, and may grant the license only if the
15 person establishes by clear and convincing evidence that he or she is entitled to the
16 license.

17 ***-1903/1.16* SECTION 2682.** 118.19 (4) (am) of the statutes is created to read:

18 118.19 (4) (am) Notwithstanding subch. II of ch. 111, the state superintendent
19 may not grant a license to any person who has been convicted of any Class A, B, BC,
20 C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of a
21 substantially similar crime in another state or country, for a violation that occurs on
22 or after the effective date of this paragraph [revisor inserts date], for 6 years
23 following the date of the conviction, and may grant the license only if the person
24 establishes by clear and convincing evidence that he or she is entitled to the license.

25 ***-1903/1.17* SECTION 2683.** 118.19 (4) (b) of the statutes is amended to read:

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1 118.19 (4) (b) Notwithstanding ~~par.~~ pars. (a) and (am), the state
2 superintendent shall grant a license to a person convicted of a crime described under
3 par. (a) or (am), prior to the expiration of the 6-year period following the conviction,
4 if the conviction is reversed, set aside, or vacated.

5 ***-1151/4.13*** **SECTION 2684.** 118.19 (4m) of the statutes is amended to read:

6 118.19 (4m) ~~The~~ Except as provided in subs. (13) and (14), the state
7 superintendent may not issue or renew a license to teach the visually impaired
8 unless the applicant demonstrates, based on criteria established by the state
9 superintendent by rule, that he or she is proficient in reading and writing braille and
10 in teaching braille. In promulgating rules under this subsection, the state
11 superintendent shall take into consideration the standard used by the librarian of
12 congress for certifying braille transcribers.

13 ***-1151/4.14*** **SECTION 2685.** 118.19 (6) of the statutes is amended to read:

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

20 ***-1151/4.15*** **SECTION 2686.** 118.19 (7) of the statutes is amended to read:

21 118.19 (7) ~~No certificate or~~ Except as provided in subs. (13) and (14), no license
22 to teach industrial arts subjects may be issued unless the applicant has had 3 years
23 of practical experience beyond apprenticeship or 4 years of institutional training in
24 such subjects. ~~For purposes of salary schedules and promotion, any person teaching~~
25 ~~an industrial arts subject on January 1, 1936, who had 5 years of practical or teaching~~

SENATE BILL 55**SECTION 2686**

1 ~~experience in such subject shall be deemed to have the equivalent of a bachelor's~~
2 ~~degree.~~

3 ***-1151/4.16* SECTION 2687.** 118.19 (8) of the statutes is amended to read:

4 118.19 (8) The Except as provided in subs. (13) and (14), the state
5 superintendent may not grant to any person a license to teach unless the person has
6 received instruction in the study of minority group relations, including instruction
7 in the history, culture, and tribal sovereignty of the federally recognized American
8 Indian tribes and bands located in this state.

9 ***-1151/4.17* SECTION 2688.** 118.19 (9) (a) (intro.) of the statutes is amended
10 to read:

11 118.19 (9) (a) (intro.) Except as provided in par. (b) and subs. (13) and (14), the
12 state superintendent may not issue an initial teaching license, school district
13 administrator's license, or school administrator's license unless the applicant has
14 demonstrated competency in all of the following:

15 ***-1903/1.18* SECTION 2689.** 118.19 (10) (f) of the statutes is amended to read:

16 118.19 (10) (f) The state superintendent shall keep confidential all information
17 received under this subsection from the department of justice or the federal bureau
18 of investigation. Except as provided in par. pars. (g) and (h), such information is not
19 subject to inspection or copying under s. 19.35.

20 ***-1903/1.19* SECTION 2690.** 118.19 (10) (h) of the statutes is created to read:

21 118.19 (10) (h) At the request of an educational agency and upon receiving
22 signed consent from the employee or applicant, the state superintendent shall
23 release to the educational agency the results of a background investigation under
24 this subsection if the background investigation concerns a person who is employed
25 by the educational agency or who is applying for a position with the educational

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1 agency. The educational agency shall keep confidential all information released
2 under this paragraph.

3 ***-1151/4.18*** SECTION 2691. 118.19 (12) of the statutes is amended to read:

4 118.19 (12) ~~Beginning~~ Except as provided in subs. (13) and (14), beginning on
5 July 1, 1998, the department may not issue or renew a license that authorizes the
6 holder to teach reading or language arts to pupils in any prekindergarten class or in
7 any of the grades from kindergarten to 6 unless the applicant has successfully
8 completed instruction preparing the applicant to teach reading and language arts
9 using appropriate instructional methods, including phonics. The phonics
10 instruction need not be provided as a separate course. In this subsection, "phonics"
11 means a method of teaching beginners to read and pronounce words by learning the
12 phonetic value of letters, letter groups, and syllables.

13 ***-1151/4.19*** SECTION 2692. 118.19 (13) of the statutes is created to read:

14 118.19 (13) (a) Upon request by a school board, the department shall grant a
15 temporary initial teaching license to any person who satisfies all of the requirements
16 for an initial teaching license other than the educational requirements if the school
17 board states in its request that it intends to employ the person as a teacher and that
18 at least one of the following apply:

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

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

23 3. The person served in the U.S. armed forces or in forces incorporated as part
24 of the U.S. armed forces for at least 5 consecutive years, was discharged under

SENATE BILL 55**SECTION 2692**

1 conditions other than dishonorable, and has practical or teaching experience in a
2 field related to the subject that he or she will teach.

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

7 (c) A temporary license granted under par. (a) is valid for 2 years and may not
8 be renewed. If a person who has been granted a temporary license under par. (a)
9 completes an alternative teacher training program approved by the department
10 before the expiration of the temporary license, the department shall grant an initial
11 teaching license to the person that shall be considered retroactively effective to the
12 date that the temporary license was granted. The department may not approve an
13 alternative teacher training program for the purposes of this paragraph unless it
14 consists of at least 100 hours of instruction over the course of no more than 2 years.

15 ***-1151/4.20* SECTION 2693.** 118.19 (14) of the statutes is created to read:

16 118.19 (14) Subject to subs. (1m), (1r), (1s), (4), and (10), the department shall
17 do all of the following:

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

20 (b) If the department establishes different levels of teacher licensure under s.
21 115.29 (6), grant the highest level of teacher's license to any person who holds a valid
22 license as a teacher issued by another state and is certified by the National Board
23 for Professional Teaching Standards.

24 ***-1775/4.3* SECTION 2694.** 118.245 (3) of the statutes is amended to read:

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1 118.245 (3) No school district may provide to its nonrepresented professional
2 employees for any 12-month period ending on June 30 an average increase for all
3 such employees in the total cost to the school district of compensation and fringe
4 benefits for such employees having an average cost per employee exceeding 3.8% of
5 the average total cost per employee of compensation and fringe benefits provided by
6 the school district to its nonrepresented professional employees for the preceding
7 12-month period ending on June 30 or the average total percentage increased cost
8 per employee of compensation and fringe benefits provided to its represented
9 professional employees during the 12-month period ending on June 30 preceding the
10 date that the increase becomes effective, whichever is greater. For purposes of this
11 subsection, the;

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

16 *~~1775/4.4~~* **SECTION 2695.** 118.245 (3) (b) of the statutes is created to read:

17 118.245 (3) (b) Any compensation received by nonrepresented professional
18 employees from a grant under s. 115.415 shall not be subject to the limitation under
19 this subsection.

20 *~~2358/4.17~~* *~~1880/3.12~~* **SECTION 2696.** 118.30 (1) of the statutes is
21 renumbered 118.30 (1d) and amended to read:

22 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
23 examinations designed to measure pupil attainment of knowledge and concepts in
24 the 4th, 8th and 10th grades.

SENATE BILL 55**SECTION 2696**

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

4 *~~2358/4.18~~* *~~1880/3.13~~* **SECTION 2697.** 118.30 (1b) of the statutes is created
5 to read:

6 118.30 (1b) In this section, “board” means the board on education evaluation
7 and accountability.

8 *~~2358/4.19~~* *~~1880/3.14~~* **SECTION 2698.** 118.30 (1g) (b) of the statutes is
9 amended to read:

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

22 *~~2358/4.20~~* *~~1880/3.15~~* **SECTION 2699.** 118.30 (1g) (c) of the statutes is
23 amended to read:

24 118.30 (1g) (c) Each school board operating elementary grades and each
25 operator of a charter school under s. 118.40 (2r) that operates elementary grades may

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1 develop or adopt its own examination designed to measure pupil attainment of
2 knowledge and concepts in the 4th grade and may develop or adopt its own
3 examination designed to measure pupil attainment of knowledge and concepts in the
4 8th grade. If the school board or operator of the charter school develops or adopts an
5 examination under this paragraph, it shall notify the ~~department~~ board.

6 *~~-2358/4.21~~* *~~-0888/1.1~~* **SECTION 2700.** 118.30 (1m) (a) of the statutes is
7 amended to read:

8 118.30 **(1m)** (a) 1. Except as provided in sub. (6), administer the 4th grade
9 examination adopted or approved by the state superintendent under sub. (1) to all
10 pupils enrolled in the school district, including pupils enrolled in charter schools
11 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
12 ~~school board has not developed and adopted its own 4th grade examination, the~~
13 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
14 ~~examination administered under this subdivision.~~

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

20 *~~-2358/4.22~~* *~~-1880/3.16~~* **SECTION 2701.** 118.30 (1m) (a) 1. of the statutes, as
21 affected by 2001 Wisconsin Act (this act), is amended to read:

22 118.30 **(1m)** (a) 1. Except as provided in sub. (6), administer the 4th grade
23 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
24 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
25 schools located in the school district, in the 4th grade.

SENATE BILL 55**SECTION 2702**

1 *~~-2358/4.23~~* *~~-0888/1.2~~* **SECTION 2702.** 118.30 (1m) (am) of the statutes is
2 amended to read:

3 118.30 **(1m)** (am) 1. Except as provided in sub. (6), administer the 8th grade
4 examination adopted or approved by the state superintendent under sub. (1) to all
5 pupils enrolled in the school district, including pupils enrolled in charter schools
6 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
7 ~~school board has not developed and adopted its own 8th grade examination, the~~
8 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
9 ~~examination administered under this subdivision.~~

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

15 *~~-2358/4.24~~* *~~-1880/3.17~~* **SECTION 2703.** 118.30 (1m) (am) 1. of the statutes,
16 as affected by 2001 Wisconsin Act (this act), is amended to read:

17 118.30 **(1m)** (am) 1. Except as provided in sub. (6), administer the 8th grade
18 examination adopted or approved by the state superintendent board under sub. (1)
19 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
20 schools located in the school district, in the 8th grade.

21 *~~-2358/4.25~~* *~~-0888/1.3~~* **SECTION 2704.** 118.30 (1r) (a) of the statutes is
22 amended to read:

23 118.30 **(1r)** (a) 1. Except as provided in sub. (6), administer the 4th grade
24 examination adopted or approved by the state superintendent under sub. (1) (a) to
25 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~

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1 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
2 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
3 ~~opportunities to take the examination administered under this subdivision.~~

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

9 ~~*-2358/4.26* *-1880/3.18*~~ **SECTION 2705.** 118.30 (1r) (a) 1. of the statutes, as
10 affected by 2001 Wisconsin Act (this act), is amended to read:

11 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
12 examination adopted or approved by the state superintendent board under sub. (1)
13 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

14 ~~*-2358/4.27* *-0888/1.4*~~ **SECTION 2706.** 118.30 (1r) (am) of the statutes is
15 amended to read:

16 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
17 examination adopted or approved by the state superintendent under sub. (1) (a) to
18 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
19 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
20 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
21 ~~opportunities to take the examination administered under this subdivision.~~

22 2. Beginning on July 1, 2002, if the operator of the charter school has developed
23 or adopted its own 8th grade examination, administer that examination to all pupils
24 enrolled in the charter school in the 8th grade. ~~The operator of the charter school~~

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1 shall ~~provide a pupil with at least 2 opportunities to take the examination~~
2 ~~administered under this subdivision.~~

3 ***-2358/4.28* *-1880/3.19* SECTION 2707.** 118.30 (1r) (am) 1. of the statutes,
4 as affected by 2001 Wisconsin Act (this act), is amended to read:

5 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
6 examination adopted or approved by the ~~state superintendent board~~ under sub. (1)
7 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

8 ***-2358/4.29* *-0910/5.1* SECTION 2708.** 118.30 (1s) of the statutes is created
9 to read:

10 118.30 (1s) (a) Annually, by September 15, the governing body of each private
11 school participating in the program under s. 119.23 shall notify the board whether
12 it will administer the examinations under par. (b) or (c) or both in the current school
13 year.

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

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

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

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

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

4 (c) If the private school notifies the board that it will administer the
5 examination under this paragraph, beginning in the 2002–03 school year the private
6 school shall administer the high school graduation examination developed by the
7 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
8 private school under s. 119.23. The governing body of the private school shall
9 administer the examination at least twice each school year and may administer the
10 examination only to pupils attending the 11th and 12th grades.

11 *~~2358/4.30~~* *~~0910/5.2~~* **SECTION 2709.** 118.30 (2) (b) 1. of the statutes is
12 amended to read:

13 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
14 subch. V of ch. 115, the school board ~~or~~ operator of ~~the~~ a charter school under s. 118.40
15 (2r), or governing body of a private school participating in the program under s.
16 119.23 and administering any of the examinations under sub. (1s), shall comply with
17 s. 115.77 (1m) (bg).

18 *~~2358/4.31~~* *~~0910/5.3~~* **SECTION 2710.** 118.30 (2) (b) 2. of the statutes is
19 amended to read:

20 118.30 (2) (b) 2. According to criteria established by the ~~state superintendent~~
21 board by rule, the school board ~~or~~ operator of ~~the~~ a charter school under s. 118.40 (2r),
22 or governing body of a private school participating in the program under s. 119.23
23 may determine not to administer an examination under this section to a
24 limited–English proficient pupil, as defined under s. 115.955 (7), may permit the

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1 pupil to be examined in his or her native language, or may modify the format and
2 administration of an examination for such pupils.

3 ~~*-2358/4.32*~~ ~~*-0910/5.4*~~ **SECTION 2711.** 118.30 (2) (b) 5. of the statutes is
4 created to read:

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

8 ~~*-2358/4.33*~~ ~~*-0891/1.3*~~ **SECTION 2712.** 118.30 (3) of the statutes is
9 renumbered 118.30 (3) (a) and amended to read:

10 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
11 allow a person to view an examination required to be administered under this section
12 if the person submits to the state superintendent a written request to do so within
13 90 days after the date of administration, ~~any of the examination required to be~~
14 ~~administered under this section.~~ This ~~subsection~~ paragraph does not apply while the
15 an examination is being developed or validated.

16 ~~*-2358/4.34*~~ **SECTION 2713.** 118.30 (3) (a) of the statutes, as affected by 2001
17 Wisconsin Act (this act), is amended to read:

18 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
19 examination required to be administered under this section if the person submits to
20 the ~~state superintendent~~ board a written request to do so within 90 days after the
21 date of administration of the examination. This paragraph does not apply while an
22 examination is being developed or validated.

23 ~~*-2358/4.35*~~ **SECTION 2714.** 118.30 (3) (b) of the statutes is created to read:

24 118.30 (3) (b) The state superintendent shall promulgate rules establishing
25 procedures to administer par. (a). To the extent feasible, the rules shall protect the

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1 security and confidentiality of the examinations required to be administered under
2 this section.

3 ***-2358/4.36* SECTION 2715.** 118.30 (3) (b) of the statutes, as created by 2001
4 Wisconsin Act ... (this act), is amended to read:

5 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
6 establishing procedures to administer par. (a). To the extent feasible, the rules shall
7 protect the security and confidentiality of the examinations required to be
8 administered under this section.

9 ***-2358/4.37* *-1880/3.22* SECTION 2716.** 118.30 (4) of the statutes is
10 amended to read:

11 118.30 (4) The ~~department~~ board shall study the utility of administering
12 technology-based performance assessments to pupils.

13 ***-2358/4.38* *-1880/3.23* SECTION 2717.** 118.30 (6) of the statutes is
14 amended to read:

15 118.30 (6) A school board and an operator of a charter school under s. 118.40
16 (2r) is not required to administer the 4th and 8th grade examinations adopted or
17 approved by the ~~state superintendent~~ board under sub. (1) (1d) if the school board
18 or the operator of the charter school administers its own 4th and 8th grade
19 examinations, the school board or operator of the charter school provides the ~~state~~
20 ~~superintendent~~ board with statistical correlations of those examinations with the
21 examinations adopted or approved by the ~~state superintendent~~ board under sub. (1)
22 (1d), and the federal department of education approves.

23 ***-2358/4.39* *-0910/5.5* SECTION 2718.** 118.30 (7) of the statutes is created
24 to read:

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

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

5 1. The board shall publish the aggregate results of all of the examinations
6 provided to the board.

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

8 *~~1151/4.21~~* **SECTION 2719.** 118.38 (1) (a) 7. of the statutes is amended to read:

9 118.38 (1) (a) 7. ~~Licensure or certification~~ Certification under s. 115.28 (7) or
10 (7m) ~~other than the licensure of the school district administrator or business~~
11 ~~manager.~~

12 *~~2358/4.40~~* *~~1880/3.24~~* **SECTION 2720.** 118.38 (1) (a) 8. of the statutes is
13 created to read:

14 118.38 (1) (a) 8. The school performance report under s. 115.38.

15 *~~1693/7.4~~* **SECTION 2721.** 118.39 of the statutes is created to read:

16 **118.39 School districts with expanded flexibility.** (1) A school board may,
17 by October 15 of an even-numbered year, apply to the department to have its school
18 district designated as a school district with expanded flexibility if all of the following
19 are true:

20 (a) For the 2 preceding school years, the percentage of pupils enrolled in the
21 school district who took each assessment administered under ss. 118.30 (1m) (a) and
22 (am) and 121.02 (1) (r) and whose score on each assessment administered under ss.
23 118.30 (1m) (a) and (am) and 121.02 (1) (r) was at the proficient level or above was
24 at least equal to the statewide average. This paragraph does not apply to a union
25 high school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **(5)** A school district with expanded flexibility, and, where appropriate, its
19 employees, are exempt from the requirements and free from the prohibitions of of ss.
20 118.015 (2) to (4), 118.017 (1), 118.019 (2), (3), and (5), 118.02, 118.03 (1), 118.153 (2)
21 (a), 118.162, 118.18, 118.22, 118.258, 118.33 (1) (b), 118.34 (1) and (3), 118.35 (3),
22 119.71, 119.73, 119.74, 119.75, 119.78, 120.125, and 121.02 (1) (b), (d), (e), (f) 1., (h),
23 (j) to (n), (q), and (t).

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

4 (b) From the appropriation under s. 20.255 (2) (fr), the department shall, in the
5 school year of identification under par. (a), award grants on a competitive basis to
6 school districts identified under par. (a) to help implement school district
7 decentralization plans, including training and providing technical assistance to
8 teachers to prepare them to work in decentralized school districts, meeting the
9 requirements under sub. (3), and creating school governances councils under sub. (4)

10 (a). The amount of a grant under this paragraph may not exceed \$7,500 multiplied
11 by the number of schools in the school district or \$100,000, whichever is less. A grant
12 recipient under this paragraph may spend the grant moneys during the school year
13 the grant is awarded and during the following school year.

14 (c) From the appropriation under s. 20.255 (2) (fs), the department shall, in the
15 school year of identification under par. (a), award grants on a competitive basis to
16 individual school districts identified under par. (a), to consortia consisting of 2 or
17 more school districts identified under par. (a), or to consortia consisting of 2 or more
18 school districts identified under par. (a) and a statewide organization that is a
19 member of the School Administrators Alliance, that submit written plans specifying
20 how the grant moneys will be used to train superintendents, principals, and
21 prospective principals to decentralize the administration of their school districts and
22 work effectively in decentralized school districts. A grant recipient under this
23 paragraph may spend the grant moneys during the school year the grant is awarded
24 and during the following school year.

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1 (7) The department shall promulgate rules to implement and administer this
2 section.

3 *~~0960/2.1~~* **SECTION 2722.** 118.40 (2r) (a) of the statutes is repealed and
4 recreated to read:

5 118.40 (2r) (a) In this subsection:

6 1. “Membership” means the sum of the number of pupils attending the charter
7 school in the current school year and the summer average daily membership
8 equivalent, as defined in s. 121.004 (8), for the summer of the previous school year.

9 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.

10 *~~0957/4.1~~* **SECTION 2723.** 118.40 (2r) (b) of the statutes is amended to read:

11 118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of
12 ~~the University of Wisconsin-Milwaukee and the Milwaukee area~~ a university within
13 the University of Wisconsin System, the board of control of a cooperative educational
14 service agency, and a technical college district board may establish by charter and
15 operate a charter school or, on behalf of their respective entities, may initiate a
16 contract with an individual or group to operate a school as a charter school. A charter
17 shall include all of the provisions specified under sub. (1m) (b) 3. to 14. A contract
18 shall include all of the provisions specified under sub. (1m) (b) 1. to 14. and shall
19 specify the effect of the establishment of the charter school on the liability of the
20 contracting entity under this paragraph. The contract may include other provisions
21 agreed to by the parties. The chancellor of ~~the University of Wisconsin-Milwaukee~~
22 a university within the University of Wisconsin System may not establish or enter

SENATE BILL 55**SECTION 2723**

1 into a contract for the establishment of a charter school under this paragraph
2 without the approval of the board of regents of the University of Wisconsin System.

3 ***-0957/4.2* SECTION 2724.** 118.40 (2r) (c) of the statutes is repealed and
4 recreated to read:

5 118.40 (2r) (c) Only pupils who reside in the school district in which the charter
6 school is located may attend the charter school, except that, if the charter school is
7 established or operated by the board of control of a cooperative educational service
8 agency, a pupil who resides in any school district served by the cooperative
9 educational service agency may attend the charter school.

10 ***-0960/2.2* SECTION 2725.** 118.40 (2r) (e) of the statutes is amended to read:

11 118.40 (2r) (e) From the appropriation under s. 20.255 (2) (fm), the department
12 shall pay to the operator of the charter school an amount equal to the sum of the
13 amount paid per pupil under this paragraph in the previous school year and the
14 amount of revenue increase per pupil allowed under subch. VII of ch. 121 in the
15 current school year, multiplied by the ~~number of pupils attending the charter school~~
16 membership. The department shall pay 25% of the total amount in September, 25%
17 in December, 25% in February, and 25% in June. The department shall send the
18 check to the operator of the charter school.

19 ***-0957/4.3* SECTION 2726.** 118.40 (7) (am) 2. of the statutes is amended to
20 read:

21 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
22 school located in the school district operating under ch. 119 that is converted to a
23 charter school is not an instrumentality of the any school district ~~operating under ch.~~
24 ~~119~~ and the no school board of that school district may not employ any personnel for
25 the charter school.

SENATE BILL 55**SECTION 2727**

1 ***-0957/4.4*** **SECTION 2727.** 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.

2 ***-1704/1.3*** **SECTION 2728.** 118.40 (9) of the statutes is created to read:

3 118.40 (9) CHARTER SCHOOL DEVELOPMENT LOANS. Beginning in the 2002–03
4 school year, from the appropriations under ss. 20.255 (2) (fz), (g), and (m), the state
5 superintendent shall make loans to school districts to support the establishment of
6 charter schools, other than charter schools established under sub. (2r). The funds
7 may be used for capital expenditures, staff or curriculum development, or other costs
8 of starting a charter school. The state superintendent shall allocate a total of
9 \$1,000,000 in the appropriation under s. 20.255 (2) (m) for loans under this
10 subsection. The term of a loan under this subsection is 5 years. The state
11 superintendent shall specify the annual repayment amount.

12 ***-0956/6.3*** **SECTION 2729.** 118.43 (2) (f) of the statutes is repealed.

13 ***-0956/6.4*** **SECTION 2730.** 118.43 (2) (g) of the statutes is created to read:

14 118.43 (2) (g) The department may renew an achievement guarantee contract
15 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
16 of receiving payments under a renewal of an achievement guarantee contract, a
17 school board shall maintain the reduction of class size achieved during the last school
18 year of the original achievement guarantee contract for the grades specified for the
19 last school year of the contract.

20 ***-0956/6.5*** **SECTION 2731.** 118.43 (3) (ar) (intro.) of the statutes is renumbered
21 118.43 (3) (ar) 1m. (intro.) and amended to read:

SENATE BILL 55**SECTION 2731**

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

4 *–0956/6.6* **SECTION 2732.** 118.43 (3) (ar) 1. to 3. of the statutes are
5 renumbered 118.43 (3) (ar) 1m. a. to c.

6 *–0956/6.7* **SECTION 2733.** 118.43 (3) (ar) 2m. of the statutes is created to read:

7 118.43 (3) (ar) 2m. For contracts that begin in the 2000–01 school year on behalf
8 of schools whose low-income pupil enrollment in the 2000–01 school year was less
9 than 50%, maintain for the 2001–02 to 2004–05 school years the reduced class size
10 achieved during the 2000–01 school year in at least grades kindergarten and one.

11 *–0956/6.8* **SECTION 2734.** 118.43 (6) (b) 7. of the statutes is amended to read:

12 118.43 (6) (b) 7. In the 2001–02 and 2002–03 school years, \$2,000 multiplied
13 by the number of low-income pupils enrolled in grades eligible for funding in each
14 school in the school district covered by contracts under sub. (3) (am) and by renewals
15 of contracts under sub. (2) (g). After making these payments, the department shall
16 pay school districts on behalf of schools that are covered by contracts under sub. (3)
17 (ar), an amount equal to \$2,000 multiplied by the number of low-income pupils
18 enrolled in grades eligible for funding in each school in the school district covered by
19 contracts under sub. (3) (ar).

20 *–0956/6.9* **SECTION 2735.** 118.43 (6) (b) 8. of the statutes is amended to read:

21 118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied
22 by the number of low-income pupils enrolled in grades eligible for funding in each
23 school in the school district covered by contracts under sub. (3) (ar) and by renewals
24 of contracts under sub. (2) (g).

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SECTION 2736

1 *~~-2358/4.41~~* *~~-0958/1.1~~* **SECTION 2736.** 118.43 (7) of the statutes is amended
2 to read:

3 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
4 department shall arrange for an evaluation of the program under this section and
5 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
6 that purpose. To ensure an impartial evaluation, the department shall select an
7 evaluator by using a competitive process.

8 *~~-2358/4.42~~* *~~-1880/3.25~~* **SECTION 2737.** 118.43 (7) of the statutes, as
9 affected by 2001 Wisconsin Act ... (this act), is amended to read:

10 118.43 (7) EVALUATION. ~~Annually, the department~~ board on education
11 evaluation and accountability shall arrange for an evaluation of the program under
12 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505
13 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
14 ~~department~~ board shall select an evaluator by using a competitive process.

15 *~~-0947/1.1~~* **SECTION 2738.** 118.51 (3) (a) 2. of the statutes is amended to read:

16 118.51 (3) (a) 2. A nonresident school board may not act on any application
17 received under subd. 1. until after the 3rd Friday following the first Monday in
18 February. If a nonresident school board receives more applications for a particular
19 grade or program than there are spaces available in the grade or program, the
20 nonresident school board shall determine which pupils to accept on a random basis,
21 after giving preference to pupils and to siblings of pupils who are already attending
22 public school in the nonresident school district. If a nonresident school board
23 determines that space is not otherwise available for open enrollment pupils in the
24 grade or program to which an individual has applied, the school board may

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SECTION 2738

1 nevertheless accept an applicant who is already attending school in the nonresident
2 school district or a sibling of the applicant.

3 *–0947/1.2* SECTION 2739. 118.51 (4) (a) 3. of the statutes is amended to read:
4 118.51 (4) (a) 3. A statement of the preference required under sub. (5)(e) (3) (a)
5 2.

6 *–0947/1.3* SECTION 2740. 118.51 (5) (a) (intro.) of the statutes is amended to
7 read:

8 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in ~~par. (e)~~ sub.
9 (3)(a) 2., the criteria for accepting and rejecting applications from nonresident pupils
10 under sub. (3) (a) may include only the following:

11 *–0947/1.4* SECTION 2741. 118.51 (5) (a) 1. of the statutes is amended to read:
12 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
13 grades within the nonresident school district, ~~including any.~~ In determining the
14 availability of space, the nonresident school board may consider criteria such as class
15 size limits, pupil–teacher ratios, pupils attending the school district for whom tuition
16 is paid under s. 121.78 (1) (a) or enrollment projections established by the
17 nonresident school board and may include in its count of occupied spaces pupils
18 attending the school district for whom tuition is paid under s. 121.78 (1) (a) and
19 pupils and siblings of pupils who have applied under sub. (3) (a) and are already
20 attending public school in the nonresident school district.

21 *–0947/1.5* SECTION 2742. 118.51 (5) (c) of the statutes is repealed.

22 *–1632/3.1* SECTION 2743. 118.51 (16) (a) 3. of the statutes is amended to read:
23 118.51 (16) (a) 3. The Two-thirds of the statewide average per pupil school
24 district cost for regular instruction, cocurricular activities, instructional support
25 services and pupil support services in the previous school year.

SENATE BILL 55**SECTION 2744**

1 *–0892/1.3* **SECTION 2744.** 118.52 (11) (b) of the statutes is amended to read:

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

12 *–1590/3.2* **SECTION 2745.** 119.18 (23) of the statutes is renumbered 118.36
13 and amended to read:

14 **118.36 School closings.** ~~The If a school board may close~~ closes any school that
15 it determines is low in performance ~~by adopting, it shall adopt~~ a resolution to that
16 effect. If the ~~superintendent of schools~~ school district administrator recommends to
17 the school board that a school be closed for low performance, he or she shall state the
18 reasons for the recommendation in writing. If the school board closes a school that
19 is low in performance, the ~~superintendent of schools~~ school district administrator
20 may reassign the school's staff members without regard to seniority in service. If the
21 school board reopens the school, the ~~superintendent of schools~~ school district
22 administrator may reassign staff members to the school without regard to seniority
23 in service.

24 *–1697/3.1* **SECTION 2746.** 119.23 (2) (a) (intro.) of the statutes is amended to
25 read:

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1 119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades
2 kindergarten to 12 who resides within the city or any private school located outside
3 the city that is situated on property any portion of which is located in the city may
4 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.

5 *–1697/3.2* SECTION 2747. 119.23 (2) (a) 1. of the statutes is amended to read:

6 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
7 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined
8 in accordance with criteria established by the director of the federal office of
9 management and budget.

10 *–0887/4.1* SECTION 2748. 119.23 (2) (a) 3. of the statutes is amended to read:

11 119.23 (2) (a) 3. The private school notified the state superintendent of its
12 intent to participate in the program under this section by ~~May~~ February 1 of the
13 previous school year. The notice shall specify the number of pupils participating in
14 the program under this section for which the school has space.

15 *–0887/4.2* SECTION 2749. 119.23 (2) (c) of the statutes is created to read:

16 119.23 (2) (c) 1. If the department receives a notice from a private school under
17 par. (a) 3., by March 1 the department shall notify the private school whether it is
18 eligible to participate in the program under this section. If the department
19 determines that the private school is ineligible, the notice shall include an
20 explanation of that determination.

21 2. If the department determines under subd. 1. that a private school is
22 ineligible, the private school may appeal the decision to the department within 14

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1 days after the decision. The department shall approve, reverse, or modify its decision
2 within 7 days of receiving an appeal.

3 ***-0887/4.3* SECTION 2750.** 119.23 (2) (d) of the statutes is created to read:

4 119.23 (2) (d) By August 1, a private school that intends to participate in the
5 program under this section in the current school year shall submit to the department
6 a report stating the number of pupils that will attend the private school under this
7 section in the current school year.

8 ***-1697/3.3* SECTION 2751.** 119.23 (2) (e) of the statutes is created to read:

9 119.23 (2) (e) A pupil who attends a private school under this section is eligible
10 to attend a private school under this section in succeeding school years even if the
11 pupil no longer meets the criterion under par. (a) 1.

12 ***-0887/4.4* SECTION 2752.** 119.23 (4) (a) of the statutes is amended to read:

13 119.23 (4) (a) Annually, on or before ~~October 15~~ September 1, a private school
14 participating in the program under this section shall file with the department a
15 report stating its summer average daily membership equivalent and its summer
16 choice average daily membership equivalent for the purpose of sub. (4m).

17 ***-0887/4.5* SECTION 2753.** 119.23 (5) of the statutes is amended to read:

18 119.23 (5) ~~The state superintendent shall~~ In order to ensure that pupils and
19 parents and guardians of pupils who reside in the city are informed annually of the
20 private schools participating in the program under this section, annually by May 15
21 the state superintendent shall publish a list of the private schools that have been
22 determined under sub. (2) (c) to be eligible to participate in the program under this
23 section in the succeeding school year.