2003 ASSEMBLY BILL 373

June 3, 2003 – Introduced by Representatives Rhoades, Gronemus, J. Wood, Vrakas, McCormick, Krawczyk, Albers, Hines, Friske, Ott, Olsen, Ladwig, Nass, Grothman, M. Lehman, Loeffelholz, Kerkman, Gundrum, Musser, Gunderson, Pettis, Hahn, Seratti and Gottlieb, cosponsored by Senators Harsdorf, Kanavas, Darling, Stepp, Roessler, A. Lasee, Schultz and Welch. Referred to Committee on Education.

AN ACT to repeal 118.38 (4); to amend 118.38 (3); to repeal and recreate 118.38 (2); and to create 118.38 (1) (a) 9. of the statutes; relating to: waivers of laws and administrative rules governing elementary and secondary education.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law authorizes the Department of Public Instruction (DPI), upon receiving a request from a school board, to waive any school board or school district requirement in the laws and administrative rules governing elementary and secondary education. Before making a request, the school board must hold a public hearing on the request in the school district. In determining whether to grant the waiver, DPI must consider whether the requirement impedes progress toward achieving a local improvement plan and, if the school district has adopted educational goals, whether it impedes progress toward achieving those goals.

This bill requires DPI to grant a waiver upon receiving a request from a school board if the school board has held a public hearing on the request. The bill also prohibits DPI from granting a waiver that would exempt a school district from the revenue limits.

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

2003 – 2004 Legislature

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1	SECTION 1. 118.38 (1) (a) 9. of the statutes is created to read:
2	118.38 (1) (a) 9. School district revenue limits under subch. VII of ch. 121.
3	SECTION 2. 118.38 (2) of the statutes is repealed and recreated to read:
4	118.38 (2) The department shall approve a request under sub. (1) (a) if the
5	school board complies with subs. (1) (b) and (1m).
6	SECTION 3. 118.38 (3) of the statutes is amended to read:
7	118.38 (3) A waiver is effective for 4 years. The department shall renew the
8	waiver for additional 4-year periods if the school board has evaluated the
9	educational and financial effects of the waiver over the previous 4-year period,
10	except that the department is not required to renew a waiver if the department
11	determines that the school district is not making adequate progress toward
12	improving pupil academic performance and held an additional public hearing in the
13	<u>school district</u> .
14	SECTION 4. 118.38 (4) of the statutes is repealed.
15	SECTION 5. Initial applicability.
16	(1) This act first applies to requests for waivers received by the department of
17	public instruction on the effective date of this subsection.

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(END)