

2003 DRAFTING REQUEST

Bill

Received: **04/08/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Christian Schneider**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Waiver of laws and rules

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 04/08/2003	kgilfoy 04/10/2003		_____			
/1	pgrant 05/01/2003	kgilfoy 05/01/2003	rschluet 04/11/2003	_____	amentkow 04/11/2003		
/2			jfrantze	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/01/2003 _____		05/01/2003	05/02/2003	

FE Sent For:

<END>

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/?	pgrant 04/08/2003	kgilfoy 04/10/2003					
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/1		12-5/1 Kmg	rschluet 04/11/2003		amentkow 04/11/2003		
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J 5/1

Jrs

5/1

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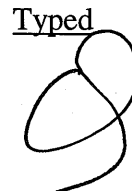
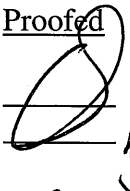
Topic:

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/?	pgrant	1 - 4/10 Kmg		 4-15-3			

FE Sent For:

<END>

Grant, Peter

From: Schneider, Christian
Sent: Tuesday, April 08, 2003 11:33 AM
To: Grant, Peter
Subject: Bill Draft Request re: DPI Waivers

THIS WAS ORIGINALLY SENT TO LONNIE LIEF, BUT HER AUTO REPLY SAID TO FORWARD IT TO YOU.

Peter:

Senator Harsdorf would like to request a bill draft relating to streamlining DPI waiver laws and rules. Under Wis. Stat. 118.38, the State Superintendent may grant school districts waivers from laws and rules, with some exceptions. School districts can request waivers from any requirements in chs. 115 to 121 or the administrative rules relating to those laws, with certain exceptions.

We would like to draft a bill that would change this waiver process. Under our bill, a school board could receive a waiver by holding a public hearing and submitting notice of its plan to DPI. All state assessments, basic student protections and accountability measures would remain in place (the exceptions in ch. 115 to 121).

Please contact me if you have any further questions.

Thanks.

Christian Schneider
Committee Clerk, Senate Committee on Higher Education and Tourism
Staff, Joint Committee on Finance
Office of State Senator Sheila Harsdorf
(608)266-7745
christian.schneider@legis.state.wi.us

2003

Date (time) needed

LRB - 2489, 1

BILL

D-NOTE

PG King:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to: waivers of laws and administrative rules governing elementary and secondary education.

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

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create -> anal: -> title: -> head

For the subheading, execute: create -> anal: -> title: -> sub

For the sub-subheading, execute: create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create -> anal: -> text

(attached)

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

SECTION #.

analysis

With certain exceptions,
current law authorizes the Department of
Public Instruction (DPI) ^{receiving a} upon request from a
school board, to waive any school board

~~of~~ school district requirements in the laws and
administrative
rules governing elementary and secondary education.

Before making a request, the ~~the~~ school board must hold ^{on the request} a public hearing in the
school district. ^{In determining whether to grant the waiver,} ~~and must~~ DPI must

consider whether the requirement impedes progress
toward achieving a local improvement plan ~~and~~

and, ~~the~~ if the school district has adopted
educational goals, ^{whether it impedes} progress toward achieving
those goals.

This bill requires DPI to ~~wa~~ grant a

~~note~~

~~might forest land~~

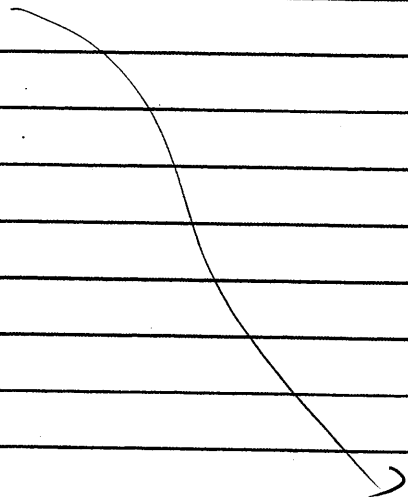
~~1870~~

waiver upon receiving a request from a
school board if the school board has
held a public hearing ~~of the school dis~~
^{own}
~~of~~ the request.

SEC. RC 118.38(2)

⑧
118.38(2) The department shall approve a
the request under sub. (1)(a) if the school
board complies with subs. ~~(1)(a)~~ (1)(b) and
(1m).

SEC. AM, 118.38(3)

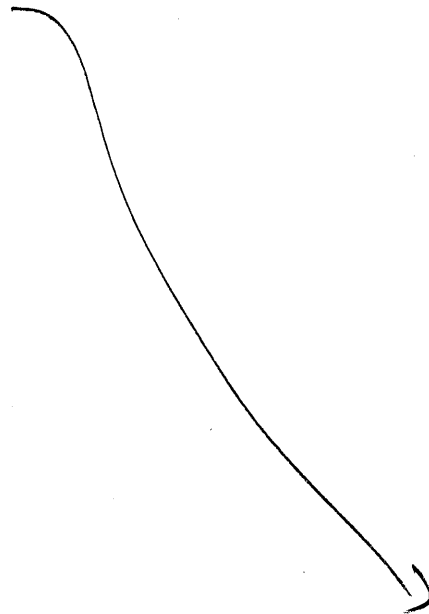


118.38 (3) A waiver is effective for 4 years. The department shall renew the waiver for additional 4-year periods if the school board has evaluated the educational and financial effects of the waiver over the previous 4-year period, ~~except that the department is not required to renew a waiver if the department determines that the school district is not making adequate progress toward improving pupil academic performance.~~ and held an additional public hearing in the school district

~~(4) By July 1, 2000, the department shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver request and the educational and financial effects on the school district of each waiver that was granted.~~

History: 1995 a. 27; 1997 a. 27; 2001 a. 16.

SEC. RP, 118.38(4)



INITIAL APPLICABILITY

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the budget action phrase, execute: create → action: → *NS: → 93XX

For the text, execute: create → text: → *NS: → inappl

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # **[93** **]**. **Initial applicability;**

(#1) ()

The treatment of sections ..

of the statutes

first applies to

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → inappl

For the text, execute: create → text: → *NS: → inapplA

2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # . **Initial applicability**.....

(#1)

..... This act first applies to ... requests for waivers received by the department of public instruction on the effective date of this subsection.

(Encl)

DN

:King:

For ^{wavier} renewals, the draft requires
another public hearing in the school district.

OK?
==

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2489/1dn
PG:kmg:rs

April 11, 2003

For waiver renewals, the draft requires another public hearing in the school district.
OK?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Emery, Lynn

From: Emery, Lynn
Sent: Friday, April 11, 2003 3:09 PM
To: Schneider, Christian
Subject: LRB-2489/1 & 1dn (attached as requested)



03-2489/1



03-2489/1dn

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

Grant, Peter

From: Schneider, Christian
Sent: Wednesday, April 30, 2003 3:07 PM
To: Grant, Peter
Subject: RE: LRB 2489

If you could send us an updated draft that clarifies that point, that would be best. Thanks for your help.

-----Original Message-----

From: Grant, Peter
Sent: Wednesday, April 30, 2003 2:34 PM
To: Schneider, Christian
Subject: RE: LRB 2489

Chris, you raise an interesting question that I had not thought of before. The waiver statute says that a school board may request a waiver of a school board or school district "requirement." The statute does not explicitly allow waivers of school district "prohibitions." The revenue limit statute is a prohibition; i.e., "no school board may...." I don't know if DPI has interpreted the law to apply only when a statute uses the word "shall;" there may in fact be no requests like that to date. If you want to ensure that a school district could not "grant itself" a waiver of the revenue limits under your bill, I suggest specifically excluding those requests. In other words, I'd add it to the list in s. 118.38 (1) (a).

Peter

-----Original Message-----

From: Schneider, Christian
Sent: Wednesday, April 30, 2003 1:53 PM
To: Grant, Peter
Subject: LRB 2489

Peter

Per LRB 2489, which is the school district waiver bill we have been working on -

Does our bill allow school districts to grant themselves a waiver from the school district revenue limits? Currently, school boards can apply for a waiver from any school board or school district requirement in chs. 115 to 121. The revenue limit statute is Chapter 121, which may make it eligible, under our bill, for a waiver. This clearly would not be the intent of the bill. Below I have cut and pasted Wis. Statute 118.38.

Thanks,

Chris Schneider
Senator Harsdorf's Office

118.38 Waivers of laws and rules.

118.38(1)

(1)

118.38(1)(a)

(a) A school board may request the department to waive any school board or school district requirement in chs. 115 to 121 or in the administrative rules promulgated by the department under the authority of those chapters, except for statutes or rules related to any of the following:

118.38(1)(a)1.

1. The health or safety of pupils.

118.38(1)(a)2.

2. Pupil discrimination under s. 118.13.

118.38(1)(a)3.

3. The pupil assessment program under s. 118.30 and the standardized reading test required under s. 121.02 (1) (r).

118.38(1)(a)4.

4. Pupil records under s. 118.125.

118.38(1)(a)5.

5. The collection of data by the department.

118.38(1)(a)6.

6. The uniform financial fund accounting system under ss. 115.28 (13) and 115.30 (1) and audits of school district accounts under s. 120.14.

118.38(1)(a)7.

7. Licensure or certification under s. 115.28 (7) or (7m) other than the licensure of the school district administrator or business manager.

118.38(1)(a)8.

8. The commencement of the school term under s. 118.045.

118.38(1)(b)

(b) Before requesting a waiver, the school board shall hold a public hearing in the school district on the request.

118.38(1m)

(1m) The school board shall specify in its request for a waiver its reason for requesting the waiver.

118.38(2)

(2) In determining whether to grant the waiver, the department shall consider all of the following factors and may consider additional factors:

118.38(2)(a)

(a) Whether the requirement impedes progress toward achieving a local improvement plan developed under sec. 309 (a) (3) of P.L. 103-227.

118.38(2)(b)

(b) If the school board has adopted educational goals for the school district, whether the requirement impedes progress toward achieving the goals.

118.38(3)

(3) A waiver is effective for 4 years. The department shall renew the waiver for additional 4-year periods if the school board has evaluated the educational and financial effects of the waiver over the previous 4-year period, except that the department is not required to renew a waiver if the department determines that the school district is not making adequate progress toward improving pupil academic performance.

118.38(4)

(4) By July 1, 2000, the department shall submit a report to the governor, and to the appropriate standing committees of the legislature under s. 13.172 (3). The report shall specify the number of waivers requested under this section, a description of each waiver request, the reason given for each waiver request and the educational and financial effects on the school district of each waiver that was granted.

118.38 - ANNOT.

History: 1995 a. 27; 1997 a. 27; 2001 a. 16.

2003 BILL

regenerate

1 AN ACT *to repeal* 118.38 (4); *to amend* 118.38 (3); and *to repeal and recreate*
 2 118.38 (2) of the statutes; **relating to:** waivers of laws and administrative rules
 3 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 people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

(A)

✓
 (1-4) →

4 SECTION 1. 118.38 (2) of the statutes is repealed and recreated to read:

(A)

(not) The bill also prohibits DPL from granting a waiver that would exempt a school district from the ~~the~~ revenue limits.

Emery, Lynn

From: Schneider, Christian
Sent: Friday, May 02, 2003 2:10 PM
To: LRB.Legal
Subject: Draft review: LRB 03-2489/2 Topic: Waiver of laws and rules

It has been requested by <Schneider, Christian> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2489/2 Topic: Waiver of laws and rules