



## 2007 ASSEMBLY BILL 428

July 3, 2007 - Introduced by Representatives SCHNEIDER, A. WILLIAMS, ZEPNICK, GRONEMUS, SOLETSKI, SHERIDAN, STASKUNAS, TURNER, VRUWINK, MOLEPSKE and FIELDS. Referred to Committee on Education.

1     **AN ACT** *to create* 115.49 of the statutes; **relating to:** the implementation and  
2             administration of federal education laws.

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### *Analysis by the Legislative Reference Bureau*

This bill directs the Department of Public Instruction (DPI) to do all of the following:

1. Resolve conflicts between provisions of federal education laws and between provisions of state and federal education laws by giving first priority to meeting state goals, program needs, and accountability requirements.

2. Construe federal education laws to advance the best interest of pupils and to maximize local control and flexibility.

3. Minimize the amount of additional state resources that are diverted to implement federal education laws.

4. Request changes to federal education laws and regulations, especially those that are underfunded or that conflict with state laws or rules or with other federal laws or regulations.

5. Seek waivers from federal education laws and regulations to maximize this state's flexibility in implementing them and to obtain a reasonable time to comply with them.

In addition, the bill directs DPI to request a waiver from any provision of the federal No Child Left Behind Act that mandates, directs, or controls the allocation of state or local resources or any school district's or school's curriculum or program of instruction, or mandates the state or any political subdivision of the state to spend any funds or incur any costs not paid for under the act.

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

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

1           **SECTION 1.** 115.49 of the statutes is created to read:

2           **115.49 Federal programs; department duties.** (1) The department shall  
3 do all of the following:

4           (a) Resolve conflicts between provisions of federal education laws and between  
5 provisions of state and federal education laws in the following manner:

6           1. Give first priority to meeting state goals, program needs, and accountability  
7 requirements.

8           2. Give 2nd priority to meeting federal goals, program needs, and  
9 accountability requirements that do not directly and simultaneously advance state  
10 goals, program needs, and accountability requirements.

11           (b) Construe the provisions of federal education laws to advance the best  
12 interests of pupils and to maximize local control and flexibility.

13           (c) Minimize the amount of additional state resources that are diverted to  
14 implement federal education laws beyond the federal moneys that are provided to  
15 implement those laws.

16           (d) Request changes to federal education laws and regulations, especially those  
17 that are determined to be underfunded or that conflict with state laws or rules or  
18 with other federal laws or regulations.

19           (e) Seek waivers from federal education laws and regulations to maximize this  
20 state's flexibility in implementing them and to obtain a reasonable time to comply  
21 with them.

