

SENATE BILL 95 (LRB -2082)

An Act to repeal 118.225 (1) to (4) and 119.18 (6) (a); to renumber 120.13 (1) (f), 120.13 (1) (h) 1. a. and 121.58 (6); to renumber and amend 118.225 (intro.); to consolidate, renumber and amend 119.18 (6) (intro.) and (b); to amend 43.70 (3), 115.88 (1), 115.88 (1m) (a), 118.125 (5) (b), 118.30 (2) (c), 118.43 (3) (intro.), 118.43 (6) (b) 10., 120.12 (3) (a), (b) and (c), 120.13 (1) (h) 4., 120.17 (8) (a) and 121.58 (6) (title); and to create 118.33 (1) (e), 118.40 (2r) (b) 2m., 118.43 (3r), 120.13 (1) (f) 2. and 3., 120.13 (1) (h) 1. ag., 120.13 (1) (h) 1. c., 120.13 (1) (h) 2m., 120.13 (1) (h) 3m., 120.13 (1) (h) 4m., 120.13 (1) (h) 5m., 120.13 (1) (h) 6m. and 121.58 (6) (b) of the statutes; relating to: granting high school credit for extracurricular sports; services provided by a special education program; transportation aid paid to school districts; the use of moneys received by a school district from the common school fund; using the results of standardized examinations to evaluate, discharge, suspend, or discipline a teacher or for the nonrenewal of a teacher's contract; the number of teaching days scheduled in the Milwaukee Public Schools; permitting a school district to limit the grades in which to reduce class size under the Student Achievement Guarantee in Education Program; permitting a school board to deny enrollment to a pupil who has been expelled from an out-of-state school or from an independent charter school in this state and permitting an independent charter school to expel a pupil; use of law enforcement records to take disciplinary action against a pupil under a school district's athletic code; and changing the date by which a school district must certify the amount of its property tax levy. (FE)

2011

05-13.	S.	Introduced by Senators Olsen and Darling ; cosponsored by Representatives Kestell , Strachota , Steineke , Farrow , Spanbauer , Marklein , Brooks , Petrowski and Bernier .	
05-13.	S.	Read first time and referred to committee on Education	276
05-16.	S.	Public hearing held.	
06-03.	S.	Senate substitute amendment 1 offered by Senator Olsen (LRB s0133)	315
06-06.	S.	Senate amendment 1 to Senate substitute amendment 1 offered by Senator Olsen (LRB a1177)	319
06-07.	S.	Executive action taken.	
06-10.	S.	Report adoption of Senate Amendment 1 to Senate Substitute Amendment 1 recommended by committee on Education, Ayes 7, Noes 0	334
06-10.	S.	Report adoption of Senate Substitute Amendment 1 recommended by committee on Education, Ayes 6, Noes 1	334
06-10.	S.	Report passage as amended recommended by committee on Education, Ayes 4, Noes 3	334
06-10.	S.	Available for scheduling.	
06-16.	S.	Fiscal estimate received.	
10-19.	S.	Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	511
10-19.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	511
10-19.	S.	Placed on calendar 10-20-2011 pursuant to Senate Rule 18(1)	511
10-20.	S.	Placed at the foot of the 11th order of business on the calendar of 10-20-2011	516
10-20.	S.	Read a second time	519
10-20.	S.	Senate amendment 1 to Senate substitute amendment 1 adopted	519
10-20.	S.	Senate amendment 2 to Senate substitute amendment 1 offered by Senators Shilling and Taylor (LRB a1698)	519
10-20.	S.	Senate amendment 2 to Senate substitute amendment 1 laid on table	519
10-20.	S.	Senate amendment 3 to Senate substitute amendment 1 offered by Senators C. Larson, Vinehout, Taylor, Carpenter, Risser, Miller, Holperin, Lassa, T. Cullen, Hansen, Erpenbach and S. Coggs (LRB a1699)	519
10-20.	S.	Senate amendment 3 to Senate substitute amendment 1 laid on table, Ayes 17, Noes 16	519
10-20.	S.	Senate substitute amendment 1 adopted	519
10-20.	S.	Ordered to a third reading	519
10-20.	S.	Rules suspended	519
10-20.	S.	Read a third time and passed , Ayes 17, Noes 16	519
10-20.	S.	Ordered immediately messaged	519
10-20.	A.	Received from Senate	589
10-20.	A.	Read first time and referred to committee on Rules	589
10-27.	A.	Placed on calendar 11-1-2011 by committee on Rules.	
11-01.	A.	Placed at the foot of the calendar of 11-1-2011	640
11-01.	A.	Assembly amendment 1 offered by Representatives Clark, Pope-Roberts, Sinicki and Hintz (LRB a1933)	632
11-01.	A.	Made a special order of business at 11:06 A.M. on 11-03-2011 pursuant to Assembly Resolution 18	647
11-03.	A.	Read a second time.	
11-03.	A.	Assembly amendment 1 laid on table, Ayes 57, Noes 37.	
11-03.	A.	Assembly amendment 2 offered by Representatives Hulsey, Grigsby, Roys, Berceau, Danou, Jorgensen, Turner, Pope-Roberts, Clark, Ringhand, Zamarripa and C. Taylor (LRB a1883).	
11-03.	A.	Assembly amendment 2 laid on table, Ayes 58, Noes 36.	

- 11-03. A. Assembly amendment 3 offered by Representative Krusick (**LRB a1982**).
- 11-03. A. Assembly amendment 3 laid on table, Ayes 89, Noes 5.
- 11-03. A. Ordered to a third reading.
- 11-03. A. Rules suspended.
- 11-03. A. Read a third time and **concurrred in**, Ayes 54, Noes 38, Paired 6.
- 11-03. A. Representative Kooyenga added as a cosponsor.
- 11-03. A. Ordered immediately messaged.
- 11-04. S. Received from Assembly concurred in.

**2011
ENROLLED BILL**

11en S B-95

ADOPTED DOCUMENTS:

Orig **Engr** S **SubAmdt** 1

11 S 0133 / 1

Amendments to above (if none, write "NONE"): SA1 — a 1177/1

Corrections - show date (if none, write "NONE"): NONE

Topic — pupil expulsion, teacher evaluations, SAGE contracts, special education services,
pupil transportation costs, school libraries, Milwaukee Public Schools teaching
days, law enforcement records, physical education requirements, and tax levies

11-4-11
Date

JR Miller
Enrolling Drafter



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBs0133/1
TKK&PG:all:md

**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 95**

June 3, 2011 – Offered by Senator OLSEN.

1 **AN ACT** *to repeal* 119.18 (6) (a); *to renumber* 120.13 (1) (f), 120.13 (1) (h) 1. a.
2 and 121.58 (6); *to consolidate, renumber and amend* 119.18 (6) (intro.) and
3 (b); *to amend* 43.70 (3), 115.88 (1), 115.88 (1m) (a), 118.125 (5) (b), 118.225
4 (intro.), 118.30 (2) (c), 118.33 (1) (a) (intro.), 118.43 (3) (intro.), 118.43 (6) (b) 10.,
5 120.12 (3) (a), (b) and (c), 120.13 (1) (h) 4., 120.17 (8) (a) and 121.58 (6) (title);
6 and *to create* 118.33 (1) (e), 118.40 (2r) (b) 2m., 118.43 (3r), 120.13 (1) (f) 2. and
7 3., 120.13 (1) (h) 1. ag., 120.13 (1) (h) 1. c., 120.13 (1) (h) 2m., 120.13 (1) (h) 3m.,
8 120.13 (1) (h) 4m., 120.13 (1) (h) 5m., 120.13 (1) (h) 6m. and 121.58 (6) (b) of the
9 statutes; **relating to:** high school credit for physical education; services
10 provided by a special education program; transportation aid paid to school
11 districts; the use of moneys received by a school district from the common school
12 fund; using analyses of scores on standardized examinations to evaluate,
13 discharge, suspend, or discipline a teacher or for the nonrenewal of a teacher's

1 contract; the number of teaching days scheduled in the Milwaukee Public
2 Schools; permitting a school district to limit the grades in which to reduce class
3 size under the Student Achievement Guarantee in Education Program;
4 permitting a school board to deny enrollment to a pupil who has been expelled
5 from an out-of-state school or from an independent charter school in this state
6 and permitting an independent charter school to expel a pupil; use of law
7 enforcement records to take disciplinary action against a pupil under a school
8 district's athletic code; and changing the date by which a school district must
9 certify the amount of its property tax levy.

Analysis by the Legislative Reference Bureau

This substitute amendment makes a number of changes to the laws governing public education.

Pupil expulsion

Under current law, a school board may expel a pupil only if the pupil engaged in certain prohibited conduct while at school or while under the supervision of a school authority. Generally, the prohibited conduct is conduct that endangers the property, health, or safety of others or interferes with the ability of school authorities to maintain order or an educational atmosphere at school. Prior to expelling a pupil, the school board must follow certain procedures. These procedures include holding an expulsion hearing and providing the pupil and, if the pupil is a minor, his or her parent, with written and timely notice of the hearing.

Also under current law, a school board may refuse to enroll a pupil during the term of the pupil's expulsion from another school district. In an opinion issued on April 10, 2008, the Wisconsin attorney general determined that current law does not permit a school district to refuse to enroll a pupil who is currently expelled from a private school or an out-of-state school.

Current law permits the University of Wisconsin (UW)–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Generally, charter schools operate with fewer constraints than traditional public schools. Current law does not explicitly authorize an independent charter school to expel a pupil.

This substitute amendment permits an independent charter school to include in its charter or contract grounds for expelling a pupil. If a charter or contract of an independent charter school includes grounds for expelling a pupil, the charter or

contract must also include the procedures to be followed by the charter school prior to expelling a pupil.

This substitute amendment authorizes a school board to refuse to enroll a pupil during the term of the pupil's expulsion from a public school in another state if the grounds for the pupil's expulsion would have been grounds for expulsion in this state. This substitute amendment also permits a school board to refuse to enroll a pupil during the term of the pupil's expulsion from an independent charter school if the charter or contract of the independent charter school contains the grounds for expulsion and procedural requirements identified above.

Under current law, a school board may include early reinstatement conditions in an expulsion order issued for a pupil. Current law defines "early reinstatement condition" as a condition that a pupil must meet before he or she may be granted early reinstatement or a condition that a pupil must meet after his or her early reinstatement but before the expiration of the term of expulsion specified in the pupil's expulsion order. Early reinstatement conditions must relate to the reasons for the pupil's expulsion. If a school district administrator or designee determines that the pupil has satisfied the early reinstatement conditions, the pupil may be reinstated before the expiration of the term of the pupil's expulsion. If a pupil who received early reinstatement subsequently violates an early reinstatement condition before the expiration of the term of expulsion, the school board may revoke the pupil's early reinstatement.

This substitute amendment permits a school board other than the school board that expelled a pupil to establish enrollment conditions for the pupil. The substitute amendment defines "enrollment condition" as a condition that a pupil is required to meet before he or she may be granted conditional enrollment or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion specified in the pupil's expulsion order. The enrollment conditions must relate to the reasons for the pupil's expulsion from the expelling school district. The school district administrator or designee of the nonexpelling school district may permit the pupil to conditionally enroll in a school located in that school district if the pupil satisfies the enrollment conditions, and may revoke conditional enrollment if the pupil subsequently violates the enrollment conditions.

Teacher evaluations

Current law allows a school board to use the results of state-required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to evaluate teachers if certain conditions are met. The school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the rationale for using examination results for evaluating teachers, and an explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

This substitute amendment allows a school board to use value-added analyses of scores on the standardized examinations to evaluate teachers under the conditions described above.

Under current law, the results of standardized examinations may not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

This substitute amendment provides that the results of standardized examinations may not be used as the *sole* reason to discharge, suspend, or formally discipline a teacher or as the *sole* reason for the nonrenewal of a teacher's contract.

SAGE contracts

Current law generally allows an eligible school board that enters into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (DPI) to receive \$2,250 for each low-income pupil enrolled in grades kindergarten to three in a school with specified low-income enrollment if the school board reduces the class size of the classes in which the low-income pupils are enrolled. Current law requires a school board to phase in the class size limitation over the five-year contract. In the first year of a SAGE contract, the school board must reduce class size in grades kindergarten and one. By the fourth year of the SAGE contract, the school board must have reduced the class size in all of the grades kindergarten to three.

In general, for SAGE contracts entered into prior to the 2010–11 school year, a participating school board could only satisfy the class size limitation requirement by reducing class size to 15 pupils. For SAGE contracts entered into in the 2010–11 school year, current law permits a school board to satisfy the class size limitation requirement by either reducing class size to 18 pupils or by combining two classes with two classroom teachers to achieve a total class size of 30 pupils. Current law permits a school board to renew and receive payments under a renewed SAGE contract if the school board either maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract, reduces class size to no more than 18 pupils, or combines two classes with two classroom teachers to achieve a total class size of 30 pupils.

This substitute amendment permits a school board that has entered into or renewed a SAGE contract to choose not to comply with the class size limitation requirements in grades two or three, or both, in one or more schools in the school district and in one or more years of the contract term. If a school board chooses not to comply with the class size limitation requirements under the contract, the school board may not receive the state aid for that class.

Special education services

Under current law, a school district receives state special education aid for the costs of contracting with a public or private agency for physical or occupational therapy services. This substitute amendment explicitly authorizes a school district to contract for a variety of services, including orientation and mobility training, educational interpreters, audiologists, speech and language therapists, pupil transition services for eligible pupils who are 18 to 21 years old, and any services approved by the state superintendent of public instruction; and makes the costs of such a contract eligible for special education aid.

Pupil transportation costs

Under current law, DPI must prorate state aid payments to school districts for transportation costs if the amount appropriated does not cover all eligible costs. Under this substitute amendment, if funds remain after DPI pays all approved claims, DPI must distribute the balance to school districts on a prorated basis.

School libraries

Current law allows a school district to use up to 25 percent of the moneys it receives from the common school fund in a fiscal year to purchase school library computers and related software. This substitute amendment eliminates the 25 percent limit.

MPS teaching days

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This substitute amendment eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

Law enforcement records

Under current law, law enforcement records obtained by and relating to the conduct of a pupil of a school district may not be used as the sole basis for expelling or suspending the pupil or as the sole basis for taking any other disciplinary action against the pupil, including action under the school district's athletic code. This substitute amendment permits a school district to use such law enforcement records as the sole basis for taking action against a pupil under the district's athletic code.

Physical education credits

Current law requires a high school pupil to earn 1.5 credits in physical education in order to be eligible for a high school diploma. This substitute amendment authorizes a school board to allow a pupil who participates in sports or in another organized physical activity to complete an additional 0.5 credit in English, social studies, mathematics, science, or health education in lieu of 0.5 credit in physical education.

Tax levy

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This substitute amendment provides that the school board must certify the amount to be assessed on or before November 10.

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

1

SECTION 1. 43.70 (3) of the statutes is amended to read:

1 43.70 (3) Immediately upon making such apportionment, the state
2 superintendent shall certify to the department of administration the estimated
3 amount that each school district is entitled to receive under this section and shall
4 notify each school district administrator of the estimated amount so certified for his
5 or her school district. The department of administration shall distribute each school
6 district's aid entitlement in one payment on or before May 1. The amount paid to each
7 school district shall be based upon the amount in the appropriation account under
8 s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended
9 only for the purchase of instructional materials from the state historical society for
10 use in teaching Wisconsin history and for the purchase of library books and other
11 instructional materials for school libraries, but not for public library facilities
12 operated by school districts under s. 43.52, in accordance with rules promulgated by
13 the state superintendent. In addition, a school district may use ~~up to 25 percent of~~
14 ~~the moneys received in a fiscal year~~ under this section to purchase school library
15 computers and related software if the school board consults with the person who
16 supervises the school district's libraries and the computers and software are housed
17 in the school library. Appropriate records of all purchases under this section shall
18 be kept and necessary reports thereon shall be made to the state superintendent.

19 **SECTION 2.** 115.88 (1) of the statutes is amended to read:

20 115.88 (1) PERSONNEL. A school board, board of control of a cooperative
21 educational service agency or, upon authorization of the county board, a county
22 children with disabilities education board may employ, for a special education
23 program, either ~~full-~~ full-time or part-time licensed teachers, licensed coordinators
24 of special education, school nurses, licensed school social workers, licensed school
25 psychologists, licensed school counselors, paraprofessionals, licensed consulting

1 teachers to work with any teacher of regular education programs who has a child
2 with a disability in a class and any other personnel approved by the department. The
3 board may contract with private or public agencies for physical or occupational
4 therapy services, orientation and mobility training services, educational interpreter
5 services, educational audiology, speech and language therapy, pupil transition
6 services for eligible pupils who are 18 to 21 years old, or any service approved by the
7 state superintendent, on the basis of demonstrated need. A school board may
8 contract with a charter school to provide special education services to pupils
9 attending the charter school if the charter school is under contract with the school
10 board under s. 118.40 (2m) and the charter school is not an instrumentality of the
11 school district.

12 **SECTION 3.** 115.88 (1m) (a) of the statutes is amended to read:

13 115.88 (1m) (a) Subject to par. (b), upon receipt of the plan under s. 115.77 (4),
14 if the state superintendent is satisfied that the special education program has been
15 maintained during the preceding school year in accordance with law, the state
16 superintendent shall certify to the department of administration in favor of each
17 county, cooperative educational service agency, and school district maintaining such
18 special education program a sum equal to the amount expended by the county,
19 agency, and school district during the preceding year for salaries of personnel
20 enumerated in sub. (1); ~~the salary portion of any authorized contract for physical or~~
21 ~~occupational therapy services~~ under sub. (1); the salary portion of any contract to
22 provide special education services to pupils attending a charter school, as authorized
23 under sub. (1); and other expenses approved by the state superintendent, as costs
24 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

25 **SECTION 4.** 118.125 (5) (b) of the statutes is amended to read:

1 118.125 (5) (b) Law enforcement officers' records obtained under s. 48.396 (1)
2 or 938.396 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction
3 under chs. 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may
4 not be used by a school district as the sole basis for expelling or suspending a pupil
5 or as the sole basis for taking any other disciplinary action, ~~including against a pupil.~~
6 but may be used as the sole basis for taking action against a pupil under the school
7 district's athletic code, ~~against a pupil.~~

8 **SECTION 5.** 118.225 (intro.) of the statutes is amended to read:

9 **118.225 Teacher evaluations.** (intro.) A school board may use value-added
10 analyses of scores on the results of examinations administered to pupils under s.
11 118.30 and 20 USC 6311 (b) (3) to evaluate teachers if the school board has developed
12 a teacher evaluation plan that includes all of the following:

13 **SECTION 6.** 118.30 (2) (c) of the statutes is amended to read:

14 118.30 (2) (c) The results of examinations administered under this section or
15 under 20 USC 6311 (b) (3) to pupils enrolled in public schools, including charter
16 schools, may not be used as the sole reason to discharge, suspend, or formally
17 discipline a teacher or as the sole reason for the nonrenewal of a teacher's contract.

18 **SECTION 7.** 118.33 (1) (a) (intro.) of the statutes is amended to read:

19 118.33 (1) (a) (intro.) Except as provided in ~~par. pars.~~ (d) and (e), a school board
20 may not grant a high school diploma to any pupil unless the pupil has earned:

21 **SECTION 8.** 118.33 (1) (e) of the statutes is created to read:

22 118.33 (1) (e) A school board may allow a pupil who participates in sports or
23 in another organized physical activity, as determined by the school board, to
24 complete an additional 0.5 credit in English, social studies, mathematics, science, or
25 health education in lieu of 0.5 credit in physical education.

1 **SECTION 9.** 118.40 (2r) (b) 2m. of the statutes is created to read:

2 118.40 **(2r)** (b) 2m. a. A charter or contract may include grounds for expelling
3 a pupil from the charter school.

4 b. If the charter or contract includes grounds for expelling a pupil from the
5 charter school as permitted under subd. 2m. a., the charter or contract shall include
6 the procedures to be followed by the charter school prior to expelling a pupil.

7 **SECTION 10.** 118.43 (3) (intro.) of the statutes is amended to read:

8 118.43 **(3)** CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),
9 (ar), and (at) and sub. (3r), an achievement guarantee contract shall require the
10 school board to do all of the following in each participating school:

11 **SECTION 11.** 118.43 (3r) of the statutes is created to read:

12 118.43 **(3r)** ADJUSTMENT TO PARTICIPATING GRADES. A school district that has
13 entered into or renewed an achievement guarantee contract under this section may,
14 in one or more years covered by the contract, choose not to comply with the
15 requirement to reduce class size in grades 2 or 3, or both, in one or more schools in
16 the district.

17 **SECTION 12.** 118.43 (6) (b) 10. of the statutes is amended to read:

18 118.43 **(6)** (b) 10. In the 2010–11 school year and any subsequent school year,
19 \$2,250 multiplied by the number of low-income pupils enrolled in grades a grade
20 eligible for funding, and in a class in which the class size has been reduced in the
21 manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m).
22 in each school in the school district covered by contracts under sub. (3) (at) and by
23 renewals of contracts under sub. (2) (g).

24 **SECTION 13.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,
25 renumbered 119.18 (6) and amended to read:

1 119.18 (6) SCHOOL CALENDAR. The board may determine the school calendar and
2 vacation periods for each school year for the regular day schools, summer schools,
3 social centers, and playgrounds, ~~except that: (b).~~ The board may close any school or
4 dismiss any class in the event of an emergency, fire or other casualty, quarantine, or
5 epidemic.

6 **SECTION 14.** 119.18 (6) (a) of the statutes is repealed.

7 **SECTION 15.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

8 120.12 (3) (a) ~~On~~ Annually on or before November 1, determine the amount
9 necessary to be raised to operate and maintain the schools of the school district and
10 public library facilities operated by the school district under s. 43.52, if the annual
11 meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~
12 Annually on or before November ~~6~~ 10, the school district clerk shall certify the
13 appropriate amount so determined to each appropriate municipal clerk who shall
14 assess the amount certified and enter it on the tax rolls as other school district taxes
15 are assessed and entered.

16 (b) If a tax sufficient to operate and maintain the schools of a school district for
17 the ensuing school year has not been determined, certified and levied prior to the
18 effective date of school district reorganization under ch. 117 affecting any territory
19 of the school district, the school board of the affected school district shall determine,
20 on or before the November 1 following the effective date of the reorganization, the
21 amount of deficiency in operation and maintenance funds on the effective date of the
22 reorganization which should have been paid by the property in the affected school
23 district if the tax had been determined, certified and assessed prior to the effective
24 date of the reorganization. On or before November ~~6~~ 10, the school district clerk shall
25 certify the appropriate amount to each appropriate municipal clerk who shall assess,

1 enter and collect the amount as a special tax on the property. This paragraph does
2 not affect the apportionment of assets and liabilities under s. 66.0235.

3 (c) If on or before November 1 the school board determines that the annual
4 meeting has voted a tax greater than that needed to operate the schools of the school
5 district for the school year, the school board may lower the tax voted by the annual
6 meeting. On or before November 6 10, the school district clerk shall certify the
7 appropriate amount so determined to each appropriate municipal clerk who shall
8 assess the amount certified to him or her and enter it on the tax rolls in lieu of the
9 amount previously reported.

10 **SECTION 16.** 120.13 (1) (f) of the statutes is renumbered 120.13 (1) (f) 1.

11 **SECTION 17.** 120.13 (1) (f) 2. and 3. of the statutes are created to read:

12 120.13 (1) (f) 2. No school board is required to enroll a pupil during the term
13 of his or her expulsion from a public school in another state if the school board
14 determines the conduct giving rise to the pupil's expulsion would have been grounds
15 for expulsion under par. (c) 1., 2., or 2m.

16 3. No school board is required to enroll a pupil during the term of his or her
17 expulsion from a charter school established under s. 118.40 (2r) if the charter or

18 contract for the charter school contains the provisions specified under s. 118.40 (2r)

19 (b) ^{INS. 5A1-1} 2m. If a pupil who has been expelled from a charter school established under s.
20 118.40 (2r) seeks to enroll in a school district during the term of his or her expulsion,

21 upon request of the pupil or, if the pupil is a minor, the pupil's parent or guardian,
22 the governing body of the charter school shall provide the school board of the school
23 district with a copy of the expulsion findings and order, a written explanation of the
24 reasons why the pupil was expelled, and the term of the expulsion.

1 SECTION 18. 120.13 (1) (h) 1. a. of the statutes is renumbered 120.13 (1) (h) 1.

2 am.

3 SECTION 19. 120.13 (1) (h) 1. ag. of the statutes is created to read:

INS
SAI-2

4 120.13 (1) (h) 1. ag. "Conditional enrollment" means enrollment of an expelled

5

pupil in a school district other than the school district that expelled the pupil before

INS.
SAI-3

6

the expiration of the term of expulsion specified in the pupil's expulsion order under

7

par. (c) 3. or (e) 3.

INS. SAI-4

8 SECTION 20. 120.13 (1) (h) 1. c. of the statutes is created to read:

9 120.13 (1) (h) 1. c. "Enrollment condition" means a condition that a pupil is

10 required to meet before he or she may be granted conditional enrollment or a

11 condition that a pupil is required to meet after his or her conditional enrollment but

INS.
SAI-5

12

before the expiration of the term of expulsion specified in the pupil's expulsion order

13

under par. (c) 3. or (e) 3.

INS SAI-6

14 SECTION 21. 120.13 (1) (h) 2m. of the statutes is created to read:

INS. SAI-7

15 120.13 (1) (h) 2m. A school board other than the school board that expelled a

16 pupil may specify in a written order one or more enrollment conditions instead of or

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17

in addition to the early reinstatement conditions imposed under subd. 2. by the

18 school board, or independent hearing panel or independent hearing officer acting

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19

under par. (e), that expelled the pupil. Any enrollment conditions established under

20 this subdivision shall relate to the reasons for the pupil's expulsion and may not

21 extend the term of expulsion specified in the expulsion order issued under par. (c) 3.

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22

or (e) 3. The school district clerk of the school district other than the school district

23 from which the pupil was expelled shall mail 2 copies of the order to the pupil or, if

24 the pupil is a minor, to the pupil's parent or guardian. The expelled pupil or, if the

25 pupil is a minor, the pupil's parent or guardian shall sign and return one copy of the

1 order to the school board other than the school board that expelled the pupil. Within
2 15 days after the date on which the order under this subdivision is issued, the
3 expelled pupil or, if the pupil is a minor, the pupil's parent or guardian may appeal
4 the determination regarding whether an enrollment condition specified in the order
5 is related to the reasons for the pupil's expulsion to the school board that specified
6 the enrollment condition. The decision of the school board under this subdivision
7 regarding that determination is final and not subject to appeal.

8 **SECTION 22.** 120.13 (1) (h) 3m. of the statutes is created to read:

9 120.13 (1) (h) 3m. If the school district administrator, or his or her designee,
10 of a school district other than the school district from which a pupil was expelled
11 determines that the pupil has met the enrollment conditions established in a written
12 order under subd. 2m., the school district administrator or designee may grant the
13 pupil conditional enrollment in a school in the school district. The determination of
14 the school district administrator or designee under this subdivision is final.

15 **SECTION 23.** 120.13 (1) (h) 4. of the statutes is amended to read:

16 120.13 (1) (h) 4. If a pupil granted early reinstatement under subd. 3. violates
17 an early reinstatement condition that the pupil was required to meet after his or her
18 early reinstatement but before the expiration of the term of expulsion, the school
19 district administrator or a principal or teacher designated by the school district
20 administrator may revoke the pupil's early reinstatement. Before revoking the
21 pupil's early reinstatement, the school district administrator or his or her designee
22 shall advise the pupil of the reason for the proposed revocation, including the early
23 reinstatement condition alleged to have been violated, provide the pupil an
24 opportunity to present his or her explanation of the alleged violation, and make a
25 determination that the pupil violated the early reinstatement condition and that

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1 revocation of the pupil's early reinstatement is appropriate. If the school district
2 administrator or designee revokes the pupil's early reinstatement, the school district
3 administrator or designee shall give prompt written notice of the revocation and the
4 reason for the revocation, including the early reinstatement condition violated, to the
5 pupil and, if the pupil is a minor, to the pupil's parent or guardian.

6 **SECTION 24.** 120.13 (1) (h) 4m. of the statutes is created to read:

7 120.13 (1) (h) 4m. If a pupil granted conditional enrollment under subd. 3m.
8 violates an enrollment condition that the pupil was required to meet after his or her
9 conditional enrollment but before the expiration of the term of expulsion, the school
10 district administrator of the school district in which the pupil is enrolled, or a
11 principal or teacher designated by the school district administrator, may revoke the
12 pupil's conditional enrollment. Before revoking the pupil's conditional enrollment,
13 the school district administrator or his or her designee shall advise the pupil of the
14 reason for the proposed revocation, including the enrollment condition alleged to
15 have been violated, provide the pupil an opportunity to present his or her
16 explanation of the alleged violation, and make a determination that the pupil
17 violated the enrollment condition and that revocation of the pupil's conditional
18 enrollment is appropriate. If the school district administrator or designee revokes
19 the pupil's conditional enrollment, the school district administrator or designee shall
20 give prompt written notice of the revocation and the reason for the revocation,
21 including the enrollment condition violated, to the pupil and, if the pupil is a minor,
22 to the pupil's parent or guardian.

23 **SECTION 25.** 120.13 (1) (h) 5m. of the statutes is created to read:

24 120.13 (1) (h) 5m. Except as provided in subd. 6m., if a pupil's conditional
25 enrollment is revoked under subd. 4m., the pupil's expulsion shall continue to the

1 expiration of the term of the expulsion specified in the expulsion order unless the
2 pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board
3 that expelled the pupil, or the independent hearing panel or independent hearing
4 officer, agree, in writing, to modify the expulsion order.

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5 **SECTION 26.** 120.13 (1) (h) 6m. of the statutes is created to read:

6 120.13 (1) (h) 6m. Within 5 school days after the revocation of a pupil's
7 conditional enrollment under subd. 4m., the pupil or, if the pupil is a minor, the
8 pupil's parent or guardian may request a conference with the administrator of the
9 school district in which the pupil is enrolled, or his or her designee, who shall be
10 someone other than a principal, administrator, or teacher in the pupil's school. If a
11 conference is requested, it shall be held within 5 school days following the request.
12 If, after the conference, the school district administrator or his or her designee finds
13 that the pupil did not violate an enrollment condition or that the revocation was
14 inappropriate, the pupil shall be enrolled in school under the same enrollment
15 conditions as in the order issued under subd. 2m. and the conditional enrollment
16 revocation shall be expunged from the pupil's record. If the school district
17 administrator or his or her designee finds that the pupil violated an enrollment
18 condition and that the revocation was appropriate, he or she shall mail separate
19 copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or
20 guardian. The decision of the school district administrator or his or her designee is
21 final.

22 **SECTION 27.** 120.17 (8) (a) of the statutes is amended to read:

23 120.17 (8) (a) Annually on or before November 6 10, deliver to the clerk of each
24 municipality having territory within the school district a certified statement
25 showing that proportion of the amount of taxes voted and not before reported, and

1 that proportion of the amount of tax to be collected in such year, if any, for the annual
2 payment of any loan to be assessed on that part of the school district territory lying
3 within the municipality. Such proportion shall be determined from the full values
4 certified to the school district clerk under s. 121.06 (2).

5 **SECTION 28.** 121.58 (6) (title) of the statutes is amended to read:

6 121.58 (6) (title) ~~APPROPRIATION PRORATED;~~ PRORATION, DISTRIBUTION OF BALANCE.

7 **SECTION 29.** 121.58 (6) of the statutes is renumbered 121.58 (6) (a).

8 **SECTION 30.** 121.58 (6) (b) of the statutes is created to read:

9 121.58 (6) (b) If the appropriation under s. 20.255 (2) (cr) in any fiscal year
10 exceeds the amount of approved claims paid in full under this section and s. 121.575,
11 the department shall distribute the balance to those school districts entitled to state
12 aid under this section, with each school district receiving a percentage of the balance
13 equal to its percentage of the total approved claims.

14 **SECTION 31. Initial applicability.**

15 (1) The treatment of section 118.40 (2r) (b) 2m. of the statutes first applies to
16 a charter or contract to establish and operate a charter school that is entered into,
17 modified, or renewed on the effective date of this subsection.

18 (2) The treatment of section 120.13 (1) (f) 2. of the statutes first applies to a
19 pupil expelled from a public school in another state on the effective date of this
20 subsection.

21 (3) The treatment of section 118.33 (1) (a) (intro.) and (e) of the statutes first
22 applies to high school diplomas granted on the effective date of this subsection.

23 (4) The treatment of section 115.88 (1) and (1m) (a) of the statutes first applies
24 to state aid paid in the 2012–13 fiscal year.

1 (5) The treatment of sections 118.225 (intro.) and 118.30 (2) (c) of the statutes
2 first applies to examinations administered during the 2012–2013 school year.

3 (6) The treatment of section 118.43 (3) (intro.), (3r), and (6) (b) 10. of the statutes
4 first applies to state aid distributed under section 118.43 (6) (b) of the statutes in the
5 2011–12 school year.

6 (7) The renumbering of section 121.58 (6) of the statutes and the creation of
7 section 121.58 (6) (b) of the statutes first apply to aid paid for transportation provided
8 during the 2010–11 school year.

9

(END)



**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 95**

June 6, 2011 – Offered by Senator OLSEN.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 11, line 17: delete the material beginning with “if the charter” and
3 ending with “(b)” on line 19 and substitute “if the school board determines the
4 conduct giving rise to the pupil’s expulsion would have been grounds for expulsion
5 under par. (c) 1., 2., or”.

6 **2.** Page 12, line 5: after “the school district” insert “or out-of-state public
7 school”.

8 **3.** Page 12, line 6: after “expulsion order” insert “issued”.

9 **4.** Page 12, line 7: after “(e) 3.” insert “or by the out-of-state public school”.

10 **5.** Page 12, line 12: after “expulsion order” insert “issued”.

11 **6.** Page 12, line 13: after “(e) 3.” insert “or by the out-of-state public school”.

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1 **7.** Page 12, line 15: after “the school board” insert “or out-of-state public
2 school”.

3 **8.** Page 12, line 17: after “conditions” insert “, if any”.

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4 **9.** Page 12, line 19: after “the pupil” insert “or instead of or in addition to any
5 conditions imposed, if any, by the out-of-state public school that expelled the pupil”.

6 **10.** Page 12, line 22: after “(e) 3.” insert “or by the out-of-state public school”.

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7 **11.** Page 13, line 10: after “the school district” insert “or out-of-state public
8 school”.

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9 **12.** Page 15, line 4: after “officer,” insert “or the out-of-state public school”.

10

(END)

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