

2013 DRAFTING REQUEST

Bill

Received: 2/24/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Luther Olsen (608) 266-0751 By/Representing: Sarah Archibald
May Contact: Drafter: tkuczens
Subject: Education - school boards Addl. Drafters:
Extra Copies: pg, ffk

Submit via email: YES
Requester's email: Sen.Olsen@legis.wisconsin.gov
Carbon copy (CC) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Convert 180 days of instruction requirement to minimum hours of instruction requirement

Instructions:

See attached

Drafting History:

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/P1	tkuczens 4/16/2013	kfollett 4/16/2013	jmurphy 4/16/2013	_____	sbasford 3/12/2013		
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↳ Not
Needed

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14/15F
2/5
3/14
jm + ff

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/?	tkuczens	1/PIE 3/12	of 3/12				

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<END>

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Thursday, January 31, 2013 4:45 PM
To: Grant, Peter; Kuczenski, Tracy
Subject: Additional drafting requests
Attachments: saa bills.pdf

Hi Peter and Tracy,

Attached please find a scanned document that includes three items that Sen. Olsen would like drafted as separate bills.

Please call me with questions.

Thanks!
Sarah

School Administrators Alliance Bill Ideas

January 15, 2013

3. 180 Days of Instruction Requirement

Require each school district to hold school for the minimum required hours of instruction and repeal the requirement that a school board schedule at least 180 school days during the school term.

RD

Flexibility



State of Wisconsin
2011 - 2012 LEGISLATURE

1721/PI

LRB-08417P4

TKK:jld:rs

RMR
d-note

gf
incat

DOA:.....Hynek, BB0191 - Repeal requirement that schools provide 180 days of instruction

FOR 2011-13 BUDGET - NOT READY FOR INTRODUCTION

Preliminary Draft

PWF

3/5/13
soon

Gen cat

hours

1 AN ACT ... relating to: the budget a number of school days and hours of instruction held in a school year

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

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

1 SECTION 1. 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

2 SECTION 2. 115.01 (10) (b) of the statutes is repealed.

3 SECTION 3. 118.38 (2) (bm) of the statutes is amended to read:

4 118.38 (2) (bm) The department shall promulgate rules establishing criteria
5 for waiving the requirement to schedule at least the number of hours of direct pupil
6 instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified
7 in s. 115.01 (10) (a) ~~2.~~ or ~~3.~~ (b) or (c).

8 SECTION 4. 118.40 (8) (d) 2. of the statutes is amended to read:

9 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
10 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~
11 each school year. No more than 10 hours in any 24-hour period may count toward
12 the requirement under this subdivision.

13 SECTION 5. 120.12 (15) of the statutes is amended to read:

14 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
15 school day. The school board may differentiate between the various elementary and
16 high school grades in scheduling the school day. The equivalent of 180 such days, as
17 defined in s. 115.01 (10), shall be held during the school term.

18 This subsection shall
19 not be construed to eliminate a school district's duty to bargain with the employee's
20 collective bargaining representative over any calendaring proposal which is
primarily related to wages, hours, and conditions of employment.

plain

SCHOOL CLOSINGS AND REOPENINGS

1 SECTION 6. 120.12 (27) (a) and (b) of the statutes are amended to read:

2 120.12 (27) (a) Within 24 hours of a school being closed for a reason specified
3 in s. 115.01 (10) (a) ~~2 or 3~~ (b) or (c) or by the department of health services under
4 s. 252.02 (3), notify the department. The notice shall include the reason for the
5 closure.

6 (b) Within 24 hours of reopening a school that was closed for a reason specified
7 in s. 115.01 (10) (a) ~~2 or 3~~ (b) or (c) or by the department of health services under
8 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
9 school board shall include the number of days the school was closed.

10 SECTION 7. 121.004 (7) (c) 1, b. of the statutes is amended to read:

11 121.004 (7) (c) 1, b. A pupil enrolled in a 5-year-old kindergarten program
12 requiring full-day attendance for less than 5 days a week for an entire school year
13 term shall be counted as the result obtained by multiplying the number of hours in
14 each day in which the pupil is enrolled by the total number of days for which the pupil
15 is enrolled, and dividing the result by the product of the total number of hours of
16 attendance per day required of first grade pupils in the school district multiplied by
17 180.

18 SECTION 8. 121.004 (7) (cm) of the statutes is amended to read:

19 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
20 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
21 that provides the required number of hours of direct pupil instruction under s. 121.02
22 (1) (f) shall be counted as 0.6 pupil if the program annually provides at least 87.5
23 additional hours of outreach activities.

24 SECTION 9. 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)
25 and amended to read:

no FD
A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for 5 days a week for an entire school year term shall be counted as one pupil

1 121.006 (2) (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum
 2 number of hours of direct pupil instruction required for the grade in which a pupil
 3 is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

4 1. Hours during which the state superintendent determines that school is not
 5 held or educational standards are not maintained as the result of a strike by school
 6 district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

7 **SECTION 10.** 121.006 (2) (a) [✓] 2. ^{↑ 30 and 40} of the statutes ^{is} created to read:
~~is~~ ^{are}

8 121.006 (2) (a) 2. Hours during which school is closed by order of the school
 9 district administrator because of inclement weather and hours during which
 10 parent-teacher conferences are held, not to exceed 35 hours during the school term.

11 **SECTION 11.** 121.006 (2) (a) 3. of the statutes is created to read:

12 ~~121.006 (2) (a)~~ 3. Hours during which school is closed by order of a local health
 13 officer, as defined in s. 250.01 (5), or the department of health services.

14 **SECTION 12.** 121.006 (2) (a) 4. of the statutes is created to read:

15 ~~121.006 (2) (a)~~ 4. Hours during which school is closed by order of the school
 16 district administrator because of a threat to the health or safety of pupils or school
 17 personnel, but not including inclement weather, unless the school board determines
 18 that the hours will not count as hours of direct pupil instruction for purposes of s.
 19 121.02 (1) (f).

20 **SECTION 13.** 121.02 (1) (f) 1. of the statutes is repealed.

21 **SECTION 14.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
 22 amended to read:

23 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
 24 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
 25 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours

1 under this ~~subdivision~~ [✓] paragraph include recess and time for pupils to transfer
 2 between classes but do not include the lunch period. Scheduled hours under this
 3 paragraph [✓] may include up to 35 hours on Saturdays. A school board operating a
 4 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for
 5 outreach activities.

6 SECTION 15. 121.23 (2) (intro.) of the statutes is amended to read: [✓]

7 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ [✓] fails to
 8 provide the number of hours of direct pupil instruction specified under s. 121.02 (1) [✓]
 9 (f) as the result of a strike by school district employees, for the purposes of computing
 10 general aid, the state superintendent shall compute the school district's primary and
 11 secondary ceiling costs per member in accordance with the procedure specified in
 12 pars. (a) to (e). In making the calculation, the state superintendent shall:

13 (END)

13

Insert 5-13

D-Note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1721/?ins
TKK:.....

INSERT 5-13

1 **SECTION 1.** 121.83 (2) (b) of the statutes is amended to read:
2 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
3 the previous school year multiplied by ~~180~~ the number of school days held in the
4 previous school year times the summer average daily membership equivalent of the
5 pupil.

History: 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 1790 to 1792, 1794; Stats. 1985 s. 121.83; 1991 a. 39; 1997 a. 164; 2007 a. 222; 2009 a. 28.

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

LRB-1721/?dn

TKK: *PL*
EF

Date

Senator Olsen:

Current law requires virtual charter schools to “provide educational services to its pupils for at least 150 days each school year.” See s. 118.40 (8) (d) 1., stats. Current law also requires virtual charter schools to provide direct pupil instruction for the applicable number of hours specified in s. 121.02 (1) (f), as amended in the bill. See s. 118.40 (8) (d) 2., stats.

Do you want to eliminate the requirement governing the number of days virtual charter schools must provide educational services?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1721/P1dn
TKK:kjf:jf

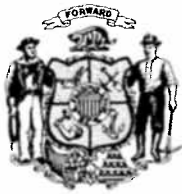
March 12, 2013

Senator Olsen:

Current law requires virtual charter schools to “provide educational services to its pupils for at least 150 days each school year.” See s. 118.40 (8) (d) 1., stats. Current law also requires virtual charter schools to provide direct pupil instruction for the applicable number of hours specified in s. 121.02 (1) (f), as amended in the bill. See s. 118.40 (8) (d) 2., stats.

Do you want to eliminate the requirement governing the number of days virtual charter schools must provide educational services?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1721/P1
TKK:kjf:jf

Rev 12

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

4/16/13

Today (no changes)

Regen

1 **AN ACT to repeal** 115.01 (10) (b) and 121.02 (1) (f) 1.; **to renumber** 115.01 (10)

2 (a); **to renumber and amend** 121.006 (2) (a) and 121.02 (1) (f) 2.; **to amend**

3 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15), 120.12 (27), 121.004 (7) (c) 1. a. and

4 b., 121.004 (7) (cm), 121.23 (2) (intro.) and 121.83 (2) (b); and **to create** 121.006

5 (2) (a) 2., 3. and 4. of the statutes; **relating to:** number of school days and hours

6 of instruction held in a school year.

Analysis by the Legislative Reference Bureau

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a

requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180 days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

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

1 **SECTION 1.** 115.01 (10) (a) of the statutes is [✓]renumbered 115.01 (10).

2 **SECTION 2.** 115.01 (10) (b) of the statutes is [✓]repealed.

3 **SECTION 3.** 118.38 (2) (bm) of the statutes is [✓]amended to read:

4 118.38 (2) (bm) The department shall promulgate rules establishing criteria
5 for waiving the requirement to schedule at least the number of hours of direct pupil
6 instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified
7 in s. 115.01 (10) (a) ~~2. or 3.~~ (b) or (c). ✓

8 **SECTION 4.** 118.40 (8) (d) 2. of the statutes is amended to read:

9 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
10 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~
11 each school year. No more than 10 hours in any 24-hour period may count toward
12 the requirement under this subdivision. ✓

13 **SECTION 5.** 120.12 (15) of the statutes is amended to read:

14 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
15 school day. The school board may differentiate between the various elementary and
16 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~
17 ~~defined in s. 115.01 (10), shall be held during the school term.~~

18 **SECTION 6.** 120.12 (27) of the statutes is [✓]amended to read:

1 120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
2 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the
3 department of health services under s. 252.02 (3), notify the department. The notice
4 shall include the reason for the closure.

5 (b) Within 24 hours of reopening a school that was closed for a reason specified
6 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under
7 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
8 school board shall include the number of days the school was closed.

9 **SECTION 7.** 121.004 (7) (c) 1. a. and b. of the statutes are amended to read:

10 121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
11 requiring full-day attendance for 5 days a week for an entire school year term shall
12 be counted as one pupil.

13 b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day
14 attendance for less than 5 days a week for an entire school year term shall be counted
15 as the result obtained by multiplying the number of hours in each day in which the
16 pupil is enrolled by the total number of days for which the pupil is enrolled, and
17 dividing the result by the ~~product of the~~ total number of hours of attendance ~~per day~~
18 required of first grade pupils in the school district ~~multiplied by 180.~~

19 **SECTION 8.** 121.004 (7) (cm) of the statutes is amended to read:

20 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
21 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
22 that provides the required number of hours of direct pupil instruction under s. 121.02
23 (1) (f) 2. shall be counted as 0.6 pupil if the program annually provides at least 87.5
24 additional hours of outreach activities.

SECTION 9

1 **SECTION 9.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)
2 and amended to read:

3 121.006 (2) (a) (intro.) Hold school for at least 180 days each year the minimum
4 number of hours of direct pupil instruction required for the grade in which a pupil
5 is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

6 1. Hours during which the state superintendent determines that school is not
7 held or educational standards are not maintained as the result of a strike by school
8 district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

9 **SECTION 10.** 121.006 (2) (a) 2., 3. and 4. of the statutes are created to read:

10 121.006 (2) (a) 2. Hours during which school is closed by order of the school
11 district administrator because of inclement weather and hours during which
12 parent-teacher conferences are held, not to exceed 35 hours during the school term.

13 3. Hours during which school is closed by order of a local health officer, as
14 defined in s. 250.01 (5), or the department of health services.

15 4. Hours during which school is closed by order of the school district
16 administrator because of a threat to the health or safety of pupils or school personnel,
17 but not including inclement weather, unless the school board determines that the
18 hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1)
19 (f).

20 **SECTION 11.** 121.02 (1) (f) 1. of the statutes is repealed.

21 **SECTION 12.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
22 amended to read:

23 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
24 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
25 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours

1 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer
2 between classes but do not include the lunch period. Scheduled hours under this
3 paragraph may include up to 35 hours on Saturdays. A school board operating a
4 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for
5 outreach activities.

6 **SECTION 13.** 121.23 (2) (intro.) of the statutes is amended to read:

7 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to
8 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
9 (f) as the result of a strike by school district employees, for the purposes of computing
10 general aid, the state superintendent shall compute the school district's primary and
11 secondary ceiling costs per member in accordance with the procedure specified in
12 pars. (a) to (e). In making the calculation, the state superintendent shall:

13 **SECTION 14.** 121.83 (2) (b) of the statutes is amended to read:

14 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
15 the previous school year multiplied by ~~180~~ the number of school days held in the
16 previous school year times the summer average daily membership equivalent of the
17 pupil.

18 (END)

Rose, Stefanie

From: Merdler, Michelle
Sent: Tuesday, April 23, 2013 4:03 PM
To: LRB.Legal
Subject: Draft Review: LRB -1721/1 Topic: Convert 180 days of instruction requirement to minimum hours of instruction requirement

Please Jacket LRB -1721/1 for the SENATE.

Thank you,

Michelle Merdler
Senator Olsen's Office
14th Senate District
Michelle.Merdler@legis.wisconsin.gov
608-266-0751

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Friday, November 01, 2013 11:45 AM
To: Kuczenski, Tracy
Cc: Kulow, Chris
Subject: Additional drafting instructions for the 180 day rule
Attachments: summer school fte for general aid_201311011134.pdf

Hi Tracy,

Here's the drafting instructions for the requested /2 on LRB 1721, the 180 day rule.

Let me know if you have questions.

Thanks,
Sarah

Summer School FTE for General Aid and Revenue Limit Purposes

Draft language that would permit the following:

A pupil who completes an on-line course for High School (grades 9-12) *credit* as part of a school district's summer school session would be counted as 1 FTE, for General Aid and for Revenue Limit purposes, by the district offering the on-line course.

NOTES:

- 1) Intent is that the pupil would be counted only if *credit is granted* for the on-line course that the pupil completes.
- 2) ... "for High School credit" – means the course is counted as credit towards high school graduation, *as determined by the board of the school district.* *Or open-enrollment*
- 3) The pupils would have to be resident of the district offering the course.
- 4) First effective for a course offering for a summer school session that begins after the end of the 2013-14 school year (i.e, summer of 2014). **(later effective date?)**
- 5) Statutes affected by this the change:

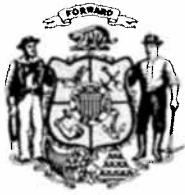
- a) ss. 121.14 State aid for summer classes – new paragraph under this section or embed in existing 121.14(1) to include, as an aidable summer class, an on-line course in the High School grades (9-12) completed for high school credit (as determined by the board).
- b) ss. 121.004(8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT [Definitions] – either amend this paragraph to add the pupils described above, OR create another "SUMMER MEMBERSHIP" paragraph under ss. 121.004 to include the pupils described above [in the amount of one FTE per pupil who has completed an on-line, summer school course for high school credit, as determined by the board].
- c) ss. 121.004(5) MEMBERSHIP [Definitions] – I don't think there would be changes to this section; the reference to 121.14 under 121.004(5) should allow for the inclusion of these pupils in the district's "membership" [for General Aid Purposes].
- d) ss. 121.90(1) Definitions [REVENUE LIMIT] – I don't think there would be changes to this section. These pupils would be part of the "summer enrollment" and covered under this section. The intent is that the summer enrollment count attributable to this new section would be subject to the same 40% proration as current law summer enrollment.

likely need to change

probably in pages

This is where the \$ gets determined

check x-ref for 121.14 (cf. to 121.15(1), which was 121.08 was referenced in 121.15



2013 BILL

11/19/13

wanted by 11/22

Regen

1 AN ACT *to repeal* 115.01 (10) (b) and 121.02 (1) (f) 1.; *to renumber* 115.01 (10)
 2 (a); *to renumber and amend* 121.006 (2) (a) and 121.02 (1) (f) 2.; *to amend*
 3 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15), 120.12 (27), 121.004 (7) (c) 1. a. and
 4 b., 121.004 (7) (cm), 121.23 (2) (intro.) and 121.83 (2) (b); and *to create* 121.006
 5 (2) (a) 2., 3. and 4. of the statutes; **relating to:** number of school days and hours
 6 of instruction held in a school year ~~and state aid for summer classes~~

Analysis by the Legislative Reference Bureau

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a

BILL

requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180 days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

Insert Analysis

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

1 SECTION 1. 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

Insert 2-3

2 SECTION 2. 115.01 (10) (b) of the statutes is repealed.

3 SECTION 3. 118.38 (2) (bm) of the statutes is amended to read:

4 118.38 (2) (bm) The department shall promulgate rules establishing criteria
5 for waiving the requirement to schedule at least the number of hours of direct pupil
6 instruction specified under s. 121.02 (1) (f) ~~2~~ if school is closed for a reason specified
7 in s. 115.01 (10) (a) ~~2 or 3~~ (b) or (c).

8 SECTION 4. 118.40 (8) (d) 2. of the statutes is amended to read:

9 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
10 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2~~
11 each school year. No more than 10 hours in any 24-hour period may count toward
12 the requirement under this subdivision.

13 SECTION 5. 120.12 (15) of the statutes is amended to read:

14 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
15 school day. The school board may differentiate between the various elementary and
16 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as
17 defined in s. 115.01 (10), shall be held during the school term.~~

18 SECTION 6. 120.12 (27) of the statutes is amended to read:

BILL

1 120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
2 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the
3 department of health services under s. 252.02 (3), notify the department. The notice
4 shall include the reason for the closure.

5 (b) Within 24 hours of reopening a school that was closed for a reason specified
6 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under
7 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
8 school board shall include the number of days the school was closed.

Insert
3-9

9 **SECTION 7.** 121.004 (7) (c) 1. a. and b. of the [✓]statutes are amended to read:

10 121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
11 requiring full-day attendance for 5 days a week for an entire school year term shall
12 be counted as one pupil.

13 b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day
14 attendance for less than 5 days a week for an entire school year term shall be counted
15 as the result obtained by multiplying the number of hours in each day in which the
16 pupil is enrolled by the total number of days for which the pupil is enrolled, and
17 dividing the result by the ~~product of the~~ total number of hours of attendance ~~per day~~
18 required of first grade pupils in the school district ~~multiplied by 180.~~

19 **SECTION 8.** 121.004 (7) (cm) of the [✓]statutes is amended to read:

20 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
21 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
22 that provides the required number of hours of direct pupil instruction under s. 121.02
23 (1) (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
24 additional hours of outreach activities.

BILL

Insert
4-1

1 **SECTION 9.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)
2 and amended to read:

3 121.006 (2) (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum
4 number of hours of direct pupil instruction required for the grade in which a pupil
5 is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

6 1. Hours during which the state superintendent determines that school is not
7 held or educational standards are not maintained as the result of a strike by school
8 district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

9 **SECTION 10.** 121.006 (2) (a) 2., 3. and 4. of the statutes are created to read:

10 121.006 (2) (a) 2. Hours during which school is closed by order of the school
11 district administrator because of inclement weather and hours during which
12 parent-teacher conferences are held, not to exceed 35 hours during the school term.

13 3. Hours during which school is closed by order of a local health officer, as
14 defined in s. 250.01 (5), or the department of health services.

15 4. Hours during which school is closed by order of the school district
16 administrator because of a threat to the health or safety of pupils or school personnel,
17 but not including inclement weather, unless the school board determines that the
18 hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1)
19 (f).

20 **SECTION 11.** 121.02 (1) (f) 1. of the statutes is repealed.

21 **SECTION 12.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
22 amended to read:

23 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
24 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
25 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours

BILL

1 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer
2 between classes but do not include the lunch period. Scheduled hours under this
3 paragraph may include up to 35 hours on Saturdays. A school board operating a
4 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for
5 outreach activities.

Insert
5-6

6 **SECTION 13.** 121.23 (2) (intro.) of the statutes is amended to read: ✓

7 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to
8 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
9 (f) as the result of a strike by school district employees, for the purposes of computing
10 general aid, the state superintendent shall compute the school district's primary and
11 secondary ceiling costs per member in accordance with the procedure specified in
12 pars. (a) to (e). In making the calculation, the state superintendent shall:

Insert
5-13

13 **SECTION 14.** 121.83 (2) (b) of the statutes is amended to read: ✓

14 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
15 the previous school year multiplied by ~~180~~ the number of school days held in the
16 previous school year times the summer average daily membership equivalent of the
17 pupil.

Insert
5-18

18 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1721/lins
TKK:kjf:jm

INSERT ^{Analysis} 2-3

Current law permits a school district to receive state aid for pupils who enroll in academic summer classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes. Current law also permits a school district to include in its revenue limit calculation a portion of the summer class enrollment for such necessary, academic classes and laboratory periods.

X This bill permits a school district to receive state aid for and include in its revenue limit calculations a portion of the summer class enrollment of high school pupils who complete an online summer course offered by the school district if all of the following conditions are satisfied: 1) the pupil either resides in the school district that offers the online course or is enrolled in that school district through the open enrollment program; 2) the pupil receives credit for completing the online course; and 3) the school board of the school district that offers the online course has determined that the course fulfills a prerequisite to the receipt of a high school diploma.

INSERT 2-3 ✓

1 SECTION 1. 118.04 (4) of the statutes is amended to read:

2 118.04 (4) Shall not charge tuition for attendance at summer classes of pupils
3 who are residents of the school district if the school board receives aid for such classes
4 under s. 121.14 (1)(a) 1. The school board may establish and collect reasonable fees
5 for social, recreational, or extracurricular summer classes and, programs, and
6 courses which are neither credited toward graduation nor aided under s. 121.14.

History: 1983 a. 27.

INSERT 3-9

7 SECTION 2. 121.004 (5) of the statutes is amended to read:

8 121.004 (5) MEMBERSHIP. "Membership" for any school district is the sum of
9 pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer
10 average daily membership equivalent for classes and courses approved under s.
11 121.14.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28; 2013 a. 20.

CS
Summer average daily membership equivalent.

INSERT 4-1

1 SECTION 3. 121.004 (8) of the statutes is renumbered 121.004 (8) (intro.) and
2 amended to read:

3 121.004 (8) (intro.) "Summer average daily membership equivalent" is the a
4 number determined by dividing the sum of the following by 48,600:

5 (a) The total number of minutes in which pupils are enrolled in academic
6 summer classes or laboratory periods, as defined by the state superintendent under
7 s. 121.14, divided by 48,600.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28; 2013 a. 20.

8 SECTION 4. 121.004 (8) (b) of the statutes is created to read:

9 121.004 (8) (b) The sum of the number of minutes of online course instruction
10 completed per pupil for each high school pupil who completes an online summer
11 course offered by a school district if all of the following are satisfied:

- 12 1. The online course is offered by a school district.
- 13 2. The pupil receiving instruction in the online course resides in the school
14 district under subd. 1. or is attending that school district under s. 118.51.

15 3. The pupil receiving instruction in the online course receives credit for
16 completion of the course.

17 4. The school board of the school district under subd. 1. determines that the
18 credit received under subd. 2. fulfills a requirement under s. 118.33 (1) (a) 1.

INSERT 5-6

19 SECTION 5. 121.14 (1) of the statutes is renumbered 121.14 (1) (a) and amended
20 to read:

21 121.14 (1) (a) State aid shall be paid to each district or county children with
22 disabilities education board only for all of the following:

(intro.)

(intro.)

1 1. Subject to par. (b), those academic summer classes or laboratory periods that
2 are for necessary academic purposes, as defined by the state superintendent by rule.

3 (b) Recreational programs and team sports shall not be eligible for aid under
4 this section, and pupils participating in such programs shall not be counted as pupils
5 enrolled under s. 121.004 (5) nor shall costs associated with such programs be
6 included in shared costs under s. 121.07 (6).

7 History: 1973 c. 89, 90, 243, 333; 1975 c. 39; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1995 a. 27 s. 9145 (1); 1997 a. 27, 164, 240; 1999 a. 32.

8 **SECTION 6.** 121.14 (1) (a) 2. of the statutes is created to read:

9 121.14 (1) (a) 2. Those online courses offered as summer classes to high school
10 pupils who reside in the school district, or who are attending the online course in the
11 school district under s. 118.51, provided the pupil receives a credit for the course and
12 the school board of the school district determines the credit fulfills a requirement
under s. 118.33 (1) (a) 1.

INSERT 5-13

13 **SECTION 7.** 121.58 (4) of the statutes is amended to read:

14 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
15 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
16 s. 121.54 (10) if the transportation is provided by the nonresident school district that
17 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with
18 the department a report, containing such information as the department requires,
19 on transportation provided by the school board to and from summer classes. Upon
20 receipt of such report and if the summer classes meet the requirements of s. 121.14
21 (1) (a) 1., state aid shall be paid for such transportation. A school district which
22 provides such transportation shall be paid state aid for such transportation at the
23 rate of \$4 per pupil transported to and from public school whose residence is at least
24 2 miles and not more than 5 miles by the nearest traveled route from the public school

1 attended, and \$6 per pupil transported to and from public school whose residence is
2 more than 5 miles by the nearest traveled route from the public school attended, if
3 the pupil is transported 30 days or more. The state aid shall be reduced
4 proportionately if the pupil is transported less than 30 days.

History: 1971 c. 125 s. 522 (1); 1973 c. 89, 333; 1975 c. 392; 1977 c. 29; 1979 c. 34 ss. 966d, 2102 (43) (a); 1979 c. 221; 1983 a. 27, 538; 1985 a. 29; 1993 a. 492; 1995 a. 27, 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 2005 a. 25, 43; 2007 a. 20; 2011 a. 105; 2013 a. 20.

INSERT 5-18

5 **SECTION 8.** 121.90 (3) of the statutes is amended [✓] to read:

6 121.90 (3) "Summer enrollment" means the summer average daily
7 membership equivalent for classes and courses [✓] approved under s. 121.14.

History: 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109; 2005 a. 225; 2007 a. 20, 200; 2009 a. 28; 2011 a. 32; 2013 a. 20.

8 **SECTION 9. Initial applicability.**

9 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition [✓]
10 charged for online courses in the 2014-15 school year.

11 (2) The treatment of sections [✓] 121.004 (5) [✓] and [✓] (8) [✓] and [✓] 121.14 (1) [✓] of the statutes [✓]
12 and the creation of section [✓] 121.004 (8) (b) [✓] and 121.14 (1) (a) [✓] 2. of the statutes first
13 applies to state aid paid for summer classes in the 2014-15 school year.

14 (3) The treatment of sections [✓] 121.90 (3) of the statutes first applies to the
15 determination of a school district's revenue limit in the 2014-15 school year.

and 121.14 (1)
the renumbering and amendment of sections 121.004 (8) of the statutes,

Barman, Mike

From: LRB.Legal
To: Sen.Olsen
Subject: Draft review: LRB -1721/2 Topic: Convert 180 days of instruction requirement to minimum hours of instruction requirement
Attachments: 13-1721/2

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Tracy K. Kuczenski, Legislative Attorney, at (608) 266-9867, at tracy.kuczenski@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will re-jacket this draft for the Senate and send it (by page) to your office this afternoon.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Wednesday, December 04, 2013 12:02 PM
To: Kuczenski, Tracy; Sappenfield, Anne; John Forester (john.forester@wsaa.org); drossmiller@wasb.org; Kulow, Chris
Cc: Merdler, Michelle
Subject: Meeting on 180 day bill
Attachments: 13-1721_2.pdf

Hi all,

I am writing to suggest that we all meet to discuss potential issues with LRB 1721/2. I am attaching the bill draft, and copying the issues that were raised below. Michelle will help us find a time when it works for all of us to meet.

Thanks!
Sarah

Concerns raised by Dan:

It is my understanding that under current law we have the 180-day requirement and then we also have the hours of direct instruction requirement. Both sets of requirements must be met.

The 180 days are defined rather loosely and there are exceptions in current law to the 180-day requirement but not to the hours of instruction requirement. One result is that even if a district meets the 180 day requirement, it is possible that it could fall short on the hours of instruction requirement and would have to schedule more time.

Here's an example of how this works:

Say a school district, with a couple of days in its schedule devoted to parent-teacher conferences has, for example, a number of early release days for inclement weather. If the district held school long enough on those "snow" days for each to be considered a school day, that district might meet the 180-day requirement but still need to make up hours of instruction to reach the required state minimum.

- Section 120.12 (15), Wis. Statutes, provides that a school board shall "[e]stablish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term."
- Section 115.01 (10), Wis. Statutes, defines "school days" as "days on which school *is actually taught* and the following days on which school *is not taught*:"
 - Days on which school is closed by order of the school district administrator because of inclement weather and days on which parent-teacher conferences are held, not to exceed 5 days during the school term.
 - Days on which school is closed by order of a local health officer, as defined in s. 250.01 (5), or the department of health services.
 - Days on which school is closed by order of the school district administrator because of a threat to the health or safety of pupils or school personnel, but not including inclement weather, unless the school board determines that the days will not count as school days."(Up to 5 Saturdays may be counted as *school days* in any school year when school is taught thereon with the consent of the school board.)

Because of these exceptions you can get days counted toward the 180-day requirement on which no hours of actual instruction occurred. A school district, however, must still provide the required number of instruction regardless of the number of "school days".

My concern is that if we are reading the draft correctly and if the exceptions John points to in the draft would lessen the number of hours of direct instruction required compared to what is required under current law, then this would leave proponents of the bill having to fight an allegation that the bill is watering down the minimum amount of direct instruction or "time on task" required by law.

I don't believe that is what was intended.

The State Superintendent has consistently opposed lessening the hours of instruction and (from my perspective) has taken a dim view of efforts to eliminate the 180-day requirement because of a fear that it would lead to reductions in the number of hours of instruction provided, especially to poorer, rural kids, many of whom arguably need more, not less, instruction.

I note that the following statement appears on the DPI's Days & Hours of Instruction webpage:

"All students should have equal opportunity to a comprehensive education. By requiring a minimum number of instructional days with a minimum number of hours of direct pupil instruction, students have increased access to learning. The number of hours selected for the minimum represents the statewide average of hours of instruction determined from past surveys of school districts."

Sarah Archibald, Ph.D.
Education Policy Advisor
Office of Senator Luther Olsen
319 South, State Capitol
Madison, WI 53707
(608) 266-0751
[Senator Olsen on Facebook](#)

Received from Sarah A and
Dan Rossmiller
12/14/13

WASB Concerns with LRB 1721/2

(Relating to eliminating the requirement that a school district hold school for 180 days each year)

Primary Concerns

Sections 13 and 14 of the draft appear to potentially reduce the required minimum hours of instruction below what is required under current law. This is a potentially big PR problem. (See material beginning with p. 5, line 15 through the material ending at p. 6, line 10.)

Under the current school district standards found in section 121.02 (1) (f), school boards must meet two requirements: 1) a requirement to schedule at least 180 school days annually, less any days during which the state superintendent determines that school is not held, etc.); and 2) a set of hours of direct instruction requirements, which vary by grade levels. Both sets of requirements must be met.

Under current law, the "required" 180 days are, in a sense, defined rather more loosely than are the "required" hours of direct pupil instruction as there are exceptions in current law as to the 180-day requirement but not to the hours of instruction requirement. One result is that even if a district meets the 180-day requirement, it could possibly fall short on the hours of instruction requirement and would have to schedule more time. *

Here's an example of how this might occur: Say a school district, with a couple of days in its schedule devoted to parent-teacher conferences has, for example, a number of early release days for inclement weather. If the district held school long enough on those "snow" days for each to be considered a school day, that district might meet the 180-day requirement but still need to make up hours of instruction to reach the required state minimum. ok

In the draft before us (LRB 1712/2), it appears the drafter simply rewrote the definitions and exemptions currently found in 180-day requirement (in Section 115.01 (10), Wis. Stats., see below) by plugging them into an "hours" framework. As a result, it appears these exceptions could potentially reduce the required minimum hours of instruction below what is required under current law

If we are reading the draft correctly, and if the exceptions in the draft (see especially those at page 6, lines 1-10) would or might indeed lessen the number of hours of direct instruction required compared to what is required under current law, then this would leave proponents of the bill having to fight an allegation that the bill is watering down the minimum amount of direct instruction or "time on task" required by law.

We don't believe that is what was intended. Our members aren't advocating for less "time on task."

Explanation:

- Section 121.02 (1) (f) 1., Stats., requires school boards to schedule at least 180 school days annually.

Our concern is that adding this "course" language appears to signal there is a distinction between classes and courses, which may inadvertently create problems or questions with regard to interpreting language whenever and wherever either word is used.

"Course" is used infrequently in chapters 115-121. Q: What is meant by a statutory section that includes the word "class" but not "course"? Does that statute then not apply to "courses"?

Section 6 of the draft (See p. 3, line13)

At p.3, line 13, following "school day" we think it would be useful to insert the phrase, "and may differentiate among schools and programs" so that the full sentence would read:

"The school board may differentiate between the various elementary and high school grades in scheduling the school day and may differentiate among schools and programs."

This would better reflect the reality of how schools operate.

Section 9 of the draft (See p. 4, lines 6-8)

At p.4, line 7, following "school term" we think the following phrase should be inserted, "excepting days on which school is not held for other students in the same school" or words to similar effect.

We believe this would clarify what is intended.

Section 12 of the draft relating to calculating the summer average daily membership equivalent or online classes (See p. 5, lines 11-14)

It seems logical that the school district should be able to count for aid the minutes of online course instruction provided in summer classes that are eligible for credit. However, as we read this language in the draft, it appears to require that the student must actually pass the class and receive credit for the class in order for the minutes of online course instruction to count. This bases aid eligibility on a factor which the school district does not control. A student might fail to pass a class for many reasons, including illness or injury. Yet the school district still incurs costs to provide the instruction the student received.

Section 16 of the draft relating to hours of Saturday instruction (See p. 6, lines 18-19)

It appears that the "Saturday" language in section 16 of the bill is another carryover of the exception as to what constitutes a "school day" and is likely unnecessary. The only logical explanation we see for this is that it reflects a desire to prevent scheduling school on too many Saturdays that would intrude on family time, family activities, etc. We're neither advocating school on Saturdays nor limiting school on Saturdays. We just want an explanation of why this provision was carried over from the "days" framework to the "hours" framework. Was this intentional or accidental?

Received from Jennifer (DPE) 12/14/13

reorganization shall be increased to an amount equal to 85 percent of the amount determined as follows:

a. Divide the school district's membership in the preceding school year by the school district's membership in the 2nd preceding school year.

b. Multiply the amount of state aid received by the school district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current school year, by the quotient under subd. 2. a.

(b) A school district is eligible to receive additional aid under par. (am) only if additional aid does not result in a state aid payment greater than the school district's shared cost.

(3) In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the consolidated school district's state aid shall be an amount that is not less than the aggregate state aid to which the consolidating school districts were eligible in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the appropriation under s. 20.255 (2) (ac).

History: 1985 a. 29, 251; 1987 a. 27; 1989 a. 31, 114, 336; 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 104; 2005 a. 219, 222.

121.135 State aid to county children with disabilities education boards. (1) If, upon receipt of the plan under s. 115.77 (4), the state superintendent is satisfied that there are children participating in a special education program provided by a county children with disabilities education board, the state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county children with disabilities education board the amount determined under sub. (2), except as provided under sub. (3).

(2) (a) In this subsection:

1. "Additional general aid" means the amount determined by calculating the percentage of a school district's shared costs that would be paid under s. 121.08 if its membership included each pupil who is a resident of the school district and solely enrolled in a special education program provided by a county children with disabilities education board and the school district's shared costs were increased by the costs of the county children with disabilities education board program for all pupils participating in the county children with disabilities education board program who are residents of the school district, and multiplying the costs of the county children with disabilities education board program by that percentage.

2. "Costs of the county children with disabilities education board program" means the gross cost of the county children with disabilities education board program minus all nonduplicative revenues and other financing sources except property taxes and state aid paid under this section in the previous school year.

(c) The state superintendent shall pay the additional general aid to the county children with disabilities education board.

(3) This section does not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c), except that in the school year beginning July 1 of the year prior to the effective date of the resolution, the state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county children with disabilities education board an amount equal to one-half the amount specified under sub. (2) for each pupil enrolled.

History: 1973 c. 89, 243; 1979 c. 34 s. 2102 (43) (a); 1979 c. 176; 1981 c. 20; 1983 a. 27 ss. 1482g, 1482r, 2202 (42); 1987 a. 27; 1989 a. 336, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 4072, 9145 (1); 1997 a. 27, 113, 164.

121.136 State aid for high-poverty school districts.

(1) In this section, "membership" means the membership used by the department to calculate state aid to the school district under s. 121.08 in the first school year of a fiscal biennium.

(2) (a) In the 2009-10 school year and annually thereafter, the department shall pay additional state aid to a school district if at least 50 percent of the district's enrollment on the 3rd Friday of

September in the immediately preceding even-numbered year, as rounded to the nearest whole percentage point, was eligible for a free or reduced-price lunch in the federal school lunch program under 42 USC 1758 (b).

(b) The amount paid to each eligible school district in the 2009-10 school year and annually thereafter shall be determined as follows:

1. Divide the amount appropriated under s. 20.255 (2) (bb) by the total membership in all eligible school districts.

4. Multiply the result under subd. 1. by the school district's membership.

History: 2007 a. 20; 2009 a. 28.

121.137 First class city school levy aid. (1) In this section:

(a) "Board" has the meaning given in s. 119.02 (1).

(b) "City" has the meaning given in s. 119.02 (2).

(2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the board, in writing, of the result.

(3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the board for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the board.

History: 2009 a. 28.

121.14 State aid for summer classes. (1) State aid shall be paid to each district or county children with disabilities education board only for those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule. Recreational programs and team sports shall not be eligible for aid under this section, and pupils participating in such programs shall not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with such programs be included in shared costs under s. 121.07 (6).

(2) (a) State aid for summer classes shall be incorporated into the state aid paid for regular classes under this chapter.

(b) Annually on or before October 1, the school district clerk or chairperson of the county children with disabilities education board shall file with the department a report stating the summer average daily membership equivalent.

(3) References to county children with disabilities education boards under subs. (1) and (2) (b) do not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

History: 1973 c. 89, 90, 243, 333; 1975 c. 39; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1995 a. 27 s. 9145 (1); 1997 a. 27, 164, 240; 1999 a. 32.

Cross-reference: See also ch. PI 17, Wis. adm. code.

121.15 Payment of state aid. (1) Except as provided under sub. (1g), state aid under s. 121.08 shall be paid to school districts according to the following distribution schedule:

(a) Each school district shall receive 15% of its total aid entitlement in September, 25% of its total aid entitlement in December, 25% of its total aid entitlement in March and 35% of its total aid entitlement in June.

(b) For the September payment, the total aid entitlement for each district shall be estimated based upon the total aid payment in the previous year.

(c) For the payments from December to June, the total aid entitlement for each district shall be computed on the basis of the budget and membership report under s. 121.05.

(d) Payments of the month for the December payment, on the 3rd Monday of the month for the September and June payments and on the 4th Monday of the month for the March payment.

(1g) (a) If a school board submits a written request to the department before May 1, in the following school year the department shall pay to that school district an amount equal to 10% of

or interim session classes or laboratory periods if providing year-round school.

and interim session classes if providing year-round school.

Revenue court may lead date CDEB will need to report, too, what they are doing