

State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-17212-3

TKK:kjfrs

RMNR
insert
d-note

2013 BILL

PR

1/4/14

SOON

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* 121.004 (8), 121.006 (2) (a), 121.02 (1) (f) 2. and
3 121.14 (1); *to amend* 118.04 (4), 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15),
4 120.12 (27), 121.004 (5), 121.004 (7) (c) 1. a. and b., 121.004 (7) (cm), 121.23 (2)
5 (intro.), 121.58 (4), 121.83 (2) (b) and 121.90 (3); and *to create* 121.004 (8) (b),
6 121.006 (2) (a) 2., 3. and 4. and 121.14 (1) (a) 2. of the statutes; **relating to:**
7 number of school days and hours of instruction held in a school year and state
8 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.

BILL

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.

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 ^{also} 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.

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

4 118.04 (4) Shall not charge tuition for attendance at summer classes of pupils
5 who are residents of the school district if the school board receives aid for such classes
6 under s. 121.14 (1) (a) ¹. The school board may establish and collect reasonable fees

7 for social, recreational, or extracurricular summer classes ^{plain} and programs and
8 courses which are neither credited toward graduation nor aided under s. 121.14. ^{or interim session classes}

9 SECTION 4. 118.38 (2) (bm) of the statutes is amended to read: ✓

Insert analysis
and pupils in the 7th and 8th grades

class

class

class

class

class

BILL

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

5 **SECTION 5.** 118.40 (8) (d) 2. of the statutes is amended to read:

6 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
7 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~
8 each school year. No more than 10 hours in any 24-hour period may count toward
9 the requirement under this subdivision.

10 **SECTION 6.** 120.12 (15) of the statutes is amended to read: ✓

11 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
12 school day. The school board may differentiate between the various elementary and
13 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~
14 ~~defined in s. 115.01 (10), shall be held during the school term.~~ ✓

15 **SECTION 7.** 120.12 (27) of the statutes is amended to read:

16 120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
17 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the
18 department of health services under s. 252.02 (3), notify the department. The notice
19 shall include the reason for the closure.

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

24 **SECTION 8.** 121.004 (5) of the statutes is amended to read:

BILL

those academic summer classes, interim session

SECTION 8

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

4 121.14/ (1)(a) 10 and 20 and those online classes
described in s. 121.014(1)(a) 3

hand laboratory periods

for necessary academic purposes

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

6 121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
7 that requires by the pupil ~~requiring~~ full-day attendance for 5 days a week for an entire school year term shall
8 be counted as one pupil. but not on any day of the week
that pupils enrolled in other grades in the school do not attend school

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

15 SECTION 10. 121.004 (7) (cm) of the statutes is amended to read:

16 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
17 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
18 that provides the required number of hours of direct pupil instruction under s. 121.02
19 (1) (f) 2, shall be counted as 0.6 pupil if the program annually provides at least 87.5
20 additional hours of outreach activities.

21 SECTION 11. 121.004 (8) of the statutes is renumbered 121.004 (8) (intro.) and
22 amended to read:

23 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. (intro.) "Summer
24 average daily membership equivalent" is the a number determined by dividing the
25 sum of the following by 48,600:

BILL

1 (a) The total number of minutes in which pupils are enrolled in academic
 2 summer classes/^{interim session classes} or laboratory periods, as defined by the state superintendent under
 3 s. 121.14, ~~divided by 48,600.~~

4 **SECTION 12.** 121.004 (8) (b) of the statutes is created to read:

5 121.004 (8) (b) The sum of the number of minutes of online ^{g class} ~~course~~ instruction
 6 completed per pupil for each high school pupil/^{and each pupil in the 7th or 8th grade} who completes an online summer
 7 ^{g class} ~~course~~ offered by a school district if all of the following are satisfied:

8 1. The online ^{g class} ~~course~~ is offered by a school district.

9 2. The pupil receiving instruction in the online ^{g class} ~~course~~ resides in the school
 10 district under subd. 1. or is attending that school district under s. 118.51.

11 3. The pupil receiving instruction in the online ~~course~~ receives credit for
 12 completion of the ^{g class} ~~course~~.

13 4. The school board of the school district under subd. 1. determines that the
 14 credit received under subd. 3. ^{for high school graduation specified} fulfills a requirement under s. 118.33 (1) (a) 1.

15 **SECTION 13.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)
 16 and amended to read:

17 121.006 (2) (a) (intro.) Hold school for at least 180 days each year the minimum
 18 number of hours of direct pupil instruction required for the grade in which a pupil
 19 is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

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

23 **SECTION 14.** 121.006 (2) (a) 2., 3. and 4. of the statutes are created to read:

Insert 5 - 15

reestablished by
 the school board under
 the authority of the
 department

BILL

SECTION 14

6

1 121.006 (2) (a) 2. Hours during which school is closed by order of the school
 2 district administrator because of inclement weather and hours during which
 3 parent-teacher conferences are held, not to exceed 35 hours during the school term.
 4 3. Hours during which school is closed by order of a local health officer, as
 5 defined in s. 250.01 (5), or the department of health services.
 6 4. Hours during which school is closed by order of the school district
 7 administrator because of a threat to the health or safety of pupils or school personnel,
 8 but not including inclement weather, unless the school board determines that the
 9 hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1)
 10 (f).

11 **SECTION 15.** 121.02 (1) (f) 1. of the statutes is repealed.

12 **SECTION 16.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
 13 amended to read:

14 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
 15 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
 16 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours
 17 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer
 18 between classes but do not include the lunch period. Scheduled hours under this
 19 paragraph may include up to 35 hours on Saturdays. A school board operating a
 20 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for
 21 outreach activities.

insult
6-21
here

22 **SECTION 17.** 121.14 (1) of the statutes is renumbered 121.14 (1) (a) (intro.) and
 23 amended to read:

24 121.14 (1) (a) (intro.) State aid shall be paid to each district or county children
 25 with disabilities education board ~~only~~ for all of the following:

BILL

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).

Insert 7-7

7 SECTION 18. 121.14 (1) (a) 2. of the statutes is created to read: pupils and

8 121.14 (1) (a) 2. Those online courses offered as summer classes to high school
9 pupils who reside in the school district, or who are attending the online course in the
10 school district under s. 118.51, provided the pupil receives a credit for the course and

Insert 7-13

11 the school board of the school district determines the credit fulfills a requirement
12 under s. 118.33 (1) (a) 1. or established by the school board under the authority of the department for high school graduation

13 SECTION 19. 121.23 (2) (intro.) of the statutes is amended to read:

14 121.23 (2) (intro.) If a school district holds less than 180 days of school fails to
15 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
16 (f) as the result of a strike by school district employees, for the purposes of computing
17 general aid, the state superintendent shall compute the school district's primary and
18 secondary ceiling costs per member in accordance with the procedure specified in
19 pars. (a) to (e). In making the calculation, the state superintendent shall:

20 SECTION 20. 121.58 (4) of the statutes is amended to read:

21 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
22 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
23 s. 121.54 (10) if the transportation is provided by the nonresident school district that
24 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with
25 the department a report, containing such information as the department requires,

BILL

1 on transportation provided by the school board to and from summer classes. Upon
 2 receipt of such report and if the summer classes meet the requirements of s. 121.14
 3 (1) ~~(a) 1/~~ ^{or 20} state aid shall be paid for such transportation. A school district which
 4 provides such transportation shall be paid state aid for such transportation at the
 5 rate of \$4 per pupil transported to and from public school whose residence is at least
 6 2 miles and not more than 5 miles by the nearest traveled route from the public school
 7 attended, and \$6 per pupil transported to and from public school whose residence is
 8 more than 5 miles by the nearest traveled route from the public school attended, if
 9 the pupil is transported 30 days or more. The state aid shall be reduced
 10 proportionately if the pupil is transported less than 30 days.

11 **SECTION 21.** 121.83 (2) (b) of the statutes is amended to read:

12 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
 13 the previous school year multiplied by ~~180~~ the number of school days held in the
 14 previous school year times the summer average daily membership equivalent of the
 15 pupil. those academic summer classes & interim session

16 **SECTION 22.** 121.90 (3) of the statutes is amended to read:

17 121.90 (3) "Summer enrollment" means the summer average daily
 18 membership equivalent for classes and courses approved under s. 121.14. for necessary academic purposes

19 **SECTION 23. Initial applicability** and laboratory periods

20 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition described
 21 interim session classes or charged for online classes in the 2014-15 school year. those online classes
in s. 121.04(1)(a)

22 (2) The treatment of section 121.004 (5) of the statutes, the renumbering and
 23 amendment of sections 121.004 (8) and 121.14 (1) of the statutes, and the creation
 24 of sections 121.004 (8) (b) and 121.14 (1) (a) 2. and 30 of the statutes first apply to state aid
 25 paid for summer classes in the 2014-15 school year.

interim session classes and
online

INSERT ANALYSIS

This bill permits a school district that provides year-round school to receive state aid for pupils who enroll in interim session classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes, and to include a portion of the interim class enrollment for such necessary, academic classes and laboratory periods in its revenue limit calculation.

INSERT 5-15

1 **SECTION 1.** 121.006 (2) (a) of the statutes is amended to read:
2 121.006 (2) (a) Hold school for at least 180 days each year, less any days during
3 which the state superintendent determines that school is not held or educational
4 standards are not maintained as the result of a strike by school district employees,
5 the days to be computed in accordance with s. 115.01 (10) the minimum number of
6 hours of direct pupil instruction required for the grade in which a pupil is enrolled
7 as specified in s. 121.02 (1) (f).

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215.

INSERT 7-7

insert 6-21
8 **SECTION 2.** 121.14 (title) of the statutes is amended to read:
9 **121.14 (title) State aid for summer classes and interim session classes.**

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

10 **SECTION 3.** 121.14 (1) (a) 2. of the statutes is created to read:
11 121.14 (1) (a) 2. Subject to par. (b), for a school district or county children with
12 disabilities education board that provides year-round school, those interim session
13 classes or laboratory periods that are for necessary academic purposes, as defined by
14 the state superintendent by rule.

INSERT 7-13

15 **SECTION 4.** 121.14 (2) (a) of the statutes is amended to read:

1

121.14 (2) (a) State aid for summer classes, laboratory periods, or interim session classes under sub. (1) shall be incorporated into the state aid paid for regular classes under this subchapter.

2

3

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.

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

LRB-1721/³2dn
TKK:kjf:re

Date

Sarah:

I added interim session classes to s. 121.14 (1) as we discussed with Jennifer Kammerud last month. I also modified the definitions of "membership," "summer average daily membership equivalent," and "summer enrollment" to reflect the fact that interim classes will be eligible for state aid.

Note that there is no definition in the statutes for either "interim session" or "year-round school" Do you anticipate that will be a problem?

Let me know if you have any questions or wish to make any changes.

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

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

LRB-1721/3dn
TKK:kjf:jf

January 9, 2014

Sarah:

I added interim session classes to s. 121.14 (1) as we discussed with Jennifer Kammerud last month. I also modified the definitions of "membership," "summer average daily membership equivalent," and "summer enrollment" to reflect the fact that interim classes will be eligible for state aid.

Note that there is no definition in the statutes for either "interim session" or "year-round school" Do you anticipate that will be a problem?

Let me know if you have any questions or wish to make any changes.

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

Kuczenski, Tracy

From: Soldner, Robert DPI <Robert.Soldner@dpi.wi.gov>
Sent: Tuesday, January 14, 2014 10:30 AM
To: Kuczenski, Tracy
Cc: Pettack, Dee; Archibald, Sarah; Kammerud, Jennifer DPI; Pahnke, Brian D. DPI
Subject: 180 Days and Summer & Interim Classes (LRB Draft 1721/3)

Hello Tracy,

I've been asked to reply with DPI comments related to LRB Draft 1721/3. Overall the draft works, but we have the following comments:

- Cross-references to 115.01(10)(b) or (c) appear to be unnecessary.
- Page 3, line 2 should cross-reference 121.14(1)(a)
- Section 9, lines 12 to 14: "but not on any day of the week that pupils enrolled in other grades in the school do not attend school". We are not sure what is intended, please explain.
- Section 12: Is it the intent to limit the online class instruction to summer school only? It appears interim sessions would not be allowed to offer an online course.
- Section 12, line 19: "The pupil receiving instruction in the online class receives credit for completion of the class." 7th and 8th graders will be allowed to take online classes and the use of the word credit could be implied to mean high school credit earned. Is that the intent? Or, should we use the phrase "successfully completed" instead of "credit".
- Section 19 directs DPI to pay aid for certain online classes offered as summer classes for pupils in grade 7, grade 8 or high school. This section does not reference the newly created interim session language. I think we should seek clarification if the intent is to allow aid for online courses offered as interim session.

I will be out of the office this afternoon and in Milwaukee tomorrow, but let me know if you have questions.

Bob Soldner, Director
School Financial Services
(608) 266-6968

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LRB 1721.pdf

Kuczenski, Tracy

From: Archibald, Sarah
Sent: Thursday, January 30, 2014 1:25 PM
To: Kuczenski, Tracy; Soldner, Robert DPI
Cc: Kammerud, Jennifer DPI; Pahnke, Brian D. DPI; John Forester (john.forester@wsaa.org); drossmiller@wasb.org
Subject: RE: 180 Days and Summer & Interim Classes (LRB Draft 1721/3)

Hi all,

DPI: please provide a definition of both interim sessions and year-round school and reply to all. (From Drafter's Note).

Responding to Tracy's email with numbered points:

- ✓ 1. Ok as is.
- ✓ 2. Ok as is.
- ✓ 3. Ok as is.
- ✓ 4. Please add language allowing online courses to be offered in interim sessions as well.
- 5. We are assuming SB 284 will shortly become law; if it does, the language about receiving credit works, if it doesn't, then we'd prefer the language "successfully completes the class" (Same issue arises in Section 19 of the bill).
- ✓ 6. Ok as is. → per Sarah: draft as if SB 284 ^{will} ~~has~~ not ~~been~~ ^{pass} ~~passed~~; can ^{be} ~~added~~ ^{later}

Thanks!
Sarah

From: Kuczenski, Tracy
Sent: Tuesday, January 14, 2014 11:09 AM
To: Soldner, Robert DPI
Cc: Pettack, Dee; Archibald, Sarah; Kammerud, Jennifer DPI; Pahnke, Brian D. DPI
Subject: RE: 180 Days and Summer & Interim Classes (LRB Draft 1721/3)

Hi Bob et al. –

1. Cross-references to 115.01 (10) (b) and (c) are necessary; 115.01 (10) (a) is renumbered 115.01 (10) and 115.01 (10) (a) 1., 2., and 3. become 115.01 (10) (a), (b) and (c) respectively.
2. I'm not clear why I would need to change the cross-reference at page 3, line 2. If I modify the sentence as suggested, a school board may not be permitted to establish and collect fees under s. 121.14 (1) (b) (that is, "Recreational programs and team sports..." as shown on page 7, lines 1-4 of the draft). Is that your intent?
3. The changes to Section 9 on p. 4, lines 12-14 were requested by WASB; the document titled "WASB concerns with LRB-1721/2" asked me to add the following phrase after "school term" in current law s. 121.004 (7) © 1. a.: ", excepting days on which school is not held for other students in the same school." If I understood WASB's concerns correctly, the goal was not to require 5K kids to attend school 5 days a week if the other kids in the school were only attending three days that week. Let me know if my changes are not acceptable or as intended.

4. Section 121.004 (8), stats., is the definition for "summer average daily membership equivalent." The creation of paragraph (b) includes certain minutes of online class instruction to this definition provided certain requirements are satisfied.

5. I cannot speak to the intent of the material on p. 5, lines 19-20, so I can't answer the question and will need guidance from Senator Olsen's office.

6. Section 18 (page 7, lines 5-9) creates the requirement for DPI to pay aid for interim session classes. If clarification regarding online summer classes offered as interim session classes is required, I would suggest that that clarification be added to p. 7, line 9, after "superintendent by rule"; something along the lines of "and online classes described under subd. [121.14 (1) (a)] 3. that are offered during the interim session." Please advise.

I'll wait until I hear back from Senator Olsen's office before making any changes to the draft. Note that WASB is not included in this email.

Thanks,
Tracy

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Soldner, Robert DPI [<mailto:Robert.Soldner@dpi.wi.gov>]
Sent: Tuesday, January 14, 2014 10:30 AM
To: Kuczenski, Tracy
Cc: Pettack, Dee; Archibald, Sarah; Kammerud, Jennifer DPI; Pahnke, Brian D. DPI
Subject: 180 Days and Summer & Interim Classes (LRB Draft 1721/3)

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Bob Soldner, Director
School Financial Services
(608) 266-6968

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<< File: LRB 1721.pdf >>

Kuczenski, Tracy

From: Kammerud, Jennifer DPI <Jennifer.Kammerud@dpi.wi.gov>
Sent: Wednesday, February 05, 2014 10:51 AM
To: Archibald, Sarah; Kuczenski, Tracy
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: RE: 180 day bill definition

That's fine. We don't want to hold things up. We can move forward with just a definition of interim.

Jennifer

From: Archibald, Sarah [<mailto:Sarah.Archibald@legis.wisconsin.gov>]
Sent: Wednesday, February 05, 2014 10:49 AM
To: Kuczenski, Tracy; Kammerud, Jennifer DPI
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: RE: 180 day bill definition

I don't see how defining interim necessitates getting rid of summer. Interim can refer to those other than summer. Does that work, Tracy? The more we hold this up, the less likely we are to get it passed.

From: Kuczenski, Tracy
Sent: Wednesday, February 05, 2014 10:15 AM
To: Kammerud, Jennifer DPI; Archibald, Sarah
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: RE: 180 day bill definition

Jennifer, you proposed removing "summer" from the section that defines "summer classes;" this will ripple throughout the statutes, including in the definition of "summer average daily membership equivalent," and may require restructuring the bill. This won't be a quick (same-day) turn-around.

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Wednesday, February 05, 2014 10:11 AM
To: Kuczenski, Tracy; Archibald, Sarah
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: RE: 180 day bill definition

Sarah,

I think having the definition of interim session makes the bill cleaner for claiming that time for purposes of aid. What do you think?

Jennifer

From: Kuczenski, Tracy [<mailto:Tracy.Kuczenski@legis.wisconsin.gov>]
Sent: Wednesday, February 05, 2014 10:07 AM
To: Kammerud, Jennifer DPI; Archibald, Sarah
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: RE: 180 day bill definition

Sarah et al. –

The bill is in editing and almost ready to be submitted. If I take it out of editing, I won't be able to get to it today. Do you want definitions? If so let me know ASAP and I'll pull it out of editing.

Tracy K. Kuczenski
Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Wednesday, February 05, 2014 9:48 AM
To: Archibald, Sarah; Kuczenski, Tracy
Cc: Soldner, Robert DPI; 'John Forester'; Dan Rossmiller; Pahnke, Brian D. DPI
Subject: 180 day bill definition
Importance: High

I was out with a sick child yesterday. Bob Soldner has called and talked to Tracy with our definition of interim session and plans on talking to her again later today.

“Interim session” means when school is held to provide instruction to pupils. But no instructional time is used to meet the requirements of s. 121.02(1)(f).

We don't want to define year round school as given the amount of time that reference has been in statute with no definition schools have done a number of different models that we do not want to disrupt. Instead we would propose simply removing all reference to “summer” under 118.04 and replacing it with the “interim” we think that would be cleaner and allow districts more flexibility under current statutes.

Jennifer

Jennifer Kammerud
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[Web](#), [Facebook](#), [Twitter](#), [YouTube](#), [DPI-Connect-Ed](#), [Newsletters](#)



2013 BILL

2/4/14

wanted 2/5/14

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* 121.004 (8), 121.02 (1) (f) 2. and 121.14 (1); *to*
3 *amend* 118.04 (4), 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15), 120.12 (27),
4 121.004 (5), 121.004 (7) (c) 1. a. and b., 121.004 (7) (cm), 121.006 (2) (a), 121.14
5 (title), 121.14 (2) (a), 121.23 (2) (intro.), 121.58 (4), 121.83 (2) (b) and 121.90 (3);
6 and *to create* 121.004 (8) (b), 121.14 (1) (a) 2. and 121.14 (1) (a) 3. of the
7 statutes; **relating to:** number of school days and hours of instruction held in
8 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.

BILL

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.

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.

This bill permits a school district that provides year-round school to receive state aid for pupils who enroll in interim session classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes, and to include a portion of the interim class enrollment for such necessary, academic classes and laboratory periods in its revenue limit calculation.

This bill also 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 and pupils in the seventh and eighth grades who complete an online summer class 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 class or is enrolled in that school district through the open enrollment program; 2) the pupil receives credit for completing the online class; and 3) the school board of the school district that offers the online class has determined that the class fulfills a prerequisite to the receipt of a high school diploma.

and interim session enrollment

and a pupil in the 7th or 8th grade successfully completes the class
seventh eighth

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

4 118.04 (4) Shall not charge tuition for attendance at summer classes or interim
5 session classes of pupils who are residents of the school district if the school board
6 receives aid for such classes under s. 121.14 (1) (a). The school board may establish
7 and collect reasonable fees for social, recreational, or extracurricular summer classes

BILL

1 or interim session classes and programs which are neither credited toward
2 graduation nor aided under s. 121.14.

3 **SECTION 4.** 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 5.** 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 6.** 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 7.** 120.12 (27) of the statutes[✓] is amended to read:

19 120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
20 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the
21 department of health services under s. 252.02 (3), notify the department. The notice
22 shall include the reason for the closure.

23 (b) Within 24 hours of reopening a school that was closed for a reason specified
24 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under

BILL

1 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
2 school board shall include the number of days the school was closed.

3 **SECTION 8.** 121.004 (5) of the statutes is amended[✓] to read:

4 121.004 (5) MEMBERSHIP. “Membership” for any school district is the sum of
5 pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer
6 average daily membership equivalent for those academic summer classes, interim
7 session classes, and laboratory periods approved for necessary academic purposes
8 under s. 121.14 (1) (a) 1. and 2. and those online classes described in s. 121.14 (1) (a)
9 3. ✓

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

11 121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
12 requiring that requires full-day attendance by the pupil for 5 days a week, but not
13 on any day of the week that pupils enrolled in other grades in the school do not attend
14 school, for an entire school year term shall be counted as one pupil.

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

22 **SECTION 10.** 121.004 (7) (cm) of the statutes is amended to read:

23 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
24 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
25 that provides the required number of hours of direct pupil instruction under s. 121.02

BILL

1 (1) (f) ~~2~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
2 additional hours of outreach activities.

3 **SECTION 11.** 121.004 (8) of the statutes is renumbered [✓] 121.004 (8) (intro.) and
4 amended to read:

5 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. (intro.) "Summer
6 average daily membership equivalent" is ~~the~~ a number determined by dividing the
7 sum of the following by 48,600:

8 (a) The total number of minutes in which pupils are enrolled in academic
9 summer classes, interim session classes, or laboratory periods, as defined by the
10 state superintendent under s. 121.14, ~~divided by 48,600.~~

11 **SECTION 12.** 121.004 (8) (b) of the statutes [✓] is created to read:

12 121.004 (8) (b) The sum of the number of minutes of online class instruction
13 completed per pupil for each high school pupil and each pupil in the 7th or 8th grade
14 who completes an online summer class ^{or an online interim session class} offered by a school district if all of the
15 following are satisfied:

16 1. The online class is offered by a school district.

17 2. The pupil receiving instruction in the online class resides in the school
18 district under subd. 1. or is attending that school district under s. 118.51.

19 3. ^{ao If} The pupil receiving instruction in the online class ^{is enrolled in a high school grade ~~the~~ pupil} receives credit for
20 completion of the class. *online class*

21 4. The school board of the school district under subd. 1. determines that the
22 credit received under subd. 3 fulfills a requirement for high school graduation
23 specified under s. 118.33 (1) (a) 1. or established by the school board under the
24 authority of the department.

25 **SECTION 13.** 121.006 (2) (a) of the statutes is amended to read:

a. b. If the pupil receiving instruction in the online class is enrolled in the 7th or 8th grade, the pupil successfully completed the class.

BILL

SECTION 13

1 121.006 (2) (a) ~~Hold school for at least 180 days each year, less any days during~~
2 ~~which the state superintendent determines that school is not held or educational~~
3 ~~standards are not maintained as the result of a strike by school district employees,~~
4 ~~the days to be computed in accordance with s. 115.01 (10) the minimum number of~~
5 ~~hours of direct pupil instruction required for the grade in which a pupil is enrolled~~
6 ~~as specified in s. 121.02 (1) (f).~~ ✓

7 **SECTION 14.** 121.02 (1) (f) 1. of the statutes is repealed.

8 **SECTION 15.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
9 amended to read:

10 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
11 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
12 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours
13 under this subdivision paragraph include recess and time for pupils to transfer
14 between classes but do not include the lunch period. Scheduled hours under this
15 paragraph may include hours on Saturdays. A school board operating a 4-year-old
16 kindergarten program may use up to 87.5 of the scheduled hours for outreach
17 activities.

18 **SECTION 16.** 121.14 (title) of the statutes is amended to read:

19 **121.14 (title) State aid for summer classes and interim session classes.**

20 **SECTION 17.** 121.14 (1) of the statutes is renumbered 121.14 (1) (a) (intro.) and
21 amended to read:

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

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

BILL

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

5 **SECTION 18.** 121.14 (1) (a) 2. of the statutes is created to read:

6 121.14 (1) (a) 2. Subject to par. (b), for a school district or county children with
7 disabilities education board that provides year-round school, those interim session
8 classes or laboratory periods that are for necessary academic purposes, as defined by
9 the state superintendent by rule.

10 **SECTION 19.** 121.14 (1) (a) 3. of the statutes is created to read:

11 121.14 (1) (a) 3. Those online classes offered as summer classes ^{or interim session classes} to high school
12 pupils and pupils in grade 7 or 8 who reside in the school district, or who are
13 attending the online class in the school district under s. 118.51, provided ^a the pupil
14 ^{enrolled in a high school grade} receives a credit for the class and the school board of the school district determines
15 the ^{credit} fulfills a requirement for high school graduation specified under s. 118.33 ^{a pupil enrolled in the 7th or 8th grade successfully complete the class}
16 (1) (a) 1. or established by the school board under the authority of the department.

17 **SECTION 20.** 121.14 (2) (a) of the statutes is amended to read:

18 121.14 (2) (a) State aid for summer classes, laboratory periods, or interim
19 session classes under sub. (1) shall be incorporated into the state aid paid for regular
20 classes under this subchapter.

21 **SECTION 21.** 121.23 (2) (intro.) of the statutes is amended to read:

22 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to
23 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
24 (f) as the result of a strike by school district employees, for the purposes of computing
25 general aid, the state superintendent shall compute the school district's primary and

BILL**SECTION 21**

1 secondary ceiling costs per member in accordance with the procedure specified in
2 pars. (a) to (e). In making the calculation, the state superintendent shall:

3 **SECTION 22.** 121.58 (4) of the statutes is amended to read:

4 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
5 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
6 s. 121.54 (10) if the transportation is provided by the nonresident school district that
7 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with
8 the department a report, containing such information as the department requires,
9 on transportation provided by the school board to and from summer classes. Upon
10 receipt of such report and if the summer classes meet the requirements of s. 121.14
11 (1) (a) 1. or 2., state aid shall be paid for such transportation. A school district which
12 provides such transportation shall be paid state aid for such transportation at the
13 rate of \$4 per pupil transported to and from public school whose residence is at least
14 2 miles and not more than 5 miles by the nearest traveled route from the public school
15 attended, and \$6 per pupil transported to and from public school whose residence is
16 more than 5 miles by the nearest traveled route from the public school attended, if
17 the pupil is transported 30 days or more. The state aid shall be reduced
18 proportionately if the pupil is transported less than 30 days.

19 **SECTION 23.** 121.83 (2) (b) of the statutes is amended to read:

20 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
21 the previous school year multiplied by ~~180~~ the number of school days held in the
22 previous school year times the summer average daily membership equivalent of the
23 pupil.

24 **SECTION 24.** 121.90 (3) of the statutes is amended to read:

BILL

1 121.90 (3) "Summer enrollment" means the summer average daily
2 membership equivalent for those academic summer classes, interim session classes,
3 and laboratory periods approved for necessary academic purposes under s. 121.14 (1)
4 (a) 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

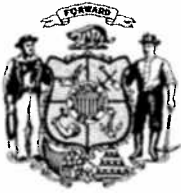
SECTION 25. Initial applicability.

5
6 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition
7 charged for interim session classes or online classes in the 2014-15 school year.

8 (2) The treatment of section 121.004 (5) of the statutes, the renumbering and
9 amendment of sections 121.004 (8) and 121.14 (1) of the statutes, and the creation
10 of sections 121.004 (8) (b) and 121.14 (1) (a) 2. and 3. of the statutes first apply to state
11 aid paid for interim session classes and summer online classes in the 2014-15 school
12 year.

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

15 (END)



Stamps
1/4

LRB-1721/4

TKK:kjf:rs

d-note
insert

✘

2013 BILL

In 2/5/14

wanted today or tomorrow

(see changes provided)

Rezen

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** 121.004 (8), 121.02 (1) (f) 2. and 121.14 (1); **to**

3 **amend** 118.04 (4), 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15), 120.12 (27),

4 121.004 (5), 121.004 (7) (c) 1. a. and b., 121.004 (7) (cm), 121.006 (2) (a), 121.14

5 (title), 121.14 (2) (a), 121.23 (2) (intro.), 121.58 (4), 121.83 (2) (b) and 121.90 (3);

6 and **to create** 121.004 (8) (b), 121.14 (1) (a) 2. and 121.14 (1) (a) 3. of the

7 statutes; **relating to:** number of school days and hours of instruction held in

8 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.

BILL

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.

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.

This bill permits a school district that provides year-round school to receive state aid for pupils who enroll in interim session classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes, and to include a portion of the interim class enrollment for such necessary, academic classes and laboratory periods in its revenue limit calculation.

Insert Amended X

This bill also permits a school district to receive state aid for and include in its revenue limit calculations a portion of the summer class enrollment and interim session enrollment of high school pupils and pupils in the seventh and eighth grades who complete an online summer class 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 class or is enrolled in that school district through the open enrollment program; 2) a high school pupil receives credit for completing the online class and a pupil in the seventh or eighth grade successfully completes the class; and 3) the school board of the school district that offers the online class has determined that the class fulfills a prerequisite to the receipt of a high school diploma.

Insert 2-1

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.** 118.04 (4) of the statutes is amended to read:
- 4 118.04 (4) Shall not charge tuition for attendance at summer classes or interim
- 5 session classes of pupils who are residents of the school district if the school board
- 6 receives aid for such classes under s. 121.14 (1) (a). The school board may establish
- 7 and collect reasonable fees for social, recreational, or extracurricular summer classes

BILL

1 or interim session classes and programs which are neither credited toward
2 graduation nor aided under s. 121.14.

3 **SECTION 4.** 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 5.** 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 6.** 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 7.** 120.12 (27) of the statutes is amended to read:

19 120.12 (27) SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
20 being closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ (b) or (c) or by the
21 department of health services under s. 252.02 (3), notify the department. The notice
22 shall include the reason for the closure.

23 (b) Within 24 hours of reopening a school that was closed for a reason specified
24 in s. 115.01 (10) (a) ~~2. or 3.~~ (b) or (c) or by the department of health services under

BILL

1 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
2 school board shall include the number of days the school was closed.

3 **SECTION 8.** 121.004 (5) of the statutes is amended to read:

4 121.004 (5) MEMBERSHIP. “Membership” for any school district is the sum of
5 pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer
6 average daily membership equivalent for those academic summer classes, interim
7 session classes, and laboratory periods approved for necessary academic purposes
8 under s. 121.14 (1) (a) 1. and 2. and those online classes described in s. 121.14 (1) (a)
9 3.

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

11 121.004 (7) (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
12 requiring that requires full-day attendance by the pupil for 5 days a week, but not
13 on any day of the week that pupils enrolled in other grades in the school do not attend
14 school, for an entire school year term shall be counted as one pupil.

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

22 **SECTION 10.** 121.004 (7) (cm) of the statutes is amended to read:

23 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
24 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
25 that provides the required number of hours of direct pupil instruction under s. 121.02

BILL

1 (1) (f) ~~2~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
2 additional hours of outreach activities.

3 **SECTION 11.** 121.004 (8) of the statutes is renumbered 121.004 (8) (intro.) and
4 amended to read:

5 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. (intro.) "Summer
6 average daily membership equivalent" is ~~the~~ a number determined by dividing the
7 sum of the following by 48,600:

8 (a) The total number of minutes in which pupils are enrolled in academic
9 summer classes, interim session classes, or laboratory periods, as defined by the
10 state superintendent under s. 121.14, ~~divided by 48,600.~~

11 **SECTION 12.** 121.004 (8) (b) of the statutes is created to read:

12 121.004 (8) (b) The sum of the number of minutes of online class instruction
13 completed per pupil for each high school pupil and each pupil in the 7th or 8th grade
14 who completes an online summer class or an online interim session class offered by
15 a school district if all of the following are satisfied:

16 1. The online class is offered by a school district.

17 2. The pupil receiving instruction in the online class resides in the school
18 district under subd. 1. or is attending that school district under s. 118.51.

19 3. a. If the pupil receiving instruction in the online class is enrolled in a high
20 school grade, the pupil receives credit for completion of the class.

21 b. If the pupil receiving instruction in the online class is enrolled in the 7th or
22 8th grade, the pupil successfully completed the class.

23 4. The school board of the school district under subd. 1. determines that the
24 online class ~~credit received under subd. 3.~~ fulfills a requirement for high school graduation

BILL

1 specified under s. 118.33 (1) (a) 1. or established by the school board under the
2 authority of the department.

3 **SECTION 13.** 121.006 (2) (a) of the statutes is amended to read:

4 121.006 (2) (a) Hold school for ~~at least 180 days each year, less any days during~~
5 ~~which the state superintendent determines that school is not held or educational~~
6 ~~standards are not maintained as the result of a strike by school district employees,~~
7 ~~the days to be computed in accordance with s. 115.01 (10) the minimum number of~~
8 ~~hours of direct pupil instruction required for the grade in which a pupil is enrolled~~
9 ~~as specified in s. 121.02 (1) (f).~~

10 **SECTION 14.** 121.02 (1) (f) 1. of the statutes is repealed.

11 **SECTION 15.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
12 amended to read:

13 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
14 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
15 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours
16 under this ~~subdivision~~ paragraph include recess and time for pupils to transfer
17 between classes but do not include the lunch period. Scheduled hours under this
18 paragraph may include hours on Saturdays. A school board operating a 4-year-old
19 kindergarten program may use up to 87.5 of the scheduled hours for outreach
20 activities.

21 **SECTION 16.** 121.14 (title) of the statutes is amended to read:

22 **121.14 (title) State aid for summer classes and interim session classes.**

23 **SECTION 17.** 121.14 (1) of the statutes is renumbered 121.14 (1) (a) (intro.) and
24 amended to read:

Scheduled hours under this section
do not include hours of direct pupil
instruction offered during an interim
session.

paragraph

BILL

1 21.14 (1) (a) (intro.) State aid shall be paid to each district or county children
2 with disabilities education board ~~only~~ for all of the following:

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

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

9 **SECTION 18.** 21.14 (1) (a) 2. of the statutes is created to read:

10 21.14 (1) (a) 2. Subject to par. (b), for a school district or county children with
11 disabilities education board that provides year-round school, those interim session
12 classes or laboratory periods that are for necessary academic purposes, as defined by
13 the state superintendent by rule.

14 **SECTION 19.** 21.14 (1) (a) 3. of the statutes is created to read:

15 21.14 (1) (a) 3. Those online classes offered as summer classes or interim
16 session classes to high school pupils and pupils in grade 7 or 8 who reside in the school
17 district, or who are attending the online class in the school district under s. 118.51,
18 provided a pupil enrolled in a high school grade receives a credit for the class, a pupil
19 enrolled in the 7th or 8th grade successfully completes the class, and the school board
20 of the school district determines the online class fulfills a requirement for high school
21 graduation specified under s. 118.33 (1) (a) 1. or established by the school board
22 under the authority of the department.

23 **SECTION 20.** 21.14 (2) (a) of the statutes is amended to read:

BILL

1 121.14 (2) (a) State aid for summer classes, laboratory periods, or interim
2 session classes under sub. (1) shall be incorporated into the state aid paid for regular
3 classes under this subchapter.

4 **SECTION 21.** 121.23 (2) (intro.) of the statutes is amended to read:

5 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to
6 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
7 (f) as the result of a strike by school district employees, for the purposes of computing
8 general aid, the state superintendent shall compute the school district's primary and
9 secondary ceiling costs per member in accordance with the procedure specified in
10 pars. (a) to (e). In making the calculation, the state superintendent shall:

11 **SECTION 22.** 121.58 (4) of the statutes is amended to read:

12 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
13 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
14 s. 121.54 (10) if the transportation is provided by the nonresident school district that
15 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with
16 the department a report, containing such information as the department requires,
17 on transportation provided by the school board to and from summer classes. Upon
18 receipt of such report and if the summer classes meet the requirements of s. 121.14
19 (1) (a) 1. or 2., state aid shall be paid for such transportation. A school district which
20 provides such transportation shall be paid state aid for such transportation at the
21 rate of \$4 per pupil transported to and from public school whose residence is at least
22 2 miles and not more than 5 miles by the nearest traveled route from the public school
23 attended, and \$6 per pupil transported to and from public school whose residence is
24 more than 5 miles by the nearest traveled route from the public school attended, if

BILL

1 the pupil is transported 30 days or more. The state aid shall be reduced
2 proportionately if the pupil is transported less than 30 days.

3 **SECTION 23.** 121.83 (2) (b) of the statutes is amended to read:

4 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
5 the previous school year multiplied by ~~180~~ the number of school days held in the
6 previous school year times the summer average daily membership equivalent of the
7 pupil.

8 **SECTION 24.** 121.90 (3) of the statutes is amended to read:

9 121.90 (3) "Summer enrollment" means the summer average daily
10 membership equivalent for those academic summer classes, interim session classes,
11 and laboratory periods approved for necessary academic purposes under s. 121.14 (1)
12 (a) 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

13 **SECTION 25. Initial applicability.**

14 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition
15 charged for interim session classes or online classes in the 2014-15 school year.

16 (2) The treatment of section 121.004 (5) of the statutes, the renumbering and
17 amendment of sections 121.004 (8) and 121.14 (1) of the statutes, and the creation
18 of sections ^{115.001(3m) ^} 121.004 (8) (b) and 121.14 (1) (a) 2. and 3. of the statutes first apply to state
19 aid paid for interim session classes and summer online classes in the 2014-15 school
20 year.

21 (3) The treatment of section 121.90 (3) of the statutes first applies to the
22 determination of a school district's revenue limit in the 2014-15 school year.

23 (END)

d-note

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1721/4ins
TKK:kjf:rs

INSERT ANALYSIS

no ~~ff~~ The bill defines "interim session" to mean a period of time in a school year when school is held by a school in a school district to provide direct pupil instruction.

INSERT 2-1

1 SECTION 1. 115.001 (3m) of the statutes is created to read:

2 115.001 (3m) INTERIM SESSION. "Interim session" means a period of time in a
3 school year when school is held by a school in a school district to provide direct pupil
4 instruction.

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

LRB-1721/4dn
TKK:kjf:rs

Date

Sarah:

✕ This iteration of the bill creates ^a definition for "interim session" in s. 115.001. Please review the definition carefully, as it modifies the definition provided by Jennifer Kammerud in an email dated February 5, 2014. ✓

Note that "session" is defined under s. 115.001 (14) to mean "the time during a school term that the schools of a school district are operated for the attendance of pupils." The proposed definition for "interim session" does not flow from this definition for session. For example, the definition for "session" makes no reference to "instruction" as does the proposed definition for "interim session." Is that variation problematic? Also, the session falls within both the school year and the school term. An interim session will, of course, not fall within the school term.

It was not clear from Jennifer Kammerud's proposed definition whether all schools of a school district would provide instruction during an interim session? The definition provided in this draft does not require that to be the case.

Finally, that portion of the proposed definition related to the use of instructional time to meet the requirements of s. 121.02 (1) (f) is a substantive application of the definition and is not definitional. I have placed that portion of the proposed definition in s. 121.02 (1) (f).

Let me know if you have any questions or wish to make any changes.

Tracy K. Kuczenski
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1721/4dn
TKK:kjf:jm

February 5, 2014

Sarah:

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Tracy K. Kuczenski
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Barman, Mike

From: LRB.Legal
To: Sen.Olsen
Subject: Draft review: LRB -1721/4 Topic: Convert 180 days of instruction requirement to minimum hours of instruction requirement
Attachments: 13-1721/4; DraftersNote1

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, Senior 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.

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.