



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0541/P1  
FFK(sac:rs)

In 1-16-15

pa  
le  
Wlj:

DOA:.....Stritchko, BB0184 - Allow whole grade sharing

**FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION**

1 **AN ACT**...; relating to: the budget.

Do Not Gen

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Analysis Ins

This bill authorizes the school boards of two or more school districts to enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils in one or more grades in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day. The agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year.

A whole grade sharing

No P At least 90 days before entering into a whole grade sharing agreement, an interested school board must adopt a resolution stating its intent. If a petition signed by at least 20 percent of the electors residing in the school district is submitted, the school board must contract with an organization approved by DPI for a feasibility study. If a study is required, the school board may not enter into an agreement until it receives the results of the study.

No P At least 30 days before entering into a whole grade sharing agreement, an interested school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

A whole grade sharing agreement must specify the amount to be paid to the school district or districts that the pupils will attend. During the first five school years after a whole grade sharing agreement takes effect, DPI must provide

For each of

additional aid to <sup>each participating</sup> a school district ~~that enters into the agreement~~ to ensure that the school district does not receive less state aid than it did before entering into the agreement. DPI also provides additional aid in the sixth and seventh years after the agreement takes effect but to a lesser extent. A whole grade sharing agreement must also specify which school district or districts is responsible for transporting pupils to and from the school they are attending under the agreement. The responsible school districts receive state transportation aid for transportation costs.

In general, the bill provides that pupils attending a public school in a nonresident school district under a whole grade sharing agreement have all the rights and privileges of resident pupils and are subject to the same rules that govern resident pupils. The bill also provides that the school district of attendance is the local educational agency for purposes of providing special education and related services to children with a disability who are attending a nonresident school district under a whole grade sharing agreement.

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

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

1           **SECTION 1.** 67.03 (7) of the statutes is renumbered 67.03 (7) (a).

2           **SECTION 2.** 67.03 (7) (b) of the statutes is created to read:

3           67.03 (7) (b) For the purposes of indebtedness, a school district that does not  
4 operate one or more grades as a result of entering into a whole grade sharing  
5 agreement under s. 118.50 is considered to be operating those grades.

6           **SECTION 3.** 115.28 (61) of the statutes is created to read:

7           115.28 (61) **WHOLE GRADE SHARING FEASIBILITY STUDIES.** Approve organizations  
8 to conduct feasibility studies under s. 118.50 (2) (c).

9           **SECTION 4.** 115.77 (1) of the statutes is amended to read:

10           115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
11 2., if a child with a disability is attending a public school in a nonresident school  
12 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), “local educational agency”  
13 means the school district that the child is attending.

1           **SECTION 5.** 115.777 (1) of the statutes is amended to read:

2           115.777 (1) (a) A physician, nurse, psychologist, social worker or administrator  
3 of a social agency who reasonably believes that a child brought to him or her for  
4 services has a disability shall refer the child to the local educational agency. If the  
5 local educational agency to whom the referral is made is the school district in which  
6 the child resides but the child is attending a public school in a nonresident school  
7 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
8 district in which the child resides shall provide the name of the child and related  
9 information to the school board of the school district that the child is attending.

10           (b) A person who is required to be licensed under s. 115.28 (7), who is employed  
11 by a local educational agency and who reasonably believes a child has a disability,  
12 shall refer the child to the local educational agency. If the local educational agency  
13 to whom the referral is made is the school district that the child is attending but the  
14 child is a nonresident attending a public school in that school district under s. 118.50,  
15 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child  
16 is attending shall provide the name of the child and related information to the school  
17 board of the child's school district of residence.

18           (c) Any person other than those specified under par. (a) or (b) who reasonably  
19 believes that a child is a child with a disability may refer the child to a local  
20 educational agency. If the local educational agency to whom the referral is made is  
21 the school district in which the child resides but the child is attending a public school  
22 in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the  
23 school board of the school district in which the child resides shall provide the name  
24 of the child and related information to the school board of the school district that the  
25 child is attending.

1           **SECTION 6.** 115.78 (1) of the statutes is amended to read:

2           115.78 (1) **DEFINITION.** In this section, for a child who is attending a public  
3 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4),  
4 “local educational agency” means the school board of the school district that the child  
5 is attending.

6           **SECTION 7.** 115.78 (1m) (h) of the statutes is amended to read:

7           115.78 (1m) (h) If the child is attending a public school in a nonresident school  
8 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), at least one person designated  
9 by the school board of the child’s school district of residence who has knowledge or  
10 special expertise about the child.

11           **SECTION 8.** 115.79 (1) (b) of the statutes is amended to read:

12           115.79 (1) (b) An educational placement is provided to implement a child’s  
13 individualized education program. Except as provided in s. 118.51 (12) (a) and (b)  
14 2., if a child with a disability is attending a public school in a nonresident school  
15 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
16 district that the child is attending shall provide an educational placement for the  
17 child and shall pay tuition charges instead of the school district in which the child  
18 resides if required by the placement.

19           **SECTION 9.** 115.792 (1) (b) of the statutes is amended to read:

20           115.792 (1) (b) The local educational agency shall establish and maintain  
21 procedures to ensure that a child’s parents are provided prior written notice  
22 whenever the local educational agency proposes to initiate or change, or refuses to  
23 initiate or change, the identification, evaluation or educational placement of the  
24 child, or the provision of a free appropriate public education to the child. In this

1 paragraph, “local educational agency” includes the nonresident school district that  
2 a child is attending under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

3 **SECTION 10.** 115.792 (3) (a) of the statutes is amended to read:

4 115.792 (3) (a) In this subsection, “local educational agency” includes the  
5 nonresident school district that a child is attending under s. 118.50, 118.51, or 121.84  
6 (1) (a) or (4).

7 **SECTION 11.** 115.80 (8) of the statutes is amended to read:

8 115.80 (8) Except as provided in 20 USC 1415 (k), during the pendency of any  
9 proceedings under this section, the local educational agency may not change the  
10 educational placement of a child unless the child’s parents agree to the change. If  
11 the child is applying for initial admission to a public school, the child shall, with the  
12 consent of the child’s parents, be placed in the public school program until all  
13 proceedings under this section have been completed. In this subsection, “local  
14 educational agency” includes the nonresident school district that a child is attending  
15 under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

16 **SECTION 12.** 115.82 (2) (c) of the statutes is created to read:

17 115.82 (2) (c) If the child is attending a public school in a nonresident school  
18 district under s. 118.50, the school district specified to do so in the whole grade  
19 sharing agreement shall provide transportation.

20 **SECTION 13.** 115.88 (8) of the statutes is amended to read:

21 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in  
22 a public special education program located in another state and the state  
23 superintendent is satisfied that the program in which the child is enrolled complies  
24 with this subchapter, the state superintendent shall certify to the department of  
25 administration in favor of the school district in which the child resides or the school

1 district attended by the child under s. 118.50, 118.51, or 121.84 (1) (a) or (4) a sum  
2 equal to the amount expended by the school district during the preceding year for the  
3 additional costs associated with the child's special education program as costs  
4 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

5 **SECTION 14.** 117.05 (5) (a) of the statutes is amended to read:

6 117.05 (5) (a) *Territory in district.* All territory within this state shall be  
7 included in a school district operating elementary school grades and a school district  
8 operating high school grades or in a school district operating both elementary and  
9 high school grades, except for territory located in a school district that is not  
10 operating certain grades as a result of entering into a whole grade sharing agreement  
11 under s. 118.50. No territory may be detached from a school district unless by the  
12 same order it is attached to another school district or included in a new school district  
13 created by the order. No territory may be detached from a school district that  
14 operates high school grades unless by the same order it is attached to or included in  
15 another school district that operates high school grades.

16 **SECTION 15.** 117.30 (1) (a) of the statutes is amended to read:

17 117.30 (1) (a) Except as provided under pars. (b) ~~and (c) to (d)~~, if a school district  
18 for 2 or more successive years has failed to operate sufficient classes at each grade  
19 level to provide all pupils who reside in the school district an opportunity to attend  
20 class at the appropriate grade level, the board shall attach the territory of the school  
21 district to one or more school districts that do so. Within 60 days of the date on which  
22 a school district becomes subject to this section, the state superintendent shall so  
23 notify the school district clerk and the clerk of each municipality in which part of the  
24 school district lies. Prior to August 30 of the year in which the school district becomes  
25 subject to this section, the board shall issue an order of school district reorganization

1 attaching the school district to one or more operating school districts. Orders issued  
2 under this section take effect upon being filed as provided in s. 117.17 (2). The school  
3 board of each district to which any territory is attached under this section shall levy  
4 and collect a special tax against the property in the territory so attached for such  
5 amount as is payable for tuition and transportation, at the time of the attachment,  
6 by the school district in which the attached territory was located prior thereto, in the  
7 proportion that the equalized valuation of the attached territory bears to the total  
8 equalized valuation of the school district in which such territory was located prior  
9 to such attachment.

10 **SECTION 16.** 117.30 (1) (d) of the statutes is created to read:

11 117.30 (1) (d) Paragraph (a) does not apply if the school district fails to operate  
12 one or more grades but provides for their operation by another school district  
13 pursuant to a whole grade sharing agreement under s. 118.50.

14 **SECTION 17.** 118.134 (3m) of the statutes is amended to read:

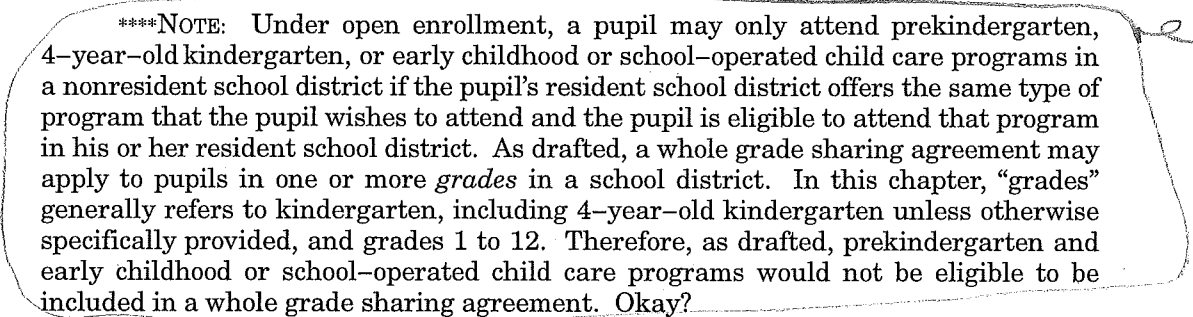
15 118.134 (3m) A pupil attending a public school in a nonresident school district  
16 under s. 118.50 or 118.51 may not file a complaint under sub. (1) in which the pupil  
17 objects to the use of a race-based nickname, logo, mascot, or team name by the school  
18 board of the nonresident school district.

\*\*\*NOTE: This is based on the assumption that pupils attending a nonresident district under a whole grade sharing agreement are treated similarly to pupils attending under open enrollment. Please let me know if this is not consistent with your intent.


19 **SECTION 18.** 118.50 of the statutes is created to read:

20 **118.50 Whole grade sharing. (1) AGREEMENT.** The school boards of 2 or more  
21 school districts may enter into a whole grade sharing agreement that provides for all  
22 or a substantial portion of the pupils enrolled in one or more grades in any of the

1 school districts to attend school in one or more of the other school districts for all or  
2 a substantial portion of a school day. In s 8-2



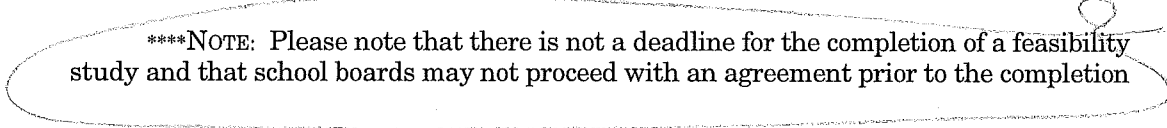
\*\*\*\*NOTE: Under open enrollment, a pupil may only attend prekindergarten, 4-year-old kindergarten, or early childhood or school-operated child care programs in a nonresident school district if the pupil's resident school district offers the same type of program that the pupil wishes to attend and the pupil is eligible to attend that program in his or her resident school district. As drafted, a whole grade sharing agreement may apply to pupils in one or more *grades* in a school district. In this chapter, "grades" generally refers to kindergarten, including 4-year-old kindergarten unless otherwise specifically provided, and grades 1 to 12. Therefore, as drafted, prekindergarten and early childhood or school-operated child care programs would not be eligible to be included in a whole grade sharing agreement. Okay?



3 (2) PROCEDURE. (a) A school board may not enter into, extend, or renew a whole  
4 grade sharing agreement after February 1 of the school year preceding the school  
5 year in which the agreement, extension, or renewal takes effect.

6 (b) At least 90 days before entering into, extending, or renewing a whole grade  
7 sharing agreement, the school board shall adopt a resolution stating its intention to  
8 do so. Within 10 days after adoption of the resolution, the school district clerk shall  
9 publish notice of the adoption of the resolution as a class 1 notice under ch. 985 in  
10 a newspaper published in the school district or post a notice of the adoption of the  
11 resolution as provided in s. 10.05.

12 (c) Within 30 days after publication or posting, a petition signed by at least 20  
13 percent of the electors residing in the school district may be filed with the school  
14 board requesting a feasibility study of the agreement. Upon receiving the petition,  
15 the school board shall contract with an organization approved by the department to  
16 conduct the feasibility study. If a feasibility study is required under this paragraph,  
17 the school board may not enter into, extend, or renew a whole grade sharing  
18 agreement until it receives the results of the study. The school board shall post the  
19 results of the feasibility study on the school district's Internet site.



\*\*\*\*NOTE: Please note that there is not a deadline for the completion of a feasibility study and that school boards may not proceed with an agreement prior to the completion



of the study. Presumably, the school board will be in a position to work with the organization completing the study to get the study done in a timely manner. However, if you would like to include specific language to require that a feasibility study be completed in a certain amount of time, please let me know.

1 (d) At least 30 days before entering into, extending, or renewing a whole grade  
2 sharing agreement, the school board shall hold a public hearing in the school district  
3 at which the proposed agreement is described and at which any school district elector  
4 may comment on the proposed agreement. Two or more school boards that will be  
5 parties to the agreement may hold a joint public hearing in one of the school districts.

6 (3) TUITION. A whole grade sharing agreement shall specify the amount to be  
7 paid by a school district or districts that are parties to the agreement to the school  
8 district or districts that pupils attend under the agreement during each school year  
9 of the agreement.

10 (b) (4) TRANSPORTATION. (a) <sup>In addition, the requirement, under sub. (1),</sup> A whole grade sharing agreement shall specify which  
11 school board is responsible for transporting pupils to and from the school they are  
12 attending under the agreement.

13 (b) <sup>A whole grade sharing agreement may also specify which</sup> A school board may provide transportation for pupils attending summer  
14 classes under a whole grade sharing <sup>the</sup> agreement. <sup>new (c)</sup> If a school board provides  
15 transportation for fewer than all pupils, there shall be reasonable uniformity in the  
16 minimum and maximum distances pupils are transported.

17 (4) (5) ATTENDANCE AREAS. If a school board enters into a whole grade sharing  
18 agreement that designates more than one school district for the attendance of its  
19 pupils, the school board shall establish attendance areas within the school district  
20 for determining the school districts of attendance of the pupils.

21 (5) (6) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS; PARTICIPATION IN PROGRAMS.

22 (a) Except as provided in s. 118.134 (3m), a pupil attending a public school in a  
23 nonresident school district under this section has all of the rights and privileges of

1 pupils residing in that school district and is subject to the same rules and regulations  
2 as pupils residing in that school district.

3 (b) A pupil attending a public school in a nonresident school district under this  
4 section is considered a resident of the nonresident school district for the purposes of  
5 participating in programs of a cooperative educational service agency or a county  
6 children with disabilities education board.

7 **(7) DIPLOMA.** If a pupil attending a nonresident school district under this  
8 section graduates from high school in the nonresident school district, the school  
9 board of the nonresident school district shall grant a high school diploma to the pupil.

10 **(8) SCHOOL DISTRICT REORGANIZATION.** A whole grade sharing agreement entered  
11 into under this section is not an order of school district reorganization under ch. 117.

12 **SECTION 19.** 119.04 (1) of the statutes is amended to read:

13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
15 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,  
16 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
17 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
18 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
19 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,  
20 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to  
21 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.21  
22 (3), and 120.25 are applicable to a 1st class city school district and board.

23 **SECTION 20.** 121.02 (1) (L) 3. of the statutes is amended to read:

24 121.02 (1) (L) 3. In grades 9 to 12, provide access to an educational program  
25 that enables pupils each year to study English, social studies, mathematics, science,

1 vocational education, foreign language, physical education, art and music. In this  
2 subdivision, “access” means an opportunity to study through school district course  
3 offerings, independent study, cooperative educational service agencies, or  
4 cooperative arrangements between school boards or between school boards and  
5 postsecondary educational institutions.

6 SECTION 21. 121.05 (1) (a) 11. of the statutes is amended to read:

7 121.05 (1) (a) 11. Pupils residing in the school district but attending a public  
8 school in another school district under s. 118.50, 118.51, 121.84 (4), or 121.85 (3) (a).

9 SECTION 22. 121.105 (4) of the statutes is created to read:

10 121.105 (4) (a) In the school year in which a whole grade sharing agreement  
11 under s. 118.50 takes effect and in each of the subsequent 4 school years, the  
12 department shall pay additional aid to each school district that entered into the <sup>is participating in</sup>  
13 agreement to ensure that the school district receives no less state aid than the  
14 amount of state aid to which the school district was eligible in the school year prior  
15 to the school year in which the whole grade sharing agreement took effect. In the 5th  
16 school year following the school year in which a whole grade sharing agreement takes  
17 effect, the department shall pay additional aid to each school district that entered  
18 into a <sup>is participating in the</sup> whole grade sharing agreement in an amount that is equal to 66 percent of the  
19 payment that the school district received under this subsection in the prior school  
20 year. In the 6th school year following the school year in which the whole grade  
21 sharing agreement takes effect, the department shall pay to each school district that  
22 entered into <sup>is participating in</sup> the agreement an amount that is equal to 33 percent of the payment that  
23 the school district received in the 4th school year following the school year in which  
24 the whole <sup>grade</sup> sharing agreement took effect. The department shall pay additional aid  
25 under this paragraph from the appropriation under s. 20.255 (2) (ac).

\*\*\*\*NOTE: In addition to special adjustment aid, the primary and secondary ceiling cost per member for a consolidated district are inflated during the 7 years following the consolidation. Similarly, the primary, secondary, and tertiary guaranteed valuation per member amounts are inflated for a consolidated district during the same years. Please let me know if you want similar inflators for these aspects of the aid formula for school districts that enter into a whole grade sharing agreement.

1           **SECTION 23.** 121.58 (2) (a) (intro.) of the statutes is amended to read:

2           121.58 (2) (a) (intro.) A school district ~~which~~ that provides transportation to  
3 and from a school under ss. 118.50 (4)<sup>(3)</sup>(a), 121.54 (1) to (3), (5), and (6), and 121.57,  
4 and the nonresident school district that a pupil attends under s. 118.51 or 121.84 (4)  
5 which elects to provide transportation under s. 121.54 (10), shall be paid state aid for  
6 such transportation at the following rates:

7           **SECTION 24.** 121.58 (4) of the statutes is amended to read:

8           121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
9 October 1 of the year in which transportation is provided under s. 118.50 (4)<sup>(3)</sup>(b) or  
10 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident  
11 school district that a pupil attends under s. 118.51 or 121.84 (4), the school district  
12 clerk shall file with the department a report, containing such information as the  
13 department requires, on transportation provided by the school board to and from  
14 summer classes. Upon receipt of such report and if the summer classes meet the  
15 requirements of s. 121.14 (1) (a) 1. or 2., state aid shall be paid for such  
16 transportation. A school district which provides such transportation shall be paid  
17 state aid for such transportation at the rate of \$4 per pupil transported to and from  
18 public school whose residence is at least 2 miles and not more than 5 miles by the  
19 nearest traveled route from the public school attended, and \$6 per pupil transported  
20 to and from public school whose residence is more than 5 miles by the nearest  
21 traveled route from the public school attended, if the pupil is transported 30 days or

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

3 **SECTION 25.** 121.77 (3) of the statutes is amended to read:

4 121.77 (3) Subsections (1) (b) and (2) do not apply to a pupil attending a public  
5 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (4).

6 (END)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0541/P2  
FFK:.....

ANALYSIS INSERT

A whole grade sharing agreement must specify all of the following:

1. ① The term of the agreement. ✓
2. ② The grade levels affected by the agreement. ✓
3. ③ The per pupil amount that a resident school district pays for a pupil attending a nonresident school district under the agreement. ✓
4. ④ Which pupils each school board is responsible to transport. A responsible school board is eligible for state transportation aid for the pupils it transports under the agreement.
5. ⑤ Which school board will award graduation diplomas. ✓
6. ⑥ Which school board is required to maintain pupils records. ✓

END ANALYSIS INSERT

INS 3-2

- 1 (NOFF) School boards shall include in a whole grade sharing agreement all of the  
2 following:
- 3 (a) The term of the agreement and the date by which each school board must  
4 notify the other participating school boards of its intent to renew the agreement.
  - 5 (b) The grade levels in each school district that are subject to the agreement.
  - 6 (c) The annual amount that the school board of a pupil's resident school district  
7 pays to the school board of the school district that the pupil attends under the  
8 agreement.
  - 9 (d) Which school board grants diplomas to pupils, who under the agreement,  
10 graduate from high school in a school district other than the pupil's resident school  
11 district.

1 (e) Which school board is responsible for pupil records, as defined in s.118.125  
 2 (1) (d), for pupils, who under the agreement, attend school in a school district other  
 3 than the pupil's resident school district.

END INS 8-2

INS 10-6

4 (6) ~~FULL-TIME ENROLLMENT~~ IN NONRESIDENT DISTRICT. If a whole grade sharing  
 5 agreement provides for a pupil to attend a grade in a nonresident school district, the  
 6 pupil may not attend that grade in the nonresident school district under s. 118.51.

END INS 10-6

INS 10-11

7 SECTION 1. 118.51 (2) of the statutes is amended to read:

8 118.51 (2) APPLICABILITY. <sup>Strike extra spaces</sup> Except as provided in s. 118.50 (6), a pupil may  
 9 attend a public school, including a charter school, prekindergarten, 4-year-old  
 10 kindergarten, or early childhood or school-operated child care program, in a  
 11 nonresident school district under this section, except that a pupil may attend a  
 12 prekindergarten, 4-year-old kindergarten, or early childhood or school-operated  
 13 child care program in a nonresident school district only if the pupil's resident school  
 14 district offers the same type of program that the pupil wishes to attend and the pupil  
 15 is eligible to attend that program in his or her resident school district.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55; 2005 a. 258; 2007 a. 222; 2009 a. 185, 250, 303, 304; 2011 a. 32, 114, 258; 2013 a. 20, 165.



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0541/P2-P3

FFK:wlj:rs

dnote

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1/28/15

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*Analysis by the Legislative Reference Bureau*

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**PRIMARY AND SECONDARY EDUCATION**

This bill authorizes the school boards of two or more school districts to enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils in one or more grades in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day. A whole grade sharing agreement must specify all of the following:

1. The term of the agreement.
2. The grade levels affected by the agreement.
3. The per pupil amount that a resident school district pays for a pupil attending a nonresident school district under the agreement.
4. Which pupils each school board is responsible to transport. A responsible school board is eligible for state transportation aid for the pupils it transports under the agreement.
5. Which school board will award graduation diplomas.
6. Which school board is required to maintain pupils records.

A whole grade sharing agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year. At least 90 days before entering into a whole grade sharing agreement, an interested school board must adopt a resolution stating its intent. If a petition signed by at least



20 percent of the electors residing in the school district is submitted, the school board must contract with an organization approved by DPI for a feasibility study. If a study is required, the school board may not enter into an agreement until it receives the results of the study. At least 30 days before entering into a whole grade sharing agreement, an interested school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

For each of the first five school years after a whole grade sharing agreement takes effect, DPI must provide additional aid to each participating school district to ensure that the school district does not receive less state aid than it did before entering into the agreement. DPI also provides additional aid in the sixth and seventh years after the agreement takes effect but to a lesser extent.

In general, the bill provides that pupils attending a public school in a nonresident school district under a whole grade sharing agreement have all the rights and privileges of resident pupils and are subject to the same rules that govern resident pupils. The bill also provides that the school district of attendance is the local educational agency for purposes of providing special education and related services to children with a disability who are attending a nonresident school district under a whole grade sharing agreement.

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

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

1           **SECTION 1.** 67.03 (7) of the statutes is renumbered 67.03 (7) (a).

2           **SECTION 2.** 67.03 (7) (b) of the statutes is created to read:

3           67.03 (7) (b) For the purposes of indebtedness, a school district that does not  
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5 agreement under s. 118.50 is considered to be operating those grades.

6           **SECTION 3.** 115.28 (61) of the statutes is created to read:

7           115.28 (61) **WHOLE GRADE SHARING FEASIBILITY STUDIES.** Approve organizations  
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9           **SECTION 4.** 115.77 (1) of the statutes is amended to read:

10           115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
11 2., if a child with a disability is attending a public school in a nonresident school

1 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), “local educational agency”  
2 means the school district that the child is attending.

3 **SECTION 5.** 115.777 (1) of the statutes is amended to read:

4 115.777 (1) (a) A physician, nurse, psychologist, social worker or administrator  
5 of a social agency who reasonably believes that a child brought to him or her for  
6 services has a disability shall refer the child to the local educational agency. If the  
7 local educational agency to whom the referral is made is the school district in which  
8 the child resides but the child is attending a public school in a nonresident school  
9 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
10 district in which the child resides shall provide the name of the child and related  
11 information to the school board of the school district that the child is attending.

12 (b) A person who is required to be licensed under s. 115.28 (7), who is employed  
13 by a local educational agency and who reasonably believes a child has a disability,  
14 shall refer the child to the local educational agency. If the local educational agency  
15 to whom the referral is made is the school district that the child is attending but the  
16 child is a nonresident attending a public school in that school district under s. 118.50,  
17 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child  
18 is attending shall provide the name of the child and related information to the school  
19 board of the child’s school district of residence.

20 (c) Any person other than those specified under par. (a) or (b) who reasonably  
21 believes that a child is a child with a disability may refer the child to a local  
22 educational agency. If the local educational agency to whom the referral is made is  
23 the school district in which the child resides but the child is attending a public school  
24 in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the  
25 school board of the school district in which the child resides shall provide the name

1 of the child and related information to the school board of the school district that the  
2 child is attending.

3 **SECTION 6.** 115.78 (1) of the statutes is amended to read:

4 115.78 (1) DEFINITION. In this section, for a child who is attending a public  
5 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4),  
6 “local educational agency” means the school board of the school district that the child  
7 is attending.

8 **SECTION 7.** 115.78 (1m) (h) of the statutes is amended to read:

9 115.78 (1m) (h) If the child is attending a public school in a nonresident school  
10 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), at least one person designated  
11 by the school board of the child’s school district of residence who has knowledge or  
12 special expertise about the child.

13 **SECTION 8.** 115.79 (1) (b) of the statutes is amended to read:

14 115.79 (1) (b) An educational placement is provided to implement a child’s  
15 individualized education program. Except as provided in s. 118.51 (12) (a) and (b)  
16 2., if a child with a disability is attending a public school in a nonresident school  
17 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
18 district that the child is attending shall provide an educational placement for the  
19 child and shall pay tuition charges instead of the school district in which the child  
20 resides if required by the placement.

21 **SECTION 9.** 115.792 (1) (b) of the statutes is amended to read:

22 115.792 (1) (b) The local educational agency shall establish and maintain  
23 procedures to ensure that a child’s parents are provided prior written notice  
24 whenever the local educational agency proposes to initiate or change, or refuses to  
25 initiate or change, the identification, evaluation or educational placement of the

1 child, or the provision of a free appropriate public education to the child. In this  
2 paragraph, “local educational agency” includes the nonresident school district that  
3 a child is attending under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

4 **SECTION 10.** 115.792 (3) (a) of the statutes is amended to read:

5 115.792 (3) (a) In this subsection, “local educational agency” includes the  
6 nonresident school district that a child is attending under s. 118.50, 118.51, or 121.84  
7 (1) (a) or (4).

8 **SECTION 11.** 115.80 (8) of the statutes is amended to read:

9 115.80 (8) Except as provided in 20 USC 1415 (k), during the pendency of any  
10 proceedings under this section, the local educational agency may not change the  
11 educational placement of a child unless the child’s parents agree to the change. If  
12 the child is applying for initial admission to a public school, the child shall, with the  
13 consent of the child’s parents, be placed in the public school program until all  
14 proceedings under this section have been completed. In this subsection, “local  
15 educational agency” includes the nonresident school district that a child is attending  
16 under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

17 **SECTION 12.** 115.82 (2) (c) of the statutes is created to read:

18 115.82 (2) (c) If the child is attending a public school in a nonresident school  
19 district under s. 118.50, the school district specified to do so in the whole grade  
20 sharing agreement shall provide transportation.

21 **SECTION 13.** 115.88 (8) of the statutes is amended to read:

22 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in  
23 a public special education program located in another state and the state  
24 superintendent is satisfied that the program in which the child is enrolled complies  
25 with this subchapter, the state superintendent shall certify to the department of

1 administration in favor of the school district in which the child resides or the school  
2 district attended by the child under s. 118.50, 118.51, or 121.84 (1) (a) or (4) a sum  
3 equal to the amount expended by the school district during the preceding year for the  
4 additional costs associated with the child's special education program as costs  
5 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

6 **SECTION 14.** 117.05 (5) (a) of the statutes is amended to read:

7 117.05 (5) (a) *Territory in district.* All territory within this state shall be  
8 included in a school district operating elementary school grades and a school district  
9 operating high school grades or in a school district operating both elementary and  
10 high school grades, except for territory located in a school district that is not  
11 operating certain grades as a result of entering into a whole grade sharing agreement  
12 under s. 118.50. No territory may be detached from a school district unless by the  
13 same order it is attached to another school district or included in a new school district  
14 created by the order. No territory may be detached from a school district that  
15 operates high school grades unless by the same order it is attached to or included in  
16 another school district that operates high school grades.

17 **SECTION 15.** 117.30 (1) (a) of the statutes is amended to read:

18 117.30 (1) (a) Except as provided under pars. (b) ~~and (e)~~ to (d), if a school district  
19 for 2 or more successive years has failed to operate sufficient classes at each grade  
20 level to provide all pupils who reside in the school district an opportunity to attend  
21 class at the appropriate grade level, the board shall attach the territory of the school  
22 district to one or more school districts that do so. Within 60 days of the date on which  
23 a school district becomes subject to this section, the state superintendent shall so  
24 notify the school district clerk and the clerk of each municipality in which part of the  
25 school district lies. Prior to August 30 of the year in which the school district becomes

1 subject to this section, the board shall issue an order of school district reorganization  
2 attaching the school district to one or more operating school districts. Orders issued  
3 under this section take effect upon being filed as provided in s. 117.17 (2). The school  
4 board of each district to which any territory is attached under this section shall levy  
5 and collect a special tax against the property in the territory so attached for such  
6 amount as is payable for tuition and transportation, at the time of the attachment,  
7 by the school district in which the attached territory was located prior thereto, in the  
8 proportion that the equalized valuation of the attached territory bears to the total  
9 equalized valuation of the school district in which such territory was located prior  
10 to such attachment.

11 **SECTION 16.** 117.30 (1) (d) of the statutes is created to read:

12 117.30 (1) (d) Paragraph (a) does not apply if the school district fails to operate  
13 one or more grades but provides for their operation by another school district  
14 pursuant to a whole grade sharing agreement under s. 118.50.

15 **SECTION 17.** 118.134 (3m) of the statutes is amended to read:

16 118.134 (3m) A pupil attending a public school in a nonresident school district  
17 under s. 118.50 or 118.51 may not file a complaint under sub. (1) in which the pupil  
18 objects to the use of a race-based nickname, logo, mascot, or team name by the school  
19 board of the nonresident school district.

20 **SECTION 18.** 118.50 of the statutes is created to read:

21 **118.50 Whole grade sharing. (1) AGREEMENT.** The school boards of 2 or more  
22 school districts may enter into a whole grade sharing agreement that provides for all  
23 or a substantial portion of the pupils enrolled in one or more grades in any of the  
24 school districts to attend school in one or more of the other school districts for all or

1 a substantial portion of a school day. School boards shall include in a whole grade  
2 sharing agreement all of the following:

3 (a) The term of the agreement and the date by which each school board must  
4 notify the other participating school boards of its intent to renew the agreement.

5 (b) The grade levels in each school district that are subject to the agreement.

6 (c) The annual amount that the school board of a pupil's resident school district  
7 pays to the school board of the school district that the pupil attends under the  
8 agreement.

9 (d) Which school board grants diplomas to pupils who, under the agreement,  
10 graduate from high school in a school district other than the pupil's resident school  
11 district.

12 (e) Which school board is responsible for pupil records, as defined in s. 118.125  
13 (1) (d), for pupils, who under the agreement, attend school in a school district other  
14 than the pupil's resident school district.

15 **(2) PROCEDURE.** (a) A school board may not enter into, extend, or renew a whole  
16 grade sharing agreement after February 1 of the school year preceding the school  
17 year in which the agreement, extension, or renewal takes effect.

18 (b) At least 90 days before entering into, extending, or renewing a whole grade  
19 sharing agreement, the school board shall adopt a resolution stating its intention to  
20 do so. Within 10 days after adoption of the resolution, the school district clerk shall  
21 publish notice of the adoption of the resolution as a class 1 notice under ch. 985 in  
22 a newspaper published in the school district or post a notice of the adoption of the  
23 resolution as provided in s. 10.05.

24 (c) Within 30 days after publication or posting, a petition signed by at least 20  
25 percent of the electors residing in the school district may be filed with the school

1 board requesting a feasibility study of the agreement. Upon receiving the petition,  
2 the school board shall contract with an organization approved by the department to  
3 conduct the feasibility study. If a feasibility study is required under this paragraph,  
4 the school board may not enter into, extend, or renew a whole grade sharing  
5 agreement until it receives the results of the study. The school board shall post the  
6 results of the feasibility study on the school district's Internet site.

7 (d) At least 30 days before entering into, extending, or renewing a whole grade  
8 sharing agreement, the school board shall hold a public hearing in the school district  
9 at which the proposed agreement is described and at which any school district elector  
10 may comment on the proposed agreement. Two or more school boards that will be  
11 parties to the agreement may hold a joint public hearing in one of the school districts.

12 (3) TRANSPORTATION. (a) In addition to the requirements under sub. (1), a whole  
13 grade sharing agreement shall specify which school board is responsible for  
14 transporting pupils to and from the school they are attending under the agreement.

15 (b) A whole grade sharing agreement may also specify which school board may  
16 provide transportation for pupils attending summer classes under the agreement.

17 (c) If, under a whole grade sharing agreement, a school board provides  
18 transportation for fewer than all pupils, there shall be reasonable uniformity in the  
19 minimum and maximum distances pupils are transported.

20 (4) ATTENDANCE AREAS. If a school board enters into a whole grade sharing  
21 agreement that designates more than one school district for the attendance of its  
22 pupils, the school board shall establish attendance areas within the school district  
23 for determining the school districts of attendance of the pupils.

24 (5) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS; PARTICIPATION IN PROGRAMS.

25 (a) Except as provided in s. 118.134 (3m), a pupil attending a public school in a



1 nonresident school district under this section has all of the rights and privileges of  
2 pupils residing in that school district and is subject to the same rules and regulations  
3 as pupils residing in that school district.

4 (b) A pupil attending a public school in a nonresident school district under this  
5 section is considered a resident of the nonresident school district for the purposes of  
6 participating in programs of a cooperative educational service agency or a county  
7 children with disabilities education board.

8 (6) FULL-TIME ENROLLMENT IN NONRESIDENT DISTRICT. If a whole grade sharing  
9 agreement provides for a pupil to attend a grade in a nonresident school district, the  
10 pupil may not attend that grade in the nonresident school district under s. 118.51.

11 (7) SCHOOL DISTRICT REORGANIZATION. A whole grade sharing agreement entered  
12 into under this section is not an order of school district reorganization under ch. 117.

13 **SECTION 19.** 118.51 (2) of the statutes is amended to read:

14 118.51 (2) APPLICABILITY. ~~A~~ Except as provided in s. 118.50 (6), a pupil may  
15 attend a public school, including a charter school, prekindergarten, 4-year-old  
16 kindergarten, or early childhood or school-operated child care program, in a  
17 nonresident school district under this section, except that a pupil may attend a  
18 prekindergarten, 4-year-old kindergarten, or early childhood or school-operated  
19 child care program in a nonresident school district only if the pupil's resident school  
20 district offers the same type of program that the pupil wishes to attend and the pupil  
21 is eligible to attend that program in his or her resident school district.

22 **SECTION 20.** 119.04 (1) of the statutes is amended to read:

23 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
24 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
25 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,

1 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
2 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
3 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
4 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,  
5 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to  
6 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.21  
7 (3), and 120.25 are applicable to a 1st class city school district and board.

8 **SECTION 21.** 121.02 (1) (L) 3. of the statutes is amended to read:

9 121.02 (1) (L) 3. In grades 9 to 12, provide access to an educational program  
10 that enables pupils each year to study English, social studies, mathematics, science,  
11 vocational education, foreign language, physical education, art and music. In this  
12 subdivision, “access” means an opportunity to study through school district course  
13 offerings, independent study, cooperative educational service agencies, or  
14 cooperative arrangements between school boards or between school boards and  
15 postsecondary educational institutions.

16 **SECTION 22.** 121.05 (1) (a) 11. of the statutes is amended to read:

17 121.05 (1) (a) 11. Pupils residing in the school district but attending a public  
18 school in another school district under s. 118.50, 118.51, 121.84 (4), or 121.85 (3) (a).

19 **SECTION 23.** 121.105 (4) of the statutes is created to read:

20 121.105 (4) (a) In the school year in which a whole grade sharing agreement  
21 under s. 118.50 takes effect and in each of the subsequent 4 school years, the  
22 department shall pay additional aid to each school district that is participating in the  
23 agreement to ensure that the school district receives no less state aid than the  
24 amount of state aid to which the school district was eligible in the school year prior  
25 to the school year in which the whole grade sharing agreement took effect. In the 5th

1 school year following the school year in which a whole grade sharing agreement takes  
2 effect, the department shall pay additional aid to each school district that is  
3 participating in the whole grade sharing agreement in an amount that is equal to 66  
4 percent of the payment that the school district received under this subsection in the  
5 prior school year. In the 6th school year following the school year in which the whole  
6 grade sharing agreement takes effect, the department shall pay to each school  
7 district that is participating in the whole grade sharing agreement an amount that  
8 is equal to 33 percent of the payment that the school district received in the 4th school  
9 year following the school year in which the whole grade sharing agreement took  
10 effect. The department shall pay additional aid under this paragraph from the  
11 appropriation under s. 20.255 (2) (ac).



12 **SECTION 24.** 121.58 (2) (a) (intro.) of the statutes is amended to read:

13 121.58 (2) (a) (intro.) A school district ~~which~~ that provides transportation to  
14 and from a school under ss. 118.50 (3) (a), 121.54 (1) to (3), (5), and (6), and 121.57,  
15 and the nonresident school district that a pupil attends under s. 118.51 or 121.84 (4)  
16 which elects to provide transportation under s. 121.54 (10), shall be paid state aid for  
17 such transportation at the following rates:

18 **SECTION 25.** 121.58 (4) of the statutes is amended to read:

19 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
20 October 1 of the year in which transportation is provided under s. 118.50 (3) (b) or  
21 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident  
22 school district that a pupil attends under s. 118.51 or 121.84 (4), the school district  
23 clerk shall file with the department a report, containing such information as the  
24 department requires, on transportation provided by the school board to and from  
25 summer classes. Upon receipt of such report and if the summer classes meet the

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

10 **SECTION 26.** 121.77 (3) of the statutes is amended to read:

11 121.77 (3) Subsections (1) (b) and (2) do not apply to a pupil attending a public  
12 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (4).

13 (END)

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

LRB-0541/P2<sup>3</sup>dn  
TKK: ~~W~~rs

date

jld  
↑

This draft reconciles LRB-0541/P2 and LRB-0627/P2. ✓ Both LRB-0541 and LRB-0627 should continue to appear in the compiled bill.

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

LRB-0541/P3dn  
TKK:jld:jm

January 28, 2015

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-0541/P3  
FFK:wlj:jm

DOA:.....Stritchko, BB0184 - Allow whole grade sharing

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill authorizes the school boards of two or more school districts to enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils in one or more grades in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day. A whole grade sharing agreement must specify all of the following:

1. The term of the agreement.
2. The grade levels affected by the agreement.
3. The per pupil amount that a resident school district pays for a pupil attending a nonresident school district under the agreement.
4. Which pupils each school board is responsible to transport. A responsible school board is eligible for state transportation aid for the pupils it transports under the agreement.
5. Which school board will award graduation diplomas.
6. Which school board is required to maintain pupils records.

A whole grade sharing agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year. At least 90 days before entering into a whole grade sharing agreement, an interested school board must adopt a resolution stating its intent. If a petition signed by at least

20 percent of the electors residing in the school district is submitted, the school board must contract with an organization approved by DPI for a feasibility study. If a study is required, the school board may not enter into an agreement until it receives the results of the study. At least 30 days before entering into a whole grade sharing agreement, an interested school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

For each of the first five school years after a whole grade sharing agreement takes effect, DPI must provide additional aid to each participating school district to ensure that the school district does not receive less state aid than it did before entering into the agreement. DPI also provides additional aid in the sixth and seventh years after the agreement takes effect but to a lesser extent.

In general, the bill provides that pupils attending a public school in a nonresident school district under a whole grade sharing agreement have all the rights and privileges of resident pupils and are subject to the same rules that govern resident pupils. The bill also provides that the school district of attendance is the local educational agency for purposes of providing special education and related services to children with a disability who are attending a nonresident school district under a whole grade sharing agreement.

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7 local educational agency to whom the referral is made is the school district in which  
8 the child resides but the child is attending a public school in a nonresident school  
9 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
10 district in which the child resides shall provide the name of the child and related  
11 information to the school board of the school district that the child is attending.

12 (b) A person who is required to be licensed under s. 115.28 (7), who is employed  
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14 shall refer the child to the local educational agency. If the local educational agency  
15 to whom the referral is made is the school district that the child is attending but the  
16 child is a nonresident attending a public school in that school district under s. 118.50,  
17 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child  
18 is attending shall provide the name of the child and related information to the school  
19 board of the child’s school district of residence.

20 (c) Any person other than those specified under par. (a) or (b) who reasonably  
21 believes that a child is a child with a disability may refer the child to a local  
22 educational agency. If the local educational agency to whom the referral is made is  
23 the school district in which the child resides but the child is attending a public school  
24 in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the  
25 school board of the school district in which the child resides shall provide the name

1 of the child and related information to the school board of the school district that the  
2 child is attending.

3 **SECTION 6.** 115.78 (1) of the statutes is amended to read:

4 115.78 (1) DEFINITION. In this section, for a child who is attending a public  
5 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4),  
6 “local educational agency” means the school board of the school district that the child  
7 is attending.

8 **SECTION 7.** 115.78 (1m) (h) of the statutes is amended to read:

9 115.78 (1m) (h) If the child is attending a public school in a nonresident school  
10 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), at least one person designated  
11 by the school board of the child’s school district of residence who has knowledge or  
12 special expertise about the child.

13 **SECTION 8.** 115.79 (1) (b) of the statutes is amended to read:

14 115.79 (1) (b) An educational placement is provided to implement a child’s  
15 individualized education program. Except as provided in s. 118.51 (12) (a) and (b)  
16 2., if a child with a disability is attending a public school in a nonresident school  
17 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school  
18 district that the child is attending shall provide an educational placement for the  
19 child and shall pay tuition charges instead of the school district in which the child  
20 resides if required by the placement.

21 **SECTION 9.** 115.792 (1) (b) of the statutes is amended to read:

22 115.792 (1) (b) The local educational agency shall establish and maintain  
23 procedures to ensure that a child’s parents are provided prior written notice  
24 whenever the local educational agency proposes to initiate or change, or refuses to  
25 initiate or change, the identification, evaluation or educational placement of the

1 child, or the provision of a free appropriate public education to the child. In this  
2 paragraph, “local educational agency” includes the nonresident school district that  
3 a child is attending under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

4 **SECTION 10.** 115.792 (3) (a) of the statutes is amended to read:

5 115.792 (3) (a) In this subsection, “local educational agency” includes the  
6 nonresident school district that a child is attending under s. 118.50, 118.51, or 121.84  
7 (1) (a) or (4).

8 **SECTION 11.** 115.80 (8) of the statutes is amended to read:

9 115.80 (8) Except as provided in 20 USC 1415 (k), during the pendency of any  
10 proceedings under this section, the local educational agency may not change the  
11 educational placement of a child unless the child’s parents agree to the change. If  
12 the child is applying for initial admission to a public school, the child shall, with the  
13 consent of the child’s parents, be placed in the public school program until all  
14 proceedings under this section have been completed. In this subsection, “local  
15 educational agency” includes the nonresident school district that a child is attending  
16 under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

17 **SECTION 12.** 115.82 (2) (c) of the statutes is created to read:

18 115.82 (2) (c) If the child is attending a public school in a nonresident school  
19 district under s. 118.50, the school district specified to do so in the whole grade  
20 sharing agreement shall provide transportation.

21 **SECTION 13.** 115.88 (8) of the statutes is amended to read:

22 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in  
23 a public special education program located in another state and the state  
24 superintendent is satisfied that the program in which the child is enrolled complies  
25 with this subchapter, the state superintendent shall certify to the department of

1 administration in favor of the school district in which the child resides or the school  
2 district attended by the child under s. 118.50, 118.51, or 121.84 (1) (a) or (4) a sum  
3 equal to the amount expended by the school district during the preceding year for the  
4 additional costs associated with the child's special education program as costs  
5 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

6 **SECTION 14.** 117.05 (5) (a) of the statutes is amended to read:

7 117.05 (5) (a) *Territory in district.* All territory within this state shall be  
8 included in a school district operating elementary school grades and a school district  
9 operating high school grades or in a school district operating both elementary and  
10 high school grades, except for territory located in a school district that is not  
11 operating certain grades as a result of entering into a whole grade sharing agreement  
12 under s. 118.50. No territory may be detached from a school district unless by the  
13 same order it is attached to another school district or included in a new school district  
14 created by the order. No territory may be detached from a school district that  
15 operates high school grades unless by the same order it is attached to or included in  
16 another school district that operates high school grades.

17 **SECTION 15.** 117.30 (1) (a) of the statutes is amended to read:

18 117.30 (1) (a) Except as provided under pars. (b) ~~and (c)~~ to (d), if a school district  
19 for 2 or more successive years has failed to operate sufficient classes at each grade  
20 level to provide all pupils who reside in the school district an opportunity to attend  
21 class at the appropriate grade level, the board shall attach the territory of the school  
22 district to one or more school districts that do so. Within 60 days of the date on which  
23 a school district becomes subject to this section, the state superintendent shall so  
24 notify the school district clerk and the clerk of each municipality in which part of the  
25 school district lies. Prior to August 30 of the year in which the school district becomes

1 subject to this section, the board shall issue an order of school district reorganization  
2 attaching the school district to one or more operating school districts. Orders issued  
3 under this section take effect upon being filed as provided in s. 117.17 (2). The school  
4 board of each district to which any territory is attached under this section shall levy  
5 and collect a special tax against the property in the territory so attached for such  
6 amount as is payable for tuition and transportation, at the time of the attachment,  
7 by the school district in which the attached territory was located prior thereto, in the  
8 proportion that the equalized valuation of the attached territory bears to the total  
9 equalized valuation of the school district in which such territory was located prior  
10 to such attachment.

11 **SECTION 16.** 117.30 (1) (d) of the statutes is created to read:

12 117.30 (1) (d) Paragraph (a) does not apply if the school district fails to operate  
13 one or more grades but provides for their operation by another school district  
14 pursuant to a whole grade sharing agreement under s. 118.50.

15 **SECTION 17.** 118.134 (3m) of the statutes is amended to read:

16 118.134 (3m) A pupil attending a public school in a nonresident school district  
17 under s. 118.50 or 118.51 may not file a complaint under sub. (1) in which the pupil  
18 objects to the use of a race-based nickname, logo, mascot, or team name by the school  
19 board of the nonresident school district.

20 **SECTION 18.** 118.50 of the statutes is created to read:

21 **118.50 Whole grade sharing. (1) AGREEMENT.** The school boards of 2 or more  
22 school districts may enter into a whole grade sharing agreement that provides for all  
23 or a substantial portion of the pupils enrolled in one or more grades in any of the  
24 school districts to attend school in one or more of the other school districts for all or

1 a substantial portion of a school day. School boards shall include in a whole grade  
2 sharing agreement all of the following:

3 (a) The term of the agreement and the date by which each school board must  
4 notify the other participating school boards of its intent to renew the agreement.

5 (b) The grade levels in each school district that are subject to the agreement.

6 (c) The annual amount that the school board of a pupil's resident school district  
7 pays to the school board of the school district that the pupil attends under the  
8 agreement.

9 (d) Which school board grants diplomas to pupils who, under the agreement,  
10 graduate from high school in a school district other than the pupil's resident school  
11 district.

12 (e) Which school board is responsible for pupil records, as defined in s. 118.125  
13 (1) (d), for pupils, who under the agreement, attend school in a school district other  
14 than the pupil's resident school district.

15 **(2) PROCEDURE.** (a) A school board may not enter into, extend, or renew a whole  
16 grade sharing agreement after February 1 of the school year preceding the school  
17 year in which the agreement, extension, or renewal takes effect.

18 (b) At least 90 days before entering into, extending, or renewing a whole grade  
19 sharing agreement, the school board shall adopt a resolution stating its intention to  
20 do so. Within 10 days after adoption of the resolution, the school district clerk shall  
21 publish notice of the adoption of the resolution as a class 1 notice under ch. 985 in  
22 a newspaper published in the school district or post a notice of the adoption of the  
23 resolution as provided in s. 10.05.

24 (c) Within 30 days after publication or posting, a petition signed by at least 20  
25 percent of the electors residing in the school district may be filed with the school

1 board requesting a feasibility study of the agreement. Upon receiving the petition,  
2 the school board shall contract with an organization approved by the department to  
3 conduct the feasibility study. If a feasibility study is required under this paragraph,  
4 the school board may not enter into, extend, or renew a whole grade sharing  
5 agreement until it receives the results of the study. The school board shall post the  
6 results of the feasibility study on the school district's Internet site.

7 (d) At least 30 days before entering into, extending, or renewing a whole grade  
8 sharing agreement, the school board shall hold a public hearing in the school district  
9 at which the proposed agreement is described and at which any school district elector  
10 may comment on the proposed agreement. Two or more school boards that will be  
11 parties to the agreement may hold a joint public hearing in one of the school districts.

12 **(3) TRANSPORTATION.** (a) In addition to the requirements under sub. (1), a whole  
13 grade sharing agreement shall specify which school board is responsible for  
14 transporting pupils to and from the school they are attending under the agreement.

15 (b) A whole grade sharing agreement may also specify which school board may  
16 provide transportation for pupils attending summer classes under the agreement.

17 (c) If, under a whole grade sharing agreement, a school board provides  
18 transportation for fewer than all pupils, there shall be reasonable uniformity in the  
19 minimum and maximum distances pupils are transported.

20 **(4) ATTENDANCE AREAS.** If a school board enters into a whole grade sharing  
21 agreement that designates more than one school district for the attendance of its  
22 pupils, the school board shall establish attendance areas within the school district  
23 for determining the school districts of attendance of the pupils.

24 **(5) RIGHTS AND PRIVILEGES OF NONRESIDENT PUPILS; PARTICIPATION IN PROGRAMS.**

25 (a) Except as provided in s. 118.134 (3m), a pupil attending a public school in a

1 nonresident school district under this section has all of the rights and privileges of  
2 pupils residing in that school district and is subject to the same rules and regulations  
3 as pupils residing in that school district.

4 (b) A pupil attending a public school in a nonresident school district under this  
5 section is considered a resident of the nonresident school district for the purposes of  
6 participating in programs of a cooperative educational service agency or a county  
7 children with disabilities education board.

8 (6) FULL-TIME ENROLLMENT IN NONRESIDENT DISTRICT. If a whole grade sharing  
9 agreement provides for a pupil to attend a grade in a nonresident school district, the  
10 pupil may not attend that grade in the nonresident school district under s. 118.51.

11 (7) SCHOOL DISTRICT REORGANIZATION. A whole grade sharing agreement entered  
12 into under this section is not an order of school district reorganization under ch. 117.

13 **SECTION 19.** 118.51 (2) of the statutes is amended to read:

14 118.51 (2) APPLICABILITY. ~~A~~ Except as provided in s. 118.50 (6), a pupil may  
15 attend a public school, including a charter school, prekindergarten, 4-year-old  
16 kindergarten, or early childhood or school-operated child care program, in a  
17 nonresident school district under this section, except that a pupil may attend a  
18 prekindergarten, 4-year-old kindergarten, or early childhood or school-operated  
19 child care program in a nonresident school district only if the pupil's resident school  
20 district offers the same type of program that the pupil wishes to attend and the pupil  
21 is eligible to attend that program in his or her resident school district.

22 **SECTION 20.** 119.04 (1) of the statutes is amended to read:

23 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
24 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
25 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,



1 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
2 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
3 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
4 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,  
5 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to  
6 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.21  
7 (3), and 120.25 are applicable to a 1st class city school district and board.

8 **SECTION 21.** 121.02 (1) (L) 3. of the statutes is amended to read:

9 121.02 (1) (L) 3. In grades 9 to 12, provide access to an educational program  
10 that enables pupils each year to study English, social studies, mathematics, science,  
11 vocational education, foreign language, physical education, art and music. In this  
12 subdivision, “access” means an opportunity to study through school district course  
13 offerings, independent study, cooperative educational service agencies, or  
14 cooperative arrangements between school boards or between school boards and  
15 postsecondary educational institutions.

16 **SECTION 22.** 121.05 (1) (a) 11. of the statutes is amended to read:

17 121.05 (1) (a) 11. Pupils residing in the school district but attending a public  
18 school in another school district under s. 118.50, 118.51, 121.84 (4), or 121.85 (3) (a).

19 **SECTION 23.** 121.105 (4) of the statutes is created to read:

20 121.105 (4) (a) In the school year in which a whole grade sharing agreement  
21 under s. 118.50 takes effect and in each of the subsequent 4 school years, the  
22 department shall pay additional aid to each school district that is participating in the  
23 agreement to ensure that the school district receives no less state aid than the  
24 amount of state aid to which the school district was eligible in the school year prior  
25 to the school year in which the whole grade sharing agreement took effect. In the 5th

1 school year following the school year in which a whole grade sharing agreement takes  
2 effect, the department shall pay additional aid to each school district that is  
3 participating in the whole grade sharing agreement in an amount that is equal to 66  
4 percent of the payment that the school district received under this subsection in the  
5 prior school year. In the 6th school year following the school year in which the whole  
6 grade sharing agreement takes effect, the department shall pay to each school  
7 district that is participating in the whole grade sharing agreement an amount that  
8 is equal to 33 percent of the payment that the school district received in the 4th school  
9 year following the school year in which the whole grade sharing agreement took  
10 effect. The department shall pay additional aid under this paragraph from the  
11 appropriation under s. 20.255 (2) (ac).

12 **SECTION 24.** 121.58 (4) of the statutes is amended to read:

13 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before  
14 October 1 of the year in which transportation is provided under s. 118.50 (3) (b) or  
15 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident  
16 school district that a pupil attends under s. 118.51 or 121.84 (4), the school district  
17 clerk shall file with the department a report, containing such information as the  
18 department requires, on transportation provided by the school board to and from  
19 summer classes. Upon receipt of such report and if the summer classes meet the  
20 requirements of s. 121.14 (1) (a) 1. or 2., state aid shall be paid for such  
21 transportation. A school district which provides such transportation shall be paid  
22 state aid for such transportation at the rate of \$4 per pupil transported to and from  
23 public school whose residence is at least 2 miles and not more than 5 miles by the  
24 nearest traveled route from the public school attended, and \$6 per pupil transported  
25 to and from public school whose residence is more than 5 miles by the nearest

1 traveled route from the public school attended, if the pupil is transported 30 days or  
2 more. The state aid shall be reduced proportionately if the pupil is transported less  
3 than 30 days.

4 **SECTION 25.** 121.77 (3) of the statutes is amended to read:

5 121.77 (3) Subsections (1) (b) and (2) do not apply to a pupil attending a public  
6 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (4).

7 (END)