

1 employee shall be ineligible for benefits as if the employee had declined to submit to
2 a test under s. 108.133 (3) (a), beginning with the week in which the department
3 receives the report. If the employee tests positive in such a test without evidence of
4 a valid prescription, the employee shall be ineligible for benefits as if the employee
5 had tested positive under s. 108.133 (3) (c), beginning with the week in which the
6 department receives the report, except as provided under s. 108.133 (3) (d). The
7 department shall promulgate rules specifying how a claimant may overcome the
8 presumption in this paragraph. The department shall charge to the fund's balancing
9 account any benefits otherwise chargeable to the account of an employer that is
10 subject to the contribution requirements under ss. 108.17 and 108.18 whenever an
11 employee of that employer fails, without good cause, to accept suitable work offered
12 by that employer.

13 *~~0998/P1.1~~**SECTION 3115.** 108.04 (11) (bh) of the statutes is amended to read:

14 108.04 (11) (bh) In addition to ineligibility for benefits resulting from
15 concealment as provided in par. (be), the department shall assess a penalty against
16 the claimant in an amount equal to ~~15~~ 40 percent of the benefit payments erroneously
17 paid to the claimant as a result of one or more acts of concealment described in pars.
18 (a) and (b).

19 *~~0610/P3.357~~**SECTION 3116.** 108.10 (4) of the statutes is amended to read:

20 108.10 (4) The department or the employing unit may commence action for the
21 judicial review of a commission decision under this section, provided the department,
22 or the employing unit, after exhausting the remedies provided under this section, has
23 commenced such action within 30 days after such decision was mailed to the
24 employing unit's last-known address. The scope of judicial review, and the manner
25 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In

1 an action commenced by an employing unit under this section, the department shall
2 be an adverse party ~~under s. 102.23 (1) (a)~~ and shall be named as a party in the
3 complaint commencing the action.

4 *~~0958/P5.5~~SECTION 3117. 108.133 of the statutes is created to read:

5 **108.133 Testing for controlled substances. (1) DEFINITIONS.** In this
6 section:

7 (a) Notwithstanding s. 108.02 (9), “controlled substance” has the meaning
8 given in 21 USC 802.

9 (b) “Job skills assessment” means an assessment conducted by the department
10 under sub. (2) (d).

11 (c) “Occupation that regularly conducts drug testing” means an occupation
12 identified in the regulations issued by the federal secretary of labor under 42 USC
13 503 (l) (1) (A) (ii).

14 (d) “Screening” means the screening process created by the department under
15 sub. (2) (a) 3.

16 (e) “Substance abuse treatment program” means the program provided by the
17 department under sub. (2) (c).

18 (f) “Valid prescription” means a prescription, as defined in s. 450.01 (19), for a
19 controlled substance for which the supply of the controlled substance indicated by
20 the prescription has not run out.

21 **(2) DRUG TESTING PROGRAM.** The department shall establish a program to test
22 claimants who apply for regular benefits under this chapter for the presence of
23 controlled substances in accordance with this section and shall, under the program,
24 do all of the following:

1 (a) Promulgate rules to establish the program. The department shall do all of
2 the following in the rules promulgated under this paragraph:

3 1. Establish a process to test claimants for the presence of controlled
4 substances. In establishing the process, the department shall adhere to any
5 applicable federal requirements regarding drug testing.

6 2. Identify the parameters for a substance abuse treatment program for
7 claimants who misuse controlled substances and specify criteria that a claimant
8 must satisfy in order to be considered in full compliance with requirements of the
9 substance abuse treatment program.

10 3. Create a screening process for determining whether a claimant should be
11 required to submit to a test for the presence of controlled substances.

12 4. Identify the parameters for a job skills assessment for claimants who misuse
13 controlled substances and specify criteria that a claimant must satisfy in order to be
14 considered in full compliance with the requirements of the job skills assessment.

15 (am) Promulgate rules identifying occupations for which drug testing is
16 regularly conducted in this state.

17 (b) When a claimant applies for regular benefits under this chapter, do all of
18 the following:

19 1. Determine whether the claimant is an individual for whom suitable work is
20 only available in an occupation that regularly conducts drug testing.

21 2. Determine whether the claimant is an individual for whom suitable work is
22 only available in an occupation identified in the rules promulgated under par. (am).

23 3. If the claimant is determined by the department under subd. 1. to be an
24 individual for whom suitable work is only available in an occupation that regularly
25 conducts drug testing, conduct a screening on the claimant.

1 4. If the claimant is determined by the department under subd. 2. to be an
2 individual for whom suitable work is only available in an occupation identified in the
3 rules promulgated under par. (am), conduct a screening on the claimant if a
4 screening is not already required under subd. 3.

5 5. If a screening conducted as required under subd. 3. or 4. indicates that the
6 claimant should be required to submit to a test for the presence of controlled
7 substances, require that the claimant submit to such a test.

8 (c) Create and provide a substance abuse treatment program in accordance
9 with the rules promulgated under par. (a) 2.

10 (d) Create and conduct job skills assessments in accordance with the rules
11 promulgated under par. (a) 4.

12 **(3) DRUG TESTING.** (a) If a claimant is required under sub. (2) (b) 5. to submit
13 to a test for the presence of controlled substances and the claimant declines to submit
14 to such a test, the claimant is ineligible for benefits under this chapter until 52 weeks
15 after the date of the declining or until the claimant qualifies for benefits in a
16 subsequent benefit year, whichever occurs later.

17 (b) If a claimant who is required under sub. (2) (b) 5. to submit to a test for the
18 presence of controlled substances submits to the test and does not test positive for
19 any controlled substance or the claimant presents evidence satisfactory to the
20 department that the claimant possesses a valid prescription for each controlled
21 substance for which the claimant tests positive, the claimant may receive benefits
22 under this chapter if otherwise eligible and may not be required to submit to any
23 further test for the presence of controlled substances until a subsequent benefit year.

24 (c) If a claimant who is required under sub. (2) (b) 5. to submit to a test for the
25 presence of controlled substances submits to the test and tests positive for one or

1 more controlled substances without presenting evidence satisfactory to the
2 department that the claimant possesses a valid prescription for each controlled
3 substance for which the claimant tested positive, the claimant is ineligible for
4 benefits under this chapter until 52 weeks after the date of the test or until the
5 claimant qualifies for benefits in a subsequent benefit year, whichever occurs later,
6 except as provided in par. (d).

7 (d) A claimant who tests positive for one or more controlled substances without
8 presenting evidence of a valid prescription as described in par. (c) may maintain his
9 or her eligibility for benefits under this chapter by enrolling in the substance abuse
10 treatment program and undergoing a job skills assessment. Such a claimant
11 remains eligible for benefits under this chapter, if otherwise eligible, for each week
12 the claimant is in full compliance with any requirements of the substance abuse
13 treatment program and job skills assessment, as determined by the department in
14 accordance with the rules promulgated under sub. (2) (a) 2. and 4.

15 (4) PREEMPLOYMENT DRUG TESTING. (a) An employing unit may, in accordance
16 with the rules promulgated by the department under par. (b), voluntarily submit to
17 the department the results of a test for the presence of controlled substances that was
18 conducted on an individual as preemployment screening or notify the department
19 that an individual declined to submit to such a test as a condition of employment,
20 along with information necessary to identify the individual. Upon receipt of any such
21 results of a test conducted and certified in a manner approved by the department or
22 notification that an individual declined to submit to such a test, the department shall
23 determine whether the individual is a claimant receiving benefits. If the individual
24 is a claimant receiving benefits, the department shall, in accordance with rules

1 promulgated by the department under par. (b), use that information for purposes of
2 determining eligibility for benefits under s. 108.04 (8) (b).

3 (b) The department shall promulgate rules necessary to implement par. (a).

4 (5) APPLICATION OF THIS SECTION. (a) Notwithstanding subs. (2) (b) 1., 3., and
5 5., (c), and (d) and (3), subs. (2) (b) 1., 3., and 5., (c), and (d) and (3) do not apply until
6 the rules required under sub. (2) (a) take effect. The department shall submit to the
7 legislative reference bureau for publication in the Wisconsin administrative register
8 a notice identifying the date on which subs. (2) (b) 1., 3., and 5., (c), and (d) and (3)
9 will be implemented.

10 (b) Notwithstanding sub. (2) (b) 2. and 4., sub. (2) (b) 2. and 4. do not apply until
11 the rules required under sub. (2) (am) take effect. The department shall submit to
12 the legislative reference bureau for publication in the Wisconsin administrative
13 register a notice identifying the date on which sub. (2) (b) 2. and 4. will be
14 implemented.

15 (c) Notwithstanding sub. (4) (a) and s. 108.04 (8) (b), sub. (4) (a) and s. 108.04
16 (8) (b) do not apply until the rules required under sub. (4) (b) take effect. The
17 department shall submit to the legislative reference bureau for publication in the
18 Wisconsin administrative register a notice identifying the date on which sub. (4) (a)
19 and s. 108.04 (8) (b) will be implemented.

20 (d) The secretary may waive compliance with any provision under this section
21 and s. 108.04 (8) (b) if the secretary determines that waiver of the provision is
22 necessary to permit continued certification of this chapter for grants to this state
23 under Title III of the federal Social Security Act or for maximum credit allowances
24 to employers under the federal Unemployment Tax Act.

25 *-0958/P5.6*SECTION 3118. 108.14 (8n) (e) of the statutes is amended to read:

1 108.14 (8n) (e) The department shall charge this state's share of any benefits
2 paid under this subsection to the account of each employer by which the employee
3 claiming benefits was employed in the applicable base period, in proportion to the
4 total amount of wages he or she earned from each employer in the base period, except
5 that if s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b) or
6 108.07 (3), (3r), or (5) (b) would have applied to employment by such an employer who
7 is subject to the contribution requirements of ss. 108.17 and 108.18, the department
8 shall charge the share of benefits based on employment with that employer to the
9 fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3) would have applied
10 to an employer that is not subject to the contribution requirements of ss. 108.17 and
11 108.18, the department shall charge the share of benefits based on that employment
12 in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the
13 fund's balancing account with any other state's share of such benefits pending
14 reimbursement by that state.

15 *~~0999/P1.2~~*SECTION 3119. 108.14 (27) of the statutes is created to read:

16 108.14 (27) The department shall promulgate a rule to define what constitutes
17 suitable work for claimants, which shall specify different levels of suitable work
18 based upon the number of weeks that a claimant has received benefits in a given
19 benefit year.

20 *~~0999/P1.3~~*SECTION 3120. 108.141 (3g) (a) 3. (intro.) of the statutes is
21 amended to read:

22 108.141 (3g) (a) 3. (intro.) Work Notwithstanding s. 108.02 (24g), work is
23 suitable within the meaning of subd. 2. if:

24 *~~0958/P5.7~~*SECTION 3121. 108.141 (7) (a) of the statutes is amended to read:

1 108.141 (7) (a) The department shall charge the state's share of each week of
2 extended benefits to each employer's account in proportion to the employer's share
3 of the total wages of the employee receiving the benefits in the employee's base
4 period, except that if the employer is subject to the contribution requirements of ss.
5 108.17 and 108.18 the department shall charge the share of extended benefits to
6 which s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b) or
7 108.07 (3), (3r), or (5) (b) applies to the fund's balancing account.

8 *~~0958/P5.8~~SECTION 3122. 108.16 (6m) (a) of the statutes is amended to read:

9 108.16 (6m) (a) The benefits thus chargeable under s. 108.04 (1) (f), (5), (5g),
10 (7) (h), (8) (a) or (b), (13) (c) or (d) or (16) (e), 108.07 (3), (3r), (5) (b), (5m), or (6), 108.14
11 (8n) (e), 108.141, 108.151, or 108.152 or sub. (6) (e) or (7) (a) and (b).

12 *~~0807/P6.258~~SECTION 3123. 108.227 (1) (e) 3. of the statutes is amended to
13 read:

14 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
15 conditional license, certification, certification card, registration, permit, training
16 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
17 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), ~~252.23 (2), 252.24 (2),~~
18 254.176, 254.20 (3), ~~255.08 (2) (a),~~ 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or
19 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

20 *~~0602/P4.68~~SECTION 3124. 108.227 (1) (e) 3. of the statutes, as affected by
21 2015 Wisconsin Act (this act), is amended to read:

22 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
23 conditional license, certification, certification card, registration, permit, training
24 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
25 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 254.176, 254.20 (3), 256.15

1 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit license for
2 operation of a campground specified in s. ~~254.47 (1)~~ 97.67 (1).

****NOTE: This is reconciled s. 108.227 (1) (e) 3. This SECTION has been affected by
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

3 ***-0807/P6.259*SECTION 3125.** 108.227 (1) (e) 6. of the statutes is amended to
4 read:

5 108.227 (1) (e) 6. A license or certificate of registration issued by the
6 department of financial institutions, or a division of it, under ss. 138.09, 138.12,
7 138.14, 202.12 to 202.14, 202.22, 217.06, 218.0101 to 218.0163, 218.02, 218.04,
8 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch. 551.

9 ***-0610/P3.358*SECTION 3126.** 108.227 (1) (e) 12. of the statutes is amended
10 to read:

11 108.227 (1) (e) 12. A license issued under s. 102.17 (1) (c), 628.04, 628.92 (1),
12 632.69 (2), or 633.14, a registration under s. 628.92 (2), or a temporary license issued
13 under s. 628.09.

14 ***-0807/P6.260*SECTION 3127.** 108.227 (1) (f) of the statutes is amended to
15 read:

16 108.227 (1) (f) “Licensing department” means the department of
17 administration; the department of agriculture, trade and consumer protection; the
18 board of commissioners of public lands; the department of children and families; the
19 government accountability board; the department of financial institutions and
20 professional standards; the department of health services; the department of natural
21 resources; the department of public instruction; the department of revenue; ~~the~~
22 ~~department of safety and professional services~~; the office of the commissioner of
23 insurance; or the department of transportation.

SECTION 3128

1 *~~0610/P3.359~~*SECTION 3128. 108.227 (1m) (intro.) of the statutes is amended
2 to read:

3 108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate
4 rules specifying procedures to be used before taking action under sub. (3) (b) or s.
5 ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),
6 or 105.13 (4) with respect to a person whose license or credential is to be denied, not
7 renewed, discontinued, suspended, or revoked, including rules with respect to all of
8 the following:

9 *~~0610/P3.360~~*SECTION 3129. 108.227 (3) (a) 3. of the statutes is amended to
10 read:

11 108.227 (3) (a) 3. Upon the request of any person whose license or certificate
12 has been previously revoked or denied under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34
13 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), reinstate the license or
14 certificate if the applicant is not liable for delinquent contributions.

15 *~~0610/P3.361~~*SECTION 3130. 108.227 (5) (a) of the statutes is amended to
16 read:

17 108.227 (5) (a) The department of workforce development shall conduct a
18 hearing requested by a license holder or applicant for a license or license renewal or
19 continuation under sub. (2) (b) 1. b., or as requested under s. ~~102.17 (1) (et)~~, 103.275
20 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review
21 a certification or determination of contribution delinquency that is the basis of a
22 denial, suspension, or revocation of a license or certificate in accordance with this
23 section or an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d),
24 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph
25 is limited to questions of mistaken identity of the license or certificate holder or

1 applicant and of prior payment of the contributions that the department of workforce
2 development certified or determined the license or certificate holder or applicant
3 owes the department. At a hearing under this paragraph, any statement filed by the
4 department of workforce development, the licensing department, or the supreme
5 court, if the supreme court agrees, may be admitted into evidence and is prima facie
6 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to
7 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
8 except as provided in sub. (6).

9 *~~0610/P3.362~~SECTION 3131. 108.227 (5) (b) 1. of the statutes is amended to
10 read:

11 108.227 (5) (b) 1. Issue a nondelinquency certificate to a license holder or an
12 applicant for a license or license renewal or continuation if the department
13 determines that the license holder or applicant is not liable for delinquent
14 contributions. For a hearing requested in response to an action taken under s. ~~102.17~~
15 ~~(1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13
16 (4), the department shall grant a license or certificate or reinstate a license or
17 certificate if the department determines that the applicant for or the holder of the
18 license or certificate is not liable for delinquent contributions, unless there are other
19 grounds for denying the application or revoking the license or certificate.

20 *~~0610/P3.363~~SECTION 3132. 108.227 (5) (b) 2. of the statutes is amended to
21 read:

22 108.227 (5) (b) 2. Provide notice that the department of workforce development
23 has affirmed its certification of contribution delinquency to a license holder; to an
24 applicant for a license, a license renewal, or a license continuation; and to the
25 licensing department or the supreme court, if the supreme court agrees. For a

SECTION 3132

1 hearing requested in response to an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2)
2 (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
3 of workforce development shall provide notice to the license or certificate holder or
4 applicant that the department of workforce development has affirmed its
5 determination of contribution delinquency.

6 *~~0998/P1.2~~SECTION 3133. 108.24 (1) of the statutes is renumbered 108.24
7 (1) (a) and amended to read:

8 108.24 (1) (a) Any person who knowingly makes a false statement or
9 representation to obtain any benefit payment under this chapter, either for himself
10 or herself or for any other person, ~~shall be fined not less than \$100 nor more than~~
11 ~~\$500 or imprisoned not more than 90 days, or both; and each such false statement~~
12 ~~or representation constitutes a separate offense. This may be penalized as provided~~
13 in par. (b). Any penalty imposed under par. (b) is in addition to any penalty imposed
14 under s. 108.04 (11) (bh).

15 *~~0998/P1.3~~SECTION 3134. 108.24 (1) (b) of the statutes is created to read:

16 108.24 (1) (b) Whoever violates par. (a):

17 1. If the value of any benefits obtained does not exceed \$2,500, is subject to a
18 fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both.

19 2. If the value of any benefits obtained exceeds \$2,500 but does not exceed
20 \$5,000, is guilty of a Class I felony.

21 3. If the value of any benefits obtained exceeds \$5,000 but does not exceed
22 \$10,000, is guilty of a Class H felony.

23 4. If the value of any benefits obtained exceeds \$10,000, is guilty of a Class G
24 felony.

25 *~~0971/P5.579~~SECTION 3135. 109.03 (1) (c) of the statutes is amended to read:

1 109.03 (1) (c) ~~Unclassified employees~~ Employees of the University of Wisconsin
2 System Authority.

3 ~~*-1215/P3.337~~ **SECTION 3136.** 109.09 (2) (c) 1. a. of the statutes is amended
4 to read:

5 109.09 (2) (c) 1. a. "Commercial lending institution" has the meaning given for
6 "financial institution" in s. ~~234.04~~ 235.40 (5k).

7 ~~*-0807/P6.261~~ **SECTION 3137.** 111.335 (1) (cx) of the statutes is amended to
8 read:

9 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
10 discrimination because of conviction record to refuse to employ or license, or to bar
11 or terminate from employment or licensure, any individual who has been convicted
12 of any offense under s. ~~38.50~~ 100.67 (13) (c).

13 ~~*-0971/P5.580~~ **SECTION 3138.** 111.70 (1) (i) of the statutes is amended to read:

14 111.70 (1) (i) "Municipal employee" means any individual employed by a
15 municipal employer other than an independent contractor; a supervisor; ~~or; a~~
16 confidential, managerial or executive employee; or an employee who is employed by
17 the University of Wisconsin System Authority who is academic staff, as defined in
18 s. 36.05 (1), who is faculty, as defined in s. 36.05 (8), or who is employed under s. 36.11
19 (2) (b).

create a.r. ZIW

20 ~~*-0971/P5.581~~ **SECTION 3139.** 111.70 (1) (j) of the statutes is amended to read:

21 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
22 metropolitan sewerage district, school district, long-term care district, local cultural
23 arts district created under subch. V of ch. 229, the University of Wisconsin System
24 Authority, or any other political subdivision of the state, or instrumentality of one or
25 more political subdivisions of the state, that engages the services of an employee and

1 includes any person acting on behalf of a municipal employer within the scope of the
2 person's authority, express or implied.

3 ***-1461/P2.229*SECTION 3140.** 111.70 (1) (j) of the statutes, as affected by 2015
4 Wisconsin Act (this act), is amended to read:

5 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
6 metropolitan sewerage district, school district, ~~long-term care district~~, local cultural
7 arts district created under subch. V of ch. 229, the University of Wisconsin System
8 Authority, or any other political subdivision of the state, or instrumentality of one or
9 more political subdivisions of the state, that engages the services of an employee and
10 includes any person acting on behalf of a municipal employer within the scope of the
11 person's authority, express or implied.

****NOTE: This is reconciled s. 111.70 (1) (j). This SECTION has been affected by
drafts with the following LRB numbers: -0971/P4 and -1461/P1.

12 ***-1059/9.66*SECTION 3141.** 111.81 (5) of the statutes is created to read:

13 111.81 (5) "Division" means the division of personnel management in the
14 department of administration.

15 ***-0971/P5.582*SECTION 3142.** 111.81 (7) (ar) of the statutes, as created by
16 2011 Wisconsin Act 32, is repealed.

17 ***-0971/P5.583*SECTION 3143.** 111.81 (7) (at) of the statutes, as created by 2011
18 Wisconsin Act 32, is repealed.

19 ***-0971/P5.584*SECTION 3144.** 111.81 (7) (b) of the statutes is repealed.

20 ***-0333/P3.3*SECTION 3145.** 111.81 (7) (f) of the statutes is amended to read:

21 111.81 (7) (f) Instructional staff employed by the board of regents of the
22 University of Wisconsin System who provide services for a charter school established
23 by contract under s. 118.40 (2r) (cm), 2013 stats.

MDK

as affected by 2015 Wisconsin Act ... (this act)

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*-0971/P5.585*SECTION 3146. 111.81 (7) (f) of the statutes is repealed.
- *-0971/P5.586*SECTION 3147. 111.81 (7) (gm) of the statutes is repealed.
- *-0971/P5.587*SECTION 3148. 111.81 (7) (h) of the statutes is repealed.
- *-0971/P5.588*SECTION 3149. 111.81 (7) (i) of the statutes is repealed.
- *-1059/9.67*SECTION 3150. 111.81 (14) of the statutes is repealed.
- *-0971/P5.589*SECTION 3151. 111.81 (15m) of the statutes is repealed.
- *-0971/P5.590*SECTION 3152. 111.81 (17m) of the statutes is repealed.
- *-0971/P5.591*SECTION 3153. 111.81 (19m) of the statutes is repealed.
- *-0971/P5.592*SECTION 3154. 111.815 (1) of the statutes, as affected by 2013

Wisconsin Act 166 and 2015 Wisconsin Act ... (this act), is amended to read:

111.815 (1) In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The division shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the division shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. ~~Except with respect to the collective bargaining units specified in s. 111.825 (1r) and (1t), the~~ The division is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the division that require legislative action. ~~With respect to the collective bargaining units specified in s. 111.825 (1r), the Board of Regents of the University of Wisconsin System is responsible for the employer functions under this subchapter. With respect to the collective bargaining units specified in s. 111.825~~

1 ~~(1t), the chancellor of the University of Wisconsin-Madison is responsible for the~~
2 ~~employer functions under this subchapter. With respect to the collective bargaining~~
3 ~~unit specified in s. 111.825 (1r) (ef), the governing board of the charter school~~
4 ~~established by contract under s. 118.40 (2r) (em), 2013 stats., is responsible for the~~
5 ~~employer functions under this subchapter.~~

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

6 ***-1059/9.68*SECTION 3155.** 111.815 (1) and (2) of the statutes, as affected by
7 2013 Wisconsin Act 166, are amended to read:

8 111.815 (1) In the furtherance of this subchapter, the state shall be considered
9 as a single employer and employment relations policies and practices throughout the
10 state service shall be as consistent as practicable. The ~~office~~ division shall negotiate
11 and administer collective bargaining agreements. To coordinate the employer
12 position in the negotiation of agreements, the ~~office~~ division shall maintain close
13 liaison with the legislature relative to the negotiation of agreements and the fiscal
14 ramifications of those agreements. Except with respect to the collective bargaining
15 units specified in s. 111.825 (1r) and (1t), the ~~office~~ division is responsible for the
16 employer functions of the executive branch under this subchapter, and shall
17 coordinate its collective bargaining activities with operating state agencies on
18 matters of agency concern. The legislative branch shall act upon those portions of
19 tentative agreements negotiated by the ~~office~~ division that require legislative action.
20 With respect to the collective bargaining units specified in s. 111.825 (1r), the Board
21 of Regents of the University of Wisconsin System is responsible for the employer
22 functions under this subchapter. With respect to the collective bargaining units
23 specified in s. 111.825 (1t), the chancellor of the University of Wisconsin-Madison is

1 responsible for the employer functions under this subchapter. With respect to the
2 collective bargaining unit specified in s. 111.825 (1r) (ef), the governing board of the
3 charter school established by contract under s. 118.40 (2r) (cm), 2013 stats., is
4 responsible for the employer functions under this subchapter.

****NOTE: This is reconciled s. 111.815 (1). This SECTION has been affected by drafts
with the following LRB numbers: -1059/7 and -0333.

5 (2) ~~The director of the office~~ administrator of the division shall, together with
6 the appointing authorities or their representatives, represent the state in its
7 responsibility as an employer under this subchapter except with respect to
8 negotiations in the collective bargaining units specified in s. 111.825 (1r) and (1t).
9 ~~The director of the office~~ administrator of the division shall establish and maintain,
10 wherever practicable, consistent employment relations policies and practices
11 throughout the state service.

12 ~~*-1059/9.69*~~SECTION 3156. 111.815 (3) of the statutes is amended to read:

13 111.815 (3) With regard to collective bargaining activities involving employees
14 who are assistant district attorneys, the ~~director of the office~~ administrator of the
15 division shall maintain close liaison with the secretary of administration.

16 ~~*-0971/P5.593*~~SECTION 3157. 111.825 (1r) of the statutes, as affected by 2011
17 Wisconsin Act 32 and 2015 Wisconsin Act (this act), is repealed.

****NOTE: This is reconciled s. 111.825 (1r). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0333/P2 and LRB-0971/P4.

18 ~~*-0333/P3.4*~~SECTION 3158. 111.825 (1r) (ef) of the statutes, as affected by 2011
19 Wisconsin Act 32, is amended to read:

20 111.825 (1r) (ef) Instructional staff employed by the board of regents of the
21 University of Wisconsin System who provide services for a charter school established
22 by contract under s. 118.40 (2r) (cm), 2013 stats.

1 *~~0971/P5.594~~*SECTION 3159. 111.825 (1t) of the statutes, as affected by 2011
2 Wisconsin Act 32, is repealed.

3 *~~0971/P5.595~~*SECTION 3160. 111.825 (3) of the statutes, as affected by 2013
4 Wisconsin Act 166, is amended to read:

5 111.825 (3) The commission shall assign employees to the appropriate
6 collective bargaining units set forth in subs. (1), ~~(1r)~~, ~~(1t)~~, and (2).

7 *~~0971/P5.596~~*SECTION 3161. 111.825 (4) of the statutes, as affected by 2013
8 Wisconsin Act 166, is amended to read:

9 111.825 (4) Any labor organization may petition for recognition as the exclusive
10 representative of a collective bargaining unit specified in sub. (1), ~~(1r)~~, ~~(1t)~~, or (2) in
11 accordance with the election procedures set forth in s. 111.83, provided the petition
12 is accompanied by a 30% showing of interest in the form of signed authorization
13 cards. Each additional labor organization seeking to appear on the ballot shall file
14 petitions within 60 days of the date of filing of the original petition and prove,
15 through signed authorization cards, that at least 10% of the employees in the
16 collective bargaining unit want it to be their representative.

17 *~~0971/P5.597~~*SECTION 3162. 111.825 (6) (a) of the statutes, as affected by
18 2011 Wisconsin Act 32, is amended to read:

19 111.825 (6) (a) The commission shall assign only an employee of the
20 department of administration, or the department of transportation, ~~University of~~
21 ~~Wisconsin-Madison, or board of regents of the University of Wisconsin System~~ who
22 engages in the detection and prevention of crime, who enforces the laws and who is
23 authorized to make arrests for violations of the laws; an employee of the department
24 of administration, or the department of transportation, ~~University of~~
25 ~~Wisconsin-Madison, or board of regents of the University of Wisconsin System~~ who

1 provides technical law enforcement support to such employees; and an employee of
2 the department of transportation who engages in motor vehicle inspection or
3 operator's license examination to a collective bargaining unit under sub. (1) (cm), ~~(1r)~~
4 (cm), or (1t) (cm), whichever is appropriate.

5 *~~0971/P5.598~~*SECTION 3163. 111.825 (7) of the statutes, as created by 2011
6 Wisconsin Act 32, is repealed.

7 *~~1059/9.70~~*SECTION 3164. 111.83 (3) (a) of the statutes is amended to read:
8 111.83 (3) (a) Whenever a question arises concerning the representation of
9 employees in a collective bargaining unit the commission shall determine the
10 representative thereof by taking a secret ballot of the employees and certifying in
11 writing the results thereof to the interested parties and to the ~~director of the office~~
12 administrator of the division. There shall be included on any ballot for the election
13 of representatives the names of all labor organizations having an interest in
14 representing the employees participating in the election as indicated in petitions
15 filed with the commission. The name of any existing representative shall be included
16 on the ballot without the necessity of filing a petition. The commission may exclude
17 from the ballot one who, at the time of the election, stands deprived of his or her rights
18 under this subchapter by reason of a prior adjudication of his or her having engaged
19 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
20 representation by anyone named on the ballot. The commission's certification of the
21 results of any election is conclusive as to the findings included therein unless
22 reviewed under s. 111.07 (8).

23 *~~0971/P5.599~~*SECTION 3165. 111.83 (5) of the statutes, as affected by 2011
24 Wisconsin Act 32, is repealed.

SECTION 3166

1 ***-0971/P5.600*SECTION 3166.** 111.83 (7) of the statutes, as affected by 2011
2 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

3 ***-0971/P5.601*SECTION 3167.** 111.84 (2) (c) of the statutes, as affected by 2011
4 Wisconsin Act 32, is amended to read:

5 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
6 (1) or (3), whichever is appropriate, with the duly authorized officer or agent of the
7 employer which is the recognized or certified exclusive collective bargaining
8 representative of employees specified in s. 111.81 (7) (a) in an appropriate collective
9 bargaining unit or with the certified exclusive collective bargaining representative
10 of employees specified in s. 111.81 (7) ~~(a)~~ to (f) (c) and (e) in an appropriate collective
11 bargaining unit. Such refusal to bargain shall include, but not be limited to, the
12 refusal to execute a collective bargaining agreement previously orally agreed upon.

13 ***-0971/P5.602*SECTION 3168.** 111.85 (5) of the statutes, as affected by 2011
14 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

15 ***-1059/9.71*SECTION 3169.** 111.86 (2) of the statutes is amended to read:

16 111.86 (2) The ~~office~~ division shall charge a state department or agency the
17 employer's share of the cost related to grievance arbitration under sub. (1) for any
18 arbitration that involves one or more employees of the state department or agency.
19 Each state department or agency so charged shall pay the amount that the ~~office~~
20 division charges from the appropriation account or accounts used to pay the salary
21 of the grievant. Funds received under this subsection shall be credited to the
22 appropriation account under s. ~~20.545 (1) (km)~~ 20.505 (1) (ks).

23 ***-1059/9.72*SECTION 3170.** 111.89 (1) of the statutes is amended to read:

24 111.89 (1) Upon establishing that a strike is in progress, the employer may
25 either seek an injunction or file an unfair labor practice charge with the commission

1 under s. 111.84 (2) (e) or both. It is the responsibility of the ~~office~~ division to decide
2 whether to seek an injunction or file an unfair labor practice charge. The existence
3 of an administrative remedy does not constitute grounds for denial of injunctive
4 relief.

5 ***-0971/P5.603*SECTION 3171.** 111.91 (4) of the statutes, as affected by 2011
6 Wisconsin Act 32 and 2015 Wisconsin Act ... (this act), is amended to read:

7 111.91 (4) The administrator of the division, in connection with the
8 development of tentative collective bargaining agreements to be submitted under s.
9 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each recognized
10 or certified labor organization representing employees or supervisors of employees
11 specified in s. 111.81 (7) (a) and with each certified labor organization representing
12 employees specified in s. 111.81 (7) ~~(b) to (c)~~ (c) and (e) which do not contain any provision
13 for the payment to any employee of a cumulative or noncumulative amount of
14 compensation in recognition of or based on the period of time an employee has been
15 employed by the state.

****NOTE: This is reconciled s. 111.91 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

16 ***-1059/9.73*SECTION 3172.** 111.91 (4) of the statutes, as affected by 2011
17 Wisconsin Act 32, is amended to read:

18 111.91 (4) ~~The director of the office~~ administrator of the division, in connection
19 with the development of tentative collective bargaining agreements to be submitted
20 under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each
21 recognized or certified labor organization representing employees or supervisors of
22 employees specified in s. 111.81 (7) (a) and with each certified labor organization
23 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any

1 provision for the payment to any employee of a cumulative or noncumulative amount
2 of compensation in recognition of or based on the period of time an employee has been
3 employed by the state.

4 ***-1059/9.74*SECTION 3173.** 111.915 of the statutes is amended to read:

5 **111.915 Labor proposals.** ~~The director of the office~~ administrator of the
6 division shall notify and consult with the joint committee on employment relations,
7 in such form and detail as the committee requests, regarding substantial changes in
8 wages, employee benefits, personnel management, and program policy contract
9 provisions to be included in any contract proposal to be offered to any labor
10 organization by the state or to be agreed to by the state before such proposal is
11 actually offered or accepted.

12 ***-0971/P5.604*SECTION 3174.** 111.92 (1) (a) 1. and 4. of the statutes, as
13 affected by 2011 Wisconsin Act 32 and 2015 Wisconsin Act ... (this act), are
14 consolidated, renumbered 111.92 (1) ^{ca} and amended to read:

15 111.92 (1) (a) Any tentative agreement reached between the division and any
16 labor organization representing a collective bargaining unit specified in s. 111.825
17 (1) or (2) (d) or (e) shall, after official ratification by the labor organization, be
18 submitted by the division to the joint committee on employment relations, which
19 shall hold a public hearing before determining its approval or disapproval. ⁴ ~~4.~~ If the
20 committee approves ~~a~~ the tentative agreement ~~under subd. 1., 2., or 3.,~~ it shall
21 introduce in a bill or companion bills, to be put on the calendar or referred to the
22 appropriate scheduling committee of each house, that portion of the tentative
23 agreement which requires legislative action for implementation, such as salary and
24 wage adjustments, changes in fringe benefits, and any proposed amendments,
25 deletions or additions to existing law. Such bill or companion bills are not subject to

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1 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
2 suitable portions of the tentative agreement to appropriate legislative committees
3 for advisory recommendations on the proposed terms. The committee shall
4 accompany the introduction of such proposed legislation with a message that informs
5 the legislature of the committee's concurrence with the matters under consideration
6 and which recommends the passage of such legislation without change. If the joint
7 committee on employment relations does not approve the tentative agreement, it
8 shall be returned to the parties for renegotiation. If the legislature does not adopt
9 without change that portion of the tentative agreement introduced by the joint
10 committee on employment relations, the tentative agreement shall be returned to
11 the parties for renegotiation.

****NOTE: This is reconciled s. 111.92 (1). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0971/P4 and LRB-1059/7.

12 ***-1059/9.75*SECTION 3175.** 111.92 (1) (a) 1. of the statutes, as affected by 2011
13 Wisconsin Act 32, is amended to read:

14 111.92 (1) (a) 1. Any tentative agreement reached between the office division
15 and any labor organization representing a collective bargaining unit specified in s.
16 111.825 (1) or (2) (d) or (e) shall, after official ratification by the labor organization,
17 be submitted by the office division to the joint committee on employment relations,
18 which shall hold a public hearing before determining its approval or disapproval.

19 ***-0971/P5.605*SECTION 3176.** 111.92 (1) (a) 2. of the statutes, as created by
20 2011 Wisconsin Act 32, is repealed.

21 ***-0971/P5.606*SECTION 3177.** 111.92 (1) (a) 3. of the statutes, as created by
22 2011 Wisconsin Act 32, is repealed.

23 ***-0333/P3.5*SECTION 3178.** 111.92 (1) (c) of the statutes is amended to read:

1 111.92 (1) (c) Any tentative agreement reached between the governing board
2 of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,
3 acting for the state, and any labor organization representing a collective bargaining
4 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
5 organization and approval by the chancellor of the University of
6 Wisconsin–Parkside, be executed by the parties.

7 ***-0971/P5.607*SECTION 3179.** 111.92 (1) (c) of the statutes, as affected by 2015
8 Wisconsin Act (this act), is repealed.

 ****NOTE: This is reconciled s. 111.92 (1) (c). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0333/P2 and LRB-0971/P4.

9 ***-0971/P5.608*SECTION 3180.** 111.93 (3) (a) and (b) of the statutes, as affected
10 by 2011 Wisconsin Act 32, are amended to read:

11 111.93 (3) (a) If a collective bargaining agreement exists between the employer
12 and a labor organization representing employees in a collective bargaining unit
13 under s. 111.825 (1) (g), the provisions of that agreement shall supersede the
14 provisions of civil service and other applicable statutes, ~~as well as rules and policies~~
15 ~~of the University of Wisconsin–Madison and the board of regents of the University~~
16 ~~of Wisconsin System~~, related to wages, fringe benefits, hours, and conditions of
17 employment whether or not the matters contained in those statutes, rules, and
18 policies are set forth in the collective bargaining agreement.

19 (b) If a collective bargaining agreement exists between the employer and a
20 labor organization representing general employees in a collective bargaining unit,
21 the provisions of that agreement shall supersede the provisions of civil service and
22 other applicable statutes, ~~as well as rules and policies of the board of regents of the~~
23 ~~University of Wisconsin System~~, related to wages, whether or not the matters

1 contained in those statutes, rules, and policies are set forth in the collective
2 bargaining agreement.

3 *~~0971/P5.609~~SECTION 3181. 111.935 of the statutes, as affected by 2011
4 Wisconsin Act 32, is repealed.

5 *~~0807/P6.262~~SECTION 3182. 112.07 (1) of the statutes is amended to read:
6 112.07 (1) Notwithstanding any other provision of the statutes, any fiduciary,
7 as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any
8 bank or trust company holding securities as a custodian or managing agent, and any
9 bank or trust company holding securities as custodian for a fiduciary may deposit or
10 arrange for the deposit of such securities in a clearing corporation as defined in s.
11 408.102 (1) (e). When the securities are so deposited, certificates representing
12 securities of the same class of the same issuer may be merged and held in bulk in the
13 name of the nominee of the clearing corporation with any other such securities
14 deposited in that clearing corporation by any person regardless of the ownership of
15 the securities, and certificates of small denomination may be merged into one or more
16 certificates of larger denomination. The records of the fiduciary and the records of
17 the bank or trust company acting as custodian, as managing agent or as custodian
18 for a fiduciary shall at all times show the name of the party for whose account the
19 securities are so deposited. Ownership of, and other interests in, the securities may
20 be transferred by bookkeeping entry on the books of the clearing corporation without
21 physical delivery of certificates representing the securities. A bank or trust company
22 which deposits securities pursuant to this section shall be subject to such rules and
23 regulations as, in the case of state chartered institutions, the ~~division of banking~~
24 department of financial institutions and professional standards and, in the case of
25 national banking associations, the comptroller of the currency may from time to time

1 issue. A bank or trust company acting as custodian for a fiduciary shall, on demand
2 by the fiduciary, certify in writing to the fiduciary the securities deposited by the
3 bank or trust company in a clearing corporation pursuant to this section for the
4 account of the fiduciary. A fiduciary shall, on demand by any party to a judicial
5 proceeding for the settlement of the fiduciary's account or on demand by the attorney
6 for such a party, certify in writing to the party the securities deposited by the
7 fiduciary in the clearing corporation for its account as such fiduciary.

8 *~~1215/P3.338~~*SECTION 3183. 114.31 (6) of the statutes is amended to read:

9 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
10 as is reasonably possible, offer the engineering or other technical service of the
11 department, to any municipality desiring them in connection with the construction,
12 maintenance or operation or proposed construction, maintenance or operation of an
13 airport. The secretary may assess reasonable costs for services including services
14 performed while acting as agent for a municipality. Such assessment shall include
15 properly allocated administrative costs. Municipalities are authorized to cooperate
16 with the secretary in the development of aeronautics and aeronautical facilities in
17 this state. ~~The Wisconsin Economic Development Corporation~~ Forward Wisconsin
18 Development Authority and all agencies are authorized and directed to make
19 available such facilities and services, and to cooperate as far as possible to promote
20 the best interests of aeronautics of the state.

21 *~~0333/P3.6~~*SECTION 3184. 115.001 (1) of the statutes is amended to read:

22 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
23 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
24 118.40 (2r) (b) 1., or a school established and operated by ~~one of the entities~~ an entity
25 under s. 118.40 (2r) (b) 1. a. to d.

1 ***-0900/3.1***SECTION 3185. 115.28 (7) (gs) of the statutes is created to read:

2 115.28 (7) (gs) 1. Notwithstanding s. 118.19 (3), (4m), (6) to (9), and (12) to (14),

3 grant a teaching license to any individual who satisfies all of the following:

4 a. Has a bachelor's degree.

5 b. Demonstrates by passing a competency exam approved by the department
6 that he or she is proficient in the subject or subjects that he or she intends to teach.

7 c. Has relevant experience, as determined by the department, in the subject or
8 subjects that he or she intends to teach.

9 2. A license under this paragraph authorizes the individual to teach only the
10 subject or subjects in which he or she demonstrated proficiency and relevant
11 experience in grades 6 to 12. The license is valid for 3 years and is renewable for
12 3-year periods.

13 ***-0971/P5.610***SECTION 3186. 115.28 (7g) (a) (intro.) of the statutes is
14 amended to read:

15 115.28 (7g) (a) (intro.) The department shall, in consultation with the
16 governor's office, the chairpersons of the committees in the assembly and senate
17 whose subject matter is elementary and secondary education and ranking members
18 of those committees, the Board of Regents of the University of Wisconsin System
19 Authority, and the Wisconsin Association of Independent Colleges and Universities,
20 do all of the following:

21 ***-1509/P2.2***SECTION 3187. 115.28 (54m) of the statutes is created to read:

22 115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the
23 department's Internet site a link to information about all of the educational options
24 available to children in the state who are at least 3 years old but not yet 18 years old,
25 including public schools, private schools participating in a parental choice program,

1 charter schools, virtual schools, full-time open enrollment, youth options, course
2 options, and options for pupils enrolled in a home-based private educational
3 program.

4 ***-0541/P3.3*SECTION 3188.** 115.28 (61) of the statutes is created to read:

5 115.28 (61) WHOLE GRADE SHARING FEASIBILITY STUDIES. Approve organizations
6 to conduct feasibility studies under s. 118.50 (2) (c).

7 ***-0971/P5.611*SECTION 3189.** 115.29 (1) of the statutes is amended to read:

8 115.29 (1) DESIGNATE REPRESENTATIVE. Designate the deputy state
9 superintendent or another employee of the department as the state superintendent's
10 representative on any body on which the state superintendent is required to serve,
11 except the board of regents of the University of Wisconsin System Authority.

12 ***-0638/P2.1*SECTION 3190.** 115.29 (8) of the statutes is created to read:

13 115.29 (8) ALTERNATIVE DATA COLLECTION METHOD; LOW-INCOME PUPILS. Use an
14 alternative data collection method established by the department to identify pupils
15 who satisfy the income eligibility criteria for a free or reduced-price lunch under 42
16 USC 1758 (b) (1).

17 ***-1509/P2.3*SECTION 3191.** 115.293 of the statutes is created to read:

18 **115.293 Smarter Balanced Assessment Consortium; Common Core**
19 **State Standards Initiative; prohibition.** (1) Beginning on the effective date of
20 this subsection ... [LRB inserts date], the state superintendent shall cease all
21 participation in the Smarter Balanced Assessment Consortium.

22 (2) The state superintendent may not give effect to any academic standard
23 developed by the Common Core State Standards Initiative and adopted and
24 implemented in this state before the effective date of this subsection ... [LRB inserts

1 date]. The state superintendent may not require any school board to give effect to
2 any such academic standard.

3 (3) Beginning on the effective date of this subsection [LRB inserts date], the
4 state superintendent may not take any action to adopt or implement any academic
5 standard developed by the Common Core State Standards Initiative, and may not
6 direct any school board to adopt or implement any such standard.

7 ***-0971/P5.612*SECTION 3192.** 115.297 (1) (a) of the statutes is amended to
8 read:

9 115.297 (1) (a) “Agencies” means the department, the board of regents of the
10 University of Wisconsin System Authority, the department of children and families,
11 the department of workforce development, the technical college system board, and
12 the Wisconsin Association of Independent Colleges and Universities.

13 ***-0971/P5.613*SECTION 3193.** 115.297 (5) (b) of the statutes is amended to
14 read:

15 115.297 (5) (b) Failure of any of the agencies to enter into a written agreement
16 under sub. (3) does not affect the powers and duties conferred upon the other
17 agencies under this section or under s. ~~36.11 (31)~~ or 38.04 (19).

18 ***-0638/P2.2*SECTION 3194.** 115.343 (2) (b) of the statutes is amended to read:

19 115.343 (2) (b) The child meets the income eligibility standard for a free or
20 reduced-price lunch in the federal school lunch program under 42 USC 1758 (b) (1).

21 ***-1241/P2.20*SECTION 3195.** 115.367 of the statutes is repealed.

22 ***-1509/P2.4*SECTION 3196.** 115.385 (1) (a) (intro.) of the statutes is amended
23 to read:

1 115.385 (1) (a) (intro.) Multiple measures to determine a school's performance
2 or a school district's improvement, including all of the following categorized by
3 English language proficiency, disability, income level, and race or ethnicity:

4 ***-1509/P2.5***SECTION 3197. 115.385 (1) (a) 1. of the statutes is amended to
5 read:

6 115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.

7 ***-1509/P2.6***SECTION 3198. 115.385 (1) (a) 1m. of the statutes is created to
8 read:

9 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,
10 calculated using a value-added methodology.

11 ***-1509/P2.7***SECTION 3199. 115.385 (1) (a) 2. of the statutes is repealed.

12 ***-1509/P2.8***SECTION 3200. 115.385 (1) (a) 3. of the statutes is amended to
13 read:

14 115.385 (1) (a) 3. ~~Gaps~~ Gap closure in pupil achievement in reading and
15 mathematics and, when available, rates of graduation, ~~categorized by race, English~~
16 ~~language proficiency, disability, and income level.~~

17 ***-1509/P2.9***SECTION 3201. 115.385 (1) (a) 4. of the statutes is created to read:

18 115.385 (1) (a) 4. Rates of attendance or of high school graduation.

19 ***-1509/P2.10***SECTION 3202. 115.385 (1) (b) of the statutes is renumbered
20 115.385 (1) (b) (intro.) and amended to read:

21 115.385 (1) (b) (intro.) An index system to identify a school's level of
22 performance ~~and a school district's level of improvement and to annually place assign~~
23 ~~to each school into and school district one of 5 performance categories. the following~~
24 grade levels:

1 ***-1509/P2.11*****SECTION 3203.** 115.385 (1) (b) 1. of the statutes is created to
2 read:

3 115.385 (1) (b) 1. “A — Significantly Exceeds Expectations.”

4 ***-1509/P2.12*****SECTION 3204.** 115.385 (1) (b) 2. of the statutes is created to
5 read:

6 115.385 (1) (b) 2. “B — Exceeds Expectations.”

7 ***-1509/P2.13*****SECTION 3205.** 115.385 (1) (b) 3. of the statutes is created to
8 read:

9 115.385 (1) (b) 3. “C — Meets Expectations.”

10 ***-1509/P2.14*****SECTION 3206.** 115.385 (1) (b) 4. of the statutes is created to
11 read:

12 115.385 (1) (b) 4. “D — Meets Few Expectations.”

13 ***-1509/P2.15*****SECTION 3207.** 115.385 (1) (b) 5. of the statutes is created to
14 read:

15 115.385 (1) (b) 5. “F — Fails to Meet Expectations.”

16 ***-1509/P2.16*****SECTION 3208.** 115.385 (1) (c) of the statutes is created to read:
17 115.385 (1) (c) A qualitative definition for each of the 5 grade levels in par. (b).

18 ***-1509/P2.17*****SECTION 3209.** 115.385 (1m) of the statutes is created to read:
19 115.385 (1m) For purposes of determining a school’s performance or a school
20 district’s improvement under sub. (1) all of the following apply:

21 (a) The department may not include the following pupils or pupil assessment
22 scores:

23 a. A pupil who attended a private school under the program under s. 118.60 or
24 119.23 in the 8th grade and who transfers to a public school, including a charter
25 school, for the 9th grade.

1 b. A pupil who was enrolled in a public school, including a charter school, in the
2 8th grade and who transfers to a private school under the program under s. 118.60
3 or 119.23 for the 9th grade.

4 c. A pupil, other than a pupil enrolled in the 9th grade, who was enrolled in the
5 school or school district for less than one year prior to taking the pupil assessment.

6 (b) 1. Subject to subd. 2., if the department uses pupil assessment scores to
7 determine a school's performance or a school district's improvement, the department
8 shall account for the length of time a pupil was enrolled in the school or school district
9 prior to taking the pupil assessment by weighting pupil assessment scores as follows:

10 a. For a pupil who was enrolled in the school or school district for at least one
11 year but less than 2 years prior to taking the pupil assessment, multiply by 1.

12 b. For a pupil who was enrolled in the school or school district for at least 2 years
13 but less than 3 years prior to taking the pupil assessment, multiply by 2.

14 c. For a pupil who was enrolled in the school or school district for more than 3
15 years prior to taking the pupil assessment, multiply by 3.

16 2. The department may not, for purposes of determining a school's
17 performance, account for the length of time a 9th grade pupil was enrolled in the
18 school.

19 (c) The department shall consider the impact of poverty on pupil achievement
20 and growth by adjusting the importance given to the measures under sub. (1) (a) 1.
21 and 1m. based on the percentage of pupils in the school or school district who are
22 economically disadvantaged. In this paragraph, an economically disadvantaged
23 pupil is a pupil that satisfies either the income eligibility criteria for a free or
24 reduced-price lunch under 42 USC 1758 (b) (1) or other measures of poverty, as
25 determined by the department. Of the total weight the department allocates to the

1 measures under sub. (1) (a) 1. and 1m. for the purpose of determining a school's
2 performance or a school district's improvement, the department shall do as follows:

3 1. If 5 percent or less of the school or school district membership is comprised
4 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 90
5 percent and the measure under sub. (1) (a) 1m. at 10 percent.

6 2. If 65 percent or more of the school or school district membership is comprised
7 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 10
8 percent and the measure under sub. (1) (a) 1m. at 90 percent.

9 3. If the percentage of economically disadvantaged pupils in the school or school
10 district membership is more than 5 percent but less than 65 percent, the department
11 shall determine the weight of the measures under sub. (1) (a) 1. as follows:

12 a. Divide 80 by 60.

13 b. Multiply the quotient determined under subd. 3. a. by the percentage of
14 economically disadvantaged pupils in the school or school district membership.

15 c. Add 3.35 to the result under subd. 3. b.

16 4. If the percentage of economically disadvantaged pupils in the school or school
17 district membership is more than 5 percent but less than 65 percent, the department
18 shall determine the weight of the measures under sub. (1) (a) 1m. by subtracting the
19 weight given to the measures under sub. (1) (a) 1. as determined under subd. 3. from
20 100.

21 ~~*-1509/P2.18*~~SECTION 3210. 115.385 (2) of the statutes is amended to read:

22 115.385 (2) ~~Beginning one year after a charter school established under s.~~
23 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
24 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
25 ~~(b), or begins using a system that is interoperable with that system, the with the~~

1 accountability report published for the 2015–16 school year, the department shall
2 include the school in its annual school accountability report under sub. (1) charter
3 schools established under s. 118.40 (2r) and private schools participating in a
4 parental choice program under s. 118.60 or 119.23. The department shall use the
5 same criteria to measure the performance of all schools included in the annual school
6 accountability report.

7 ***-1509/P2.19***SECTION 3211. 115.385 (3) of the statutes is created to read:

8 115.385 (3) On an accountability report published for a private school
9 participating in a program under s. 118.60 or 119.23, the department shall specify
10 the percentage of pupils attending the private school under the program and comply
11 with one of the following:

12 (a) For a private school that submits achievement data only for those pupils
13 attending the private school under the program, identify the grade derived from data
14 about those pupils as the choice pupil grade.

15 (b) For a private school that submits achievement data for those pupils
16 attending the private school under s. 118.60 or 119.23 and achievement data for all
17 other pupils attending the private school, identify the grade derived from data about
18 pupils attending the school under s. 118.60 or 119.23 as the choice pupil grade. The
19 department shall also identify a 2nd grade, derived from data about all pupils
20 attending the private school including pupils attending the private school under s.
21 118.60 or 119.23, as the private school grade.

22 ***-1509/P2.20***SECTION 3212. 115.385 (4) of the statutes is created to read:

23 115.385 (4) Annually, each public school, including a charter school, and each
24 private school participating in a parental choice program under s. 118.60 or 119.23
25 shall provide a copy of the school's accountability report to the parent or guardian of

1 each pupil enrolled in or attending the school. Each school shall also provide to the
2 parent or guardian of each pupil enrolled in the school a list of the educational
3 options available to children who reside in the pupil's resident school district,
4 including public schools, private schools participating in a parental choice program,
5 charter schools, virtual schools, full-time open enrollment, youth options, course
6 options, and options for pupils enrolled in a home-based private educational
7 program.

8 *~~1509/P2.21~~ SECTION 3213. 115.385 (5) of the statutes is created to read:

9 115.385 (5) Beginning in the 2017-18 school year and biennially thereafter, the
10 appropriate standing committee of each house of the legislature shall conduct a
11 review of school and school district accountability reports published under this
12 section.

13 *~~0638/P2.3~~ SECTION 3214. 115.42 (2) (c) of the statutes is amended to read:

14 115.42 (2) (c) The amount of each grant under par. (a) shall be \$5,000 in any
15 school year in which the recipient is employed in a school in which at least 60 percent
16 of the pupils enrolled ~~are eligible~~ satisfy the income eligibility criteria for a free or
17 reduced-price lunch under 42 USC 1758 (b) (1).

18 *~~0638/P2.4~~ SECTION 3215. 115.43 (1) of the statutes is amended to read:

19 115.43 (1) DEFINITION. In this section, "economically disadvantaged pupil"
20 means a pupil who ~~is eligible~~ satisfies the income eligibility criteria for a free or
21 reduced-price lunch under 42 USC 1758 (b) (1).

22 *~~0971/P5.614~~ SECTION 3216. 115.43 (2) (b) of the statutes is amended to read:

23 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
24 scholarships, on a competitive basis, to economically disadvantaged pupils who
25 enroll in a technical college or in college or university classes or programs designed

SECTION 3216

1 to improve academic skills that are essential for success in postsecondary school
2 education. The state superintendent shall give preference to economically
3 disadvantaged pupils who are inadequately represented in the technical college
4 colleges and the University of Wisconsin Systems System Authority.

5 ***-0638/P2.5*SECTION 3217.** 115.436 (2) (b) of the statutes is repealed.

****NOTE: This is reconciled s. 115.436 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: -0626/1 and -0638/P1.

6 ***-1361/P3.2*SECTION 3218.** 115.437 (2) of the statutes is renumbered 115.437
7 (2) (intro.) and amended to read:

8 115.437 (2) (intro.) Annually Beginning in the 2015-16 school year, annually
9 on the 4th Monday of March, the department shall pay to each school district an
10 amount equal to the average of the number of pupils enrolled in the school district
11 in the current and 2 preceding school years multiplied by \$75 in the 2013-14 school
12 year and by \$150 in each school year thereafter. determined as follows:

13 (3) The department shall make the payments under this section from the
14 appropriation under s. 20.255 (2) (aq).

15 ***-1361/P3.3*SECTION 3219.** 115.437 (2) (a) of the statutes is created to read:

16 115.437 (2) (a) Divide the amount appropriated under s. 20.255 (2) (aq) for the
17 current fiscal year by the total number of pupils enrolled in all school districts in the
18 current school year.

19 ***-1361/P3.4*SECTION 3220.** 115.437 (2) (b) of the statutes is created to read:

20 115.437 (2) (b) Multiply the quotient under par. (a) by the number of pupils
21 enrolled in the school district in the current school year.

22 ***-0971/P5.615*SECTION 3221.** 115.53 (4) of the statutes is amended to read:

1 115.53 (4) Apply to the board of directors of the University of Wisconsin
2 Hospitals and Clinics Authority or the University of Wisconsin System Authority for
3 admission to the University of Wisconsin Hospitals and Clinics or the University of
4 Wisconsin System Authority of any pupil at the school operated by the Wisconsin
5 Educational Services Program for the Deaf and Hard of Hearing or the school
6 operated by the Wisconsin Center for the Blind and Visually Impaired. The
7 application shall be accompanied by the report of a physician appointed by the
8 director of the Wisconsin Educational Services Program for the Deaf and Hard of
9 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired
10 and shall be in the same form as reports of other physicians for admission of patients
11 to such hospital.

12 *~~0541/P3.4~~*SECTION 3222. 115.77 (1) of the statutes is amended to read:

13 115.77 (1) In sub. (1m) (a) to (d), 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), “local educational agency”
16 means the school district that the child is attending.

17 *~~0541/P3.5~~*SECTION 3223. 115.777 (1) of the statutes is amended to read:

18 115.777 (1) (a) A physician, nurse, psychologist, social worker or administrator
19 of a social agency who reasonably believes that a child brought to him or her for
20 services has a disability shall refer the child to the local educational agency. If the
21 local educational agency to whom the referral is made is the school district in which
22 the child resides but the child is attending a public school in a nonresident school
23 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school
24 district in which the child resides shall provide the name of the child and related
25 information to the school board of the school district that the child is attending.

1 (b) A person who is required to be licensed under s. 115.28 (7), who is employed
2 by a local educational agency and who reasonably believes a child has a disability,
3 shall refer the child to the local educational agency. If the local educational agency
4 to whom the referral is made is the school district that the child is attending but the
5 child is a nonresident attending a public school in that school district under s. 118.50,
6 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child
7 is attending shall provide the name of the child and related information to the school
8 board of the child's school district of residence.

9 (c) Any person other than those specified under par. (a) or (b) who reasonably
10 believes that a child is a child with a disability may refer the child to a local
11 educational agency. If the local educational agency to whom the referral is made is
12 the school district in which the child resides but the child is attending a public school
13 in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the
14 school board of the school district in which the child resides shall provide the name
15 of the child and related information to the school board of the school district that the
16 child is attending.

17 *~~0541/P3.6~~SECTION 3224. 115.78 (1) of the statutes is amended to read:

18 115.78 (1) DEFINITION. In this section, for a child who is attending a public
19 school in a nonresident school district under s. 118.50, 118.51, or 121.84 (1) (a) or (4),
20 "local educational agency" means the school board of the school district that the child
21 is attending.

22 *~~0541/P3.7~~SECTION 3225. 115.78 (1m) (h) of the statutes is amended to read:

23 115.78 (1m) (h) If the child is attending a public school in a nonresident school
24 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), at least one person designated

1 by the school board of the child's school district of residence who has knowledge or
2 special expertise about the child.

3 *~~0541/P3.8~~SECTION 3226. 115.79 (1) (b) of the statutes is amended to read:

4 115.79 (1) (b) An educational placement is provided to implement a child's
5 individualized education program. Except as provided in s. 118.51 (12) (a) and (b)
6 2., if a child with a disability 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 that the child is attending shall provide an educational placement for the
9 child and shall pay tuition charges instead of the school district in which the child
10 resides if required by the placement.

11 *~~0541/P3.9~~SECTION 3227. 115.792 (1) (b) of the statutes is amended to read:

12 115.792 (1) (b) The local educational agency shall establish and maintain
13 procedures to ensure that a child's parents are provided prior written notice
14 whenever the local educational agency proposes to initiate or change, or refuses to
15 initiate or change, the identification, evaluation or educational placement of the
16 child, or the provision of a free appropriate public education to the child. In this
17 paragraph, "local educational agency" includes the nonresident school district that
18 a child is attending under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

19 *~~0541/P3.10~~SECTION 3228. 115.792 (3) (a) of the statutes is amended to read:

20 115.792 (3) (a) In this subsection, "local educational agency" includes the
21 nonresident school district that a child is attending under s. 118.50, 118.51, or 121.84
22 (1) (a) or (4).

23 *~~0541/P3.11~~SECTION 3229. 115.80 (8) of the statutes is amended to read:

24 115.80 (8) Except as provided in 20 USC 1415 (k), during the pendency of any
25 proceedings under this section, the local educational agency may not change the

1 educational placement of a child unless the child's parents agree to the change. If
2 the child is applying for initial admission to a public school, the child shall, with the
3 consent of the child's parents, be placed in the public school program until all
4 proceedings under this section have been completed. In this subsection, "local
5 educational agency" includes the nonresident school district that a child is attending
6 under s. 118.50, 118.51, or 121.84 (1) (a) or (4).

7 ***-0541/P3.12*SECTION 3230.** 115.82 (2) (c) of the statutes is created to read:

8 115.82 (2) (c) If the child is attending a public school in a nonresident school
9 district under s. 118.50, the school district specified to do so in the whole grade
10 sharing agreement shall provide transportation.

11 ***-0541/P3.13*SECTION 3231.** 115.88 (8) of the statutes is amended to read:

12 115.88 (8) ENROLLMENT OUT OF STATE. If a child with a disability is enrolled in
13 a public special education program located in another state and the state
14 superintendent is satisfied that the program in which the child is enrolled complies
15 with this subchapter, the state superintendent shall certify to the department of
16 administration in favor of the school district in which the child resides or the school
17 district attended by the child under s. 118.50, 118.51, or 121.84 (1) (a) or (4) a sum
18 equal to the amount expended by the school district during the preceding year for the
19 additional costs associated with the child's special education program as costs
20 eligible for reimbursement from the appropriation under s. 20.255 (2) (b).

21 ***-0832/P3.2*SECTION 3232.** 116.01 of the statutes is amended to read:

22 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
23 the legislature recognizes the need for benefit of a service unit between the school
24 district and the state superintendent. The cooperative educational service agencies
25 are designed to serve educational needs in all areas of Wisconsin by serving as a link

1 both between school districts and between school districts and the state. Cooperative
2 educational service agencies may provide leadership, coordination, and education
3 services to school districts, University of Wisconsin System institutions, and
4 technical colleges. Cooperative educational service agencies may facilitate
5 communication and cooperation among all public, private, and tribal schools, and all
6 public and private agencies and organizations, that provide services to pupils.

7 ~~*-0832/P3.3~~SECTION 3233. 116.03 (2) of the statutes is repealed.

8 ~~*-0832/P3.4~~SECTION 3234. 116.03 (5) of the statutes is created to read:

9 116.03 (5) Determine each school district's proportional share of the cost of the
10 maintenance and operation of the office of the board of control and agency
11 administrator and to match any federal funds received by the agency for vocational
12 education administration less any amount received under s. 116.08 (1). No cost may
13 be assessed against a school district that has withdrawn under s. 116.065 for
14 expenses incurred while the school district is not in the agency.

15 ~~*-0832/P3.5~~SECTION 3235. 116.03 (11) of the statutes is amended to read:

16 116.03 (11) Establish the salaries of the agency administrator and other
17 professional and nonprofessional employees. ~~State reimbursement for the cost of the~~
18 ~~salary of the agency administrator shall be equal to the actual salary paid or the~~
19 ~~maximum of the salary range for public instruction supervisors under the state~~
20 ~~superintendent, whichever is less.~~

21 ~~*-0832/P3.6~~SECTION 3236. 116.065 (1) of the statutes is amended to read:

22 116.065 (1) The school board of a school district ~~in cooperative educational~~
23 ~~service agency no. 1, as designated on April 1, 1985,~~ may adopt a resolution to
24 withdraw from the an agency. The school board shall immediately notify the board

1 of control and the state superintendent of its intention that the school board has
2 adopted a resolution under this subsection.

3 ***-0832/P3.7*SECTION 3237.** 116.065 (2) of the statutes is amended to read:

4 116.065 (2) A resolution adopted under sub. (1) or (3) prior to January 15 in any
5 school year shall be effective the next succeeding July 1. A resolution adopted under
6 sub. (1) or (3) on or after January 15 in any school year shall be effective on the 2nd
7 succeeding July 1.

8 ***-0832/P3.8*SECTION 3238.** 116.065 (3) of the statutes is amended to read:

9 116.065 (3) A school district that has withdrawn from the an agency described
10 under sub. (1) may rejoin the agency. ~~The procedures under subs. (1) and (2) apply~~
11 ~~to readmissions by adopting a resolution and immediately notifying the board of~~
12 control and state superintendent of the resolution to rejoin.

13 ***-0832/P3.9*SECTION 3239.** 116.07 (4) of the statutes is amended to read:

14 116.07 (4) No such plan is valid if it permits any territory of this state to be
15 outside an agency area, unless the territory is part of a school district that has
16 withdrawn from an agency under s. 116.065.

17 ***-0832/P3.10*SECTION 3240.** 116.08 (title) of the statutes is amended to read:

18 **116.08 (title) State Loans and local aid.**

19 ***-0832/P3.11*SECTION 3241.** 116.08 (1) of the statutes is amended to read:

20 116.08 (1) An amount not to exceed \$25,000 annually shall be paid to each
21 agency ~~for the maintenance and operation of the office of the board of control and~~
22 ~~agency administrator and to match any federal funds received by the agency for~~
23 ~~vocational education administration. No state aid may be paid unless the agency~~
24 ~~submits by August 1 an annual report which includes a detailed certified statement~~
25 ~~of its expenses for the prior year to the state superintendent, and such statement~~

1 reveals that the state aid was expended as provided by this section. In no case may
2 the state aid exceed the actual expenditures for the prior year as certified in such
3 statement.

4 ~~*-0832/P3.12*~~SECTION 3242. 116.08 (3m) of the statutes is renumbered
5 116.065 (4) and amended to read:

6 116.065 (4) The school board of a school district that has withdrawn from
7 cooperative educational service an agency no. 1 under s. 116.065 under this section
8 and is not in any other agency may contract with the department for other programs
9 and services the school district would be receiving if it were in an agency.

10 ~~*-0832/P3.13*~~SECTION 3243. 116.08 (4m) of the statutes is created to read:

11 116.08 (4m) Beginning in the 2015–16 school year, each school board of a school
12 district in an agency shall pay to the board of control the school district's proportional
13 share of the cost of the maintenance and operation of the office of the board of control
14 and agency administrator and to match any federal funds received by the agency for
15 vocational education administration, as determined by the board of control under s.
16 116.03 (5).

17 ~~*-0832/P3.14*~~SECTION 3244. 116.08 (5) of the statutes is repealed.

18 ~~*-0541/P3.14*~~SECTION 3245. 117.05 (5) (a) of the statutes is amended to read:

19 117.05 (5) (a) *Territory in district.* All territory within this state shall be
20 included in a school district operating elementary school grades and a school district
21 operating high school grades or in a school district operating both elementary and
22 high school grades, except for territory located in a school district that is not
23 operating certain grades as a result of entering into a whole grade sharing agreement
24 under s. 118.50. No territory may be detached from a school district unless by the
25 same order it is attached to another school district or included in a new school district

1 created by the order. No territory may be detached from a school district that
2 operates high school grades unless by the same order it is attached to or included in
3 another school district that operates high school grades.

4 ***-0541/P3.15*SECTION 3246.** 117.30 (1) (a) of the statutes is amended to read:

5 117.30 (1) (a) Except as provided under pars. (b) and ~~(e)~~ (d), if a school district
6 for 2 or more successive years has failed to operate sufficient classes at each grade
7 level to provide all pupils who reside in the school district an opportunity to attend
8 class at the appropriate grade level, the board shall attach the territory of the school
9 district to one or more school districts that do so. Within 60 days of the date on which
10 a school district becomes subject to this section, the state superintendent shall so
11 notify the school district clerk and the clerk of each municipality in which part of the
12 school district lies. Prior to August 30 of the year in which the school district becomes
13 subject to this section, the board shall issue an order of school district reorganization
14 attaching the school district to one or more operating school districts. Orders issued
15 under this section take effect upon being filed as provided in s. 117.17 (2). The school
16 board of each district to which any territory is attached under this section shall levy
17 and collect a special tax against the property in the territory so attached for such
18 amount as is payable for tuition and transportation, at the time of the attachment,
19 by the school district in which the attached territory was located prior thereto, in the
20 proportion that the equalized valuation of the attached territory bears to the total
21 equalized valuation of the school district in which such territory was located prior
22 to such attachment.

23 ***-0541/P3.16*SECTION 3247.** 117.30 (1) (d) of the statutes is created to read:

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

4 *~~0541/P3.17~~*SECTION 3248. 118.134 (3m) of the statutes is amended to read:

5 118.134 (3m) A pupil attending a public school in a nonresident school district
6 under s. 118.50 or 118.51 may not file a complaint under sub. (1) in which the pupil
7 objects to the use of a race-based nickname, logo, mascot, or team name by the school
8 board of the nonresident school district.

9 *~~1509/P2.22~~*SECTION 3249. 118.153 (1) (a) 5. of the statutes is amended to
10 read:

11 118.153 (1) (a) 5. Eighth grade pupils whose score in each subject area on the
12 examination administered under s. 118.30 (1m) (am) 1. or 118.301 (3) was below the
13 basic level, 8th grade pupils who failed the examination administered under s.
14 118.30 (1m) (am) 2. or 118.301 (3), and 8th grade pupils who failed to be promoted
15 to the 9th grade.

16 *~~1509/P2.23~~*SECTION 3250. 118.30 (1) of the statutes is amended to read:

17 118.30 (1) The state superintendent shall adopt or approve examinations
18 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, 9th,
19 10th, and 11th grades. Beginning in the 2015–16 school year, the state
20 superintendent may not adopt or approve assessments developed by the Smarter
21 Balanced Assessment Consortium.

22 *~~0632/2.1~~*SECTION 3251. 118.30 (1m) (ar) of the statutes is amended to read:

23 118.30 (1m) (ar) Except as provided in sub. (7), beginning in the 2014–15 school
24 year, administer the 9th grade examination adopted or approved by the state
25 superintendent under sub. (1) to all pupils enrolled in the school district, including

1 pupils enrolled in charter schools located in the school district, in the spring session
2 of 9th grade. ~~The school board shall administer the examination once in the fall~~
3 ~~session and once in the spring session.~~

Insert
10/16
4
TKR

4 *-0632/2.2*SECTION 3252. 118.30 (1r) (ar) of the statutes is amended to read:

5 118.30 (1r) (ar) Beginning in the 2014-15 school year, administer the 9th grade
6 examination adopted or approved by the state superintendent under sub. (1) to all
7 pupils enrolled in the charter school in spring session of the 9th grade. ~~The charter~~
8 ~~school shall administer the examination once in the fall session and once in the~~
9 ~~spring session.~~

Insert
10/16
10
TKR

10 *-1509/P2.24*SECTION 3253. 118.30 (1s) (intro.) of the statutes is amended to
11 read:

12 118.30 (1s) (intro.) Annually, the governing body of each private school
13 participating in the program under s. 119.23, other than a private school at which
14 fewer than 20 pupils are attending the school under the program under s. 119.23,
15 shall do all of the following:

16 *-0632/2.3*SECTION 3254. 118.30 (1s) (bm) of the statutes is amended to read:

17 118.30 (1s) (bm) Beginning in the 2014-15 school year, in the spring session
18 administer the 9th grade examination adopted or approved by the state
19 superintendent under sub. (1) to all pupils attending the 9th grade in the private
20 school under s. 119.23. ~~The private school shall administer the examination once in~~
21 ~~the fall session and once in the spring session.~~

Insert
10/16
22
TKR

22 *-1509/P2.25*SECTION 3255. 118.30 (1t) (intro.) of the statutes is amended to
23 read:

24 118.30 (1t) (intro.) Annually, the governing body of each private school
25 participating in the program under s. 118.60, other than a private school at which

1 fewer than 20 pupils are attending the school under the program under s. 118.60,
2 shall do all of the following:

3 ***-0632/2.4*SECTION 3256.** 118.30 (1t) (bm) of the statutes is amended to read:

4 118.30 (1t) (bm) Beginning in the 2014-15 school year, in the spring session
5 administer the 9th grade examination adopted or approved by the state
6 superintendent under sub. (1) to all pupils attending the 9th grade in the private
7 school under s. 118.60. ~~The private school shall administer the examination once in~~
8 ~~the fall session and once in the spring session.~~

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9 ***-1509/P2.26*SECTION 3257.** 118.30 (2) (b) 3. of the statutes is amended to
10 read:

11 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school
12 board shall excuse the pupil from taking an examination administered under sub.
13 (1m) or s. 118.301 (3).

14 ***-1509/P2.27*SECTION 3258.** 118.30 (2) (b) 4. of the statutes is amended to
15 read:

16 118.30 (2) (b) 4. Upon the request of a pupil's parent or guardian, the operator
17 of a charter school under s. 118.40 (2r) shall excuse the pupil from taking an
18 examination administered under sub. (1r) or s. 118.301 (3).

19 ***-1509/P2.28*SECTION 3259.** 118.30 (2) (b) 5. of the statutes is amended to
20 read:

21 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
22 body of a private school participating in the program under s. 119.23 shall excuse the
23 pupil from taking an examination administered under sub. (1s) (a) to (cm) or s.
24 118.301 (3).

SECTION 3260

1 *-1509/P2.29*SECTION 3260. 118.30 (2) (b) 6. of the statutes is amended to
2 read:

3 118.30 (2) (b) 6. Upon the request of a pupil’s parent or guardian, the governing
4 body of a private school participating in the program under s. 118.60 shall excuse the
5 pupil from taking an examination administered under sub. (1t) (a) to (cm) or s.
6 118.301 (3).

7 *-1509/P2.30*SECTION 3261. 118.30 (5m) of the statutes is amended to read:

8 118.30 (5m) When determining the percentage of pupils participating in the
9 program under s. 119.23 who performed at designated proficiency levels on the
10 examinations administered as required under sub. (1s) or s. 118.301 (3), the
11 department shall consider only the pupils participating in the program under s.
12 119.23 to whom the examinations were administered at each grade level, and shall
13 exclude from consideration those pupils participating in the program under s. 119.23
14 who were excused from taking the examinations under sub. (2) (b) 5.

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15 *-1509/P2.31*SECTION 3262. 118.30 (6) of the statutes is amended to read:

16 118.30 (6) A school board and an operator of a charter school under s. 118.40
17 (2r) is not required to administer the 4th and 8th grade examinations adopted or
18 approved by the state superintendent under sub. (1) or authorized under s. 118.301
19 (3) if the school board or the operator of the charter school administers its own 4th
20 and 8th grade examinations, the school board or operator of the charter school
21 provides the state superintendent with statistical correlations of those examinations
22 with the examinations adopted or approved by the state superintendent under sub.
23 (1), and the federal department of education approves.

24 *-1509/P2.32*SECTION 3263. 118.30 (7) of the statutes is amended to read:

1 118.30 (7) If a school board enters into an agreement with a federally
2 recognized American Indian tribe or band in this state to establish a charter school,
3 that school board shall administer the examinations under sub. (1m) or s. 118.301
4 (3) regardless of the location of the charter school.

5 *~~1509/P2.33~~SECTION 3264. 118.301 of the statutes is created to read:

6 **118.301 Alternative pupil assessments.** (1) In this section, “research
7 center” means the University of Wisconsin–Madison Value–Added Research Center.

8 (2) (a) Within 30 days after the effective date of this subsection [LRB inserts
9 date], the department shall request from the research center a list of nationally
10 recognized, norm–referenced alternative examinations determined by the research
11 center to be acceptable for statistical comparison with examinations adopted or
12 approved under s. 118.30 (1). Within 90 days after the effective date of this
13 subsection [LRB inserts date], the research center shall evaluate and approve at
14 least 3 and no more than 5 of the examinations and shall submit the list of approved
15 examinations to the department. The research center shall submit under this
16 paragraph only those examinations that are consistent with the following
17 parameters:

18 1. The examination aligns sufficiently with content standards established for
19 examinations adopted or approved under s. 118.30 (1).

20 2. The examination is comprised of a variety of testing methodologies,
21 including multiple choice and short answer, to assess a range of student skills.

22 3. The examination includes accommodations or alternative assessments for
23 students enrolled in a special education program under subch. V of ch. 115.

24 4. The examination provider makes available translations for limited–English
25 proficient pupils, as defined in s. 115.955 (7).

1 5. The examination may be administered in a variety of modes, including with
2 paper and pencil, in an online format, in a fixed form format, and in an adaptive
3 format.

4 6. The examination has internal consistency reliability coefficients of at least
5 0.8.

6 (b) An examination approved under this subsection may be administered only
7 by a school that notifies the department of its intent to administer the examination.

8 **(3)** (a) Notwithstanding s. 118.30 (1m), beginning in the 2015–16 school year,
9 a school board is not required to administer an examination adopted or approved by
10 the state superintendent under s. 118.30 (1) in any grade for which an examination
11 is required to be administered under s. 118.30 if the school board administers in that
12 grade an alternative examination approved by the research center under sub. (2).
13 If the school board elects to administer an alternative examination under this
14 paragraph, the school board shall notify the department of its intent to administer
15 the examination and shall publish that fact and information about the examination
16 on the school's Internet site.

17 (b) Notwithstanding s. 118.30 (1r), beginning in the 2015–16 school year, an
18 operator of a charter school under s. 118.40 (2r) is not required to administer an
19 examination adopted or approved by the state superintendent under s. 118.30 (1) in
20 any grade for which an examination is required to be administered under s. 118.30
21 if the operator administers in that grade an alternative examination approved by the
22 research center under sub. (2). If the operator of the charter school elects to
23 administer an alternative examination under this paragraph, the operator shall
24 notify the department of its intent to administer the examination and shall publish
25 that fact and information about the examination on the school's Internet site.