

ANALYSIS CHUNKS

Pt. 02



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

FFK
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ARG

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1 AN ACT ...; relating to: ???.

Inas
-1509

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1137/P5 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

the Milwaukee Parental Choice Program (MPCP)

This bill makes various changes to the Racine Parental Choice Program (RPCP) and the statewide parental choice program (statewide choice program).

Caps in the statewide choice program

and specifies that

(together with PCPs)

Current law limits the number of pupils who may participate in the statewide choice program to 1,000 pupils. Additionally, no more than one percent of any school district's total enrollment may attend private schools under the statewide choice program. Current law also limits the number of private schools that may participate in the statewide choice program. This bill eliminates the limitations on the number of pupils and private schools that may participate in the statewide choice program.

Payments to participating private schools.

these

Under current law, for each pupil attending a private school under the RPCP or the statewide choice program, DPI pays the private school an amount equal to the lesser of (a) the participating private school's operating and debt service cost per pupil and (b) a maximum amount provided by law. For the 2014-15 school year, the maximum per pupil amount provided by law is \$7,210 or \$7,856, depending on the pupil's grade. For each school year after the 2014-15 school year, the maximum per pupil payment is the maximum amount in the previous year plus any increase in the per pupil revenue limit and any increase in the total categorical aid funding per

adjusted based on

a number of

(per pupil payment adjustment)

payments

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pupil. Under current law, for certain pupils attending summer or interim classes at a private school under the RPCP or the statewide choice program, DPI must also pay the participating private school an additional amount equal to equal to five percent of the maximum per pupil choice payment that could have been paid for the pupil in the preceding school term. Currently, payments DPI makes to private schools participating in the RPCP or the statewide choice program are paid from a sum sufficient appropriation.

This bill changes the payments DPI makes to participating private schools for pupils who begin attending a private school under the RPCP or the statewide choice program in the 2015-16 school year or in any school year thereafter (new choice pupil). Under the bill, for a new choice pupil, DPI pays a participating private school an amount equal to the average per pupil amount of equalization aid for school districts in which new choice pupils reside (average equalization aid per pupil) in that school year. The bill also requires DPI to make an additional payment for certain new choice pupils attending summer or interim classes at a participating private school in an amount equal to five percent of the average equalization aid per pupil in the immediately preceding school term. Payments DPI makes to private schools participating in the RPCP or the statewide choice program for new choice pupils are paid from the sum certain appropriation for general equalization aids.

This bill does not change payments made to a private schools participating in the RPCP or the statewide choice program for pupils who began attending a participating private school before the 2015-16 school year.

Equalization aid formula

Under current law, pupils attending a private school under the RPCP or the statewide choice program are not included in a school district's membership for the purpose of calculating the equalization aid that the school district is eligible to receive. Under the bill, beginning with the aid calculation for the 2016-17 school year, for the purpose of calculating the amount of equalization aid that a school district is eligible to receive, a school district's membership includes new choice pupils residing in the school district that are reported as attending a private school under the RPCP or the statewide choice program. The bill also requires that the amount of each school district's equalization aid be reduced by an amount determined by multiplying the school district's per pupil equalization aid amount by the number of new choice pupils who reside in that school district. A reduction for payments made for new choice pupils is not considered for purposes of calculating a school district's revenue limit.

Requirements for new choice pupils in the statewide program.

Under current law, a pupil who resides in the Racine Unified School District must satisfy one of the following to attend a private school under the RPCP:

1. He or she was enrolled in a public school in the school district in the previous school year.
2. He or she was not enrolled in school in the previous school year.
3. He or she attended a private school under the RPCP in the previous school year.
4. He or she is applying to kindergarten, 1st grade, or 9th grade.

This bill creates the same requirement for new choice pupils in the statewide choice program.

Stays → *** ANALYSIS FROM -0633/P4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill makes a number of changes to the law governing the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the statewide parental choice program (PCPs).

Under current law, for each pupil attending a private school under a PCP, DPI pays the participating private school the lesser of the private school's per pupil educational programming costs and a maximum per pupil amount set by law. Current law also requires a participating private school to submit an annual financial audit prepared by an independent certified public accountant to DPI that includes the private schools' educational costs.

Under the bill, for each pupil attending a private school under a PCP, DPI pays the participating private school the per pupil amount set by law. The bill also requires that beginning with financial audits prepared for the 2015-16 school year, the annual financial audit must comply with generally accepted accounting principles, as modified by DPI, and that the audit must include a calculation of the private school's net eligible educational programming costs and the balance of the private school's fund for future educational programming costs.

Under current law, a private school participating in the Milwaukee PCP or the Racine PCP must accept pupil applications on a random basis except that the private school may give a preference to pupils who attended the private school, to siblings of pupils who attended the private school, and to pupils who attended a different private school under a PCP. For the statewide PCP, DPI determines the pupils that may attend each participating private school by a random drawing, except that DPI must give preference to a sibling of a pupil chosen by random drawing. This bill creates the following list of preferences which DPI must use to accept pupils to the statewide PCP and which participating private schools may use to accept pupil under the Milwaukee and Racine PCPs:

1. Pupils continuing at the participating private school.
2. Siblings of pupils continuing at the participating private school.
3. Pupils who previously attended a different participating private school.
4. Siblings of pupils who previously attended a different participating private school.
5. Siblings of pupils who were randomly accepted to attend the participating private school for the current school year.

Under current law, subject to certain exceptions, teachers and administrators employed by a participating private school must have at least a bachelor's degree. Under the bill, a teacher or administrator may also qualify to work at a participating private school by demonstrating that he or she has a teaching license or an administrator's license issued by DPI.

This bill eliminates the requirement under current law that a participating private school annually report the number of pupils participating in the PCP who

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MPCP

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any PCP

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graduated from twelfth grade, who advanced from eighth grade to ninth grade, and who advanced from fourth grade to fifth grade. This bill also eliminates the pupil assignment council for each PCP. Finally, this bill changes the date by which a private school must notify DPI of its intent to participate in a PCP from February 1 of the previous school year to January 10 of the previous school year and the date by which a participating private school must file with DPI a report of its summer daily attendance from October 15 to October 1.

*** ANALYSIS FROM -0333/P3 ***

stays →

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board may enter into a contract with a person to establish a charter school, which operates with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. Subject to certain exceptions, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

general

This bill creates the Charter School Oversight Board (CSOB), attached to DPI, and authorizes it to approve nonprofit, nonsectarian organizations, or consortia of such organizations, to contract with persons to operate independent charter schools. The CSOB consists of the state superintendent of public instruction and ten other members. Of the latter members, two are appointed by the state superintendent, two are appointed by the governor, and six by the leaders in the senate and assembly. The bill prohibits the CSOB from promulgating administrative rules and provides that any policy or standard adopted by the CSOB is exempt from the rule-making process.

For any charter school established on or after the bill's effective date, the bill eliminates the authority of the entities specified above, and of any approved nonprofit organization, to establish an independent charter school directly. Under the bill, a charter school may be established only by contract and must be operated by a charter school governing board, although an existing independent charter school authorizer may continue to operate a charter school itself if the school is established before the effective date of this bill. The bill removes the restrictions that limit who may attend an independent charter school.

A nonprofit, nonsectarian organization or consortium of such organizations that wishes to contract with a charter school governing board to operate a charter school must apply to the CSOB. The application must include a strategic plan for such contracting; a performance framework for use in supervising and evaluating charter schools; an assurance that the organization or consortium will ensure accountability and transparency on the part of the governing boards with which it contracts; a plan, including corrective action strategies, designed to improve a charter school, or close such a school, that fails to meet contractual performance standards; a description of the types of charter schools it is seeking to establish; information on its finances; and a plan for entering into additional contracts in order

submit an application to the CSOB in accordance with certain specified requirements

to replicate successful charter schools. The CSOB must approve or deny an application within 90 days.

The bill provides that the contract between an authorizing entity and the independent charter school's governing board must allow the former to charge the governing board a fee. The contract must also allow the charter school governing board to open additional charter schools if in DPI's most recent school accountability report, DPI placed the charter school governed by the contract in one of the top two performance categories, which are currently known as "exceeds expectations" and "significantly exceeds expectations." The bill makes this provision applicable to existing contracts with independent charter schools as well.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. The bill allows a school board to prohibit a pupil who resides in the school district from attending an independent charter school unless the school district's enrollment is at least 4,000 and at least two schools in the school district were in one of the bottom two performance categories, which are currently known as "meets few expectations" and "fails to meet expectations" in DPI's most recent school report.

The bill requires that a charter school accept pupils at random if the capacity of the school is insufficient to accept all applicants. A charter school must, however, give preference in enrollment to pupils who were enrolled in the school in the previous school year and to siblings of pupils who are enrolled in the school. In addition, the bill allows a charter school to give preference in enrollment to children of the charter school's founders, governing board members, and full-time employees so long as the number of such children given preference constitutes no more than 10 percent of the school's enrollment.

The bill requires each charter school authorizer to submit an annual report to the legislature and DPI that includes the following:

1. An identification of each charter school under contract with it and each charter school that had its contract nonrenewed or revoked or that closed.
2. The academic and financial performance of each charter school.
3. Its operating costs, detailed in an audited financial statement.
4. The services it provided to the charter schools under contract with it.

The bill directs each nonprofit organization or consortium that has been approved by the CSOB to contract with a charter school operator annually to submit an identical report to the CSOB.

the charter school governed by the contract receives a grade from DPI of "A" or "B" on DPI's most recent school accountability reports

received a grade of "D" or "F" on

authorizing entity

accountability

Stays ->

*** ANALYSIS FROM -1261/P2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, in the 2014-15 school year, DPI pays the operator of an independent charter school \$8,075 for each pupil attending the school. Beginning in the 2015-16 school year, for each pupil attending an independent charter school DPI pays the per pupil amount in the previous school year plus the per pupil payment adjustment.

No PR Under the bill, DPI will not begin applying the per pupil payment adjustment to per pupil payments made to participating private schools or to operators of

independent charter schools until the 2017-18 school year. In the 2015-16 and 2016-17 school years, the amount of the per pupil payments paid to participating private schools and to operators of independent charter schools is same as in the 2014-15 school year.

stays →

*** ANALYSIS FROM -0541/P3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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

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

A whole grade sharing agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year.

At least 90 days before entering into a whole grade sharing agreement, an interested school board must adopt a resolution stating its intent. If a petition signed by at least 20 percent of the electors residing in the school district is submitted, the school board must contract with an organization approved by DPI for a feasibility study. If a study is required, the school board may not enter into an agreement until it receives the results of the study. At least 30 days before entering into a whole grade sharing agreement, an interested school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

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

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

*** ANALYSIS FROM -0832/P3 ***

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p. 7
Analysis
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EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board of a school district in cooperative educational service agency (CESA) no. 1 may withdraw from CESA no. 1 by adopting a resolution. This bill expands the authority to withdraw from a CESA to all school boards in all CESAs, making school board participation in a CESA optional. A school board that withdraws from a CESA may contract with DPI for programs and services that the school district would receive if it were in a CESA. A school board that withdraws from a CESA may rejoin the CESA by adopting a resolution.

Under current law, DPI pays to each CESA an amount up to \$25,000 for maintenance and operation of the CESA and to match any federal funds received for vocational education administration. Beginning in the 2015-16 school year, this bill requires a school board participating in a CESA to pay to the CESA's board of control the school district's proportional share of these costs.

*** ANALYSIS FROM -0564/P3 ***

stays

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Currently, under the Special Transfer Program (commonly known as Chapter 220), the state provides aid to school districts to support voluntary efforts by school districts to reduce racial imbalance. Aid is provided for both interdistrict and intradistrict pupil transfers. This bill closes the Special Transfer Program to new pupils. Under the bill, however, any pupil who attended a school under the program in the 2014-15 school year may continue to participate in the program.

*** ANALYSIS FROM -0900/3 ***

Move Before -0832 p. 6 move

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to grant a teaching license to any individual who has a bachelor's degree, demonstrates that he or she is proficient in the subject or subjects that he or she intends to teach (license subject), and has relevant experience in the license subject. The license authorizes the individual to teach only the license subject in grades 6 to 12. The license is valid for three years and may be renewed.

*** ANALYSIS FROM -0632/2 ***

stays

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the state superintendent of public instruction (superintendent) must adopt examinations to measure pupil attainment of knowledge and concepts in grades four, eight, nine, ten, and eleven. Current law requires a school board, operator of a charter school, and governing body of a private school participating in a parental choice program to administer the ninth grade examination once in the fall session and once in the spring session. This bill eliminates the requirement to administer the ninth grade examination in the fall session.

*** ANALYSIS FROM -1361/P2 ***

Keep, but move (not yet in complete) Analysis to -1509

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Ins. -1361

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, DPI must provide school district with per pupil aid in the amount of \$150 multiplied by the average of the number of pupils enrolled in the school district in the current and two preceding school years. Per pupil aid is currently paid from a sum sufficient appropriation. This bill changes the appropriation for per pupil aid to a sum certain appropriation. The bill also changes the manner in which per pupil aid is calculated. Under the bill, a school district receives for each pupil enrolled in the school district in the current school year, an amount determined by dividing the total amount appropriated for per pupil aid in the current fiscal year divided by the total number of pupils enrolled in the state.

equal to

*** ANALYSIS FROM -0626/1 ***

per pupil aid in all school districts

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school district is eligible to receive sparsity aid if in the previous school year all of the following criteria were satisfied:

1. The number of pupils enrolled in the school district was no more than 725.
2. At least 20 percent of the pupils were eligible for a free or reduced-price lunch under the National School Lunch Program.
3. The number of pupils enrolled in the district divided by the school district's area in square miles was less than ten.

This bill eliminates the requirement that at least 20 percent of the pupils were eligible for a free or reduced-price lunch under the National School Lunch Program.

stays

*** ANALYSIS FROM -0627/P3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school district required to provide transportation services to public and private school pupils enrolled in the school district is eligible to receive pupil transportation aid. The per pupil amount of pupil transportation aid for which a school district is eligible varies based on how far a pupil is transported.

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This bill makes an independent charter school that elects to provide transportation to pupils attending the charter school eligible for pupil transportation aid. This bill also increases the per pupil transportation aid amount for transporting a pupil who lives more than 12 miles from the school the pupil attends from \$275 per school year to \$300 per school year.

stays

*** ANALYSIS FROM -0628/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, DPI provides additional transportation aid to school districts with per member transportation costs that exceed 150 percent of the state average per member transportation costs (high cost transportation aid). Under this bill, a school district is eligible for high cost transportation aid only if the school district has a membership density of 50 members per square mile or less.

In 50638

stays →

*** ANALYSIS FROM -0638/P2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school district is eligible to receive sparsity aid if in the previous school year all of the following criteria were satisfied:

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No R

- (a) 1. The number of pupils enrolled in the school district was no more than 725;
- (b) 2. At least 20 percent of the pupils were eligible for a free or reduced-price lunch under the National School Lunch Program; and
- (c) 3. The number of pupils enrolled in the district divided by the school district's area in square miles was less than ten.

This bill eliminates the requirement that at least 20 percent of the pupils were eligible for a free or reduced-price lunch under the National School Lunch Program.

This bill allows DPI to use an alternative data collection method to identify pupils who satisfy the income eligibility for the federal free and reduced-price lunch program.

stays →

*** ANALYSIS FROM -1287/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the amount by which a school district's equalization aid is adjusted due to a net number of pupils leaving or entering the school district under full-time open enrollment (OEP per pupil payment) is determined by DPI based on the OEP per pupil payment in the previous year. Under current law, beginning in the 2015-16 school year, the OEP per pupil payment is the OEP per pupil payment in the previous year plus the amount of any increase in the per pupil revenue limit adjustment from the previous year and the amount of any increase in the statewide categorical aid per pupil amount (per pupil payment adjustment). This bill delays

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Under the bill, DPI will not begin applying the per pupil payment adjustment to the OEP per pupil payment until the 2017-18 school year. In the 2015-16 and 2016-17 school years, the amount of the OEP per pupil payment is the amount of the OEP per pupil payment in the 2014-15 school year.

*** ANALYSIS FROM -0399/P2 ***

EDUCATION

HIGHER EDUCATION

-0971

Current law requires the TCS Board to submit a plan to JCF for allocating general state aid to technical college districts based on performance with respect to specified criteria. Upon approval by JCF, the TCS Board must allocate the general state aid among the districts so that, by fiscal year 2016-17, 30 percent of the aid is allocated according to the plan and 70 percent is allocated according to a formula for equalizing the aid based on district property values. Under former law, all of the aid was allocated according to the equalization formula and, in fiscal year 2017-18, current law reverts to allocating all of the aid according to the equalization formula.

This bill eliminates the reversion to former law and, in fiscal year 2017-18, requires the TCS Board to allocate 40 percent according to the plan and 60 percent according to the equalization formula. Also, in fiscal year year 2018-19, the bill

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(-1522/P1: AL)

requires the TCS Board to allocate 50 percent according to the plan and 50 percent according to the equalization formula. Finally, in fiscal year 2019-20 and thereafter, the TCS Board must allocate 100 percent according to the plan.

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

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

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(END)

EDUCATION
HIGHER EDUCATION

add burning dots from these drafts

→ -0399/-1167

Current law requires the TCS Board to submit a plan to JCF for allocating general state aid to technical college districts based on performance with respect to specified criteria. Upon approval of the plan by JCF, the TCS Board must allocate the general state aid among the districts so that, by fiscal year 2016-17, 30 percent of the aid is allocated according to the plan and 70 percent is allocated according to a formula for equalizing the aid based on district property values. However, in fiscal year 2017-18, all of the aid must be allocated according to the equalization formula.

Under this bill, the TCS Board must allocate aid as follows: in fiscal year 2017-18, 40 percent according to the plan and 60 percent according to the equalization formula; in fiscal year year 2018-19, 50 percent according to the plan and 50 percent according to the equalization formula; and, in fiscal year 2019-20 and thereafter, 100 percent according to the plan. The bill also adds, as another criterion for performance-based allocation of aid, the development and implementation of a policy to award course credit for educational experience or training not obtained through an educational institution.

burning dots

→ -0855

Under current law, the TCS Board establishes technical college program fees and must generally establish uniform fees for all technical college districts based on operational costs.

Under this bill, the TCS Board may not increase program fees for courses substantially related to high-demand fields, as determined by DWD.

burning dots

→ -1023

This bill allows technical college districts to join together to jointly: provide health care benefits to their officers and employees on a self-insured basis; procure stop loss insurance; and self-insure stop loss risk.

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

burning dots

→ -0807

This bill eliminates the Educational Approval Board (EAB), which under current law is attached to the TCS Board and inspects and approves certain private schools (proprietary schools) and regulates persons who solicit students for these schools. The bill eliminates many current functions of the EAB, transfers or

recreates functions relating to authorizing proprietary schools and student record preservation to the Department of Financial Institutions and Professional Standards (created under the bill), and transfers certain consumer protection functions to DATCP.

*burning
dots* →

-1103

Under current law, if a proposed state agency, political subdivision, or school board action will affect a historic property, the state historic preservation officer, which is the director of the State Historical Society or the director's designee, must determine whether the proposed action will have an adverse effect on the historic property.

This bill allows a state agency, political subdivision, or school board to appeal determinations of the historic preservation officer to DOA's Division of Hearings and Appeals.

*burning
dots* →

-1104

The bill also eliminates certain contract and expenditure requirements imposed on the Educational Communications Board related to television programming.

INS A

This bill changes the payments DPI makes to participating private schools for pupils who begin attending a private school under the RPCP or the statewide choice program in the 2015-16 school year or in any school year thereafter (new choice pupils). Under the bill, for a new choice pupil, each participating private school receives the same per pupil amount. The amount is based on the following factors:

1. The school districts in which new choice pupils reside.
2. The per pupil equalization aid for each of those school districts.
3. The number of new choice pupils residing in each school district.

The per pupil amount is calculated annually by DPI. Under the bill, payments DPI makes to participating private schools for new choice pupils are paid from the general equalization aids sum certain appropriation.

Under current law, pupils attending a private school under the RPCP or the statewide choice program are not included in a school district's membership for purposes of calculating the school district's equalization aid. Under the bill, beginning with the aid calculation for the 2016-17 school year, solely for purposes of calculating a school district's equalization aid, a school district's membership includes new choice pupils residing in the school district that are attending a private school under the RPCP or the statewide choice program. The bill also requires that the amount of each school district's equalization aid be reduced by an amount determined by multiplying the school district's per pupil equalization aid by the number of new choice pupils who reside in that school district. This reduction is not considered for purposes of calculating a school district's revenue limit.

2) This bill changes payments made to private schools participating in the RPCP or the statewide choice program for pupils who began attending a participating private school before the 2015-16 school year only to the extent the bill (a) eliminates the option of a per pupil payment amount based on a private school's operating and debt service costs and (b) delays applying the per pupil payment adjustment until the 2017-18 school year. The bill makes these same changes to payments made for pupils participating in the MPCP.

END INS A

REPLACE -0832

X This bill makes school board participation in a cooperative educational service agency (CESA) optional. Under current law, DPI provides funding to each CESA to (the) maintain and operate the CESA and to match any federal funding for vocational education administration. Beginning in the 2015-16 school year, this bill requires

each school board participating in a CESA to pay its proportional share of these costs to the CESA's board of control.

END 0832

INS-1361

Under current law, DPI provides each school district with per pupil aid in the amount of \$150 multiplied by the average of the number of pupils enrolled in the school district in the current and two preceding school years. This bill makes the per pupil aid appropriation a sum certain appropriation and changes the manner in which per pupil aid is calculated. Under the bill, for each pupil enrolled in a school district in the current school year, the school district receives per pupil aid equal to the total amount appropriated for per pupil aid in that fiscal year divided by the total number of pupils enrolled in all school districts in that school year.

END 1361



INS 0638

Under current law, a school district is eligible to receive sparsity aid if in the previous school year (a) the school district's membership was no more than 725; (b) at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch under the National School Lunch Program; and (c) the school district's membership divided by the school district's area in square miles was less than ten. This bill eliminates the requirement that at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch.

END INS 0638



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1509/P1
FFK&TKK:cjs&kjf:rs

DOA:.....Stritchko, BB0475 - School Accountability

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

Ins - 1509

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burning dots - 1509(P1)*

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

**Analysis by the Legislative Reference Bureau
EDUCATION**

PRIMARY AND SECONDARY EDUCATION

Current law requires the State Superintendent of Public Instruction (state superintendent) to approve examinations for measuring pupil attainment of knowledge and concepts. With certain exceptions, current law requires school districts, participating private schools, and independent charter schools to administer the examination approved by the state superintendent. This bill prohibits the state superintendent from approving examinations developed by the Smarter Balanced Assessment Consortium.

This bill requires the UW-Madison Value-Added Research Center (VARC) to approve at least three but no more than five alternative examinations determined to be acceptable for statistical comparison with the examination approved by the state superintendent. Beginning in the 2015-16 school year, a school may administer an alternative examination approved by VARC instead of the examination approved by the state superintendent if the school notifies the state superintendent that it intends to do so.

Current law requires DPI to annually prepare accountability reports that evaluate the performance and improvement of each school and school district in the state and, beginning in the 2015-16 school year, of each participating private school and independent charter school. DPI must place each school and school district into

*participating in a parental choice program (PCP)
in the 4th, 8th, 9th, 10th, and 11th grades
for each grade*

from 0632/2 p.7 (Ins A)

participating in a PCP

one of five performance categories based on certain measures including pupil achievement in reading and mathematics.

This bill replaces the performance categories with letter grades and makes changes to the measures used to determine school performance and school district improvement. Under the bill, in determining a school's performance or a school district's improvement, DPI must take into account the percentage of economically disadvantaged pupils enrolled in the school or school district and the length of time a pupil was enrolled in the school or school district. Each school must provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in the school.

Current law requires each school district, ^gparticipating private school, and independent charter school to adopt pupil academic standards, and permits the schools to adopt academic standards approved by the state superintendent. The state superintendent has adopted academic standards, in mathematics and in English and language arts, developed by the Common Core State Standards Initiative (common core standards). This bill prohibits the state superintendent from giving effect to any common core standards currently in effect, and prohibits the state superintendent from adopting or implementing any new common core standards. The bill also prohibits the state superintendent from requiring a school district to adopt or implement any common core standard.

participate
in a
PCP
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This bill requires each school board to annually provide to the parent or guardian of each child who resides within the school district of the educational options available to that child, and to post this information on the school district's Internet site. The bill requires the state superintendent to provide this same information, on a statewide basis, on DPI's Internet site.

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

1 **SECTION 1.** 20.255 (1) (fm) of the statutes is created to read:
2 20.255 (1) (fm) *Value-Added Research Center.* The amounts in the schedule to
3 pay the costs of the University of Wisconsin-Madison Value-Added Research Center
4 under s. 118.301 (2) and (4).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 115.28 (54m) of the statutes is created to read:
6 115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the
7 department's Internet site a link to information about all of the educational options

6



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1137/P5 ***

EDUCATION

move to p. 2

PRIMARY AND SECONDARY EDUCATION

from p. 6

*** ANALYSIS FROM -1509/P1 ***

Current law requires the State Superintendent of Public Instruction (state superintendent) to approve examinations for measuring pupil attainment of knowledge and concepts in the 4th, 8th, 9th, 10th, and 11th grades. With certain exceptions, current law requires school districts, private schools participating in a parental choice program (PCP), and independent charter schools to administer the examination approved for each grade by the state superintendent. This bill prohibits the state superintendent from approving examinations developed by the Smarter Balanced Assessment Consortium. Current law requires these schools to administer the ninth grade examination once in the fall session and once in the spring session. This bill eliminates the requirement to administer the ninth grade examination in the fall session.

This bill requires the UW-Madison Value-Added Research Center (VARC) to approve at least three but no more than five alternative examinations determined to be acceptable for statistical comparison with the examination approved by the state superintendent. Beginning in the 2015-16 school year, a school may administer an alternative examination approved by VARC instead of the examination approved by the state superintendent if the school notifies the state superintendent that it intends to do so.

Current law requires DPI to annually prepare accountability reports that evaluate the performance and improvement of each school and school district in the state and, beginning in the 2015–16 school year, of each private school participating in a PCP and independent charter school. DPI must place each school and school district into one of five performance categories based on certain measures including pupil achievement in reading and mathematics.

This bill replaces the performance categories with letter grades and makes changes to the measures used to determine school performance and school district improvement. Under the bill, in determining a school's performance or a school district's improvement, DPI must take into account the percentage of economically disadvantaged pupils enrolled in the school or school district and the length of time a pupil was enrolled in the school or school district. Each school must provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in the school.

Current law requires each school district, private school participating in a PCP, and independent charter school to adopt pupil academic standards, and permits the schools to adopt academic standards approved by the state superintendent. The state superintendent has adopted academic standards, in mathematics and in English and language arts, developed by the Common Core State Standards Initiative (common core standards). This bill prohibits the state superintendent from giving effect to any common core standards currently in effect, and prohibits the state superintendent from adopting or implementing any new common core standards. The bill also prohibits the state superintendent from requiring a school district to adopt or implement any common core standard.

This bill requires each school board to annually provide to the parent or guardian of each child who resides within the school district of the educational options available to that child, and to post this information on the school district's Internet site. The bill requires the state superintendent to provide this same information, on a statewide basis, on DPI's Internet site.

This bill makes a number of changes to the Racine Parental Choice Program (RPCP), the Milwaukee Parental Choice Program (MPCP), and the statewide parental choice program (statewide choice program) (together, PCPs).

Current law limits the number of pupils who may participate in the statewide choice program to 1,000 pupils and specifies that no more than one percent of any school district's total enrollment may attend private schools under the statewide choice program. Current law also limits the number of private schools that may participate in the statewide choice program. This bill eliminates these limitations on the statewide choice program.

Under current law, for each pupil attending a private school under the RPCP or the statewide choice program, DPI pays the private school an amount equal to the lesser of (a) the participating private school's operating and debt service cost per pupil and (b) a maximum amount provided by law. For the 2014–15 school year, the maximum per pupil amount provided by law is \$7,210 or \$7,856, depending on the pupil's grade. For each school year after the 2014–15 school year, the maximum per pupil payment is the adjusted based on any increase in the per pupil revenue limit

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

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

***** ANALYSIS FROM -0900/3 *****

This bill directs DPI to grant a teaching license to any individual who has a bachelor's degree, demonstrates that he or she is proficient in the licensed subject, and has relevant experience in the licensed subject. The license authorizes the individual to teach only the license subject in grades 6 to 12. The license is valid for three years and may be renewed.

***** ANALYSIS FROM -0832/P3 *****

This bill makes school board participation in a cooperative educational service agency (CESA) optional. Under current law, DPI provides funding to each CESA to maintain and operate the CESA and to match any federal funding for vocational education administration. Beginning in the 2015-16 school year, this bill requires each school board participating in a CESA to pay its proportional share of these costs to the CESA's board of control.

***** ANALYSIS FROM -0564/P3 *****

Currently, under the Special Transfer Program (commonly known as Chapter 220), the state provides aid to school districts to support voluntary efforts by school districts to reduce racial imbalance. Aid is provided for both interdistrict and intradistrict pupil transfers. This bill closes the Special Transfer Program to new pupils. Under the bill, however, any pupil who attended a school under the program in the 2014-15 school year may continue to participate in the program.

***** ANALYSIS FROM -0632/2 *****

***** ANALYSIS FROM -1361/P2 *****

Under current law, DPI provides each school district with per pupil aid in the amount of \$150 multiplied by the average of the number of pupils enrolled in the school district in the current and two preceding school years. This bill makes the per pupil aid appropriation a sum certain appropriation and changes the manner in which per pupil aid is calculated. Under the bill, for each pupil enrolled in a school district in the current school year, the school district receives per pupil aid equal to the total amount appropriated for per pupil aid in that fiscal year divided by the total number of pupils enrolled in all school districts in that school year.

***** ANALYSIS FROM -0627/P3 *****

Under current law, a school district required to provide transportation services to public and private school pupils enrolled in the school district is eligible to receive



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1522/P1
FFK/TKK/MED/ARG:kjf:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

KJF

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

***** ANALYSIS FROM -1509/P1 -0632/2 *****

Current law requires the State Superintendent of Public Instruction (state superintendent) to approve examinations for measuring pupil attainment of knowledge and concepts in the 4th, 8th, 9th, 10th, and 11th grades. With certain exceptions, current law requires school districts, private schools participating in a parental choice program (PCP), and independent charter schools to administer the examination approved for each grade by the state superintendent. This bill prohibits the state superintendent from approving examinations developed by the Smarter Balanced Assessment Consortium. Current law requires these schools to administer the ninth grade examination once in the fall session and once in the spring session. This bill eliminates the requirement to administer the ninth grade examination in the fall session.

This bill requires the UW-Madison Value-Added Research Center (VARC) to approve at least three but no more than five alternative examinations determined to be acceptable for statistical comparison with the examination approved by the state superintendent. Beginning in the 2015-16 school year, a school may administer an alternative examination approved by VARC instead of the examination approved by the state superintendent if the school notifies the state superintendent that it intends to do so.

Current law requires DPI to annually prepare accountability reports that evaluate the performance and improvement of each school and school district in the state and, beginning in the 2015–16 school year, of each private school participating in a PCP and independent charter school. DPI must place each school and school district into one of five performance categories based on certain measures including pupil achievement in reading and mathematics.

This bill replaces the performance categories with letter grades and makes changes to the measures used to determine school performance and school district improvement. Under the bill, in determining a school's performance or a school district's improvement, DPI must take into account the percentage of economically disadvantaged pupils enrolled in the school or school district and the length of time a pupil was enrolled in the school or school district. Each school must provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in the school.

Current law requires each school district, private school participating in a PCP, and independent charter school to adopt pupil academic standards, and permits the schools to adopt academic standards approved by the state superintendent. The state superintendent has adopted academic standards, in mathematics and in English and language arts, developed by the Common Core State Standards Initiative (common core standards). This bill prohibits the state superintendent from giving effect to any common core standards currently in effect, and prohibits the state superintendent from adopting or implementing any new common core standards. The bill also prohibits the state superintendent from requiring a school district to adopt or implement any common core standard.

This bill requires each school board to annually provide to the parent or guardian of each child who resides within the school district of the educational options available to that child, and to post this information on the school district's Internet site. The bill requires the state superintendent to provide this same information, on a statewide basis, on DPI's Internet site.

***** ANALYSIS FROM -1137/P5 *****

This bill makes a number of changes to the Racine Parental Choice Program (RPCP), the Milwaukee Parental Choice Program (MPCP), and the statewide parental choice program (statewide choice program) (together, PCPs).

Current law limits the number of pupils who may participate in the statewide choice program to 1,000 pupils and specifies that no more than one percent of any school district's total enrollment may attend private schools under the statewide choice program. Current law also limits the number of private schools that may participate in the statewide choice program. This bill eliminates these limitations on the statewide choice program.

Under current law, for each pupil attending a private school under the RPCP or the statewide choice program, DPI pays the private school an amount equal to the lesser of (a) the participating private school's operating and debt service cost per pupil and (b) a maximum amount provided by law. For the 2014–15 school year, the maximum per pupil amount provided by law is \$7,210 or \$7,856, depending on the pupil's grade. For each school year after the 2014–15 school year, the maximum per

pupil payment is the adjusted based on any increase in the per pupil revenue limit and any increase in the total categorical aid funding per pupil (per pupil payment adjustment). Currently, DPI makes payments to private schools participating in the RPCP or the statewide choice program from a sum sufficient appropriation.

This bill changes the payments DPI makes to participating private schools for pupils who begin attending a private school under the RPCP or the statewide choice program in the 2015–16 school year or in any school year thereafter (new choice pupils). Under the bill, for a new choice pupil, each participating private school receives the same per pupil amount. The amount is based on the following factors:

1. The school districts in which new choice pupils reside.
2. The per pupil equalization aid for each of those school districts.
3. The number of new choice pupils residing in each school district.

The per pupil amount is calculated annually by DPI. Under the bill, payments DPI makes to participating private schools for new choice pupils are paid from the general equalization aids sum certain appropriation.

Under current law, pupils attending a private school under the RPCP or the statewide choice program are not included in a school district's membership for purposes of calculating the school district's equalization aid. Under the bill, beginning with the aid calculation for the 2016–17 school year, solely for purposes of calculating a school district's equalization aid, a school district's membership includes new choice pupils residing in the school district that are attending a private school under the RPCP or the statewide choice program. The bill also requires that the amount of each school district's equalization aid be reduced by an amount determined by multiplying the school district's per pupil equalization aid by the number of new choice pupils who reside in that school district. This reduction is not considered for purposes of calculating a school district's revenue limit.

This bill changes payments made to private schools participating in the RPCP or the statewide choice program for pupils who began attending a participating private school before the 2015–16 school year only to the extent the bill 1) eliminates the option of a per pupil payment amount based on a private school's operating and debt service costs and 2) delays applying the per pupil payment adjustment until the 2017–18 school year. The bill makes these same changes to payments made for pupils participating in the MPCP.

Under current law, a pupil must satisfy one of the following to attend a private school under the RPCP:

1. He or she was enrolled in a public school in the school district in the previous school year.
2. He or she was not enrolled in school in the previous school year.
3. He or she attended a private school under the RPCP in the previous school year.
4. He or she is applying to kindergarten, 1st grade, or 9th grade.

This bill creates the same requirement for new choice pupils in the statewide choice program.

***** ANALYSIS FROM -0633/P4 *****

Current law requires a participating private school to submit an annual financial audit prepared by an independent certified public accountant to DPI that includes the private schools' educational costs. Under the bill, the annual financial audit must comply with generally accepted accounting principles, as modified by DPI, and include a calculation of the private school's net eligible educational programming costs and the balance of the private school's fund for future educational programming costs.

Under current law, a private school participating in the MPCP or the RPCP must accept pupil applications on a random basis except that the private school may give a preference to pupils who attended the private school, to siblings of pupils who attended the private school, and to pupils who attended a different private school under a PCP. For the statewide choice program, DPI determines the pupils who may attend each participating private school by a random drawing, except that DPI must give preference to a sibling of a pupil chosen by random drawing. This bill creates the following list of preferences which participating private schools may use to accept pupils under any PCP:

1. Pupils continuing at the participating private school.
2. Siblings of pupils continuing at the participating private school.
3. Pupils who previously attended a different participating private school.
4. Siblings of pupils who previously attended a different participating private school.
5. Siblings of pupils who were randomly accepted to attend the participating private school for the current school year.

***** ANALYSIS FROM -0333/P3 *****

Under current law, a school board may enter into a contract with a person to establish a charter school, which operates with fewer constraints than traditional public schools. Current law also permits UW–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

This bill creates the Charter School Oversight Board (CSOB), attached to DPI, and authorizes it to approve nonprofit, nonsectarian organizations, or consortia of such organizations, to contract with persons to operate independent charter schools. The CSOB consists of the state superintendent of public instruction and ten other members. The bill prohibits the CSOB from promulgating administrative rules and provides that any policy or standard adopted by the CSOB is exempt from the rule-making process.

For any charter school established on or after the bill's effective date, the bill eliminates the authority of the entities specified above, and of any approved nonprofit organization, to establish an independent charter school directly. Under the bill, a charter school may be established only by contract and must be operated by a charter school governing board, although an existing independent charter school authorizer may continue to operate a charter school established before the

effective date of this bill. The bill removes the restrictions that limit who may attend an independent charter school.

A nonprofit, nonsectarian organization or consortium of such organizations that wishes to contract with a charter school governing board to operate a charter school must submit an application to the CSOB in accordance with certain specified requirements. The CSOB must approve or deny an application within 90 days.

The bill provides that the contract between an authorizing entity and the independent charter school's governing board must allow the authorizing entity to charge the governing board a fee. The contract must also allow the charter school governing board to open additional charter schools if the charter school governed by the contract receives a grade from DPI of "A" or "B" on DPI's most recent school accountability report. The bill makes this provision applicable to existing contracts with independent charter schools as well.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. The bill allows a school board to prohibit a pupil who resides in the school district from attending an independent charter school unless the school district's enrollment is at least 4,000 and at least two schools in the school district received a grade of "D" or "F" on DPI's most recent school accountability report.

***** ANALYSIS FROM -1261/P2 *****

Under current law, in the 2014–15 school year, DPI pays the operator of an independent charter school \$8,075 for each pupil attending the school. Beginning in the 2015–16 school year, for each pupil attending an independent charter school DPI pays the per pupil amount in the previous school year plus the per pupil payment adjustment. Under the bill, DPI will not begin applying the per pupil payment adjustment to per pupil payments made to participating private schools or to operators of independent charter schools until the 2017–18 school year.

***** ANALYSIS FROM -0541/P3 *****

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

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

A whole grade sharing agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year. At least 30 days before entering into a whole grade sharing agreement, an interested

school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

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

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

***** ANALYSIS FROM -0900/3 *****

This bill directs DPI to grant a teaching license to any individual who has a bachelor's degree, demonstrates that he or she is proficient in the licensed subject, and has relevant experience in the licensed subject. The license authorizes the individual to teach only the license subject in grades 6 to 12. The license is valid for three years and may be renewed.

***** ANALYSIS FROM -0832/P3 *****

This bill makes school board participation in a cooperative educational service agency (CESA) optional. Under current law, DPI provides funding to each CESA to maintain and operate the CESA and to match any federal funding for vocational education administration. Beginning in the 2015–16 school year, this bill requires each school board participating in a CESA to pay its proportional share of these costs to the CESA's board of control.

***** ANALYSIS FROM -0564/P3 *****

Currently, under the Special Transfer Program (commonly known as Chapter 220), the state provides aid to school districts to support voluntary efforts by school districts to reduce racial imbalance. Aid is provided for both interdistrict and intradistrict pupil transfers. This bill closes the Special Transfer Program to new pupils. Under the bill, however, any pupil who attended a school under the program in the 2014–15 school year may continue to participate in the program.

***** ANALYSIS FROM -1361/P2 *****

Under current law, DPI provides each school district with per pupil aid in the amount of \$150 multiplied by the average of the number of pupils enrolled in the school district in the current and two preceding school years. This bill makes the per pupil aid appropriation a sum certain appropriation and changes the manner in which per pupil aid is calculated. Under the bill, for each pupil enrolled in a school district in the current school year, the school district receives per pupil aid equal to the total amount appropriated for per pupil aid in that fiscal year divided by the total number of pupils enrolled in all school districts in that school year.

***** ANALYSIS FROM -0627/P3 *****

Under current law, a school district required to provide transportation services to public and private school pupils enrolled in the school district is eligible to receive pupil transportation aid. The per pupil amount of pupil transportation aid for which a school district is eligible varies based on how far a pupil is transported.

This bill increases the per pupil transportation aid amount for transporting a pupil who lives more than 12 miles from his or her school from \$275 per school year to \$300 per school year and makes an independent charter school that elects to provide transportation to pupils attending the charter school eligible for pupil transportation aid.

***** ANALYSIS FROM -0628/1 *****

Under current law, DPI provides additional transportation aid to school districts with per member transportation costs that exceed 150 percent of the state average per member transportation costs (high cost transportation aid). Under this bill, a school district is eligible for high cost transportation aid only if the school district has a membership density of 50 members per square mile or less.

***** ANALYSIS FROM -0638/P2 *****

Under current law, a school district is eligible to receive sparsity aid if in the previous school year 1) the school district's membership was no more than 725; 2) at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch under the National School Lunch Program; and 3) the school district's membership divided by the school district's area in square miles was less than ten. This bill eliminates the requirement that at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch.

***** ANALYSIS FROM -1287/P1 *****

Under current law, the amount by which a school district's equalization aid is adjusted due to a net number of pupils leaving or entering the school district under full-time open enrollment (OEP per pupil payment) is determined by DPI based on the OEP per pupil payment in the previous year. Under current law, beginning in the 2015-16 school year, the OEP per pupil payment is the OEP per pupil payment in the previous year plus the per pupil payment adjustment. This bill delays the per pupil payment adjustment until the 2017-18 school year. In the 2015-16 and 2016-17 school years, the amount of the OEP per pupil payment is the amount of the OEP per pupil payment in the 2014-15 school year.

***** ANALYSIS FROM -0971 *****

MDK UW AUTHORITY ANALYSIS GOES HERE

← insert attached

***** ANALYSIS FROM -0399/-1167 *****

HIGHER EDUCATION

Current law requires the TCS Board to submit a plan to JCF for allocating general state aid to technical college districts based on performance with respect to specified criteria. Upon approval of the plan by JCF, the TCS Board must allocate the general state aid among the districts so that, by fiscal year 2016-17, 30 percent of the aid is allocated according to the plan and 70 percent is allocated according to

a formula for equalizing the aid based on district property values. However, in fiscal year 2017–18, all of the aid must be allocated according to the equalization formula.

Under this bill, the TCS Board must allocate aid as follows: in fiscal year 2017–18, 40 percent according to the plan and 60 percent according to the equalization formula; in fiscal year year 2018–19, 50 percent according to the plan and 50 percent according to the equalization formula; and, in fiscal year 2019–20 and thereafter, 100 percent according to the plan. The bill also adds, as another criterion for performance–based allocation of aid, the development and implementation of a policy to award course credit for educational experience or training not obtained through an educational institution.

***** ANALYSIS FROM -0855/ *****

Under current law, the TCS Board establishes technical college program fees and must generally establish uniform fees for all technical college districts based on operational costs.

Under this bill, the TCS Board may not increase program fees for courses substantially related to high–demand fields, as determined by DWD.

***** ANALYSIS FROM -1023 *****

This bill allows technical college districts to join together to jointly: provide health care benefits to their officers and employees on a self–insured basis; procure stop loss insurance; and self–insure stop loss risk.

***** ANALYSIS FROM -0807 *****

OTHER EDUCATIONAL AND CULTURAL AGENCIES

This bill eliminates the Educational Approval Board (EAB), which under current law is attached to the TCS Board and inspects and approves certain private schools (proprietary schools) and regulates persons who solicit students for these schools. The bill eliminates many current functions of the EAB, transfers or recreates functions relating to authorizing proprietary schools and student record preservation to the Department of Financial Institutions and Professional Standards (created under the bill), and transfers certain consumer protection functions to DATCP.

***** ANALYSIS FROM -1103 *****

Under current law, if a proposed state agency, political subdivision, or school board action will affect a historic property, the state historic preservation officer, which is the director of the State Historical Society or the director’s designee, must determine whether the proposed action will have an adverse effect on the historic property.

This bill allows a state agency, political subdivision, or school board to appeal determinations of the historic preservation officer to DOA’s Division of Hearings and Appeals.

***** ANALYSIS FROM -1104 *****

The bill also eliminates certain contract and expenditure requirements imposed on the Educational Communications Board related to television programming.

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

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(END)

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2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1552/plinsMK
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EDUCATION

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UNIVERSITY OF WISCONSIN SYSTEM AUTHORITY

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Current law creates a system of institutions of learning known as the UW System and specifies a mission and purposes for the system. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members with 7-year terms, and two students with 2-year terms. The latter 16 members are nominated by the governor and appointed with the advice and consent of the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, institution chancellors, faculty, academic staff, and students. Three boards and one council are created in or attached to the UW System: the environmental education board, the laboratory of hygiene board, the veterinary diagnostic laboratory, and the rural health development council.

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board

Effective July 1, 2016, this bill converts the UW System to an authority called the University of Wisconsin System Authority (UWSA) by creating a system of higher education known by the same name, UW System, which is provided by UWSA. The bill creates a governing board for UWSA that retains the name, Board of Regents, and has the same members who are appointed in the same manner and for the same terms as under current law. The bill allows the members of the Board of Regents under current law to continue to serve until the expiration of their terms. The bill eliminates the shared, hierarchical system of governance under current law by vesting responsibility for governing the UW System in the UWSA Board of Regents and eliminating the powers specified under current law for the UW System president, chancellors, faculty, academic staff, and students. The bill specifies that the mission of the UW System includes developing human resource to meet the state's workforce needs, and requires the UWSA Board of Regents to provide affordable access to high-quality postsecondary, graduate, and doctoral education.

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The bill eliminates specified grants of power to the Board of Regents under current law, and specifies that the UWSA Board of Regents has all powers necessary or convenient to operate the UW system, including the power to sue and be sued, have perpetual existence, execute contracts, and contract for legal services. The bill generally allows the UWSA Board of Regents of UWSA to adopt policies and procedures for matters without promulgating rules under procedures that apply to state agencies. However, the bill requires the UWSA Board of Regents to promulgate rules under those procedures for protecting the lives, health, and safety of persons on property under its jurisdiction, as well as for managing such property. The UWSA Board of Regents retains the police power of the Board of Regents under current law and campus police have the same duties and powers as under current law. As under current law, the bill allows the UWSA Board of Regents to authorize chancellors to adopt parking rules that are not subject to state agency rule-making procedures.

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The bill requires the UWSA Board of Regents to enter into a agreement with the DOA secretary to lease for a period of not more than 75 years any state-owned

property or facilities required for the UWSA Board of Regents to perform its duties and exercise its powers. The lease agreement must contain specified provisions, including provisions that do the following: 1) give the state ownership of improvements or modifications made to property or facilities subject to the lease agreement; 2) give the state ownership of any facility that the UWSA board constructs on state-owned land; 3) require the UWSA board to obtain building commission approval for any construction or renovation project costing at least \$765,000 and involving a state-owned facility or occurring on state-owned land; 4) require UWSA to make debt payments for self-amortizing university facilities; and 5) make the UWSA Board of Regents responsible for maintenance and upkeep of facilities and property. The lease agreement and any modifications, extensions, or renewals may take effect only upon approval by JCF.

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The bill requires the UWSA Board of Regents to appoint a president who is chief executive officer of UWSA, as well as the following, who are appointed by the Board of Regents under current law: the state geologist, state cartographer, and director of the psychiatric institute. The bill allows the UWSA Board of Regents to employ agents and employees whom the board finds necessary and requires the UWSA Board of Regents to develop and implement a personnel system and other employment policies. The bill transfers all UW System employees under current law to UWSA, except those who perform duties related to the veterinary diagnostic laboratory and the state laboratory of hygiene. The bill transfers those laboratories and their employees to DATCP, and specifies that the employees are not required to serve a probationary period. The bill requires the DATCP secretary to appoint the directors of those laboratories, but allows the directors appointed under current law to continue to serve until their appointments expire. The bill specifies that UW System employees who are transferred to UWSA are eligible to transfer back to a position in state government any time before July 1, 2017.

The bill requires the UWSA Board of Regents to establish an annual budget and monitor fiscal management of UWSA. The bill allows the UWSA Board of Regents to issue bonds that are not public debt and specifies that the state pledges that, unless bondholders are adequately protected, the state will not limit or alter any rights before UWSA satisfies the bonds. The bill eliminates all appropriations to the UW System under current law, except general purpose revenues for educational programs and the payment of certain construction debt. The bill requires the DOA secretary to make quarterly payments to UWSA of the general purpose revenues appropriated for educational programs. However, the secretary is allowed to make the payments only if UWSA has made payments due on the lease agreement described above, payments required for municipal services, and any other payments for obligations otherwise due to the state. In fiscal year 2017-18, the bill allocates \$753,533,000 from state sales tax revenue for the educational programs. In each fiscal year thereafter, the bill allocates the same amount with adjustments for inflation.

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academic year. The bill transfers responsibility for Minnesota-Wisconsin tuition reciprocity agreements from the Higher Educational Aids Board to the UWSA Board of Regents, which may continue such agreements at its discretion.

The bill specifies requirements for legal proceedings involving UWSA. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies that prohibition to actions against a UWSA officer or employee. However, the prohibition does not apply to actions by the state against UWSA officers and employees. Current law generally limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies that limit to actions, including those by the state, against a UWSA officer or employee. Current law generally provides that, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or political subdivision that employs the officer or employee must provide legal counsel to the defendant or cover legal costs for the defendant. If damages are assessed against the officer or employee, the state or political subdivision must pay any damages in excess of applicable insurance. The bill applies those duties to UWSA regarding its officers and employees. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. The bill requires DOJ to do the same for UWSA and its officials, employees, and agents, unless the state and the UWSA Board of Regents are adverse parties.

The bill eliminates requirements that apply to the UW System and Board of Regents under current law, including requirements regarding the following: faculty tenure and probationary appointments; academic staff appointments; accumulation of sick leave; specified educational programs and studies; graduate student financial aid; recruiting programs for minority and disadvantaged students; public broadcasting; application and parking fees; student fee statements; gifts, grants, and bequests to the UW System; transportation planning; orientation information on sexual assault and harassment; student identification numbers; Downer Woods preservation; criteria for use of animals in research; information technology; support for medical practice in underserved areas; a rural physician residency assistance program; loan assistance programs for physicians, dentists, and other health care providers; and various legislative reports.

The bill makes other changes, including the following:

1. The bill allows the UWSA Board of Regents to acquire property by condemnation in the same manner as the Board of Regents under current law.
2. Under current law, employees of the UW System, except faculty and academic staff, may collectively bargain under the State Employment Labor Relations Act (SELRA). Under SELRA, the legislature must adopt collective bargaining agreements covering the employees before the agreements may be executed. Under this bill, UWSA employees, except faculty, academic staff, and law enforcement officers, may collectively bargain under the Municipal Employment

Relations Act (MERA), and collective bargaining agreements under MERA are not subject to legislative approval.

3. The bill allows the UWSA Board of Regents, with DOA approval, to opt in or out of the state's risk management program administered by DOA, except for the state worker's compensation program.

4. Under current law, the UW System is subject to state procurement requirements applicable to state agencies. Under this bill, UWSA is not subject to those requirements. Instead, UWSA is treated like a municipality, which allows DOA to enter into cooperative purchasing agreements with UWSA.

5. The bill requires the UWSA Board of Regents members to file annual statements of economic interest required for public officials, subjects specified UWSA officials to the ethics code for public officials, and requires the UWSA Board of Regents to establish an ethics code for other personnel.

6. The bill specifies that UWSA retains the income, sales, and property tax exemptions of the UW System under current law and requires UWSA to make payments for municipal services in the same manner as the UW System under current law.

7. The bill creates an exception to the open records law for information produced or collected by or for UWSA faculty or staff with respect to commercial, scientific, or technical research until that information is publicly disseminated or patented.

8. The bill specifies that the UW-Extension programs in counties are subject to the approval of the UWSA Board of Regents.

9. The bill eliminates the environmental education board and the rural health development council.

See also STATE GOVERNMENT - STATE BUILDING PROGRAM.

bill

other state
Govt



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1522/P1
FFK/TKK/MED/ARG:kjf:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT ...; relating to ???.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

***** ANALYSIS FROM -1509/P1 -0632/2 *****

Current law requires the State Superintendent of Public Instruction (state superintendent) to approve examinations for measuring pupil attainment of knowledge and concepts in the 4th, 8th, 9th, 10th, and 11th grades. With certain exceptions, current law requires school districts, private schools participating in a parental choice program (PCP), and independent charter schools to administer the examination approved for each grade by the state superintendent. This bill prohibits the state superintendent from approving examinations developed by the Smarter Balanced Assessment Consortium. Current law requires these schools to administer the ninth grade examination once in the fall session and once in the spring session. This bill eliminates the requirement to administer the ninth grade examination in the fall session.

This bill requires the UW-Madison Value-Added Research Center (VARC) to approve at least three but no more than five alternative examinations determined to be acceptable for statistical comparison with the examination approved by the state superintendent. Beginning in the 2015-16 school year, a school may administer an alternative examination approved by VARC instead of the examination approved by the state superintendent if the school notifies the state superintendent that it intends to do so.

Current law requires DPI to annually prepare accountability reports that evaluate the performance and improvement of each school and school district in the state and, beginning in the 2015–16 school year, of each private school participating in a PCP and independent charter school. DPI must place each school and school district into one of five performance categories based on certain measures including pupil achievement in reading and mathematics.

This bill replaces the performance categories with letter grades and makes changes to the measures used to determine school performance and school district improvement. Under the bill, in determining a school's performance or a school district's improvement, DPI must take into account the percentage of economically disadvantaged pupils enrolled in the school or school district and the length of time a pupil was enrolled in the school or school district. Each school must provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in the school.

Current law requires each school district, private school participating in a PCP, and independent charter school to adopt pupil academic standards, and permits the schools to adopt academic standards approved by the state superintendent. The state superintendent has adopted academic standards, in mathematics and in English and language arts, developed by the Common Core State Standards Initiative (common core standards). This bill prohibits the state superintendent from giving effect to any common core standards currently in effect, and prohibits the state superintendent from adopting or implementing any new common core standards. The bill also prohibits the state superintendent from requiring a school district to adopt or implement any common core standard.

This bill requires each school board to annually provide to the parent or guardian of each child who resides within the school district of the educational options available to that child, and to post this information on the school district's Internet site. The bill requires the state superintendent to provide this same information, on a statewide basis, on DPI's Internet site.

***** ANALYSIS FROM -1137/P5 *****

This bill makes a number of changes to the Racine Parental Choice Program (RPCP), the Milwaukee Parental Choice Program (MPCP), and the statewide parental choice program (statewide choice program) (together, PCPs).

Current law limits the number of pupils who may participate in the statewide choice program to 1,000 pupils and specifies that no more than one percent of any school district's total enrollment may attend private schools under the statewide choice program. Current law also limits the number of private schools that may participate in the statewide choice program. This bill eliminates these limitations on the statewide choice program.

Under current law, for each pupil attending a private school under the RPCP or the statewide choice program, DPI pays the private school an amount equal to the lesser of (a) the participating private school's operating and debt service cost per pupil and (b) a maximum amount provided by law. For the 2014–15 school year, the maximum per pupil amount provided by law is \$7,210 or \$7,856, depending on the pupil's grade. For each school year after the 2014–15 school year, the maximum per

pupil payment is the adjusted based on any increase in the per pupil revenue limit and any increase in the total categorical aid funding per pupil (per pupil payment adjustment). Currently, DPI makes payments to private schools participating in the RPCP or the statewide choice program from a sum sufficient appropriation.

This bill changes the payments DPI makes to participating private schools for pupils who begin attending a private school under the RPCP or the statewide choice program in the 2015–16 school year or in any school year thereafter (new choice pupils). Under the bill, for a new choice pupil, each participating private school receives the same per pupil amount. The amount is based on the following factors:

1. The school districts in which new choice pupils reside.
2. The per pupil equalization aid for each of those school districts.
3. The number of new choice pupils residing in each school district.

The per pupil amount is calculated annually by DPI. Under the bill, payments DPI makes to participating private schools for new choice pupils are paid from the general equalization aids sum certain appropriation.

Under current law, pupils attending a private school under the RPCP or the statewide choice program are not included in a school district's membership for purposes of calculating the school district's equalization aid. Under the bill, beginning with the aid calculation for the 2016–17 school year, solely for purposes of calculating a school district's equalization aid, a school district's membership includes new choice pupils residing in the school district that are attending a private school under the RPCP or the statewide choice program. The bill also requires that the amount of each school district's equalization aid be reduced by an amount determined by multiplying the school district's per pupil equalization aid by the number of new choice pupils who reside in that school district. This reduction is not considered for purposes of calculating a school district's revenue limit.

This bill changes payments made to private schools participating in the RPCP or the statewide choice program for pupils who began attending a participating private school before the 2015–16 school year only to the extent the bill 1) eliminates the option of a per pupil payment amount based on a private school's operating and debt service costs and 2) delays applying the per pupil payment adjustment until the 2017–18 school year. The bill makes these same changes to payments made for pupils participating in the MPCP.

Under current law, a pupil must satisfy one of the following to attend a private school under the RPCP:

1. He or she was enrolled in a public school in the school district in the previous school year.
2. He or she was not enrolled in school in the previous school year.
3. He or she attended a private school under the RPCP in the previous school year.
4. He or she is applying to kindergarten, 1st grade, or 9th grade.

This bill creates the same requirement for new choice pupils in the statewide choice program.

*** ANALYSIS FROM -0633/P4 ***

Current law requires a participating private school to submit an annual financial audit prepared by an independent certified public accountant to DPI that includes the private schools' educational costs. Under the bill, the annual financial audit must comply with generally accepted accounting principles, as modified by DPI, and include a calculation of the private school's net eligible educational programming costs and the balance of the private school's fund for future educational programming costs.

Under current law, a private school participating in the MPCP or the RPCP must accept pupil applications on a random basis except that the private school may give a preference to pupils who attended the private school, to siblings of pupils who attended the private school, and to pupils who attended a different private school under a PCP. For the statewide choice program, DPI determines the pupils who may attend each participating private school by a random drawing, except that DPI must give preference to a sibling of a pupil chosen by random drawing. This bill creates the following list of preferences which participating private schools may use to accept pupils under any PCP:

1. Pupils continuing at the participating private school.
2. Siblings of pupils continuing at the participating private school.
3. Pupils who previously attended a different participating private school.
4. Siblings of pupils who previously attended a different participating private school.
5. Siblings of pupils who were randomly accepted to attend the participating private school for the current school year.

***** ANALYSIS FROM -0333/P3 *****

Under current law, a school board may enter into a contract with a person to establish a charter school, which operates with fewer constraints than traditional public schools. Current law also permits UW–Milwaukee, UW–Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of such charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.

This bill creates the Charter School Oversight Board (CSOB), attached to DPI, and authorizes it to approve nonprofit, nonsectarian organizations, or consortia of such organizations, to contract with persons to operate independent charter schools. The CSOB consists of the state superintendent of public instruction and ten other members. The bill prohibits the CSOB from promulgating administrative rules and provides that any policy or standard adopted by the CSOB is exempt from the rule-making process.

For any charter school established on or after the bill's effective date, the bill eliminates the authority of the entities specified above, and of any approved nonprofit organization, to establish an independent charter school directly. Under the bill, a charter school may be established only by contract and must be operated by a charter school governing board, although an existing independent charter school authorizer may continue to operate a charter school established before the

effective date of this bill. The bill removes the restrictions that limit who may attend an independent charter school.

A nonprofit, nonsectarian organization or consortium of such organizations that wishes to contract with a charter school governing board to operate a charter school must submit an application to the CSOB in accordance with certain specified requirements. The CSOB must approve or deny an application within 90 days.

The bill provides that the contract between an authorizing entity and the independent charter school's governing board must allow the authorizing entity to charge the governing board a fee. The contract must also allow the charter school governing board to open additional charter schools if the charter school governed by the contract receives a grade from DPI of "A" or "B" on DPI's most recent school accountability report. The bill makes this provision applicable to existing contracts with independent charter schools as well.

The bill allows a charter school contract to provide for more than one charter school, and allows a charter school governing board to enter into more than one contract. The bill allows a school board to prohibit a pupil who resides in the school district from attending an independent charter school unless the school district's enrollment is at least 4,000 and at least two schools in the school district received a grade of "D" or "F" on DPI's most recent school accountability report.

***** ANALYSIS FROM -1261/P2 *****

Under current law, in the 2014–15 school year, DPI pays the operator of an independent charter school \$8,075 for each pupil attending the school. Beginning in the 2015–16 school year, for each pupil attending an independent charter school DPI pays the per pupil amount in the previous school year plus the per pupil payment adjustment. Under the bill, DPI will not begin applying the per pupil payment adjustment to per pupil payments made to participating private schools or to operators of independent charter schools until the 2017–18 school year.

***** ANALYSIS FROM -0541/P3 *****

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

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

A whole grade sharing agreement must be signed by the participating school boards no later than February 1 in order to be effective for the ensuing school year. At least 30 days before entering into a whole grade sharing agreement, an interested

school district must hold a public hearing at which the proposed agreement is described and school district electors may offer comments.

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

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

***** ANALYSIS FROM -0900/3 *****

This bill directs DPI to grant a teaching license to any individual who has a bachelor's degree, demonstrates that he or she is proficient in the licensed subject, and has relevant experience in the licensed subject. The license authorizes the individual to teach only the license subject in grades 6 to 12. The license is valid for three years and may be renewed.

***** ANALYSIS FROM -0832/P3 *****

This bill makes school board participation in a cooperative educational service agency (CESA) optional. Under current law, DPI provides funding to each CESA to maintain and operate the CESA and to match any federal funding for vocational education administration. Beginning in the 2015–16 school year, this bill requires each school board participating in a CESA to pay its proportional share of these costs to the CESA's board of control.

***** ANALYSIS FROM -0564/P3 *****

Currently, under the Special Transfer Program (commonly known as Chapter 220), the state provides aid to school districts to support voluntary efforts by school districts to reduce racial imbalance. Aid is provided for both interdistrict and intradistrict pupil transfers. This bill closes the Special Transfer Program to new pupils. Under the bill, however, any pupil who attended a school under the program in the 2014–15 school year may continue to participate in the program.

***** ANALYSIS FROM -1361/P2 *****

Under current law, DPI provides each school district with per pupil aid in the amount of \$150 multiplied by the average of the number of pupils enrolled in the school district in the current and two preceding school years. This bill makes the per pupil aid appropriation a sum certain appropriation and changes the manner in which per pupil aid is calculated. Under the bill, for each pupil enrolled in a school district in the current school year, the school district receives per pupil aid equal to the total amount appropriated for per pupil aid in that fiscal year divided by the total number of pupils enrolled in all school districts in that school year.

***** ANALYSIS FROM -0626/1 *****

***** ANALYSIS FROM -0627/P3 *****

Under current law, a school district required to provide transportation services to public and private school pupils enrolled in the school district is eligible to receive pupil transportation aid. The per pupil amount of pupil transportation aid for which a school district is eligible varies based on how far a pupil is transported.

This bill increases the per pupil transportation aid amount for transporting a pupil who lives more than 12 miles from his or her school from \$275 per school year to \$300 per school year and makes an independent charter school that elects to provide transportation to pupils attending the charter school eligible for pupil transportation aid.

***** ANALYSIS FROM -0628/1 *****

Under current law, DPI provides additional transportation aid to school districts with per member transportation costs that exceed 150 percent of the state average per member transportation costs (high cost transportation aid). Under this bill, a school district is eligible for high cost transportation aid only if the school district has a membership density of 50 members per square mile or less.

***** ANALYSIS FROM -0638/P2 *****

Under current law, a school district is eligible to receive sparsity aid if in the previous school year 1) the school district's membership was no more than 725; 2) at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch under the National School Lunch Program; and 3) the school district's membership divided by the school district's area in square miles was less than ten. This bill eliminates the requirement that at least 20 percent of the school district's membership was eligible for a free or reduced-price lunch.

***** ANALYSIS FROM -1287/P1 *****

Under current law, the amount by which a school district's equalization aid is adjusted due to a net number of pupils leaving or entering the school district under full-time open enrollment (OEP per pupil payment) is determined by DPI based on the OEP per pupil payment in the previous year. Under current law, beginning in the 2015-16 school year, the OEP per pupil payment is the OEP per pupil payment in the previous year plus the per pupil payment adjustment. This bill delays the per pupil payment adjustment until the 2017-18 school year. In the 2015-16 and 2016-17 school years, the amount of the OEP per pupil payment is the amount of the OEP per pupil payment in the 2014-15 school year.

***** ANALYSIS FROM -0971 *****

UNIVERSITY OF WISCONSIN SYSTEM AUTHORITY

Current law creates a system of institutions of learning known as the UW System and specifies a mission and purposes for the system. The UW System is governed by the Board of Regents, which consists of the State Superintendent of Public Instruction, the president of the technical college system, 14 citizen members with seven-year terms, and two students with two-year terms. The latter 16 members are nominated by the governor and appointed with the advice and consent of the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, institution chancellors, faculty, academic staff, and students. Three boards and one council are created in or attached to the UW System: the

Environmental Education Board, the Laboratory of Hygiene Board, the Veterinary Diagnostic Laboratory Board, and the Rural Health Development Council.

Effective July 1, 2016, this bill converts the UW System to an authority called the University of Wisconsin System Authority (UWSA) by creating a system of higher education known by the same name, UW System, which is provided by UWSA. The bill creates a governing board for UWSA that retains the name, Board of Regents, and has the same members who are appointed in the same manner and for the same terms as under current law. The bill allows the members of the Board of Regents under current law to continue to serve until the expiration of their terms. The bill eliminates the shared, hierarchical system of governance under current law by vesting responsibility for governing the UW System in the UWSA Board of Regents and eliminating the powers specified under current law for the UW System president, chancellors, faculty, academic staff, and students. The bill specifies that the mission of the UW System includes developing human resources to meet the state's workforce needs, and requires the UWSA Board of Regents to provide affordable access to high-quality postsecondary, graduate, and doctoral education.

The bill eliminates specified grants of power to the Board of Regents under current law, and specifies that the UWSA Board of Regents has all powers necessary or convenient to operate the UW System, including the power to sue and be sued, have perpetual existence, execute contracts, and contract for legal services. The bill generally allows the UWSA Board of Regents of UWSA to adopt policies and procedures for matters without promulgating rules under procedures that apply to state agencies. However, the bill requires the UWSA Board of Regents to promulgate rules under those procedures for protecting the lives, health, and safety of persons on property under its jurisdiction, as well as for managing such property. The UWSA Board of Regents retains the police power of the Board of Regents under current law and campus police have the same duties and powers as under current law. As under current law, the bill allows the UWSA Board of Regents to authorize chancellors to adopt parking rules that are not subject to state agency rule-making procedures.

The bill requires the UWSA Board of Regents to enter into an agreement with the DOA secretary to lease for a period of not more than 75 years any state-owned property or facilities required for the UWSA Board of Regents to perform its duties and exercise its powers. The lease agreement must contain specified provisions, including provisions that do the following: 1) give the state ownership of improvements or modifications made to property or facilities subject to the lease agreement; 2) give the state ownership of any facility that the UWSA Board of Regents constructs on state-owned land; 3) require the UWSA Board of Regents to obtain building commission approval for any construction or renovation project costing at least \$760,000 and involving a state-owned facility or occurring on state-owned land; 4) require UWSA to make debt payments for self-amortizing university facilities; and 5) make the UWSA Board of Regents responsible for maintenance and upkeep of facilities and property. The lease agreement and any modifications, extensions, or renewals may take effect only upon approval by JCF.

The bill requires the UWSA Board of Regents to appoint a president who is chief executive officer of UWSA, as well as the following, who are appointed by the Board

of Regents under current law: the state geologist, state cartographer, and director of the psychiatric institute. The bill allows the UWSA Board of Regents to employ agents and employees whom the board finds necessary and requires the UWSA Board of Regents to develop and implement a personnel system and other employment policies. The bill transfers all UW System employees under current law to UWSA, except those who perform duties related to the Veterinary Diagnostic Laboratory and the State Laboratory of Hygiene. The bill transfers those laboratories and their employees to DATCP, and specifies that the employees are not required to serve a probationary period. The bill requires the DATCP secretary to appoint the directors of those laboratories, but allows the directors appointed under current law to continue to serve until their appointments expire. The bill specifies that UW System employees who are transferred to UWSA are eligible to transfer back to a position in state government any time before July 1, 2017.

The bill requires the UWSA Board of Regents to establish an annual budget and monitor fiscal management of UWSA. The bill allows the UWSA Board of Regents to issue bonds that are not public debt and specifies that the state pledges that, unless bondholders are adequately protected, the state will not limit or alter any rights before UWSA satisfies the bonds. The bill eliminates all appropriations to the UW System under current law, except general purpose revenues for educational programs and the payment of certain construction debt. The bill requires the DOA secretary to make quarterly payments to UWSA of the general purpose revenues appropriated for educational programs. However, the secretary is allowed to make the payments only if UWSA has made payments due on the lease agreement described above, payments required for municipal services, and any other payments for obligations otherwise due to the state. In fiscal year 2017–18, the bill allocates \$753,533,000 from state sales tax revenue for the educational programs. In each fiscal year thereafter, the bill allocates the same amount with adjustments for inflation.

The bill generally maintains requirements under current law regarding tuition and tuition remissions. In academic years 2015–16 and 2016–17, the bill prohibits increases in resident undergraduate tuition above that charged in the 2014–15 academic year. The bill transfers responsibility for Minnesota–Wisconsin tuition reciprocity agreements from the Higher Educational Aids Board to the UWSA Board of Regents, which may continue such agreements at its discretion.

The bill specifies requirements for legal proceedings involving UWSA. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies that prohibition to actions against a UWSA officer or employee. However, the prohibition does not apply to actions by the state against UWSA officers and employees. Current law generally limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies that limit to actions, including those by the state, against a UWSA officer or employee. Current law generally provides that, if a public officer or a state employee is sued in an official capacity or for actions undertaken

within the scope of his or her employment, the state or political subdivision that employs the officer or employee must provide legal counsel to the defendant or cover legal costs for the defendant. If damages are assessed against the officer or employee, the state or political subdivision must pay any damages in excess of applicable insurance. The bill applies those duties to UWSA regarding its officers and employees. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. The bill requires DOJ to do the same for UWSA and its officials, employees, and agents, unless the state and the UWSA Board of Regents are adverse parties.

The bill eliminates requirements that apply to the UW System and Board of Regents under current law, including requirements regarding the following: faculty tenure and probationary appointments; academic staff appointments; accumulation of sick leave; specified educational programs and studies; graduate student financial aid; recruiting programs for minority and disadvantaged students; public broadcasting; application and parking fees; student fee statements; gifts, grants, and bequests to the UW System; transportation planning; orientation information on sexual assault and harassment; student identification numbers; Downer Woods preservation; criteria for use of animals in research; information technology; support for medical practice in underserved areas; a rural physician residency assistance program; loan assistance programs for physicians, dentists, and other health care providers; and various legislative reports.

The bill makes other changes, including the following:

1. The bill allows the UWSA Board of Regents to acquire property by condemnation in the same manner as the Board of Regents under current law.

2. Under current law, employees of the UW System, except faculty and academic staff, may collectively bargain under the State Employment Labor Relations Act (SELRA). Under SELRA, the legislature must adopt collective bargaining agreements covering the employees before the agreements may be executed. Under this bill, UWSA employees, except faculty, academic staff, and law enforcement officers, may collectively bargain under the Municipal Employment Relations Act (MERA), and collective bargaining agreements under MERA are not subject to legislative approval.

3. The bill allows the UWSA Board of Regents, with DOA approval, to opt in or out of the state's risk management program administered by DOA, except for the state worker's compensation program.

4. Under current law, the UW System is subject to state procurement requirements applicable to state agencies. Under this bill, UWSA is not subject to those requirements. Instead, UWSA is treated like a municipality, which allows DOA to enter into cooperative purchasing agreements with UWSA.

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payments for municipal services in the same manner as the UW System under current law.

7. The bill creates an exception to the open records law for information produced or collected by or for UWSA faculty or staff with respect to commercial, scientific, or technical research until that information is publicly disseminated or patented.

8. The bill specifies that the UW-Extension programs in counties are subject to the approval of the UWSA Board of Regents.

9. The bill eliminates the Environmental Education Board and the Rural Health Development Council.

See also STATE GOVERNMENT – OTHER STATE GOVERNMENT.

***** ANALYSIS FROM -0399/-1167 *****

HIGHER EDUCATION

Current law requires the TCS Board to submit a plan to JCF for allocating general state aid to technical college districts based on performance with respect to specified criteria. Upon approval of the plan by JCF, the TCS Board must allocate the general state aid among the districts so that, by fiscal year 2016-17, 30 percent of the aid is allocated according to the plan and 70 percent is allocated according to a formula for equalizing the aid based on district property values. However, in fiscal year 2017-18, all of the aid must be allocated according to the equalization formula.

Under this bill, the TCS Board must allocate aid as follows: in fiscal year 2017-18, 40 percent according to the plan and 60 percent according to the equalization formula; in fiscal year 2018-19, 50 percent according to the plan and 50 percent according to the equalization formula; and, in fiscal year 2019-20 and thereafter, 100 percent according to the plan. The bill also adds, as another criterion for performance-based allocation of aid, the development and implementation of a policy to award course credit for educational experience or training not obtained through an educational institution.

***** ANALYSIS FROM -0855/ *****

Under current law, the TCS Board establishes technical college program fees and must generally establish uniform fees for all technical college districts based on operational costs.

Under this bill, the TCS Board may not increase program fees for courses substantially related to high-demand fields, as determined by DWD.

***** ANALYSIS FROM -1023 *****

This bill allows technical college districts to join together to jointly: provide health care benefits to their officers and employees on a self-insured basis; procure stop loss insurance; and self-insure stop loss risk.

***** ANALYSIS FROM -0807 *****

OTHER EDUCATIONAL AND CULTURAL AGENCIES

This bill eliminates the Educational Approval Board (EAB), which under current law is attached to the TCS Board and inspects and approves certain private schools (proprietary schools) and regulates persons who solicit students for these schools. The bill eliminates many current functions of the EAB, transfers or

recreates functions relating to authorizing proprietary schools and student record preservation to the Department of Financial Institutions and Professional Standards (created under the bill), and transfers certain consumer protection functions to DATCP.

***** ANALYSIS FROM -1103 *****

Under current law, if a proposed state agency, political subdivision, or school board action will affect a historic property, the state historic preservation officer, which is the director of the State Historical Society or the director's designee, must determine whether the proposed action will have an adverse effect on the historic property.

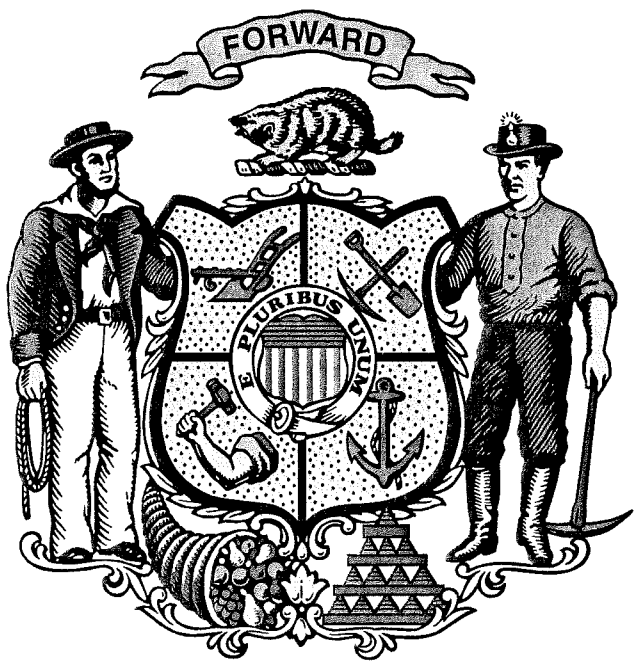
This bill allows a state agency, political subdivision, or school board to appeal determinations of the historic preservation officer to DOA's Division of Hearings and Appeals.

***** ANALYSIS FROM -1104 *****

The bill also eliminates certain contract and expenditure requirements imposed on the Educational Communications Board related to television programming.

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

(END)





State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1523/P1

MED
JLd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1080/P1 ***

EMINENT DOMAIN

Under both the current state eminent domain law and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), a person that exercises eminent domain authority that acquires property or that undertakes a program or project that displaces a person must, in addition to payments to compensate for the acquisition or displacement, make certain relocation assistance payments for items including moving expenses and losses of personal property, and certain replacement housing payments, which must be in the manner and amount determined under whichever law applies. Programs and projects that receive federal financial assistance may be subject to both state eminent domain law and the Uniform Act, which may differ in terms of the procedures that apply and the amount of compensation that must be paid for those payments.

This bill provides that, in the case of a program or project receiving federal financial assistance, a condemnor must, in addition to any such payment required to be paid under the state eminent domain law, make any additional payment required to comply with the Uniform Act.

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

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

1

(END)

Hanaman, Cathlene

From: Duchek, Michael
Sent: Thursday, January 29, 2015 10:16 AM
To: Hanaman, Cathlene
Subject: Eminent domain analysis list

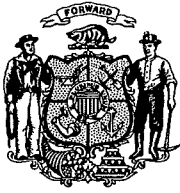
EMINENT DOMAIN
-1080

No other drafts in eminent domain that I drafted that were included, and I didn't see anyone else with one either.

Compile
INTD

-1523 (yes one draft)

q
sent to
MED



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: ???.

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -1080/P1 ***

EMINENT DOMAIN

Under both the current state eminent domain law and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act), a person that exercises eminent domain authority must make certain relocation assistance payments for items including moving expenses and losses of personal property, and certain replacement housing payments, which must be in the manner and amount determined under whichever law applies. Programs and projects that receive federal financial assistance may be subject to both state eminent domain law and the Uniform Act, which may differ in terms of the procedures that apply and the amount of compensation that must be paid for those payments.

This bill provides that, in the case of a program or project receiving federal financial assistance, a condemnor must, in addition to any such payment required to be paid under the state eminent domain law, make any additional payment required to comply with the Uniform Act.

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