

1 108.04 (8) (a) ~~If Except as provided in par. (b), if~~ an employee fails, without good
2 cause, to accept suitable work when offered, the employee is ineligible to receive
3 benefits until the employee earns wages after the week in which the failure occurs
4 equal to at least 6 times the employee's weekly benefit rate under s. 108.05 (1) in
5 employment or other work covered by the unemployment insurance law of any state
6 or the federal government. For purposes of requalification, the employee's weekly
7 benefit rate shall be that rate which would have been paid had the failure not
8 occurred. This paragraph does not preclude an employee from establishing a benefit
9 year during a period in which the employee is ineligible to receive benefits under this
10 paragraph if the employee qualifies to establish a benefit year under s. 108.06 (2) (a).
11 The department shall charge to the fund's balancing account any benefits otherwise
12 chargeable to the account of an employer that is subject to the contribution
13 requirements under ss. 108.17 and 108.18 whenever an employee of that employer
14 fails, without good cause, to accept suitable work offered by that employer.

15 *~~0958/P5.4~~SECTION 3113. 108.04 (8) (b) of the statutes is created to read:

16 108.04 (8) (b) There is a rebuttable presumption that an employee has failed,
17 without good cause, to accept suitable work when offered if the employee declines to
18 submit to a test for the presence of controlled substances in a test conducted on the
19 employee as preemployment screening or the employee tests positive for one or more
20 controlled substances in such a test without evidence of a valid prescription, as
21 evidenced by a report submitted to the department by an employing unit in
22 accordance with s. 108.133 (4). If the employee declines to submit to such a test, the
23 employee shall be ineligible for benefits as if the employee had declined to submit to
24 a test under s. 108.133 (3) (a), beginning with the week in which the department
25 receives the report. If the employee tests positive in such a test without evidence of

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

10 ***-0998/P1.1*SECTION 3114.** 108.04 (11) (bh) of the statutes is amended to read:

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

16 ***-0610/P3.357*SECTION 3115.** 108.10 (4) of the statutes is amended to read:

17 108.10 (4) The department or the employing unit may commence action for the
18 judicial review of a commission decision under this section, provided the department,
19 or the employing unit, after exhausting the remedies provided under this section, has
20 commenced such action within 30 days after such decision was mailed to the
21 employing unit's last-known address. The scope of judicial review, and the manner
22 thereof insofar as applicable, shall be the same as that provided in s. 108.09 (7). In
23 an action commenced by an employing unit under this section, the department shall
24 be an adverse party ~~under s. 102.23 (1) (a)~~ and shall be named as a party in the
25 complaint commencing the action.

1 ***-0958/P5.5*****SECTION 3116.** 108.133 of the statutes is created to read:

2 **108.133 Testing for controlled substances. (1) DEFINITIONS.** In this
3 section:

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

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

8 (c) “Occupation that regularly conducts drug testing” means an occupation
9 identified in the regulations issued by the federal secretary of labor under 42 USC
10 503 (l) (1) (A) (ii).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 4. If the claimant is determined by the department under subd. 2. to be an
25 individual for whom suitable work is only available in an occupation identified in the

1 rules promulgated under par. (am), conduct a screening on the claimant if a
2 screening is not already required under subd. 3.

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

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

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

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

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

22 (c) If a claimant who is required under sub. (2) (b) 5. to submit to a test for the
23 presence of controlled substances submits to the test and tests positive for one or
24 more controlled substances without presenting evidence satisfactory to the
25 department that the claimant possesses a valid prescription for each controlled

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1 substance for which the claimant tested positive, the claimant is ineligible for
2 benefits under this chapter until 52 weeks after the date of the test or until the
3 claimant qualifies for benefits in a subsequent benefit year, whichever occurs later,
4 except as provided in par. (d).

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

13 (4) PREEMPLOYMENT DRUG TESTING. (a) An employing unit may, in accordance
14 with the rules promulgated by the department under par. (b), voluntarily submit to
15 the department the results of a test for the presence of controlled substances that was
16 conducted on an individual as preemployment screening or notify the department
17 that an individual declined to submit to such a test as a condition of employment,
18 along with information necessary to identify the individual. Upon receipt of any such
19 results of a test conducted and certified in a manner approved by the department or
20 notification that an individual declined to submit to such a test, the department shall
21 determine whether the individual is a claimant receiving benefits. If the individual
22 is a claimant receiving benefits, the department shall, in accordance with rules
23 promulgated by the department under par. (b), use that information for purposes of
24 determining eligibility for benefits under s. 108.04 (8) (b).

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

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

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

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

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

22 *-0958/P5.6*SECTION 3117. 108.14 (8n) (e) of the statutes is amended to read:

23 108.14 (8n) (e) The department shall charge this state's share of any benefits
24 paid under this subsection to the account of each employer by which the employee
25 claiming benefits was employed in the applicable base period, in proportion to the

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

12 ***-0999/P1.2*SECTION 3118.** 108.14 (27) of the statutes is created to read:

13 108.14 (27) The department shall promulgate a rule to define what constitutes
14 suitable work for claimants, which shall specify different levels of suitable work
15 based upon the number of weeks that a claimant has received benefits in a given
16 benefit year.

17 ***-0999/P1.3*SECTION 3119.** 108.141 (3g) (a) 3. (intro.) of the statutes is
18 amended to read:

19 108.141 (3g) (a) 3. (intro.) ~~Work~~ Notwithstanding s. 108.02 (24g), work is
20 suitable within the meaning of subd. 2. if:

21 ***-0958/P5.7*SECTION 3120.** 108.141 (7) (a) of the statutes is amended to read:

22 108.141 (7) (a) The department shall charge the state's share of each week of
23 extended benefits to each employer's account in proportion to the employer's share
24 of the total wages of the employee receiving the benefits in the employee's base
25 period, except that if the employer is subject to the contribution requirements of ss.

1 108.17 and 108.18 the department shall charge the share of extended benefits to
2 which s. 108.04 (1) (f), (5), (7) (a), (c), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b) or
3 108.07 (3), (3r), or (5) (b) applies to the fund's balancing account.

4 ***-0958/P5.8*SECTION 3121.** 108.16 (6m) (a) of the statutes is amended to read:

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

8 ***-0807/P6.258*SECTION 3122.** 108.227 (1) (e) 3. of the statutes is amended to
9 read:

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

16 ***-0602/P4.68*SECTION 3123.** 108.227 (1) (e) 3. of the statutes, as affected by
17 2015 Wisconsin Act (this act), is amended to read:

18 108.227 (1) (e) 3. A license, certificate of approval, provisional license,
19 conditional license, certification, certification card, registration, permit, training
20 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)
21 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), 254.176, 254.20 (3), 256.15
22 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or 343.305 (6) (a) or a permit license for
23 operation of a campground specified in s. ~~254.47 (1)~~ 97.67 (1).

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

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1 *~~0807/P6.259~~*SECTION 3124. 108.227 (1) (e) 6. of the statutes is amended to
2 read:

3 108.227 (1) (e) 6. A license or certificate of registration issued by the
4 department of financial institutions, or a division of it, under ss. 138.09, 138.12,
5 138.14, 202.12 to 202.14, 202.22, 217.06, 218.0101 to 218.0163, 218.02, 218.04,
6 218.05, 224.72, 224.725, 224.93 or under subch. IV of ch. 551.

7 *~~0610/P3.358~~*SECTION 3125. 108.227 (1) (e) 12. of the statutes is amended
8 to read:

9 108.227 (1) (e) 12. A license issued under s. 102.17 (1) (c), 628.04, 628.92 (1),
10 632.69 (2), or 633.14, a registration under s. 628.92 (2), or a temporary license issued
11 under s. 628.09.

12 *~~0807/P6.260~~*SECTION 3126. 108.227 (1) (f) of the statutes is amended to
13 read:

14 108.227 (1) (f) "Licensing department" means the department of
15 administration; the department of agriculture, trade and consumer protection; the
16 board of commissioners of public lands; the department of children and families; the
17 government accountability board; the department of financial institutions and
18 professional standards; the department of health services; the department of natural
19 resources; the department of public instruction; the department of revenue; ~~the~~
20 ~~department of safety and professional services~~; the office of the commissioner of
21 insurance; or the department of transportation.

22 *~~0610/P3.359~~*SECTION 3127. 108.227 (1m) (intro.) of the statutes is amended
23 to read:

24 108.227 (1m) GENERAL PROVISIONS. (intro.) The department shall promulgate
25 rules specifying procedures to be used before taking action under sub. (3) (b) or s.

1 ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7),
2 or 105.13 (4) with respect to a person whose license or credential is to be denied, not
3 renewed, discontinued, suspended, or revoked, including rules with respect to all of
4 the following:

5 ~~*-0610/P3.360*~~SECTION 3128. 108.227 (3) (a) 3. of the statutes is amended to
6 read:

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

11 ~~*-0610/P3.361*~~SECTION 3129. 108.227 (5) (a) of the statutes is amended to
12 read:

13 108.227 (5) (a) The department of workforce development shall conduct a
14 hearing requested by a license holder or applicant for a license or license renewal or
15 continuation under sub. (2) (b) 1. b., or as requested under s. ~~102.17 (1) (et)~~, 103.275
16 (2) (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), to review
17 a certification or determination of contribution delinquency that is the basis of a
18 denial, suspension, or revocation of a license or certificate in accordance with this
19 section or an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2) (bt), 103.34 (10) (d),
20 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4). A hearing under this paragraph
21 is limited to questions of mistaken identity of the license or certificate holder or
22 applicant and of prior payment of the contributions that the department of workforce
23 development certified or determined the license or certificate holder or applicant
24 owes the department. At a hearing under this paragraph, any statement filed by the
25 department of workforce development, the licensing department, or the supreme

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1 court, if the supreme court agrees, may be admitted into evidence and is prima facie
2 evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to
3 a hearing under this paragraph is not entitled to any other notice, hearing, or review,
4 except as provided in sub. (6).

5 *~~0610/P3.362~~SECTION 3130. 108.227 (5) (b) 1. of the statutes is amended to
6 read:

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

16 *~~0610/P3.363~~SECTION 3131. 108.227 (5) (b) 2. of the statutes is amended to
17 read:

18 108.227 (5) (b) 2. Provide notice that the department of workforce development
19 has affirmed its certification of contribution delinquency to a license holder; to an
20 applicant for a license, a license renewal, or a license continuation; and to the
21 licensing department or the supreme court, if the supreme court agrees. For a
22 hearing requested in response to an action taken under s. ~~102.17 (1) (et)~~, 103.275 (2)
23 (bt), 103.34 (10) (d), 103.91 (4) (d), 103.92 (8), 104.07 (7), or 105.13 (4), the department
24 of workforce development shall provide notice to the license or certificate holder or

1 applicant that the department of workforce development has affirmed its
2 determination of contribution delinquency.

3 ~~*-0998/P1.2~~**SECTION 3132.** 108.24 (1) of the statutes is renumbered 108.24
4 (1) (a) and amended to read:

5 108.24 (1) (a) Any person who knowingly makes a false statement or
6 representation to obtain any benefit payment under this chapter, either for himself
7 or herself or for any other person, ~~shall be fined not less than \$100 nor more than~~
8 ~~\$500 or imprisoned not more than 90 days, or both; and each such false statement~~
9 ~~or representation constitutes a separate offense. This may be penalized as provided~~
10 in par. (b). Any penalty imposed under par. (b) is in addition to any penalty imposed
11 under s. 108.04 (11) (bh).

12 ~~*-0998/P1.3~~**SECTION 3133.** 108.24 (1) (b) of the statutes is created to read:

13 108.24 (1) (b) Whoever violates par. (a):

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

16 2. If the value of any benefits obtained exceeds \$2,500 but does not exceed
17 \$5,000, is guilty of a Class I felony.

18 3. If the value of any benefits obtained exceeds \$5,000 but does not exceed
19 \$10,000, is guilty of a Class H felony.

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

22 ~~*-0971/P5.579~~**SECTION 3134.** 109.03 (1) (c) of the statutes is amended to read:

23 109.03 (1) (c) ~~Unclassified employees~~ Employees of the University of Wisconsin
24 System Authority.

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1 *-1215/P3.337*SECTION 3135. 109.09 (2) (c) 1. a. of the statutes is amended
2 to read:

3 109.09 (2) (c) 1. a. "Commercial lending institution" has the meaning given for
4 "financial institution" in s. ~~234.01~~ 235.40 (5k).

5 *-0807/P6.261*SECTION 3136. 111.335 (1) (cx) of the statutes is amended to
6 read:

7 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
8 discrimination because of conviction record to refuse to employ or license, or to bar
9 or terminate from employment or licensure, any individual who has been convicted
10 of any offense under s. ~~38.50~~ 100.67 (13) (c).

11 *-0971/P5.580*SECTION 3137. 111.70 (1) (i) of the statutes is amended to read:

12 111.70 (1) (i) "Municipal employee" means any individual employed by a
13 municipal employer other than an independent contractor; a supervisor; ~~or; a~~
14 confidential, managerial or executive employee; or an employee who is employed by
15 the University of Wisconsin System Authority who is academic staff, as defined in
16 s. 36.05 (1), who is faculty, as defined in s. 36.05 (8), or who is employed under s. 36.11
17 (2) (b).

create a.r. VIM (use on p. 1643)

18 *-0971/P5.581*SECTION 3138. 111.70 (1) (j) of the statutes is amended to read:

19 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
20 metropolitan sewerage district, school district, long-term care district, local cultural
21 arts district created under subch. V of ch. 229, the University of Wisconsin System
22 Authority, or any other political subdivision of the state, or instrumentality of one or
23 more political subdivisions of the state, that engages the services of an employee and
24 includes any person acting on behalf of a municipal employer within the scope of the
25 person's authority, express or implied.

1 *~~1461/P2.229~~**SECTION 3139.** 111.70 (1) (j) of the statutes, as affected by 2015
2 Wisconsin Act (this act), is amended to read:

3 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
4 metropolitan sewerage district, school district, ~~long-term care district~~, local cultural
5 arts district created under subch. V of ch. 229, the University of Wisconsin System
6 Authority, or any other political subdivision of the state, or instrumentality of one or
7 more political subdivisions of the state, that engages the services of an employee and
8 includes any person acting on behalf of a municipal employer within the scope of the
9 person's authority, express or implied.

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

10 *~~1059/9.66~~**SECTION 3140.** 111.81 (5) of the statutes is created to read:
11 111.81 (5) "Division" means the division of personnel management in the
12 department of administration.

13 *~~0971/P5.582~~**SECTION 3141.** 111.81 (7) (ar) of the statutes, as created by
14 2011 Wisconsin Act 32, is repealed.

15 *~~0971/P5.583~~**SECTION 3142.** 111.81 (7) (at) of the statutes, as created by 2011
16 Wisconsin Act 32, is repealed.

17 *~~0971/P5.584~~**SECTION 3143.** 111.81 (7) (b) of the statutes is repealed.

18 *~~0333/P3.3~~**SECTION 3144.** 111.81 (7) (f) of the statutes is amended to read:
19 111.81 (7) (f) Instructional staff employed by the board of regents of the
20 University of Wisconsin System who provide services for a charter school established
21 by contract under s. 118.40 (2r) (cm), 2013 stats.

22 *~~0971/P5.585~~**SECTION 3145.** 111.81 (7) (f) of the statutes, as affected by 2015
23 Wisconsin Act (this act), is repealed.

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****NOTE: This is reconciled s. 111.81 (7) (f). This SECTION has been affected by drafts with the following LRB numbers: -0971/P5 and -0333/P3.

1 *-0971/P5.586*SECTION 3146. 111.81 (7) (gm) of the statutes is repealed.

2 *-0971/P5.587*SECTION 3147. 111.81 (7) (h) of the statutes is repealed.

3 *-0971/P5.588*SECTION 3148. 111.81 (7) (i) of the statutes is repealed.

4 *-1059/9.67*SECTION 3149. 111.81 (14) of the statutes is repealed.

5 *-0971/P5.589*SECTION 3150. 111.81 (15m) of the statutes is repealed.

6 *-0971/P5.590*SECTION 3151. 111.81 (17m) of the statutes is repealed.

7 *-0971/P5.591*SECTION 3152. 111.81 (19m) of the statutes is repealed.

8 *-0971/P5.592*SECTION 3153. 111.815 (1) of the statutes, as affected by 2013
9 Wisconsin Act 166 and 2015 Wisconsin Act ... (this act), is amended to read:

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

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

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

7 ~~*-1059/9.68*~~SECTION 3154. 111.815 (1) and (2) of the statutes, as affected by
8 2013 Wisconsin Act 166, are amended to read:

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

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

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

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

13 *-1059/9.69*SECTION 3155. 111.815 (3) of the statutes is amended to read:

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

17 *-0971/P5.593*SECTION 3156. 111.825 (1r) of the statutes, as affected by 2011
18 Wisconsin Act 32 and 2015 Wisconsin Act (this act), is repealed.

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

19 *-0333/P3.4*SECTION 3157. 111.825 (1r) (ef) of the statutes, as affected by 2011
20 Wisconsin Act 32, is amended to read:

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

4 *~~0971/P5.594~~***SECTION 3158.** 111.825 (1t) of the statutes, as affected by 2011
5 Wisconsin Act 32, is repealed.

6 *~~0971/P5.595~~***SECTION 3159.** 111.825 (3) of the statutes, as affected by 2013
7 Wisconsin Act 166, is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), ~~(1r)~~, ~~(1t)~~, and (2).

10 *~~0971/P5.596~~***SECTION 3160.** 111.825 (4) of the statutes, as affected by 2013
11 Wisconsin Act 166, is amended to read:

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

20 *~~0971/P5.597~~***SECTION 3161.** 111.825 (6) (a) of the statutes, as affected by
21 2011 Wisconsin Act 32, is amended to read:

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

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1 authorized to make arrests for violations of the laws; an employee of the department
2 of administration, or the department of transportation, ~~University of~~
3 ~~Wisconsin-Madison, or board of regents of the University of Wisconsin System~~ who
4 provides technical law enforcement support to such employees; and an employee of
5 the department of transportation who engages in motor vehicle inspection or
6 operator's license examination to a collective bargaining unit under sub. (1) (cm), ~~(1r)~~
7 ~~(cm), or (1t) (cm), whichever is appropriate.~~

8 *~~0971/P5.598~~*SECTION 3162. 111.825 (7) of the statutes, as created by 2011
9 Wisconsin Act 32, is repealed.

10 *~~1059/9.70~~*SECTION 3163. 111.83 (3) (a) of the statutes is amended to read:

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

1 *~~0971/P5.599~~*SECTION 3164. 111.83 (5) of the statutes, as affected by 2011
2 Wisconsin Act 32, is repealed.

3 *~~0971/P5.600~~*SECTION 3165. 111.83 (7) of the statutes, as affected by 2011
4 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

5 *~~0971/P5.601~~*SECTION 3166. 111.84 (2) (c) of the statutes, as affected by 2011
6 Wisconsin Act 32, is amended to read:

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

15 *~~0971/P5.602~~*SECTION 3167. 111.85 (5) of the statutes, as affected by 2011
16 Wisconsin Act 32 and 2013 Wisconsin Act 166, is repealed.

17 *~~1059/9.71~~*SECTION 3168. 111.86 (2) of the statutes is amended to read:

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

25 *~~1059/9.72~~*SECTION 3169. 111.89 (1) of the statutes is amended to read:

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1 111.89 (1) Upon establishing that a strike is in progress, the employer may
 2 either seek an injunction or file an unfair labor practice charge with the commission
 3 under s. 111.84 (2) (e) or both. It is the responsibility of the ~~office~~ division to decide
 4 whether to seek an injunction or file an unfair labor practice charge. The existence
 5 of an administrative remedy does not constitute grounds for denial of injunctive
 6 relief.

7 ***-0971/P5.603***SECTION 3170. 111.91 (4) of the statutes, as affected by 2011
 8 Wisconsin Act 32 and 2015 Wisconsin Act (this act), is amended to read:

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

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

18 ***-1059/9.73***SECTION 3171. 111.91 (4) of the statutes, as affected by 2011
 19 Wisconsin Act 32, is amended to read:

20 111.91 (4) ~~The director of the office~~ administrator of the division, in connection
 21 with the development of tentative collective bargaining agreements to be submitted
 22 under s. 111.92 (1) (a) 1., shall endeavor to obtain tentative agreements with each
 23 recognized or certified labor organization representing employees or supervisors of

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1 employees specified in s. 111.81 (7) (a) and with each certified labor organization
2 representing employees specified in s. 111.81 (7) (b) to (e) which do not contain any
3 provision for the payment to any employee of a cumulative or noncumulative amount
4 of compensation in recognition of or based on the period of time an employee has been
5 employed by the state.

6 *~~1059/9.74~~*SECTION 3172. 111.915 of the statutes is amended to read:

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

14 *~~0971/P5.604~~*SECTION 3173. 111.92 (1) (a) 1. and 4. of the statutes, as
15 affected by 2011 Wisconsin Act 32 and 2015 Wisconsin Act ... (this act), are
16 consolidated, renumbered 111.92 (1) and amended to read:

17 111.92 (1) Any tentative agreement reached between the division and any labor
18 organization representing a collective bargaining unit specified in s. 111.825 (1) or
19 (2) (d) or (e) shall, after official ratification by the labor organization, be submitted
20 by the division to the joint committee on employment relations, which shall hold a
21 public hearing before determining its approval or disapproval. ~~4.~~ If the committee
22 approves ~~a~~ the tentative agreement ~~under subd. 1., 2., or 3.,~~ it shall introduce in a
23 bill or companion bills, to be put on the calendar or referred to the appropriate
24 scheduling committee of each house, that portion of the tentative agreement which
25 requires legislative action for implementation, such as salary and wage adjustments,

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

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

14 ***-1059/9.75*SECTION 3174.** 111.92 (1) (a) 1. of the statutes, as affected by 2011
15 Wisconsin Act 32, is amended to read:

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

21 ***-0971/P5.605*SECTION 3175.** 111.92 (1) (a) 2. of the statutes, as created by
22 2011 Wisconsin Act 32, is repealed.

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1 ***-0971/P5.606*SECTION 3176.** 111.92 (1) (a) 3. of the statutes, as created by
2 2011 Wisconsin Act 32, is repealed.

3 ***-0333/P3.5*SECTION 3177.** 111.92 (1) (c) of the statutes is amended to read:
4 111.92 (1) (c) Any tentative agreement reached between the governing board
5 of the charter school established by contract under s. 118.40 (2r) (cm), 2013 stats.,
6 acting for the state, and any labor organization representing a collective bargaining
7 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor
8 organization and approval by the chancellor of the University of
9 Wisconsin–Parkside, be executed by the parties.

10 ***-0971/P5.607*SECTION 3178.** 111.92 (1) (c) of the statutes, as affected by 2015
11 Wisconsin Act (this act), is repealed.

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

12 ***-0971/P5.608*SECTION 3179.** 111.93 (3) (a) and (b) of the statutes, as affected
13 by 2011 Wisconsin Act 32, are amended to read:

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

22 (b) If a collective bargaining agreement exists between the employer and a
23 labor organization representing general employees in a collective bargaining unit,

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1 the provisions of that agreement shall supersede the provisions of civil service and
2 other applicable statutes, as well as rules and policies of the board of regents of the
3 ~~University of Wisconsin System~~, related to wages, whether or not the matters
4 contained in those statutes, rules, and policies are set forth in the collective
5 bargaining agreement.

6 ***-0971/P5.609*SECTION 3180.** 111.935 of the statutes, as affected by 2011
7 Wisconsin Act 32, is repealed.

8 ***-0807/P6.262*SECTION 3181.** 112.07 (1) of the statutes is amended to read:
9 112.07 (1) Notwithstanding any other provision of the statutes, any fiduciary,
10 as defined in s. 112.01 (1) (b), who is holding securities in a fiduciary capacity, any
11 bank or trust company holding securities as a custodian or managing agent, and any
12 bank or trust company holding securities as custodian for a fiduciary may deposit or
13 arrange for the deposit of such securities in a clearing corporation as defined in s.
14 408.102 (1) (e). When the securities are so deposited, certificates representing
15 securities of the same class of the same issuer may be merged and held in bulk in the
16 name of the nominee of the clearing corporation with any other such securities
17 deposited in that clearing corporation by any person regardless of the ownership of
18 the securities, and certificates of small denomination may be merged into one or more
19 certificates of larger denomination. The records of the fiduciary and the records of
20 the bank or trust company acting as custodian, as managing agent or as custodian
21 for a fiduciary shall at all times show the name of the party for whose account the
22 securities are so deposited. Ownership of, and other interests in, the securities may
23 be transferred by bookkeeping entry on the books of the clearing corporation without
24 physical delivery of certificates representing the securities. A bank or trust company
25 which deposits securities pursuant to this section shall be subject to such rules and

1 regulations as, in the case of state chartered institutions, the ~~division of banking~~
2 department of financial institutions and professional standards and, in the case of
3 national banking associations, the comptroller of the currency may from time to time
4 issue. A bank or trust company acting as custodian for a fiduciary shall, on demand
5 by the fiduciary, certify in writing to the fiduciary the securities deposited by the
6 bank or trust company in a clearing corporation pursuant to this section for the
7 account of the fiduciary. A fiduciary shall, on demand by any party to a judicial
8 proceeding for the settlement of the fiduciary's account or on demand by the attorney
9 for such a party, certify in writing to the party the securities deposited by the
10 fiduciary in the clearing corporation for its account as such fiduciary.

11 *~~1215/P3.338~~SECTION 3182. 114.31 (6) of the statutes is amended to read:

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

24 *~~0333/P3.6~~SECTION 3183. 115.001 (1) of the statutes is amended to read:

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1 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
2 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
3 118.40 (2r) (b) 1, or a school established and operated by ~~one of the entities~~ an entity
4 under s. 118.40 (2r) (b) 1. a. to d.

5 *~~0900/3.1~~**SECTION 3184.** 115.28 (7) (gs) of the statutes is created to read:

6 115.28 (7) (gs) 1. Notwithstanding s. 118.19 (3), (4m), (6) to (9), and (12) to (14),
7 grant a teaching license to any individual who satisfies all of the following:

8 a. Has a bachelor's degree.

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

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

13 2. A license under this paragraph authorizes the individual to teach only the
14 subject or subjects in which he or she demonstrated proficiency and relevant
15 experience in grades 6 to 12. The license is valid for 3 years and is renewable for
16 3-year periods.

17 *~~0971/P5.610~~**SECTION 3185.** 115.28 (7g) (a) (intro.) of the statutes is
18 amended to read:

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

25 *~~1509/P2.2~~**SECTION 3186.** 115.28 (54m) of the statutes is created to read:

1 115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the
2 department's Internet site a link to information about all of the educational options
3 available to children in the state who are at least 3 years old but not yet 18 years old,
4 including public schools, private schools participating in a parental choice program,
5 charter schools, virtual schools, full-time open enrollment, youth options, course
6 options, and options for pupils enrolled in a home-based private educational
7 program.

8 *-0541/P3.3*SECTION 3187. 115.28 (61) of the statutes is created to read:

9 115.28 (61) WHOLE GRADE SHARING FEASIBILITY STUDIES. Approve organizations
10 to conduct feasibility studies under s. 118.50 (2) (c).

11 *-0971/P5.611*SECTION 3188. 115.29 (1) of the statutes is amended to read:

12 115.29 (1) DESIGNATE REPRESENTATIVE. Designate the deputy state
13 superintendent or another employee of the department as the state superintendent's
14 representative on any body on which the state superintendent is required to serve,
15 except the board of regents of the University of Wisconsin System Authority.

16 *-0638/P2.1*SECTION 3189. 115.29 (8) of the statutes is created to read:

17 115.29 (8) ALTERNATIVE DATA COLLECTION METHOD; LOW-INCOME PUPILS. Use an
18 alternative data collection method established by the department to identify pupils
19 who satisfy the income eligibility criteria for a free or reduced-price lunch under 42
20 USC 1758 (b) (1).

21 *-1509/P2.3*SECTION 3190. 115.293 of the statutes is created to read:

22 **115.293 Smarter Balanced Assessment Consortium; Common Core**
23 **State Standards Initiative; prohibition.** (1) Beginning on the effective date of
24 this subsection ... [LRB inserts date], the state superintendent shall cease all
25 participation in the Smarter Balanced Assessment Consortium.

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1 (2) The state superintendent may not give effect to any academic standard
2 developed by the Common Core State Standards Initiative and adopted and
3 implemented in this state before the effective date of this subsection ... [LRB inserts
4 date]. The state superintendent may not require any school board to give effect to
5 any such academic standard.

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

10 ***-0971/P5.612*****SECTION 3191.** 115.297 (1) (a) of the statutes is amended to
11 read:

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

16 ***-0971/P5.613*****SECTION 3192.** 115.297 (5) (b) of the statutes is amended to
17 read:

18 115.297 (5) (b) Failure of any of the agencies to enter into a written agreement
19 under sub. (3) does not affect the powers and duties conferred upon the other
20 agencies under this section or under s. ~~36.11 (31)~~ or 38.04 (19).

21 ***-0638/P2.2*****SECTION 3193.** 115.343 (2) (b) of the statutes is amended to read:

22 115.343 (2) (b) The child meets the income eligibility standard for a free or
23 reduced-price lunch in the federal school lunch program under 42 USC 1758 (b) (1).

24 ***-1241/P2.20*****SECTION 3194.** 115.367 of the statutes is repealed.

1 ***-1509/P2.4*SECTION 3195.** 115.385 (1) (a) (intro.) of the statutes is amended
2 to read:

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

6 ***-1509/P2.5*SECTION 3196.** 115.385 (1) (a) 1. of the statutes is amended to
7 read:

8 115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.

9 ***-1509/P2.6*SECTION 3197.** 115.385 (1) (a) 1m. of the statutes is created to
10 read:

11 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,
12 calculated using a value-added methodology.

13 ***-1509/P2.7*SECTION 3198.** 115.385 (1) (a) 2. of the statutes is repealed.

14 ***-1509/P2.8*SECTION 3199.** 115.385 (1) (a) 3. of the statutes is amended to
15 read:

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

19 ***-1509/P2.9*SECTION 3200.** 115.385 (1) (a) 4. of the statutes is created to read:

20 115.385 (1) (a) 4. Rates of attendance or of high school graduation.

21 ***-1509/P2.10*SECTION 3201.** 115.385 (1) (b) of the statutes is renumbered
22 115.385 (1) (b) (intro.) and amended to read:

23 115.385 (1) (b) (intro.) An index system to identify a school's level of
24 performance and a school district's level of improvement and to annually place assign

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1 to each school into and school district one of 5 performance categories. the following
2 grade levels:

3 ***-1509/P2.11*SECTION 3202.** 115.385 (1) (b) 1. of the statutes is created to
4 read:

5 115.385 (1) (b) 1. "A — Significantly Exceeds Expectations."

6 ***-1509/P2.12*SECTION 3203.** 115.385 (1) (b) 2. of the statutes is created to
7 read:

8 115.385 (1) (b) 2. "B — Exceeds Expectations."

9 ***-1509/P2.13*SECTION 3204.** 115.385 (1) (b) 3. of the statutes is created to
10 read:

11 115.385 (1) (b) 3. "C — Meets Expectations."

12 ***-1509/P2.14*SECTION 3205.** 115.385 (1) (b) 4. of the statutes is created to
13 read:

14 115.385 (1) (b) 4. "D — Meets Few Expectations."

15 ***-1509/P2.15*SECTION 3206.** 115.385 (1) (b) 5. of the statutes is created to
16 read:

17 115.385 (1) (b) 5. "F — Fails to Meet Expectations."

18 ***-1509/P2.16*SECTION 3207.** 115.385 (1) (c) of the statutes is created to read:

19 115.385 (1) (c) A qualitative definition for each of the 5 grade levels in par. (b).

20 ***-1509/P2.17*SECTION 3208.** 115.385 (1m) of the statutes is created to read:

21 115.385 (1m) For purposes of determining a school's performance or a school
22 district's improvement under sub. (1) all of the following apply:

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

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

4 b. A pupil who was enrolled in a public school, including a charter school, in the
5 8th grade and who transfers to a private school under the program under s. 118.60
6 or 119.23 for the 9th grade.

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

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

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

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

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

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

22 (c) The department shall consider the impact of poverty on pupil achievement
23 and growth by adjusting the importance given to the measures under sub. (1) (a) 1.
24 and 1m. based on the percentage of pupils in the school or school district who are
25 economically disadvantaged. In this paragraph, an economically disadvantaged

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1 pupil is a pupil that satisfies either the income eligibility criteria for a free or
2 reduced-price lunch under 42 USC 1758 (b) (1) or other measures of poverty, as
3 determined by the department. Of the total weight the department allocates to the
4 measures under sub. (1) (a) 1. and 1m. for the purpose of determining a school's
5 performance or a school district's improvement, the department shall do as follows:

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

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

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

15 a. Divide 80 by 60.

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

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

19 4. If the percentage of economically disadvantaged pupils in the school or school
20 district membership is more than 5 percent but less than 65 percent, the department
21 shall determine the weight of the measures under sub. (1) (a) 1m. by subtracting the
22 weight given to the measures under sub. (1) (a) 1. as determined under subd. 3. from
23 100.

24 *--1509/P2.18*SECTION 3209. 115.385 (2) of the statutes is amended to read:

1 115.385 (2) ~~Beginning one year after a charter school established under s.~~
2 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
3 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
4 ~~(b), or begins using a system that is interoperable with that system, the~~ with the
5 accountability report published for the 2015-16 school year, the department shall
6 include ~~the school~~ in its annual school accountability report under sub. (1) charter
7 schools established under s. 118.40 (2r) and private schools participating in a
8 parental choice program under s. 118.60 or 119.23. The department shall use the
9 same criteria to measure the performance of all schools included in the annual school
10 accountability report.

11 *~~1509/P2.19~~SECTION 3210. 115.385 (3) of the statutes is created to read:

12 115.385 (3) On an accountability report published for a private school
13 participating in a program under s. 118.60 or 119.23, the department shall specify
14 the percentage of pupils attending the private school under the program and comply
15 with one of the following:

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

19 (b) For a private school that submits achievement data for those pupils
20 attending the private school under s. 118.60 or 119.23 and achievement data for all
21 other pupils attending the private school, identify the grade derived from data about
22 pupils attending the school under s. 118.60 or 119.23 as the choice pupil grade. The
23 department shall also identify a 2nd grade, derived from data about all pupils
24 attending the private school including pupils attending the private school under s.
25 118.60 or 119.23, as the private school grade.

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1 *~~1509/P2.20~~***SECTION 3211.** 115.385 (4) of the statutes is created to read:

2 115.385 (4) Annually, each public school, including a charter school, and each
3 private school participating in a parental choice program under s. 118.60 or 119.23
4 shall provide a copy of the school's accountability report to the parent or guardian of
5 each pupil enrolled in or attending the school. Each school shall simultaneously
6 provide to the parent or guardian of each pupil enrolled in the school a list of the
7 educational options available to children who reside in the pupil's resident school
8 district, including public schools, private schools participating in a parental choice
9 program, charter schools, virtual schools, full-time open enrollment, youth options,
10 course options, and options for pupils enrolled in a home-based private educational
11 program.

12 *~~1509/P2.21~~***SECTION 3212.** 115.385 (5) of the statutes is created to read:

13 115.385 (5) Beginning in the 2017-18 school year and biennially thereafter, the
14 appropriate standing committee of each house of the legislature shall conduct a
15 review of school and school district accountability reports published under this
16 section.

17 *~~0638/P2.3~~***SECTION 3213.** 115.42 (2) (c) of the statutes is amended to read:

18 115.42 (2) (c) The amount of each grant under par. (a) shall be \$5,000 in any
19 school year in which the recipient is employed in a school in which at least 60 percent
20 of the pupils enrolled ~~are eligible~~ satisfy the income eligibility criteria for a free or
21 reduced-price lunch under 42 USC 1758 (b) (1).

22 *~~0638/P2.4~~***SECTION 3214.** 115.43 (1) of the statutes is amended to read:

23 115.43 (1) DEFINITION. In this section, "economically disadvantaged pupil"
24 means a pupil who ~~is eligible~~ satisfies the income eligibility criteria for a free or
25 reduced-price lunch under 42 USC 1758 (b) (1).

1 *~~0971/P5.614~~*SECTION 3215. 115.43 (2) (b) of the statutes is amended to read:

2 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
3 scholarships, on a competitive basis, to economically disadvantaged pupils who
4 enroll in a technical college or in college or university classes or programs designed
5 to improve academic skills that are essential for success in postsecondary school
6 education. The state superintendent shall give preference to economically
7 disadvantaged pupils who are inadequately represented in the technical college
8 colleges and the University of Wisconsin Systems System Authority.

9 *~~0638/P2.5~~*SECTION 3216. 115.436 (2) (b) of the statutes is repealed.

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

10 *~~1361/P3.2~~*SECTION 3217. 115.437 (2) of the statutes is renumbered 115.437

11 (2) (intro.) and amended to read:

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

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

19 *~~1361/P3.3~~*SECTION 3218. 115.437 (2) (a) of the statutes is created to read:

20 115.437 (2) (a) Divide the amount appropriated under s. 20.255 (2) (aq) for the
21 current fiscal year by the total number of pupils enrolled in all school districts in the
22 current school year.

23 *~~1361/P3.4~~*SECTION 3219. 115.437 (2) (b) of the statutes is created to read:

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1 115.437 (2) (b) Multiply the quotient under par. (a) by the number of pupils
2 enrolled in the school district in the current school year.

3 *~~0971/P5.615~~*SECTION 3220. 115.53 (4) of the statutes is amended to read:

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

15 *~~0541/P3.4~~*SECTION 3221. 115.77 (1) of the statutes is amended to read:

16 115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)
17 2., if a child with a disability is attending a public school in a nonresident school
18 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), "local educational agency"
19 means the school district that the child is attending.

20 *~~0541/P3.5~~*SECTION 3222. 115.777 (1) of the statutes is amended to read:

21 115.777 (1) (a) A physician, nurse, psychologist, social worker or administrator
22 of a social agency who reasonably believes that a child brought to him or her for
23 services has a disability shall refer the child to the local educational agency. If the
24 local educational agency to whom the referral is made is the school district in which
25 the child resides but the child is attending a public school in a nonresident school

1 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school
2 district in which the child resides shall provide the name of the child and related
3 information to the school board of the school district that the child is attending.

4 (b) A person who is required to be licensed under s. 115.28 (7), who is employed
5 by a local educational agency and who reasonably believes a child has a disability,
6 shall refer the child to the local educational agency. If the local educational agency
7 to whom the referral is made is the school district that the child is attending but the
8 child is a nonresident attending a public school in that school district under s. 118.50,
9 118.51, or 121.84 (1) (a) or (4), the school board of the school district that the child
10 is attending shall provide the name of the child and related information to the school
11 board of the child's school district of residence.

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

20 ***-0541/P3.6*SECTION 3223.** 115.78 (1) of the statutes is amended to read:

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

25 ***-0541/P3.7*SECTION 3224.** 115.78 (1m) (h) of the statutes is amended to read:

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

5 *~~0541/P3.8~~SECTION 3225. 115.79 (1) (b) of the statutes is amended to read:

6 115.79 (1) (b) An educational placement is provided to implement a child's
7 individualized education program. Except as provided in s. 118.51 (12) (a) and (b)
8 2., if a child with a disability is attending a public school in a nonresident school
9 district under s. 118.50, 118.51, or 121.84 (1) (a) or (4), the school board of the school
10 district that the child is attending shall provide an educational placement for the
11 child and shall pay tuition charges instead of the school district in which the child
12 resides if required by the placement.

13 *~~0541/P3.9~~SECTION 3226. 115.792 (1) (b) of the statutes is amended to read:

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

21 *~~0541/P3.10~~SECTION 3227. 115.792 (3) (a) of the statutes is amended to read:

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

25 *~~0541/P3.11~~SECTION 3228. 115.80 (8) of the statutes is amended to read:

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

9 *~~0541/P3.12~~*SECTION 3229. 115.82 (2) (c) of the statutes is created to read:

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

13 *~~0541/P3.13~~*SECTION 3230. 115.88 (8) of the statutes is amended to read:

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

23 *~~0832/P3.2~~*SECTION 3231. 116.01 of the statutes is amended to read:

24 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
25 the legislature recognizes the need for benefit of a service unit between the school

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1 district and the state superintendent. The cooperative educational service agencies
2 are designed to serve educational needs in all areas of Wisconsin by serving as a link
3 both between school districts and between school districts and the state. Cooperative
4 educational service agencies may provide leadership, coordination, and education
5 services to school districts, University of Wisconsin System institutions, and
6 technical colleges. Cooperative educational service agencies may facilitate
7 communication and cooperation among all public, private, and tribal schools, and all
8 public and private agencies and organizations, that provide services to pupils.

9 ***-0832/P3.3*SECTION 3232.** 116.03 (2) of the statutes is repealed.

10 ***-0832/P3.4*SECTION 3233.** 116.03 (5) of the statutes is created to read:

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

17 ***-0832/P3.5*SECTION 3234.** 116.03 (11) of the statutes is amended to read:

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

23 ***-0832/P3.6*SECTION 3235.** 116.065 (1) of the statutes is amended to read:

24 116.065 (1) The school board of a school district ~~in cooperative educational~~
25 ~~service agency no. 1, as designated on April 1, 1985,~~ may adopt a resolution to

1 withdraw from the an agency. The school board shall immediately notify the board
2 of control and the state superintendent ~~of its intention that the school board has~~
3 adopted a resolution under this subsection.

4 *~~0832/P3.7~~SECTION 3236. 116.065 (2) of the statutes is amended to read:

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

9 *~~0832/P3.8~~SECTION 3237. 116.065 (3) of the statutes is amended to read:

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

14 *~~0832/P3.9~~SECTION 3238. 116.07 (4) of the statutes is amended to read:

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

18 *~~0832/P3.10~~SECTION 3239. 116.08 (title) of the statutes is amended to read:

19 116.08 (title) **State Loans and local aid.**

20 *~~0832/P3.11~~SECTION 3240. 116.08 (1) of the statutes is amended to read:

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

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1 of its expenses for the prior year to the state superintendent, and such statement
2 reveals that the state aid was expended as provided by this section. In no case may
3 the state aid exceed the actual expenditures for the prior year as certified in such
4 statement.

5 *~~0832/P3.12~~*SECTION 3241. 116.08 (3m) of the statutes is renumbered
6 116.065 (4) and amended to read:

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

11 *~~0832/P3.13~~*SECTION 3242. 116.08 (4m) of the statutes is created to read:

12 116.08 (4m) Beginning in the 2015–16 school year, each school board of a school
13 district in an agency shall pay to the board of control the school district's proportional
14 share of the cost of the maintenance and operation of the office of the board of control
15 and agency administrator and to match any federal funds received by the agency for
16 vocational education administration, as determined by the board of control under s.
17 116.03 (5).

18 *~~0832/P3.14~~*SECTION 3243. 116.08 (5) of the statutes is repealed.

19 *~~0541/P3.14~~*SECTION 3244. 117.05 (5) (a) of the statutes is amended to read:

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

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

5 ***-0541/P3.15*SECTION 3245.** 117.30 (1) (a) of the statutes is amended to read:

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

24 ***-0541/P3.16*SECTION 3246.** 117.30 (1) (d) of the statutes is created to read:

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

4 ***-0541/P3.17*SECTION 3247.** 118.134 (3m) of the statutes is amended to read:

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

9 ***-1509/P2.22*SECTION 3248.** 118.153 (1) (a) 5. of the statutes is amended to
10 read:

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

16 ***-1509/P2.23*SECTION 3249.** 118.30 (1) of the statutes is amended to read:

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

22 ***-0632/2.1*SECTION 3250.** 118.30 (1m) (ar) of the statutes is amended to read:

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

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

4 *~~1509/P3.24~~*SECTION 3251. 118.30 (1m) (d) of the statutes is created to read:

5 118.30 (1m) (d) If the school board maintains an Internet site for the school
6 district, annually publish information on that Internet site about the examinations
7 administered under this subsection to pupils in the school district.

8 *~~0632/2.2~~*SECTION 3252. 118.30 (1r) (ar) of the statutes is amended to read:

9 118.30 (1r) (ar) Beginning in the 2014–15 school year, administer the 9th grade
10 examination adopted or approved by the state superintendent under sub. (1) to all
11 pupils enrolled in the charter school in spring session of the 9th grade. The charter
12 school shall administer the examination once in the fall session and once in the
13 spring session.

14 *~~1509/P3.25~~*SECTION 3253. 118.30 (1r) (d) of the statutes is created to read:

15 118.30 (1r) (d) If the operator of the charter school maintains an Internet site
16 for the school, annually publish information on that Internet site about the
17 examinations administered under this subsection to pupils in the school.

18 *~~1509/P2.24~~*SECTION 3254. 118.30 (1s) (intro.) of the statutes is amended to
19 read:

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

24 *~~0632/2.3~~*SECTION 3255. 118.30 (1s) (bm) of the statutes is amended to read:

SECTION 3255

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

6 *-1509/P3.27*SECTION 3256. 118.30 (1s) (e) of the statutes is created to read:

7 118.30 (1s) (e) If the governing body of the private school maintains an Internet
8 site for the school, annually publish information on that Internet site about the
9 examinations administered under this subsection to pupils in the school.

10 *-1509/P2.25*SECTION 3257. 118.30 (1t) (intro.) of the statutes is amended to
11 read:

12 118.30 (1t) (intro.) Annually, the governing body of each private school
13 participating in the program under s. 118.60, other than a private school at which
14 fewer than 20 pupils are attending the school under the program under s. 118.60,
15 shall do all of the following:

16 *-0632/2.4*SECTION 3258. 118.30 (1t) (bm) of the statutes is amended to read:

17 118.30 (1t) (bm) Beginning in the 2014-15 school year, in the spring session
18 administer the 9th grade examination adopted or approved by the state
19 superintendent under sub. (1) to all pupils attending the 9th grade in the private
20 school under s. 118.60. ~~The private school shall administer the examination once in~~
21 ~~the fall session and once in the spring session.~~

22 *-1509/P3.29*SECTION 3259. 118.30 (1t) (e) of the statutes is created to read:

23 118.30 (1t) (e) If the governing body of the private school maintains an Internet
24 site for the school, annually publish information on that Internet site about the
25 examinations administered under this subsection to pupils in the school.

1 ***-1509/P2.26*SECTION 3260.** 118.30 (2) (b) 3. of the statutes is amended to
2 read:

3 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school
4 board shall excuse the pupil from taking an examination administered under sub.
5 (1m) or s. 118.301 (3).

6 ***-1509/P2.27*SECTION 3261.** 118.30 (2) (b) 4. of the statutes is amended to
7 read:

8 118.30 (2) (b) 4. Upon the request of a pupil's parent or guardian, the operator
9 of a charter school under s. 118.40 (2r) shall excuse the pupil from taking an
10 examination administered under sub. (1r) or s. 118.301 (3).

11 ***-1509/P2.28*SECTION 3262.** 118.30 (2) (b) 5. of the statutes is amended to
12 read:

13 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
14 body of a private school participating in the program under s. 119.23 shall excuse the
15 pupil from taking an examination administered under sub. (1s) (a) to (cm) or s.
16 118.301 (3).

17 ***-1509/P2.29*SECTION 3263.** 118.30 (2) (b) 6. of the statutes is amended to
18 read:

19 118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing
20 body of a private school participating in the program under s. 118.60 shall excuse the
21 pupil from taking an examination administered under sub. (1t) (a) to (cm) or s.
22 118.301 (3).

23 ***-1509/P2.30*SECTION 3264.** 118.30 (5m) of the statutes is amended to read:

24 118.30 (5m) When determining the percentage of pupils participating in the
25 program under s. 119.23 who performed at designated proficiency levels on the

SECTION 3264

1 examinations administered as required under sub. (1s) or s. 118.301 (3), the
2 department shall consider only the pupils participating in the program under s.
3 119.23 to whom the examinations were administered at each grade level, and shall
4 exclude from consideration those pupils participating in the program under s. 119.23
5 who were excused from taking the examinations under sub. (2) (b) 5.

6 ***-1509/P2.35*SECTION 3265.** 118.30 (6) of the statutes is amended to read:

7 118.30 (6) A school board and an operator of a charter school under s. 118.40
8 (2r) is not required to administer the 4th and 8th grade examinations adopted or
9 approved by the state superintendent under sub. (1) or authorized under s. 118.301
10 (3) if the school board or the operator of the charter school administers its own 4th
11 and 8th grade examinations, the school board or operator of the charter school
12 ~~provides the state superintendent with~~ submits the examination results to the
13 University of Wisconsin-Madison Value-Added Research Center to conduct
14 statistical correlations of those examinations with the examinations adopted or
15 approved by the state superintendent under sub. (1), the University of
16 Wisconsin-Madison Value-Added Research Center provides the statistical
17 correlations to the state superintendent, and the federal department of education
18 approves.

19 ***-1509/P2.32*SECTION 3266.** 118.30 (7) of the statutes is amended to read:

20 118.30 (7) If a school board enters into an agreement with a federally
21 recognized American Indian tribe or band in this state to establish a charter school,
22 that school board shall administer the examinations under sub. (1m) or s. 118.301
23 (3) regardless of the location of the charter school.

24 ***-1509/P2.33*SECTION 3267.** 118.301 of the statutes is created to read: