2017 SENATE BILL 227


AN ACT to amend 118.60 (4d) (b) 1. (intro.) and 121.91 (4) (n) 1.; and to create 118.60 (4e) of the statutes; relating to: state aid to a school district of residence of a pupil attending a private school under the Racine and statewide parental choice programs.

Analysis by the Legislative Reference Bureau

This bill prohibits the Department of Public Instruction from making certain reductions in state aid paid to a school district until the electors of a school district have approved the reduction in state aid by a referendum vote. Current law requires DPI to reduce the state aid paid to a school district in a school year by the amount paid in that school year to a private school participating in the Racine or statewide parental choice program for each pupil who resides in that school district but who attends a private school under the Racine or statewide parental choice program.

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

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

SECTION 1. 118.60 (4d) (b) 1. (intro.) of the statutes is amended to read:
118.60 (4d) (b) 1. (intro.) Beginning in the 2015-16 school year, subject to sub. (4e) and s. 121.085 (1), the department shall decrease a school district’s state aid payment under s. 121.08 by an amount calculated as follows:

**SECTION 2.** 118.60 (4e) of the statutes is created to read:

118.60 (4e) (a) In this subsection:

1. “Circulator” has the meaning given for “qualified circulator” under s. 5.02 (16g).

2. “Commission” means the elections commission.

(b) The department may not decrease a school district’s state aid payment under s. 121.08 as provided in sub. (4d) (b) until the school district qualifies as provided under this subsection. A school district may not qualify under this subsection until a petition is certified as provided in this paragraph and the petition is approved at a referendum as provided in par. (d). A petition may not be certified unless all of the following occur:

1. An individual, committee, or group files a registration statement with the commission to initiate a petition to have the state aid paid to the school district under s. 121.08 reduced as provided in sub. (4d) (b). The registration statement shall include the name and mailing address of the individual, committee, or group initiating the petition.

2. The individual, committee, or group circulates the petition and files the petition with the commission no later than 60 days after the date on which the registration statement is filed under subd. 1. The certification of a circulator shall appear at the bottom of each petition filed with the commission. The certification of the circulator shall include the name and mailing address of the individual, committee, or group initiating the petition and a statement that he or she personally
circulated the petition and personally obtained each of the signatures; he or she
knows the signatures are of qualified electors, as described in s. 6.02, of the school
district that is the subject of the petition as the petition requires; he or she knows the
signers signed the petition with full knowledge of its content; he or she knows the
respective residences given for each signer; and he or she knows each signer signed
on the date stated opposite his or her signature. The certification shall also include
a statement that the circulator is a qualified elector of this state or, if not a qualified
elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident
of this state, would not be disqualified from voting under s. 6.03; that he or she
intends to support the implementation of the program under this section in the
school district that is the subject of the petition; and that he or she is aware that
falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall
indicate the date that he or she makes the certification next to his or her signature.

3. The commission, within 31 days after a petition is filed under subd. 2.,
reviews the signatures to determine whether any signatures or petition sheets may
not be counted for the reasons provided in par. (c). If, after review, the commission
determines that the petition contains a number of signatures of qualified electors in
the school district that is the subject of the petition equal to not less than 20 percent
of the number of electors voting in the last election of school board members in the
school district, the commission shall certify that result to the school district clerk.

(c) 1. An individual signature on a petition sheet may not be counted if:

a. The signature is not dated.

b. The signature is dated outside the circulation period.

c. The signature is dated after the date of the certification contained on the
petition sheet.
d. The residency of the signer of the petition sheet cannot be determined by the address given.

e. The signature is that of an individual who is not a resident of the school district that is the subject of the petition.

f. The signer has been adjudicated not to be a qualified elector on grounds of incompetency or limited incompetency as provided in s. 6.03 (3).

g. The signer is not a qualified elector by reason of age.

h. The circulator knew or should have known that the signer, for any other reason, was not a qualified elector.

2. No signature on the petition sheet may be counted if:

a. The circulator fails to sign his or her certification.

b. The circulator is not a qualified circulator.

(d) Within 10 days after the commission certifies the petition under par. (b) 3., the school board shall notify the department of the scheduled date of the referendum and submit a copy of the petition and certification to the department. The school board shall call a special referendum for the purpose of submitting the petition to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or September primary or general election, if such election is to be held not sooner than 42 days after the petition is certified by the commission. The referendum shall be held in accordance with chs. 5 to 12. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the reduction in state aid to the school district under s. 121.08, as provided for under s. 118.60 (4d) (b), shall be made. If a majority of those
voting on the question approve, the reduction in state aid shall be made as provided in s. 118.60 (4d) (b). The school district clerk shall do all of the following:

1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any certificate submitted to the school district clerk by the commission under par. (b) 3. and the question to be submitted to the voters as provided in this paragraph. Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

2. Provide the election officials with all necessary election supplies.

(e) The department shall make the reduction in state aid under s. 121.08 in a school district that qualifies under this subsection in the first school year that begins after the date on which the question submitted under par. (d) is approved.

(f) A school district that qualifies under this subsection shall remain qualified under this subsection.

SECTION 3. 121.91 (4) (n) 1. of the statutes is amended to read:

121.91 (4) (n) 1. The For a school district that qualifies as provided under s. 118.60 (4e), beginning in the school year described in s. 118.60 (4e) (e) and annually thereafter, the limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to the amount determined for that school district under s. 118.60 (4d) (b) 1.

(END)