

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget 266-8593** Drafter: **fknepp**
 By: **Kretschmann** Secondary Drafters: **kpleviak**
 Date: **2/19/2019** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
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Pre Topic:

DOA:.....Kretschmann, BB0444 -

Topic:

Statutory language repeals and clarifications

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpleviak 2/20/2019				
/P1	kpleviak 2/21/2019	anienaja 2/20/2019	mbarman 2/20/2019		State S&L
/P2		lparisi 2/21/2019	lparisi 2/21/2019		State S&L

FE Sent For: **<END>**

Pleviak, Krista

From: Hanaman, Cathlene
Sent: Tuesday, February 19, 2019 5:34 PM
To: Pleviak, Krista; Knepp, Fern
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Kretschmann, Kyle - DOA <Kyle.Kretschmann@wisconsin.gov>
Sent: Tuesday, February 19, 2019 5:30 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Kretschmann, Kyle - DOA <Kyle.Kretschmann@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Stat Language Repeals and Clarifications

Tracking Code: BB0444

SBO Team: EWD

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Agency Acronym: 255

Agency Number: 255

Priority: Medium

Intent:

Combine LRB-0783/P1, LRB-0784/P2, LRB-0987/P1 and LRB-1719/P1 into a single draft of assorted stat language repeals and changes for the purpose of occupying a single decision item.

Attachments: False

Please send completed drafts to SBOStatlanguage@spmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2165/P1

J...
KRP/PPK

DOA:.....Kretschmann, BB0444 - Statutory language repeals and clarifications

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

2. Eliminate ^{teacher} licensure based on an alternative teacher certification program

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

Analysis by the Legislative Reference Bureau

***** ANALYSIS FROM -0783/P1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill eliminates the requirement that DPI issue an initial teaching license to an individual who completes an alternative teacher certification program operated by a provider that is a nonprofit organization and that meets all of the following criteria: 1) the organization operates in at least five states; 2) the organization has been operating an alternative teacher certification program for at least ten years; and 3) the organization requires candidates for certification to pass a subject area exam and the pedagogy exam known as the Professional Teaching Knowledge exam.

***** ANALYSIS FROM -0784/P2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Eliminate
1. Opportunity Schools and Partnership Programs

This bill repeals the Opportunity Schools and Partnership Programs. Under current law, there are three OSPPs: a first class city OSPP applicable only to

3. Eliminate restriction on ^{the} number of school district referenda in a calendar year

Milwaukee Public Schools; the MPS superintendent of schools OSPP; and the OSPP for certain eligible school districts. Current law provides that the first class city OSPP and each eligible school district OSPP are under the supervision of a commissioner appointed by the county executive of the county in which the school district is located. Currently, under each OSPP, the commissioner, or MPS superintendent of schools, grants supervision over the operation and general management of each eligible school in the school district to an entity other than the school board. Those entities include a person that operates a charter school and the governing body of a nonsectarian private school participating in a parental choice program. Under current law, an eligible school is a school that was assigned to the lowest performance category on the most recent accountability report published for the school.

*** ANALYSIS FROM -0987/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, if a school board wants to borrow money through a bond issue or exceed the revenue limit otherwise applicable to the school district, the school board must obtain the approval of the school district's electors at a referendum. Under current law, a school board may submit a resolution to borrow money or exceed the revenue limit to electors for approval or rejection no more than two times in any calendar year. The bill eliminates that restriction.

*** ANALYSIS FROM -1719/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

2017 Wisconsin Act 59, the 2017 Biennial Budget Act, created a process that allows the transfer amount for a child with a disability in the full-time Open Enrollment Program to be determined based on the actual costs to educate the child in the previous school year, as reported by the nonresident school district. The maximum OEP transfer amount based on actual costs is \$30,000. Under current law, an OEP transfer amount based on actual costs will first be transferred in the 2019-20 school year.

This bill repeals the process for determining OEP transfer amounts based on the actual costs and reinstates the OEP transfer amount for a child with a disability that existed prior to the 2017 Biennial Budget Act. Under the bill, the OEP transfer amount for a child with disability is the same for all children and is determined by law. In the 2018-19 school year, the amount is \$12,431.

Under current law, the OEP transfer amount is adjusted annually. The annual adjustment is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2019-20 school year, the OEP transfer amount annual adjustment is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase, if any, in the per member

OEP

eliminates a full-time Open Enrollment transfer amount for a child with a disability

to educate the child in the previous year

5. Annual adjustment to Open Enrollment transfer amount

4. Eliminate Open Enrollment transfer amount based on actual costs

amount of per pupil aid paid to school districts between the previous school year and the current school year.

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

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

1 **SECTION 1.** 13.94 (intro.) of the statutes is amended to read:

2 **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be
3 known as the "Legislative Audit Bureau," headed by a chief known as the "State
4 Auditor." The bureau shall be strictly nonpartisan and shall at all times observe the
5 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
6 (a) and (f), the state auditor or designated employees shall at all times with or
7 without notice have access to all departments and to any books, records, or other
8 documents maintained by the departments and relating to their expenditures,
9 revenues, operations, and structure, including specifically any such books, records,
10 or other documents that are confidential by law, except as provided in sub. (4) and
11 except that access to documents of counties, cities, villages, towns, or school districts
12 is limited to work performed in connection with audits authorized under sub. (1) (m)
13 ~~and except that access to documents of the opportunity schools and partnership~~
14 ~~programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 is limited to~~
15 ~~work performed in connection with audits authorized under sub. (1) (os).~~ In the
16 discharge of any duty imposed by law, the state auditor may subpoena witnesses,
17 administer oaths and take testimony and cause the deposition of witnesses to be
18 taken as prescribed for taking depositions in civil actions in circuit courts.

19 **SECTION 2.** 13.94 (1) (b) of the statutes is amended to read:

.....
SECTION 2

1 13.94 (1) (b) At the state auditor's discretion or as the joint legislative audit
2 committee directs, audit the records of each department. Audits of the records of a
3 county, city, village, town, or school district may be performed only as provided in par.
4 (m). ~~Audits of the records of the opportunity schools and partnership programs~~
5 ~~under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 may be performed only~~
6 ~~as provided in par. (os).~~ After completion of any audit under this paragraph, the
7 bureau shall file with the chief clerk of each house of the legislature, the governor,
8 the department of administration, the legislative reference bureau, the joint
9 committee on finance, the legislative fiscal bureau, and the department audited, a
10 detailed report of the audit, including the bureau's recommendations for
11 improvement and efficiency and including specific instances, if any, of illegal or
12 improper expenditures. The chief clerks shall distribute the report to the joint
13 legislative audit committee, the appropriate standing committees of the legislature,
14 and the joint committee on legislative organization.

15 **SECTION 3.** 13.94 (1) (e) of the statutes is amended to read:

16 13.94 (1) (e) Make such special examinations of the accounts and financial
17 transactions of any department, agency, or officer as the legislature, joint legislative
18 audit committee, or joint committee on legislative organization directs.
19 Examinations of the accounts and transactions of a county, city, village, town, or,
20 ~~subject to par. (os), of a~~ school district, may be performed only as authorized in par.
21 (m).

22 **SECTION 4.** 13.94 (1) (os) of the statutes is repealed.

23 **SECTION 5.** 13.94 (1s) (a) of the statutes is amended to read:

24 13.94 (1s) (a) Except as otherwise provided in par. (c), the legislative audit
25 bureau may charge any department for the reasonable cost of auditing services

1 performed at the request of a department or at the request of the federal government
2 that the bureau is not required to perform under sub. (1) (b) or (c) or any other law.
3 This paragraph does not apply to counties, cities, villages, towns, or school districts
4 ~~or to the opportunity schools and partnership programs under sub. (1) (os).~~

5 **SECTION 6.** 20.255 (2) (cg) of the statutes is amended to read:

6 20.255 (2) (cg) *Tuition payments; full-time open enrollment transfer payments.*

7 The amounts in the schedule for payment of tuition under subch. V of ch. 121 and
8 full-time open enrollment transfer payments under s. 118.51 (16) (b) 2. and (17) (c)
9 2. ~~and (em) 2.~~

10 **SECTION 7.** 20.255 (2) (fs) of the statutes is repealed.

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

11 **SECTION 8.** 40.03 (2) (x) of the statutes is repealed.

12 **SECTION 9.** 59.17 (2) (b) 7. of the statutes is repealed.

13 **SECTION 10.** 59.796 of the statutes is repealed.

14 **SECTION 11.** 62.53 of the statutes is repealed.

15 **SECTION 12.** 63.23 (1) of the statutes is amended to read:

16 63.23 (1) The city service commission shall classify all offices and positions in
17 the city service, excepting those subject to the exemptions of s. 63.27 ~~and those~~
18 ~~subject to an exclusion under s. 119.33 (2) (e) 1. or 119.9002 (5) (a),~~ according to the
19 duties and responsibilities of each position. Classification shall be so arranged that
20 all positions ~~which~~ that in the judgment of the commission are substantially the
21 same with respect to authority, responsibility, and character of work are included in
22 the same class. From time to time the commission may reclassify positions upon a
23 proper showing that the position belongs to a different class.

1 **SECTION 13.** 66.0301 (1) (a) of the statutes is amended to read:

2 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section,
3 “municipality” means the state or any department or agency thereof, or any city,
4 village, town, county, or school district, ~~the opportunity schools and partnership~~
5 ~~programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of~~
6 ~~schools opportunity schools and partnership program under s. 119.33, or any public~~
7 library system, public inland lake protection and rehabilitation district, sanitary
8 district, farm drainage district, metropolitan sewerage district, sewer utility district,
9 solid waste management system created under s. 59.70 (2), local exposition district
10 created under subch. II of ch. 229, local professional baseball park district created
11 under subch. III of ch. 229, local professional football stadium district created under
12 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229,
13 long-term care district under s. 46.2895, water utility district, mosquito control
14 district, municipal electric company, county or city transit commission, commission
15 created by contract under this section, taxation district, regional planning
16 commission, housing authority created under s. 66.1201, redevelopment authority
17 created under s. 66.1333, community development authority created under s.
18 66.1335, or city-county health department.

19 **SECTION 14.** 67.05 (6a) (a) 2. (intro.) of the statutes is amended to read:

20 67.05 (6a) (a) 2. (intro.) Except as provided under pars. (b) and (c) and subs.
21 (7) and (15), ~~and subject to the limit on the number of referendums that may be called~~
22 ~~in any calendar year under subd. 2. a.,~~ if the board of any school district, or the
23 electors at a regularly called school district meeting, by a majority vote adopt an
24 initial resolution to raise an amount of money by a bond issue, the school district
25 clerk shall, within 10 days, publish notice of such adoption as a class 1 notice under

1 ch. 985 or post the notice as provided under s. 10.05. The notice shall state the
2 maximum amount proposed to be borrowed, the purpose of the borrowing, that the
3 resolution was adopted under this subdivision and the place where and the hours
4 during which the resolution may be inspected. The school board shall also do one of
5 the following:

6 **SECTION 15.** 67.05 (6a) (a) 2. a. of the statutes is amended to read:

7 67.05 (6a) (a) 2. a. Direct the school district clerk to submit the resolution to
8 the electors for approval or rejection at the next regularly scheduled spring primary
9 or election or partisan primary or general election, provided such election is to be
10 held not earlier than 70 days after the adoption of the resolution. ~~A school board may~~
11 ~~proceed under this subd. 2. a. and under s. 121.91 (3) (a) 1. no more than 2 times in~~
12 ~~any calendar year.~~ The resolution shall not be effective unless adopted by a majority
13 of the school district electors voting at the referendum.

14 **SECTION 16.** 67.05 (6a) (am) 1. of the statutes is amended to read:

15 67.05 (6a) (am) 1. If the public hearing under par. (a) 2. b. is for informational
16 purposes only and, within 30 days after the public hearing, a petition is filed with the
17 school district clerk for a referendum on the resolution signed by at least 7,500
18 electors of the school district or at least 20 percent of the school district electors, as
19 determined under s. 115.01 (13), whichever is less, the resolution shall not be
20 effective unless adopted by a majority of the school district electors voting at the
21 referendum. ~~Subject to the limit therein, the~~ The school board shall hold the
22 referendum in accordance with par. (a) 2. a. The question submitted shall be whether
23 the initial resolution shall or shall not be approved.

24 **SECTION 17.** 67.12 (12) (h) of the statutes is amended to read:

1 67.12 (12) (h) Paragraph (e) 2. does not apply to borrowing by the school board
2 of a school district created by a reorganization under s. 117.105, or by the school
3 board from which territory is detached to create a school district under s. 117.105,
4 for the purpose of financing any assets or liabilities apportioned to the school district
5 or assets apportioned to another school district under s. 117.105 (1m), or (2m), ~~or~~
6 (4m).

7 **SECTION 18.** 115.28 (7) (a) of the statutes is amended to read:

8 115.28 (7) (a) License all teachers for the public schools of the state; make rules
9 establishing standards of attainment and procedures for the examination and
10 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191,
11 118.1915, 118.192, 118.193, 118.194, and 118.195, ~~and 118.197~~; prescribe by rule
12 standards, requirements, and procedures for the approval of teacher preparatory
13 programs leading to licensure, including a requirement that, beginning on July 1,
14 2012, and annually thereafter, each teacher preparatory program located in this
15 state shall submit to the department a list of individuals who have completed the
16 program and who have been recommended by the program for licensure under this
17 subsection, together with each individual's date of program completion, from each
18 term or semester of the program's most recently completed academic year; file in the
19 state superintendent's office all papers relating to state teachers' licenses; and
20 register each such license.

21 **SECTION 19.** 115.28 (10m) of the statutes is repealed.

22 **SECTION 20.** 115.28 (10o) of the statutes is repealed.

23 **SECTION 21.** 115.77 (1) of the statutes is amended to read:

24 115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (b), if a child
25 with a disability is attending a public school in a nonresident school district under

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

3 **SECTION 22.** 115.79 (1) (b) of the statutes is amended to read:

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

11 **SECTION 23.** Subchapter IX (title) of chapter 115 [precedes 115.999] of the
12 statutes is repealed.

13 **SECTION 24.** 115.999 of the statutes is repealed.

14 **SECTION 25.** 117.05 (1m) of the statutes is amended to read:

15 117.05 (1m) BOARD AND APPEAL PANEL MEETINGS. The state superintendent shall
16 set the time and place for meetings of the board under ss. 117.10, 117.105 (2m) and
17 (4m), 117.12 (5), and 117.132 and for meetings of appeal panels under ss. 117.12 (4)
18 and 117.13.

19 **SECTION 26.** 117.05 (2) (a) of the statutes is amended to read:

20 117.05 (2) (a) *Board.* The state superintendent shall appoint 7 members of the
21 board to perform any review under ss. 117.10, 117.105 (2m) and (4m), 117.12 (5), and
22 117.132. The 7 members shall include the state superintendent or his or her designee
23 on the board, 2 board members from school districts with small enrollments, 2 board
24 members from school districts with medium enrollments, and 2 board members from
25 school districts with large enrollments. Any action of the board under this chapter

1 requires the affirmative vote of at least 4 of the 7 members appointed under this
2 paragraph.

3 **SECTION 27.** 117.05 (4) (a) (intro.) of the statutes is amended to read:

4 117.05 (4) (a) *Pending proceedings.* (intro.) A reorganization proceeding is
5 pending from the date that a petition is filed under s. 117.105 (1) (a), 117.11 (2), or
6 117.12 (2) or a resolution is adopted under s. 117.08 (1), 117.09 (1), 117.10 (1), 117.105
7 (1) (b) ~~or (4m)~~, 117.13 (2), or 117.132 (2) until the date on which the latest of any of
8 the following occurs:

9 **SECTION 28.** 117.05 (4) (d) 1. of the statutes is amended to read:

10 117.05 (4) (d) 1. Except as provided in subd. 2., no petition may be filed or
11 resolution adopted for the creation of a new school district under s. 117.105 (1) (a) or
12 (b) before the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or
13 the adoption of a resolution under s. 117.105 (1) (b) ~~or the date of an order issued~~
14 ~~under s. 117.105 (4m) (e)~~ for any reorganization that includes any of the same
15 territory.

16 **SECTION 29.** 117.05 (9) (a) 1m. of the statutes is repealed.

17 **SECTION 30.** 117.105 (4m) of the statutes is repealed.

18 **SECTION 31.** 117.20 (1) (a) of the statutes is amended to read:

19 117.20 (1) (a) Except as provided in par. (b), if a referendum is required under
20 ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in
21 November following receipt of the petition or adoption of the resolution under s.
22 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required
23 under s. 117.105 (3), it shall be held on the Tuesday after the first Monday in the 2nd
24 November following receipt of the petition or adoption of the resolution under s.
25 117.105 (1). ~~If a referendum is required under s. 117.105 (4m), it shall be held on the~~

1 Tuesday after the first Monday in November following the date an order is issued by
2 the board under s. 117.105 (4m) (e).

3 **SECTION 32.** 117.22 (2) (bm) of the statutes is amended to read:

4 117.22 (2) (bm) If an order of reorganization is issued under s. 117.105, the first
5 election of school board members shall be held at the spring election following the
6 referendum under s. 117.105 (3) ~~or (4m)~~.

7 **SECTION 33.** 118.125 (4) of the statutes is amended to read:

8 118.125 (4) TRANSFER OF RECORDS. No later than the next working day, a school
9 district, and a private school participating in the program under s. 118.60 or in the
10 program under s. 119.23, ~~and the governing body of a private school that, pursuant~~
11 ~~to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (e), is responsible for the operation~~
12 ~~and general management of a school transferred to an opportunity schools and~~
13 ~~partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~
14 transfer to another school, including a private or tribal school, or school district all
15 pupil records relating to a specific pupil if the transferring school district or private
16 school has received written notice from the pupil if he or she is an adult or his or her
17 parent or guardian if the pupil is a minor that the pupil intends to enroll in the other
18 school or school district or written notice from the other school or school district that
19 the pupil has enrolled or from a court that the pupil has been placed in a juvenile
20 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
21 for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and
22 "school district" include any juvenile correctional facility, secured residential care
23 center for children and youth, adult correctional institution, mental health institute,
24 or center for the developmentally disabled that provides an educational program for

1 its residents instead of or in addition to that which is provided by public, private, and
2 tribal schools.

3 **SECTION 34.** 118.19 (3) (a) of the statutes is amended to read:

4 118.19 (3) (a) No license to teach in any public school may be issued unless the
5 applicant possesses a bachelor's degree including such professional training as the
6 department by rule requires, except as permitted under par. (b) and ss. 115.28 (17)
7 (a), 118.191, 118.1915, 118.192, 118.193, and 118.194, and ~~118.197~~. Notwithstanding
8 s. 36.11 (16), no teacher preparatory program in this state may be approved by the
9 state superintendent under s. 115.28 (7) (a), unless each student in the program is
10 required to complete student teaching consisting of full days for a full semester
11 following the daily schedule and semester calendar of the cooperating school. No
12 license to teach in any public school may be granted to an applicant who completed
13 a professional training program outside this state unless the applicant completed
14 student teaching consisting of full days for a full semester following the daily
15 schedule and semester calendar of the cooperating school or the equivalent, as
16 determined by the state superintendent. The state superintendent may grant
17 exceptions to the student teaching requirements under this paragraph when the
18 midyear calendars of the institution offering the teacher preparatory program and
19 the cooperating school differ from each other and would prevent students from
20 attending classes at the institution in accordance with the institution's calendar.
21 The state superintendent shall promulgate rules to implement this subsection. If for
22 the purpose of granting a license to teach or for approving a teacher preparatory
23 program the state superintendent requires that an institution of higher education
24 be accredited, the state superintendent shall accept accreditation by a regional or

1 national institutional accrediting agency recognized by the U.S. department of
2 education or by a programmatic accrediting organization.

3 **SECTION 35.** 118.197 of the statutes is repealed.

4 **SECTION 36.** 118.30 (1g) (a) 3. of the statutes is amended to read:

5 118.30 (1g) (a) 3. The governing body of each private school participating in the
6 program under s. 119.23 and the governing body of a private school that, pursuant
7 to s. ~~115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c)~~, is responsible for the operation
8 and general management of a school transferred to an opportunity schools and
9 partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall
10 adopt pupil academic standards in mathematics, science, reading and writing,
11 geography, and history. The governing body of the private school may adopt the pupil
12 academic standards issued by the governor as executive order no. 326, dated January
13 13, 1998.

14 **SECTION 37.** 118.30 (1s) (intro.) of the statutes is amended to read:

15 118.30 (1s) (intro.) Annually, the governing body of each private school
16 participating in the program under s. 119.23, other than a private school at which
17 fewer than 20 pupils in grades 3 to 12 are attending the school under the program
18 under s. 119.23, and the governing body of a private school that, pursuant to s.
19 ~~115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c)~~, is responsible for the operation and
20 general management of a school transferred to an opportunity schools and
21 partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall
22 do all of the following:

23 **SECTION 38.** 118.33 (1) (f) 2. of the statutes is amended to read:

24 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that
25 operates high school grades and an individual or group or a person that, pursuant

1 to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the
2 operation and general management of a school transferred to an opportunity schools
3 and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119
4 and that operates high school grades shall develop and periodically review and revise
5 a policy specifying criteria for granting a high school diploma. The criteria shall
6 include the pupil's academic performance, successful completion of the civics test
7 under sub. (1m) (a), and the recommendations of teachers.

8 **SECTION 39.** 118.33 (1) (f) 2m. of the statutes is amended to read:

9 118.33 (1) (f) 2m. The governing body of each private school participating in the
10 program under s. 119.23 and the governing body of a private school that, pursuant
11 to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation
12 and general management of a school transferred to an opportunity schools and
13 partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall
14 develop and periodically review and revise a policy specifying criteria for granting
15 a high school diploma to pupils attending the private school under s. 119.23 or the
16 school transferred to an opportunity schools and partnership program under s.
17 119.33, subch. IX of ch. 115, or subch. II of ch. 119. The criteria shall include the
18 pupil's academic performance, successful completion of the civics test under sub.
19 (1m) (a), and the recommendations of teachers.

20 **SECTION 40.** 118.33 (1) (f) 3. of the statutes is amended to read:

21 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under
22 s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999
23 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and
24 general management of a school transferred to an opportunity schools and
25 partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may

1 grant a high school diploma to any pupil unless the pupil has satisfied the criteria
2 specified in the school board's or charter school's policy under subd. 1. or 2. Neither
3 the No governing body of a private school participating in the program under s.
4 119.23 ~~nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33~~
5 ~~(2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management~~
6 ~~of a school transferred to an opportunity schools and partnership program under s.~~
7 ~~119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ may grant a high school diploma
8 to any pupil attending the private school under s. 119.23 ~~or the school transferred~~
9 ~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch.~~
10 ~~115, or subch. II of ch. 119~~ unless the pupil has satisfied the criteria specified in the
11 governing body's policy under subd. 2m. The governing body of a private school
12 participating in the program under s. 118.60 may not grant a high school diploma to
13 any pupil attending the private school under s. 118.60 unless the pupil has satisfied
14 the criteria specified in the governing body's policy under subd. 2r.

15 **SECTION 41.** 118.51 (1) (aj) of the statutes is repealed.

16 **SECTION 42.** 118.51 (9) of the statutes is amended to read:

17 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
18 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from
19 attending public school in a nonresident school district under sub. (3m) (d) or the
20 nonresident school board prohibits a pupil from attending public school in the
21 nonresident school district under sub. (11), the pupil's parent may appeal the
22 decision to the department within 30 days after the decision. If the nonresident
23 school board provides notice that the special education or related service is not
24 available under sub. (12) (b), the pupil's parent may appeal the required transfer to
25 the department within 30 days after receipt of the notice. The department shall

1 affirm the school board's decision unless the department finds that the decision was
2 arbitrary or unreasonable.

3 **SECTION 43.** 118.51 (12) (title) of the statutes is amended to read:

4 118.51 (12) (title) ~~NONRESIDENT SCHOOL DISTRICT STATEMENT OF EDUCATIONAL~~
5 ~~COSTS; SPECIAL~~ SPECIAL EDUCATION OR RELATED SERVICES.

6 **SECTION 44.** 118.51 (12) (a) of the statutes is repealed.

7 **SECTION 45.** 118.51 (12) (b) of the statutes is renumbered 118.51 (12).

8 **SECTION 46.** 118.51 (16) (a) 1. of the statutes is amended to read:

9 118.51 (16) (a) 1. For each school district, the number of nonresident pupils
10 attending public school in the school district under this section, other than pupils for
11 whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

12 **SECTION 47.** 118.51 (16) (a) 2. of the statutes is amended to read:

13 118.51 (16) (a) 2. For each school district, the number of resident pupils
14 attending public school in a nonresident school district under this section, other than
15 pupils for whom a payment is made under sub. (17) (a), or (c), ~~or (em)~~.

16 **SECTION 48.** 118.51 (16) (a) 3. b. of the statutes is amended to read:

17 118.51 (16) (a) 3. b. Beginning with the amount in the 2015-16 school year and
18 ending with the amount for the 2018-19 school year, except as provided in subd. 3.
19 c., ~~in each school year thereafter~~, the sum of the amount determined under this
20 subdivision for the previous school year; the amount of the per pupil revenue limit
21 adjustment under s. 121.91 (2m) for the current school year, if positive; and the
22 change in the amount of statewide categorical aid per pupil between the previous
23 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,
24 if positive.

25 **SECTION 49.** 118.51 (16) (a) 3. bm. of the statutes is created to read:

1 118.51 (16) (a) 3. bm. Beginning with the amount for the 2019-20 school year,
2 except as provided in subd. 3. c., and in each school year thereafter, the sum of the
3 amount determined under this subdivision for the previous school year; the amount
4 of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school
5 year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a)
6 between the previous school year and the current school year, if positive.

7 **SECTION 50.** 118.51 (16) (a) 3. c. of the statutes is amended to read:

8 118.51 (16) (a) 3. c. For the amount in the 2017-18 to 2020-21 school years, the
9 amount determined under subd. 3. b. or bm. plus \$100.

10 **SECTION 51.** 118.51 (16) (c) of the statutes is amended to read:

11 118.51 (16) (c) If a pupil attends public school in a nonresident school district
12 under this section for less than a full school term, the department shall prorate the
13 state aid adjustments under this subsection and sub. (17) (c) ~~and (em)~~ based on the
14 number of days that school is in session and the pupil attends public school in the
15 nonresident school district.

16 **SECTION 52.** 118.51 (16) (d) of the statutes is amended to read:

17 118.51 (16) (d) The department shall ensure that the aid adjustments under
18 par. (b) and sub. (17) (c) ~~and (em)~~ do not affect the amount determined to be received
19 by a school district as state aid under s. 121.08 for any other purpose.

20 **SECTION 53.** 118.51 (17) (title) of the statutes is amended to read:

21 118.51 (17) (title) ~~PUPIL TRANSFER AMOUNT AND PAYMENTS TO A NONRESIDENT~~
22 ~~SCHOOL BOARD~~ STATE AID ADJUSTMENTS AND TUITION; CHILDREN WITH DISABILITIES.

23 **SECTION 54.** 118.51 (17) (b) 2. b. of the statutes is amended to read:

24 118.51 (17) (b) 2. b. In the 2017-18 and 2018-19 school year years, the per pupil
25 transfer amount is the sum of the per pupil transfer amount for the previous school

1 year; the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for
2 the current school year, if positive; and the change in the amount of statewide
3 categorical aid per pupil between the previous school year and the current school
4 year, as determined under s. 118.40 (2r) (e) 2p., if positive.

5 **SECTION 55.** 118.51 (17) (b) 2. c. of the statutes is repealed.

6 **SECTION 56.** 118.51 (17) (b) 2. d. of the statutes is created to read:

7 118.51 (17) (b) 2. d. Beginning in the 2019-20 school year, the per pupil transfer
8 amount is the sum of the per pupil transfer amount for the previous school year; the
9 amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
10 current school year, if positive; and the change in the per pupil amount under s.
11 115.437 (2) (a) between the previous school year and the current school year, if
12 positive.

13 **SECTION 57.** 118.51 (17) (b) 3. of the statutes is repealed.

14 **SECTION 58.** 118.51 (17) (bm) of the statutes is repealed.

15 **SECTION 59.** 118.51 (17) (c) of the statutes is amended to read:

16 118.51 (17) (c) 1. If the number determined in par. (b) 1. a. is greater than the
17 number determined in par. (b) 1. b. for a school district, in the 2016-17, ~~2017-18, and~~
18 ~~2018-19 school years year and in each school year thereafter~~, the department shall
19 increase that school district's state aid payment under s. 121.08 by an amount equal
20 to the difference multiplied by ~~an~~ the amount under par. (b) 2. ~~a., b., or c.~~ for the
21 applicable school year.

22 2. If the number determined in par. (b) 1. a. is less than the number determined
23 in par. (b) 1. b. for a school district, in the 2016-17, ~~2017-18, and 2018-19 school~~
24 ~~years year and in each school year thereafter~~, the department shall decrease that
25 school district's state aid payment under s. 121.08 by an amount equal to the

1 difference multiplied by an amount under par. (b) 2. ~~a., b., or c.~~ for the applicable
2 school year. If the state aid payment under s. 121.08 is insufficient to cover the
3 reduction, the department shall decrease other state aid payments made by the
4 department to the school district by the remaining amount. If the state aid payment
5 under s. 121.08 and other state aid payments made by the department to the school
6 district are insufficient to cover the reduction, the department shall use the moneys
7 appropriated under s. 20.255 (2) (cg) to pay the balance to school districts under subd.
8 1.

9 **SECTION 60.** 118.51 (17) (cm) of the statutes is repealed.

10 **SECTION 61.** Subchapter I (title) of chapter 119 [precedes 119.01] of the statutes
11 is repealed.

12 **SECTION 62.** 119.02 (1) of the statutes is amended to read:

13 119.02 (1) "Board" means the board of school directors in charge of the public
14 schools of a city of the 1st class ~~other than those public schools transferred to the~~
15 ~~opportunity schools and partnership programs under s. 119.33 or subch. II.~~

16 **SECTION 63.** 119.02 (2g) of the statutes is repealed.

17 **SECTION 64.** 119.02 (4) of the statutes is repealed.

18 **SECTION 65.** 119.04 (1) of the statutes is amended to read:

19 119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c),
20 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
21 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 118.001
22 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
23 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
24 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10),
25 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43,

1 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15)
2 to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37),
3 (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a
4 1st class city school district and board ~~but not, unless explicitly provided in this~~
5 ~~chapter or in the terms of a contract, to the commissioner or to any school transferred~~
6 ~~to an opportunity schools and partnership program.~~

7 **SECTION 66.** 119.16 (1n) of the statutes is repealed.

8 **SECTION 67.** 119.16 (2) of the statutes is amended to read:

9 119.16 (2) ESTABLISH SCHOOLS AND DISTRICTS. The board shall maintain the
10 public schools in the city, ~~other than those public schools transferred to the~~
11 ~~opportunity schools and partnership programs under s. 119.33 and subch. II,~~ and
12 shall establish, organize, and maintain such schools as the board determines are
13 necessary to accommodate the children entitled to instruction therein. The board
14 shall divide the city into attendance districts for such schools.

15 **SECTION 68.** 119.16 (8) (a) of the statutes is amended to read:

16 119.16 (8) (a) Annually before adopting its budget for the ensuing school year
17 and at least 5 days before transmitting its completed budget under par. (b), the board
18 shall hold a public hearing on the proposed school budget at a time and place fixed
19 by the board. At least 45 days before the public hearing, the board shall notify the
20 superintendent of schools ~~and the commissioner~~ of the date, time, and place of the
21 hearing. At least one week before the public hearing, the board shall publish a class
22 1 notice, under ch. 985, of the public hearing.

23 **SECTION 69.** 119.16 (8) (b) of the statutes is amended to read:

24 119.16 (8) (b) The board shall transmit its completed budget to the common
25 council on or before the first Monday in August of each year on forms furnished by

1 the auditing officer of the city, and shall include in the budget the information
2 specified under s. 119.46 (1) for all public schools in the city under this chapter,
3 ~~including the schools transferred to the opportunity schools and partnership~~
4 ~~programs under s. 119.33 and subch. II. The board shall itemize those portions of the~~
5 ~~budget allocated to schools transferred to the opportunity schools and partnership~~
6 ~~programs under s. 119.33 and subch. II. Such completed budget shall be published~~
7 ~~with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).~~

8 **SECTION 70.** 119.16 (9) of the statutes is amended to read:

9 119.16 (9) SCHOOL BUDGET. Annually, the board shall prepare a budget for each
10 school in the school district operating under this chapter, ~~other than the schools~~
11 ~~transferred to the opportunity schools and partnership programs under s. 119.33 and~~
12 ~~subch. II.~~

13 **SECTION 71.** 119.16 (15) of the statutes is repealed.

14 **SECTION 72.** 119.33 of the statutes is repealed.

15 **SECTION 73.** 119.44 (2) (a) 5. of the statutes is repealed.

16 **SECTION 74.** 119.46 (1) of the statutes is amended to read:

17 119.46 (1) As part of the budget transmitted annually to the common council
18 under s. 119.16 (8) (b), the board shall report the amount of money required for the
19 ensuing school year to operate all public schools in the city under this chapter,
20 ~~including the schools transferred to the superintendent of schools opportunity~~
21 ~~schools and partnership program under s. 119.33 and to the opportunity schools and~~
22 ~~partnership program under subch. II, to repair and keep in order school buildings~~
23 ~~and equipment, including school buildings and equipment transferred to the~~
24 ~~superintendent of schools opportunity schools and partnership program under s.~~
25 ~~119.33 and to the opportunity schools and partnership program under subch. II, to~~

1 make material improvements to school property, and to purchase necessary
2 additions to school sites. The report shall specify the amount of net proceeds from
3 the sale or lease of city-owned property used for school purposes deposited in the
4 immediately preceding school year into the school operations fund as specified under
5 s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school
6 building deposited in the immediately preceding school year into the school
7 operations fund as specified under s. 119.61 (5). The amount included in the report
8 for the purpose of supporting the Milwaukee Parental Choice Program under s.
9 119.23 shall be reduced by the amount of aid received by the board under s. 121.136
10 and by the amount specified in the notice received by the board under s. 121.137 (2).
11 The common council shall levy and collect a tax upon all the property subject to
12 taxation in the city, which shall be equal to the amount of money required by the
13 board for the purposes set forth in this subsection, at the same time and in the same
14 manner as other taxes are levied and collected. Such taxes shall be in addition to all
15 other taxes ~~which~~ that the city is authorized to levy. The taxes so levied and collected,
16 any other funds provided by law and placed at the disposal of the city for the same
17 purposes, and the moneys deposited in the school operations fund under ss. 119.60
18 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

19 **SECTION 75.** 119.49 (4) of the statutes is amended to read:

20 119.49 (4) The common council shall levy and collect a tax upon all taxable
21 property in the city, in the same manner and at the same time as other taxes are
22 levied and collected, ~~which~~ that shall be sufficient to pay the interest on all school
23 bonds issued under this ~~subchapter~~ chapter ~~which~~ that are outstanding and to pay
24 such part of the principal of such school bonds as becomes due during the ensuing
25 school year.

1 **SECTION 76.** 119.61 (2) (b) of the statutes is amended to read:

2 119.61 (2) (b) The board shall submit a copy of the inventory required under
3 par. (a) to ~~the commissioner~~, the superintendent of schools, the city clerk, the
4 department, and the joint committee on finance.

5 **SECTION 77.** 119.61 (2) (c) of the statutes is amended to read:

6 119.61 (2) (c) In addition to the inventory required under par. (a), the board
7 shall annually notify ~~the commissioner~~, the superintendent of schools, the city clerk,
8 the department, and the joint committee on finance any time a change is made to the
9 use of a school building.

10 **SECTION 78.** 119.61 (3) (a) of the statutes is amended to read:

11 119.61 (3) (a) If, within 60 days after receipt of the inventory required under
12 sub. (2) (a) or of a notice under sub. (2) (c), ~~either the commissioner or the~~
13 superintendent of schools submits a letter of interest regarding an eligible school
14 building, the common council shall immediately proceed to add ~~the commissioner or~~
15 the superintendent of schools, ~~respectively~~, as an agent of the board on any existing
16 lease for the eligible school building between the common council and the board.

17 **SECTION 79.** 119.61 (3) (b) of the statutes is amended to read:

18 119.61 (3) (b) If, no more than 60 days after providing ~~the commissioner and~~
19 the superintendent of schools with a copy of the inventory under sub. (2) (a) or of a
20 notice under sub. (2) (c), ~~neither the commissioner nor the superintendent of schools~~
21 has not submitted a letter of interest under par. (a), the city clerk shall post a public
22 notice on the city's Internet site. The city clerk shall include in the public notice
23 under this subsection the address of and the information specified under sub. (2) (a)
24 1. and 8. for each school building identified on the inventory under sub. (2) (a), or on
25 the notice under sub. (2) (c), that is an eligible school building. The city clerk shall

1 include in the public notice a request for and instructions for submitting letters of
2 interest from persons interested in purchasing an eligible school building.

3 **SECTION 80.** 119.66 of the statutes is amended to read:

4 **119.66 Interest in contracts forbidden.** During the term for which elected
5 or appointed and for 2 years after the expiration of the term, no member of the board
6 may be employed by the board or by the department of employee trust funds in any
7 capacity for which a salary or emolument is provided by the board or the department
8 of employee trust funds. No board member, superintendent of schools, assistant
9 superintendent, other assistant, teacher or other employee of the board may have
10 any interest in the purchase or sale of property by the city for the use or convenience
11 of the schools. No contract made in violation of this section is valid. Any
12 consideration paid by the city for a purchase or sale prohibited by this section may
13 be recovered in an action at law in the name of the city. Any person violating this
14 section shall be removed from any position held under this ~~subchapter~~ chapter.

15 **SECTION 81.** Subchapter II (title) of chapter 119 [precedes 119.9000] of the
16 statutes is repealed.

17 **SECTION 82.** 119.9000 of the statutes is repealed.

18 **SECTION 83.** 119.9001 of the statutes is repealed.

19 **SECTION 84.** 119.9002 of the statutes is repealed.

20 **SECTION 85.** 119.9003 of the statutes is repealed.

21 **SECTION 86.** 119.9004 of the statutes is repealed.

22 **SECTION 87.** 119.9005 of the statutes is repealed.

23 **SECTION 88.** 120.18 (1) (o) of the statutes is repealed.

24 **SECTION 89.** 121.84 (4) (b) of the statutes is amended to read:

1 121.84 (4) (b) If a pupil attends school in a school district outside the pupil's
2 school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply
3 to the pupil as if the pupil were attending school in a nonresident school district
4 under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9)
5 applies.

6 **SECTION 90.** 121.91 (3) (a) 1. of the statutes is amended to read:

7 121.91 (3) (a) 1. If a school board wishes to exceed the limit under sub. (2m)
8 otherwise applicable to the school district in any school year, it shall promptly adopt
9 a resolution supporting inclusion in the final school district budget of an amount
10 equal to the proposed excess revenue. The resolution shall specify whether the
11 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
12 proposed excess revenue is for both recurring and nonrecurring purposes, the
13 amount of the proposed excess revenue for each purpose. The resolution shall be filed
14 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
15 shall notify the department that it will schedule a referendum for the purpose of
16 submitting the resolution to the electors of the school district for approval or rejection
17 and shall submit a copy of the resolution to the department. Except as provided in
18 subd. 2., the school board shall schedule the referendum to be held at the next
19 regularly scheduled spring primary or election or partisan primary or general
20 election, provided such election is to be held not sooner than 70 days after the filing
21 of the resolution of the school board. ~~A school board may proceed under this~~
22 ~~subdivision and under s. 67.05 (6a) 2. a. no more than 2 times in any calendar year.~~
23 The school district clerk shall certify the results of the referendum to the department
24 within 10 days after the referendum is held.

25 **SECTION 91.** 121.91 (4) (p) 1. of the statutes is amended to read:

1 121.91 **(4)** (p) 1. The limit otherwise applicable to a school district under sub.
2 (2m) in any school year is increased by the amount of any reduction to that school
3 district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. ~~or~~
4 ~~(em) 2.~~ in the previous school year for a pupil who was not included in the calculation
5 of the number of pupils enrolled in that school district in the previous school year.

6 **SECTION 92.** 146.89 (1) (d) 2. of the statutes is amended to read:

7 146.89 **(1)** (d) 2. A private school, as defined in s. 115.001 (3r), that participates
8 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
9 under s. 119.23 ~~or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3)~~
10 ~~(e), is responsible for the operation and general management of a school transferred~~
11 ~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch.~~
12 ~~115, or subch. II of ch. 119.~~

13 **SECTION 93.** 146.89 (1) (g) 1. of the statutes is amended to read:

14 146.89 **(1)** (g) 1. A public elementary school, ~~including an elementary school~~
15 ~~transferred to an opportunity schools and partnership program under s. 119.33,~~
16 ~~subch. IX of ch. 115, or subch. II of ch. 119.~~

17 **SECTION 94.** 938.49 (2) (b) of the statutes is amended to read:

18 938.49 **(2)** (b) Notify the juvenile's last school district or, if the juvenile was last
19 enrolled in a private school participating in the program under s. 118.60 or in the
20 program under s. 119.23 ~~or, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002~~
21 ~~(3) (e), in a school under the operation and general management of the governing~~
22 ~~body of a private school, the private school or the governing body of a private school,~~
23 in writing of its obligation under s. 118.125 (4).