

# State of Wisconsin



1997 Senate Bill 357

Date of enactment: **June 3, 1998**  
Date of publication\*: **June 17, 1998**

## 1997 WISCONSIN ACT 240

AN ACT *to repeal* 115.28 (8), 116.03 (13), 118.35 (3) (b) and 120.12 (8); *to consolidate, renumber and amend* 118.35 (3) (intro.) and (a); *to amend* 115.28 (3m) (a), 115.92 (2) (a), 118.14 (1) (intro.), 118.145 (1), 119.04 (1), 120.12 (14), 121.004 (7) (b), 121.004 (7) (c) 1. (intro.), 121.14 (1) and 121.78 (1) (a); and *to create* 120.12 (25) of the statutes; **relating to:** eliminating some of the school district and cooperative educational service agency reporting requirements and granting rule-making authority.

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

**SECTION 1.** 115.28 (3m) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

115.28 (3m) (a) Supervise and audit the receipts and expenditures of the cooperative educational service agencies, conduct program review of the agencies, ~~approve agency evaluations,~~ supervise boundary reorganization where necessary, advise the administrators of the agencies and provide assistance in organizing the agencies throughout the state.

**SECTION 1m.** 115.28 (8) of the statutes is repealed.

**SECTION 2.** 115.92 (2) (a) of the statutes is amended to read:

115.92 (2) (a) Annually, and at such other times as the department requires, every school board that establishes a program under this subchapter shall submit a written report to the department. The report shall specify the number of school age parents instructed or provided service, ~~their school district of residence and the period of time each was instructed or otherwise served during the school year.~~

**SECTION 3.** 116.03 (13) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

**SECTION 4.** 118.14 (1) (intro.) of the statutes is amended to read:

118.14 (1) (intro.) Except as provided in s. ~~115.28 (8)~~ 120.12 (25):

**SECTION 5.** 118.145 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

118.145 (1) The school board of a district operating high school grades shall determine, ~~with the advice and consent of the department,~~ the minimum standards for admission to high school.

**SECTION 6.** 118.35 (3) (intro.) and (a) of the statutes are consolidated, renumbered 118.35 (3) and amended to read:

118.35 (3) Each school board shall: ~~(a) Ensure~~ ensure that all gifted and talented pupils enrolled in the school district have access to a program for gifted and talented pupils.

**SECTION 7.** 118.35 (3) (b) of the statutes, as affected by 1997 Wisconsin Act 27, is repealed.

**SECTION 8.** 119.04 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.03 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361,

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

115.38 (2), 115.40, 115.45, 118.001 to 118.04, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.15, 118.153, 118.16, 118.162, 118.163, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.30 to 118.43, 120.12 (5) and (15) to ~~(24)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34) and (35) and 120.14 are applicable to a 1st class city school district and board.

**SECTION 9.** 120.12 (8) of the statutes is repealed.

**SECTION 10.** 120.12 (14) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

120.12 (14) COURSE OF STUDY. Determine the school course of study, ~~with the advice of the state superintendent.~~

**SECTION 11.** 120.12 (25) of the statutes is created to read:

120.12 (25) EARLY ADMISSION TO KINDERGARTEN AND FIRST GRADE. Prescribe procedures, conditions and standards for early admission to kindergarten and first grade.

**SECTION 12.** 121.004 (7) (b) of the statutes is amended to read:

121.004 (7) (b) A first grade pupil may be counted only if the pupil attains the age permitted under s. ~~115.28 (8)~~ 120.12 (25) or required under s. 118.14 for first grade admission.

**SECTION 13.** 121.004 (7) (c) 1. (intro.) of the statutes is amended to read:

121.004 (7) (c) 1. (intro.) A pupil enrolled in kindergarten may be counted only if the pupil attains the age permitted under s. ~~115.28 (8)~~ 120.12 (25) or required un-

der s. 118.14 for kindergarten admission. A kindergarten pupil shall be counted as one-half pupil except that:

**SECTION 14.** 121.14 (1) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.14 (1) State aid shall be paid to each district or county handicapped children's education board only for those academic summer classes or laboratory periods ~~for which the department has given prior review and approval as to the content of such classes or laboratory periods so as to assure that such classes and laboratory periods are only that are~~ for necessary academic purposes, as defined by the state superintendent by rule. Recreational programs and team sports shall not be eligible for aid under this section, and pupils participating in such programs shall not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with such programs be included in shared costs under s. 121.07 (6).

**SECTION 15.** 121.78 (1) (a) of the statutes, as affected by 1997 Wisconsin Act 27, is amended to read:

121.78 (1) (a) ~~Upon the approval of the state superintendent, the~~ The school board of the district of residence and the school board of the district of attendance may make a written agreement to permit an elementary or high school pupil to attend a public school, including an out-of-state school, outside the school district of residence, and the school district of residence shall pay the tuition. The school district of residence shall be paid state aid as though the pupil were enrolled in the school district of residence.

**SECTION 16. Effective date.**

(1) This act takes effect on July 1, 1998.