



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0841/P3  
TKK;jld:md

DOA:.....Hynek, BB0191 – Repeal requirement that schools provide 180 days of instruction

**FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION**

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

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180

days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

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

**SECTION 1.** 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

**SECTION 2.** 115.01 (10) (b) of the statutes is repealed.

**SECTION 3.** 118.38 (2) (bm) of the statutes is amended to read:

118.38 (2) (bm) The department shall promulgate rules establishing criteria for waiving the requirement to schedule at least the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ or (b).

**SECTION 4.** 118.40 (8) (d) 2. of the statutes is amended to read:

118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~ each school year. No more than 10 hours in any 24-hour period may count toward the requirement under this subdivision.

**SECTION 5.** 120.12 (15) of the statutes is amended to read:

120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal school day. The school board may differentiate between the various elementary and high school grades in scheduling the school day. ~~The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held during the school term.~~ This subsection shall not be construed to eliminate a school district's duty to bargain with the employee's collective bargaining representative over any calendaring proposal which is primarily related to wages, hours, and conditions of employment.

**SECTION 6.** 120.12 (27) (a) and (b) of the statutes are amended to read:

120.12 **(27)** (a) Within 24 hours of a school being closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ or (b) or by the department of health services under s. 252.02 (3), notify the department. The notice shall include the reason for the closure.

(b) Within 24 hours of reopening a school that was closed for a reason specified in s. 115.01 (10) (a) ~~2. or 3.~~ or (b) or by the department of health services under s. 252.02 (3), notify the department that the school has reopened. In the notice, the school board shall include the number of days the school was closed.

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

121.004 **(7)** (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for less than 5 days a week for an entire school year term shall be counted as the result obtained by multiplying the number of hours in each day in which the pupil is enrolled by the total number of days for which the pupil is enrolled, and dividing the result by the ~~product of the~~ total number of hours of attendance ~~per day~~ required of first grade pupils in the school district ~~multiplied by~~ 180.

**SECTION 8.** 121.004 (7) (cm) of the statutes is amended to read:

121.004 **(7)** (cm) A pupil enrolled in a 4-year-old kindergarten program, including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

**SECTION 9.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.) and amended to read:

121.006 (2) (a) (intro.) Hold school for at least 180 days each year the minimum number of hours of direct pupil instruction required for the grade in which a pupil is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

1. Hours during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

**SECTION 10.** 121.006 (2) (a) 2. of the statutes is created to read:

121.006 (2) (a) 2. Hours during which school is closed by order of the school district administrator because of inclement weather and hours during which parent-teacher conferences are held, not to exceed 35 hours during the school term.

**SECTION 11.** 121.006 (2) (a) 3. of the statutes is created to read:

121.006 (2) (a) 3. Hours during which school is closed by order of a local health officer, as defined in s. 250.01 (5), or the department of health services.

**SECTION 12.** 121.006 (2) (a) 4. of the statutes is created to read:

121.006 (2) (a) 4. Hours during which school is closed by order of the school district administrator because of a threat to the health or safety of pupils or school personnel, but not including inclement weather, unless the school board determines that the hours will not count as hours of direct pupil instruction for purposes of s. 121.02 (1) (f).

**SECTION 13.** 121.02 (1) (f) 1. of the statutes is repealed.

**SECTION 14.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and amended to read:

121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours

under this ~~subdivision~~ paragraph include recess and time for pupils to transfer between classes but do not include the lunch period. Scheduled hours under this paragraph may include up to 35 hours on Saturdays. A school board operating a 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

**SECTION 15.** 121.23 (2) (intro.) of the statutes is amended to read:

121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to provide the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) 2. as the result of a strike by school district employees, for the purposes of computing general aid, the state superintendent shall compute the school district's primary and secondary ceiling costs per member in accordance with the procedure specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

(END)