



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1213/1
PG:cjs:md

DOA:.....Hanle, BB0274 - Eliminate selected categorical aids

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

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. 13.101 (6) (a) of the statutes is amended to read:

13.101 (6) (a) As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the

committee may reduce any appropriation made to any board, commission, department, or the University of Wisconsin System, or to any other state agency or activity, by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by ss. 20.255 (2) (ac), ~~(be)~~, (bh), (cg), and (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af), (aq), (ar), and (au), 20.435 (7) (a) and (da), and 20.437 (2) (a) and (dz) or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any county, city, village, town, or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

SECTION 2. 20.255 (2) (ad) 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.

SECTION 3. 20.255 (2) (bc) 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.

SECTION 4. 20.255 (2) (ce) 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.

SECTION 5. 20.255 (2) (cf) 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.

SECTION 6. 20.255 (2) (df) 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.

SECTION 7. 20.255 (2) (dL) 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.

SECTION 8. 20.255 (2) (dm) 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.

SECTION 9. 20.255 (2) (do) 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.

SECTION 10. 20.255 (2) (fw) 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.

SECTION 11. 20.255 (2) (fz) 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.

SECTION 12. 38.40 (4m) (a) of the statutes is amended to read:

38.40 (4m) (a) The board may approve an innovative school-to-work program provided by a nonprofit organization for children at risk, as defined in s. 118.153 (1) (a) 115.001 (1m), in a county having a population of 500,000 or more to assist those children at risk in acquiring employability skills and occupational-specific competencies before leaving high school. If the board approves a program under this paragraph, the board may award a grant, from the appropriation under s. 20.292 (1) (ef), to the nonprofit organization providing the program and the nonprofit organization shall use the funds received under the grant to provide the program.

SECTION 13. 48.345 (12) (a) 1. of the statutes is amended to read:

48.345 (12) (a) 1. A nonresidential educational program, ~~including a program for children at risk under s. 118.153,~~ provided by the school district in which the child resides.

SECTION 14. 48.487 (4m) (a) 2. of the statutes is amended to read:

48.487 (4m) (a) 2. “Dropout” has the meaning given under s. ~~118.153 (1) (b)~~ 115.001 (2m).

SECTION 15. 49.26 (1) (g) 12. of the statutes is repealed.

SECTION 16. 49.26 (1) (gm) 1. c. of the statutes is amended to read:

49.26 (1) (gm) 1. c. Dropouts, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m), including individuals who were dropouts and reenrolled in school in the same or immediately succeeding semester in which they dropped out of school.

SECTION 17. 115.28 (24) of the statutes is amended to read:

115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to school boards under ~~ss. s. 115.36 and 115.361,~~ and in awarding grants from federal funds received under ~~20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862~~ (b) (1) (B), to programs that provide more than one of the educational services specified under s. 115.36, ~~115.361,~~ 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153 or 20 USC 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862~~ (b) (1) (B).

SECTION 18. 115.28 (35) of the statutes is repealed.

SECTION 19. 115.28 (39) of the statutes is amended to read:

115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and biennially~~ Biennially by July 1 thereafter, evaluate the effectiveness of the programs under ~~ss. s. 115.36 and 115.361~~ and submit a report to the legislature under s. 13.172 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~

~~may incorporate into the report under this subsection the report required under s. 115.361 (2).~~

SECTION 20. 115.28 (45) of the statutes is repealed.

SECTION 21. 115.28 (46) of the statutes is repealed.

SECTION 22. 115.28 (47) of the statutes is repealed.

SECTION 23. 115.31 (1) (b) of the statutes is amended to read:

115.31 (1) (b) “Educational agency” means a school district, cooperative educational service agency, state correctional institution under s. 302.01, juvenile correctional facility, as defined in s. 938.02 (10p), secured residential care center for children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, or a private school, ~~or a private, nonprofit, nonsectarian agency under contract with a school board~~ under s. 118.153 (3) (e).

SECTION 24. 115.361 of the statutes is repealed.

SECTION 25. 115.366 of the statutes is repealed.

SECTION 26. 115.435 of the statutes is repealed.

SECTION 27. 115.45 of the statutes is repealed.

SECTION 28. 117.15 (6) of the statutes is amended to read:

117.15 (6) The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district, in territory proposed to be included in a new school district under s. 117.105 or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of the pupils who reside

in such territory who are children at risk, ~~as defined under s. 118.153 (1) (a)~~; and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

SECTION 29. 118.15 (1) (b) of the statutes is amended to read:

118.15 (1) (b) Upon the child's request of the school board and with the written approval of the child's parent or guardian, any child who is 16 years of age or over and a child at risk, ~~as defined in s. 118.153 (1) (a)~~, may attend, in lieu of high school or on a part-time basis, a technical college if the child and his or her parent or guardian agree, in writing, that the child will participate in a program leading to the child's high school graduation. The district board of the technical college district in which the child resides shall admit the child. Every technical college district board shall offer day class programs satisfactory to meet the requirements of this paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

SECTION 30. 118.153 (title) and (1) (intro.) of the statutes are repealed.

SECTION 31. 118.153 (1) (a) of the statutes is renumbered 115.001 (1m).

SECTION 32. 118.153 (1) (b) of the statutes is renumbered 115.001 (2m).

SECTION 33. 118.153 (2) to (7) of the statutes are repealed.

SECTION 34. 118.16 (2) (cg) 2. of the statutes is amended to read:

118.16 (2) (cg) 2. A statement that the parent, guardian or child may request program or curriculum modifications for the child under s. 118.15 (1) (d) ~~and that the child may be eligible for enrollment in a program for children at risk under s. 118.153 (3)~~.

SECTION 35. 118.16 (2m) (a) 2. of the statutes is amended to read:

118.16 **(2m)** (a) 2. An employee of the school district who is directly involved in the provision of a modified program or curriculum under s. 118.15 (1) (d), ~~a program for children at risk under s. 118.153~~ or an alternative educational program under s. 119.82 or any other alternative educational program to children who attend the school attended by the truant child, if the school district administrator believes that the program or curriculum may be appropriate for the truant child.

SECTION 36. 118.163 (1) (a) of the statutes is repealed.

SECTION 37. 118.40 (3) (d) of the statutes is amended to read:

118.40 **(3)** (d) A school board or an entity under sub. (2r) (b) shall give preference in awarding contracts for the operation of charter schools to those charter schools that serve children at risk, ~~as defined in s. 118.153 (1) (a).~~

SECTION 38. 118.55 (7r) (a) 4. of the statutes is amended to read:

118.55 **(7r)** (a) 4. The pupil is not a child at risk, ~~as defined in s. 118.153 (1) (a).~~

SECTION 39. 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, ~~118.153~~, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 40. 119.245 of the statutes is repealed.

SECTION 41. 121.007 of the statutes is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), ~~(be)~~, (cg), and (cr), shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment, or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel, and current repairs.

SECTION 42. 121.02 (1) (n) of the statutes is repealed.

SECTION 43. 938.02 (14m) of the statutes is repealed.

SECTION 44. 938.13 (6m) of the statutes is amended to read:

938.13 **(6m)** SCHOOL DROPOUT. The juvenile is a school dropout, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m).

SECTION 45. 938.20 (2) (f) 2. of the statutes is amended to read:

938.20 **(2)** (f) 2. Make a determination of whether the juvenile is a child at risk, as defined in s. ~~118.153 (1) (a)~~ 115.001 (1m), unless that determination has been made within the current school semester. ~~If a juvenile is determined to be a child at risk under this subdivision, the school administrator shall provide a program for the juvenile according to the plan developed under s. 118.153 (2) (a).~~

SECTION 46. 938.245 (2) (a) 4. of the statutes is amended to read:

938.245 **(2)** (a) 4. 'Alcohol and other drug abuse treatment and education.' That the juvenile participate in an alcohol and other drug abuse outpatient treatment program, ~~a court-approved pupil assistance program provided by the juvenile's school board,~~ or a court-approved alcohol or other drug abuse education program, if an alcohol and other drug abuse assessment under subd. 3. recommends outpatient treatment, intervention, or education. ~~The juvenile's participation in a~~

~~court-approved pupil assistance program is subject to the approval of the juvenile's school board.~~

SECTION 47. 938.295 (1g) of the statutes is amended to read:

938.295 **(1g)** REPORT OF RESULTS AND RECOMMENDATIONS. If the court orders an alcohol or other drug abuse assessment under sub. (1), the approved treatment facility shall, within 14 days after the order, report the results of the assessment to the court, except that, if requested by the facility and if the juvenile is not held in secure or nonsecure custody, the court may extend the period for assessment for not more than 20 additional working days. The report shall include a recommendation as to whether the juvenile is in need of treatment, intervention, or education relating to the use or abuse of alcohol beverages, controlled substances, or controlled substance analogs and, if so, shall recommend a service plan and appropriate treatment from an approved treatment facility, ~~intervention from a court-approved pupil assistance program,~~ or education from a court-approved alcohol or other drug abuse education program.

SECTION 48. 938.32 (1g) (b) of the statutes is amended to read:

938.32 **(1g)** (b) That the juvenile participate in ~~a court-approved pupil assistance program provided by the juvenile's school board or a court-approved alcohol or other drug abuse education program. The juvenile's participation in a court-approved pupil assistance program is subject to the approval of the juvenile's school board.~~

SECTION 49. 938.34 (7d) (a) 1. of the statutes is amended to read:

938.34 **(7d)** (a) 1. A nonresidential educational program, ~~including a program for children at risk under s. 118.153,~~ provided by the school district in which the juvenile resides.

SECTION 50. 938.34 (14s) (b) 3. of the statutes is amended to read:

938.34 (14s) (b) 3. Participate in ~~a court-approved pupil assistance program provided by the juvenile's school board or an alcohol or other drug abuse education program. The juvenile's participation in a court-approved pupil assistance program under this subdivision is subject to the approval of the juvenile's school board.~~

SECTION 51. 938.34 (14s) (d) of the statutes is amended to read:

938.34 (14s) (d) If the juvenile completes the alcohol or other drug abuse treatment program, ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug abuse education program, the approved treatment facility, ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug abuse education program shall, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notify the agency primarily responsible for providing services to the juvenile that the juvenile has complied with the order and the court shall notify the juvenile of whether or not the original dispositional order will be reinstated.

SECTION 52. 938.34 (14s) (e) of the statutes is amended to read:

938.34 (14s) (e) If an approved treatment facility, ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug abuse education program, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notifies the agency primarily responsible for providing services to the juvenile that a juvenile is not participating in, or has not satisfactorily completed, a recommended alcohol or other drug abuse treatment program, ~~a court-approved pupil assistance program~~ or a court-approved alcohol or other drug abuse education program, the court shall impose the original disposition under par. (a) or (am).

SECTION 53. 938.343 (10) (c) of the statutes is amended to read:

938.343 (10) (c) Participate in ~~a court-approved pupil assistance program provided by the juvenile's school board or in~~ a court-approved alcohol or other drug abuse education program. The juvenile's participation in a court-approved pupil assistance program under this paragraph is subject to the approval of the juvenile's school board.

SECTION 54. 938.344 (2g) (a) 3. of the statutes is amended to read:

938.344 (2g) (a) 3. Participate in ~~a court-approved pupil assistance program provided by the juvenile's school board or in~~ a court-approved alcohol or other drug abuse education program. The juvenile's participation in a court-approved pupil assistance program under this subdivision is subject to the approval of the juvenile's school board.

SECTION 55. 938.344 (2g) (c) of the statutes is amended to read:

938.344 (2g) (c) If the juvenile completes the alcohol or other drug abuse treatment program, ~~court-approved pupil assistance program or court-approved alcohol or other drug abuse education program,~~ the approved treatment facility, ~~court-approved pupil assistance program or court-approved alcohol or other drug abuse education program~~ shall, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notify the agency primarily responsible for providing services to the juvenile that the juvenile has complied with the order and the court shall notify the juvenile of whether or not the penalty will be reinstated.

SECTION 56. 938.344 (2g) (d) of the statutes is amended to read:

938.344 (2g) (d) If an approved treatment facility, ~~court-approved pupil assistance program,~~ or court-approved alcohol or other drug abuse education

program, with the written informed consent of the juvenile or, if the juvenile has not attained the age of 12, the written informed consent of the juvenile's parent, notifies the agency primarily responsible for providing services to the juvenile that a juvenile is not participating, or has not satisfactorily completed, a recommended alcohol or other drug abuse treatment program, ~~a court-approved pupil assistance program,~~ or a court-approved alcohol or other drug abuse education program, the court shall hold a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d), or (2e).

SECTION 57. 938.345 (2) of the statutes is amended to read:

938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a juvenile is in need of protection or services based on the fact that the juvenile is a school dropout, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m), or based on habitual truancy, and the court also finds that the juvenile has dropped out of school or is a habitual truant as a result of the juvenile's intentional refusal to attend school rather than the failure of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or in addition to any other disposition imposed under sub. (1), may enter an order permitted under s. 938.342.

(END)