



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1218/P2
KRP:amn

DOA:.....Kretschmann, BB0427 - Repeal Opportunity Schools and Partnership Program

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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 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.

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

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

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

13.94 (1) (b) At the state auditor’s discretion or as the joint legislative audit committee directs, audit the records of each department. Audits of the records of a

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

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

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

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

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

13.94 (1s) (a) Except as otherwise provided in par. (c), the legislative audit bureau may charge any department for the reasonable cost of auditing services performed at the request of a department or at the request of the federal government that the bureau is not required to perform under sub. (1) (b) or (c) or any other law.

This paragraph does not apply to counties, cities, villages, towns, or school districts or to the opportunity schools and partnership programs under sub. (1) (os).

SECTION 6. 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.

SECTION 7. 40.03 (2) (x) of the statutes is repealed.

SECTION 8. 59.17 (2) (b) 7. of the statutes is repealed.

SECTION 9. 59.796 of the statutes is repealed.

SECTION 10. 62.53 of the statutes is repealed.

SECTION 11. 63.23 (1) of the statutes is amended to read:

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

SECTION 12. 66.0301 (1) (a) of the statutes is amended to read:

66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section, “municipality” means the state or any department or agency thereof, or any city, village, town, county, or school district, ~~the opportunity schools and partnership programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of schools opportunity schools and partnership program under s. 119.33, or any public library system, public inland lake protection and rehabilitation district, sanitary~~

district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, housing authority created under s. 66.1201, redevelopment authority created under s. 66.1333, community development authority created under s. 66.1335, or city-county health department.

SECTION 13. 67.12 (12) (h) of the statutes is amended to read:

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

SECTION 14. 115.28 (10m) of the statutes is repealed.

SECTION 15. 115.28 (10o) of the statutes is repealed.

SECTION 16. Subchapter IX (title) of chapter 115 [precedes 115.999] of the statutes is repealed.

SECTION 17. 115.999 of the statutes is repealed.

SECTION 18. 117.05 (1m) of the statutes is amended to read:

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

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

117.05 (2) (a) *Board.* The state superintendent shall appoint 7 members of the board to perform any review under ss. 117.10, 117.105 (2m) and (4m), 117.12 (5), and 117.132. The 7 members shall include the state superintendent or his or her designee on the board, 2 board members from school districts with small enrollments, 2 board members from school districts with medium enrollments, and 2 board members from school districts with large enrollments. Any action of the board under this chapter requires the affirmative vote of at least 4 of the 7 members appointed under this paragraph.

SECTION 20. 117.05 (4) (a) (intro.) of the statutes is amended to read:

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

SECTION 21. 117.05 (4) (d) 1. of the statutes is amended to read:

117.05 (4) (d) 1. Except as provided in subd. 2., no petition may be filed or resolution adopted for the creation of a new school district under s. 117.105 (1) (a) or (b) before the 5th July 1 following the filing of a petition under s. 117.105 (1) (a) or the adoption of a resolution under s. 117.105 (1) (b) or the date of an order issued

~~under s. 117.105 (4m) (e) for any reorganization that includes any of the same territory.~~

SECTION 22. 117.05 (9) (a) 1m. of the statutes is repealed.

SECTION 23. 117.105 (4m) of the statutes is repealed.

SECTION 24. 117.20 (1) (a) of the statutes is amended to read:

117.20 (1) (a) Except as provided in par. (b), if a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a), or 117.11 (4) (a). If a referendum is required under s. 117.105 (3), it shall be held on the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1). ~~If a referendum is required under s. 117.105 (4m), it shall be held on the Tuesday after the first Monday in November following the date an order is issued by the board under s. 117.105 (4m) (e).~~

SECTION 25. 117.22 (2) (bm) of the statutes is amended to read:

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

SECTION 26. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. No later than the next working day, a school district, and a private school participating in the program under s. 118.60 or in the program under s. 119.23, ~~and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~

transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and “school district” include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

SECTION 27. 118.30 (1g) (a) 3. of the statutes is amended to read:

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

SECTION 28. 118.30 (1s) (intro.) of the statutes is amended to read:

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

SECTION 29. 118.33 (1) (f) 2. of the statutes is amended to read:

118.33 **(1)** (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that operates high school grades and ~~an individual or group or a person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ and that operates high school grades shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

SECTION 30. 118.33 (1) (f) 2m. of the statutes is amended to read:

118.33 **(1)** (f) 2m. The governing body of each private school participating in the program under s. 119.23 and ~~the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~ develop and periodically review and revise a policy specifying criteria for granting

a high school diploma to pupils attending the private school under s. 119.23 ~~or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119.~~ The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

SECTION 31. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under s. 118.40 (2r) or (2x) ~~nor an individual or group or person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. ~~Neither the No governing body of a private school participating in the program under s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ may grant a high school diploma to any pupil attending the private school under s. 119.23 ~~or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~ unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m. The governing body of a private school participating in the program under s. 118.60 may not grant a high school diploma to any pupil attending the private school under s. 118.60 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2r.

SECTION 32. Subchapter I (title) of chapter 119 [precedes 119.01] of the statutes is repealed.

SECTION 33. 119.02 (1) of the statutes is amended to read:

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

SECTION 34. 119.02 (2g) of the statutes is repealed.

SECTION 35. 119.02 (4) of the statutes is repealed.

SECTION 36. 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, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445, 115.449, 115.453, 115.457, 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, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (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), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board ~~but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.~~

***NOTE: This is reconciled s. 119.04 (1). This SECTION has been affected by drafts with the following LRB numbers: -1218/p1, -1229/p2, -1237/p2, and -1399/p3.

SECTION 37. 119.16 (1n) of the statutes is repealed.

SECTION 38. 119.16 (2) of the statutes is amended to read:

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

SECTION 39. 119.16 (8) (a) of the statutes is amended to read:

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

SECTION 40. 119.16 (8) (b) of the statutes is amended to read:

119.16 (8) (b) The board shall transmit its completed budget to the common council on or before the first Monday in August of each year on forms furnished by the auditing officer of the city, and shall include in the budget the information specified under s. 119.46 (1) for all public schools in the city under this chapter, ~~including the schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II.~~ The board shall itemize those portions of the budget allocated to schools transferred to the opportunity schools and partnership programs under s. 119.33 and subch. II. Such completed budget shall be published with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).

SECTION 41. 119.16 (9) of the statutes is amended to read:

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

SECTION 42. 119.16 (15) of the statutes is repealed.

SECTION 43. 119.33 of the statutes is repealed.

SECTION 44. 119.44 (2) (a) 5. of the statutes is repealed.

SECTION 45. 119.49 (4) of the statutes is amended to read:

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

SECTION 46. 119.61 (2) (b) of the statutes is amended to read:

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

SECTION 47. 119.61 (2) (c) of the statutes is amended to read:

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

SECTION 48. 119.61 (3) (a) of the statutes is amended to read:

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

SECTION 49. 119.61 (3) (b) of the statutes is amended to read:

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

SECTION 50. 119.66 of the statutes is amended to read:

119.66 Interest in contracts forbidden. During the term for which elected or appointed and for 2 years after the expiration of the term, no member of the board may be employed by the board or by the department of employee trust funds in any capacity for which a salary or emolument is provided by the board or the department of employee trust funds. No board member, superintendent of schools, assistant superintendent, other assistant, teacher, or other employee of the board may have any interest in the purchase or sale of property by the city for the use or convenience

of the schools. No contract made in violation of this section is valid. Any consideration paid by the city for a purchase or sale prohibited by this section may be recovered in an action at law in the name of the city. Any person violating this section shall be removed from any position held under this ~~subchapter~~ chapter.

SECTION 51. Subchapter II (title) of chapter 119 [precedes 119.9000] of the statutes is repealed.

SECTION 52. 119.9000 of the statutes is repealed.

SECTION 53. 119.9001 of the statutes is repealed.

SECTION 54. 119.9002 of the statutes is repealed.

SECTION 55. 119.9003 of the statutes is repealed.

SECTION 56. 119.9004 of the statutes is repealed.

SECTION 57. 119.9005 of the statutes is repealed.

SECTION 58. 120.18 (1) (o) of the statutes is repealed.

SECTION 59. 146.89 (1) (d) 2. of the statutes is amended to read:

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

SECTION 60. 146.89 (1) (g) 1. of the statutes is amended to read:

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

SECTION 61. 938.49 (2) (b) of the statutes is amended to read:

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

(END)