



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 105
[2011 Senate Bill 95]

Various Changes for School Districts and Expulsion in Charter Schools

2011 Senate Bill 95 makes various changes for school districts and specifies expulsion proceedings for charter schools.

LIBRARY FUNDS

In general, funding distributed to school districts from the Common School Fund may be used only to purchase instructional materials from the State Historical Society for use in teaching Wisconsin history and to purchase library books and other instructional materials for school libraries. Under the Act, a school district may use such money received in a fiscal year to purchase school library computers and related software if the school board consults with the person who supervises the school district's libraries and the computers and software are housed in the school library.

Prior to the Act, up to 25% of Common School Fund moneys could be used to purchase school library computers and related software.

CONTRACTS FOR SPECIAL EDUCATION SERVICES

A school board may employ certain personnel for a special education program to work with any teacher of regular education programs who has a child with a disability in a class. In addition, the school board may contract with private or public agencies for physical or occupational therapy services on the basis of demonstrated need.

The Act additionally permits a school board to contract with private or public agencies for orientation and mobility services, educational audiology, speech and language therapy, pupil transition services for eligible pupils who are 18 to 21 years old, or any service approved by the State Superintendent of Public Instruction.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

SCHOOL USE OF LAW ENFORCEMENT RECORDS

Current law and the Act provide that, neither law enforcement records relating to a pupil who is a juvenile nor juvenile court records may be used by a school district as the sole basis for expelling or suspending a pupil or as the sole basis for taking any other disciplinary action.

The Act provides that such records may be used as the sole basis for taking action against a pupil *under the school district's athletic code*.

TEACHER EVALUATIONS

Prior law permitted a school board to use the results of the Wisconsin Knowledge and Concepts Examination (WKCE) to evaluate teachers if the school board has developed a teacher evaluation plan that includes all of the following:

- A description of the evaluation process.
- Multiple criteria in addition to examination records.
- The rationale for using examination results to evaluate teachers.
- An explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

The results of the WKCE could not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

The Act permits a school board to use *value-added analyses of scores* on the WKCE to evaluate teachers if the school board has developed a teacher evaluation plan, as described above. Also, under the Act, the results of the WKCE may not be used *as the sole reason* to discharge, suspend, or formally discipline a teacher or as the *sole reason* for the nonrenewal of a teacher's contract.

These provisions first apply to examinations administered during the 2012-13 school year.

HIGH SCHOOL PHYSICAL EDUCATION CREDITS

In order to graduate from high school, a pupil must earn a specified number of credits in specified subjects, including 1.5 credits of physical education.

The Act permits a school board to allow a pupil who participates in sports or in another organized physical activity, as determined by the school board, to complete an additional 0.5 credit in English, social studies, mathematics, science, or health education in lieu of 0.5 credit of physical education.

This provision first applies to high school diplomas granted on the effective date of the Act.

EXPULSION OF PUPILS AND ENROLLMENT OF EXPELLED PUPILS

Current law permits a school board to expel a student for certain types of conduct while at school or under the supervision of a school authority. Prior to expelling a pupil, the school board must hold a hearing and follow other procedures as prescribed by statute.

A school district may provide early reinstatement to a pupil who has been expelled and may require the pupil to meet specified early reinstatement conditions before being reinstated or after being reinstated but before the expulsion expires.

Under current law, no school board is required to enroll a pupil during the term of his or her expulsion from another school district.

The Act provides that a charter or contract for the establishment of a charter school may include grounds for expelling a student from the charter school. If the charter or contract includes grounds for expelling a pupil from the charter school, the charter or contract must include the procedures to be followed by the charter school prior to expelling a pupil.

Under the Act, in addition to the provision that no school board is required to enroll a pupil while he or she is expelled from another district, no school board is required to enroll a pupil during the term of his or her expulsion from a public school *in another state* if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under Wisconsin statute. The Act further provides that no school board is required to enroll a pupil during the term of his or her expulsion from a *charter school* that is not an instrumentality of a school board.

The Act creates new provisions under which a school board, other than the school board that expelled a pupil, may specify in a written order one or more enrollment conditions instead of or in addition to any early reinstatement conditions imposed by the school board that expelled the pupil. If a school district administrator, or his or her designee, of a school district other than the school district from which a pupil was expelled determines that the pupil has met the enrollment conditions established, the school district administrator or designee may grant the pupil conditional enrollment in a school in the school district.

SAGE PROGRAM

Current law allows an eligible school district to receive \$2,250 for each low-income pupil enrolled in grades eligible for student achievement guarantee (SAGE) funding for schools with specified low-income enrollment. In order to receive this funding, the school district must enter into a five-year renewable contract with the Department of Public Instruction (DPI) to reduce class size in eligible schools to 18 pupils in grades Kindergarten to three over the first three years of the contract and, thereafter, maintain a class size of 18 in those grades.

The Act creates an exception to the class size requirement. The Act provides that a school district that has entered into or renewed a SAGE contract may, in one or more years covered by the contract, choose not to comply with the requirement to reduce class size in the manner required under current law in grades two or three, or both, in one or more schools in the district.

MILWAUKEE PUBLIC SCHOOLS CALENDAR

Under current law, the board of the Milwaukee Public Schools (MPS) may determine the school calendar and vacation periods for each school year for the regular school days, summer schools, social centers, and playgrounds. The Act repeals a provision under which the period of teaching service in the regular school days may not exceed 200 days, including the legal holidays and educational convention days on which the schools are closed.

TAX LEVY DETERMINATION DATE

Each school board must annually determine the tax amount necessary to be raised to operate and maintain the schools in the school district. Prior law required the school district clerk to certify that amount to the municipal clerk on or before November 6 so that the clerk may assess the amount certified and enter it on the tax rolls.

The Act requires the amount to be certified on or before November 10.

PUPIL TRANSPORTATION AID

Under current law, if the appropriation for state aid for public and private pupil transportation in any year is insufficient to pay the full amount of approved claims, state aid payments for school districts must be prorated.

The Act provides that if the appropriation for state aid for public and private pupil transportation in any fiscal year exceeds the amount of approved claims paid in full, DPI must distribute the balance to those school districts entitled to state aid, with each school district receiving a percentage of the balance equal to its percentage of the total approved claims.

Effective date: Act 105 took effect on December 21, 2011.

Prepared by: Anne Sappenfield, Senior Staff Attorney

December 27, 2011

AS:ty