



1995 ASSEMBLY BILL 496

July 27, 1995 – Introduced by Representatives BALDUS, WILDER, MEYER and BELL,
cosponsored by Senator CLAUSING. Referred to Committee on Education.

1 **AN ACT to repeal** 115.01 (10) (a) 1., 115.01 (10) (a) 2., 115.01 (10) (b), 119.18 (6)
2 (a), 121.004 (7) (c) 1. a., 121.004 (7) (c) 2., 121.02 (1) (f) 1., 121.05 (3), 121.05 (4)
3 and 121.14; **to renumber** 121.02 (1) (f) 2.; **to renumber and amend** 115.01
4 (10) (a) (intro.) and 121.006 (2) (a); **to consolidate, renumber and amend**
5 119.18 (6) (intro.) and (b) and 121.004 (7) (c) 1. (intro.) and b.; **to amend** 115.28
6 (18), 115.86 (10) (b), 117.03 (3m), 117.11 (2), 117.12 (2), 117.12 (5) (a) 2., 117.13
7 (2), 118.04 (4), 119.18 (7), 119.71 (1), 120.12 (15), 120.14 (1), 121.004 (5), 121.004
8 (7) (a), 121.004 (7) (cm), 121.05 (1) (a) (intro.), 121.05 (1) (a) 8., 121.23 (2) (intro.),
9 121.58 (4), 121.91 (2m) (a) 1., 121.91 (2m) (a) 4., 121.91 (2m) (b) 1. and 121.91
10 (2m) (b) 3.; and **to create** 121.004 (5m), 121.004 (7) (e), 121.004 (7) (f), 121.004
11 (7) (g), 121.006 (2) (a) 2., 121.05 (1) (a) 10., 121.05 (1) (a) 11., 121.05 (2m), 121.91
12 (2m) (a) 3m. and 121.91 (2m) (b) 2m. of the statutes; **relating to:** the calculation
13 of pupil enrollment for school aid purposes.

Analysis by the Legislative Reference Bureau

Under current law, school is required to be held for at least 180 days during the school term. In addition, each school board must 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. This bill requires that school be held for these minimum required hours of instruction and eliminates the requirement that school be held at least 180 days.

Under current law, the membership of a school district and the shared cost of a school district (a school district's net cost of its general fund and debt service fund) are used to calculate the amount of aid that a school district may receive under the state aid formula. The membership is defined as the sum of the average number of pupils enrolled on the 3rd Friday of September and the 2nd Friday of January of the previous school year, including certain other pupils enrolled in special programs or schools in the school district, and the average daily membership equivalent of pupils enrolled in summer school classes. This bill changes the definition of membership to be the number of pupils enrolled in the school district during the previous school year, including certain other pupils enrolled in special programs or schools in the school district. A pupil is counted as the number obtained by dividing the total number of hours of instruction in which the pupil is enrolled during the school term by the minimum required hours of instruction, as described above.

Under current law, a school board may establish rules scheduling the hours of a normal school day and may differentiate between the various elementary and high school grades in scheduling the school day. The bill authorizes the school board, in scheduling the school day, to differentiate among schools, educational programs and the various elementary and high school grades.

Finally, current law limits the increase in the total amount of revenue that a school district may receive from general school aids and property taxes in the 1993-94 to 1997-98 school years. In the 1993-94 school year, the maximum allowable increase per pupil was \$190 or the per pupil revenue amount multiplied by the rate of inflation, whichever is greater. Beginning in the 1994-95 school year, the \$190 per pupil amount is adjusted each year by the rate of inflation. The allowable revenue limit increase per pupil during the 1994-95 school year is \$194 per pupil or 2.3%, whichever is greater. This amount is obtained through a calculation that uses a school district's state aid that it received in the previous school year, the property taxes levied for the previous school year and the average number of pupils in the 3 previous school years. (Number of pupils is defined as the number of pupils enrolled on the 3rd Friday of September.)

This bill changes the factors that are used in calculating the revenue limits. Specifically, the bill replaces the number of pupils factor with a membership factor, with membership defined as the number of pupils enrolled in the school district during the previous school year, calculated as described above, including certain other pupils enrolled in special programs or schools in the school district.

All changes made by the bill first apply in the 1996-97 school year.

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:

1 **SECTION 1.** 115.01 (10) (a) (intro.) of the statutes is renumbered 115.01 (10) and
2 amended to read:

3 115.01 **(10)** SCHOOL DAY. School days are days on which school is actually taught
4 ~~and the following days on which school is not taught.~~

5 **SECTION 2.** 115.01 (10) (a) 1. of the statutes is repealed.

6 **SECTION 3.** 115.01 (10) (a) 2. of the statutes is repealed.

7 **SECTION 4.** 115.01 (10) (b) of the statutes is repealed.

8 **SECTION 5.** 115.28 (18) of the statutes is amended to read:

9 115.28 **(18)** PUPIL MEMBERSHIP AUDITS. Annually require ~~at least 25% of each~~
10 school boards board to audit the number of pupils reported for membership purposes
11 under s. 120.14 (1).

12 **SECTION 6.** 115.86 (10) (b) of the statutes is amended to read:

13 115.86 **(10)** (b) The board may apply for and receive the state aid under ~~ss. s.~~
14 121.135 ~~and 121.14~~. This paragraph does not apply beginning on the effective date
15 of a resolution adopted under sub. (9) (c).

16 **SECTION 7.** 117.03 (3m) of the statutes is amended to read:

17 117.03 **(3m)** "Enrollment" means the number of pupils enrolled, as provided
18 under s. 121.05 (1) (a), on the ~~most recent of the preceding 3rd Friday of September~~
19 ~~or 2nd Friday of January~~.

20 **SECTION 8.** 117.11 (2) of the statutes is amended to read:

21 117.11 **(2)** INITIATION OF PROCEDURES. A majority of the electors residing in
22 territory proposed to be detached from one school district and attached to an
23 adjoining school district, or owners of more than 50% of the territory proposed to be
24 detached from one school district and attached to an adjoining school district, as
25 measured by its assessed valuation divided by the assessment ratio of the taxation

1 district, may file a written petition with the clerk of the school district in which the
2 territory is located requesting the detachment of the territory from that school
3 district and its attachment to an adjoining school district. The petition shall include
4 a description of the territory sufficiently accurate to determine its location in the
5 school district in which it is located, as certified by the clerk of each city, town or
6 village within which all or part of the territory is located, and the number of pupils
7 residing in that territory who, on the ~~most recent of the~~ preceding 3rd Friday of
8 September ~~or 2nd Friday of January~~, were enrolled in the school district from which
9 the territory is proposed to be detached, as certified by the clerk of that school district.
10 Upon receipt of the petition, the school district clerk shall send a certified notice of
11 the petition to the school board of the school district to which the territory is proposed
12 to be attached and to the secretary of the board.

13 **SECTION 9.** 117.12 (2) of the statutes is amended to read:

14 117.12 (2) PETITION. A majority of the electors residing in the territory
15 described under sub. (1) or owners of 50% or more of that territory may file a written
16 petition with the clerk of the school district in which the territory is located
17 requesting the detachment of the territory from that school district and its
18 attachment to an adjoining school district. The petition shall include a description
19 of the territory sufficiently accurate to determine its location in the school district in
20 which it is located, as certified by the clerk of each city, town or village within which
21 all or part of the territory is located, and the number of pupils residing in that
22 territory who, on the ~~most recent of the~~ preceding 3rd Friday of September ~~or 2nd~~
23 ~~Friday of January~~, were enrolled in the school district from which the territory is
24 proposed to be detached, as certified by the clerk of that school district. Upon receipt
25 of the petition, the school district clerk shall send a certified copy of the petition to

1 the school board of the school district to which the territory is proposed to be attached
2 and to the secretary of the board.

3 **SECTION 10.** 117.12 (5) (a) 2. of the statutes is amended to read:

4 117.12 (5) (a) 2. The total number of pupils residing in the territory proposed
5 to be detached under the appeals who, on the ~~most recent of the preceding 3rd Friday~~
6 of September ~~or 2nd Friday of January~~, were enrolled in the school district from
7 which the territory is proposed to be detached is equal to or greater than 7% of that
8 school district's enrollment.

9 **SECTION 11.** 117.13 (2) of the statutes is amended to read:

10 117.13 (2) SCHOOL BOARD ACTION. The school boards of 2 adjoining school
11 districts may order territory detached from one of the school districts and attached
12 to the other school district by the adoption, by each of the school boards, of a
13 resolution ordering the detachment and attachment. The resolution shall include a
14 description of the territory sufficiently accurate to determine its location in the
15 school district in which it is located, as certified by the clerk of each city, village or
16 town within which all or any part of the territory is located, and the number of pupils
17 residing in that territory who, on the ~~most recent of the preceding 3rd Friday of~~
18 September ~~or 2nd Friday of January~~, were enrolled in the school district from which
19 the territory is proposed to be detached, as certified by the clerk of that school district.
20 Prior to adopting a resolution under this subsection, the school board of each affected
21 school district shall give the electors residing in and the owners of the territory notice
22 of the proposed reorganization and an opportunity to meet with the school board to
23 present reasons for or against the proposed reorganization. The school district clerk
24 of each school board that adopts a resolution under this subsection shall, within 5
25 days after adopting the resolution, send a certified copy of the resolution to the school

1 board of the other affected school district and file a certified copy of the resolution as
2 provided under s. 117.17 (2). If the school board of each of the affected school districts
3 adopts a resolution ordering the detachment and attachment, the reorganization
4 shall take effect on the first July 1 after the March 1 following the adoption of the
5 resolutions, unless an appeal is filed under sub. (3).

6 **SECTION 12.** 118.04 (4) of the statutes is amended to read:

7 118.04 (4) Shall not charge tuition for attendance at summer classes of pupils
8 who are residents of the school district if the school board receives aid for such classes
9 ~~under s. 121.14 counts the pupils as enrolled under s. 121.004 (7) (f).~~ The school
10 board may establish and collect reasonable fees for social, recreational or
11 extracurricular summer classes and programs which are ~~neither~~ not credited toward
12 graduation ~~nor aided under s. 121.14 if the pupils attending such classes are not~~
13 counted as pupils enrolled under 121.004 (7) (f).

14 **SECTION 13.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,
15 renumbered 119.18 (6) and amended to read:

16 119.18 (6) SCHOOL CALENDAR. The board may determine the school calendar and
17 vacation periods for each school year for the regular day schools, summer schools,
18 social centers and playgrounds, except that: ~~(b) The~~ the board may close any school
19 or dismiss any class in the event of an emergency, fire or other casualty, quarantine
20 or epidemic.

21 **SECTION 14.** 119.18 (6) (a) of the statutes is repealed.

22 **SECTION 15.** 119.18 (7) of the statutes is amended to read:

23 119.18 (7) SCHOOL HOURS. The board may establish rules scheduling the hours
24 of each school day during which the schools shall be in session. The board may

1 differentiate ~~between~~ among schools, educational programs and the various grades
2 in scheduling such school hours.

3 **SECTION 16.** 119.71 (1) of the statutes is amended to read:

4 119.71 (1) In this section, “full-day” ~~has the meaning given in s. 121.004 (7) (e)~~
5 2. means the length of the school day for pupils in the first grade of the school district
6 operating the 5-year-old kindergarten program.

7 **SECTION 17.** 120.12 (15) of the statutes is amended to read:

8 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
9 school day. The school board may differentiate ~~between~~ among schools, educational
10 programs and the various elementary and high school grades in scheduling the
11 school day. ~~The equivalent of 180 such days, as defined in s. 115.01 (10), shall be held~~
12 ~~during the school term.~~ This subsection shall not be construed to eliminate a school
13 district’s duty to bargain with the employe’s collective bargaining representative
14 over any calendaring proposal which is primarily related to wages, hours and
15 conditions of employment.

16 **SECTION 18.** 120.14 (1) of the statutes is amended to read:

17 120.14 (1) At the close of each fiscal year, the school board of each school district
18 shall employ a licensed accountant to audit the school district accounts and certify
19 the audit. The audit shall include information concerning the school district’s
20 self-insurance plan under s. 120.13 (2) (b), as specified by the commissioner of
21 insurance. ~~If required by the state superintendent under s. 115.28 (18), the~~ The audit
22 shall include an audit of the number of pupils reported for membership purposes
23 under s. 121.004 (5). The cost of the audit shall be paid from school district funds.
24 Annually by September 15, the school district clerk shall file a financial audit
25 statement with the state superintendent.

1 **SECTION 19.** 121.004 (5) of the statutes is amended to read:

2 121.004 (5) MEMBERSHIP. “Membership” for any school district is the sum
3 number of pupils enrolled as reported under s. 121.05 ~~and the summer average daily~~
4 ~~membership equivalent for classes approved under s. 121.14 (1).~~

5 **SECTION 20.** 121.004 (5m) of the statutes is created to read:

6 121.004 (5m) MINIMUM REQUIRED HOURS OF INSTRUCTION. “Minimum required
7 hours of instruction” means the number of hours of direct pupil instruction required
8 for the grade in which a pupil is enrolled as specified under s. 121.02 (1) (f).

9 **SECTION 21.** 121.004 (7) (a) of the statutes is amended to read:

10 121.004 (7) (a) “Pupils enrolled” is the total number of pupils, as expressed by
11 official enrollments, in all schools of the school district. A pupil shall be counted as
12 the number obtained by dividing the total number of hours of instruction in which
13 the pupil is enrolled during the school term by the minimum required hours of
14 instruction, except as provided in pars. (b) to ~~(d)~~ (g). If such total contains a fraction,
15 it shall be expressed as the nearest whole number. The same method shall be used
16 in computing the number of pupils enrolled for resident pupils, nonresident pupils
17 or both.

18 **SECTION 22.** 121.004 (7) (c) 1. (intro.) and b. of the statutes are consolidated,
19 renumbered 121.004 (7) (c) and amended to read:

20 121.004 (7) (c) A pupil enrolled in kindergarten may be counted only if the pupil
21 attains the age permitted under s. 115.28 (8) or required under s. 118.14 for
22 kindergarten admission. A kindergarten pupil shall be counted as one-half pupil
23 except that: ~~b. A~~ a pupil enrolled in a ~~5-year-old~~ kindergarten program requiring
24 ~~full-day attendance for less than 5 days a week for an entire school year~~ attendance
25 for more than 525 hours in a school term shall be counted as the result obtained by

1 ~~multiplying the number of hours in each day in which the pupil is enrolled by the~~
2 ~~total number of days for which the pupil is enrolled, and dividing the result by the~~
3 ~~product of the number of hours of attendance per day required of first grade pupils~~
4 ~~in the school district multiplied by 180 dividing the number of hours of direct pupil~~
5 ~~instruction scheduled for the pupil during the school term by 1,050.~~

6 **SECTION 23.** 121.004 (7) (c) 1. a. of the statutes is repealed.

7 **SECTION 24.** 121.004 (7) (c) 2. of the statutes is repealed.

8 **SECTION 25.** 121.004 (7) (cm) of the statutes is amended to read:

9 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program that
10 provides the required number of hours of direct pupil instruction under s. 121.02 (1)
11 (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
12 additional hours of outreach activities.

13 **SECTION 26.** 121.004 (7) (e) of the statutes is created to read:

14 121.004 (7) (e) A pupil enrolled in classes operated by a school district outside
15 of the regular school day or school term, including summer school, shall be counted
16 as the result obtained by dividing the sum of the hours of direct pupil instruction
17 scheduled for the pupil during the school term and the number of hours of enrollment
18 in additional classes by the minimum required hours of instruction.

19 **SECTION 27.** 121.004 (7) (f) of the statutes is created to read:

20 121.004 (7) (f) A pupil enrolled in a private school who attends public school
21 in the school district to receive instruction in subjects not required to be provided by
22 the private school under s. 118.165 (1) (d) shall be counted as the result obtained by
23 dividing the number of hours of direct pupil instruction in the public school in which
24 the pupil is enrolled during the school term by the minimum required hours of
25 instruction, except that a pupil participating in social, recreational or

1 extracurricular summer classes and programs, including team sports, shall not be
2 so counted.

3 **SECTION 28.** 121.004 (7) (g) of the statutes is created to read:

4 121.004 (7) (g) A pupil who receives instruction in a home-based private
5 educational program that meets all of the requirements under s. 118.165 (1) and who
6 attends public school in the school district to receive instruction in subjects not
7 required to be provided by the home-based private educational program under s.
8 118.165 (1) (d) shall be counted as the result obtained by dividing the number of
9 hours of direct pupil instruction in the public school in which the pupil is enrolled
10 during the school term by the minimum required hours of instruction.

11 **SECTION 29.** 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a) (intro.)
12 and amended to read:

13 121.006 (2) (a) (intro.) Hold school for at least ~~180 days each year~~ the minimum
14 required hours of instruction, less any days of the following:

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

18 **SECTION 30.** 121.006 (2) (a) 2. of the statutes is created to read:

19 121.006 (2) (a) 2. Hours during which school is closed by order of a local health
20 officer, as defined in s. 250.01 (5).

21 **SECTION 31.** 121.02 (1) (f) 1. of the statutes is repealed.

22 **SECTION 32.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f).

23 **SECTION 33.** 121.05 (1) (a) (intro.) of the statutes is amended to read:

1 121.05 (1) (a) (intro.) ~~The average of the number of pupils enrolled on the 3rd~~
2 ~~Friday of September and the 2nd Friday of January of~~ in the school district in the
3 ~~previous school year, including:~~

4 **SECTION 34.** 121.05 (1) (a) 8. of the statutes is amended to read:

5 121.05 (1) (a) 8. Pupils enrolled in a residential school operated by the state
6 under subch. III of ch. 115 for whom the school district is paying tuition under s.
7 115.53 (2) determined by multiplying the total number of periods in each day in
8 which the pupils are enrolled in the local public school by the total number of days
9 for which the pupils are enrolled in the local public school and dividing the product
10 by ~~1,080~~ the number of hours of direct pupil instruction scheduled for pupils enrolled
11 in the school district in the same grade as the pupil who is enrolled in the residential
12 school.

13 **SECTION 35.** 121.05 (1) (a) 10. of the statutes is created to read:

14 121.05 (1) (a) 10. Pupils enrolled in a private school who attend a public school
15 in the school district.

16 **SECTION 36.** 121.05 (1) (a) 11. of the statutes is created to read:

17 121.05 (1) (a) 11. Pupils who receive instruction in a home-based private
18 educational program who attend a public school in the school district.

19 **SECTION 37.** 121.05 (2m) of the statutes is created to read:

20 121.05 (2m) The school district clerk shall also include, as part of the annual
21 school district report under s. 120.18, the number of pupils enrolled in the school
22 district on the 3rd Friday of September in the current school year.

23 **SECTION 38.** 121.05 (3) of the statutes is repealed.

24 **SECTION 39.** 121.05 (4) of the statutes is repealed.

25 **SECTION 40.** 121.14 of the statutes is repealed.

1 **SECTION 41.** 121.23 (2) (intro.) of the statutes is amended to read:

2 121.23 (2) (intro.) If a school district holds less than ~~180 days of school~~ the
3 minimum required hours of instruction as the result of a strike by school district
4 employes, for the purposes of computing general aid, the state superintendent shall
5 compute the school district's primary ceiling cost per member in accordance with the
6 procedure specified in pars. (a) to (e). In making the calculation, the state
7 superintendent shall:

8 **SECTION 42.** 121.58 (4) of the statutes is amended to read:

9 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
10 October 1 of the year in which transportation is provided under s. 121.54 (4), the
11 school district clerk shall file with the department a report, containing such
12 information as the department requires, on transportation provided by the school
13 board to and from summer classes. Upon receipt of such report ~~and if the summer~~
14 ~~classes meet the requirements of s. 121.14 (1)~~, state aid shall be paid for such
15 transportation. A school district which provides such transportation shall be paid
16 state aid for such transportation at the rate of \$4 per pupil transported to and from
17 public school whose residence is at least 2 miles and not more than 5 miles by the
18 nearest traveled route from the public school attended, and \$6 per pupil transported
19 to and from public school whose residence is more than 5 miles by the nearest
20 traveled route from the public school attended, if the pupil is transported 30 days or
21 more. The state aid shall be reduced proportionately if the pupil is transported less
22 than 30 days.

23 **SECTION 43.** 121.91 (2m) (a) 1. of the statutes is amended to read:

24 121.91 (2m) (a) 1. Divide the sum of the amount of state aid received in the
25 previous school year and property taxes levied for the previous school year, excluding

1 funds described under sub. (4) (c), by the average of ~~the number of pupils~~
2 membership in the 3 previous school years.

3 **SECTION 44.** 121.91 (2m) (a) 3m. of the statutes is created to read:

4 121.91 **(2m)** (a) 3m. Add the number of pupils in the current school year to the
5 membership in each of the preceding 2 school years and divide the sum by 3.

6 **SECTION 45.** 121.91 (2m) (a) 4. of the statutes is amended to read:

7 121.91 **(2m)** (a) 4. Multiply the result under subd. 3. by the ~~average of the~~
8 ~~number of pupils in the current and the 2 preceding school years~~ result obtained
9 under subd. 3m.

10 **SECTION 46.** 121.91 (2m) (b) 1. of the statutes is amended to read:

11 121.91 **(2m)** (b) 1. Divide the sum of the amount of state aid received in the
12 previous school year and property taxes levied for the previous school year, excluding
13 funds described under sub. (4) (c), by the average of ~~the number of pupils~~
14 membership in the 3 previous school years.

15 **SECTION 47.** 121.91 (2m) (b) 2m. of the statutes is created to read:

16 121.91 **(2m)** (b) 2m. Add the number of pupils in the current school year to the
17 membership in each of the preceding 2 school years and divide the sum by 3.

18 **SECTION 48.** 121.91 (2m) (b) 3. of the statutes is amended to read:

19 121.91 **(2m)** (b) 3. Multiply the result under subd. 2. by the ~~average of the~~
20 ~~number of pupils in the current and the 2 preceding school years~~ result obtained
21 under subd. 2m.

22 **SECTION 49. Effective date.**

23 (1) This act takes effect on July 1, 1996.

24

(END)