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LRB-1874/2 PG:lmk:pg

2005 ASSEMBLY BILL 151

March 3, 2005 – Introduced by Representatives Rhoades, Gronemus, Gielow, Ainsworth, Gard, Ott, Jensen, Kerkman, Nass, Musser, Krawczyk, Hahn, Hines, Pettis, F. Lasee, Meyer, McCormick, Vrakas and Townsend, cosponsored by Senators Harsdorf, Darling, Leibham, Reynolds, A. Lasee, Grothman, Stepp and Roessler. Referred to Committee on Education.

- AN ACT to repeal 118.38 (4); to amend 118.38 (3); to repeal and recreate
- 118.38 (2); and *to create* 118.38 (1) (a) 9. of the statutes; **relating to:** waivers of laws and administrative rules governing elementary and secondary education.

Analysis by the Legislative Reference Bureau

With certain exceptions, current law authorizes the Department of Public Instruction (DPI), upon receiving a request from a school board, to waive any school board or school district requirement in the laws and administrative rules governing elementary and secondary education. Before making a request, the school board must hold a public hearing on the request in the school district. In determining whether to grant the waiver, DPI must consider whether the requirement impedes progress toward achieving a local improvement plan and, if the school district has adopted educational goals, whether it impedes progress toward achieving those goals.

This bill requires DPI to grant a waiver upon receiving a request from a school board if the school board has adopted a resolution authorizing the request and has held a public hearing on the request. The bill also prohibits DPI from granting a waiver that would exempt a school district from the revenue limits.

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

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1	Section 1. 118.38 (1) (a) 9. of the statutes is created to read:
2	118.38 (1) (a) 9. School district revenue limits under subch. VII of ch. 121.
3	Section 2. 118.38 (2) of the statutes is repealed and recreated to read:
4	118.38 (2) The department shall approve a request under sub. (1) (a) if the
5	school board adopts a resolution authorizing the request and complies with subs. (1)
6	(b) and (1m).
7	SECTION 3. 118.38 (3) of the statutes is amended to read:
8	118.38 (3) A waiver is effective for 4 years. The department shall renew the
9	waiver for additional 4-year periods if the school board has evaluated the
10	educational and financial effects of the waiver over the previous 4-year period,
11	except that the department is not required to renew a waiver if the department
12	determines that the school district is not making adequate progress toward
13	improving pupil academic performance and held an additional public hearing in the
14	school district.
15	Section 4. 118.38 (4) of the statutes is repealed.
16	Section 5. Initial applicability.
17	(1) This act first applies to requests for waivers received by the department of
18	public instruction on the effective date of this subsection.

(END)