



2009 SENATE BILL 89

February 25, 2009 – Introduced by Senators COGGS, LEHMAN, CARPENTER, VINEHOUT, PLALE and ROBSON, cosponsored by Representatives SMITH, POPE-ROBERTS, BERCEAU, RICHARDS, SOLETSKI, COLON, SINICKI, MASON, PASCH, FIELDS, HEBL, BENEDICT, HIXSON, MILROY, CLARK, ZIGMUNT, BERNARD SCHABER and A. OTT. Referred to Committee on Education.

1 **AN ACT to amend** 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345
2 (2); and **to create** 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**
3 requirements for pupils enrolled in five-year-old kindergarten.

Analysis by the Legislative Reference Bureau

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five years may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required.

Beginning in the 2011-12 school year, this bill requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school, including a charter school. The bill permits a school board and the operator of an independent charter school to establish policies, standards, conditions, and procedures for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten. The bill also requires a child who is enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.

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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.** 118.15 (1) (am) of the statutes is created to read:

2 118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child
3 is excused under sub. (3), any person having under his or her control a child who is
4 enrolled in 5-year-old kindergarten shall cause the child to attend school regularly,
5 religious holidays excepted, during the full period and hours that kindergarten is in
6 session at the public or private school in which the child is enrolled until the end of
7 the school term.

8 **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

9 118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11 **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

12 118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
13 imposed on the parent or guardian if he or she fails to cause the child to attend school
14 regularly as required under s. 118.15 (1) (a) and (am).

15 **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

16 118.165 (1) (e) The program is not operated or instituted for the purpose of
17 avoiding or circumventing the compulsory school attendance requirement under s.
18 118.15 (1) (a) and (am).

19 **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

20 118.33 (6) (c) 1. Except as provided in subds. 2. and 3., beginning on September
21 1, 2011, a school board may not enroll a child in the first grade in a school in the school

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1 district, including in a charter school located in the school district, unless the child
2 has completed 5-year-old kindergarten. Each school board shall adopt a written
3 policy specifying the criteria for promoting a pupil from 5-year-old kindergarten to
4 the first grade.

5 2. A school board may establish policies, conditions, standards, and procedures
6 for exempting a child from completing kindergarten as a prerequisite to enrollment
7 in the first grade. The policies, conditions, standards, and procedures adopted under
8 this subdivision shall consider pupils who, before either commencing or completing
9 first grade, moved into this state from a state where completion of 5-year-old
10 kindergarten was not a prerequisite to entering first grade and who are otherwise
11 eligible to be enrolled in first grade as a new or continuing pupil. The school board
12 shall require the parent or guardian of a child seeking to be exempted from
13 kindergarten under this subdivision to submit to the school board a written request
14 for exemption and to demonstrate to the satisfaction of the school board that the child
15 demonstrates the social, emotional, and cognitive skills necessary for admission to
16 the first grade.

17 3. Except as provided in subd. 4., beginning on September 1, 2011, the operator
18 of a charter school under s. 118.40 (2r) may not enroll a child in the first grade in the
19 school unless the child has completed 5-year-old kindergarten. Each operator of a
20 charter school under s. 118.40 (2r) shall adopt a written policy specifying the criteria
21 for promoting a pupil from 5-year-old kindergarten to the first grade.

22 4. Each operator of a charter school under s. 118.40 (2r) may establish policies,
23 conditions, standards, and procedures for exempting a child from completing
24 kindergarten as a prerequisite to enrollment in the first grade. The policies,
25 conditions, standards, and procedures adopted under this subdivision shall consider

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1 pupils who, before either commencing or completing first grade, moved into this state
2 from a state where completion of 5-year-old kindergarten was not a prerequisite to
3 entering first grade and who are otherwise eligible to be enrolled in first grade as a
4 new or continuing pupil. The operator of the charter school shall require the parent
5 or guardian of a child seeking to be exempted from kindergarten under this
6 subdivision to submit to the operator of the charter school a written request for
7 exemption and to demonstrate to the satisfaction of the operator of the charter school
8 that the child demonstrates the social, emotional, and cognitive skills necessary for
9 admission to the first grade.

10 **SECTION 6.** 938.345 (2) of the statutes is amended to read:

11 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
12 juvenile is in need of protection or services based on the fact that the juvenile is a
13 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the
14 court also finds that the juvenile has dropped out of school or is a habitual truant as
15 a result of the juvenile's intentional refusal to attend school rather than the failure
16 of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or
17 in addition to any other disposition imposed under sub. (1), may enter an order
18 permitted under s. 938.342.

19 (END)