

# State of Wisconsin



2021 Assembly Bill 122

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

AN ACT *to repeal* 115.001 (3p), 118.15 (4c) and 118.162 (1) (km); *to amend* 27.01 (7) (c) 10., 36.49 (4), 115.28 (7) (e) 1., 115.28 (54m), 115.30 (3), 115.385 (4), 115.45 (2) (a), 118.133 (1), 118.133 (2), 118.15 (1) (a), 118.153 (1) (b), 118.53 (title), 118.53 (2m), (3) and (4), 118.60 (7) (b) 3., 119.23 (7) (b) 3. and 120.18 (1) (a) 2.; and *to create* 115.001 (3p), 118.15 (4c) and 118.162 (1) (km) of the statutes; **relating to:** micro education pods.

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

**SECTION 1.** 27.01 (7) (c) 10. of the statutes is amended to read:

27.01 (7) (c) 10. Any motor vehicle operated for the purpose of transporting pupils to or from curricular or extracurricular activities of a public or private school, a tribal school as defined in s. 115.001 (15m), a micro education pod under s. 118.15 (4c), or a home-based private educational program under s. 118.15 (4) or for the purpose of transporting students to or from an outdoor academic class given by an accredited college or university in this state. The operator of a motor vehicle transporting pupils or students under this subdivision shall possess and exhibit for inspection a written authorization from an administrator of the school, micro education pod, home-based private educational program, or college or university indicating that admission to the vehicle admission area is part of an official school, micro education pod, home-based private educational program, or college or university function and indicating the date for which the authorization is applicable. A separate authorization is required for each date on which the motor vehicle is admitted to the vehicle admission area under this subdivision.

**SECTION 2.** 27.01 (7) (c) 10. of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

27.01 (7) (c) 10. Any motor vehicle operated for the purpose of transporting pupils to or from curricular or extracurricular activities of a public or private school, a tribal school as defined in s. 115.001 (15m), ~~a micro education pod under s. 118.15 (4c)~~, or a home-based private educational program under s. 118.15 (4) or for the purpose of transporting students to or from an outdoor academic class given by an accredited college or university in this state. The operator of a motor vehicle transporting pupils or students under this subdivision shall possess and exhibit for inspection a written authorization from an administrator of the school, ~~micro education pod~~, home-based private educational program, or college or university indicating that admission to the vehicle admission area is part of an official school, ~~micro education pod~~, home-based private educational program, or college or university function and indicating the date for which the authorization is applicable. A separate authorization is required for each date on which the motor vehicle is admitted to the vehicle admission area under this subdivision.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 3.** 36.49 (4) of the statutes is amended to read:

36.49 (4) Award the balance in annual scholarships called “Wisconsin Merit scholarships,” which shall be based only on merit, to students who are enrolled in an institution or college campus and who have either graduated from high school in this state or been granted a high school diploma by the administrator of a micro education pod, as defined in s. 115.001 (3p), or home-based private educational program, as defined in s. 115.001 (3g), in this state. The board shall determine merit based on a performance on standardized college entrance examinations and, if applicable, cumulative high school grade point averages. An annual scholarship awarded to a student under this subsection shall equal \$5,000. This subsection does not apply beginning on April 1, 2023.

**SECTION 4.** 36.49 (4) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

36.49 (4) Award the balance in annual scholarships called “Wisconsin Merit scholarships,” which shall be based only on merit, to students who are enrolled in an institution or college campus and who have either graduated from high school in this state or been granted a high school diploma by the administrator of a micro education pod, as defined in s. 115.001 (3p), or home-based private educational program, as defined in s. 115.001 (3g), in this state. The board shall determine merit based on a performance on standardized college entrance examinations and, if applicable, cumulative high school grade point averages. An annual scholarship awarded to a student under this subsection shall equal \$5,000. This subsection does not apply beginning on April 1, 2023.

**SECTION 5.** 115.001 (3p) of the statutes is created to read:

115.001 (3p) MICRO EDUCATION POD. “Micro education pod” means a program of educational instruction provided to a child by the child’s parent or guardian or by a person designated by the parent or guardian that is all of the following:

- (a) Provided to more than one family unit.
- (b) Provided to no more than 10 family units.
- (c) Provided to no more than 20 children.
- (d) Provided to participating children at a physical location.

**SECTION 6.** 115.001 (3p) of the statutes, as created by 2021 Wisconsin Act .... (this act), is repealed.

**SECTION 7.** 115.28 (7) (e) 1. of the statutes is amended to read:

115.28 (7) (e) 1. In this paragraph, “alternative education program” means an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. “Alternative educational program”

does not include a private school, a tribal school, a micro education pod, or a home-based private educational program.

**SECTION 8.** 115.28 (7) (e) 1. of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

115.28 (7) (e) 1. In this paragraph, “alternative education program” means an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. “Alternative educational program” does not include a private school, a tribal school, ~~a micro education pod,~~ or a home-based private educational program.

**SECTION 9.** 115.28 (54m) of the statutes is amended to read:

115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the department’s Internet site a link to information about all of the educational options available to children in the state who are at least 3 years old but not yet 18 years old, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the early college credit program, and options for pupils enrolled in a micro education pod or home-based private educational program.

**SECTION 10.** 115.28 (54m) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the department’s Internet site a link to information about all of the educational options available to children in the state who are at least 3 years old but not yet 18 years old, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the early college credit program, and options for pupils enrolled in a ~~micro education pod or home-based private educational program.~~

**SECTION 11.** 115.30 (3) of the statutes is amended to read:

115.30 (3) On or before each October 15, each administrator of a public or private school system, a micro education pod, or a home-based private educational program shall submit, on forms provided by the department, a statement of the enrollment on the 3rd Friday of September in the elementary and high school grades under his or her jurisdiction to the department which shall prepare such reports as will enable the public and private schools, micro education pods, and home-based private educational programs to make projections regarding school buildings, teacher supply and funds

required. The administrator of each private school system, micro education pod, and home-based private educational program shall indicate in his or her report whether the system, micro education pod, or program meets all of the criteria under s. 118.165 (1). Before the beginning of each school year, the family units participating in a micro education pod shall meet and select an individual to serve as the administrator of the micro education pod for the school year.

**SECTION 12.** 115.30 (3) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

115.30 (3) On or before each October 15, each administrator of a public or private school system, ~~a micro education pod~~, or a home-based private educational program shall submit, on forms provided by the department, a statement of the enrollment on the 3rd Friday of September in the elementary and high school grades under his or her jurisdiction to the department which shall prepare such reports as will enable the public and private schools, ~~micro education pods~~, and home-based private educational programs to make projections regarding school buildings, teacher supply and funds required. The administrator of each private school system, ~~micro education pod~~, and home-based private educational program shall indicate in his or her report whether the system, ~~micro education pod~~, or program meets all of the criteria under s. 118.165 (1). ~~Before the beginning of each school year, the family units participating in a micro education pod shall meet and select an individual to serve as the administrator of the micro education pod for the school year.~~

**SECTION 13.** 115.385 (4) of the statutes, as affected by 2021 Wisconsin Act 83, is amended to read:

115.385 (4) Annually, each public school, including a charter school, and each private school participating in a parental choice program under s. 118.60 or 119.23 shall provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in or attending the school. Each school shall simultaneously provide to the parent or guardian of each pupil enrolled in the school a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the youth apprenticeship program under s. 106.13, the early college credit program, and options for pupils enrolled in a micro education pod or home-based private educational program. A school that does not operate high school grades is not required to include an educational option that is offered only to high school pupils in a list of educational options provided under this subsection.

**SECTION 14.** 115.385 (4) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

115.385 (4) Annually, each public school, including a charter school, and each private school participating in a parental choice program under s. 118.60 or 119.23 shall provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in or attending the school. Each school shall simultaneously provide to the parent or guardian of each pupil enrolled in the school a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the youth apprenticeship program under s. 106.13, the early college credit program, and options for pupils enrolled in a ~~micro education pod~~ or home-based private educational program. A school that does not operate high school grades is not required to include an educational option that is offered only to high school pupils in a list of educational options provided under this subsection.

**SECTION 15.** 115.45 (2) (a) of the statutes is amended to read:

115.45 (2) (a) Annually, the department shall notify school boards, operators of charter schools under s. 118.40 (2r) and (2x), governing bodies of private schools, administrators of micro education pods, and administrators of home-based private educational programs that applications for grants to participate in one or more robotics competitions will be accepted from eligible teams through a date set forth in the notice. As a condition of receiving a grant under this section, an applicant eligible team shall demonstrate to the satisfaction of the department that the applicant eligible team will provide matching funds in an amount equal to the amount awarded under this section.

**SECTION 16.** 115.45 (2) (a) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

115.45 (2) (a) Annually, the department shall notify school boards, operators of charter schools under s. 118.40 (2r) and (2x), governing bodies of private schools, ~~administrators of micro education pods~~, and administrators of home-based private educational programs that applications for grants to participate in one or more robotics competitions will be accepted from eligible teams through a date set forth in the notice. As a condition of receiving a grant under this section, an applicant eligible team shall demonstrate to the satisfaction of the department that the applicant eligible team will provide matching funds in an amount equal to the amount awarded under this section.

**SECTION 17.** 118.133 (1) of the statutes is amended to read:

118.133 (1) INTERSCHOLASTIC ATHLETICS. (a) A school board shall permit a pupil who resides in the school district and is enrolled in a micro education pod or

home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(b) Upon request, the micro education pod or home-based educational program in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

**SECTION 18.** 118.133 (1) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

118.133 (1) **INTERSCHOLASTIC ATHLETICS.** (a) A school board shall permit a pupil who resides in the school district and is enrolled in a ~~micro education pod~~ or home-based private educational program to participate in interscholastic athletics in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

(b) Upon request, the ~~micro education pod~~ or home-based educational program in which the pupil is enrolled shall provide the school board with a written statement that the pupil meets the school board's requirements for participation in interscholastic athletics based on age and academic and disciplinary records. No person may provide a false statement under this paragraph. The school board may not question the accuracy or validity of the statement or request additional information.

**SECTION 19.** 118.133 (2) of the statutes is amended to read:

118.133 (2) **EXTRACURRICULAR ACTIVITIES.** A school board shall permit a pupil who resides in the school district and is enrolled in a micro education pod or home-based private educational program to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

**SECTION 20.** 118.133 (2) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

118.133 (2) **EXTRACURRICULAR ACTIVITIES.** A school board shall permit a pupil who resides in the school district and is enrolled in a ~~micro education pod~~ or home-based private educational program to participate in extracurricular activities in the school district on the same basis and to the same extent that it permits pupils enrolled in the school district to participate.

**SECTION 21.** 118.15 (1) (a) of the statutes is amended to read:

118.15 (1) (a) Except as provided under pars. (b) to (d) and (g) and ~~sub. subs. (4) and (4c)~~, unless the child is excused under sub. (3) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child

to attend school regularly during the full period and hours, religious holidays excepted, that the public, private, or tribal school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

**SECTION 22.** 118.15 (1) (a) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

118.15 (1) (a) Except as provided under pars. (b) to (d) and (g) and ~~sub. sub. (4) and (4e)~~, unless the child is excused under sub. (3) or has graduated from high school, any person having under control a child who is between the ages of 6 and 18 years shall cause the child to attend school regularly during the full period and hours, religious holidays excepted, that the public, private, or tribal school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age.

**SECTION 23.** 118.15 (4c) of the statutes is created to read:

118.15 (4c) Instruction in a micro education pod that meets all of the criteria under s. 118.165 (1) may be substituted for attendance at a public or private school.

**SECTION 24.** 118.15 (4c) of the statutes, as created by 2021 Wisconsin Act .... (this act), is repealed.

**SECTION 25.** 118.153 (1) (b) of the statutes is amended to read:

118.153 (1) (b) "Dropout" means a child who ceased to attend school, does not attend a public, private, or tribal school, technical college, micro education pod, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

**SECTION 26.** 118.153 (1) (b) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

118.153 (1) (b) "Dropout" means a child who ceased to attend school, does not attend a public, private, or tribal school, technical college, ~~micro education pod~~, or home-based private educational program on a full-time basis, has not graduated from high school, and does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

**SECTION 27.** 118.162 (1) (km) of the statutes is created to read:

118.162 (1) (km) A parent of a pupil enrolled in a micro education pod, who resides in a school district in the county, designated by the county board.

**SECTION 28.** 118.162 (1) (km) of the statutes, as created by 2021 Wisconsin Act .... (this act), is repealed.

**SECTION 29.** 118.53 (title) of the statutes is amended to read:

**118.53 (title) Attendance by pupils enrolled in a micro education pod or home-based private educational program.**

**SECTION 30.** 118.53 (title) of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

**118.53** (title) **Attendance by pupils enrolled in a ~~micro education pod or home-based private educational program.~~**

**SECTION 31.** 118.53 (2m), (3) and (4) of the statutes are amended to read:

118.53 **(2m)** A school board shall allow a pupil enrolled in a micro education pod or home-based private educational program who has not met the minimum standards for admission into high school under s. 118.145 (1) to attend up to 2 courses at a public school in the district during each school semester if the school board determines that the pupil qualifies for admission to those courses and if there is sufficient space in the classroom.

**(3)** A school board shall allow a pupil enrolled in a micro education pod or home-based private educational program, who has met the standards for admission under sub. (2), to attend up to 2 courses at a public school in the district during each school semester if the school board determines that there is sufficient space in the classroom.

**(4)** A pupil enrolled in a micro education pod or home-based private educational program and attending a public school under this section may attend one course in each of 2 school districts, but may not attend more than 2 courses in any semester.

**SECTION 32.** 118.53 (2m), (3) and (4) of the statutes, as affected by 2021 Wisconsin Act .... (this act), are amended to read:

118.53 **(2m)** A school board shall allow a pupil enrolled in a ~~micro education pod or~~ home-based private educational program who has not met the minimum standards for admission into high school under s. 118.145 (1) to attend up to 2 courses at a public school in the district during each school semester if the school board determines that the pupil qualifies for admission to those courses and if there is sufficient space in the classroom.

**(3)** A school board shall allow a pupil enrolled in a ~~micro education pod or~~ home-based private educational program, who has met the standards for admission under sub. (2), to attend up to 2 courses at a public school in the district during each school semester if the school board determines that there is sufficient space in the classroom.

**(4)** A pupil enrolled in a ~~micro education pod or~~ home-based private educational program and attending a public school under this section may attend one course in each of 2 school districts, but may not attend more than 2 courses in any semester.

**SECTION 33.** 118.60 (7) (b) 3. of the statutes is amended to read:

118.60 **(7) (b) 3.** Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, been granted a high school diploma by the administrator of a micro education pod or home-based private educational program, or been issued a gen-

eral educational development certificate of high school equivalency, or has obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

**SECTION 34.** 118.60 (7) (b) 3. of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

118.60 **(7) (b) 3.** Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, been granted a high school diploma by the administrator of a ~~micro education pod or~~ home-based private educational program, or been issued a general educational development certificate of high school equivalency, or has obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

**SECTION 35.** 119.23 (7) (b) 3. of the statutes is amended to read:

119.23 **(7) (b) 3.** Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, been granted a high school diploma by the administrator of a micro education pod or home-based private educational program, or been issued a general educational development certificate of high school equivalency, or has obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

**SECTION 36.** 119.23 (7) (b) 3. of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

119.23 **(7) (b) 3.** Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, been granted a high school diploma by the administrator of a ~~micro education pod or~~ home-based private educational program, or been issued a general educational development certificate of high school equivalency, or has obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

**SECTION 37.** 120.18 (1) (a) 2. of the statutes is amended to read:

120.18 **(1) (a) 2.** Adding the number of persons under this paragraph who were residents of the school district and were enrolled in the school district on the 3rd Friday of September of the previous school year; plus the num-

ber of persons under this paragraph who were residents of the school district and who were enrolled in private schools, tribal schools, micro education pods, home-based private educational programs, or other school districts on the 3rd Friday of September of the previous school year; plus the number or an estimate of the number of those persons under this paragraph who were residents of the school district and not enrolled in the school district, private schools, tribal schools, micro education pods, home-based private educational programs, or other school districts on the 3rd Friday of September of the previous school year.

**SECTION 38.** 120.18 (1) (a) 2. of the statutes, as affected by 2021 Wisconsin Act .... (this act), is amended to read:

120.18 (1) (a) 2. Adding the number of persons under this paragraph who were residents of the school district and were enrolled in the school district on the 3rd Friday of September of the previous school year; plus the number of persons under this paragraph who were residents of the school district and who were enrolled in private schools, tribal schools, ~~micro education pods~~, home-based private educational programs, or other school districts on the 3rd Friday of September of the previous school year; plus the number or an estimate of the number of those persons under this paragraph who were residents

of the school district and not enrolled in the school district, private schools, tribal schools, ~~micro education pods~~, home-based private educational programs, or other school districts on the 3rd Friday of September of the previous school year.

**SECTION 39. Nonstatutory provisions.**

(1) MICRO EDUCATION POD FORM. No later than 90 days after the effective date of this subsection, the department of public instruction shall develop and make available to the public a micro education pod enrollment form for an administrator of a micro education pod to submit under s. 115.30.

**SECTION 40. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) SUNSET. The treatment of ss. 27.01 (7) (c) 10. (by SECTION 2), 36.49 (4) (by SECTION 4), 115.28 (7) (e) 1. (by SECTION 8), 115.28 (54m) (by SECTION 10), 115.30 (3) (by SECTION 12), 115.385 (4) (by SECTION 14), 115.45 (2) (a) (by SECTION 16), 118.133 (1) (by SECTION 18), 118.133 (2) (by SECTION 20), 118.15 (1) (a) (by SECTION 22), 118.153 (1) (b) (by SECTION 26), 118.53 (title) (by SECTION 30), 118.53 (2m), (3), and (4) (by SECTION 32), 118.60 (7) (b) 3. (by SECTION 34), 119.23 (7) (b) 3. (by SECTION 36), and 120.18 (1) (a) 2. (by SECTION 38) and the repeal of ss. 115.001 (3p), 118.15 (4c), and 118.162 (1) (km) take effect on July 1, 2024.