



State of Wisconsin
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 749**

February 18, 2014 – Offered by Representative KESTELL.

1 **AN ACT** *to repeal* 115.01 (10) (b) and 121.02 (1) (f) 1.; *to renumber* 115.01 (10)
2 (a); *to renumber and amend* 121.004 (8), 121.02 (1) (f) 2. and 121.14 (1); *to*
3 **amend** 118.04 (4), 118.38 (2) (bm), 118.40 (8) (d) 2., 120.12 (15), 120.12 (27),
4 121.004 (5), 121.004 (7) (c) 1. a. and b., 121.004 (7) (cm), 121.006 (2) (a), 121.14
5 (title), 121.14 (2) (a), 121.23 (2) (intro.), 121.58 (4), 121.83 (2) (b) and 121.90 (3);
6 and *to create* 115.001 (3m), 121.004 (8) (b), 121.14 (1) (a) 2. and 121.14 (1) (a)
7 3. of the statutes; **relating to:** number of school days and hours of instruction
8 held in a school year and state aid for summer classes.

Analysis by the Legislative Reference Bureau

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees,

instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This substitute amendment eliminates the requirement that a school district hold school for 180 days each year. The substitute amendment replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above.

Current law permits a school district to receive state aid for pupils who enroll in academic summer classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes. Current law also permits a school district to include in its revenue limit calculation a portion of the summer class enrollment for such necessary, academic classes and laboratory periods.

This substitute amendment permits a school district that provides year-round school to receive state aid for pupils who enroll in interim session classes and laboratory periods offered by the school district if the state superintendent has determined that the classes are necessary for academic purposes, and to include a portion of the interim class enrollment for such necessary, academic classes and laboratory periods in its revenue limit calculation. The substitute amendment defines "interim session" to mean a period of time in a school year when school is held by a school in a school district to provide hours of direct pupil instruction in addition to the hours of direct pupil instruction specified above.

This substitute amendment also permits a school district to receive state aid for and include in its revenue limit calculations a portion of the summer class enrollment and interim session enrollment of high school pupils and pupils in the seventh and eighth grades who complete an online summer class offered by the school district if all of the following conditions are satisfied: 1) the pupil either resides in the school district that offers the online class or is enrolled in that school district through the open enrollment program; 2) a high school pupil receives credit for completing the online class and a pupil in the seventh or eighth grade successfully completes the class; and 3) the school board of the school district that offers the online class has determined that the class fulfills a prerequisite to the receipt of a high school diploma.

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

- 1 **SECTION 1.** 115.001 (3m) of the statutes is created to read:
- 2 115.001 **(3m)** INTERIM SESSION. "Interim session" means a period of time in a
- 3 school year when school is held by a school in a school district to provide hours of

1 direct pupil instruction in addition to the hours of direct pupil instruction provided
2 by the school district as required under s. 121.02 (1) (f).

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

4 **SECTION 3.** 115.01 (10) (b) of the statutes is repealed.

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

6 118.04 (4) Shall not charge tuition for attendance at summer classes or interim
7 session classes of pupils who are residents of the school district if the school board
8 receives aid for such classes under s. 121.14 (1) (a). The school board may establish
9 and collect reasonable fees for social, recreational, or extracurricular summer classes
10 or interim session classes and programs which are neither credited toward
11 graduation nor aided under s. 121.14.

12 **SECTION 5.** 118.38 (2) (bm) of the statutes is amended to read:

13 118.38 (2) (bm) The department shall promulgate rules establishing criteria
14 for waiving the requirement to schedule at least the number of hours of direct pupil
15 instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified
16 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c).

17 **SECTION 6.** 118.40 (8) (d) 2. of the statutes is amended to read:

18 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
19 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) ~~2.~~
20 each school year. No more than 10 hours in any 24-hour period may count toward
21 the requirement under this subdivision.

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

23 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
24 school day. The school board may differentiate between the various elementary and

1 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~
2 ~~defined in s. 115.01 (10), shall be held during the school term.~~

3 **SECTION 8.** 120.12 (27) of the statutes is amended to read:

4 120.12 **(27)** SCHOOL CLOSINGS AND REOPENINGS. (a) Within 24 hours of a school
5 being closed for a reason specified in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the
6 department of health services under s. 252.02 (3), notify the department. The notice
7 shall include the reason for the closure.

8 (b) Within 24 hours of reopening a school that was closed for a reason specified
9 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under
10 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
11 school board shall include the number of days the school was closed.

12 **SECTION 9.** 121.004 (5) of the statutes is amended to read:

13 121.004 **(5)** MEMBERSHIP. "Membership" for any school district is the sum of
14 pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer
15 average daily membership equivalent for those academic summer classes, interim
16 session classes, and laboratory periods approved for necessary academic purposes
17 under s. 121.14 (1) (a) 1. and 2. and those online classes described in s. 121.14 (1) (a)
18 3.

19 **SECTION 10.** 121.004 (7) (c) 1. a. and b. of the statutes are amended to read:

20 121.004 **(7)** (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program
21 requiring that requires full-day attendance by the pupil for 5 days a week, but not
22 on any day of the week that pupils enrolled in other grades in the school do not attend
23 school, for an entire school year term shall be counted as one pupil.

24 b. A pupil enrolled in a 5-year-old kindergarten program requiring that
25 requires full-day attendance by the pupil for less than 5 days a week for an entire

1 school year term shall be counted as the result obtained by multiplying the number
2 of hours in each day in which the pupil is enrolled by the total number of days for
3 which the pupil is enrolled, and dividing the result by the ~~product of the~~ total number
4 of hours of attendance ~~per day~~ required of first grade pupils in the school district
5 ~~multiplied by 180.~~

6 **SECTION 11.** 121.004 (7) (cm) of the statutes is amended to read:

7 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
8 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
9 that provides the required number of hours of direct pupil instruction under s. 121.02
10 (1) (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
11 additional hours of outreach activities.

12 **SECTION 12.** 121.004 (8) of the statutes is renumbered 121.004 (8) (intro.) and
13 amended to read:

14 121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. (intro.) “Summer
15 average daily membership equivalent” is the a number determined by dividing the
16 sum of the following by 48,600:

17 (a) The total number of minutes in which pupils are enrolled in academic
18 summer classes, interim session classes, or laboratory periods, as defined by the
19 state superintendent under s. 121.14, ~~divided by 48,600.~~

20 **SECTION 13.** 121.004 (8) (b) of the statutes is created to read:

21 121.004 (8) (b) The sum of the number of minutes of online class instruction
22 completed per pupil for each high school pupil and each pupil in the 7th or 8th grade
23 who completes an online summer class or an online interim session class offered by
24 a school district if all of the following are satisfied:

25 1. The online class is offered by a school district.

1 2. The pupil receiving instruction in the online class resides in the school
2 district under subd. 1. or is attending that school district under s. 118.51.

3 3. a. If the pupil receiving instruction in the online class is enrolled in a high
4 school grade, the pupil receives credit for completion of the class.

5 b. If the pupil receiving instruction in the online class is enrolled in the 7th or
6 8th grade, the pupil successfully completed the class.

7 4. The school board of the school district under subd. 1. determines that the
8 online class fulfills a requirement for high school graduation specified under s.
9 118.33 (1) (a) 1. or established by the school board under the authority of the
10 department.

11 **SECTION 14.** 121.006 (2) (a) of the statutes is amended to read:

12 121.006 (2) (a) Hold school for ~~at least 180 days each year, less any days during~~
13 ~~which the state superintendent determines that school is not held or educational~~
14 ~~standards are not maintained as the result of a strike by school district employees,~~
15 ~~the days to be computed in accordance with s. 115.01 (10)~~ the minimum number of
16 hours of direct pupil instruction required for the grade in which a pupil is enrolled
17 as specified in s. 121.02 (1) (f).

18 **SECTION 15.** 121.02 (1) (f) 1. of the statutes is repealed.

19 **SECTION 16.** 121.02 (1) (f) 2. of the statutes is renumbered 121.02 (1) (f) and
20 amended to read:

21 121.02 (1) (f) Annually, schedule at least 437 hours of direct pupil instruction
22 in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and
23 at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours
24 under this subdivision paragraph include recess and time for pupils to transfer
25 between classes but do not include the lunch period. Scheduled hours under this

1 paragraph do not include hours of direct pupil instruction offered during an interim
2 session. Scheduled hours under this paragraph may include hours on Saturdays.
3 A school board operating a 4-year-old kindergarten program may use up to 87.5 of
4 the scheduled hours for outreach activities.

5 **SECTION 17.** 121.14 (title) of the statutes is amended to read:

6 **121.14 (title) State aid for summer classes and interim session classes.**

7 **SECTION 18.** 121.14 (1) of the statutes is renumbered 121.14 (1) (a) (intro.) and
8 amended to read:

9 121.14 (1) (a) (intro.) State aid shall be paid to each district or county children
10 with disabilities education board ~~only~~ for all of the following:

11 1. Subject to par. (b), those academic summer classes or laboratory periods that
12 are for necessary academic purposes, as defined by the state superintendent by rule.

13 (b) Recreational programs and team sports shall not be eligible for aid under
14 this section, and pupils participating in such programs shall not be counted as pupils
15 enrolled under s. 121.004 (5) nor shall costs associated with such programs be
16 included in shared costs under s. 121.07 (6).

17 **SECTION 19.** 121.14 (1) (a) 2. of the statutes is created to read:

18 121.14 (1) (a) 2. Subject to par. (b), for a school district or county children with
19 disabilities education board that provides year-round school, those interim session
20 classes or laboratory periods that are for necessary academic purposes, as defined by
21 the state superintendent by rule.

22 **SECTION 20.** 121.14 (1) (a) 3. of the statutes is created to read:

23 121.14 (1) (a) 3. Those online classes offered as summer classes or interim
24 session classes to high school pupils and pupils in grade 7 or 8 who reside in the school
25 district, or who are attending the online class in the school district under s. 118.51,

1 provided a pupil enrolled in a high school grade receives a credit for the class, a pupil
2 enrolled in the 7th or 8th grade successfully completes the class, and the school board
3 of the school district determines the online class fulfills a requirement for high school
4 graduation specified under s. 118.33 (1) (a) 1. or established by the school board
5 under the authority of the department.

6 **SECTION 21.** 121.14 (2) (a) of the statutes is amended to read:

7 121.14 (2) (a) State aid for summer classes, laboratory periods, or interim
8 session classes under sub. (1) shall be incorporated into the state aid paid for regular
9 classes under this subchapter.

10 **SECTION 22.** 121.23 (2) (intro.) of the statutes is amended to read:

11 121.23 (2) (intro.) If a school district ~~holds less than 180 days of school~~ fails to
12 provide the number of hours of direct pupil instruction specified under s. 121.02 (1)
13 (f) as the result of a strike by school district employees, for the purposes of computing
14 general aid, the state superintendent shall compute the school district's primary and
15 secondary ceiling costs per member in accordance with the procedure specified in
16 pars. (a) to (e). In making the calculation, the state superintendent shall:

17 **SECTION 23.** 121.58 (4) of the statutes is amended to read:

18 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
19 October 1 of the year in which transportation is provided under s. 121.54 (4), or under
20 s. 121.54 (10) if the transportation is provided by the nonresident school district that
21 a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with
22 the department a report, containing such information as the department requires,
23 on transportation provided by the school board to and from summer classes. Upon
24 receipt of such report and if the summer classes meet the requirements of s. 121.14
25 (1) (a) 1. or 2., state aid shall be paid for such transportation. A school district which

1 provides such transportation shall be paid state aid for such transportation at the
2 rate of \$4 per pupil transported to and from public school whose residence is at least
3 2 miles and not more than 5 miles by the nearest traveled route from the public school
4 attended, and \$6 per pupil transported to and from public school whose residence is
5 more than 5 miles by the nearest traveled route from the public school attended, if
6 the pupil is transported 30 days or more. The state aid shall be reduced
7 proportionately if the pupil is transported less than 30 days.

8 **SECTION 24.** 121.83 (2) (b) of the statutes is amended to read:

9 121.83 (2) (b) The tuition for summer school shall be the daily tuition rate for
10 the previous school year multiplied by ~~180~~ the number of school days held in the
11 previous school year times the summer average daily membership equivalent of the
12 pupil.

13 **SECTION 25.** 121.90 (3) of the statutes is amended to read:

14 121.90 (3) "Summer enrollment" means the summer average daily
15 membership equivalent for those academic summer classes, interim session classes,
16 and laboratory periods approved for necessary academic purposes under s. 121.14 (1)
17 (a) 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

18 **SECTION 26. Initial applicability.**

19 (1) The treatment of section 118.04 (4) of the statutes first applies to tuition
20 charged for interim session classes or online classes in the 2014-15 school year.

21 (2) The treatment of section 121.004 (5) of the statutes, the renumbering and
22 amendment of sections 121.004 (8) and 121.14 (1) of the statutes, and the creation
23 of sections 115.001 (3m), 121.004 (8) (b), and 121.14 (1) (a) 2. and 3. of the statutes
24 first apply to state aid paid for interim session classes and summer online classes in
25 the 2014-15 school year.

