

State of Misconsin 2005 - 2006 LEGISLATURE

## **2005 ASSEMBLY BILL 541**

July 7, 2005 – Introduced by Representatives UNDERHEIM, FRISKE, VOS, LOTHIAN and NASS, cosponsored by Senator ROESSLER. Referred to Committee on Education.

1 AN ACT *to create* 121.78 (5) of the statutes; **relating to:** payment for educational 2 services provided to a pupil who is placed in a secure detention facility, jail, or 3 county house of correction.

## Analysis by the Legislative Reference Bureau

Under current law, a juvenile who has been taken into custody and who meets certain criteria may be held in custody prior to disposition in a secure detention facility or juvenile portion of a county jail. A juvenile may also be placed in a secure detention facility or juvenile portion of a county jail under a dispositional order, as a sanction for violating a dispositional order, for short-term detention while an alleged violation of a dispositional order or condition of aftercare is being investigated, or for short-term detention as a consequence of such a violation. In addition, a juvenile 15 years of age or over who is subject to the jurisdiction of the court of criminal jurisdiction may be held in an adult jail in the same manner as an adult.

Current Department of Corrections (DOC) rules require the superintendent of a secure detention facility or juvenile portion of a county jail to ensure that a juvenile held in the secure detention facility or juvenile portion of a county jail has access to educational services, as provided by the school district in which the secure detention facility or juvenile portion of a county jail is located. Current DOC rules also require the sheriff of each county to develop a written policies and procedures manual for the operation of each jail or county house of correction that includes policies and procedures for providing educational programming for prisoners under 18 years of age.

## **ASSEMBLY BILL 541**

This bill provides that when a pupil who is placed in a secure detention facility, jail, or county house of correction is provided with educational services by the school district in which the secure detention facility, jail, or county house of correction is located, the school board of the school district in which the pupil resided at the time the pupil was placed in the secure detention facility, jail, or county house of correction must pay tuition for the pupil to the school district providing the educational services. The bill requires the school board to pay for each full-time equivalent pupil served by the school district providing the educational services an amount equal to the average per pupil cost for the school district of the school board.

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:

**SECTION 1.** 121.78 (5) of the statutes is created to read:

 $\mathbf{2}$ 121.78 (5) EDUCATIONAL SERVICES FOR PUPILS IN SECURE CUSTODY. If a pupil who 3 is placed in a secure detention facility, as defined in s. 938.02 (16), jail, or county 4 house of correction is provided with educational services by the school district in  $\mathbf{5}$ which the secure detention facility, jail, or county house of correction is located, the school board of the school district in which the pupil resided at the time the pupil was 6 7 placed in the secure detention facility, jail, or county house of correction shall pay 8 tuition for the pupil to the school district providing the educational services. A school 9 board paying tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in membership for general aid under subch. II. The school board shall pay for 10 11 each full-time equivalent pupil served by the school district providing the educational services an amount equal to the average per pupil cost for the school 1213district of the school board.

14