



2021 ASSEMBLY BILL 286

April 20, 2021 - Introduced by Representatives DUCHOW, THIESFELDT, WITTKER, CABRAL-GUEVARA, GUNDRUM, KITCHENS, KNODL, KUGLITSCH, MOSES, NOVAK and RAMTHUN. Referred to Committee on Education.

- 1 **AN ACT relating to:** a school extension learning recovery program following the
2 2020-21 school term.

Analysis by the Legislative Reference Bureau

This bill requires certain schools to provide school extension learning recovery programs following the end of each school's 2020-21 school term to address learning losses and negative academic impacts pupils experienced during the 2020-21 school year due to the COVID-19 global pandemic. Under the bill, a school must provide the program if, during the 2020-21 school year, less than 75 percent of all pupils enrolled in or attending the school attended classes in person for at least 50 percent of the hours of instructions the school provided between the first day of the school term and April 15, 2021. The requirement applies to all public schools, including charter schools, and to private schools participating in a parental choice program or in the Special Needs Scholarship Program. Such a school must provide the program only to the extent the school receives moneys under the federal American Rescue Plan Act of 2021.

Under the bill, 1) the school must make the program available to all pupils enrolled in or attending the school during the 2020-21 school year; 2) pupil participation in the program is voluntary; 3) the program must provide only in-person instruction; and 4) the program must consist of at least six weeks of coursework and curriculum similar to that offered during regular school days during a regular school term, including academic instruction in mathematics, science, and reading. At the end of the program, the school must reevaluate whether pupils who participated in the program meet the criteria to advance to the next grade or to receive a high school diploma.

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Each school must develop and submit a plan for the school's program to the Department of Public Instruction no later than 30 days before the last day of the school's 2020-21 school term, and DPI must notify the school no later than 21 days after receiving the plan of any necessary changes to the plan.

For further information see the state 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. Nonstatutory provisions.**

2 (1) DEFINITIONS. In this section:

3 (a) "Applicable school" means a school to which all of the following apply:

4 1. The school is a public school, including a charter school under s. 118.40 (2r)
5 or (2x), or a private school participating in a program under s. 115.7915, 118.60, or
6 119.23.

7 2. During the 2020-21 school year, less than 75 percent of all pupils enrolled
8 in or attending the school attended classes in person for at least 50 percent of the
9 hours of instructions the school provided between the first day of the school term and
10 April 15, 2021.

11 (b) "COVID-19" means the infection caused by the novel coronavirus
12 SARS-CoV-2 or by any viral strain originating from SARS-CoV-2, and conditions
13 associated with the infection.

14 (c) "Governing body" means any of the following:

15 1. For a school district, the school board in charge of the schools of the school
16 district.

17 2. For a charter school under s. 118.40 (2r) or (2x), the operator of the charter
18 school.

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1 3. For a private school participating in a program under s. 115.7915, 118.60,
2 or 119.23, the governing body of the private school.

3 (d) "School term" has the meaning given in s. 115.001 (12).

4 (2) LEARNING RECOVERY PROGRAM REQUIRED. Subject to sub. (6), the governing
5 body of an applicable school shall, following the end of the applicable school's
6 2020-21 school term, provide a school extension learning recovery program that
7 meets all of the following requirements:

8 (a) The program is available to all pupils enrolled in or attending the applicable
9 school during the 2020-21 school year.

10 (b) Pupil participation in the program is voluntary.

11 (c) All instruction provided in connection with the program is provided to pupils
12 in person.

13 (d) The program addresses learning losses and negative academic impacts
14 pupils experienced during the 2020-21 school year due to the COVID-19 global
15 pandemic.

16 (e) The program consists of at least 6 weeks of coursework and curriculum
17 similar to that offered during regular school days during a regular school term,
18 including academic instruction in mathematics, science, and reading.

19 (f) The program includes meal service on each day of instruction.

20 (g) The program includes transportation services to and from the applicable
21 school for pupils attending the program as provided during the applicable school's
22 2020-21 school term.

23 (3) APPROVAL OF PROGRAM PLANS. The governing body of an applicable school
24 shall develop and submit a plan for the applicable school's program that meets the
25 requirements under sub. (2) to the department of public instruction no later than 30

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1 days before the last day of the applicable school's 2020-21 school term. No later than
2 21 days after receiving the plan, the department shall notify the governing body of
3 any necessary changes to the plan.

4 (4) GRADE PROMOTION; GRADUATION.

5 (a) If a pupil who, at the end of the 2020-21 school term, was not eligible to
6 receive a high school diploma or for grade promotion attends a program approved by
7 the department of public instruction under sub. (3), the governing body of the
8 applicable school that provided the program shall reevaluate the pupil at the end of
9 the program to determine whether the pupil meets the criteria under s. 118.33 or
10 under a policy adopted by the governing body to receive a high school diploma or for
11 grade promotion.

12 (b) A 5-year-old kindergarten pupil who attends a program approved by the
13 department of public instruction under sub. (3) is considered to have completed
14 5-year-old kindergarten for purposes of s. 118.33 (6) (cm).

15 (5) INTERPRETATION. A program described under sub. (2) is separate from an
16 applicable school's 2020-21 school term and is not considered an extension of the
17 applicable school's 2020-21 school term. Minutes of instruction provided in
18 connection with the program are not considered in calculating the applicable school's
19 summer average daily membership equivalent under s. 121.004 (8) for the 2020-21
20 school year.

21 (6) FUNDING. The governing body of an applicable school shall use moneys the
22 governing body receives under the federal American Rescue Plan Act of 2021, P.L.
23 117-2, to provide the program required under sub. (2). The governing body is

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1 required to provide the program at the applicable school only to the extent that the
2 governing body receives the federal moneys.

3 (END)