

SCHOOL AND EMPLOYMENT LAW UPDATE



SCHOOL LAW AND EMPLOYMENT LAW



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Highlighted Changes by Topic, Statutory Section, and Act Number: 2015 Act 6 through 2015 Act 55

- ▶ **This section identifies school-related legislation passed since July 1, 2015.**
 - A summary of legislation affecting schools in Act 6 through Act 55, including the Executive Budget Act (2015 Wisconsin Act 55), is available through WASB's New Laws bulletins at [WASB New Laws Bulletin](#).



Students, Curriculum, and Instruction

2015 Wisconsin Act 20

- ▶ **Limitations On The Use Of 2014-15 Statewide Pupil Assessments; Dpi Will Not Publish An Annual Accountability Report For 2014-15**
 - **Wis. Stats. 115.385** School and school district accountability report
This new law prohibits the department of public instruction from publishing a school and school district accountability report for the 2014-15 school year.
 - (Under section 115.385 of the state statutes, the department is otherwise required to publish such a report annually.)
 - The department is still permitted to include measures of pupil performance from the 2014-15 statewide assessment examinations in the state's longitudinal student data system.

Students, Curriculum, and Instruction

2015 Wisconsin Act 20

- ▶ **Limitations On The Use Of 2014-15 Statewide Pupil Assessments; DPI Will Not Publish An Annual Accountability Report For 2014-15**
 - **Wis. Stats. 115.385 School and school district accountability report**

This new law also amends the state statute that establishes the educator effectiveness evaluation process for teachers and principals. Pursuant to the amendments, school boards and the operators of independent charter schools:

 - 1. May not consider pupil performance on statewide assessments administered in the 2014-15 school year in the evaluation of teachers and principals in the 2014-15 school year.
 - 2. May not include pupil performance on the 2014-15 statewide assessments in the evaluation score assigned to a teacher or principal under the educator effectiveness evaluation system.

Students, Curriculum, and Instruction

2015 Wisconsin Act 28

- ▶ **University Of Wisconsin System To Issue Remedial Course Reports**
 - Wis. Stats.36.65(5)
 - Under this new law, the University of Wisconsin System is required to annually identify the high schools with more than 6 students who, based on their performance on placement tests in the preceding 12 months, are required to take remedial courses in English or mathematics.
 - The System is then required to submit an annual report to the legislature and to the state superintendent of public instruction that lists each high school so identified, and, for each such high school, the specific number of students who are required to take the remedial courses. The reports will not identify the specific students.
 - Upon receipt of each such annual report, the state superintendent of public instruction is required to provide a copy of the report to each school board.
 - The annual reports are to be submitted by September 1st of each year, beginning in September of 2016.

Students, Curriculum, and Instruction

2015 Wisconsin Act 52

► **Methods For Notifying Parents Or Guardians Of Truancy -**

Wis. Stats. 118.16(2)

- This new law provides that when a school attendance officer notifies a child's parent or guardian of the child's habitual truancy, the required notice may be provided either by registered mail, by certified mail, or by 1st class mail. Prior law had allowed only the use of registered or certified mail for such notices.
- This new law also expressly permits (but does not require) the school attendance officer to provide supplemental notice of habitual truancy by sending an electronic communication to the parent or guardian at the same time that the officer issues the mandatory mailed notice.
- This new law also clarifies that when a school attendance officer notifies the parent or guardian of a child of any individual instance of truancy, the attendance officer may provide such notice by personal contact, telephone call, or 1st class mail, except that notice by personal contact or telephone call shall be attempted before notice by 1st class mail may be given. Prior law had not specified "1st class" when referencing the provision of notice of truancy by mail.

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - Wis. Stats. 118.43 Achievement guarantee contracts; state aid; and Wis. Stats. 118.44 Achievement gap reduction; state aid**
 - The Student Achievement Guarantee in Education (SAGE) program is an existing categorical state aid program that provides funding to schools with low-income students in grades K-3 if certain statutory requirements are met.

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - Wis. Stats. 118.43 Achievement guarantee contracts; state aid; and Wis. Stats. 118.44 Achievement gap reduction; state aid**
 - The statutory requirements include:
 - (1) reducing class sizes to no larger than 18 students to one classroom teacher, or 30 students to two classroom teachers;
 - (2) ensuring that certain services are available in the school;
 - (3) ensuring that a rigorous curriculum is provided; and
 - (4) providing staff development and requiring professional staff accountability. Schools participating in the SAGE program do so under a renewable 5-year contract between the applicable school board and the department of public instruction (DPI).

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - [Wis. Stats. 118.43](#) Achievement guarantee contracts; state aid; and [Wis. Stats. 118.44](#) Achievement gap reduction; state aid**
 - 2015 Wisconsin Act 53 (Act 53) creates a program entitled Achievement Gap Reduction (AGR) that will eventually replace the SAGE program in its entirety.
 - Following the effective date of this law, the DPI may no longer enter into any new SAGE contracts or renew any existing SAGE contracts.
 - However, a school that is subject to a SAGE contract on the effective date of Act 53 may transition to the AGR program, and there is also a special one-year extension allowance for SAGE contracts that were entered into or renewed in the 2010-11 school year. Schools not participating in the SAGE program as of Act 53’s effective date are not authorized to join the AGR program.

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - Wis. Stats. 118.43 Achievement guarantee contracts; state aid; and Wis. Stats. 118.44 Achievement gap reduction; state aid**
 - While the new AGR program incorporates several aspects of the existing SAGE program, including the use of renewable 5-year contracts for participating schools, the AGR program differs from the SAGE program in the following key aspects:

The AGR program allows a school to meet its obligations under the contract by using one of three strategies, or a combination of these strategies:

 - (1) having a licensed teacher provide data-informed, one-to-one tutoring to pupils who are struggling in mathematics, reading, or both;
 - (2) having a licensed teacher provide data-driven instructional coaching for teachers in one or more participating grades; or
 - (3) maintaining classroom ratios of 18:1 or 30:2 and providing professional development on small group instruction.
 - Unlike SAGE, the AGR program does not require a school that implements the third strategy to meet the 18:1 or 30:2 classroom ratios in all participating grades.

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - Wis. Stats. 118.43 Achievement guarantee contracts; state aid; and Wis. Stats. 118.44 Achievement gap reduction; state aid**
 - While the new AGR program incorporates several aspects of the existing SAGE program, including the use of renewable 5-year contracts for participating schools, the AGR program differs from the SAGE program in the following key aspects:
 - Twice each year, the school board must provide DPI with information about the strategies selected for and implemented in each participating school.
 - The AGR program requires a participating school to establish specific performance objectives, including reduction of the achievement gap in math and reading between the low-income students in that school and the students in the same grade and subject statewide. Each AGR contract must include a description of these performance objectives and of the assessments that will be used to evaluate success in attaining the objectives.

Students, Curriculum, and Instruction

2015 Wisconsin Act 53

- ▶ **The Achievement Gap Reduction Program; “Sage” Program To Be Phased Out - Wis. Stats. 118.43 Achievement guarantee contracts; state aid; and Wis. Stats. 118.44 Achievement gap reduction; state aid**
 - While the new AGR program incorporates several aspects of the existing SAGE program, including the use of renewable 5-year contracts for participating schools, the AGR program differs from the SAGE program in the following key aspects:
 - The AGR program requires school board review of implementation and progress toward achieving performance objectives in each participating school every semester.
 - If a school fails to implement the permissible strategies in any participating grade, the school board of the district may be required to reimburse the department of public instruction (DPI) for the amount paid for the participating grade on the school's behalf.
 - The DPI may not approve waivers of any AGR program requirements.
- ▶ The AGR program is initially funded by a sum-certain appropriation to be allocated based on the number qualifying low-income pupils in participating schools.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Waiver of Pupil Assessment Requirements – Wis. Stats. 115.28(9m)**
 - (a) Request a waiver from the federal department of education that would permit the state superintendent to approve between 3 and 5 examinations, selected by the University of Wisconsin-Madison Value-Added Research Center under s. 118.301 (2), for administration to pupils as provided under s. 118.301 (3).
 - (b) Upon receipt of the waiver under par. (a), submit the waiver, together with a request to supplement the appropriation under s. 20.255 (1) (fm) with the funds that are held in the appropriation under s. 20.865 (4) (a) for the purposes described under s. 118.301, to the joint committee on finance for consideration by the committee at its next quarterly meeting under s. 13.10. Upon approval of the state superintendent's request under this paragraph, the joint committee on finance shall release the funds.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Report of Lowest Performance Category on Accountability Report – Wis. Stats. 115.28(10m)**
- ▶ Report to the superintendent of schools of a 1st class city school district and to the commissioner of the opportunity schools and partnership programs. (a) By October 15, 2015, and annually thereafter, submit to the commissioner of the opportunity schools and partnership program under subch. II of ch. 119 and to the superintendent of schools of the school district operating under ch. 119 a report that identifies the schools in Milwaukee County and located in a school district that was placed in the lowest performance category on the most recent accountability report published for that school district under s. 115.385 (1) to which any of the following applies, and that disaggregates the schools by elementary school, middle school, junior high school, high school, and senior high school:
 - 1. The school was assigned to the lowest performance category on the most recent accountability report published for the school under s. 115.385 (1).
 - 2. The school building is vacant or an underutilized building, as defined in s. 119.61 (1) (c).

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Report of Lowest Performance Category on Accountability Report – Wis. Stats. 115.28(10m)**
 - (b) By October 15 of the first year in which the state superintendent determines that a school district is an eligible school district, as defined in s. 115.999 (1) (d), and annually thereafter, submit to the commissioner of the opportunity schools and partnership program under subch. IX a report that identifies each school in that eligible school district that was assigned to the lowest performance category on the most recent accountability report published for the school under s. 115.385 (1) and that disaggregates the schools by elementary school, middle school, junior high school, high school, and senior high school.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **DPI Obligation to Provide Notice of Educational Options - Wis. Stats. 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 open enrollment, youth options, course options, and options for pupils enrolled in a home-based private educational program.

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2015 Wisconsin Act 55

- ▶ **Required High School Civics Test and Equivalency High School Graduation** Wis. Stats. 115.29(4)
- ▶ Grant a declaration of equivalency of high school graduation to an individual if the individual has successfully completed the civics test required under s. 118.33 (1m) (a) and if, in the state superintendent's judgment, the individual has presented satisfactory evidence of having completed a recognized high school course of study or its equivalent. The state superintendent may establish the standards by which high school graduation equivalency is determined. Such standards may consist of evidence of high school courses completed in high schools recognized by the proper authorities as accredited, results of examinations given by or at the request of the state superintendent, successful completion of correspondence study courses given by acceptable correspondence study schools, a general educational development certificate of high school equivalency issued by an agency of the U.S. government, course credits received in schools meeting the approval of the state superintendent, or other standards established by the state superintendent.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Smarter Balanced Assessment – Common Core Initiative – Wis. Stats. 115.293**
- ▶ **Smarter Balanced Assessment Consortium; Common Core State Standards Initiative; prohibition.**
 - (1) Beginning on the effective date of this subsection, the state superintendent shall cease all participation in the Smarter Balanced Assessment Consortium.
 - (2) The state superintendent may not give effect to any academic standard developed by the Common Core State Standards Initiative and adopted and implemented in this state before the effective date of this subsection. The state superintendent may not require any school board to give effect to any such academic standard.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Smarter Balanced Assessment – Common Core Initiative – Wis. Stats. 115.293**
 - **Smarter Balanced Assessment Consortium; Common Core State Standards Initiative; prohibition.**
 - (3) Beginning on the effective date of this subsection, the state superintendent may not take any action to adopt or implement any academic standard developed by the Common Core State Standards Initiative, and may not direct any school board to adopt or implement any such standard.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

▶ Career and Technical Education Incentive Grants

Wis Stats. 106.273

- From the appropriation under s. 20.445 (1) (b), the department shall allocate not less than \$3,000,000 in each fiscal year for incentive grants to school districts under this section. From that allocation, the department shall annually award to a school district \$1,000 per pupil for each pupil in the school district who, in the prior school year, obtained a high school diploma or a technical education high school diploma from a school in the school district, if all of the following apply:
 - 1. The school district has an industry-recognized certification program approved by the department under sub. (2).
 - 2. The pupil successfully completed the school district's industry-recognized certification program under subd. 1. in any school year in which the program was approved by the department under sub. (2).
- (b) If the amount allocated under par. (a) in any fiscal year is insufficient to pay the full amount per pupil under par. (a), the department may prorate the amount of its payments among school districts eligible for an incentive grant under this section.

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2015 Wisconsin Act 55

- ▶ **School and school district accountability report - [Wis. Stats. 115.385](#)**
- ▶ 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 open enrollment, youth options, course options, and options for pupils enrolled in a home-based private educational program.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Special needs scholarship program – Wis. Stats. 115.7915**
 - **(1) Definitions.** In this section:
 - (a) “Eligible school” means a private school located in this state.
 - (b) “Resident school board” means the school board of a resident school district.
 - (c) “Resident school district” means the school district in which a pupil resides.
 - (d) “Services plan” has the meaning given in 34 CFR 300.37.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Special needs scholarship program – [Wis. Stats. 115.7915](#)**
 - **(2) Scholarship Requirements. Beginning in the 2016–17 school year,** the department shall provide to a child with a disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the following apply:
 - (a) The child applied to attend a public school in one or more nonresident school districts under s. 118.51 for the same school year for which he or she is submitting an application under par. (f), and all of the following occurred:

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2015 Wisconsin Act 55

- ▶ **Special needs scholarship program – Wis. Stats. 115.7915**
 - 1. The child was rejected by the school boards of all the nonresident school districts to which he or she applied under s. 118.51 (3) (a), (3m) (a), or (7); or was prohibited from attending public school in all the nonresident school districts to which he or she applied under s. 118.51 (3m) (d), (7), or (12).
 - 2. If the child's parent appealed any school board decision under subd. 1., the department affirmed the decision.
 - (b) The governing body of the eligible school notified the department of its intent to participate in the program under this section.

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2015 Wisconsin Act 55

- ▶ **Special needs scholarship program – Wis. Stats. 115.7915**
 - (c) The eligible school has been approved as a private school by the state superintendent under s. 118.165 (2) or is accredited by the Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, as of the August 1 preceding the school term for which the scholarship is awarded.
 - (d) An individualized education program or services plan has been completed for the child.
 - (e) The child attended a public school in this state for the entire school year immediately preceding the school year for which the child first receives a scholarship under this section.

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- ▶ **Special needs scholarship program – Wis. Stats. 115.7915**
 - (f) The child, or the child’s parent on behalf of the child, submitted an application for a scholarship under this section, on a form prepared by the department that includes the document developed by the department under sub. (4) (a) to the eligible school that the child will attend. A child, or child’s parent, may apply for a scholarship and a child may begin attending an eligible school under this section at any time during the school year.
 - (g) The eligible school has accepted the child’s application to attend the eligible school under a scholarship awarded under this section.

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2015 Wisconsin Act 55

▶ **Special needs scholarship program – Wis. Stats. 115.7915**

(5) School Board Duties.

(a) Annually, each school board shall notify the parents of each child with a disability enrolled in the school district of the program under this section.

(b) Upon the request of a parent of a child receiving a scholarship under this section, the child's resident school board shall administer the appropriate examinations under s. 118.30 to the child at no cost if the private school the child attends does not administer them.

(c) The resident school board of a child receiving a scholarship under this section shall ensure that the child's individualized education program team reevaluates the child as provided in s. 115.782 (4).

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); [Wis. Stats. 118.50](#)**
 - (1) Agreement.** The school boards of 2 or more school districts may enter into a whole grade sharing agreement that provides for all or a substantial portion of the pupils enrolled in one or more grades, including 4-year-old and 5-year-old kindergarten and prekindergarten classes, in any of the school districts to attend school in one or more of the other school districts for all or a substantial portion of a school day. School boards shall include in a whole grade sharing agreement all of the following:
 - (a) The term of the agreement, which shall be for one or more entire school years.
 - (am) The date by which each school board must notify the other participating school boards of its intent to renew the agreement.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); 1 Wis. Stats. 118.50**
- ▶ **(1) Agreement**
 - (b) The grade levels in each school district that are subject to the agreement.
 - (c) Subject to sub. (2m), the annual amount that the school board of a pupil's resident school district pays to the school board of the school district that the pupil attends under the agreement.
 - (d) Which school board grants diplomas to pupils who, under the agreement, graduate from high school in a school district other than the pupil's resident school district.
 - (e) Which school board is responsible for pupil records, as defined in s. 118.125 (1) (d), for pupils, who under the agreement, attend school in a school district other than the pupil's resident school district.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); Wis. Stats. 118.50**
- ▶ **2) Procedure.**
 - (a) A school board may not enter into, extend, or renew a whole grade sharing agreement after January 10 of the school year preceding the school year in which the agreement, extension, or renewal takes effect.
 - (b) At least 150 days before entering into, extending, or renewing a whole grade sharing agreement, the school board shall adopt a resolution stating its intention to do so. Within 10 days after adoption of the resolution, the school district clerk shall publish notice of the adoption of the resolution as a class 1 notice under ch. 985 in a newspaper published in the school district or post a notice of the adoption of the resolution as provided in s. 10.05.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); Wis. Stats. 118.50**

- ▶ **(2) Procedure.**

(c) Within 30 days after publication or posting, a petition signed by at least 20 percent of the electors residing in the school district may be filed with the school board requesting a feasibility study of the agreement. Upon receiving the petition, the school board shall contract with an organization approved by the department to conduct the feasibility study. If a feasibility study is required under this paragraph, the school board may not enter into, extend, or renew a whole grade sharing agreement until it receives the results of the study. The school board shall post the results of the feasibility study on the school district's Internet site.

(d) At least 30 days before entering into, extending, or renewing a whole grade sharing agreement, the school board shall hold a public hearing in the school district at which the proposed agreement is described and at which any school district elector may comment on the proposed agreement. Two or more school boards that will be parties to the agreement may hold a joint public hearing in one of the school districts.

(e) No later than 10 days after entering into, extending, or renewing a whole grade sharing agreement, the school district clerk shall file with the state superintendent a certified copy of the whole grade sharing agreement.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); Wis. Stats. 118.50**
 - **(2m) Pupils with disabilities** Wis. Stats. 118.50(2m) provides specific payment amounts that the resident school district shall pay to the nonresident school district for pupils with disabilities and how such payments are prorated.
 - **3) Transportation.** 118.50(3)(a) A pupil's resident school board is responsible for transporting the pupil to and from the school the pupil attends during the school term under a whole grade sharing agreement, unless the whole grade sharing agreement provides otherwise.
 - **(4) Attendance Areas.** If a school board enters into a whole grade sharing agreement that designates more than one school district for the attendance of its pupils, the school board shall establish attendance areas within the school district for determining the school districts of attendance of the pupils.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d);**
Wis. Stats. 118.50
 - **(5) Rights and privileges of nonresident pupils; participation in programs.**
 - **118.50(5)(a)**(a) Except as provided in s. **118.134 (3m)**, a pupil attending a public school in a nonresident school district under this section has all of the rights and privileges of pupils residing in that school district and is subject to the same rules and regulations as pupils residing in that school district.
 - **118.50(5)(b)** (b) A pupil attending a public school in a nonresident school district under this section is considered a resident of the nonresident school district for the purposes of participating in programs of a cooperative educational service agency or a county children with disabilities education board.

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2015 Wisconsin Act 55

- ▶ **Whole Grade Sharing – Wis. Stats. 117.30(1)(d); Wis. Stats. 118.50**
 - **(6) Full-time Open Enrollment In A Participating Nonresident School District.** If a whole grade sharing agreement provides for a pupil to attend a grade in a nonresident school district in which the pupil is attending school under s. 118.51, the pupil's status as a pupil attending the nonresident school district under s. 118.51 is suspended for the school year the pupil is enrolled in the grade that is subject to the whole grade sharing agreement. This subsection does not prevent a pupil from continuing to attend the nonresident school district in succeeding school years without reapplying, as provided under s. 118.51 (3) (c).
 - **(7) School District Reorganization.** A whole grade sharing agreement entered into under this section is not an order of school district reorganization under ch. 117.
 - **(8)** The department may promulgate rules to implement and administer this section.

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2015 Wisconsin Act 55

Full-time Open Enrollment – Wis. Stats. 118.51 –

- **Undue Financial Burden Rejection Criteria is Repealed.**
Section(s) of the Budget Act: 3305; 3306; 3306h; 3306m; 3306p;
3306r; 3306t; 3309e to 3309h

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

Wis. Stats. 118.60 Parental choice program for eligible school districts and other school districts.

- **Phases out enrollment Caps:**
- 118.60 (2) (be) 1. In this paragraph:
 - a. "Applicable percentage" means, for the 2015-16 and 2016-17 school years, 1 percent, and for each school year beginning with the 2017-18 school year and ending with the 2025-26 school year, the applicable percentage for the previous school year plus one percentage point.
 - b. "Membership" has the meaning given in s. 121.004 (5).
 - c. "Pupil participation limit" means a school district's membership in the previous school year multiplied by the applicable percentage for the current school year.

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2015 Wisconsin Act 55

- **Wis. Stats. 118.60 Parental choice program for eligible school districts and other school districts.**
 - **Phases out enrollment Caps:**
 2. Beginning with the 2015-16 school year and ending with the 2025-26 school year, the total number of pupils residing in a school district, other than an eligible school district or a 1st class city school district, who may attend a private school under this section during a school year may not exceed the school district's pupil participation limit for that school year.
 3. Beginning with the 2026-27 school year, there is no limit on the number of pupils who may attend private schools under this section.

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2015 Wisconsin Act 55

Wis. Stats. 118.60 Parental choice program for eligible school districts and other school districts. Establishes the following funding mechanism:

- b) 1. Beginning in the 2015-16 school year, subject to s. 121.085 (1), the department shall decrease a school district's state aid payment under s. 121.08 by an amount calculated as follows:
 - a. Identify the incoming choice pupils residing in the school district for whom a payment is made under sub. (4) (bg) in that school year.
 - b. Sum the payments made under sub. (4) (bg) for all of the pupils identified under subd. 1. a. for that school year.
 - c. Identify the incoming choice pupils residing in the school district for whom a payment is made under sub. (4m) in that school year.
 - d. Sum the payments made under sub. (4m) (a) for all of the pupils identified under subd. 1. c. for that school year.
 - e. Sum the amounts calculated under subd. 1. b. and d.

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2015 Wisconsin Act 55

Wis. Stats. 118.60 Parental choice program for eligible school districts and other school districts. Establishes the following funding mechanism:

- 2. If a school district's state aid payment under s. 121.08 is insufficient to cover the reduction under subd. 1., as determined under s. 121.085 (2), the department shall decrease other state aid payments made by the department to the school district by the remaining amount.
- 3. The department shall ensure that the aid adjustment under subd. 1. does not affect the amount determined to be received by a school district as state aid under s. 121.08 for any other purpose.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Assessments of reading readiness – Wis. Stats. 118.016**
 - In the 2014–15 and 2015-16 school year years, each school board and the governing body operator of each charter school established under s. 118.40 (2r) or (2x) shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in 4-year-old kindergarten to second 2nd grade in the school district or in the charter school for reading readiness. The department shall ensure that the assessment evaluates whether a pupil possesses phonemic awareness and letter sound knowledge.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Assessments of reading readiness – Wis. Stats. 118.016**
 - 118.016 (1) (b) **Beginning in the 2016-17 school year**, each school board and the operator of each charter school established under s. 118.40 (2r) or (2x) shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the school board or operator, annually assess each pupil enrolled in 4-year-old kindergarten to 2nd grade in the school district or in the charter school for reading readiness. The school board or operator shall ensure that the assessment evaluates whether a pupil possesses phonemic awareness and letter sound knowledge. A school board or operator may administer computer adaptive assessments.
 - 118.016 (1) (c) The department shall pay to the school board or operator, from the appropriation under s. 20.255 (1) (f), the per pupil cost of the selected assessment. If the appropriation under s. 20.255 (1) (f) in any fiscal year is insufficient to pay the full amount of aid under this paragraph, the state superintendent shall prorate state aid payments among the school boards and operators of charter schools entitled to the aid.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Transfer of Pupil Records - Wis. Stats. 118.125(4)**
 - **Transfer of records.** Within 5 working days, a school district , a private school participating in the program under s. 118.60 or in the program under s. 119.23, and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
- ▶ **(1) Interscholastic Athletics.**
 - (a) A school board shall permit a pupil who resides in the school district and is enrolled in a 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 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.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - **(2) Extracurricular Activities.** A school board shall permit a pupil who resides in the school district and is enrolled in a 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.
 - **(3) Participation Fees.** A school board may charge a pupil who participates in interscholastic athletics or extracurricular activities as permitted under this section participation fees, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent that it charges these fees to a pupil who is enrolled in the school district.

Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - **Issue:** This law provides home-based private education students (home school students) eligibility for interscholastic sports in their public school district of residence. However, the WIAA's membership's Rules of Eligibility conflict with this law.
 - **Temporary resolution:** The WIAA Board of Control will provide temporary relief specific to this law and the related WIAA Rules of Eligibility will be addressed at the 2016 WIAA Annual Meeting.

Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - **Pressing issues:** Boards/administration will have to determine the process for verifying the participation requirements in interscholastic athletics based on the new law and WIAA Rules of Eligibility for home-based private education students.
 - District level involvement, school board action and thoroughness is the key to home-based private education student eligibility as it is with your full-time student eligibility.



Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - **Pressing issues:**
 - Determine that home-based private education students (home school):
 - Are home-based private education students registered with your district and DPI (Wis. Statute 115.001(3g), 118.15, 118.165)
http://sms.dpi.wi.gov/sms_homeb
 - Live within your attendance boundary in their primary residence (driver's license, utility bill, etc.)

Students, Curriculum, and Instruction

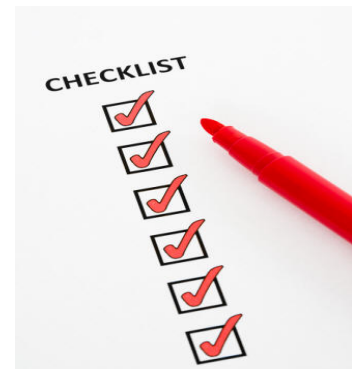
Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities - Wis. Stats. 118.133**
 - **Pressing issues:**
 - Be sure to obtain required information in order to provide clearance to participate:
 - Parental permission each school year including acknowledgement of receiving the school athletic code
 - Current physical fitness (Pre-participation Physical Exam) to participate in sports
 - Athletic emergency form
 - Acknowledgement of receiving the WIAA Rules of Eligibility (Age, Consecutive Semester, 4 seasons, transfer, etc.)

Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - **Pressing issues:**
 - Be sure to obtain required information in order to provide clearance to participate:
 - Academic requirements (i.e., your school board should determine academic progress (grade reports) at the end of the school term; comparable to the expectations that your full-time students must meet can be applied; etc.)
 - Age (Date of Birth)



Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - In summary, all WIAA Rules of Eligibility (on the same basis and to the same extent) apply to Home-Based Private Education student eligibility with the exception of full-time enrollment in your school district.
 - Notify your insurance provider if home-based private education students are participating on your school athletic teams.
 - Be sure to determine how you will ask the parent to verify that they have met your academic requirements.
 - The WIAA has published a Q&A on particulars that is available through the WIAA or the WASB.

Students, Curriculum, and Instruction

Wis. 118.133

- ▶ **Participation in interscholastic athletics and extracurricular activities. - Wis. Stats. 118.133**
 - Other considerations:
 - How often may a school board request such a written statement?
 - What requirements may a school district set with respect to academic and disciplinary records?



Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Pupil Assessments – Wis. Stats. 118.30**
- ▶ 118.30 (1) The state superintendent shall adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, 9th, 10th, and 11th grades. Beginning in the 2015-16 school year, the state superintendent may not adopt or approve assessments developed by the Smarter Balanced Assessment Consortium.
 - 118.30 (1m) (ar) Except as provided in sub. (7), beginning in the 2014-15 school year, administer the 9th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the spring session of 9th grade.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ Credits for demonstrated proficiency – Wis. Stats. 118.33(1)(es)
- ▶ 1. A school board may adopt a resolution to allow pupils in the **high school grades to earn high school credits in a subject area by demonstrating a level of proficiency in that subject area or by creating a learning portfolio related to that subject area.** If a school board adopts a resolution under this paragraph, the school board shall develop and implement written policies and procedures for awarding credits under this paragraph.
- ▶ The school board shall include in its policies and procedures the manner in which a pupil may qualify for high school credit under this paragraph. A pupil may earn not more than one-half of the total number of credits required for a high school diploma under this paragraph.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Credits for demonstrated proficiency – Wis. Stats. 118.33(1)(es)**
- ▶ 2. For a pupil who earns credit under this paragraph, a school board may waive the requirement under par. (b) that requires a pupil, during the high school grades, to be enrolled in a class or participate in an activity approved by the school board during each class period of each school day.
- ▶ 3. Nothing in this paragraph affects a school board's obligations to administer examinations under s. 118.30.
- ▶ 4. A nonprofit, for-profit, or public educational institution that provides an educational program for which it awards a bachelor's or higher degree, or provides a program that is acceptable for full credit toward such a degree or a program of training to prepare students for gainful employment in a recognized occupation, and admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate, shall treat a high school diploma awarded based, in part, on credits earned under this paragraph in the same manner as it treats a high school diploma awarded based on credits earned by enrolling in class.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ 1. Each school board operating high school grades shall develop and periodically review and revise a written policy specifying criteria for granting a high school diploma that are in addition to the requirements under par. (a). The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers. Except as provided in subds. 2. and 4., the criteria apply to pupils enrolled in charter schools located in the school district.
- ▶ 2. The operator of a charter school under s. 118.40 (2r) or (2x) that operates high school grades and an individual or group or a person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 and that operates high school grades shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ 2m. The governing body of each private school participating in the program under s. 119.23 and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. 119.23 or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ 2r. The governing body of each private school participating in the program under s. [118.60](#) shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. [118.60](#). The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. [\(1m\) \(a\)](#), and the recommendations of teachers.



Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ 3. Neither a school board nor an operator of a charter school under s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ Neither the governing body of a private school participating in the program under s. 119.23 nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may grant a high school diploma to any pupil attending the private school under s. 119.23 or the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m. The governing body of a private school participating in the program under s. 118.60 may not grant a high school diploma to any pupil attending the private school under s. 118.60 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2r.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Civics test required – Wis. Stats. 118.33(1)(f)**
- ▶ 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the criteria specified in the policy developed by that school board under subd. 1. apply to pupils enrolled in the charter school, regardless of the location of the charter school.



Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 118.57**
 - (1) Annually, by January 31, each school board shall publish as a class 1 notice, under ch. 985, and post on its Internet site a description of the educational options available to the child, including public schools, private schools participating in a parental choice program, charter schools, virtual schools, full-time open enrollment, youth options, and course options.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 118.57**
 - (2) The school board shall include in the notice under sub. (1) the most recent performance category assigned under s. 115.385 (2) to each school within the school district boundaries, including charter schools established under s. 118.40 (2r) or (2x) and private schools participating in a parental choice program under s. 118.60 or 119.23. The notice published by the school board shall inform parents that the full school and school district accountability report is available on the school board's Internet site.

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 120.12(13)**
 - (a) Annually, prior to the beginning of the school term, notify the parents and guardians of pupils enrolled in the school district of the pupil academic standards, adopted under s. 118.30 (1g) (a) 1., that will be in effect for the school year.
 - The school board may provide the notice required under this paragraph electronically, including by posting the notice or a link to the pupil academic standards on the school district's Internet site.

Students, Curriculum, and Instruction

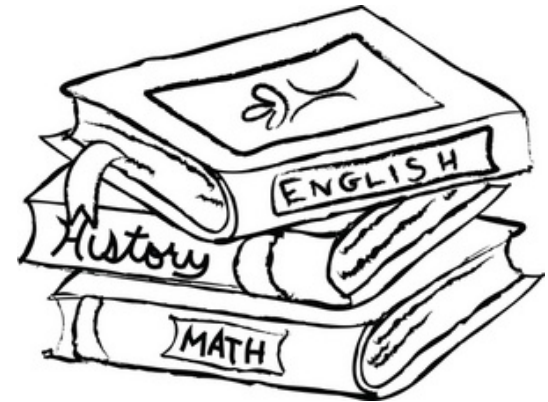
2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 120.12(13)**
 - (b) Annually, include as an item on the agenda of the first school board meeting of the school year a notice that clearly identifies the pupil academic standards adopted by the school board under s. 118.30 (1g) (a) 1. that will be in effect for the school year.
 - Section 120.12(13)(b) states that the school board must address the new requirements related to student academic standards as an agenda item at “the first school board meeting of the school year.”
 - *What if a district’s regular July school board meeting has already occurred and the meeting either preceded the enactment of the new law or the district was not able to prepare the standards-related agenda item in time for the July meeting?*

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 120.12(13)**
 - This new law requires districts to provide annual notice in the following content areas/subjects:
 - Mathematics
 - Science
 - Reading and writing
 - Geography
 - History
 - A board may choose to also provide notice of academic standards in other content areas/subjects as well.



Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ Notice of educational options; accountability report performance category; pupil assessments – Wis. Stats. 120.12(13)

- ▶ Notice considerations:
 - What are the specific sources of all of the district's board-adopted academic standards?

 - Where can parents and other interested persons find complete lists/statements of the board-adopted standards?

 - Which content areas and grade levels are covered by the standards adopted from each source?

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments –**
Wis. Stats. 120.12(13)
 - Do you anticipate confusion/controversy with regard to your standards? If so, will the notice provide context, a description of the purpose and/or the value of adopting such standards?
 - How will the district provide such notice? Although the statute provides that the district may provide such notice electronically, does your district have a large demographic of individuals who do not have reliable access to the internet?

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Notice of educational options; accountability report performance category; pupil assessments –**

Wis. Stats. 120.12(13)

- Will the notice contain only mandatory content areas /subjects or will it include board-adopted standards for other content areas as well?
- How broadly should a school district interpret the term “academic standards” for purposes of these new requirements? Isn’t it possible to consider high school graduation policies, student grading systems, promotion and retention criteria, early admission criteria, etc. to all be types of “academic standards”?

Students, Curriculum, and Instruction

2015 Wisconsin Act 55

- ▶ **Course options tuition, 118.52(12)**
 - TUITION. (a) The resident school board shall pay to the educational institution, for each resident pupil attending a course at the educational institution under this section, an amount equal to the cost of providing the course to the pupil, calculated in a manner determined by the department. The Except as provided in par. (b), the educational institution may not charge to or receive from the pupil or the pupil's resident school board any additional payment for a pupil attending a course at the educational institution under this section.
 - (b) An educational institution that is an institution of higher education may charge a pupil, or the parent or guardian of a minor pupil, additional tuition and fees for attending a course at the institution of higher education under this section, but only if the pupil will receive post-secondary credit for the successful completion of the course. The school board and the educational institution under this paragraph shall determine the amount of tuition and fees the educational institution may charge a pupil for attending such a course.

School Personnel

2015 Wisconsin Act 46

- ▶ **Certificates Of Food Protection Practices Required In Order To Operate Certain School Lunchrooms**
 - Under this new law, each school district, private school, and independent charter school that is participating in the National School Lunch Program and that directly provides the food service in the relevant school(s) must ensure that at least one person who qualifies as the operator or manager of the lunchroom(s), or who is a designee of the operator, holds a certificate of food protection practices. The new law defines the “operator or manager of the lunchroom” as the individual who is responsible for the administration of food services for any such private school, independent charter school, or school district.
 - A school district with multiple schools complies with the requirements of this new law if the district has at least one qualifying certificate holder.
 - If no one holds the required certificate, it is unlawful to conduct, maintain, manage, or operate a school lunchroom in the relevant school (s).

School Personnel

2015 Wisconsin Act 55

▶ **Teacher Licensure – 118.19**

- 118.19 (7) (b) The state superintendent may issue a permit to teach industrial arts subjects if the applicant is certified by the technical college system board to teach an industrial arts or similar subject.
- 118.19 (17) If the department requires an individual to earn credits from an institution of higher education to renew his or her license to teach, the department shall accept credits earned at any institution of higher education, as defined in 20 USC 1001 (a) and (b).

School Personnel

2015 Wisconsin Act 55

▶ Experience-based Licensure For Technical Education – 118.191

- (2) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a technical education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district in which the individual will teach.
- (3) An initial teaching license issued under sub. (2) is valid for 3 years.

Note: Additional provisions exist on determining the process for approving such an applicant for the consideration of the license in this section.

School Personnel

2015 Wisconsin Act 55

- ▶ **Licenses Based On Reciprocity – 118.193 - Teachers**
 - (2) Notwithstanding s. 118.19 (4m), (6) to (9), and (12) to (14), the department shall grant an initial license to teach to an individual who is eligible for licensure under s. 118.19 (4) and (10) and who satisfies all of the following:
 - (a) The individual holds a license to teach granted by the proper authority of another state and is in good standing with the proper authority of that state.
 - (b) The individual taught for at least one year under the license granted by another state.
 - (c) The individual has received an offer of employment to teach in a school located in this state.
 - ***Note: Additional provisions exist on determining the process for approving such an applicant for the consideration of the license in this section.***

School Personnel

2015 Wisconsin Act 55

▶ Licenses Based On Reciprocity – 118.193 - Administrators

- (3) Notwithstanding s. 118.19 (9) and (11), the department shall grant an initial administrator license to an individual who is eligible for licensure under s. 118.19 (4) and (10) and who satisfies all of the following:
 - (a) The individual holds a license granted by the proper authority of another state that is equivalent to an administrator license and the individual is in good standing with the proper authority of that state.
 - (b) The individual worked as an administrator under the license granted by another state for at least one year.
 - (c) The individual has received an offer of employment to be an administrator for a school or school district located in this state.
- ***Note: Additional provisions exist on determining the process for approving such an applicant for the consideration of the license in this section.***

School Personnel

2015 Wisconsin Act 55

- ▶ **Licenses Based On Reciprocity – 118.193 – Both Administrators And Teachers**
 - (4) (a) An application for a license under sub. (2) or (3) shall be made jointly by the applicant and the school or school board that made the offer of employment required for the license.
 - (b) 1. The department shall determine the subjects and grades that a license issued under sub. (2) authorizes an individual to teach based on the subjects and grades the individual is authorized to teach under his or her license granted by another state and the individual's teaching experience.
 - 2. The department shall determine the school administrator category under s. PI 34.32, Wis. Adm. Code, for a license issued under sub. (3) and the grades to which the license applies based on the individual's license granted by another state and the individual's experience as an administrator.
 - ***Note: Additional provisions exist on determining the process for approving such an applicant for the consideration of the license in this section.***

Elections and Related Issues

2015 Wisconsin Act 36



► Fees For Election Recounts

- This new law changes the thresholds at which a petitioner requesting a recount in any election or referendum is required to pay a fee, in advance, related to the costs of conducting the recount.
- Depending on the difference in the relevant number of votes cast, a petitioner requesting a recount under this new law will either (1) not be required to pay any fee, or (2) be required to pay an amount equal to the actual costs of conducting the recount in each ward/municipality in which a recount has been requested. (The amount prepaid is an estimate of the actual costs, which is later adjusted up or down.)

Elections and Related Issues

2015 Wisconsin Act 36



► Fees For Election Recounts

- The new thresholds and fee provisions will generally result in more petitioners being required to pay for the cost of conducting a recount than was the case under prior law.
- However, in the situation where the petitioner is required to pay the statutory fee, the new law also provides that if, as a result of the recount, the petitioner becomes the leading candidate or the outcome of a referendum changes, then the fees that have been paid shall be refunded to the petitioner.
- A petitioner is not entitled to any refund of prepaid fees if, as a result of the recount, the difference in the number of votes is merely reduced below the threshold that determines, at the point of filing a petition, whether a fee must be prepaid.

Elections and Related Issues

2015 Wisconsin Act 37



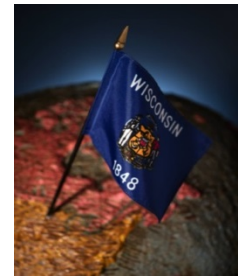
► **Changes To Election Laws Affecting Write-in Candidates And School District Referendum Procedures**

This new law makes numerous changes to the elections laws. The following changes are likely to be most relevant to school districts and school district officials:

- Existing law provides that if candidates have been certified to appear on the ballot for a particular office, then write-in votes may only be counted for candidates who have filed campaign registration statements. This new law establishes noon on the Friday immediately preceding the election as the deadline for a write-in candidate to file such a qualifying campaign registration statement. (Note: In the scenario where no candidates have been certified to appear on the ballot, the law still requires all write-in votes to be counted, regardless of whether an individual receiving one or more write-in votes has filed a campaign registration statement.)

Elections and Related Issues

2015 Wisconsin Act 37



► Changes To Election Laws Affecting Write-in Candidates And School District Referendum Procedures

This new law makes numerous changes to the elections laws. The following changes are likely to be most relevant to school districts and school district officials:

- This new law provides that, following the adoption of a proper initial resolution to raise money by a bond issue that is subject to approval at a referendum, the school board shall direct the school district clerk to call a special election for the purpose of submitting the resolution to the electors for approval or rejection, or direct that the resolution be submitted at the next regularly-scheduled primary or election to be ***held not earlier than 70 days after the adoption of the resolution***. Where this new law requires a 70-day period between the adoption of the initial resolution and the date of the referendum, prior law had specified a shorter 45-day period.

Elections and Related Issues

2015 Wisconsin Act 37



► **Changes To Election Laws Affecting Write-in Candidates And School District Referendum Procedures**

This new law makes numerous changes to the elections laws. The following changes are likely to be most relevant to school districts and school district officials:

- As has long been the case for the polling places that are used for actual school board elections, this new law provides that (1) when a school district referendum is held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election shall be the polling places for the referendum and the municipal election hours shall apply, and (2) if no state, county, municipal, or judicial election is held on the day of a school district referendum, then the school board may select the polling places to be used. When the school board selects the polling places for a referendum, the school board must adhere to the same limitations that apply under existing law to closing a polling place for a school board election.

Elections and Related Issues

2015 Wisconsin Act 55



▶ Unified School Districts – Elections of School Board Members Wis. Stats. 120.42

This new law makes changes to the election plan and plan of apportionment for School board members in a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least 2 villages.

Sections of the Budget Act: 3391m; 3391s

Liability, Finance, and other Miscellaneous Governance Issues

2015 WISCONSIN ACT 6

▶ Raffle Licenses And The Regulation Of Raffles

- This new law makes numerous changes to the statutes that regulate raffles conducted by qualifying local organizations under either a Class A or Class B raffle license. Raffle licenses are issued by the department of administration. Among other changes to the regulation of raffles, this new law:
 - Increases the number of raffles that any qualified and licensed organization may hold in a year.
 - Expressly defines “multiple-container raffle,” “single-container raffle,” and “calendar raffle,” and applies different requirements to each type of raffle.
 - Repeals all limits on the costs of raffle tickets and calendars and modifies the limitations that apply to the timing of the sale of tickets and calendars.
 - Identifies a plastic/rubber duck race as a valid type of “drawing.”

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 23

► Possession Of Firearms In School Zones By Law Enforcement Officers And Former Law Enforcement Officers

- 2015 Wisconsin Act 23 amends the Wisconsin gun-free school zones law to expressly allow the following individuals to possess and discharge a firearm in a school zone without violating that criminal statute, provided that they otherwise meet all of the additional requirements and conditions as set forth in the Act:
 - A person currently employed in this state by a public agency as a law enforcement officer, regardless of whether the individual is acting in an official capacity.
 - A person who is currently a qualified out-of-state law enforcement officer, regardless of whether the individual is acting in an official capacity.
 - Certain former law enforcement officers.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 23

- ▶ **Possession Of Firearms In School Zones By Law Enforcement Officers And Former Law Enforcement Officers**
 - This new law also exempts the above-listed individuals from prosecution under the criminal trespass statutes for the possession of a firearm while present in or on the grounds of a school. The same additional requirements and conditions that apply to the exceptions to the gun-free school zone law also apply to the exceptions to the criminal trespass statutes.
 - Among the several additional requirements and conditions applicable to former law enforcement officers who wish to take advantage of the above-identified exceptions to criminal liability are that the person must have been issued a particular identification document, card, or certification that indicates that, within the 12 months preceding the date on which the former officer is carrying the firearm, he or she was tested or otherwise sufficiently found to have meet the standards for qualification in firearms training that apply to active law enforcement officers to carry a firearm of the same type as the firearm that the former officer is carrying.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

▶ **Sparsity Aid**

- 115.436 (2) (b) of the statutes is repealed.

▶ **Additional special education aid**

- 115.881 (2) For each child whose costs exceeded \$30,000 under sub. (1), the department shall, from the appropriation under s. 20.255 (2) (bd), pay an eligible applicant in the current school year an amount equal to 0.70 multiplied by that portion of the cost under sub. (1) that exceeded \$30,000.

▶ **Supplemental special education aid**

- [Wis. Stats. 115.883\(1m\)](#)
- [Wis. Stats. 115.883\(2\)\(a\)](#)
- [Wis. Stats. 115.883\(2\)\(b\)](#)

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

▶ Per Pupil Aid

- 115.437 (2) of the statutes is renumbered 115.437 (2) (a) and amended to read:
- 115.437 (2) (a) Except as provided in par. (b), annually on the 4th Monday of March, the department shall pay to each school district an amount equal to the average of the number of pupils enrolled in the school district in the current and 2 preceding school years multiplied by \$75 in the 2013-14 school year, by \$150 in the 2014-15 and 2015-16 school years, and by \$250 in each school year thereafter. The department shall make the payments from the appropriation under s. 20.255 (2) (aq).
- 115.437 (2) (b) 1. The department shall make the payment under par. (a) for the 2015-16 school year on the 2nd Monday of July 2016.
- 2. The department shall consider the amount paid from s. 20.255 (2) (aq) under subd. 1. to be money appropriated to s. 20.255 (2) (aq) in the 2015-16 school year for purposes of calculating the change in the amount of statewide categorical aid per pupil under s. 118.40 (2r) (e) 2p. from the 2014-15 school year to the 2015-16 school year, from the 2015-16 school year to the 2016-17 school year, and from the 2016-17 school year to the 2017-18 school year.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

▶ **Special Education Transition Grants**

- 115.884 (1) In the 2016-17 school year, from the appropriation under s. 20.255 (2) (bf), the department shall award an incentive grant in the amount of \$1,000 per individual to a school district, or to an operator of a charter school established under s. 118.40 (2r), that applies for a grant under this section and that demonstrates to the satisfaction of the department that the individual satisfies all of the following criteria:
 - (a) The individual was enrolled in a school in the school district or in the charter school in the 2014-15 or 2015-16 school year and, at the time of his or her enrollment, an individualized education program was in effect for the individual.
 - (b) At the time the school district or the operator of the charter school applies to receive an incentive grant under this section, one of the following criteria applies to the individual described in par. (a):
 1. The individual had enrolled in a higher education program within one year of leaving high school. In this subdivision, "higher education program" means a 4-year program at a college or university, a 2-year program at a college or community college, or a 2-year program at a technical college.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

▶ **Special Education Transition Grants - Wis. Stats. 115.884**

- 2. The individual had enrolled in other postsecondary education or training within one year of leaving high school. In this subdivision, "other postsecondary education or training" includes a high school completion or equivalency program, a vocational school, an apprenticeship or short-term training program, an on-the-job training program, an adult education program, and a program, other than a 2-year program, at a vocational or technical school.
- 3. The individual had been, or remains, competitively employed within one year of leaving high school. In this subdivision, "competitively employed" means 90 days or more of cumulative or consecutive work paying minimum wage or greater for an average of at least 20 hours per week in a setting with others who are not disabled.

(2) If the appropriation under s. 20.255 (2) (bf) in the 2016-17 school year is insufficient to pay the full amount under sub. (1), the department shall prorate the amount of its payments among school districts and operators of charter schools established under s. 118.40 (2r) that are eligible for an incentive grant under this section.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Opportunity Schools and Partnership Programs - Wis. Stats. 115.999**
 - Create an Opportunity Schools and Partnership Program (OSPP) within the Milwaukee Public Schools (MPS) under the management and control of a Commissioner appointed by (and under the supervision of) the Milwaukee County Executive.
 - The Commissioner would operate independently from the MPS Board, would receive parallel authority to that of the MPS Board and would be free of all state and local regulations other than for health, safety, special education and non-discrimination laws.
 - The core mission of the OPSS would be to develop and manage a portfolio of low-performing schools and to turn those schools around through either direct or indirect management; and to develop and manage the deployment of wrap-around services that are revenue neutral or cost-saving.
 - Provide for the replication of this model to other urban districts that: 1) receive intra-district aid; 2) have an enrollment (Pupil membership) of 15,000 or greater; and 3) received the lowest rating on the most recent school district accountability report in any two consecutive years.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Opportunity Schools and Partnership Programs - Wis. Stats. 115.999**
 - The OSPP proposal, phased in over time, provides that up to three of the lowest-performing MPS schools or vacant or “underutilized” MPS school buildings be handed over to the Commissioner in the first two years, with up to five more of the lowest-performing MPS schools or vacant or underutilized MPS school buildings be handed over each year thereafter.
 - The Commissioner would become the agent of a lease with the City of Milwaukee, taking possession and exercising care, control, and management of all land, buildings, facilities, and other property that would be part of a school transferred to the OSPP and would be the conduit through which chartered "education operators" (i.e., the governing body of an independent charter school or a nonsectarian private school participating in a voucher program or to an individual or group not currently operating a school) would transmit their letters of interest in purchasing MPS buildings and facilities.
 - The OSPP proposal makes other sweeping changes, including proposing parallel powers for the MPS Superintendent and the commissioner with regard to low-performing schools.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **CESAs – School District Withdrawal – Wis. Stats. 116.065**
 - 116.065 (1) The school board of a school district may adopt a resolution to withdraw from an agency. The school board shall immediately notify the board of control and the state superintendent that the school board has adopted a resolution under this subsection.
 - 116.065 (2) A resolution adopted under sub. (1) or (3) prior to January 15 in any school year shall be effective the next succeeding July 1. A resolution adopted under sub. (1) or (3) on or after January 15 in any school year shall be effective on the 2nd succeeding July 1.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **CESAs – School District Withdrawal – Wis. Stats. 116.065**
 - 116.065 **(3)** A school district that has withdrawn from an agency under sub. (1) may rejoin the agency by adopting a resolution and immediately notifying the board of control and state superintendent of the resolution to rejoin.
 - 116.065 **(5)** The board of control of an agency may not assess any cost against a school district that withdraws from the agency under this section for expenses the board incurs while the school district is not in the agency.
 - 116.07 **(4)** No such plan is valid if it permits any territory of this state to be outside an agency area, unless the territory is part of a school district that has withdrawn from an agency under s. 116.065.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **CESAs – Financial - Wis. Stats. 116.03**
 - Sections of the Budget Act: [3231](#); [3233](#)
- ▶ **CESAs – Loans and Local Aid – Wis. Stats. 116.08**
 - Sections of the Budget Act: [3238](#); [3239](#); [3240](#); [3242](#)

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Charter Schools – Contract – Wis. Stats. 118.40(3)**
- ▶ 118.40 (3) (f) A contract with a school board, an entity under sub. (2r) (b), or the director under sub. (2x) *may provide for the establishment of more than one charter school*, and a charter school governing board may enter into more than one contract with a school board, an entity under sub. (2r) (b), or the director under sub. (2x).
- ▶ 118.40 (3) (g)
 - 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a contract with a school board, an entity under sub. (2r) (b), or the director under sub. (2x) shall require that if the capacity of the charter school is insufficient to accept all pupils who apply, the charter school shall accept pupils at random.
 - 2. A charter school shall give preference in enrollment to pupils who were enrolled in the charter school in the previous school year and to siblings of pupils who are enrolled in the charter school.
 - 3. A charter school may give preference in enrollment to the children of the charter school's founders, governing board members, and full-time employees, but the total number of such children given preference may constitute no more than 10 percent of the charter school's total enrollment.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Charter Schools – Contract – Wis. Stats. 118.40(3m)** AUTHORIZING ENTITY DUTIES. (intro.) A school board, an entity under sub. (2r) (b), and the director under sub. (2x) shall do all of the following¹
 - 18.40 (3m) (a) Solicit and evaluate charter school applications.
 - (d) Approve only high-quality charter school applications that meet identified educational needs and promote a diversity of educational choices.
 - (e) In accordance with the terms of each charter school contract, monitor the performance and compliance with this section of each charter school with which it contracts.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Charter Schools – Contract – Wis. Stats. 118.40(3m)** (f) Annually, submit to the state superintendent and to the legislature under s. 13.172 (2) a report that includes all of the following:
 - 1. An identification of each charter school operating under contract with it, each charter school that operated under a contract with it but had its contract nonrenewed or revoked or that closed, and each charter school under contract with it that has not yet begun to operate.
 - 2. The academic and financial performance of each charter school operated under contract with it.
 - 3. The operating costs the school board, entity under sub. (2r) (b), or director under sub. (2x) incurred under pars. (a) to (e), detailed in an audited financial statement prepared in accordance with generally accepted accounting principles.
 - 4. The services the school board, entity under sub. (2r) (b), or director under sub. (2x) provided to the charter schools under contract with it and an itemized accounting of the cost of the services.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

- ▶ **Power of Annual Meeting & School Board Duties – Wis. Stats. 120.10(12), 120.13(19m)**
- ▶ **SECTION 3387P.** 120.10 (12) of the statutes is renumbered 120.13 (19m) and amended to read:
 - ▶ **120.13 (19m) SALE OF PROPERTY.** ~~Authorize the sale of~~ Sell any property belonging to and not needed by the school district. If a school site or other lands are to be abandoned which were acquired or are held upon condition that they revert to the prior owner when no longer used for school purposes, the school board shall sell any school buildings thereon or move them to another site within 8 months after the school buildings cease to be used for school purposes or the site ceases to be maintained as a school district playground or park.

Liability, Finance, and other Miscellaneous Governance Issues

2015 Wisconsin Act 55

Prevailing Wage Rate – Wis. Stats. 66.0903(1m)(b)

- ▶ Prevailing wage rate is repealed.
- ▶ The legislature finds that the enactment of ordinances or other enactments by local governmental units requiring laborers, workers, mechanics, and truck drivers employed on projects of public works or on publicly funded private construction projects to be paid the prevailing wage rate and to be paid at least 1.5 times their hourly basic rate of pay for hours worked in excess of the prevailing hours of labor would be logically inconsistent with, would defeat the purpose of, and would go against the repeals of s. 66.0904, 2009 stats, and s. 66.0903 (2) to (12), 2013 stats.
- ▶ Therefore, this section shall be construed as an enactment of statewide concern for the purposes of facilitating broader participation with respect to bidding on projects of public works, ensuring that wages accurately reflect market conditions, providing local governments with the flexibility to reduce costs on capital projects, and reducing spending at all levels of government in this state.
- ▶ DWD Explanatory Memorandum

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **Initial license to teach; Montessori**, Wis. Stats. 118.194
 - Section(s) of the Budget Act:
[2015 Wisconsin Act 55 section 3247s](#)

- ▶ **Private School Assessments**, Wis. Stats. 118.30(1g)
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section
[3248h](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **Private and Charter School Assessments, Wis. Stats. 118.30**
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3249](#) to [3258](#); [3264](#)
- ▶ **Alternative Pupil Assessments, Wis. Stats. 118.301**
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3266](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **Charter Schools – Other Initiatives**, Wis. Stats. 118.40(2r)
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3274](#); [3280](#); [3284p](#); [3285](#)
- ▶ **Charter Schools – Office of Educational Opportunity**, Wis. Stats. 118.40(2x)
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3286m](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **Charter Schools Governing Board**, Wis. Stats. 118.40(4)
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3296](#); [3300](#)
- ▶ **State Aid – Low Income Definition**, Wis. Stats. 118.43(1)(b)
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3302](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **State aid computation - membership**, Wis. Stats. 121.07
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3395d](#); [3395m](#)
- ▶ **State Aid; Other Reductions**, Wis. Stats. 121.085
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3396n](#)
- ▶ **State Aid; Special Adjustment Aids**, Wis. Stats. 121.105
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3397](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **State Aid; Special Transfer Programs, Wis. Stats. 121.85**
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3413](#); [3414](#); [3418](#); [3418n](#); [3418w](#)
- ▶ **Revenue Limit – Definitions – Number of Pupils, Wis. Stats. 121.90(1)(f)**
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3421d](#)

Highlighted Acts affecting school districts (2015 Legislative Session)

NOTE: Acts listed below were not mentioned in the “by topic, by-statute” list (above in Part I). [WASB New Laws List](#) does contain all of these specific Acts.

- ▶ **Revenue Limit, Wis. Stats. 121.91**
 - Section(s) of the Budget Act: 2015 Wisconsin Act 55 section [3421k](#); [3421p](#) to [3421r](#)

How to stay up-to-date:

- ▶ An updated “School Law & Policy Index” (through 2015 Act 55) is now available.
- ▶ WASB’s “New Laws” Bulletins, available at <http://www.wasb.org/websites/legal/index.php?p=122>

The screenshot shows the WASB (Wisconsin Association of School Boards) website. The header includes the WASB logo, the text 'WISCONSIN ASSOCIATION OF SCHOOL BOARDS', and the tagline 'Supporting, Promoting and Advancing Public Education'. A navigation menu is visible with categories like 'About WASB', 'WASB Services', 'Convention', 'Meetings & Events', 'Products & Publications', 'Wisconsin School News', 'Service Associates', 'WASB Insurance Plan', and 'WSAA'. Below the navigation menu, there are links for 'Advocacy & Government Relations', 'Governance', 'Legal & Human Resources', 'Policy', 'School Law Information', 'Communications', 'Superintendent Search', and 'Organizational Consulting & Coaching'. The main content area is titled 'Legal Information' and includes a sidebar with links to 'School Law Index', 'Quick Links to School Law Resources', 'Legal Comments List', 'Legal Notes List', 'Law-Related Publications', 'New Laws List', and 'WASB Legal Information'. The main content area is titled 'New Laws List' and contains a list of new acts with their subjects. The list is organized by year, with '2013 ACTS' highlighted. The table below shows the first few entries of the 2013 acts.

2013 ACTS	Subject
373	School districts required to notify county clerk(s) of school district officials
336	School boards authorized to create a capital improvement trust fund
327	Access aisles for parking spaces reserved for persons with physical disabilities
319	Maximum cost of a ticket sold under a class A raffle license
314	Duration of delegation of parental powers using a power of attorney
309	Administration of medication at a camp
306	Eligible costs for community programs and services (Fund 80)
286	Records of hours worked by exempt non-hourly employees

How to stay up-to-date:

- ▶ **WASB’s “Legislative Update” Resource, available at http://www.wasb.org/websites/advoc_gov_relations/index.php?p=576**
- ▶ **WASB’s State Bill Tracking Chart, available at http://www.wasb.org/websites/advoc_gov_relations/index.php?p=103**
- ▶ **DPI’s Administrative Rules web page, available at http://pb.dpi.wi.gov/pb_rulespg**

Legislative Odds and Ends:

- ▶ **The State and the Legislative Reference Bureau, in relation to both the Wisconsin Statutes and the Wisconsin Administrative Code, are increasingly moving to an electronic model.**
 - **Regarding the Wisconsin Statutes:**
 - The electronic edition of the updated Wisconsin Statutes found at <http://docs.legis.wisconsin.gov/statutes/prefaces/toc> are published under s. 35.18 (1) (b), stats., are certified under s. 35.18 (2) (b), stats., and are prima facie evidence that they are the Wisconsin Statutes "as they purport to be" under s. 889.01, stats.
 - An actual "Certification" is regularly updated to reflect the date of the most recent updates. See <http://docs.legis.wisconsin.gov/statutes/prefaces/certificate>

Legislative Odds and Ends:

- ▶ **The State and the Legislative Reference Bureau, in relation to both the Wisconsin Statutes and the Wisconsin Administrative Code, are increasingly moving to an electronic model.**
 - **Regarding the Administrative Code:**
 - As required by 2013 Wisconsin Act 20, state-sponsored printing and distribution of the Wisconsin Administrative Code and Register will end January 1, 2015 and the Code and Register will become electronic-only publications.
 - Publication of the Register will occur every Monday rather than the current practice of bimonthly publication.
 - See <http://legis.wisconsin.gov/rsb/code.htm> for additional information.

COURT DECISIONS
ADMINISTRATIVE RULES
REGULATORY GUIDANCE

SCHOOL GOVERNANCE

- GAB issued a new campaign finance guide for local government officials on Nov. 19, 2014.
- Highlights:
 - Campaign Registration statement (GAB-1) requires depository information.
 - All registrants must have a single depository in which all contributions are deposited and from which all disbursements are made.
 - A separate account is required of candidates who do not claim exemption from campaign finance reporting. Candidates claiming the exemption may use their personal bank account.
 - Candidates who receive no contributions and spend no money are not required to have a bank account. Such candidates should attach a hand written statement that they will spend no money to their GAB-1.
 - [GAB Campaign Finance Guide for Local Government Officials](#)



SCHOOL GOVERNANCE

- ▶ Public Records Law:
 - A school district records custodian had properly denied a public records request for personnel-related records where the requestor was an individual with a history of violence against the record subject.
 - State ex rel. Ardell v. Milwaukee Bd. of Sch. Directors, App. No. 2013AP1650, Wis. Ct. App. (May 6, 2014).
 - State ex rel. Ardell v. Milwaukee Bd. of Sch. Directors



SCHOOL GOVERNANCE

- ▶ Public Records Law:
 - Attorney General Opinion OAG-12-14: Record custodians may not charge fees when records requestors make copies using their own technology such as a telephone camera or handheld scanner.
 - [OAG-12-14](#)



SCHOOL GOVERNANCE

- ▶ Open Meeting Law
 - School district boards of canvassers (and other similar local boards of canvassers) are “governmental bodies” and that their statutory canvassing activities constitute “meetings” that are subject to the Wisconsin open meetings law:
 - Opinion of the Attorney General, OAG-05-14.
 - [OAG-05-14](#)



STUDENTS AND CURRICULUM

- ▶ Open Enrollment
 - DPI published proposed revisions to Chapter 36 relating to full-time open enrollment.
 - The proposed changes include:
 - designation of open enrollment spaces and approval and denial of applications;
 - handling of applications submitted under the regular and alternative application procedures;
 - procedures for terminating open enrollment due to habitual truancy;
 - procedures for considering whether a special education cost is an undue financial burden;



STUDENTS AND CURRICULUM

- ▶ Open Enrollment
 - DPI published proposed revisions to Chapter 36 relating to full-time open enrollment.
 - The proposed changes include:
 - confidentiality of pupil records as they relate to open enrollment;
 - procedures and standards for open enrollment appeals;
 - administrative and aid transfer procedures; and
 - procedures for filing claims and making payments to parents for open enrollment transportation reimbursement.
 - [Chapter 36 revisions](#)



STUDENTS AND CURRICULUM

- ▶ Expulsion:
 - Patricia L. v. Oregon Sch. Dist., App. No. 2013AP293, Court of Appeals (Apr. 10, 2014).
 - There is no absolute state constitutional obligation for a school district to provide alternative educational services to a student during the term of the student's expulsion from another school district.
 - The student's due process rights were not violated when, without notice or a hearing, the school district refused to enroll such an expelled student.
- ▶ Patricia L. v. Oregon Sch. Dist



STUDENTS AND CURRICULUM

- ▶ Civil Rights:
 - School district policy prohibiting middle and high school students participating in boys' basketball from wearing long hair found to violate both Equal Protection and Title IX sex discrimination prohibition.
 - District did not prohibit participants in girls' basketball from wearing long hair and did not impose similar restrictions on any other boys' or girls' extracurricular teams.
 - *The equal protection clause of the Fourteenth Amendment protects individuals against intentional, arbitrary discrimination by government officials.*
 - *Why, then, must only members of the boys team wear their hair short? Given the obvious disparity, the policy itself gives rise to an inference of discrimination. To defeat that inference, it was up to the school district to show that the hair-length policy is just one component of a comprehensive grooming code that imposes comparable although not identical demands on both male and female athletes.*



STUDENTS AND CURRICULUM

- ▶ Civil Rights:
 - School district policy prohibiting middle and high school students participating in boys' basketball from wearing long hair found to violate both Equal Protection and Title IX sex discrimination prohibition.
 - *The policy imposes a burden on only male athletes. There has been no showing that it does so pursuant to grooming standards for both male and female athletes that, although not identical, are comparable. Finally, no rational, let alone exceedingly persuasive, justification has been articulated for restricting the hair length of male athletes alone.*
 - Hayden v. Greensburg Cmty Sch. Corp., No. 13-1757, 7th Cir. Ct. App., (Feb. 24, 2014).
 - Hayden v. Greensburg Cmty Sch. Corp.



STUDENTS AND CURRICULUM

- ▶ Single Sex Classes and Extracurricular Activities:
- USDOE Office of Civil Rights Guidance:
 - *Generally, a school district may offer a single-sex nonvocational elementary or secondary school under Title IX only if it offers a substantially equal single-sex or coeducational school to students of the excluded sex.*
 - *The Department's Title IX regulations permit offering single-sex classes under certain circumstances:*
 - *Contact sports in physical education classes;*
 - *Classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality; and*
 - *Nonvocational classes and extracurricular activities within a coeducational, nonvocational elementary or secondary school if certain criteria are met.*



STUDENTS AND CURRICULUM

- ▶ OCR issues guidance addressing school responsibilities related to the bullying of students with disabilities:
 - Bullying of a student on the basis of his or her disability may result in a disability-based harassment violation under Section 504 and Title II.
 - OCR would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied based on a disability; (2) the bullying is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying; and (4) the school does not respond appropriately.



STUDENTS AND CURRICULUM

- ▶ OCR issues guidance addressing school responsibilities related to the bullying of students with disabilities:
 - The bullying on any basis of a student with a disability who is receiving IDEA FAPE services or Section 504 FAPE services can result in the denial of FAPE that must be remedied under Section 504.
 - The school should convene the IEP team or the Section 504 team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the student is no longer receiving FAPE.
 - [OCR Guidance](#)

STUDENTS AND CURRICULUM

- ▶ Application of federal civil rights laws to charter schools:
 - USDOE Office of Civil Rights Guidance:
 - OCR identifies areas of civil rights issues arising in the charter school context:
 - Equal opportunity in admissions;
 - Language minority parents and parents with disabilities must receive the same admissions and other information as English-proficient nondisabled parents.
 - Admissions policies must both be nondiscriminatory on their face and as applied.



STUDENTS AND CURRICULUM

- OCR identifies areas of civil rights issues arising in the charter school context:
 - Provision of a free appropriate public education (FAPE) to students with disabilities;
 - Charter schools may not ask or require students or parents to waive their right to a free appropriate public education in order to attend the charter school.
 - Charter schools must provide nonacademic and extracurricular services and activities in such a manner that students with disabilities are given an equal opportunity to participate in these services and activities.



STUDENTS AND CURRICULUM

- OCR identifies areas of civil rights issues arising in the charter school context:
 - Provision of services to English-language learners so that they can participate fully in their school’s educational program;
 - Like all public schools, charter schools must take “affirmative steps” to help English-language learners overcome language barriers so that they can participate meaningfully in their schools’ educational programs.
 - The non-discriminatory administration of discipline
 - [OCR Guidance](#)



STUDENTS AND CURRICULUM

- ▶ Online Educational Services:
 - The USDOE Privacy Technical Assistance Center issued guidance relating to student use of online educational services and resources:
 - Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices
 - *[T]he information sharing, web-hosting, and telecommunication innovations that have enabled these new education technologies raise questions about how best to protect student privacy during use. This document will address a number of these questions, and present some requirements and best practices to consider, when evaluating the use of online educational services.*
 - [PTAC Guidance](#)



EMPLOYMENT LAW

- ▶ Wisconsin Supreme Court rules that Act 10 is constitutional.
- MTI v. Walker, 2014 WI 99 (July 31, 2014)
- ▶ [MTI v. Walker](#)



EMPLOYMENT LAW

- ▶ Charter School Teacher Licenses
- DPI proposed new rules in Chapter 34 to implement the new law relating to three year charter school teacher licenses. The following changes were made to PI 34:
 - Created the criteria to apply and renew the three year charter school license as newly created under s. 115.28 (7)(g), Stats.
 - Added clarifying language to make clear the difference between the newly created three year charter license and the existing charter school instructional license.



EMPLOYMENT LAW

- ▶ Charter School Teacher Licenses
 - DPI proposed new rules in Chapter 34 to implement the new law relating to three year charter school teacher licenses. The following changes were made to PI 34:
 - Created the 1-year charter school instructional staff license for already licensed teachers in non-virtual charter schools who are unable to demonstrate their content knowledge in core academic subjects before being hired.
 - Removed the reference to the 30 hours of training required to teach online that was removed from statute under 2013 Wisconsin Act 20.
- ▶ Chapter 34 changes



EMPLOYMENT LAW

- ▶ 2015 Wisconsin Act 55 - [111.70\(4\)\(d\)1.](#), Wis. Stats.
- ▶ . . . A representative chosen for the purposes of collective bargaining by at least 51 percent of the general municipal employees in a collective bargaining unit shall be the exclusive representative of all employees in the unit for the purpose of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, shall have the right to present grievances to the municipal employer in person or through representatives of their own choosing, and the municipal employer shall confer with ~~said~~ the employee in relation thereto, if the majority representative has been afforded the opportunity to be present at the conferences. Any adjustment resulting from these conferences shall may not be inconsistent with the conditions of employment established by the majority representative and the municipal employer.

EMPLOYMENT LAW

- ▶ WERC adopts rules governing annual certification elections for represented municipal sector general school district employees:
 - Recertification petitions must be filed by September 15 of each year.
 - Failure to file results in decertification for one year.
 - If a collective bargaining agreement exists, decertification begins at the expiration of that agreement.
 - If no collective bargaining agreement exists, decertification begins on September 15.
- ▶ [WERC Election Rules](#)



EMPLOYMENT LAW

▶ WERC DECISIONS

- ▶ A school district's seeking to make a union a signatory party to an employee's resignation agreement constituted bargaining over a prohibited subject of bargaining which is a prohibited practice under section 111.70(3)(a)4 Wis. Stat.
 - School Dist. of La Crosse, WERC Dec. No. 34685-A (Mar. 17, 2014)
- ▶ [WERC Dec. No. 34685-A](#)



EMPLOYMENT LAW

- ▶ WERC DECISIONS
- ▶ The school district's duty to bargain with the certified bargaining representative of its employees does not include an obligation to provide the union with the home addresses of bargaining unit members.
 - School District of La Crosse, WERC Dec. No. 34659 (Nov. 19, 2013)
 - ▶ WERC Dec. No. 34659



EMPLOYMENT LAW

- ▶ Declaratory Judgment - Milwaukee County Circuit Court - SEIU v. WERC Case No. 14-CV-9307 July 31, 2015
- ▶ Court held that WERC administrative rule that required an existing exclusive bargaining representative to file a Petition in order to qualify for a recertification election invalid.
- ▶ Existing bargaining unit representatives will not be required to file a petition for election for annual recertification.
- ▶ SEIU v. WERC Case No. 14-CV-9307, July 31, 2015

EMPLOYMENT LAW

- ▶ Teacher/union president letter addressing working conditions is protected speech under 1st Amendment:
 - Teacher wrote letter to community group complaining about compensation and working conditions for adjunct teaching staff.
 - Community college discharged teacher, citing letter as misconduct supporting discharge.
 - Teacher filed suit in federal court, claiming discharge was retaliation for her protected speech and denial of her property interest in completing her employment contract without due process; district court dismissed.



EMPLOYMENT LAW

- ▶ Teacher/union president letter addressing working conditions is protected speech under 1st Amendment:
 - 7th Circuit Court reversed and remanded the case to district court.
 - The letter related to a matter of public concern rather than a purely personal grievance and was protected speech.
 - The teacher had an employment contract for the semester, creating the property interest that may not be taken without due process.
 - Meade v. Moraine Valley Community College, 7th Cir. Ct. App., 10/30/2014
 - [Meade v. Moraine Valley Community College](#)



EMPLOYMENT LAW

- ▶ EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues
- Pregnancy Discrimination Act (PDA), 1978:
 - The PDA requires that pregnant employees be treated the same as non-pregnant employees who are similar in their ability or inability to work.
 - The PDA covers current pregnancy, past pregnancy, potential or intended pregnancy and medical conditions related to pregnancy or childbirth.
 - Types of discrimination covered by PDA:
 - Use of contraceptives to avoid pregnancy.
 - Discrimination based on intention to become pregnant or infertility treatment.
 - Discriminatory application of leave policies.
 - Lactation and breastfeeding. Note that reasonable break time for nursing mothers is also required under the PPACA.
 - Abortion.

EMPLOYMENT LAW

- ▶ EEOC Enforcement Guidance on Pregnancy Discrimination and Related Issues
 - Americans with Disability Act (ADA):
 - The ADA limits when and how an employer may make medical inquiries or require medical examinations of employees and applicants for employment, and requires that an employer provide reasonable accommodation for an employee or applicant with a disability.
 - While pregnancy itself is not a disability, pregnancy-related impairments may be a disability requiring reasonable accommodation.
 - [EEOC Pregnancy Discrimination Guidance](#)

EMPLOYMENT LAW

- ▶ Department of Labor Rule on FMLA and Definition of “Spouse”:
 - Spouse, as defined in the statute, means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State.
 - This definition includes an individual in a same-sex or common law marriage that either (1) was entered into in a State that recognizes such marriages or, (2) if entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State. (**Please note not in effect in Texas, Arkansas, Louisiana and Nebraska due to a Federal District Court decision in Texas*).
 - [DOL Definition of Spouse under FMLA](#)

EMPLOYMENT LAW

- ▶ EEOC Proposed Rule on ADA and Wellness:
 - The EEOC's proposed rule would provide much needed guidance to both employers and employees about how wellness programs offered as part of an employer's group health plan can comply with the ADA consistent with provisions governing wellness programs in the Health Insurance Portability and Accountability Act (HIPAA), as amended by the Affordable Care Act. In addition, the EEOC is also publishing a [Fact Sheet for Small Businesses](#) and a [Question and Answer](#) document for the general public.
 - The EEOC's proposed rule makes clear that wellness programs are permitted under the ADA, but that they may not be used to discriminate based on disability. The rule explains that under the ADA, companies may offer incentives of up to 30 percent of the total cost of employee-only coverage in connection with wellness programs. These programs can include medical examinations or questions about employees' health (such as questions on a health risk assessment).

EMPLOYMENT LAW

▶ DOL Releases Proposed Changes to FLSA Exemption/ Overtime Rules:

- The Federal Department of Labor is proposing to update the regulations governing which executive, administrative, and professional employees (white collar workers) are entitled to the Fair Labor Standards Act's minimum wage and overtime pay protections. The Department last updated these regulations in 2004, and the current salary threshold for exemption is \$455 per week (\$23,660 per year). With this proposed rule, the Department seeks to update the salary level required for exemption to ensure that the FLSA's intended overtime protections are fully implemented, and to simplify the identification of nonexempt employees, thus making the executive, administrative and professional employee exemption easier for employers and workers to understand and apply.
- [Wage and Hour Division Notice of Proposed Rule on FLSA Exemption/Overtime Rules](#)

EMPLOYMENT LAW

- ▶ Department of Justice Interpretation that Title VII Covers Discrimination based upon Gender Identity:
 - Department will no longer assert that Title VII's prohibition against discrimination based on sex does not encompass gender identity per se (including transgender discrimination).
 - http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2014/12/18/title_vii_memo.pdf

Presenter Information

Barry Forbes has served as WASB staff counsel since 1983 and has more recently been appointed, with Bob Butler, the Association's co-associate executive directors. WASB Staff counsel provide representation to nearly one-quarter of all school districts in Wisconsin on employment & labor, human resources and school law matters.



They also provide membership services, including general legal information, to all school districts that are members of WASB. For more information, please visit the WASB's website at:

http://wasb.org/websites/employment_law_hr_services/index.php?p=900

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