

*Date:* May 15, 2018  
*To:* District Administrators  
*From:* Mike Thompson, PhD, Deputy State Superintendent  
*Subject:* 2017-18 Enacted Legislation Affecting Schools

The last general business floor-period of the 2017-18 legislative session ended on March 22, 2018. Below is a summary of selected key education-related bills that were enacted in this session, along with links to the text of each act and available Legislative Council summary memos. For a more complete summary of bills that impacted education during the 2017-18 session, please refer to [DPI's legislation page \[http://dpi.wi.gov/policy-budget/legislation/current\]](http://dpi.wi.gov/policy-budget/legislation/current).

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## ***SCHOOL FINANCE***

**2017 ACT 141:** *Sparsity aid, the low-revenue limit ceiling for school districts*

<https://docs.legis.wisconsin.gov/2017/related/acts/141>

[Act Memo](#)

(Enacted 3/12/18, published 3/13/18, first effective as of 3/14/18)

### Sparsity Aid Provisions

Act 141 increases the sparsity aid payment for eligible school districts to \$400 per pupil, beginning in the 2018-19 school year.

### Low Revenue Limit Adjustment Provisions

Act 141 **increases** the threshold to utilize the low revenue adjustment to \$9,400 beginning in the 2018-19 school year, and **increases** the low revenue threshold by \$100 each school year thereafter, until it reaches \$9,800 in the 2022-23 school year.

This Act **limits** a school district's authority to utilize the low revenue adjustment under the following circumstances:

- If a school district attempted and failed to pass a referendum to exceed its revenue limit in the 2015-16, 2016-17, or 2017-18 school year, then the applicable low revenue ceiling is set at \$9,100 for the three school years following the school year during which the referendum was held.
- If a school district attempts and fails to pass a referendum to exceed its revenue limit in the 2018-19 school year or in any school year thereafter, then, for the three school years following the school year during which the referendum was held, the applicable low revenue

ceiling will be set at the statutory amount for the school year during which the referendum was held.

The Act provides the **following exceptions** to the revenue ceiling limitations outlined above:

- If a school district that is limited to a \$9,100 low revenue ceiling based on a failed referendum in the 2015-16, 2016-17, or 2017-18 school year, subsequently passed or passes a referendum to exceed its revenue limit in the 2015-16, 2016-17, 2017-18, or 2018-19 school year, then the \$9,100 low revenue ceiling limitation does not apply to that school district.
- If a school district that is subject to a revenue ceiling limitation based on a failed referendum in any school year subsequently passes a referendum to exceed its revenue limit during its three-year period of limitation, then, beginning in the school year immediately following the school year during which the referendum was held, the school district's revenue ceiling is the statutory amount for that school year.
- A school district that is subject to a revenue ceiling limitation in the 2018-19, 2019-20, or 2020-21 school year may seek approval from the electorate, via referendum, to set its revenue ceiling at the statutory amount for one or more of those school years. Such a referendum must be scheduled at the regularly scheduled spring primary, election, partisan primary, or general election.
- The revenue ceiling limitation does not apply to a school district that failed to pass a referendum in the 2017-18 school year if, at the same election, the electorate rejected both a referendum to exceed the revenue limit and a referendum to issue general obligation bonds for the purpose of constructing a new school building.

**2017 ACT 151:** *Summer school and interim session classes.*

<https://docs.legis.wisconsin.gov/2017/related/acts/151>; [Act Memo](#)  
(Enacted 3/28/18, published 3/29/18, first effective as of 3/30/18)

2017 Wisconsin Act 151 **expands** the online summer school or interim classes that qualify for state aid to include any class that the school board determines would fulfill a high school graduation requirement, including a class in health education.

## **GRANT PROGRAMS**

**2017 ACT 143:** *School safety; remedial language changes (suggested by DPI)*

<https://docs.legis.wisconsin.gov/2017/related/acts/143>; [Act Memo](#)  
(Enacted 3/26/18, published 3/27/18, first effective as of 3/28/18)

**School Safety Provisions** – note that the information below is a summary of the Act. School districts, independent charter schools, private schools, and tribal schools are ***strongly encouraged*** to refer to Act 143 or the Act Memo (links above) for additional information.

Act 143 **creates** an **Office of School Safety** within the Department of Justice (DOJ), establishes school safety grants, makes changes related to school safety plans, and requires mandatory

reporting of threats of school violence. The Act tasks the Office of School Safety with creating model practices for school safety; compiling school blueprints and geographic information system (GIS) maps; and offering training to school staff on school safety.

The Act creates school safety grants and provides \$100 million for this purpose. The Act requires DOJ to award the grants for expenditures related to improving school safety and to accept grant applications from public school districts, independent charter schools, private schools, and tribal schools.

**Until the formal grant application is finalized, interested school districts and schools may submit a short letter of interest to the DOJ at [schoolsafety@doj.state.wi.us](mailto:schoolsafety@doj.state.wi.us), identifying the following information:**

- A single point of contact for the school along with contact information;
- The type of school safety project to be implemented;
- The name of the law enforcement agency that will review and approve the project;
- An approximate dollar amount requested under the grant;
- Whether the project could be in place for the beginning of the 2018-19 school year; and When the school or district will be in a position to submit a fully developed application and plan for the project.

Act 143 also **requires** every school board, governing body of a private school, and operator of a charter school to provide **blueprints of each school building and facility** to the Office of School Safety, and to local law enforcement agencies, by **July 1, 2018**. Additionally, every school board and governing body of a private school is also **required** to file by **January 1, 2019**, and before **each January 1 thereafter**, the following with the Office of School Safety:

- A copy of its school safety plan.
- The date of the required annual safety drill or drills held during the previous year.
- Certification that the school board or governing body reviewed a required written evaluation of the drill or drills.
- The date of the most recent school training on school safety and the number of attendees.
- The most recent date on which the school board or governing body consulted with a local law enforcement agency to conduct required, on-site safety assessments.

**2017 ACT 300:** *Supplemental aid for school districts with a large area.*

<https://docs.legis.wisconsin.gov/2017/related/acts/300>; [Act Memo](#)

(Enacted 4/16/18, published 4/17/18, first effective as of 4/18/18)

Act 300 repeals the requirement that DPI promulgate rules to administer the grant program and repeals ch. PI 10, Wis. Adm. Code, regarding the program. The Act incorporates the rule provisions regarding municipal clerk verification into the statutes and retains the prior program

eligibility and administrative requirements, modified to use a district's membership, rather than enrollment, as the basis for eligibility determination and calculation of aid.

**2017 ACT 315: *Robotics League Grants***

<https://docs.legis.wisconsin.gov/2017/related/acts/315>; [Act Memo](#)

(Enacted 4/16/18, published 4/17/18, first effective as of 4/18/18)

This bill expands the category of teams eligible to receive a grant to participate in a robotics competition to include teams containing pupils in grades 6, 7, and 8.

***EDUCATOR LICENSE (LIFETIME LICENSES)***

**2017 ACT 206: *A pilot grant program to support college courses taught in high schools; modifications to lifetime licensure provisions (see below for grant related provisions)***

<https://docs.legis.wisconsin.gov/2017/related/acts/206>; [Act Memo](#)

(Enacted 4/3/18, published 4/4/18, first effective as of 4/5/18)

**Act 206 makes changes to the lifetime educator license law created in the 2017-19 Biennial Budget Act, 2017 Wisconsin Act 59.** Specifically, Act 206 requires DPI to define, by administrative rule, “successful completion of six semesters of teaching, administrating, or pupil services experience,” for the purpose of qualifying for a lifetime license. The Act also requires the Department to define, by administrative rule, “regularly employed in education,” for the purpose of maintaining a lifetime license.

***DUAL ENROLLMENT / EARLY COLLEGE CREDIT PROGRAM***

**2017 ACT 206: *A pilot grant program to support college courses taught in high schools; modifications to lifetime licensure provisions***

<https://docs.legis.wisconsin.gov/2017/related/acts/206>; [Act Memo](#)

(Enacted 4/3/18, published 4/4/18, first effective as of 4/5/18)

2017 Wisconsin Act 206 **creates** a grant program to support dual enrollment programs taught in high schools. Under the program, grants will be made available to provide financial assistance to high school teachers, covering the cost of tuition for courses that teachers take in order to meet the minimum qualification requirements of the Higher Learning Commission for eligibility to teach dual enrollment courses in high schools.

The Act provides \$500,000 annually, from FY19 through FY21, for the grant program (the program will sunset as of June 30, 2021). The Higher Educational Aids Board will administer the grant program. The Board must award at least one grant per school year to each of the following:

- A school district with under 650 students.
- A school district with 650 to 1,600 students.
- A school district with more than 1,600 students.

- A charter school established under s. 118.40 (2r), Stats.
- A private school participating in a parental choice program.

**2017 ACT 307:** *Excluding certain college credit in high school programs from the Early College Credit Program.*

<https://docs.legis.wisconsin.gov/2017/related/acts/307>; [Amendment Memo](#)

(Enacted 4/16/18, published 4/17/18, first effective as of **7/1/2018**)

Act 307 modifies the law with respect to the courses that are offered by an institution of higher education (IHE) that are included under the provisions of the Early College Credit Program (ECCP), as it was created under 2017 Act 59.

In summary, the ECCP cost sharing structure **will not apply** to courses taken by public or private high school students for post-secondary credit, if the course meets all the following criteria:

- The course is **offered under an agreement** between the public school board or private high school governing body and the IHE (UWS or private, non-profit IHEs\*) that is entered into before, on, or after July 1, 2018 (the effective date of this Act);
- The instruction for the course **takes place in a public high school of the school district or the private high school building**; and
- The **instructor of the course is employed by the public school board or the private high school governing body and is certified** to provide instruction for the course by the IHE or a faculty member of the IHE.

The statutes will no longer speak to the maximum amount of tuition that can be charged for these courses, or which entity is responsible for paying. The tuition charge and the party responsible for paying tuition will be determined by the agreement between the school board or the private school governing body and the IHE.

As a result of Act 307, the courses subject to the exclusion from the ECCP **will not be considered “ECCP courses” for purposes of calculating aid eligibility** for public school districts and private schools under the ECCP state aid program that was created under Act 59.

## ***CURRICULUM / INSTRUCTION***

**2017 ACT 94:** *Incorporating financial literacy into the curriculum of public schools.*

<https://docs.legis.wisconsin.gov/2017/related/acts/94>; [Act Memo](#)

(Enacted 11/30/17, published 12/1/17, first effective as of 12/2/17)

This Act **requires** each school board to adopt academic standards for financial literacy and incorporate instruction in financial literacy into the curriculum in grades kindergarten to 12.

**2017 ACT 152:** *Education about nutrition.*

<https://docs.legis.wisconsin.gov/2017/related/acts/152>; [Act Memo](#)

(Enacted 3/28/18, published 3/29/18, first effective as of 3/30/18)

Under prior law, school boards were required to provide public school students with instruction about the vitamin content of food and the food and health values of dairy products. Under **Act 152**, the required instruction on nutrition **must instead** include knowledge about the nutritive value of foods and the role of a nutritious diet in promoting health, preventing chronic disease, and maintaining a healthy weight, based on information outlined in the federal publication, “Dietary Guidelines for Americans.”

**2017 ACT 262:** [multiple provisions relating to controlled substances and substance abuse] *requiring school boards to provide instruction about drug abuse awareness and prevention.*  
<https://docs.legis.wisconsin.gov/2017/related/acts/262/> 4; [Act Memo](#)  
(Enacted 4/9/18, published 4/10/18, generally first effective as of 4/11/18)

Act 262 **requires** each school board to incorporate drug abuse awareness and prevention in its health instructional program.

### ***SCHOOL DISTRICT OPERATIONS***

**2017 ACT 49:** *Repealing a rule of the Department of Transportation related to the purchase of school buses for school transportation.*  
<https://docs.legis.wisconsin.gov/2017/related/acts/49/>; [Act Memo](#)  
(Enacted 8/2/17, published 8/3/17, first effective as of 8/4/17)

This Act **repeals** the prior law prohibition of the purchase for use in school transportation of a school bus previously titled and registered in another state or jurisdiction if the bus was more than five years old.

**2017 ACT 107:** *Screening school district employees for tuberculosis.*  
<https://docs.legis.wisconsin.gov/2017/related/acts/107/>; [Act Memo](#)  
(Enacted 11/30/17, published 12/1/17, first effective as of 12/2/17)

Under this Act, all school districts, including Milwaukee Public Schools (MPS)\*, must condition the employment of school district employees upon a physical examination that includes a tuberculosis screening questionnaire approved by the Department of Health Services. A tuberculosis test is only required if indicated by the screening questionnaire.

The Act also **expands** the list of health professionals who may conduct the physical examination and testing, to include physicians’ assistants and advanced practice nurse prescribers. The Act also permits school districts to determine whether to require subsequent additional physical examinations. If a school district opts to require subsequent tuberculosis screening questionnaires, school nurses and registered nurses may administer them.

*\*Note: the changes under Act 107 became applicable to MPS as a result of a remedial legislative change under 2017 Act 143 (effective 3/28/18).*

**2017 ACT 130:** *Prohibiting aiding and abetting sexual abuse*  
<https://docs.legis.wisconsin.gov/2017/related/acts/130>; [Act Memo](#)  
(Enacted 12/8/17, published 12/9/17, first effective as of 12/10/17)

Act 130 provides that it is immoral conduct for a licensee to assist a school employee, contractor, or agent to obtain a new job in a school or with a local education agency if the licensee knows, or has a reasonable suspicion to believe, that the person committed a sex offense against a student or a minor.

In addition, the Act **prohibits** a school board, operator of a charter school, or governing body of a private school from helping a school employee, contractor, or agent obtain a new job in a school or with a local education agency if the entity knows, or has a reasonable suspicion to believe, that the person committed a sex offense against a student or a minor.

The Act also specifies that it is not immoral conduct to transmit administrative personnel files, nor to assist someone after the information that forms the basis of the knowledge or reasonable suspicion of a sex offense has been properly reported to law enforcement, if law enforcement closed any resulting case or investigation without a conviction.

**2017 ACT 135:** *Ratification of the Enhanced Nurse Licensure Compact, extending the time limit for emergency rule procedures, providing an exemption from emergency rule procedures.*  
<https://docs.legis.wisconsin.gov/2017/related/acts/135>; [Act Memo](#)  
(Enacted 12/11/17, published 12/12/17, for effective dates see Section 33 of the bill)

This Act ratifies and enters Wisconsin into the **Enhanced Nurse Licensure Compact** (Enhanced Compact). The Enhanced Compact replaces the original Nurse Licensure Compact (Original Compact), which was ratified in Wisconsin in 1999. Under both versions of the Compact, a nurse, whether a registered nurse or a licensed practical nurse, who is licensed in a state that has adopted the Compact (party state) may practice in any other party state without needing to separately obtain a license in that other party state.

**2017 ACT 204:** *Emergency outpatient mental health treatment for minors.*  
<https://docs.legis.wisconsin.gov/2017/related/acts/204>; [Amendment Memo](#)  
(Enacted 4/3/18, published 4/4/18, first effective as of 4/5/18)

This Act **creates** a new statutory process, separate from s. 51.14, Stats, under which a minor may receive outpatient mental health treatment without parental consent in emergency situations.

**2017 ACT 251:** *Notice to a school of a permanency review or hearing, notice to a school district of a foster home or group home license or out-of-home care placement; transfer of pupil records*  
<https://docs.legis.wisconsin.gov/2017/related/acts/251>; [Act Memo](#)  
(Enacted 4/4/18, published 4/5/18, first effective as of 4/6/18)

Act 251 **modifies the law regarding notice** to schools and school districts of permanency plan reviews or hearings, foster home and group home licensing, and out-of-home care placements:

- The Act **adds a child’s or juvenile’s school to the list of entities that must be notified** of a permanency plan review or hearing and given an opportunity to submit written comments. The notice must include the name and contact information for the caseworker or social worker assigned to the case.
- The Act **requires that notice of placement of a child in out-of-home care within a school district be given not only to the school district but also to the school in which the child is enrolled.**
- The Act retains the current law requirement that notice of foster home or group home licensing be submitted to the school district, generally; however, the statute no longer specifies that the notice be submitted “to the clerk” of the school district.
- If the child will remain enrolled in his or her school and school district of origin, then the notice that the child has been placed in out-of-home care must be given to the school and school district of origin. The notice regarding placement of a child in out-of-home care must also include the name and contact information for the caseworker or social worker assigned to the case.

Finally, the Act **requires that for all pupils (not just those placed in out of home care), the pupil’s records be transferred by no later than the next working day** after the school or school district from which the pupil is transferring receives notice of the enrollment.

**2017 ACT 335:** *Access to pupil assessments that are required to be administered by school boards, operators of independent charter schools, and private schools participating in a parental choice program and repealing rules related to accessing pupil assessments.*

<https://docs.legis.wisconsin.gov/2017/related/acts/335>; [Act Memo](#)

(Enacted 4/16/18, published 4/17/18, first effective as of 4/18/18)

Act 335 modifies the type of statewide assessment materials to which, and the conditions under which, DPI must allow access; eliminates the requirement that DPI promulgate rules relating to assessment access; and repeals ch. PI 28, Wis. Adm. Code, regarding assessment access. Under the Act, DPI must make **practice assessments or sample items** related to the required statewide assessments, rather than the actual assessments, available to a person who submits a written request. The Act eliminates the requirement that such a request be submitted within 90 days after the assessment is administered.

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Thank you for your dedication to Wisconsin’s students. DPI looks forward to assisting your districts in implementing these new pieces of legislation. If you have further questions on any of these acts, please contact me.

c: Dee Pettack