

## 2001 SENATE BILL 73

March 6, 2001 – Introduced by Senator **RISSE**R, cosponsored by Representatives **BOYLE**, **J. LEHMAN**, **YOUNG**, **REYNOLDS**, **TURNER**, **BLACK**, **POCAN**, **RYBA**, **COGGS**, **MILLER**, **BERCEAU** and **BALOW**. Referred to Committee on Education.

1     **AN ACT** *to repeal* 120.12 (3) (d), 121.15 (3m) and subchapter VII of chapter 121  
2           [precedes 121.90]; *to renumber and amend* 118.40 (2r) (e) and 119.23 (4) (b)  
3           2.; *to amend* 14.28 (3) (b) 2., 20.255 (2) (ac), 73.0305, 118.51 (12) (b) 1. and 2.  
4           and 118.52 (6) (b); and *to create* 118.40 (2r) (e) 1. and 2., 118.40 (2r) (em) and  
5           119.23 (4) (b) 2. a. and b. of the statutes; **relating to:** eliminating school district  
6           revenue limits and making an appropriation.

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### ***Analysis by the Legislative Reference Bureau***

Current law limits the annual amount of revenue (property taxes and general school aid) that a school district may receive to approximately \$220 per pupil in the 2000–01 school year. This bill eliminates these revenue limits. Current law also requires the department of public instruction, the department of administration, and the legislative fiscal bureau to certify annually to the joint committee on finance an estimate of the amount necessary in the general school aid appropriation, which, in combination with the amounts in the other state aid and the school levy tax credit appropriations, would fund two-thirds of school funding. This bill eliminates the two-thirds funding requirement and increases the amount of general school aid appropriated.



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1 superintendent of public instruction, no later than the 4th Monday in June, the  
2 allowable rate of increase under ~~s. ss. 118.40 (2r) (e), 119.23 (4) (b), and 121.85 (6) (ar)~~  
3 ~~and subch. VII of ch. 121~~. The allowable rate of increase is the percentage change  
4 in the consumer price index for all urban consumers, U.S. city average, between the  
5 preceding March 31 and the 2nd preceding March 31, as computed by the federal  
6 department of labor.

7 **SECTION 4.** 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e) (intro.)  
8 and amended to read:

9 118.40 **(2r)** (e) (intro.) From the appropriation under s. 20.255 (2) (fm), the  
10 department shall pay to the operator of the charter school an amount equal to the  
11 sum of the amount paid per pupil under this paragraph in the previous school year  
12 ~~and the amount of revenue increase per pupil allowed under subch. VII of ch. 121 in~~  
13 ~~the current school year, multiplied by the number of pupils attending the charter~~  
14 ~~school. The department shall pay 25% of the total amount in September, 25% in~~  
15 ~~December, 25% in February and 25% in June. The department shall send the check~~  
16 ~~to the operator of the charter school. an amount calculated as follows:~~

17 **SECTION 5.** 118.40 (2r) (e) 1. and 2. of the statutes are created to read:

18 118.40 **(2r)** (e) 1. a. For the 2002–03 school year, multiply \$220.29 by 1.0 plus  
19 the allowable rate of increase under s. 73.0305 expressed as a decimal.

20 b. Multiply the resulting product under this subdivision by the number of  
21 pupils attending the charter school.

22 2. For the 2003–04 school year and for each school year thereafter, multiply the  
23 per pupil increase in aid under this paragraph for the preceding school year by 1.0  
24 plus the allowable rate of increase under s. 73.0305 expressed as a decimal, and  
25 multiply the resulting product by the number of pupils attending the charter school.

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1           **SECTION 6.** 118.40 (2r) (em) of the statutes is created to read:

2           118.40 **(2r)** (em) The department shall pay 25% of the total amount under par.  
3 (e) in September, 25% in December, 25% in February, and 25% in June.

4           **SECTION 7.** 118.51 (12) (b) 1. and 2. of the statutes are amended to read:

5           118.51 **(12)** (b) 1. If the costs of the special education or related services  
6 required in the individualized education program under s. 115.787 (2) for a child with  
7 a disability whose parent has submitted an application under sub. (3) (a), as proposed  
8 to be implemented by the nonresident school district, would impose upon the child's  
9 resident school district an undue financial burden in light of the resident school  
10 district's total economic circumstances, including ~~its revenue limit under subch. VII~~  
11 ~~of ch. 121~~, its ability to pay tuition costs for the pupil and the per pupil special  
12 education or related services costs for children with disabilities continuing to be  
13 served by the resident school district, the child's resident school board may notify the  
14 child's parent and the nonresident school board by the first Friday following the first  
15 Monday in April that the pupil may not attend the nonresident school district to  
16 which the child has applied.

17           2. If the costs of the special education or related services required in an  
18 individualized education program for a pupil, developed or revised under s. 115.787  
19 after a child begins attending public school in a nonresident school district under this  
20 section, as implemented or proposed to be implemented by the nonresident school  
21 district, would impose upon the child's resident school district an undue financial  
22 burden in light of the resident school district's total economic circumstances,  
23 including ~~its revenue limit under subch. VII of ch. 121~~, its ability to pay tuition costs  
24 for the pupil and the per pupil special education or related services costs for children  
25 with disabilities continuing to be served by the resident school district, the child's

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1 resident school board may notify the pupil's parent and the nonresident school board  
2 that the costs of the special education or related services impose such an undue  
3 financial burden on the resident school district. If such notice is provided, the child  
4 shall be transferred to his or her resident school district, which shall provide an  
5 educational placement for the child under s. 115.79 (2).

6 **SECTION 8.** 118.52 (6) (b) of the statutes is amended to read:

7 118.52 **(6)** (b) *Undue financial burden.* The school board of a pupil's resident  
8 school district may reject an application to attend a course in a public school in a  
9 nonresident school district if the cost of the course would impose upon the resident  
10 school district an undue financial burden in light of the resident school district's total  
11 economic circumstances, including ~~its revenue limit under subch. VII of ch. 121,~~ its  
12 ability to pay tuition costs for the pupil and the per pupil costs for children continuing  
13 to be served by the resident school district.

14 **SECTION 9.** 119.23 (4) (b) 2. of the statutes is renumbered 119.23 (4) (b) 2. (intro.)  
15 and amended to read:

16 119.23 **(4)** (b) 2. (intro.) The sum of the amount paid per pupil under this  
17 subsection in the previous school year and ~~the amount of revenue increase per pupil~~  
18 ~~allowed under subch. VII of ch. 121 in the current school year.~~ an amount calculated  
19 as follows:

20 **SECTION 10.** 119.23 (4) (b) 2. a. and b. of the statutes are created to read:

21 119.23 **(4)** (b) 2. a. For the 2002–03 school year, multiply \$220.29 by 1.0 plus  
22 the allowable rate of increase under s. 73.0305 expressed as a decimal.

23 b. For the 2003–04 school year and for each school year thereafter, multiply the  
24 per pupil increase in aid under this paragraph for the preceding school year by 1.0  
25 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

