CHAPTER 121

SCHOOL FINANCE

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SUBCHAPTER I

DEFINITIONS AND GENERAL PROVISIONS

121.004 Definitions. In this chapter, unless the context clearly requires otherwise:

(1) AVERAGE DAILY MEMBERSHIP. "Average daily membership" is the sum of all pupils enrolled in all schools of the school district for each day of the school term, divided by the number of days school is actually taught. If it contains a fraction, the quotient shall be expressed as the nearest whole number.

(2) EQUALIZED VALUATION. The "equalized valuation" of a school district is the full value of the taxable property of the territory in the school district as certified for the prior year under s. 121.06 (2), excluding value adjustments made under s. 70.57 (1) resulting from appeals made under s. 70.995. The "equalized valuation" of any taxable property in a tax incremental district shall not exceed its equalized value determined for the purpose of obtaining the tax incremental base of that district under s. 66.1105. The "equalized valuation" of a school district shall be reduced by the amount of an environmental remediation value increment on a parcel of property that is certified under s. 66.1106 during the period of certification.

(3) FUND. "Fund" is an independent accounting entity, as prescribed under s. 115.28 (13).

(4) GROSS COST. The "gross cost" of a fund means the sum of all nonduplicative expenditures from and other financing uses of that fund.

(5) MEMBERSHIP. "Membership" for any school district is the sum of pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer average daily membership equivalent for those academic summer classes, interim session classes, and laboratory periods approved for necessary academic purposes under s. 121.14 (1) (a) 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

(6) NET COST. The "net cost" of a fund means the gross cost of that fund minus all nonduplicative revenues and other financing sources of that fund except property taxes, general aid, and aid received under s. 79.095 (4). In this subsection, "nonduplicative revenues" includes federal financial assistance under 20 USC 236 to 245, to the extent permitted under federal law and regulations.

(7) PUPILS ENROLLED. (a) "Pupils enrolled" is the total number of pupils, as expressed by official enrollments, in all schools of the school district, except as provided in pars. (b) to (f). If such total contains a fraction, it shall be expressed as the nearest whole number. The same method shall be used in computing the number of pupils enrolled for resident pupils, nonresident pupils or both.

(b) A first grade pupil may be counted only if the pupil attains the age permitted under s. 120.12 (25) or required under s. 118.14 for first grade admission.

(c) 1. A pupil enrolled in kindergarten may be counted only if the pupil attains the age permitted under s. 120.12 (25) or required under s. 118.14 for kindergarten admission. A kindergarten pupil, including a pupil enrolled in a 4−year−old kindergarten program being phased in under s. 118.14 (3) (b), shall be counted as one−half pupil except that:

a. A pupil enrolled in a 5−year−old kindergarten program that requires full−day attendance by the pupil for 5 days a week, but not on any day of the week that pupils enrolled in other grades in the school do not attend school, for an entire school term shall be counted as one pupil.

b. A pupil enrolled in a 5−year−old kindergarten program that requires full−day attendance by the pupil for less than 5 days a week for an entire school term shall be counted as the result obtained by multiplying the number of hours in each day in which

the pupil is enrolled by the total number of days for which the pupil is enrolled, and dividing the result by the total number of hours of attendance required of first grade pupils in the school district.

2. In subd. 1. a. and b., "full−day" means the length of the school day for pupils in the first grade of the school district operating the 5−year−old kindergarten program.

(cm) A pupil enrolled in a 4−year−old kindergarten program, including a 4−year−old kindergarten program being phased in under s. 118.14 (3) (b), that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

(d) A pupil enrolled in a preschool program under subch. V of ch. 115 who is 3 years of age or older shall be counted as one−half pupil.

(e) A pupil attending public school under s. 118.145 (4) shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.

(em) A pupil attending public school outside his or her school district of residence under s. 118.53 shall be counted as 0.25 pupil for each course the pupil attends at the public school during the school year. A pupil attending public school in his or her school district of residence under s. 118.53 shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.

(f) A pupil who transfers from one school district to another under s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as 0.75 pupil or, if appropriate, as a number equal to the result obtained by multiplying 0.75 by the appropriate fraction under par. (c), (cm) or (d).

(8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. "Summer average daily membership equivalent" is a number determined by dividing the sum of the following by 48,600:

(a) The total number of minutes in which pupils are enrolled in academic summer classes, interim session classes, or laboratory periods, as defined by the state superintendent under s. 121.14.

(b) The sum of the number of minutes of online class instruction completed per pupil for each high school pupil and each pupil in the 7th or 8th grade who completes an online summer class or an online interim session class offered by a school district if all of the following are satisfied:

1. The online class is offered by a school district.

2. The pupil receiving instruction in the online class resides in the school district under subd. 1. or is attending that school district under s. 118.51.

3. a. If the pupil receiving instruction in the online class is enrolled in a high school grade, the pupil receives credit for completion of the class.

b. If the pupil receiving instruction in the online class is enrolled in the 7th or 8th grade, the pupil successfully completed the class.

4. The school board of the school district under subd. 1. determines that the online class fulfills a requirement for high school graduation specified under s. 118.33 (1) (a) 1. or established by the school board under the authority of the department.

(9) TEACHER−PUPIL RATIO. "Teacher−pupil ratio" is the quotient of the number of pupils enrolled divided by the number of teachers employed.

(10) TEACHERS EMPLOYED. "Teacher" means a person holding a license or certificate under s. 115.28 (7), but does not include any person under s. 115.29 (3). In computing the number of teachers employed, professional workers who devote less than full time to their professional duties shall be counted in proportion to the time devoted to such duties. Teachers who devote full time to children with disabilities shall not be counted.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28; 2013 a. 20, 257.

121.006 State aid withheld. (1) (a) The state superintendent may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet the state superintendent's approval.

(b) No state aid may be paid in any year under this chapter to a school district which fails to meet the requirements under sub. (2).

(c) If the state superintendent withholds state aid from a school district under this subsection, the school board may request a hearing under s. 227.42.

(2) Unless the state superintendent is satisfied that the failure to meet the requirements of pars. (a) and (b) was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, every school district shall:

(a) Hold school for the minimum number of hours of direct pupil instruction required for the grade in which a pupil is enrolled as specified in s. 121.02 (1) (f).

(b) Employ teachers qualified under s. 118.19.

(c) File all reports as required by state law.

(d) Comply with a directive issued by the state superintendent under s. 118.42 (3) (a) or (b).

(5) In the event of a school district labor dispute, s. 121.23 shall apply.

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215; 2013 a. 257.

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr), shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment, or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel, and current repairs.

History: 1971 c. 125 s. 522 (1); 1973 c. 90; 1975 c. 39, 220; 1977 c. 29 s. 1099; Stats. 1977 s. 121.007; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221; 1981 c. 20; 1983 a. 27 s. 2202 (42); 1983 a. 538; 1989 a. 31, 336; 1993 a. 16; 1997 a. 27, 113; 2001 a. 16; 2003 a. 33; 2005 a. 25.

SUBCHAPTER II

GENERAL AID

121.01 Purpose. It is declared to be the policy of this state that education is a state function and that some relief should be afforded from the local general property tax as a source of public school revenue where such tax is excessive, and that other sources of revenue should contribute a larger percentage of the total funds needed. It is further declared that in order to provide reasonable equality of educational opportunity for all the children of this state, the state must guarantee that a basic educational opportunity be available to each pupil, but that the state should be obligated to contribute to the educational program only if the school district provides a program which meets state standards. It is the purpose of the state aid formula set forth in this subchapter to cause the state to assume a greater proportion of the costs of public education and to relieve the general property of some of its tax burden.

The school finance system under ch. 121 is constitutional under both Art. I, sec. 1 and Art. X, s. 3. Students have a fundamental right to an equal opportunity for a sound basic education. Uniform revenue−raising capacity among districts is not required. Vincent v. Voight, 2000 WI 93, 236 Wis. 2d 588, 614 N.W.2d 388, 97−3174.

A "uniform" education: reform of local property tax school finance systems through state constitutions. 62 MLR 565.

121.02 School district standards. (1) Except as provided in s. 118.40 (2r) (d), each school board shall:

(a) 1. Ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before entering on duties for such position.

2. Subject to s. 118.40 (8) (b) 2. and 3., ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. For purposes of this subdivision, a virtual charter school is located in the school district specified in s. 118.40 (8) (a) and a charter school established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision.

(b) Annually, establish with school board employees a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school.

(c) Provide interventions or remedial reading services for a pupil in grades kindergarten to 4 if any of the following occurs:

1. The pupil fails to meet the reading objectives specified in the reading curriculum plan maintained by the school board under par. (k).

2. The pupil fails to score above the state minimum performance standard on the reading test under par. (r) and:

a. A teacher in the school district and the pupil's parent or guardian agree that the pupil's test performance accurately reflects the pupil's reading ability; or

b. A teacher in the school district determines, based on other objective evidence of the pupil's reading comprehension, that the pupil's test performance accurately reflects the pupil's reading ability.

3. The pupil's reading assessment under s. 118.016 indicates that the pupil is at risk of reading difficulty. If this subdivision applies, the interventions or services provided the pupil shall be scientifically based and shall address all areas in which the pupil is deficient in a manner consistent with the state standards in reading and language arts.

(d) Operate a 5−year−old kindergarten program, except in union high school districts.

(e) Provide guidance and counseling services.

(f) Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours under this paragraph include recess and time for pupils to transfer between classes but do not include the lunch period. Scheduled hours under this paragraph do not include hours of direct pupil instruction offered during an interim session. Scheduled hours under this paragraph may include hours on Saturdays. A school board operating a 4−year−old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

(g) Provide for emergency nursing services.

(h) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.

(i) Provide safe and healthful facilities. The facilities shall comply with ss. 254.11 to 254.178 and any rule promulgated under those sections.

(j) Ensure that instruction in elementary and high schools in health, physical education, art and music is provided by qualified teachers.

(k) 1. Maintain a written, sequential curriculum plan in at least 3 of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, vocational education, physical education, art and music. The plan shall specify objectives, course content and resources and shall include a program evaluation method.

2. Maintain a written, sequential curriculum plan in at least 3 additional subject areas specified in subd. 1.

3. Maintain a written, sequential curriculum plan in all of the remaining subject areas specified in subd. 1.

(L) 1. In the elementary grades, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music.

2. In grades 5 to 8, provide regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music. The school board shall also provide pupils with an introduction to career exploration and planning.

3. In grades 9 to 12, provide access to an educational program that enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music. In this subdivision, "access" means an opportunity to study through school district course offerings, independent study, cooperative educational service agencies, or cooperative arrangements between school boards or between school boards and postsecondary educational institutions.

4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

5. Provide regular instruction in foreign language in grades 7 and 8 beginning in the 1996−97 school year.

6. In one of grades 5 to 8 and in one of grades 10 to 12, provide pupils with the instruction on shaken baby syndrome and impacted babies described in s. 253.15 (5).

(m) Provide access to an education for employment program approved by the state superintendent. Beginning in the 1997−98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. 106.13 or other job training and work experience; and instruction in skills relating to employment. The state superintendent shall assist school boards in complying with this paragraph.

Cross−reference: See also ch. PI 26, Wis. adm. code.

(n) Develop a plan for children at risk under s. 118.153.

(o) Annually comply with the requirements of s. 115.38 (2). The school board may include additional information in the report under s. 115.38 (2).

(p) Comply with high school graduation standards under s. 118.33 (1).

(q) Evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every 3rd year thereafter.

(r) Except as provided in s. 118.40 (2r) (d) 2., annually administer a standardized reading test developed by the department to all pupils enrolled in the school district in grade 3, including pupils enrolled in charter schools located in the school district, except that if a charter school is established under s. 118.40 (3) (c) 1. c., the school board specified in s. 118.40 (3) (c) 1. c. shall administer the test to pupils enrolled in the charter school regardless of the location of the charter school.

(s) Administer the examinations as required under s. 118.30.

(t) Provide access to an appropriate program for pupils identified as gifted or talented.

(1m) A school district may provide for scoring the test administered under sub. (1) (r) or have it scored by the department. If the school district provides for scoring the test, the department shall reimburse the school district for the cost of scoring the test, not exceeding what the department's cost would be to score the test. Costs of scoring the tests and reimbursing school districts for

scoring the tests shall be paid from the appropriation under s. 20.255 (1) (a).

(2) In order to ensure compliance with the standards under sub. (1), the department shall conduct an inquiry into compliance with the standards upon receipt of a complaint and may, on its own initiative, conduct an audit of a school district.

(3) Prior to any finding that a school district is not in compliance with the standards under sub. (1), the state superintendent shall, upon request of the school board or upon receipt of a petition signed by the maximum number of electors allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or (ks), conduct a public hearing in the school district. If the state superintendent, after the hearing, finds that the district is not in compliance with the standards, the state superintendent may develop with the school board a plan which describes methods of achieving compliance. The plan shall specify the time within which compliance shall be achieved. The state superintendent shall withhold up to 25 percent of state aid from any school district that fails to achieve compliance within the specified period.

(4) Any school district which is completely surrounded by water may meet the requirements of this section by being in substantial compliance with the standards in sub. (1). Annually by August 15, the school district shall submit to the state superintendent for approval a report describing the methods by which the school district intends to substantially comply with the standards. The state superintendent shall allow any such school district maximum flexibility in the school district's substantial compliance plans.

(5) The state superintendent shall promulgate rules to implement and administer this section, including rules defining "regular instruction" for the purpose of sub. (1) (L) 1. and 2.

History: 1973 c. 90, 115, 243, 333; 1975 c. 39, 198; 1977 c. 29, 178, 206, 418, 429, 447; 1979 c. 34, 221; 1985 a. 29, 228; 1987 a. 27, 399; 1989 a. 31, 285; 1991 a. 48, 269; 1993 a. 16, 339, 430, 450; 1995 a. 27 ss. 4036 to 4038, 9145 (1); 1997 a. 27, 113; 1999 a. 9; 2001 a. 16; 2005 a. 165, 220; 2007 a. 222; 2009 a. 28; 2011 a. 166; 2013 a. 20, 257; 2015 a. 55.

Cross−reference: See also ch. PI 8, Wis. adm. code.

121.05 Budget and membership report. (1) The school district clerk shall include, as part of the annual school district report under s. 120.18, all of the following:

(a) The average of the number of pupils enrolled on the 3rd Friday of September and the 2nd Friday of January of the previous school year, including all of the following:

1. Pupils enrolled concurrently in the school district and in a special education program operated by a county children with disabilities education board and in facilities of the school district. This subdivision does not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

2. Pupils enrolled in home instruction or any other school district special education program.

3. Pupils for whom tuition is paid under s. 121.78.

5. Pupils attending a technical college under s. 118.15 (1) (b) and pupils attending an institution of higher education or a technical college under s. 118.55.

6. Pupils enrolled in a special education program operated by a county children with disabilities education board under contract with the school board. This subdivision applies beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

7. Pupils enrolled in a nonsectarian private school or program or tribal school under s. 118.15 (1) (d) 4.

8. Pupils enrolled in the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing or the school operated by the Wisconsin Center for the Blind and Visually Impaired under subch. III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2) determined by multiplying the total number of periods in each day in which the pupils are enrolled in the local public school by the total number of days for which the pupils are enrolled in the local public school and dividing the product by 1,080.

9. Pupils enrolled in a charter school, other than a charter school under s. 118.40 (2r) or (2x).

10. Pupils attending a private school or agency under contract with the board under s. 119.235.

11. Pupils residing in the school district but attending a public school in another school district under s. 118.50, 118.51, 121.84 (4), or 121.85 (3) (a).

12. Pupils attending public school under s. 118.145 (4).

12m. Pupils attending a public school under s. 118.53.

13. Pupils attending the Challenge Academy program under s. 321.03 (1) (c).

(b) The number of teachers employed in the school district on the 3rd Friday of September of the previous school year.

(c) The estimated budget for the current school year which shall be based upon the uniform accounting system prescribed by the department.

(d) The number of pupils for whom contracts with private education services are entered into under s. 120.13 (26).

(2) Notwithstanding sub. (1), the school district clerk of the school district operating under ch. 119 shall include, as part of the annual report under s. 119.44 (2), the number of pupils enrolled on the 3rd Friday of September, the 2nd Friday of January, or the first Friday of May, whichever is highest, including the pupils specified in sub. (1) (a), and the information described in sub. (1) (b) to (d).

(3) If a school district is unable to hold school on any of the dates specified in sub. (1) (a) or (2), the state superintendent shall designate alternative membership counting dates.

(3m) If pupils enrolled in a school will not be in attendance at the school on any of the dates specified in sub. (1) (a) or (2) because of a regularly scheduled holiday or for a reason approved by the school board, the state superintendent shall permit the membership counting date to occur on the 3rd weekday that follows the next school day on which school is in session.

(4) The school board of a school district in which a foster or group home that is not exempt under s. 70.11 is located may submit a report to the state superintendent. If the school board submits a report, it shall submit it by June 30. The report shall indicate, on a full−time equivalent basis, the number of pupils residing in such foster or group homes who were provided educational services by the school district during the current school year but were not included in the September, January, or May membership count under sub. (1) (a) or (2). The state superintendent shall adjust the school district's membership based on the report. The state superintendent shall make proportional adjustments to the memberships of the school districts in which the pupil was previously enrolled during that school year. The state superintendent shall obtain from such school districts the information necessary to make such adjustments. The state superintendent shall promulgate rules to implement and administer this subsection.

History: 1971 c. 125; 1973 c. 89; 1975 c. 224; 1977 c. 29, 418; 1979 c. 34, 221, 244; 1981 c. 20, 251; 1983 a. 27, 192, 509; 1985 a. 29, 218; 1985 a. 225 s. 100; 1987 a. 27, 399; 1989 a. 336; 1991 a. 39; 1993 a. 16, 395; 1995 a. 27 ss. 4040x, 4042, 9145 (1); 1995 a. 225; 1997 a. 27, 113, 164; 1999 a. 9, 83, 117; 2001 a. 57, 109; 2003 a. 321; 2007 a. 200; 2009 a. 28, 302; 2013 a. 20; 2015 a. 55.

Cross−reference: See also s. PI 14.01, Wis. adm. code.

121.06 Determination and certification of equalized valuation. (1) Annually on or before October 1, the full value of the taxable property in each part of each city, village and town in each school district shall be determined by the department of revenue according to its best judgment from all sources of information available to it and shall be certified by the department of revenue to the state superintendent.

(2) The state superintendent shall certify to each school district clerk the appropriate full values certified to the state superintendent under sub. (1).

(3) For purposes of computing state aid under s. 121.08 equalized valuations calculated under sub. (1) and certified under sub.

(2) shall exclude property taxed under s. 70.114, 1981 stats., s. 70.116, 1981 stats., s. 70.117, 1981 stats., or s. 70.175, 1981 stats.

(4) For purposes of computing state aid under s. 121.08, equalized valuations calculated under sub. (1) and certified under sub. (2) shall include the full value of property that is exempt under s. 70.11 (39) and (39m) as determined under s. 79.095 (3).

History: 1973 c. 61, 90; 1977 c. 29 ss. 1084, 1647 (13); 1977 c. 300 s. 8; 1981 c. 20; 1983 a. 27; 1985 a. 225; 1987 a. 403 s. 256; 1989 a. 336; 1993 a. 307; 1995 a. 27 ss. 4044, 9145 (1); 1997 a. 27, 113, 237; 2001 a. 16.

121.07 General provisions; state aid computation. In this subchapter:

(1) BASIS FOR STATISTICS. (a) The membership of the school district in the previous school year and the shared cost for the previous school year shall be used in computing general aid. If a school district has a state trust fund loan as a result of s. 24.61 (3) (c) 2., 2009 stats., the school district's debt service costs shall be based upon current school year costs for the term of the loan and for one additional school year.

(b) If the school district valuation is increased or decreased due to an alteration in school district boundaries before the 3rd Friday in September, the estimated shared cost for the current school year and the estimated mill levy rate shall be based on the school district equalized valuation of the territory comprising the altered school district.

(c) If an order of school district reorganization under ch. 117 is not effective due to litigation until after the 3rd Friday in September but takes effect before April 1 of the current school year, state aid for any affected school district for the first year of operation shall be computed after the order takes effect using calculations by the state superintendent of the number of pupils enrolled and teacher−pupil ratio for the territory in the affected school district, which shall be made as if the school district had been in existence on the 3rd Friday in September.

(2) MEMBERSHIP. For the purposes of ss. 121.08, 121.09, 121.095, 121.105, and 121.137, a school district's membership is the sum of all of the following:

(a) The school district's membership, as defined in s. 121.004 (5), in the previous school year.

(b) The number of pupils residing in the school district in the previous school year who were incoming choice pupils, as defined in s. 118.60 (4d) (a), and for whom a payment was made under s. 118.60 (4) (bg) in the previous school year.

(c) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 115.7915 (4m) (a) or (e) in the previous school year.

(d) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 118.40 (2r) (e) to an operator of a charter school established under contract with an entity under s. 118.40 (2r) (b) 1. e. or f. in the previous school year.

(e) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 118.40 (2r) (f) in the previous school year.

(f) The number of pupils residing in the school district in the previous school year for whom a payment was made under s. 118.40 (2x) (e) in the previous school year.

(6) SHARED COST. (a) "Shared cost" is the sum of the net cost of the general fund and the net cost of the debt service fund, except that "shared cost" excludes any costs, including attorney fees, incurred by a school district as a result of its participation in a lawsuit commenced against the state, beginning with such costs incurred in the fiscal year in which the lawsuit is commenced, excludes any expenditures from a capital improvement fund created under s. 120.135 or a capital improvement trust fund created under s. 120.137, excludes any debt service costs associated with an environmental remediation project under s. 67.05 (7) (er), and excludes the costs of transporting those transfer pupils for whom the school district operating under ch. 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s. 121.85 (6) (am). In this paragraph:

1m. "Net cost of the debt service fund" includes all of the following amounts:

a. If a school board makes an expenditure from a capital expansion fund created under s. 120.10 (10m), an amount determined by dividing the expenditure by the number of years in which the school district levied a tax for the capital project. This subd. 1m. a. applies for the number of years equal to the number of years in which the school district levied a tax for the capital project.

b. The annual cost of leasing a school or other school district facility if the lease provides for construction of the school or facility and the lease either provides that ownership of the school or facility transfers to the school district at the termination of the lease or provides an option for such a transfer.

2m. "Net cost of the general fund" includes money deposited in a long−term capital improvement trust fund created under s. 120.137.

(am) In par. (a), for the purpose of calculating state aid paid to a school district in the 2006−07 and 2007−08 school years, "shared cost" excludes any amount expended in the previous school year from the school district's fund balance to pay the school district's unfunded pension liability under the Wisconsin Retirement System or to pay debt service for debt issued to refinance the balance of the unfunded pension liability if the result of excluding such expenditures is an increase in state aid paid to the school district under s. 121.08.

(b) The "primary ceiling cost per member" is $1,000.

(c) The "primary shared cost" is that portion of a district's shared cost which is less than or equal to the primary ceiling cost per member multiplied by its membership.

(d) The "secondary ceiling cost per member" in the 2001−02 school year and in each school year thereafter is an amount determined by dividing the state total shared cost in the previous school year by the state total membership in the previous school year and multiplying the result by 0.90.

(dg) The "secondary shared cost" is that portion of a school district's shared cost which is greater than the primary ceiling cost per member multiplied by its membership and less than or equal to the secondary ceiling cost per member multiplied by its membership.

(dr) The "tertiary shared cost" is that portion of a school district's shared cost which is greater than the secondary ceiling cost per member multiplied by its membership.

(e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (b) and (d) shall be multiplied by 1.15 and rounded to the next lowest dollar.

2. For a school district from which territory was detached to create a school district under s. 117.105, in each of the 3 school years beginning on the July 1 following the effective date of the reorganization under s. 117.105, the amounts under pars. (b) and (d) shall be multiplied by 1.05 and rounded to the next lower dollar.

(7) GUARANTEED VALUATION PER MEMBER. (a) The "primary guaranteed valuation per member" is $1,930,000.

(b) The "secondary guaranteed valuation per member" is an amount, rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount remaining in the appropriation under s. 20.255 (2) (ac).

(bm) The "tertiary guaranteed valuation per member" is the amount rounded to the next lower dollar determined by dividing the equalized valuation of the state by the state total membership.

(c) For districts operating only high school grades, the amounts in pars. (a) to (bm) shall be multiplied by 3 and rounded to the next lower dollar.

(d) For districts operating only elementary grades, the amounts in pars. (a) to (bm) shall be multiplied by 1.5 and rounded to the next lower dollar.

(e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (a) to (bm) shall be multiplied by 1.15 and rounded to the next lower dollar.

2. For a school district from which territory was detached to create a school district under s. 117.105, in each of the 3 school years beginning on the July 1 following the effective date of the reorganization under s. 117.105, the amounts under pars. (a) to (bm) shall be multiplied by 1.05 and rounded to the next lower dollar.

(8) GUARANTEED VALUATION. A school district's primary, secondary and tertiary guaranteed valuations are determined by multiplying the amounts in sub. (7) by the district's membership.

(10) REQUIRED LEVY RATE. (a) The "required levy rate" is the sum of the rates derived in pars. (b) to (d).

(b) The "primary required levy rate" is the primary shared cost divided by the primary guaranteed valuation.

(c) The "secondary required levy rate" is the secondary shared cost divided by the secondary guaranteed valuation.

(d) The "tertiary required levy rate" is the tertiary shared cost divided by the tertiary guaranteed valuation.

History: 1971 c. 125; 1973 c. 61, 90, 190, 333; 1975 c. 39; 1977 c. 29, 178, 418; 1979 c. 34, 221; 1981 c. 20, 317, 385; 1983 a. 27, 212; 1985 a. 29; 1987 a. 27; 1989 a. 31, 114, 309, 336, 359; 1991 a. 39, 269, 315; 1993 a. 16, 437; 1995 a. 27 ss. 4046m to 4064, 9145 (1); 1997 a. 27, 113, 286; 1999 a. 9, 17; 2001 a. 16, 109; 2003 a. 33; 2005 a. 25; 2009 a. 28; 2011 a. 71; 2013 a. 20, 336; 2015 a. 55.

121.08 Payment of state aids; reductions. (1) The state shall pay to the school district the sum of the following amounts:

(a) The amount by which the primary guaranteed valuation exceeds the school district equalized valuation, multiplied by the primary required levy rate.

(b) The amount by which the secondary guaranteed valuation exceeds the school district equalized valuation multiplied by the secondary required levy rate.

(c) The amount by which the tertiary guaranteed valuation exceeds the school district equalized valuation multiplied by the tertiary required levy rate.

(2) The aid computed under sub. (1) shall be reduced by the sum of the amount by which the school district equalized valuation exceeds the secondary guaranteed valuation, multiplied by the secondary required levy rate, and the amount by which the school district equalized valuation exceeds the tertiary guaranteed valuation, multiplied by the tertiary required levy rate. In no case may the aid under this section be less than the amount under sub. (1) (a).

(3) The aid computed under sub. (1) shall be reduced by the amount by which the aid that the school district is receiving under sub. (1) as a result of the number of pupils reported as enrolled in the school district under s. 121.05 (1) (a) 7. exceeds the amount paid by the school district for tuition for those pupils.

(4) (a) The amount of state aid that a school district is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall be reduced by the amount determined as follows:

1. Add the amounts paid under s. 118.40 (2r) in the current school year for pupils attending a charter school established by or under a contract with an entity under s. 118.40 (2r) (b) 1. a. to d.

2. Divide the sum under subd. 1. by the total amount of state aid that all school districts are eligible to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the reduction under par. (b) had not occurred.

3. Multiply the amount of state aid that the school district is eligible to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the reduction under par. (b) had not occurred, by the quotient under subd. 2.

(b) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the amount calculated as follows:

1. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009−10 school year by 41.6 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010−11 to 2012−13 school years by 38.4 percent. Beginning in the 2013−14 school year, multiply the amounts paid under s. 119.23 (4) and (4m) in the current school year by a percentage determined by subtracting 3.2 percentage points from the percentage that was applied under this subdivision in the previous school year. This subdivision does not apply after the 2024−25 school year.

2. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009−10 school year by 3.4 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010−11 school year and in each school year thereafter by 6.6 percent.

3. Add the amounts determined under subds. 1. and 2.

(d) The state superintendent shall ensure that the total amount of aid reduction under pars. (a) and (b) lapses to the general fund.

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 100; 2009 a. 28; 2011 a. 32, 157; 2013 a. 20; 2015 a. 55.

121.085 State aid; other reductions. (1) The department shall make state aid adjustments under s. 118.51 (16) and (17) before making a reduction under s. 115.7915 (4m) (f), 118.40 (2r) (g) or (2x) (f), or 118.60 (4d) (b).

(2) For purposes of ss. 115.7915 (4m) (f) 2., 118.40 (2r) (g) 2. and (2x) (f) 2., and 118.60 (4d) (b) 2., a school district's aid under s. 121.08 is insufficient to cover a reduction if, after making state aid adjustments under s. 118.51 (16) and (17), the amount of the school district's aid under s. 121.08 is insufficient to cover all of the reductions under ss. 115.7915 (4m) (f) 1., 118.40 (2r) (g) 1. and (2x) (f) 1., and 118.60 (4d) (b) 1.

(3) The state superintendent shall ensure that the aid reductions under ss. 115.7915 (4m) (f) 1., 118.40 (2r) (g) 1. and (2x) (f) 1., and 118.60 (4d) (b) 1. lapse to the general fund.

History: 2015 a. 55.

121.09 State aid adjustment; redetermination of assessment. (1) If, on or after July 1, 1980, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, or if, on or after January 1, 1982, the state board of assessors makes a final redetermination on the assessment of property subject to taxation under s. 70.995 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after the date of the determination, decision, or judgment, file the determination of the state board of assessors, the decision of the tax appeals commission, or the judgment of the court with the state superintendent, requesting an adjustment in state aid to the school district. If the state superintendent determines that the determination, decision, or judgment is final and that it has been filed within the 4−year period, the state shall pay to the school district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district's equalized valuation as recertified under s. 70.57 (2).

(2) If, on or after May 3, 1984, the state board of assessors, the tax appeals commission or a court makes a final redetermination on the assessment of property subject to taxation under s. 70.995

that is higher than the previous assessment, the state superintendent shall notify the school district in which the property is located of the recertification by the department of revenue under s. 70.57 (2). The state superintendent shall, in the subsequent fiscal year, withhold from the school district's state aid entitlement under s. 121.08 an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year, using the school district's equalized valuation as recertified under s. 70.57 (2).

(2m) If after June 30, 1995, and before July 26, 2003, the state board of assessors, the tax appeals commission, or a court makes a final redetermination on the assessment of telephone company property subject to taxation under s. 70.112 (4) and subch. IV of ch. 76 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after July 26, 2003, file the redetermination with the state superintendent, requesting an adjustment in state aid to the school district. If the state superintendent determines that the redetermination is final and that it has been filed within the 4−year period, the state shall pay to the school district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district's equalized valuation as recertified under s. 70.57 (2).

(2r) If after July 26, 2003, the state board of assessors, the tax appeals commission, or a court makes a final redetermination on the assessment of telephone company property subject to taxation under s. 70.112 (4) and subch. IV of ch. 76 that is lower than the previous assessment, the school board of the school district in which the property is located may, within 4 years after the redetermination, file the redetermination with the state superintendent, requesting an adjustment in state aid to the school district. If the state superintendent determines that the redetermination is final and that it has been filed within the 4−year period, the state shall pay to the school district in the subsequent fiscal year, from the appropriation under s. 20.255 (2) (ac), an amount equal to the difference between the state aid computed under s. 121.08 for the school year commencing after the year subject to the valuation recertification, using the school district's equalized valuation as originally certified, and the state aid computed under s. 121.08 for that school year using the school district's equalized valuation as recertified under s. 70.57 (2).

History: 1983 a. 372; 1985 a. 29; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 16; 2003 a. 33.

School districts may obtain adjustments in state aid payments whether their equalized valuation is changed either as a result of a reassessment of or a finding of exemption of manufacturing property. 73 Atty. Gen. 119.

121.095 State aid adjustment; Challenge Academy program. (1) Annually the department shall reduce each school district's state aid payment under s. 121.08, or other state aid payments, if necessary, by an amount calculated as follows:

(a) Determine the number of pupils counted in the school district's membership who are attending the Challenge Academy program under s. 321.03 (1) (c).

(b) Multiply the result under par. (a) by the lesser of the following:

1. The amount determined by the department of military affairs under s. 321.03 (1) (c) 1.

2. The amount determined for the school district under s. 121.91 (2m) (e) 3. for the current school year.

(2) From the appropriation under s. 20.255 (2) (ac), annually the department of public instruction shall pay to the department of military affairs an amount equal to the sum of the reductions under sub. (1). The department of public instruction shall ensure that the aid adjustment under sub. (1) does not affect the amount determined to be received by a school district as state aid under s. 121.08 or for any other purpose.

History: 2001 a. 109; 2007 a. 200.

121.105 Special adjustment aids. (1) In this section "state aid" means the sum of the payments provided to a school district under this section and ss. 121.08, 121.85 and 121.86.

(2) (am) 1. Except as provided in subd. 2., if a school district would receive less in state aid in the current school year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to 85 percent of the amount of state aid that it received in the previous school year, as adjusted under s. 121.15 (4) (b) in the current school year, its state aid for the current school year shall be increased to an amount equal to 85 percent of the state aid received in the previous school year.

2. If a school district from which territory was detached to create a new school district under s. 117.105 would receive in state aid in the school year beginning on the first July 1 following the effective date of the reorganization less than 85 percent of the amount determined as follows, its state aid in the school year beginning on the first July 1 following the effective date of the reorganization shall be increased to an amount equal to 85 percent of the amount determined as follows:

a. Divide the school district's membership in the preceding school year by the school district's membership in the 2nd preceding school year.

b. Multiply the amount of state aid received by the school district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current school year, by the quotient under subd. 2. a.

(b) A school district is eligible to receive additional aid under par. (am) only if additional aid does not result in a state aid payment greater than the school district's shared cost.

(3) In the school year in which a school district consolidation takes effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the consolidated school district's state aid shall be an amount that is not less than the aggregate state aid to which the consolidating school districts were eligible in the school year prior to the school year in which the consolidation takes effect. The additional state aid shall be paid from the appropriation under s. 20.255 (2) (ac).

(4) In the school year in which a whole grade sharing agreement under s. 118.50 first takes effect and in each of the subsequent 4 school years, the department shall pay additional aid to each school district that is participating in the agreement to ensure that the school district receives no less state aid than the amount of state aid to which the school district was eligible in the school year prior to the school year in which the whole grade sharing agreement took effect. In the 5th school year following the school year in which a whole grade sharing agreement first takes effect, the department shall pay additional aid to each school district that is participating in the whole grade sharing agreement in an amount that is equal to 66 percent of the payment that the school district received under this subsection in the prior school year. In the 6th school year following the school year in which the whole grade sharing agreement first takes effect, the department shall pay to each school district that is participating in the whole grade sharing agreement an amount that is equal to 33 percent of the payment that the school district received in the 4th school year following the school year in which the whole grade sharing agreement took effect. The department shall pay additional aid under this paragraph from the appropriation under s. 20.255 (2) (ac). This subsection does not apply to the renewal of an existing whole grade sharing agreement under s. 118.50.

History: 1985 a. 29, 251; 1987 a. 27; 1989 a. 31, 114, 336; 1991 a. 39, 269; 1993 a. 16, 437; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 104; 2005 a. 219, 222; 2013 a. 20; 2015 a. 55.

121.135 State aid to county children with disabilities education boards. (1) If, upon receipt of the plan under s. 115.77 (4), the state superintendent is satisfied that there are children participating in a special education program provided by a

county children with disabilities education board, the state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county children with disabilities education board the amount determined under sub. (2), except as provided under sub. (3).

(2) (a) In this subsection:

1. "Additional general aid" means the amount determined by calculating the percentage of a school district's shared costs that would be paid under s. 121.08 if its membership included each pupil who is a resident of the school district and solely enrolled in a special education program provided by a county children with disabilities education board and the school district's shared costs were increased by the costs of the county children with disabilities education board program for all pupils participating in the county children with disabilities education board program who are residents of the school district, and multiplying the costs of the county children with disabilities education board program by that percentage.

2. "Costs of the county children with disabilities education board program" means the gross cost of the county children with disabilities education board program minus all nonduplicative revenues and other financing sources except property taxes and state aid paid under this section in the previous school year.

(c) The state superintendent shall pay the additional general aid to the county children with disabilities education board.

(3) This section does not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c), except that in the school year beginning July 1 of the year prior to the effective date of the resolution, the state superintendent shall certify to the department of administration from the appropriation under s. 20.255 (2) (bh) in favor of the county children with disabilities education board an amount equal to one−half the amount specified under sub. (2) for each pupil enrolled.

History: 1973 c. 89, 243; 1979 c. 34 s. 2102 (43) (a); 1979 c. 176; 1981 c. 20; 1983 a. 27 ss. 1482g, 1482r, 2202 (42); 1987 a. 27; 1989 a. 336, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 4072, 9145 (1); 1997 a. 27, 113, 164.

121.136 State aid for high−poverty school districts. (1) In this section, "membership" means the membership used by the department to calculate state aid to the school district under s. 121.08 in the first school year of a fiscal biennium.

(2) (a) In the 2009−10 school year and annually thereafter, the department shall pay additional state aid to a school district if at least 50 percent of the district's enrollment on the 3rd Friday of September in the immediately preceding even−numbered year, as rounded to the nearest whole percentage point, satisfied the income eligibility criteria for a free or reduced−price lunch in the federal school lunch program under 42 USC 1758 (b) (1).

(b) The amount paid to each eligible school district in the 2009−10 school year and annually thereafter shall be determined as follows:

1. Divide the amount appropriated under s. 20.255 (2) (bb) by the total membership in all eligible school districts.

4. Multiply the result under subd. 1. by the school district's membership.

History: 2007 a. 20; 2009 a. 28; 2015 a. 55.

121.137 First class city school levy aid. (1) In this section:

(a) "Board" has the meaning given in s. 119.02 (1).

(b) "City" has the meaning given in s. 119.02 (2).

(2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the board, in writing, of the result.

(3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the board for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the board.

History: 2009 a. 28.

121.14 State aid for summer classes and interim session classes. (1) (a) State aid shall be paid to each district or county children with disabilities education board for all of the following:

1. Subject to par. (b), those academic summer classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

2. Subject to par. (b), for a school district or county children with disabilities education board that provides year−round school, those interim session classes or laboratory periods that are for necessary academic purposes, as defined by the state superintendent by rule.

3. Those online classes offered as summer classes or interim session classes to high school pupils and pupils in grade 7 or 8 who reside in the school district, or who are attending the online class in the school district under s. 118.51, provided a pupil enrolled in a high school grade receives a credit for the class, a pupil enrolled in the 7th or 8th grade successfully completes the class, and the school board of the school district determines the online class fulfills a requirement for high school graduation specified under s. 118.33 (1) (a) 1. or established by the school board under the authority of the department.

(b) Recreational programs and team sports shall not be eligible for aid under this section, and pupils participating in such programs shall not be counted as pupils enrolled under s. 121.004 (5) nor shall costs associated with such programs be included in shared costs under s. 121.07 (6).

(2) (a) State aid for summer classes, laboratory periods, or interim session classes under sub. (1) shall be incorporated into the state aid paid for regular classes under this subchapter.

(b) Annually on or before October 1, the school district clerk or chairperson of the county children with disabilities education board shall file with the department a report stating the summer average daily membership equivalent.

(3) References to county children with disabilities education boards under subs. (1) and (2) (b) do not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

History: 1973 c. 89, 90, 243, 333; 1975 c. 39; 1977 c. 29; 1983 a. 27; 1983 a. 189 s. 329 (17m); 1995 a. 27 s. 9145 (1); 1997 a. 27, 164, 240; 1999 a. 32; 2013 a. 257.

Cross−reference: See also ch. PI 17, Wis. adm. code.

121.15 Payment of state aid. (1) Except as provided under sub. (1g), state aid under s. 121.08 shall be paid to school districts according to the following distribution schedule:

(a) Each school district shall receive 15 percent of its total aid entitlement in September, 25 percent of its total aid entitlement in December, 25 percent of its total aid entitlement in March and 35 percent of its total aid entitlement in June.

(b) For the September payment, the total aid entitlement for each district shall be estimated based upon the total aid payment in the previous year.

(c) For the payments from December to June, the total aid entitlement for each district shall be computed on the basis of the school district's membership, as calculated under s. 121.07 (2).

(e) Payments under this subsection shall be made on the first Monday of the month for the December payment, on the 3rd Monday of the month for the September and June payments and on the 4th Monday of the month for the March payment.

(1g) (a) If a school board submits a written request to the department before May 1, in the following school year the department shall pay to that school district an amount equal to 10 percent of the school district's total aid entitlement under s. 121.08 in each month from September to June.

(b) For the September and October payments, the total aid entitlement shall be estimated based upon the total aid payment in the previous year.

(c) For the payments from November to June, the total aid entitlement shall be computed on the basis of the school district's membership, as calculated under s. 121.07 (2).

(d) Payments under this subsection shall be made on the 3rd Monday of the month, except that payment shall be made on the first Monday of the month for the December payment and on the 4th Monday of the month for the March payment.

(e) If a school board chooses the distribution schedule under this subsection, it shall pay to the department of public instruction an amount equal to the earnings that the school district's aid entitlement would have accrued had the school district's aid been distributed under sub. (1), as determined by the department of administration.

(1m) (a) Notwithstanding subs. (1) and (1g), a portion of state aid to school districts shall be distributed as follows:

3. Beginning in the 1999−2000 school year, annually the state shall pay to school districts, from the appropriation under s. 20.255 (2) (ac), $75,000,000 on the 4th Monday in July of the following school year.

(b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced proportionally to reflect the payments made under par. (a). School districts shall treat the payments made in July under par. (a) as if they had been received in the previous school year.

(2) (a) No state aid payments may be made to any district until the annual report under s. 120.18 has been filed with the department.

(b) No state aid payments may be made to any district in the months of November to June until the budget and membership report under s. 121.05 is filed with the department.

(c) If the state superintendent notifies a school district that a state aid payment may be withheld under par. (a) or (b), the state superintendent shall notify each member of the school board or the school district clerk. If the state superintendent notifies the school district clerk, the school district clerk shall promptly distribute a copy of the notice to each member of the school board.

(4) (a) In this subsection, "state aid" has the meaning given in s. 121.90 (2) except that it excludes aid paid to school districts under s. 79.095 (4).

(b) On July 1 and October 15, using the most accurate data available, the state superintendent shall provide the department of revenue and each school district with an estimate of the total amount of state aid the school district will receive in the current school year. On October 15, using the most accurate data available, the state superintendent shall calculate the total amount of state aid that each school district will receive in the current school year. Any adjustments to that calculation shall be made by increasing or decreasing the payment made in September of the following school year.

History: 1977 c. 29 s. 1098; 1977 c. 273; Stats. 1977 s. 121.15; 1979 c. 34; 1985 a. 29, 120; 1987 a. 27; 1989 a. 207; 1993 a. 16, 437; 1995 a. 27 ss. 4073 to 4075m, 9145 (1); 1997 a. 27, 113, 228; 1997 a. 237 ss. 368v to 369, 727p; 1999 a. 9, 17; 2001 a. 16, 106, 109; 2003 a. 33; 2015 a. 55.

121.17 Use of federal revenue sharing funds. It is the intent of the legislature that school districts receiving federal revenue sharing funds through the state under this subchapter shall utilize these funds in compliance with the federal revenue sharing requirements as defined in the state and local fiscal assistance act of 1972 (P.L. 92−512), as amended by P.L. 94−488. The department shall assure compliance with this section.

History: 1973 c. 90; 1977 c. 29 s. 1101; Stats. 1977 s. 121.17; 1995 a. 27; 1997 a. 27.

121.23 Payment of aids in school district labor disputes. (1) In the event that the state superintendent finds that school is not held, or educational standards are not maintained in accordance with s. 121.02 (1) (f) as the result of a strike by school district employees, make−up days are authorized to be scheduled but no make−up days are required.

(2) If a school district fails to provide the number of hours of direct pupil instruction specified under s. 121.02 (1) (f) as the result of a strike by school district employees, for the purposes of computing general aid, the state superintendent shall compute the school district's primary and secondary ceiling costs per member in accordance with the procedure specified in pars. (a) to (e). In making the calculation, the state superintendent shall:

(a) Determine the amount of shared cost not incurred by the school district because of the strike.

(b) Determine the amount of shared cost that the school district would have incurred had the strike not occurred.

(c) Divide the amount determined under par. (a) by the amount determined under par. (b).

(d) Multiply the quotient determined under par. (c) by the amount determined under s. 121.07 (6) (b).

(e) Subtract the product determined under par. (d) from the amount determined under s. 121.07 (6) (b).

History: 1977 c. 178; 1979 c. 221 s. 2202 (43); 1995 a. 27 ss. 4077, 9145 (1); 1997 a. 27; 2013 a. 257.

SUBCHAPTER III

DRIVER EDUCATION AID AND FEES

121.41 Driver education programs. A school board or the technical college system board may establish and collect reasonable fees for any driver education program or part of a program which is neither required for nor credited toward graduation. The school board or the technical college system board may waive any fee established under this subsection for any indigent pupil.

History: 1971 c. 125 s. 522 (1); 1971 c. 154, 211; 1973 c. 89, 90, 309, 336; 1977 c. 29 s. 1096; Stats. 1977 s. 121.41; 1983 a. 22; 1983 a. 27 s. 2202 (42); 1985 a. 29, 218; 1991 a. 269; 1993 a. 399, 455, 491; 1997 a. 27, 164; 1999 a. 9; 2003 a. 33.

Cross−reference: See also ch. PI 21, Wis. adm. code.

SUBCHAPTER IV

TRANSPORTATION AID

121.51 Definitions. In this subchapter:

(1) "Attendance area" is the geographic area designated by the governing body of a private school as the area from which its pupils attend and approved by the school board of the district in which the private school is located. If the private school and the school board cannot agree on the attendance area, the state superintendent shall, upon the request of the private school and the board, make a final determination of the attendance area. The attendance areas of private schools affiliated with the same religious denomination shall not overlap unless one school limits its enrollment to pupils of the same sex and the other school limits its enrollment to pupils of the opposite sex or admits pupils of both sexes.

(3) "School board" has the meaning designated in s. 115.001 (7) and includes any governmental agency transporting children to and from public schools.

(4) "School bus" has the meaning designated in s. 340.01 (56).

History: 1975 c. 120; 1983 a. 189 ss. 185, 329 (17); 1983 a. 512; 1989 a. 31; 1995 a. 27 s. 9145 (1); 1997 a. 27.

The provision for the transportation, at public expense, of students to and from private schools on an attendance area basis is constitutional. Vanko v. Kahl, 52 Wis. 2d 206, 188 N.W.2d 460 (1971).

For purposes of sub. (4) [now sub. (1)], and in the absence of fraud or collusion, when a religious school demonstrates by its corporate charter and bylaws that it is independent of, and unaffiliated with, a religious denomination, further inquiry by the state would violate Art. I, sec. 18. Holy Trinity Community School, Inc. v. Kahl, 82 Wis. 2d 139, 262 N.W.2d 210 (1978).

First amendment−based attacks on Wisconsin "attendance area" statutes. 1980 WLR 409.

121.52 Vehicle, operator and driver requirements. (1) (a) Rules governing the design, construction, inspection and oper-

ation of school buses adopted by the secretary of transportation under s. 110.06 (2) shall by reference be made part of any contract for the transportation of pupils.

(b) The school board may adopt additional rules, not inconsistent with law or with rules of the secretary of transportation or the state superintendent, for the protection of the pupils or to govern the conduct of the person in charge of the motor vehicle used for transportation of pupils for compensation.

(2) (a) All drivers of motor vehicles owned by the school district and used for the transportation of pupils shall be under written contract with the school board of the district.

(b) The owner or lessee of all privately owned motor vehicles transporting pupils for compensation shall be under written contract with the school board of the district for which such transportation is provided. The contract shall require the owner or lessee to perform any action necessary for the owner or lessee or the school board to fulfill any obligation specified in sub. (5) or s. 121.555.

(c) The form of contract shall be prescribed by the department and shall provide that all parties to the contract are subject at all times to rules adopted by the secretary of transportation under s. 110.06 (2) and by the department.

(3) (a) If the contract is made under sub. (2) (b), the contract shall provide that the owner or lessee require his or her bus drivers, as a condition of employment, to take a physical examination, including a chest X−ray or tuberculin test, and to submit the physical examination report to the school board. If the reaction to the tuberculin test is positive, a chest X−ray shall be required. Freedom from tuberculosis in a communicable form is a condition of employment as a bus driver. Additional physical examinations shall be required thereafter at intervals determined by the school board.

(b) The contract shall provide that a physical examination report may be submitted on forms prescribed by the federal authority regulating motor carriers or the department and that a copy of a physical examination report obtained for other purposes within one year of the date of the contract may be substituted for the examination, if the report contains substantially the same information required by the department.

(c) Such physical examinations, chest X−rays or tuberculin tests shall not be required of a bus driver who files with the school board an affidavit setting forth that the bus driver depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization and that the bus driver is to the best of the bus driver's knowledge and belief in good health and that the bus driver claims exemption from health examination on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that the bus driver is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of the bus driver sufficient to indicate whether or not the bus driver is suffering from such an illness. No bus driver may be discriminated against by reason of filing such affidavit.

(4) The use of any motor vehicle to transport pupils shall be discontinued upon receipt of an order signed by the state superintendent or the secretary of transportation ordering such discontinuance. Personnel under the state superintendent or the secretary of transportation may ride any school bus at any time for the purpose of inspection.

(5) Upon written request of a parent or guardian of a pupil for whom the school district provides transportation, the school board shall disclose the name of each driver who transports the pupil under sub. (2) (a) or (b).

History: 1977 c. 29 s. 1654 (7) (d); 1985 a. 218; 1993 a. 492; 1995 a. 27 ss. 4079, 9145 (1); 1997 a. 27; 2003 a. 280.

Sub. (1) (b) is permissive. It neither governs driver conduct nor requires school districts to adopt rules to that end. It merely allows districts to do so. Reuter v. Murphy, 2000 WI App 276, 240 Wis. 2d 110, 622 N.W.2d 464, 99−3349.

121.53 School bus insurance. (1) No motor vehicle may be used as a school bus unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide property damage liability coverage with a limit of not less than $10,000. The policy also shall provide bodily injury liability coverage with limits of not less than $75,000 for each person and, subject to such limit for each person, total limits as follows:

(a) $150,000 for each accident for each such motor vehicle having a seating capacity of 7 passengers or less.

(b) $200,000 for each accident for each such motor vehicle having a seating capacity of 8 to 15 passengers.

(c) $250,000 for each accident for each such motor vehicle having a seating capacity of 16 to 24 passengers.

(d) $375,000 for each accident for each such motor vehicle having a seating capacity of 25 to 36 passengers.

(e) $1,000,000 for each accident for each such motor vehicle having a seating capacity of 37 or more passengers.

(2) The policy under this section shall cover the transportation of pupils, their parents or guardians, authorized chaperones, school district officers, faculty and employees and school doctors, dentists and nurses:

(a) To and from the school or school district which operates the school bus or contracts for its operation.

(b) In connection with any extracurricular school activity authorized by and made in compliance with s. 121.54 (7).

(3) An insurer issuing a policy under this section may exclude coverage for public or livery use of the school bus, but any such exclusion does not apply:

(a) When the school bus, while regularly used as such, also is used to transport pupils of another public or private school, whether or not a charge is made for such transportation.

(b) When used in accordance with sub. (2), whether or not any person lawfully transported is required to pay a charge therefor.

(c) When the school bus is used as specified in s. 340.01 (56) (am) for the purpose of transporting seniors or individuals with disabilities in connection with a transportation assistance program for such persons.

(4) Every school board shall require that there be filed with it and with the department of transportation a certificate of insurance showing that an insurance policy has been procured and is in effect which covers the owner and operator of the school bus and the school board or shall procure an insurance policy and file such certificate with the department of transportation. Unless such certificate is on file with the department of transportation, no registration plates for a school bus may be issued by the department of transportation. No such policy may be terminated prior to its expiration or canceled for any reason, unless a notice thereof is filed with the department of transportation and with the school board by the insurer at least 10 days prior to the date of termination or cancellation. The department of transportation shall revoke the registration of a school bus on which the policy has been terminated or canceled, effective on the date of termination or cancellation.

(5) Subsections (1) to (4) do not apply to:

(a) A motor vehicle owned or operated by a parent or guardian transporting only the parent's or guardian's own children, whether or not any contract is made with or compensation paid to the parent or guardian for such transportation by a school board.

(b) A motor vehicle operated by a common carrier certificated under ch. 194, where such motor vehicle is used under contract pursuant to this subchapter, if the common carrier has complied with s. 194.41 or 194.42.

(c) A taxicab regulated by a municipal ordinance under s. 349.24 when used to transport pupils.

(6) Within 10 days after its occurrence, every accident involving a motor vehicle while providing transportation under this subchapter shall be reported to the appropriate school board.

History: 1975 c. 60; 1977 c. 29 s. 1654 (7) (b); 1979 c. 281; 1981 c. 25; 1985 a. 287; 1991 a. 239; 1993 a. 492; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2005 a. 220; 2015 a. 55.

121.54 Transportation by school districts. (1) CITY OPTION. (a) Subsections (2) and (6) and s. 121.57 do not apply to pupils who reside in a school district that contains all or part of a city unless the school they attend is located outside the city but within the boundaries of the school district.

(b) If a school district elects under sub. (2) (c) to provide transportation for the pupils under par. (a), state aid shall be paid in accordance with s. 121.58, and there shall be reasonable uniformity in the transportation furnished to the pupils, whether they attend public or private schools.

(c) Paragraph (a) does not apply to pupils who reside in a school district that contains all or part of a 1st, 2nd or 3rd class city with a population exceeding 40,000 unless transportation for the pupils is available through a common carrier of passengers operating under s. 85.20 or ch. 194.

(2) GENERAL TRANSPORTATION. (a) Except as provided in sub. (1), every school board shall provide transportation to and from public school for all pupils who reside in the school district 2 miles or more from the nearest public school they are entitled to attend.

(am) In lieu of transporting a pupil who is eligible for transportation under par. (a) to and from his or her residence, a school district may transport the pupil to or from, or both, a before− and after−school child care program under s. 120.125, a child care program under s. 120.13 (14), or any other child care program, family child care home, or child care provider.

(b) 1. Except as provided in sub. (1) or otherwise provided in this subsection, the school board of each district operating high school grades shall provide transportation to and from the school a pupil attends for each pupil residing in the school district who attends any elementary grade, including kindergarten, or high school grade at a private school located 2 miles or more from the pupil's residence, if such private school is a school within whose attendance area the pupil resides and is situated within the school district or not more than 5 miles beyond the boundaries of the school district measured along the usually traveled route.

2. In lieu of transporting students under subd. 1. and paying for transportation under sub. (8) (b), an underlying elementary school district of a union high school district may elect, by resolution adopted at its annual or special meeting, to transport elementary school children who reside within the underlying district and qualify for transportation under subd. 1., in vehicles owned, operated or contracted for by the district. Once adopted, such a resolution may be repealed only upon one year's notice to the board of the union high school district of which the underlying district is a part. An elementary school district shall notify the union high school district of any action under this paragraph no later than June 15 preceding the school year in which the elementary school district's action takes effect.

3. Annually by April 1, each private school shall submit its proposed attendance area for the ensuing school year to the school board of each school district having territory within the proposed attendance area. If a proposal is not submitted by April 1, the existing attendance area shall remain in effect for the ensuing school year.

4. No later than May 15 in each year, each private school shall notify each school board of the names, grade levels and locations of all pupils, if any, eligible to have transportation provided by such school board under this paragraph and planning to attend such private school during the forthcoming school term. The school board may extend the notification deadline.

Cross−reference: See also s. PI 35.06, Wis. adm. code.

(c) An annual or special meeting of a common or union high school district, or the school board of a unified school district, may elect to provide transportation for pupils who are not required to be transported under this section, including pupils attending public school under s. 118.145 (4) or 118.53. Transportation may be provided for all or some of the pupils who reside in the school district to and from the public school they are entitled to attend or the private school, within or outside the school district, within whose attendance area they reside. If transportation is provided for less than all such pupils there shall be reasonable uniformity in the minimum distance that pupils attending public and private schools will be transported. Except for elementary school districts electing to furnish transportation under par. (b) 2., this paragraph does not permit a school district operating only elementary grades to provide transportation for pupils attending private schools.

(d) A school board may provide transportation for teachers to and from public school, subject to the same controls and limitations as apply to the transportation of pupils.

(e) Notwithstanding par. (a), if a pupil is living outside the school district in which he or she is enrolled because the pupil's parents or guardians have joint legal custody, as defined in s. 767.001 (1s), of the pupil, upon the request of the pupil's parent or guardian the school district shall transport the pupil to and from an agreed−upon location within the school district.

(3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board shall provide transportation for children with disabilities, as defined in s. 115.76 (5), to any public or private elementary or high school, to the school operated by the Wisconsin Center for the Blind and Visually Impaired or the school operated by the Wisconsin Educational Services Program for the Deaf and Hard of Hearing or to any special education program for children with disabilities sponsored by a state tax−supported institution of higher education, including a technical college, regardless of distance, if the request for such transportation is approved by the state superintendent. Approval shall be based on whether or not the child can walk to school with safety and comfort. Section 121.53 shall apply to transportation provided under this subsection.

(4) SUMMER CLASS TRANSPORTATION. A school board may provide transportation for pupils residing in the school district and attending summer classes. If the school board provides transportation for less than all pupils, there shall be reasonable uniformity in the minimum and maximum distances pupils are transported.

(5) TRANSPORTATION TO TECHNICAL COLLEGES. The school board of a district operating high school grades may provide for the transportation or board and lodging of residents of the school district attending technical colleges outside the school district who are not high school graduates, are less than 20 years of age and attend such colleges full time. The school board of such a district may also provide transportation for residents of the district participating in vocational education programs organized cooperatively between school districts under s. 66.0301. The school district shall be paid state aid for such transportation or board and lodging in accordance with s. 121.58. This subsection does not apply if the distance between a pupil's home and the technical college along the usually traveled public highway is more than 15 miles, unless the pupil resides on an approved bus route or board and lodging are provided.

(6) TRANSPORTATION IN SPECIAL CASES. The school board of a district operating high school grades which, under s. 121.78 (2) (a), must permit a pupil to attend high school outside the school district shall provide transportation for such pupil if the pupil resides 2 or more miles from the high school that the pupil attends.

(7) TRANSPORTATION FOR EXTRACURRICULAR ACTIVITIES. (a) A school board may provide transportation for pupils attending public or private schools, their parents or guardians, authorized chaperones, school officers, faculty and employees and school doctors, dentists and nurses in connection with any extracurricular activity of the public or private school, such as a school athletic contest, school game, after school practice, late activity, school outing or school field trip or any other similar trip when:

1. A school bus or motor bus or a motor vehicle under s. 121.555 (1) (a) is used and such transportation is under the immediate supervision of a competent adult.

2. A school operated by the school district or the private school has an actual interest in the safety and welfare of the children transported to the activity;

4. The school principal or other person with comparable authority authorizes such use.

(b) 1. If transportation is provided to pupils and other persons in connection with any extracurricular activity of a public school under par. (a), the school board may make a charge for such transportation, to be paid by the persons transported, sufficient to reimburse it for the cost of providing the transportation. If transportation is provided to pupils and other persons in connection with any extracurricular activity of a private school under par. (a), the school board shall make a charge for such transportation, to be paid by the private school or the persons transported, sufficient to reimburse it for the cost of providing the transportation.

2. The school board may contract under s. 121.52 (2) (b) for transportation authorized under par. (a) for pupils attending public schools. The school board may authorize a charge for the transportation, to be paid by the persons transported, sufficient to make reimbursement for the cost of providing the transportation.

(8) PAYMENT OF TRANSPORTATION COSTS. (a) The cost of providing transportation for pupils under subs. (1) to (6) and s. 121.57 shall be paid by the school district in which they reside, and no part of such cost may be charged to the pupils or their parents or guardians.

(b) At the end of the school term, every union high school district shall submit to each of its underlying school districts operating only elementary grades a certified statement of the actual cost for the school year, less the amount to be paid for such pupils for that school year under s. 121.58 (2), of transporting the private school pupils residing in the underlying school district under sub. (2) (b). On or before June 30 in each year each underlying school district shall reimburse the union high school district for the net cost of transporting its resident private school pupils as so reported in the statement.

(9) TRANSPORTATION IN AREAS OF UNUSUAL HAZARDS. (a) In school districts in which unusual hazards exist for pupils in walking to and from the school where they are enrolled, the school board shall develop a plan which shall show by map and explanation the nature of the unusual hazards to pupil travel and propose a plan of transportation if such transportation is necessary, which will provide proper safeguards for the school attendance of such pupils. Copies of the plan shall be filed with the sheriff of the county in which the principal office of the school district is located. The sheriff shall review the plan and may make suggestions for revision deemed appropriate. The sheriff shall investigate the site and plan and make a determination as to whether unusual hazards exist which cannot be corrected by local government and shall report the findings in writing to the state superintendent and the school board concerned. Within 60, but not less than 30, days from the day on which the state superintendent receives the sheriff's report, the state superintendent shall determine whether unusual hazards to pupil travel exist and whether the plan provides proper safeguards for such pupils. If the state superintendent makes findings which support the plan and the determination that unusual hazards exist which seriously jeopardize the safety of the pupils in their travel to and from school, the school board shall put the plan into effect and state aid shall be paid under s. 121.58 (2) (c) for any transportation of pupils under this subsection. Any city, village or town may reimburse, in whole or in part, a school district for costs incurred in providing transportation under this subsection for pupils who reside in the city, village or town.

(am) Any person aggrieved by the failure of a school board to file a plan with the sheriff as provided in par. (a) may notify the school board in writing that an area of unusual hazard exists. The school board shall reply to the aggrieved person in writing within 30 days of receipt of the aggrieved person's notice. The school board shall send a copy of the board's reply to the sheriff of the county in which the principal office of the school district is located and to the state superintendent. Upon receipt of the school board's reply, the aggrieved person may request a hearing before the state superintendent for a determination as to whether an area of unusual hazard exists. If the state superintendent determines that an area of unusual hazard exists, the state superintendent shall direct the school board to proceed as provided in par. (a).

(b) Within 30 days after the sheriff's report is received by the state superintendent, any aggrieved person may request a hearing before the state superintendent on the determination by the sheriff and on the plan. After such hearing, the state superintendent shall proceed as provided in par. (a).

(c) The state superintendent and the department of transportation shall establish a definition of "unusual hazards" and "area of unusual hazards" for the implementation of this subsection. Such definition shall be promulgated, as a rule, by the state superintendent.

Cross−reference: See also ch. PI 7, Wis. adm. code.

(10) ATTENDANCE IN NONRESIDENT SCHOOL DISTRICT. Subject to s. 118.51 (14) (a) 2., a school board may elect to provide transportation, including transportation to and from summer classes, for nonresident pupils who are attending public school in the school district under s. 118.51 or 121.84 (4), or its resident pupils who are attending public school in another school district under s. 118.51 or 121.84 (4), or both, except that a school board may not provide transportation under this subsection for a nonresident pupil to or from a location within the boundaries of the school district in which the pupil resides unless the school board of that school district approves.

History: 1971 c. 162; 1973 c. 89, 107, 333; 1975 c. 60, 392, 421; 1977 c. 227, 252, 418; 1981 c. 20 s. 2202 (51) (e); 1983 a. 27, 175; 1985 a. 29 s. 3202 (43); 1985 a. 218, 225, 240; 1993 a. 399, 492; 1995 a. 27 s. 9145 (1); 1995 a. 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 1999 a. 150 s. 672; 2001 a. 57; 2005 a. 68, 224; 2009 a. 185; 2013 a. 20.

Sections 121.51 (4) [now 121.51 (1)] and 121.54 (2) (b) 1., as enacted in 1969, are constitutional. Vanko v. Kahl, 52 Wis. 2d 206, 188 N.W.2d 460 (1971).

Exceptions to the mandatory provision of transportation should be narrowly construed. The exception for children who "reside in cities" should be confined to its common and approved usage. Morrissette v. DeZonia, 63 Wis. 2d 429, 217 N.W.2d 377 (1974).

Although a private school was only 127 feet beyond the 5−mile limit of sub. (2) (b) 1., statutory construction was not available to extend the limit. Young v. Mukwonago Board of Education, 74 Wis. 2d 144, 246 N.W.2d 230 (1976).

A public school board's refusal to transport parochial pupils during a public school vacation violated sub. (2) (b) 1. Hahner v. Wisconsin Rapids Board of Education, 89 Wis. 2d 180, 278 N.W.2d 474 (Ct. App. 1979).

Common carrier passenger service need not be available to all city pupils for school board to possess the option under sub. (1). The "reasonable uniformity" requirement was directed at the distance that pupils are transported, not at the means of transportation that is chosen. St. John Vianney School v. Janesville Board of Education, 114 Wis. 2d 140, 336 N.W.2d 387 (Ct. App. 1983).

Students within a private school's attendance area under s. 121.51 (1) were entitled to transportation under sub. (2) (b) 1. although the campus they attended was not within the public school's 5−mile transportation radius, but another campus to which they could be transported was. Providence Catholic School v. Bristol School District No. 1, 231 Wis. 2d 159, 605 N.W.2d 238 (Ct. App. 1999), 98−3390.

Reading sub. (2) (b) 2. with s. 121.55, elementary schools are not restricted to providing transportation vehicles owned, operated, or contracted for by the district, but they also have the alternatives available under s. 121.55. Providence Catholic School v. Bristol School District No. 1, 231 Wis. 2d 159, 605 N.W.2d 238 (Ct. App. 1999), 98−3390.

Transportation must be on a reasonably uniform basis to all children attending either public or private schools. 61 Atty. Gen. 240.

Students may have bus riding privileges suspended without being suspended or expelled from school. However, both public and private school students must be afforded due process under s. 120.13 (1) before such a suspension can take place. 63 Atty. Gen. 526.

A public school district did not violate the equal protection clause of the U.S. constitution by refusing to bus the students of charter school created under s. 118.20 (2r) located within its geographical boundaries. Racine Charter One, Inc. v. Racine Unified School District, 424 F.3d 677 (2005).

City school busing policies adopted pursuant to subs. (1) and (2) (b) 1. were without rational basis and violated the equal protection rights of city resident private school students who resided more than 2 miles from the school but were denied transportation solely because the school was located 400 feet outside the city and school district boundaries. Deutsch v. Teel, 400 F. Supp. 598 (1975).

Sub. (2) (b) 1. does not deny equal protection to students attending parochial school beyond 5−mile limit. O'Connel v. Kniskern, 484 F. Supp. 896 (1980).

121.545 Additional transportation. (1) The parent or guardian of a pupil who attends a public or private school and who is not required to be transported under s. 121.54 may contract with the school board of the district for transportation under this subsection. The school board of the district may provide transportation under this subsection to a pupil not required to be transported under s. 121.54, if requested to do so by the parent or guardian of the pupil. The school board may charge a fee for the cost of providing transportation under this subsection and may waive the fee or any portion of the fee for any person who is unable to pay the fee. State aid shall not be provided for transportation under this subsection.

(2) A school board may provide transportation for children residing in the school district whom the school district is not required to transport under s. 121.54 to or from, or both, a before− and after−school child care program under s. 120.125, a prekindergarten class under s. 120.13 (13), a child care program under s. 120.13 (14), or any other child care program, family child care home, child care provider, or prekindergarten class. The school board may charge a fee for the cost of providing such transportation. The school board may waive the fee or any portion of the fee for any person who is unable to pay the fee. State aid shall not be provided for transportation under this subsection.

History: 1979 c. 221; 1991 a. 39; 1995 a. 439; 2005 a. 223; 2009 a. 185.

121.55 Methods of providing transportation. (1) School boards may provide transportation by any of the following methods:

(a) By contract with a common carrier, a taxi company or other parties.

(b) By contract with the parent or guardian of the pupil to be transported. If the school board and the parent or guardian cannot agree upon the amount of compensation, the department shall determine the amount of compensation to be designated in the contract.

(c) By contract with another school board, board of control of a cooperative educational service agency or the proper officials of any private school or private school association.

(d) By contract between 2 or more school boards and an individual or a common carrier.

(e) By the purchase and operation of a motor vehicle.

(3) (a) If the estimated cost of transporting a pupil under s. 121.54 (2) (b) 1. is more than 1.5 times the school district's average cost per pupil for bus transportation in the previous year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, the school board may fulfill its obligation to transport a pupil under s. 121.54 (2) (b) 1. by offering to contract with the parent or guardian of the pupil. Except as provided in pars. (b) and (c), the contract shall provide for an annual payment for each pupil of not less than $5 times the distance in miles between the pupil's residence and the private school he or she attends, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater.

(b) Except as provided in par. (c), if 2 or more pupils reside in the same household and attend the same private school, the contract under par. (a) may, at the discretion of the school board of the school district operating under ch. 119, provide for a total annual payment for all such pupils of not less than $5 times the distance in miles between the pupils' residence and the private school they attend, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater.

(c) The payment under this subsection shall not exceed the actual cost nor may the aids paid under s. 121.58 (2) (a) for the pupil exceed the cost thereof. A school board which intends to offer a contract under par. (a) shall notify the parent or guardian of the private school pupil of its intention at least 30 days before the commencement of the school term of the public school district.

History: 1979 c. 34, 221; 1981 c. 263; 1983 a. 264; 1997 a. 164; 2009 a. 28.

Cross−reference: See also ch. PI 7, Wis. adm. code.

Notice under sub. (3) only must be given to parents if the school board seeks to use the reduced formula under sub. (3) and not when the standard parental contract method under sub. (1) is pursued. Providence Catholic School v. Bristol School District No. 1, 231 Wis. 2d 159, 605 N.W.2d 238 (Ct. App. 1999), 98−3390.

121.555 Alternative methods of providing transportation. (1) A school board or the governing body of a private school may provide pupil transportation services by the following alternative methods:

(a) A motor vehicle transporting 9 or less passengers in addition to the operator.

(b) A motor vehicle transporting 10 or more passengers in addition to the operator and used temporarily to provide transportation for purposes specified under s. 340.01 (56) (a) when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available. The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service.

(2) The school board or governing body of a private school shall determine that any motor vehicle used under sub. (1) complies with the following conditions:

(a) *Insurance.* If the vehicle is owned or leased by a school or a school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with s. 121.53. If the vehicle is transporting 9 or fewer persons in addition to the operator and is not owned or leased by a school or by a school bus contractor, it shall be insured by a policy providing property damage coverage with a limit of not less than $10,000 and bodily injury liability coverage with limits of not less than $25,000 for each person, and, subject to the limit for each person, a total limit of not less than $50,000 for each accident.

(b) *Inspection.* If the vehicle is owned or leased by a school or a school bus contractor or is operated by a school district employee, it shall be inspected annually for compliance with the requirements of s. 110.075, ch. 347, and the rules of the department of transportation. The owner or lessee of the vehicle is responsible for the annual inspection.

(c) *Operator requirements.* The operator:

1. Shall possess a valid Wisconsin operator's license or a valid operator's license issued by another jurisdiction, as defined in s. 340.01 (41m), or a valid commercial driver license issued by Mexico.

2. Shall be at least 18 years of age.

3. Shall have sufficient use of both hands and the foot normally employed to operate the foot brake and foot accelerator. The department of transportation may require substantiation of such use by a driving examination conducted by the department or by a medical opinion.

4. Shall submit at least once every 3 years to the school a medical opinion in such form as the school may prescribe that the operator is not afflicted with or suffering from any mental or physical disability or disease such as to prevent the operator from exercising reasonable control over a motor vehicle. The examination report prescribed in s. 118.25 (2) and (4) may be used to satisfy this requirement. This subdivision applies only if the vehicle used under sub. (1) is owned or leased by a school or a school bus contractor or is operated by a school district employee.

(cm) *Waiver of operator requirement.* Notwithstanding par. (c) 3., with respect to the operator of a vehicle under sub. (1) (a), a school board or the governing body of a private school may waive the requirement that an operator have sufficient use of both hands if the operator has sufficient use of one hand to safely oper-

ate the vehicle which the school board or governing body of the private school proposes the operator use, as substantiated by a special driving examination conducted by the department of transportation. The department of transportation shall conduct the special examination under this paragraph upon the request of a school board, the governing body of a private school or the operator.

(d) *Seating requirements.* The vehicle may not be used to transport more persons than can be seated on the permanently mounted seats facing forward without interfering with the operator.

(3) (a) Subject to par. (c), any person that employs or contracts with an individual, except an individual who holds a valid school bus endorsement issued under s. 343.12, to operate a motor vehicle under sub. (1) to transport pupils shall do all of the following before the individual is initially permitted to operate the vehicle and every 4 years thereafter:

1. Notwithstanding ss. 111.321, 111.322, and 111.335, request from the records maintained by the department of justice a criminal history search of the individual. Notwithstanding ss. 111.321, 111.322, and 111.335, if the individual who is the subject of the criminal history search has not resided in this state at anytime within the 2 years preceding the date of the search, the person shall make a good faith effort to obtain additional criminal history information from any state in which the individual has resided during this time period or from any other applicable federal or state agency.

2. Request the individual's operating record from the department of transportation under s. 343.24 or, if the operating record has already been obtained by another entity, from that entity if there are reasonable grounds to believe that the operating record obtained from that entity is accurate and was furnished by the department of transportation to that entity not more than 2 months previously.

3. Obtain a background information form, prescribed by the department under sub. (6) (b), completed by the individual.

(b) Any person that employs or contracts with an individual to operate a motor vehicle under sub. (1) to transport pupils, except an individual who holds a valid school bus endorsement issued under s. 343.12, may require the individual to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the individual's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the individual fingerprinted and obtaining records of his or her criminal arrests and convictions. Except as provided in this paragraph, fingerprints obtained under this paragraph shall be kept confidential.

(c) Notwithstanding ss. 111.321, 111.322, and 111.335, no person that employs or contracts with an individual, except an individual who holds a valid school bus endorsement issued under s. 343.12, to operate a motor vehicle under sub. (1) to transport pupils may permit the individual to operate such a vehicle if any of the following applies:

1. The person knows or should know that the individual has a record of conviction or operating privilege revocation or adjudicated delinquency that would disqualify the person from issuance or renewal of a school bus endorsement under s. 343.12 (7) and rules promulgated by the department of transportation under s. 343.12 (7) and (8).

2. The person knows or should know that the individual has been convicted of a violation of sub. (4) (b).

3. The person knows or should know that the individual is listed in the registry under s. 146.40 (4g) (a) 2.

(4) (a) An individual who is employed by or under contract with a person to operate a motor vehicle under sub. (1) to transport pupils shall report to the person in writing within 10 days of the occurrence of any of the following:

1. Any accident in which the individual was involved as the operator of a motor vehicle, regardless of whether the individual was issued a uniform traffic citation or charged with any offense or whether the individual was operating a motor vehicle under sub. (1) to transport pupils.

2. Notwithstanding ss. 111.321, 111.322, and 111.335, any conviction or operating privilege revocation that, under sub. (3) (c), makes the individual ineligible to operate a motor vehicle under sub. (1) to transport pupils or, if the individual holds a valid school bus endorsement issued under s. 343.12, that disqualifies the individual from issuance or renewal of a school bus endorsement under s. 343.12 (7) and rules promulgated by the department of transportation under s. 343.12 (7) and (8).

3. Any suspension or revocation of the individual's operating privilege, or cancellation of a school bus endorsement, by this state or another jurisdiction.

(b) No individual may provide false or incomplete information with respect to any material fact on a background information form specified in sub. (3) (a) 3.

(5) No individual may operate a motor vehicle under sub. (1) to transport pupils if the individual is ineligible to do so under sub. (2) (c) and (cm) or under sub. (3) (c).

(6) (a) The department shall prepare and make available to school districts, private schools, and contractors providing pupil transportation services informational materials, in printed or electronic form, relating to compliance with this section.

(b) In consultation with persons that employ or contract with individuals to operate motor vehicles under sub. (1), the department shall prescribe a background information form for purposes of sub. (3). The form shall require an individual under sub. (3) (a) to specify whether the individual is listed in the registry under s. 146.40 (4g) (a) 2.

(7) Any person that employs or contracts with an individual to operate a motor vehicle under sub. (1) to transport pupils shall maintain all records and furnish all information determined necessary to determine compliance with this section.

(8) (a) Any individual who violates sub. (4) (a) or (5) may be required to forfeit not more than $100 for the first offense and not more than $200 for each subsequent offense.

(b) Any individual who violates sub. (4) (b) may be required to forfeit not more than $1,000.

History: 1983 a. 175; 1985 a. 100, 240, 332, 337; 1987 a. 3, 358; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1995 a. 113; 2003 a. 280; 2009 a. 28; 2011 a. 14.

Application of this section to various methods of transportation is discussed. 75 Atty. Gen. 146 (1986).

121.56 School bus routes. The school board of each district shall make and be responsible for all necessary provisions for the transportation of pupils, including establishment, administration and scheduling of school bus routes. Upon the request of any school board, the state superintendent shall provide advice and counsel on problems of school transportation. Any private school shall, upon the request of the public school officials, supply all necessary information and reports. The transportation of public and private school pupils shall be effectively coordinated to insure the safety and welfare of the pupils. Upon receipt of a signed order from the state superintendent, the school board shall discontinue any route specified by the state superintendent.

History: 1993 a. 492; 1995 a. 27; 1997 a. 27.

The refusal by a public school board to transport parochial pupils during a public school vacation violated s. 121.54 (2) (b) 1. Hahner v. Wisconsin Rapids Board of Education, 89 Wis. 2d 180, 278 N.W.2d 474 (Ct. App. 1979).

121.57 Board and lodging or house rental in lieu of transportation. (1) (a) If a school board determines it is to the advantage of the school district and if the parent or guardian determines it is to the advantage of the pupil that board and lodging in lieu of transportation be provided for all or part of the time for a pupil of the school district required to be transported or for whom it has been authorized under s. 121.54 (2), the school board shall enter into a written contract under which the pupil shall be prop-

erly boarded and lodged and the school board shall pay for such board and lodging. The pupil's parent or guardian may select the home in which the pupil is boarded and lodged. If a school board determines it is in the interest of the school district, it may pay the tuition of a pupil in a school in another school district in lieu of providing transportation to a school in the school district of residence or board and lodging. If the distance from the pupil's home to the school in another school district is 2 miles or more, the school board of the district of residence shall provide transportation.

(b) This subsection also applies to children with disabilities. The state superintendent may grant permission for a child with a disability to be transported to a school in another school district if an acceptable form of transportation is provided and if such school offers equal or better educational opportunities for the child.

(2) If a school board determines it is in the interest of the school district to rent a house for the family of children required to be transported in lieu of providing such transportation, it may enter into a written lease for such housing and pay as rental therefor not more than the amount which otherwise would be paid for transportation.

(3) This section does not apply to pupils who attend private schools.

History: 1993 a. 492; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164.

121.575 School transportation bio−diesel fuel cost assistance. (1) In this section:

(a) "Bio−diesel fuel" has the meaning given in s. 16.045 (1) (c).

(b) "Petroleum−diesel fuel" has the meaning given for "diesel fuel" in s. 78.005 (5), but does not include bio−diesel fuel.

(2) (a) The department may provide school transportation aids to school districts for the increased costs incurred by districts in utilizing bio−diesel fuel as compared with the costs of utilizing petroleum−diesel fuel for school bus transportation.

(b) If the department determines to provide aids to school districts under par. (a), the department, in conjunction with the department of administration, shall apply to the federal government for bio−diesel fuel cost assistance for the purpose of financing payment of the aids. The department shall disburse federal aids received from the appropriation under s. 20.255 (2) (m).

(3) If the federal government requires, as a condition of full federal financial participation under sub. (2) (b), that this state provide assistance for the purposes of sub. (2) (a) from state resources, the department shall provide the assistance from the appropriation under s. 20.255 (2) (cr) in the minimum amount required to obtain full federal financial participation.

(4) (a) Any school district that utilizes bio−diesel fuel for school bus transportation may apply to the department for state assistance to finance the costs of utilizing that fuel. Except as provided in sub. (5), the department shall apportion assistance to school districts on the basis of the increased costs incurred by each school district in utilizing bio−diesel fuel as compared to the cost that the school district would have incurred in utilizing petroleum−diesel fuel for school bus transportation in the fiscal year preceding the fiscal year for which aids are paid, as adjusted to reflect any change in the statewide average cost of bio−diesel fuel for the current fiscal year as compared to the statewide average cost of such fuel for the preceding fiscal year.

(b) For purposes of par. (a), if a school district does not utilize bio−diesel fuel for some or all of the school bus transportation provided by the school district in any fiscal year, the department shall compute and utilize, for purposes of this subsection, the cost differential that the school district would have incurred in utilizing bio−diesel fuel on the basis of statewide average costs.

(c) The department shall annually determine the statewide average cost of bio−diesel fuel and petroleum−diesel fuel for purposes of administration of this subsection.

(d) If in any fiscal year there are insufficient moneys available to reimburse all school districts that apply for state assistance under par. (a) for the full amount of reimbursable costs under this subsection, the department shall, after making any required deduction under sub. (5), prorate the available moneys among the school districts entitled thereto on a per pupil basis.

(5) Each school district that receives aids under sub. (2) (a) for any fiscal year shall report to the department, in the form prescribed by the department, a statement of its actual costs incurred in utilizing bio−diesel fuel for school bus transportation in that fiscal year. If the actual increased costs incurred by a school district in utilizing bio−diesel fuel for school bus transportation in any fiscal year, as compared to the costs that the school district would have incurred in utilizing petroleum−diesel fuel for school bus transportation, are less than the amount of the aids received by the school district under sub. (2) (a) for that fiscal year, the department shall deduct the amount of the difference from the amount of the aids payable to the school district under sub. (2) (a) for the current fiscal year.

History: 2005 a. 43.

121.58 State aid. (1) REPORT. (a) In the report filed under s. 120.18 the school district clerk shall include such information as the department requires on the number of pupils for whom transportation or board and lodging is provided.

(b) Annually, by the time the department prescribes under s. 120.18, an operator of a charter school authorized under s. 118.40 (2r) or (2x) that provides transportation to and from the charter school shall provide a report to the department that includes the number of pupils for whom transportation is provided and any other information the department requires related to the transportation of those pupils.

(2) STATE AID FOR TRANSPORTATION. (a) A school district that provides transportation to and from a school under ss. 118.50 (3) (a), 121.54 (1) to (3), (5), and (6), and 121.57, a nonresident school district that a pupil attends under s. 118.51 or 121.84 (4) which elects to provide transportation under s. 121.54 (10), and an operator of a charter school authorized under s. 118.40 (2r) or (2x) that provides transportation under s. 118.40 (2r) (dm) shall be paid state aid for such transportation at the following rates:

1. For each pupil so transported whose residence is at least 2 miles and not more than 5 miles from the school attended, $30 per school year in the 2005−06 school year and $35 per school year thereafter.

2. For each pupil so transported whose residence is more than 5 miles and not more than 8 miles from the school attended, $45 per school year in the 2005−06 school year and $55 per school year thereafter.

3. For each pupil so transported whose residence is more than 8 miles and not more than 12 miles from the school attended, $82 per school year in the 2005 school year and $110 per school year thereafter.

4. For each pupil so transported whose residence is more than 12 miles from the school attended, $275 per school year in the 2014−15 school year and $300 per school year thereafter.

(am) State aid under par. (a) shall be reduced proportionately in the case of a pupil transported for less than a full school year because of nonenrollment. State aid for transportation shall not exceed the actual cost thereof. No state aid of any kind may be paid to a school district which charges the pupil transported or his or her parent or guardian any part of the cost of transportation provided under ss. 121.54 (1) to (3), (5), (6) and (10) and 121.57 or which willfully or negligently fails to transport all pupils for whom transportation is required under s. 121.54.

(b) A school board that provides transportation under s. 121.54 (2) (am) shall be paid state aid for such transportation at the rates specified and according to the conditions established under pars. (a) and (am), except that the amount of state aid may not exceed the amount which the school district would receive for transport-

ing the child between the child's residence and school attended under s. 121.54 (1) to (3), (5), (6) or (9) or 121.57.

(c) A school district which provides transportation to and from a school under s. 121.54 (9) shall be paid state aid for such transportation at the rate of $12 per school year per pupil so transported in the 2005−06 school year and $15 per school year per pupil so transported thereafter. Such state aid shall be reduced proportionately in the case of a pupil transported for less than a full year because of nonenrollment. State aid for such transportation shall not exceed the actual cost thereof.

(d) In addition to any other payments made under this section, the department shall allocate $35,000 annually to reimburse school districts for 75 percent of the costs incurred to transport pupils over ice from their residence on an island to school on the mainland and back to their residence on the island, including the costs of maintaining and storing equipment. If in any school year the amount to which school districts are entitled under this paragraph exceeds $35,000, the department shall prorate the payments among the eligible school districts.

(3) STATE AID FOR BOARD AND LODGING. A school district which provides board and lodging or housing under s. 121.57 (2) in lieu of transportation shall be paid state aid for such board and lodging or housing at the rate of not more than $6 per week of 5 days for each pupil so boarded and lodged or housed, but not to exceed 60 percent of the cost. For children with disabilities, as defined in s. 115.76 (5), such state aid shall be supplemented by the state aid under s. 115.88 in an amount not to exceed the full cost of such board and lodging.

(4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before October 1 of the year in which transportation is provided under s. 118.50 (3) (b) or 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident school district that a pupil attends under s. 118.51 or 121.84 (4), the school district clerk shall file with the department a report, containing such information as the department requires, on transportation provided by the school board to and from summer classes. Upon receipt of such report and if the summer classes meet the requirements of s. 121.14 (1) (a) 1. or 2., state aid shall be paid for such transportation. A school district which provides such transportation shall be paid state aid for such transportation at the rate of $4 per pupil transported to and from public school whose residence is at least 2 miles and not more than 5 miles by the nearest traveled route from the public school attended, and $6 per pupil transported to and from public school whose residence is more than 5 miles by the nearest traveled route from the public school attended, if the pupil is transported 30 days or more. The state aid shall be reduced proportionately if the pupil is transported less than 30 days.

(5) STATE SUPERINTENDENT APPROVAL. If the state superintendent is satisfied that transportation or board and lodging was provided in compliance with law, the state superintendent shall certify to the department of administration the sum due the school district. The state superintendent may not certify payment of state aid under sub. (2) for the number of pupils calculated under s. 121.85 (6) (am). In case of differences concerning the character and sufficiency of the transportation or board and lodging, the state superintendent may determine such matter and his or her decision is final.

(6) APPROPRIATION; PRORATION, DISTRIBUTION OF BALANCE. (a) If the appropriation under s. 20.255 (2) (cr) in any one year is insufficient to pay the full amount of approved claims under this section, state aid payments for school districts not participating in the program under s.121.575 shall be prorated as though the minimum amount under s. 121.575 (3) had not been made and state aid payments for school districts participating in the program under s. 121.575 shall be prorated after deducting the minimum amount under s. 121.575 (3).

(b) If the appropriation under s. 20.255 (2) (cr) in any fiscal year exceeds the amount of approved claims paid in full under this section and s. 121.575, the department shall distribute the balance to those school districts and charter school operators entitled to state aid under this section, with each entitled recipient receiving a percentage of the balance equal to its percentage of the total approved claims.

(7) PAYMENT. Each school district and charter school operator entitled to state aid under this section shall receive its total aid entitlement in January.

History: 1971 c. 125 s. 522 (1); 1973 c. 89, 333; 1975 c. 392; 1977 c. 29; 1979 c. 34 ss. 966d, 2102 (43) (a); 1979 c. 221; 1983 a. 27, 538; 1985 a. 29; 1993 a. 492; 1995 a. 27, 439; 1997 a. 27, 113, 164; 1999 a. 9, 117; 2005 a. 25, 43; 2007 a. 20; 2011 a. 105; 2013 a. 20, 257; 2015 a. 55.

121.59 High cost transportation aid. (1) In this section:

(a) "Eligible school district" means a school district the membership of which in the previous school year, when divided by the school district's area in square miles, is 50 or less.

(b) "Transportation costs" means costs that are eligible for reimbursement under s. 121.58.

(2) Annually the department shall pay to each eligible school district the amount determined as follows:

(a) Divide the statewide school district transportation costs in the previous school year by the statewide membership in the previous school year and multiply the quotient by 1.5.

(b) Divide the school district's transportation costs in the previous school year by the school district's membership in the previous school year.

(c) Subtract the product under par. (a) from the quotient under par. (b).

(d) If the remainder under par. (c) is a positive number, multiply it by the school district's membership.

(e) Divide the product under par. (d) for the school district by the product under par. (d) for all eligible school districts.

(f) Multiply the quotient under par. (e) by the amount appropriated under s. 20.255 (2) (cq).

(3) Aid under this section shall be paid from the appropriation under s. 20.255 (2) (cq).

History: 2013 a. 20; 2015 a. 55.

SUBCHAPTER V

TUITION PAYMENTS

121.75 Construction. To the extent feasible, this subchapter shall be construed so that the tuition charge for a pupil shall:

(1) Include any unusual costs associated with the pupil.

(2) Exclude any costs associated with the pupil which are paid from a source other than tuition and property taxes.

(3) Cover only the period during which services were actually provided or available to the pupil.

(4) Not impose a financial burden on the agency of service.

History: 1985 a. 29.

121.76 Definitions and general provisions. (1) DEFINITIONS. In this subchapter:

(a) "Agency of service" means a school board, board of control of a cooperative educational service agency, county children with disabilities education board, or governing body of a nonsectarian private school, university model school, or tribal school, which provides services for which tuition may be charged.

(b) "Pupil" includes a child with a disability, as defined in s.115.76 (5).

(c) "Specified services" means social work; guidance; health; psychological, speech−language pathology and audiology services; supervision; coordination; and transportation.

(2) GENERAL PROVISIONS. (a) All tuition shall be calculated under s. 121.83 unless the state superintendent approves an alternative procedure consistent with s. 121.75.

(b) A written agreement may provide for the prepayment in installments of up to 75 percent of the estimated tuition during the school year in which services are provided.

(c) The agency of service, other than a tribal school, shall rebate a proportional share of state or federal aid received for pupils for whom it received tuition. The rebate shall be paid to the agency or person who paid the tuition within 30 days of its receipt by the agency of service.

History: 1985 a. 29; 1989 a. 316; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 2009 a. 302.

121.77 Admission of nonresident pupils. (1) (a) Every elementary school and high school shall be free to all pupils who reside in the school district.

(b) If facilities are adequate, a school board, board of control of a cooperative educational service agency or county children with disabilities education board may admit nonresident pupils who meet its entrance requirements. Nonresident pupils shall have all of the rights and privileges of resident pupils and shall be subject to the same rules and regulations as resident pupils. The agency of service shall charge tuition for each nonresident pupil.

(2) Annually on or before September 1, the clerk or secretary of the agency of service shall file:

(a) A tuition claim for each nonresident pupil or adult for whom services were provided under this subchapter during the preceding school year. The claim shall be filed with the school district clerk under s. 121.78, the state superintendent under s. 121.79, the county clerk under s. 121.80, the pupil's parent or guardian under s. 121.81 or the adult under s. 121.82. Credit shall be given for prepayments.

(b) A certified copy of each tuition claim under par. (a) with the state superintendent.

(3) Subsections (1) (b) and (2) do not apply to a pupil attending a public school in a nonresident school district under s. 118.50, 118.51, or 121.84 (4).

History: 1977 c. 29, 78, 203; 1985 a. 29; 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27, 164; 1999 a. 117; 2015 a. 55.

121.78 Tuition payments by school districts. (1) BY AGREEMENT. (a) The school board of the district of residence and the school board of the district of attendance may make a written agreement to permit an elementary or high school pupil to attend a public school, including an out−of−state school, outside the school district of residence. The school district of residence shall pay tuition to the school board of the district of attendance in an amount specified in the written agreement. The school district of residence shall be paid state aid for the pupil, in an amount up to the amount specified in the written agreement, as though the pupil were enrolled in the school district of residence.

(b) A school board, upon its own order, may provide for the enrollment of a pupil in a public school located outside this state if the course of study in such school is equivalent to the course of study in this state. The school board shall pay the tuition for such pupil and the school district shall be paid state aid as though such pupil was enrolled in the school district of residence.

(2) REORGANIZED SCHOOL DISTRICTS. (a) The school board of a district operating high school grades shall permit a high school pupil who resides in the school district as the result of school district reorganization under ch. 117 and has completed 9th and 10th grades at one high school outside the school district to complete the pupil's high school education at that high school. The school board of residence shall pay tuition for the pupil. If the parent or guardian of the pupil has paid tuition in order to enroll the pupil in the high school, the school board of residence shall reimburse the parent or guardian for the tuition upon receipt of a tuition claim within 3 years from the date the tuition was paid.

(b) A school district created or altered by a reorganization under ch. 117, in its first year of operating high school grades, may provide for its 11th and 12th grade pupils on a tuition basis and, in its 2nd such year, may provide for its 12th grade pupils on a tuition basis. The clerk of the school district in which nonresident pupils under this subsection are enrolled shall certify the number of such pupils enrolled to the department and to the clerk of their school district of residence. The school district of residence shall include such pupils in membership for aid under subch. II.

(bm) The school board of a school district from which territory was detached to create a school district under s. 117.105 and the school board of the school district created under s. 117.105 shall permit a pupil who resides in the territory that was detached to continue to attend school in the school district from which the territory was detached until the school district created by the reorganization begins offering instruction at the pupil's grade level. The school board of the school district created by the reorganization shall pay tuition for the pupil.

(br) The school board of a school district from which territory was detached to create a school district under s. 117.105 and the school board of the school district created under s. 117.105 shall permit a pupil who resides in the territory that was detached and has gained 12th grade status in the school district from which the territory was detached to continue to attend school in the school district from which the territory was detached. The school board of the school district created by the reorganization shall pay tuition for the pupil.

(c) A school district created or altered by a reorganization under ch. 117 which has at least one operating high school within its territory and which does not have sufficient building facilities to provide high school educational services for all of the high school pupils residing in the reorganized school district may provide for such high school pupils on a tuition basis for a period of 2 years. The reorganized school district shall be eligible for state aid in accordance with par. (b).

(3) SPECIAL PLACEMENT. Pupils may be placed in:

(a) Special education and related services under subch. V of ch. 115.

(b) Alternative programs under s. 118.15 (1) (d) 4. and 6.

(4) COURT−ORDERED EDUCATIONAL SERVICES. If a pupil is receiving educational services as the result of a court order under s. 48.345 (12) or 938.34 (7d), the school board of the school district in which the pupil resided at the time of issuance of the court order shall pay tuition for the pupil. A school board paying tuition for a pupil under this subsection shall count the pupil as 1.0 pupil in membership for general aid under subch. II. The school board shall pay each agency specified under s. 48.345 (12) (a) 2. to 4. or 938.34 (7d) (a) 2. to 4., for each full−time equivalent pupil served by the agency, an amount equal to at least 80 percent of the average per pupil cost for the school district. No state aid may be paid to the technical college district for pupils attending the technical college under s. 48.345 (12) (a) 4. or 938.34 (7d) (a) 4. The minimum amount paid by a school board to a tribal school specified under s. 48.345 (12) (a) 5. or 938.34 (7d) (a) 5., for each full−time equivalent pupil served by the tribal school, shall be determined by multiplying the average per pupil cost for the school district by 0.8 and then subtracting any federal or state aid received by the tribal school for the pupil.

(5) ALTERNATIVE PROGRAMS. If a pupil is placed in an alternative program under s. 118.15 (1) (d) 4., the school board shall pay tuition for the pupil to the agency of service pursuant to a contractual agreement between the school board and the agency of service. If the agency of service is a tribal school, any federal or state aid received by the tribal school for the pupil shall be subtracted in determining the amount of aid to be paid.

History: 1977 c. 29, 418; 1979 c. 244; 1985 a. 29 ss. 1785 to 1787, 1796, 3202 (43); 1987 a. 285; 1989 a. 114, 359; 1993 a. 399; 1995 a. 27 s. 9145 (1); 1995 a. 77; 1997 a. 27, 164, 240, 286; 2009 a. 302; 2015 a. 55.

121.79 Tuition payments by state. (1) The state shall pay tuition from the appropriation under s. 20.255 (2) (cg) for pupils attending public schools in the following cases:

(a) For pupils in children's homes.

(b) For pupils whose parents or guardians are employed at and reside on the grounds of a state or federal military camp, federal veteran hospital or state charitable or penal institution.

(d) For pupils in foster homes or group homes, if the foster home or group home is located outside the school district in which the pupil's parent or guardian resides and either of the following applies:

2. The foster or group home is exempted under s. 70.11.

3. The pupil is a child with a disability, as defined in s. 115.76 (5), and at least 4 percent of the pupils enrolled in the school district reside in foster homes or group homes that are not exempt under s. 70.11. Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

(2) When transportation is provided for pupils under this section, state aid shall be paid in accordance with subch. IV.

History: 1971 c. 125 ss. 459, 460, 522 (1); 1973 c. 89, 90, 336; 1975 c. 39, 199; 1977 c. 29; 1979 c. 34 s. 2102 (43) (a); 1979 c. 60, 221; 1983 a. 27 ss. 1486m, 2202 (42); 1985 a. 29; 1993 a. 446; 2001 a. 16; 2009 a. 28.

121.80 Tuition payments by counties. The county shall pay the elementary and high school tuition of every pupil whose parent or guardian is employed at and resides on the grounds of a county institution. The county board may charge such tuition to the account of the county asylum or the county home.

History: 1985 a. 29.

121.81 Tuition payments by parents. (1) GENERAL. Before the admission of a nonresident pupil to an elementary or a high school of a school district, the school board of that district shall make a written agreement with the pupil's parent or guardian for the payment of tuition except when the tuition is otherwise chargeable under this subchapter. The tuition amount shall be calculated under s. 118.51 (16) (a) 3. except as follows:

(a) If the nonresident pupil attends school in the school district for less than a full school term, the tuition amount shall be prorated based on the number of days that school is in session and the nonresident pupil attends school in the school district.

(b) If the pupil is receiving special education or related services under subch. V of ch. 115, the tuition amount shall be calculated using the daily tuition rate under s. 121.83 for children receiving such special education and related services or an amount agreed to by the school board and the pupil's parent or guardian.

(2) SPECIAL. (a) A pupil whose parent or legal custodian is a resident of this state but not a resident of the school district may file with the school board of the district a written application for enrollment in the schools of the school district. The application shall be accompanied by a written declaration of the parent or legal custodian that the parent or legal custodian will establish residence in the school district by a specified time. If facilities are adequate, the school board may permit the pupil to enroll in the schools of the school district, and may require prepayment of a tuition fee for 9 school weeks or may waive the tuition requirement for that pupil. If the parent or legal custodian establishes residence in the school district within such 9 school weeks, the school board shall refund the tuition fee. If such residence is not established there shall be no refund of the tuition fee but another written application for enrollment may be filed for the next succeeding 9 school weeks and, upon prepayment of a tuition fee for such 9 school weeks, the school board may permit the pupil to reenroll. If the parent or legal custodian establishes residence in the school district within the second 9 school weeks, the school board shall refund the tuition fee for the second 9 school weeks.

(b) If the parent or legal custodian establishes residence in the school district prior to the expiration of the first 18 school weeks of the school term and if the pupil was enrolled in the school district on the 3rd Friday in September, the pupil shall be considered a resident pupil in computing general aid under subch. II.

(c) The parent or legal custodian of a pupil who is enrolled under this subsection shall be responsible for the transportation of such pupil to the school in which the pupil is so enrolled. No transportation aid under subch. IV may be paid for such transportation.

History: 1971 c. 200; 1977 c. 29; 1979 c. 346 s. 15; 1993 a. 492; 1999 a. 117.

121.82 Tuition payment by adult. An adult for whom the school district provides services under s. 120.13 (4) shall provide for the payment of tuition.

History: 1985 a. 29.

121.83 Computation of tuition. (1) (a) The net school cost for a school year is the sum of the net cost of the general fund, the net cost of the debt service fund, all tuition revenues under this subchapter and special transfer aid under s. 121.85 (6) (b) 2. and 3. for that school year for the agency of service, except as follows:

1. If the agency of service does not transport the pupil to and from school:

a. The cost of pupil transportation shall be subtracted.

b. State aid for pupil transportation shall be added.

2. If the agency of service counts the pupil under s. 121.05 (1) (a) or (2), or on an alternate counting date under s. 121.05 (3) or (3m), state general aid shall be subtracted.

3. If the pupil receives special education and related services under subch. V of ch. 115:

a. The cost of instruction and specified services shall be subtracted.

b. The federal and state aid for pupil transportation and special education and related services shall be added.

(b) The regular annual tuition rate is the net school cost divided by the average daily membership of the agency of service.

(c) If the pupil receives special education and related services under subch. V of ch. 115, the special annual tuition rate is the sum of instructional and specified services costs unique to that program divided by the average daily membership of all pupils enrolled in the program, including those for whom tuition is paid.

(d) The annual tuition rate is the sum of the regular annual tuition rate and the special annual tuition rate, if any.

(e) The daily tuition rate is the annual tuition rate divided by the number of school days in the session.

(2) (a) The tuition for the regular school year is the daily tuition rate multiplied by the number of school days the pupil was enrolled. No reduction of tuition may be made because of the absence of a pupil, unless the pupil was absent more than 10 consecutive school days, in which case a reduction shall be made only for the absence in excess of 10 school days.

(b) The tuition for summer school shall be the daily tuition rate for the previous school year multiplied by the number of school days held in the previous school year times the summer average daily membership equivalent of the pupil.

(3) All disbursements for tuition shall be made from the school district general fund. All receipts for tuition shall be made to the school district general fund.

(4) Notwithstanding subs. (1) and (2), if a pupil who is not a resident of this state attends a virtual charter school in this state, the school board that contracted for the establishment of the virtual charter school shall charge tuition for the pupil in an amount equal to at least the amount determined under s. 118.51 (16) (a) 3.

History: 1977 c. 29; 1981 c. 20; 1985 a. 29 ss. 1790 to 1792, 1794; Stats. 1985 s. 121.83; 1991 a. 39; 1997 a. 164; 2007 a. 222; 2009 a. 28; 2013 a. 20, 257.

121.84 Tuition waiver; special cases. (1) (a) 1. A school board may permit a pupil who was enrolled in and a resident of the school district at the beginning of the school year to complete the school year at the school he or she is attending without payment of tuition, even though the pupil is no longer a resident of the school district.

2. A school board shall permit a pupil who was a resident of the school district on the 3rd Friday in September or the 2nd Friday in January of the current school year and who has been enrolled in the school district for at least 20 school days during the current school year to complete the current school year at the school he or she is attending without payment of tuition, even though the pupil is no longer a resident of the school district.

(b) Upon request of a pupil's parent or guardian, a school board of a district operating high school grades shall permit a pupil who has gained 12th grade status in a high school under its jurisdiction and is a resident of the school district at the time of gaining such status to complete 12th grade at the high school without payment of tuition, even though the pupil is no longer a resident of the school district. This paragraph does not apply to a pupil to whom s. 121.78 (2) (br) applies.

(c) A school board may permit a foreign exchange student to attend school in the school district without payment of tuition.

(d) The school district of attendance shall continue to count pupils under this subsection in membership.

(1m) The school boards of 2 school districts operating high school grades may enter into an agreement under which a high school pupil who resides in one of the school districts as the result of a reorganization under ch. 117 and who has completed 9th and 10th grades at a high school in the other school district may complete his or her high school education at the latter high school without payment of tuition. The school district of attendance shall count the pupil in its membership for state aid purposes under subch. II.

(4) (a) A school board shall permit a pupil to whom all of the following apply to attend school in the school district in the current school year without payment of tuition:

1. The pupil was a resident of the school district on the 2nd Friday in January of the previous school year.

2. The pupil was enrolled in the school district continuously from the 2nd Friday in January of the previous school year to the end of the school term of the previous school year.

3. The pupil ceased to be a resident of the school district after the first Monday in February of the previous school year.

4. The pupil continues to be a resident of this state.

(b) If a pupil attends school in a school district outside the pupil's school district of residence under par. (a), s. 118.51 (12), (14), (16), and (17) apply to the pupil as if the pupil were attending school in a nonresident school district under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12), s. 118.51 (9) applies.

(5) The transportation requirement in s. 121.54 (2) shall not apply to transportation beyond the school district boundaries for pupils under this section.

History: 1973 c. 90; 1977 c. 29, 78; 1985 a. 29, 218; 1989 a. 31, 114; 1997 a. 27, 286; 1999 a. 117; 2015 a. 55.

SUBCHAPTER VI

SPECIAL TRANSFER AID

121.845 Definitions. In this subchapter:

(1) "Attendance area" means the geographical area within a school district established by the school board thereof for the purpose of designating the elementary, middle, high or other school which pupils residing within the area normally would attend.

(1m) "Membership" has the meaning given in s. 121.07 (2).

(2) "Minority group pupil" means a pupil who is Black or African American, Hispanic, American Indian, an Alaskan native, or a person of Asian or Pacific Island origin, and who has reached the age of 4 on or before September 1 of the year he or she enters school.

(3) "School" means an organized educational activity operated by the school board and approved by the department.

History: 1985 a. 29 ss. 1797, 1799; 1995 a. 27; 1997 a. 27; 2001 a. 48; 2015 a. 55.

121.85 Special transfer programs. (1) DEFINITION. In this section, "net school cost" is the sum of the net cost of the general fund and the net cost of the debt service fund for the previous school year, plus any aid received in the previous year under this section.

(2) APPLICABILITY OF SECTION. This section applies to transfers:

(a) *Interdistrict.* 1. By minority group pupils who reside in an attendance area in a school district where minority group pupils constitute 30 percent or more of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend, from that district to a school in a school district where minority group pupils constitute less than 30 percent of the number of pupils enrolled in that school, as of May 1 of the prior year.

2. By nonminority group pupils who have reached the age of 4 on or before September 1 of the year they enter school and who reside in an attendance area in a school district where minority group pupils constitute less than 30 percent of the number of pupils enrolled in the school serving that attendance area and which the pupil would normally attend in the district, from that district to a school in a school district where minority group pupils constitute 30 percent or more of the number of pupils enrolled in that school, as of May 1 of the prior year.

(b) *Intradistrict.* 1. By minority group pupils who reside in an attendance area where minority group pupils constitute 30 percent or more of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute less than 30 percent of the number of pupils enrolled in that school or to a school serving the entire district.

2. By nonminority group pupils who have reached the age of 4 on or before September 1 of the year they enter school and who reside in an attendance area where minority group pupils constitute less than 30 percent of the number of pupils enrolled in the school serving that attendance area and which the pupil normally would attend, from that school to another school within the district where minority group pupils constitute 30 percent or more of the number of pupils enrolled in that school or to a school serving the entire district.

(3) TRANSFER AGREEMENTS. In accordance with sub. (2) and with the approval of the parents or guardian of the pupil:

(a) *Interdistrict.* 1. Subject to subd. 2., the school board of the district of residence and the school board of the district of attendance may enter into annual written agreements to permit a pupil to attend a public school outside the school district of residence.

2. a. Except as provided in subd. 2. b., c., and d., beginning on July 14, 2015, no school board may enter into a written agreement with another school board under subd. 1.

b. A school board may continue to enter into an annual written agreement with another school board under subd. 1. on behalf of a pupil that attended a public school under a written agreement under subd. 1. in the 2015−16 school year.

c. A school board may enter into a written agreement with another school board under subd. 1., and may continue to enter into that written agreement, on behalf of a pupil that will attend a public school under that agreement in the 2015−16 school year.

d. The school board of a school district operating grades kindergarten through 8 and a school board operating a unified high school district may enter into an annual written agreement under subd. 1. on behalf of a pupil that attended a public school in the

school district operating grades kindergarten through 8 in the 2015−16 school year.

(b) *Intradistrict.* 1. Except as provided in subd. 2., the school board of a district may not permit a pupil to attend a public school under this section that is within the district but that is outside the pupil's attendance area.

2. The school board of a school district may permit a pupil to attend a public school under this section that is within the pupil's district of residence but that is outside the pupil's attendance area if the pupil attended a public school under this section that is within the pupil's district of residence but that is outside the pupil's attendance area in the 2015−16 school year.

(4) OTHER PLANS TO REDUCE RACIAL IMBALANCE. (a) Pupil transfers resulting from a plan implemented by the school board to reduce racial imbalance in a school district or attendance area shall be deemed to be transfer agreements under sub. (3) and shall be eligible for state aid under this section if the transfers comply with sub. (2), provided the transfers are of pupils who attended a public school in a school district or attendance area under the plan in the 2015−16 school year.

(b) Any school board that, prior to May 4, 1976, established a plan to reduce racial imbalance in the school district is eligible for state aid under sub. (6) (a) if the state superintendent approves the plan, provided the transfer pupil attended a public school in an attendance area other than the pupil's attendance area under the plan in the 2015−16 school year.

(5) PART−TIME TRANSFERS. (a) Except as provided in par. (b), part−time transfers for curriculum offerings are not permitted under this section.

(b) A pupil who, in the 2015−16 school year, attended on a part−time basis under this section a public school that is in a school district other than the pupil's district of residence, or that is located in an attendance area other than the pupil's attendance area, for the purpose of receiving curriculum offerings at that school may continue to attend on a part−time basis under this section a public school that is in a school district other than the pupil's district of residence, or that is located in an attendance area other than the pupil's attendance area, for the purpose of receiving curriculum offerings at that school. The department shall establish procedures for aid computations in such cases.

(6) STATE AIDS. (a) *Intradistrict transfer.* Except as provided under pars. (am), (ar), and (as), the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to an amount determined as follows:

1. Divide the state aid received in the current school year under s. 121.08 by the membership used to compute state aid to the school district for the current school year.

2. Multiply the number of transfer pupils, as counted for membership purposes under s. 121.004 (7), by 0.25.

3. Multiply the quotient under subd. 1. by the product under subd. 2.

(am) *Reduction of intradistrict transfer aid.* The school district operating under ch. 119 may not receive aid under par. (a) for the number of pupils calculated as follows, if the calculation results in a positive number:

1. In the 2000−01 school year:

a. Subtract from 75 percent the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 1. a. by the total number of transfer pupils under par. (a) in the current school year.

2. In the 2001−02 school year:

a. Subtract from 80 percent the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 2. a. by the total number of transfer pupils under par. (a) in the current school year.

3. In the 2002−03 school year:

a. Subtract from 90 percent the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 3. a. by the total number of transfer pupils under par. (a) in the current school year.

4. In the 2003−04 school year:

a. Subtract from 95 percent the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 4. a. by the total number of transfer pupils under par. (a) in the current school year.

5. In the 2004−05 school year, the number of pupils whose parents or guardians have not provided the board of school directors with written consent to a pupil transfer to another attendance area.

6. In the 2005−06 school year and in each school year thereafter:

a. Subtract from 95 percent the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 6. a. by the total number of transfer pupils under par. (a) in the current school year.

(ar) *Hold harmless.* 1. In the 1999−2000 school year, the department shall pay to the school district operating under ch. 119 the greater of the following:

a. The amount of aid received in the 1998−99 school year under par. (a).

b. The amount of aid to which the school district is entitled under par. (a).

2. Except as provided in subd. 3., in the 2000−01 school year and in each school year thereafter, the department shall pay to the school district operating under ch. 119 the greater of the following:

a. The amount of aid received in the 1998−99 school year under par. (a), less the reduction under par. (am).

b. The amount of aid to which the school district is entitled under par. (a), less the reduction under par. (am).

c. The amount of aid to which the school district is entitled under par. (as), less the reduction under par. (am).

3. a. If one or more bonds are issued under s. 66.1333 (5r), subd. 2. does not apply beginning in the first fiscal year following certification by the secretary of administration to the department that the last principal and interest payment on the bonds has been made.

b. If no bonds are issued under s. 66.1333 (5r) by the date specified in that section, subd. 2. does not apply beginning in the first fiscal year following that date.

(as) *Intradistrict transfer aid hold harmless.* Subject to par. (ar):

1. In the 2015−16 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.875.

2. In the 2016−17 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.75.

3. In the 2017−18 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.625.

4. In the 2018−19 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.50.

5. In the 2019−20 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.375.

6. In the 2020−21 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.25.

7. In the 2021−22 school year, the school district of attendance of pupils transferring from one attendance area to another under subs. (3) (b) and (4) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (a).

b. The amount of aid to which the school district was entitled under par. (a) in the 2014−15 school year multiplied by 0.125.

(b) *Interdistrict transfer.* 2. Subject to par. (bm), in each school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) shall receive an amount equal to that produced by multiplying the number of pupils transferred into the school district under sub. (3) (a) in the previous school year by the amount produced by dividing the school district's net school cost by the sum of the membership, plus the number of pupils transferred into the school district of attendance in the previous school year under sub. (3) (a).

3. If, in the 1994−95 school year, the number of pupils transferring from one school district to another under sub. (3) (a) constitute 5 percent or more of the total membership of the school district of attendance, in the 1995−96 school year the school district of attendance shall receive an amount equal to 1.2 multiplied by the amount to which the district is entitled under subd. 2.

(bm) *Interdistrict transfer aid hold harmless.* 1. In the 2015−16 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.875.

2. In the 2016−17 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.75.

3. In the 2017−18 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.625.

4. In the 2018−19 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.50.

5. In the 2019−20 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.375.

6. In the 2020−21 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.25.

7. In the 2021−22 school year, the school district of attendance of pupils transferring from one school district to another under sub. (3) (a) is entitled to the greater of the following:

a. The amount of aid to which the school district is entitled under par. (b).

b. The amount of aid to which the school district was entitled under par. (b) in the 2014−15 school year multiplied by 0.125.

(c) *Special applications.* If a school district finds that it has incurred costs beyond aids received because of the number of pupils which it has accepted as transfers under this section, it may apply to the department for supplementary aids under this subsection. If the department finds that the school district has incurred costs for which reimbursement has not been made under par. (b) 2. or 3., it shall supplement the state aids paid to the district under this section in an amount equal to the unreimbursed cost.

(d) *Aid in lieu of tuition.* Aid payments under this section shall be in lieu of tuition payments required under subch. V. Aid payments under this section shall not be made for interdistrict transfers under sub. (6) (b), if tuition payments are made from funds received by the school district of residence under P.L. 73−167 and P.L. 81−874, as amended, for pupils so transferring from such district of residence.

(e) *Sources of aid payments.* State aid under this section shall be paid from the appropriation under s. 20.255 (2) (ac).

(g) *Minority census tracts.* 1. In this paragraph:

a. "Base year enrollment" means the number of pupils enrolled in the nonspecialty public schools located in minority census tracts in the 1984−85 school year.

b. "Minority census tract" means a census tract that has a nonwhite population of 20 percent or more, according to the most recent federal decennial census, and that is located in a school district containing a 1st class city.

2. Each pupil attending a nonspecialty public school in a minority census tract who is in excess of the base year enrollment

shall be counted as an additional 0.2 pupil in membership for general aid under subch. II.

(h) *Sunset.* Beginning on July 14, 2015, a school district may not receive state aid under this section unless all of the following conditions are satisfied:

1. A pupil is attending a public school in the school district under one of the following:

a. A transfer agreement under sub. (3).

b. A plan that has been deemed a transfer agreement under sub. (4) (a) or approved under sub. (4) (b).

c. A part−time transfer under sub. (5).

2. The attendance of the pupil in the public school pursuant to the transfer agreement, plan, or part−time transfer described in subd. 1. complies with sub. (2).

3. One of the following conditions is satisfied:

a. The pupil described in subd. 1. attended a public school in the school district under one of the following in the 2015−16 school year: a transfer agreement under sub. (3); a plan that has been deemed a transfer agreement under sub. (4) (a) or approved under sub. (4) (b); or a part−time transfer under sub. (5).

b. The school district is a unified high school district and the pupil described in subd. 1. is attending the high school in the unified high school district under a transfer agreement under sub. (3) (a) 2. d.

(6m) USE OF AID FOR LEASE OR LOAN PAYMENTS. If the board of directors of the school district operating under ch. 119 leases buildings or sites from the redevelopment authority of the city or borrows money from the redevelopment authority of the city under s. 119.16 (3) (c), it may use intradistrict transfer aid under sub. (6) to make lease payments or repay the loan. If the board of school directors decides to use the aid to make lease payments or repay the loan, it may request the department to remit the intradistrict transfer aid under sub. (6) to the redevelopment authority of the city of Milwaukee in an annual amount agreed to by the board of school directors and the department, and the department shall ensure that the aid remittance does not affect the amount determined to be received by the board of school directors as state aid under s. 121.08 for any other purpose.

(7) TRANSPORTATION. Transportation shall be provided to pupils transferring schools under this section if required under subch. IV. Transportation for a pupil attending a public school under sub. (3) (a) outside the pupil's school district of residence shall be provided pursuant to agreement between the school district of residence and the school district of attendance. If either the school district of residence or the school district of attendance operates a program of intradistrict transfers under sub. (3) (b), that school district shall be responsible for the cost of transportation. The school district may meet this responsibility either by contracting directly for provision of transportation or by reimbursing another school district for the cost of such a contract. Transportation for a pupil attending a public school under sub. (3) (b) outside his or her attendance area of residence may be provided by his or her school district. A school district providing transportation under this subsection may not claim transportation aid under subch. IV for pupils so transported. A school district that transports a pupil who moves outside his or her attendance district during the school year to the school in the pupil's former attendance district may use intradistrict transfer aid under sub. (6) to pay the costs of transporting the pupil.

(8) TRANSFERRED PUPILS. Pupils transferring schools under this section shall be subject to the same rules and regulations as resident pupils and shall have the responsibilities, privileges, and rights of resident pupils in the school district or attendance area. Subject to this subsection, a pupil transferring schools under either sub. (3) (a) or (b) has the right to complete his or her education at the elementary, middle, or high school to which he or she transfers so long as full funding therefor is available under s. 20.255 (2) (ac).

(9) PLANNING COUNCILS. (a) Annually on or before October 1, the school board of each school district lying wholly or partially within a county having a population of 500,000 or more shall organize a planning council with the school board of the school district within such county containing a 1st class city. Each planning council shall consist of 10 members, 5 members from the school district containing a 1st class city and 5 members from the school district which does not contain a 1st class city. The representatives of the planning council from each school district shall include, for terms of membership determined by the school board, 3 school board members, the school district administrator and one public member who resides in the school district. In the case of school districts containing a 1st class city, the school board may appoint the same persons as representatives to more than one planning council, and the school district administrator may select a representative to serve in his or her place on any planning council. Within 180 days after its appointment, each planning council shall make a recommendation to its appointing school boards on a cooperative program designed to facilitate transfers under sub. (3) (a) for the ensuing school term to promote cultural and racial integration. The recommendations shall include achievement and other relevant factors for the school boards to consider in permitting pupils to transfer for the purpose of facilitating, so far as possible, a balanced representation of the pupils who might transfer under sub. (3) (a). Within 90 days after receiving the recommendation of the planning council, each school board shall determine the extent to which its district will participate in the cooperative program. Upon making its determination, each school board shall disseminate information concerning the cooperative program to pupils and parents and guardians of pupils in the school district. Information shall be disseminated regarding the availability of transfers, the nature of the transportation to be provided, the courses and programs to be available to transfer pupils and any other aspects which the school board determines to be appropriate.

(b) Within 90 days after determining that its district will participate in transfers under this section, the school board of a district not subject to par. (a) shall make appointments to, and shall organize with other participating school districts, a planning council to make recommendations to facilitate cooperative programs.

(c) The obligation under par. (a) to organize planning councils shall apply only with regard to school terms for which full pupil transfer aids are appropriated under s. 20.255 (2) (ac) and planning council assistance funds are appropriated under s. 20.255 (1) (a).

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105; 2005 a. 25; 2015 a. 55.

NOTE: Chapter 220, laws of 1975, which created this section, contains a legislative declaration of policy in section 1 of the act.

121.86 Merged attendance area programs. (1) DEFINITIONS. In this section:

(a) "Base school" means the school in a merged attendance area that has the lowest enrollment of the schools in the merged attendance area.

(b) "Merged attendance area" means an attendance area that contains one of the following:

1. Two or more schools that offer elementary grades, with each such grade offered at only one school.

2. Two or more schools that offer middle school grades, with each such grade offered at only one school.

3. Two or more schools that offer high school grades, with each such grade offered at only one school.

(2) STATE AID. (a) Except as provided under sub. (3), if a school board establishes a merged attendance area after January 1, 1984, for the purpose of reducing racial imbalance in the school district, the school district shall be entitled to an amount determined as follows:

1. Divide the state aid received in the current school year under s. 121.08 by the membership used to compute state aid to the school district for the current school year.

2. Multiply the number of pupils enumerated under pars. (b) and (c) by 0.25.

3. Multiply the quotient under subd. 1. by the product under subd. 2.

(b) The number of minority group pupils enrolled in the base school, not to exceed:

1. The number of minority group pupils who reside in the merged attendance area; minus

2. The number of minority group pupils enrolled in the base school or 30 percent of the total enrollment of the base school, whichever is greater.

(c) The number of minority group pupils enrolled in the nonbase schools located in the merged attendance area or 30 percent of the total enrollment of such nonbase schools, whichever is less.

(3) STATE AID EXCEPTION. Pupils under sub. (2) (b) and (c) who are enrolled in a kindergarten program or in a preschool program under subch. V of ch. 115 shall be multiplied under sub. (2) (a) 2. by a number equal to the result obtained by multiplying 0.25 by the appropriate fraction under s. 121.004 (7) (c), (cm) or (d).

(4) TRANSPORTATION. A school district shall provide transportation to pupils under this section if required under subch. IV, but may not claim transportation aid under subch. IV for the number of pupils determined under sub. (2).

History: 1985 a. 29; 1987 a. 399; 1989 a. 31, 309, 336, 359; 1991 a. 39, 48, 315; 1993 a. 16; 1995 a. 27.

121.87 School district report. (1) Any school district that receives aid under this subchapter in any school year shall submit a report to the state superintendent, on a form provided by the state superintendent, by October 15 of the following school year. The report shall include all of the following for the school year in which the school district received aid:

(a) The number of pupils who transferred to the school district, the number of pupils who transferred to another school district and the number of intradistrict transfers under this subchapter.

(b) The number of pupils who transferred to the school district under this subchapter who satisfy the income eligibility criteria for free or reduced−price lunches under 42 USC 1758 (b) (1).

(c) A detailed description of how the school district used the aid received under this subchapter, including any expenditures on staff, materials and services that are not related to the special transfer program. The report shall separately describe the use of aid received under s. 121.85 (6) (b) 3.

(d) The additional costs incurred by the school district for the pupils who transferred to the school district under this subchapter, including the cost of any additional teachers and the costs of counseling, remediation and pupil transportation.

(e) Any other information requested by the state superintendent.

(2) The state superintendent shall develop a standard method for reporting under sub. (1).

(3) In addition to the report under sub. (1), annually by May 1 the board of school directors of the school district operating under ch. 119 shall submit a report to the legislature under s. 13.172 (2) that specifies the number, percentage, race, sex, grade and attendance area of pupils transferred outside their attendance area without written consent under s. 121.85 (6) (am).

History: 1989 a. 31; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113; 1999 a. 9, 19; 2015 a. 55.

SUBCHAPTER VII

REVENUE LIMIT

121.90 Definitions. In this subchapter:

(1) "Number of pupils enrolled" means the number of pupils enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1) (a) 1. to 11. and 13. and pupils enrolled and counted on an alternate counting date under s. 121.05 (3) or (3m), and the number of pupils attending the Challenge Academy program under s. 321.03 (1) (c) in the previous spring session, except that "number of pupils enrolled" excludes the number of pupils attending public school under ss. 118.145 (4) and 118.53 and except as follows:

(a) In determining a school district's revenue limit for the 1998−99 school year, a number equal to 20 percent of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998.

(b) In determining a school district's revenue limit in the 1999−2000 school year, a number equal to 20 percent of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998; and a number equal to 20 percent of the summer enrollment in 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999.

(c) In determining a school district's revenue limit in the 2000−01 school year, a number equal to 20 percent of the summer enrollment in 1998 shall be included in the number of pupils enrolled on the 3rd Friday of September 1998; a number equal to 20 percent of the summer enrollment in 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999; and a number equal to 40 percent of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000.

(d) In determining a school district's revenue limit in the 2001−02 school year, a number equal to 20 percent of the summer enrollment in the year 1999 shall be included in the number of pupils enrolled on the 3rd Friday of September 1999; a number equal to 40 percent of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000; and a number equal to 40 percent of the summer enrollment in the year 2001 shall be included in the number of pupils enrolled on the 3rd Friday of September 2001.

(dm) In determining a school district's revenue limit in the 2002−03 school year, a number equal to 40 percent of the summer enrollment in the year 2000 shall be included in the number of pupils enrolled on the 3rd Friday of September 2000; a number equal to 40 percent of the summer enrollment in the year 2001 shall be included in the number of pupils enrolled on the 3rd Friday of September 2001; and a number equal to 40 percent of the summer enrollment in the year 2002 shall be included in the number of pupils enrolled on the 3rd Friday of September 2002.

(dr) In determining a school district's revenue limit in the 2003−04 school year and in each school year thereafter, a number equal to 40 percent of the summer enrollment shall be included in the number of pupils enrolled on the 3rd Friday of September of each appropriate school year.

(e) In determining a school district's revenue limit for the 2000−01 school year or for any school year thereafter, the department shall calculate the number of pupils enrolled in each school year prior to the 2000−01 school year as the number was calculated in that school year under s. 121.85 (6) (b) 1. and (f), 1997 stats.

(f) In the 2015−16 school year and in each school year thereafter, the "number of pupils enrolled" shall include a number equal to the sum of the pupils residing in the school district who attend any of the following on the 3rd Friday of September of each appropriate school year:

1. A private school under a scholarship under s. 115.7915.

2. A charter school established under a contract with an entity under s. 118.40 (2r) (b) 1. e. to h.

3. A charter school established under a contract with the director under s. 118.40 (2x).

(1m) "Revenue" means the sum of state aid and the property tax levy.

(2) (am) "State aid" means all of the following:

1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4).

2. Amounts under s. 79.095 (4) for the current school year.

3. All federal moneys received from allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid.

4. For the school district operating under ch. 119, the amount received under s. 121.137 (3), as specified in the notice received under s. 121.137 (2).

5. Amounts received in the 2011−12 school year under 2011 Wisconsin Act 32, section 9137 (3q).

(bm) "State aid" excludes all of the following:

1. Any additional aid that a school district receives as a result of ss. 121.07 (6) (e) 1. and (7) (e) 1. and 121.105 (3) for school district consolidations that are effective on or after July 1, 1995, as determined by the department.

2. Any additional aid that a school district receives as a result of s. 121.07 (6) (e) 2. and (7) (e) 2. for school district reorganizations under s. 117.105, as determined by the department.

3. For the school district operating under ch. 119, aid received under s. 121.136.

(3) "Summer enrollment" means the summer average daily membership equivalent for those academic summer classes, interim session classes, and laboratory periods approved for necessary academic purposes under s. 121.14 (1) (a) 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

History: 1993 a. 16; 1995 a. 27; 1997 a. 27, 113, 237, 286; 1999 a. 9, 32, 186; 2001 a. 109; 2005 a. 225; 2007 a. 20, 200; 2009 a. 28; 2011 a. 32; 2013 a. 20, 257; 2015 a. 55.

121.905 Applicability. (1) In this section, "revenue ceiling" means $9,000 in the 2011−12 school year and in the 2012−13 school year and $9,100 in the 2013−14 school year and in any subsequent school year.

(2) The revenue limit under s. 121.91 does not apply to any school district in any school year in which its base revenue per member, as calculated under sub. (3), is less than its revenue ceiling.

(3) A school district's base revenue per member is determined as follows:

(a) 1. Except as provided under subds. 2. and 3., calculate the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under s. 121.91 (4) (c), and the costs of the county children with disabilities education board program, as defined in s. 121.135 (2) (a) 2., for pupils who were school district residents and solely enrolled in a special education program provided by a county children with disabilities education board in the previous school year.

2. For a school district created under s. 117.105, for the school year beginning with the effective date of the reorganization, perform the following calculations:

a. Calculate the sum under subd. 1. for each of the school districts from which territory was detached to create the new school district.

b. For each of those school districts, divide the result in subd. 2. a. by the number of pupils enrolled in that school district in the previous school year.

c. For each of those school districts, multiply the result in subd. 2. b. by the number of pupils enrolled in that school district in the previous school year who resided in territory that was detached to create the new school district.

d. Calculate the sum of the amounts determined under subd. 2. c.

3. For a school district from which territory was detached to create a new school district under s. 117.105, for the school year beginning with the effective date of the reorganization, perform the following calculations:

a. Calculate the sum under subd. 1. for each of the school districts from which territory was detached to create the new school district.

b. For each of those school districts, divide the result in subd. 3. a. by the number of pupils enrolled in that school district in the previous school year.

c. For each of those school districts, multiply the result in subd. 3. b. by the number of pupils enrolled in that school district in the previous school year who did not reside in territory that was detached to create the new school district.

(b) 1. Except as provided under subds. 2. and 3., divide the result in par. (a) 1. by the sum of the average of the number of pupils enrolled in the 3 previous school years and the number of pupils enrolled who were school district residents and solely enrolled in a special education program provided by a county children with disabilities education board program in the previous school year.

2. For a school district created under s. 117.105, for the school year beginning with the effective date of the reorganization, divide the result in par. (a) 2. by the number of pupils who in the previous school year were enrolled in a school district from which territory was detached to create the new school district and who resided in the detached territory; for the school year beginning on the first July 1 following the effective date of the reorganization, divide the result in par. (a) 2. by the number of pupils in the previous school year; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, divide the result in par. (a) 2. by the average of the number of pupils in the 2 previous school years.

3. For a school district from which territory was detached to create a new school district under s. 117.105, for the school year beginning with the effective date of the reorganization, divide the result in par. (a) 3. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in territory that was detached to create the new school district; for the school year beginning on the first July 1 following the effective date of the reorganization, divide the result in par. (a) 3. by the number of pupils enrolled in the previous school year; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, divide the result in par. (a) 3. by the average of the number of pupils enrolled in the 2 previous school years.

(c) 2. For the limit for the 1996−97 school year, add $206 to the result under par. (b).

3. For the limit for the 1997−98 school year, add the result under s. 121.91 (2m) (c) 2. to the result under par. (b).

3g. For the limit for the 2009−10 or 2010−11 school year, add $200 to the result under par. (b).

3r. For the limit for the 2011−12 school year, multiply the result under par. (b) by 0.945.

4. For the limit for the 2012−13 school year, add $50 to the result under par. (b).

5. For the limit for the 2013−14 school year and the 2014−15 school year, add $75 to the result under par. (b).

6. For the limit for the 2015−16 school year or any school year thereafter, make no adjustment to the result under par. (b).

(4) (a) A school district that is exempt from the revenue limits under sub. (2) may not increase its base revenue per member to an amount that is greater than its revenue ceiling.

(b) 1. A school district may increase its revenue ceiling by following the procedures prescribed in s. 121.91 (3).

2. The department shall, under s. 121.91 (4), adjust the revenue ceiling otherwise applicable to a school district under this section as if the revenue ceiling constituted a revenue limit under s. 121.91 (2m).

History: 1995 a. 27; 1997 a. 27, 113, 164, 286; 1999 a. 9, 32; 2001 a. 16; 2003 a. 33; 2005 a. 25, 219; 2007 a. 20; 2009 a. 28; 2011 a. 32; 2013 a. 20.

121.91 Revenue limit. (2m) (a) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1995−96 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by the average of the number of pupils in the 3 previous school years.

3. Add $200 to the result under subd. 1.

4. Multiply the result under subd. 3. by the average of the number of pupils in the current and the 2 preceding school years.

(b) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1996−97 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by the average of the number of pupils in the 3 previous school years.

2. Add $206 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils in the current and the 2 preceding school years.

(c) Except as provided in subs. (3), (4) and (6), no school district may increase its revenues for the 1997−98 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending private schools under s. 119.23 in the 4th, 3rd and 2nd preceding school years, and dividing the remainder by 3.

2. Multiply $206 by 1.0.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by a number calculated by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending private schools under s. 119.23 in the 3 previous school years, and dividing the remainder by 3.

(d) Except as provided in subs. (3) and (4), no school district may increase its revenues for the 1998−99 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23 in the 4th, 3rd and 2nd preceding school years and dividing the remainder by 3.

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by a number calculated by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23 in the 3 previous school years and dividing the remainder by 3.

(e) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2008−09 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

(f) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2009−10 school year or for the 2010−11 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $200 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

(g) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2011−12 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

3. Multiply the result under subd. 1. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

4. Multiply the result under subd. 3. by 0.055.

5. Subtract the product under subd. 4. from the result under subd. 3.

(h) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2012−13 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

3. Add $50 to the result under subd. 1.

4. Multiply the result under subd. 3. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

(hm) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2013−14 school year or for the 2014−15 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $75 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current school year and the 2 preceding school years.

(i) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2015−16 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Multiply the result under subd. 1. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

(r) 1. Notwithstanding pars. (c) to (i), if a school district is created under s. 117.105, its revenue limit under this section for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided under subs. (3) and (4):

a. Divide the result under s. 121.905 (3) (a) 2. by the total number of pupils who in the previous school year were enrolled in a school district from which territory was detached to create the new school district and who resided in the detached territory.

b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2013−14 school year and the 2014−15 school year, add $75 to the result under subd. 1. a., and in calculating the limit for the 2015−16 school year and any school year thereafter, make no adjustment to the result under subd. 1. a.

c. Multiply the result under subd. 1. b. by the number of pupils who in the previous school year were enrolled in a school district from which territory was detached to create the new school district and who resided in the detached territory, or by the number of pupils enrolled in the new school district in the current school year, whichever is greater.

2. If a school district is created under s. 117.105, the following adjustments to the calculations under pars. (c) to (h) apply for the 2 school years beginning on the July 1 following the effective date of the reorganization:

a. For the school year beginning on the first July 1 following the effective date of the reorganization the number of pupils in the previous school year shall be used under pars. (c) 1., (d) 1. and (e) 1. instead of the average of the number of pupils in the 3 previous school years, and for the school year beginning on the 2nd July 1 following the effective date of the reorganization the average of the number of pupils in the 2 previous school years shall be used under pars. (c) 1., (d) 1. and (e) 1. instead of the average of the number of pupils in the 3 previous school years.

b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school years shall be used under par. (e) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

(s) 1. Notwithstanding pars. (e) to (i), if territory is detached from a school district to create a new school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

a. Divide the result under s. 121.905 (3) (a) 3. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in territory that was detached to create the new school district.

b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2013−14 school year and the 2014−15 school year, add $75 to the result under subd. 1. a., and in calculating the limit for the 2015−16 school year and any school year thereafter, make no adjustment to the result under subd. 1. a.

c. Multiply the result under subd. 1. b. by the number of pupils who in the previous school year were enrolled in the school district and who did not reside in the detached territory, or by the number of pupils enrolled in the school district in the current school year, whichever is greater.

2. If territory is detached from a school district to create a new school district under s. 117.105, the following adjustments to the calculations under pars. (e) to (h) apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

a. For the school year beginning on the first July 1 following the effective date of the reorganization, the number of pupils in the previous school year shall be used under par. (e) 1. instead of the average of the number of pupils in the 3 previous school years; and for the school year beginning on the 2nd July 1 following the effective date of the reorganization, the average of the number of pupils in the 2 previous school years shall be used under par. (e) 1. instead of the average of the number of pupils in the 3 previous school years.

b. For the school year beginning on the first July 1 following the effective date of the reorganization the average of the number of pupils in the current and the previous school year shall be used under par. (e) 4. instead of the average of the number of pupils in the current and the 2 preceding school years.

(t) 1. If 2 or more school districts are consolidated under s. 117.08 or 117.09, except as follows, in the 2013−14 school year and the 2014−15 school year, the consolidated school district's revenue limit shall be determined as provided under par. (hm), and in the 2015−16 school year and in each school year thereafter, the consolidated school district's revenue limit shall be determined as provided under par. (i):

a. For the school year beginning with the effective date of the consolidation, the state aid received in the previous school year by the consolidated school district is the sum of the state aid amounts received in the previous school year by all of the affected school districts.

b. For the school year beginning with the effective date of the consolidation, the property taxes levied for the previous school year for the consolidated school district is the sum of the property taxes levied for the previous school year by all of the affected school districts.

c. For the school year beginning with the effective date of the consolidation and the 2 succeeding school years, the number of pupils enrolled in the consolidated school district in any school year previous to the effective date of the consolidation is the sum of the number of pupils enrolled in all of the affected school districts in that school year.

2. If 2 or more school districts are consolidated under s. 117.08 or 117.09, and an excess revenue has been approved under sub. (3) for one or more of the affected school districts for school years beginning on or after the effective date of the consolidation, the approval for those school years expires on the effective date of the consolidation.

(3) (a) If a school board wishes to exceed the limit under sub. (2m) otherwise applicable to the school district in any school year, it shall promptly adopt a resolution supporting inclusion in the final school district budget of an amount equal to the proposed excess revenue. The resolution shall specify whether the proposed excess revenue is for a recurring or nonrecurring purpose, or, if the proposed excess revenue is for both recurring and nonrecurring purposes, the amount of the proposed excess revenue for each purpose. The resolution shall be filed as provided in s. 8.37. Within 10 days after adopting the resolution, the school board shall notify the department of the scheduled date of the referendum and submit a copy of the resolution to the department. The school board shall call a special referendum for the purpose of submitting the resolution to the electors of the school district for approval or rejection. In lieu of a special referendum, the school board may specify that the referendum be held at the next succeeding spring primary or election or partisan primary or general election, if such election is to be held not sooner than 70 days after the filing of the resolution of the school board. The school district clerk shall certify the results of the referendum to the department within 10 days after the referendum is held.

(b) The school district clerk shall publish type A, B, C, D and E notices of the referendum under s. 10.01 (2). Notwithstanding s. 10.01 (2) (a), the type A notice shall include a statement of the amount of the excess revenue specified in par. (a) and a copy of the resolution under par. (a). Section 5.01 (1) applies in the event of failure to comply with the notice requirements of this paragraph.

(c) The referendum shall be held in accordance with chs. 5 to 12. The school district clerk shall provide the election officials with all necessary election supplies. The form of the ballot shall correspond substantially with the standard form for referendum ballots prescribed by the elections commission under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether the limit under sub. (2m) may be exceeded by a specified amount. If the resolution provides that any of the excess revenue will be used for a nonrecurring purpose, the ballot in the election shall so state and shall specify the amount that will be used for a nonrecurring purpose. The limit otherwise applicable to the school district under sub. (2m) is increased by the amount approved by a majority of those voting on the question.

(4) (a) 1. If a school board transfers to another governmental unit responsibility for providing any service that it provided in the preceding school year, the limit otherwise applicable under sub. (2m) in the current school year is decreased by the cost that it would have incurred to provide that service, as determined by the state superintendent.

2. If a school board increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit in the previous school year, the limit otherwise applicable under sub. (2m) in the current school year is increased by the cost of that service, as determined by the state superintendent.

3. Notwithstanding subd. 2., if a school board increases the services that it provides by adding responsibility for providing a service that is transferred to it from another governmental unit for a child with a disability, as defined in s. 115.76 (5), or for a limited−English proficient pupil, as defined in s. 115.955 (7), the limit otherwise applicable under sub. (2m) in the current school year is increased by an amount equal to the estimated cost of providing the service less the estimated amount of aid that the school district will receive for the child or pupil in the following school year under s. 115.88 (1m) to (6) and (8), 115.995 or 118.255, as determined by the state superintendent. A school board that transfers or receives responsibility for providing a service under this subdivision shall notify the state superintendent. A school board that transfers responsibility for providing a service under this subdivision shall provide the state superintendent with an estimate of the reduction in cost attributable to the transfer, even if that estimate is zero. The state superintendent shall notify the transferring school district when a receiving school district notifies the state superintendent that it has received responsibility for providing a service transferred to it under this subdivision.

(b) 1. If a school district increases its territory by a boundary change under s. 117.10, 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. (2m) is increased by an amount equal to the cost of extending services to the attached territory in the school year to which the limit applies, as determined by the state superintendent.

2. If a school district decreases its territory due to a boundary change under s. 117.11, 117.12, 117.13 or 117.132, the limit otherwise applicable in the school year beginning on the effective date of the boundary change under sub. (2m) is decreased by an amount equal to the cost of services that it provided to the detached territory in the school year to which the limit applies, as determined by the state superintendent.

(c) The limit under sub. (2m) is increased by the following amount:

1. Funds needed for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding municipal obligations, interest on outstanding municipal obligations or the payment of related issuance costs or redemption premiums, authorized prior to August 12, 1993, by a resolution of the school board or by a referendum and secured by the full faith and credit of the school district.

2. Funds needed for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding municipal obligations, interest on outstanding municipal obligations or the payment of related issuance costs or redemption premiums, authorized on or after August 12, 1993, by a referendum and secured by the full faith and credit of the school district.

3. Funds needed for the payment of any general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding municipal obligations, interest on outstanding municipal obligations or the payment of related issuance costs or redemption premiums, authorized by a resolution of the school board and secured by the full faith and credit of the school district if the issuance of the debt was not subject to a referendum as a result of s. 67.05 (6a) (bg) or (7) (j) or 67.12 (12) (e) 2r. or (h).

(d) If a school district's revenue in the preceding school year was less than the limit under sub. (2m) in the preceding school year, the limit otherwise applicable to the school district's revenue in the current school year under sub. (2m) is increased by an amount equal to the difference between the amount of its revenue in the preceding school year and the amount of the limit in the preceding school year under sub. (2m).

(e) If a school district receives less aid under 20 USC 7701 to 7703 in the 1994−95 school year or in any school year thereafter than it received in the previous school year, the limit otherwise applicable to the school district's revenue in the following school year under sub. (2m) is increased by an amount equal to the reduction in such aid.

(f) 1. Except as provided in subd. 1m., for the 2007−08 school year or any school year thereafter, if the average of the number of pupils enrolled in the current and the 2 preceding school years is less than the average of the number of pupils enrolled in the 3 previous school years, the limit otherwise applicable under sub. (2m) is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

1m. If territory is detached from a school district to create a new school district under s. 117.105, all of the following apply to the school district from which territory was detached and to the new school district:

a. In the school year in which the school district reorganization takes effect, subd. 1. does not apply.

b. For the school year beginning on the first July 1 following the effective date of the school district reorganization, if the num-

ber of pupils enrolled in that school year is less than the number of pupils enrolled in the previous school year, the limit otherwise applicable under sub. (2m) is increased by the additional amount that would have been calculated had there been no decline in enrollment.

c. For the school year beginning on the 2nd July 1 following the effective date of the school district reorganization, if the average of the number of pupils enrolled in that school year and the previous school year is less than the average of the number of pupils enrolled in the 2 previous school years, the limit otherwise applicable under sub. (2m) is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

2. Any additional revenue received by a school district as a result of subds. 1. and 1m. shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

(g) The limit otherwise applicable to a school district from which territory is detached to create a school district under s. 117.105 is increased for the school year beginning with the effective date of the reorganization under s. 117.105 by an amount equal to 5 percent of the school district's state aid.

(h) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to the amount deposited into the capital improvement fund under s. 120.135 (2) in that school year.

(i) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to the amount of property taxes levied for the purpose of s. 120.13 (19) for that school year.

(j) If a school board implemented an intradistrict pupil transfer program to reduce racial imbalance in the school district after June 30, 1993, but before September 1, 2001, the limit otherwise applicable to the school district under sub. (2m) in the 2001−02, 2002−03, and 2003−04 school years is increased by an amount equal to one−third of the amount received in the 1994−95 school year under s. 121.85 as a result of implementing the program.

(k) The limit otherwise applicable under sub. (2m) to a school district that is at least 275 square miles in area and in which the number of pupils enrolled in the 2000−01 school year was less than 450 is increased for the 2001−02 school year by the following amount:

1. If the number of pupils enrolled in the school district declined between the 1996−97 school year and the 2000−01 school year, but the decline was less than 10 percent, $100,000.

2. If the decline in the number of pupils enrolled between the 1996−97 school year and the 2000−01 school year was at least 10 percent but not more than 20 percent, $175,000.

3. If the decline in the number of pupils enrolled between the 1996−97 school year and the 2000−01 school year was more than 20 percent, $250,000.

(L) 1. For a school district that received additional aid as a result of s. 121.07 (6) (e) 1. or (7) (e) 1. or 121.105 (3) in the 2014−15 school year, the limit otherwise applicable under sub. (2m) for the 2015−16 school year is increased by an amount equal to 75 percent of any additional aid the school district received as a result of ss. 121.07 (6) (e) 1. and (7) (e) 1. and 121.105 (3) in the 2014−15 school year.

2. For a school district created by a consolidation under s. 117.08 or 117.09, beginning with the limit for the 2016−17 school year, the limit otherwise applicable under sub. (2m) for the 5th school year following the school year in which the consolidation took effect is increased by an amount equal to 75 percent of any additional aid that the school district received as a result of ss. 121.07 (6) (e) 1. and (7) (e) 1. and 121.105 (3) in the 4th school year following the school year in which the consolidation took effect.

(n) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to the amount determined for that school district under s. 118.60 (4d) (b) 1.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

(o) 1. Except as provided in subd. 1m., if a school board adopts a resolution to do so, the limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount spent by the school district in that school year on a project to implement energy efficiency measures or to purchase energy efficiency products, including the payment of debt service on a bond or note issued, or a state trust fund loan obtained, to finance the project, if the project results in the avoidance of, or reduction in, energy costs or operational costs, the project is governed by a performance contract entered into under s. 66.0133, and the bond or note issued or state trust fund loan obtained to finance the project is issued for a term not exceeding 20 years. If a school board issues a bond or note or obtains a state trust fund loan to finance a project described in this subdivision, a resolution adopted by a school board under this subdivision is valid for each school year in which the school board pays debt service on the bond, note, or state trust fund loan.

1m. If a school district issues a bond or note or obtains a state trust fund loan to finance a project described in subd. 1., the amount of debt service included in the amount spent by the school district under subd. 1. is the amount paid in the calendar year that begins on January 1 of the school year in which the school district's revenue limit is increased under this paragraph.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

3. If a school district issues a bond or note or obtains a state trust fund loan to finance a project described in subd. 1. and the school district's utility costs are measurably reduced as a result of the project, the school board shall use the savings to retire the bond, note, or state trust fund loan.

(p) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount of any reduction to that school district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. in the previous school year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous school year.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

(q) 1. The limit otherwise applicable to a school district under sub. (2m) is increased by an amount equal to the amount of any refunded or rescinded property taxes paid by the school board in the year of the levy as determined by the department of revenue under s. 74.41.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

(qe) The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount spent by the school district in that school year on debt service costs associated with an environmental remediation project under s. 67.05 (7) (er). Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the

school district's limit under sub. (2m) for the following school year.

(r) The limit otherwise applicable to a school district under sub. (2m) in any school year is decreased by an amount equal to the sum of the school district's ineligible expenditures for community programs and services in the previous school year, as determined by the department under s. 120.13 (19). The amount of the decrease under this paragraph shall not be deducted from the base for determining the school district's limit under sub. (2m) for the following school year.

Cross−reference: See also ch. PI 15, Wis. adm. code.

(5) (a) Upon request by a school board, the state superintendent may increase the school district's limit under s. 121.91 (1), 1995 stats., by the amount necessary to allow the school district to avoid increasing its level of short−term borrowing over the amount of short−term borrowing incurred by the school district in the 1992−93 school year if the school district presents clear and convincing evidence of the need for the increase in the limit. The school board shall provide the state superintendent with any information that the state superintendent requires to make the determination.

(b) The state superintendent shall submit to the governor, and to the legislature under s. 13.172 (2), a report summarizing the requests made by school boards under par. (a) and the increases granted by the state superintendent.

(6) In determining a school district's limit under sub. (2m) (c) for the 1997−98 school year, if the average of the number of pupils enrolled in the current and the 2 preceding school years, as calculated under sub. (2m) (c) 4., is more than 2 percent less than the average of the number of pupils enrolled in the 3 previous school years, as calculated under sub. (2m) (c) 1., the school district's limit shall be calculated as if the decrease had been 2 percent.

(7) Except as provided in subs. (4) (f) 2. and (n) to (qe) and (8), if an excess revenue is approved under sub. (3) for a recurring purpose or allowed under sub. (4), the excess revenue shall be included in the base for determining the limit for the next school year for purposes of this section. If an excess revenue is approved under sub. (3) for a nonrecurring purpose, the excess revenue shall not be included in the base for determining the limit for the next school year for purposes of this section.

(8) If a school district's initial revenue limit for the current school year, as calculated under s. 121.905 or sub. (2m), whichever is appropriate, before making any adjustments under sub. (3) or (4), is less than the amount determined by multiplying the amount under sub. (2m) (i) 1. by the average of the number of pupils enrolled in the 3 preceding school years, the school district's initial revenue limit for the current school year, before making any adjustments under sub. (3) or (4), is the amount determined by multiplying the amount under sub. (2m) (i) 1. by the average of the number of pupils enrolled in the 3 preceding school years. Any additional revenue received by a school district as a result of this subsection shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year. This subsection does not apply to a school district's revenue limit calculated for the 2011−12 and 2012−13 school years.

History: 1993 a. 16; 1995 a. 27 ss. 4108m to 4114, 9145 (1); 1997 a. 27, 113, 164, 237, 286; 1999 a. 9, 17, 19, 32, 182; 2001 a. 16; 2005 a. 25, 219; 2007 a. 1, 20; 2009 a. 28; 2011 a. 32, 75, 114; 2013 a. 20, 306; 2015 a. 55, 118, 289, 317.

121.92 Penalty for exceeding revenue ceiling or limit.

(1) In this section, "excess revenue" means the amount by which a school district's revenue exceeds its ceiling under s. 121.905 or its limit under s. 121.91.

(2) The state superintendent shall do all of the following:

(a) Deduct from the state aid payment to a school district under s. 121.08 in the school year in which the school district exceeded the revenue ceiling or limit an amount equal to the excess revenue for the school district or the amount of those aids, whichever is less.

(b) If the amount of the deduction under par. (a) is insufficient to cover the excess revenue, deduct from the other state aid payments to the school district in the school year in which the school district exceeded the revenue ceiling or limit an amount equal to the remaining excess revenue or the amount of those payments, whichever is less.

(c) If the amount of the deductions under pars. (a) and (b) is insufficient to cover the excess revenue, order the school board to reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue. The school district's refunds to taxpayers who have already paid their taxes shall be increased by interest at the rate of 0.5 percent per month. If the school board violates the order, any resident of the school district may seek injunctive relief. This paragraph does not apply to property taxes levied for the purpose of paying the principal and interest on a valid bond or note issued or state trust fund loan obtained by the school board.

(d) Ensure that the amount of state aid reduction under pars. (a) and (b) lapses to the general fund.

(e) Ensure that the amount of the excess revenue is not included in determining the school district's ceiling or limit in the succeeding school year.

History: 1993 a. 16; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16; 2013 a. 20.