

1 **AN ACT** *to amend* 118.43 (2) (g) and 118.43 (6) (b) 10.; and *to create* 118.43 (1) (am)
 2 of the statutes; **relating to:** including 4-year-old kindergarten in the student
 3 achievement guarantee in education program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Study Committee on Student Achievement Guarantee in Education (SAGE) Program.

SAGE is a categorical state aid program that provides funding to schools for low-income students in primary grades (K–3) if certain statutory requirements are met. Before a school may participate in SAGE, the school board of the district must enter into a contract with the department of public instruction (DPI) on behalf of individual schools in the district that qualify for participation. SAGE contracts are for 5 years and may be renewed for additional 5-year terms.

Existing SAGE contracts do not cover 4-year-old kindergarten (4K) and school districts cannot receive SAGE funding for 4K students. Currently, only low-income students enrolled in Kindergarten to grade 3 are eligible for SAGE funding.

This draft makes 4K eligible for participation in the SAGE program and for the associated SAGE funding. Schools with existing SAGE contracts may choose to include 4K when renewing their contracts. The draft further provides that 4K students are counted as 0.6 pupil, as they are under the general school finance chapter of the statutes.

4 **SECTION 1.** 118.43 (1) (am) of the statutes is created to read:
 5 118.43 (1) (am) “Kindergarten” means 5-year-old kindergarten, unless otherwise
 6 specified.

NOTE: Provides a definition of “kindergarten” specifying that the term refers only to 5-year-old kindergarten (5K) unless otherwise specified. This definition is intended to clarify that the current law for the SAGE program only makes the program available to 5K through 3rd grade.

The clarity is necessary because under the general definition of “grades” contained in s. 115.01 (2), stats., when the term “kindergarten” is used, the reference includes both 4-year-old (4K) and 5K, except as otherwise specifically provided. Presently, the term “kindergarten” appears in the SAGE statute, s. 118.43, stats., without specifying that it only applies to 5K. Therefore, current law arguably applies the SAGE statute to 4K as well as 5K, though the statute has been interpreted and enforced to apply only to 5K.

1 **SECTION 2.** 118.43 (2) (g) of the statutes is amended to read:

2 118.43 (2) (g) The department may renew an achievement guarantee contract under
3 pars. (b), (bg), (br), (bt), and (bv) for one or more terms of 5 school years and may expand the
4 contract to include 4-year-old kindergarten. Except as provided in sub. (3m), as a condition
5 of receiving payments under a renewal of an achievement guarantee contract, a school board
6 shall maintain the reduction of class size achieved during the last school year of the original
7 achievement guarantee contract for the grades specified for the last school year of the contract.

NOTE: Provides that SAGE contracts may be expanded to include 4K
 when the contracts are renewed.

8 **SECTION 3.** 118.43 (6) (b) 10. of the statutes is amended to read:

9 118.43 (6) (b) 10. In the 2010–11 school year and any subsequent school year, \$2,250
10 multiplied by the number of low-income pupils enrolled in a grade eligible for funding, and
11 in a class in which the class size has been reduced in the manner required under sub. (3) (a),
12 (am), (ar), or (at) or permitted under sub. (3m), in each school in the school district covered
13 by contracts under sub. (3) (at) and (av) and by renewals of contracts under sub. (2) (g). A
14 low-income pupil enrolled in 4-year-old kindergarten shall be counted as 0.6 pupil, as under
15 s. 121.004 (7) (cm).

NOTE: Provides that 4K low-income students are counted as 0.6 pupil
 for purposes of SAGE funding, as they are under the definition of

“pupils enrolled” used in ch. 121, the school finance chapter of the statutes.

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(END)