


Date: December 9, 2020
To: District Administrators
From: Jennifer Kammerud, Senior Policy Advisor 
Subject: 2019-20 Enacted Legislation Affecting Schools

The last general business floorperiod of the 2019-20 legislative session ended on March 26, 2020. No additional floorperiod is scheduled. Below is a summary of selected key education-related bills that were enacted in this session, along with links to the text of each act and available Legislative Council summary memos.

This memo also summarizes the education-related provisions contained in Wisconsin Act 185, which made numerous changes to state law in response to the COVID-19. For a complete list of bills related to education during the 2019-20 session, please refer to the Department of Public Instruction's (DPI) website on legislation at <https://dpi.wi.gov/legislative-policy-outreach/legislation>.

2019 ACT 35: *The minority teacher loan program.*
<https://docs.legis.wisconsin.gov/2019/related/acts/35> Act Memo
(Enacted 11/21/19, published 11/22/19, first effective as of 3/01/20)

Act 35 expands the definition of minority student and changes the location in which a loan recipient must be employed in order to qualify for loan forgiveness. Specifically, the act expands the definition of minority student to include: (1) an Alaskan native; (2) any student whose ancestry includes two or more races; and (3) instead of a person admitted to the United States after December 31, 1975, as described above, any student of Asian or Pacific Island origin

The act provides that a loan recipient may be eligible for loan forgiveness for each school year that he or she is employed as a full-time teacher in a high-demand area in a public, private, or tribal school located in a Wisconsin school district in which the enrolled pupil membership is comprised of at least 40 percent minority students, rather than only in the City of Milwaukee. The act retains the requirement that the recipient also receive a rating of proficient or distinguished under the educator effectiveness system in order to be eligible for loan forgiveness.

2019 ACT 39: *Fire, tornado, and school safety drills for public and private schools.*
<https://docs.legis.wisconsin.gov/2019/related/acts/39> Act Memo
(Enacted 11/21/19, published 11/22/19, first effective as of 11/23/19)

Act 39 provides that the person having direct charge of a public or private school may provide previous warning of such drills if he or she determines that doing so is in the best interest of pupils.

2019 ACT 43: *A license to teach based on reciprocity and granting rule-making authority.*
<https://docs.legis.wisconsin.gov/2019/related/acts/43> [Act Memo](#)
(Enacted 11/21/19, published 11/22/19, first effective as of 11/23/19)

Act 43 creates an alternative method for meeting one requirement for receiving a Department of Public Instruction (DPI) teaching license based on having an out-of-state license, referred to as a license based on reciprocity

This act allows a person to receive a teaching license based on reciprocity if the person taught for two semesters under a DPI license or permit or for two semesters in a private school in Wisconsin while the person held a DPI license or permit, as an alternative to teaching for one year under the out-of-state license. To meet this qualification, the school district, cooperative educational service agency, charter school, or private school that employed the person must notify DPI that he or she successfully completed two semesters of teaching experience. The act provides that the DPI license based on reciprocity is a three-year provisional license, rather than a one-year initial license.

Act 43 requires DPI to issue a lifetime license to an individual who obtains the provisional license if the individual successfully completes six semesters of teaching experience. The act further requires DPI to issue a provisional teaching license based on reciprocity to any person who holds a current and valid initial teaching license based on reciprocity as of November 23, 2019.

2019 ACT 44: *Requirements for initial licensure as a special education teacher.*
<https://docs.legis.wisconsin.gov/2019/related/acts/44> [Act Memo](#)
(Enacted 11/21/19, published 11/22/19, first effective as of 11/23/19)

Act 44 creates an alternative to the requirement that an applicant for an initial special education teaching license must pass the Foundations of Reading Test (FORT). Under the act, a person may instead complete a course of study that satisfies the following requirements:

1. The course of study provides rigorous instruction in the teaching of phonemic awareness, phonics, vocabulary, reading comprehension, and fluency.
2. A student in the course of study receives feedback and coaching from an individual who is an expert of reading instruction.
3. A student in the course of study demonstrates competence in phonemic awareness, phonics, vocabulary, reading comprehension, and fluency by providing a portfolio of work.

The Department of Public Instruction must waive the requirement to pass the FORT if an applicant for an initial special education teaching license demonstrates to the satisfaction of the agency that he or she successfully completed such a course

2019 ACT 83: *Grants to support peer-to-peer suicide prevention programs in high schools.*
<https://docs.legis.wisconsin.gov/2019/related/acts/83> [Act Memo](#)
(Enacted 2/4/20, published 2/5/20, first effective as of 2/6/20)

Act 83 provides grants for public, private, and tribal schools operating high school grades to implement peer-to-peer suicide prevention programs or support existing programs. Beginning in

the 2020-21 school year, the DPI must award grants up to \$1,000 through a competitive application process.

DPI may also renew a grant to a specific school for up to three additional years, and may renew a grant without requiring the school to participate in the competitive application process. In awarding grants, DPI must give preference to applications to implement a peer-to-peer suicide prevention program. The act appropriates \$250,000 beginning in fiscal year 2020-21 for the grants.

2019 ACT 85: *Information on the school district and school accountability report.*

<https://docs.legis.wisconsin.gov/2019/related/acts/85> [Act Memo](#)

(Enacted 2/5/20, published 2/6/20, first effective as of 2/7/20)

Act 85 adds information that must be included in a high school and school district accountability report. Specifically, the act requires that DPI include both the statewide and school district or school percentage of pupils participating in music, dance, drama, and the visual arts for each school district and high school accountability report.

DPI may not use this information for purposes of determining a high school's performance or a school district's improvement. The information must be included beginning with the report cards published for the 2020-21 school year, which will be published in the fall of 2021.

2019 ACT 86: *Developing a guidebook related to dyslexia and related conditions.*

<https://docs.legis.wisconsin.gov/2019/related/acts/86> [Act Memo](#)

(Enacted 2/5/20, published 2/6/20, first effective as of 2/7/20)

Act 86 requires the DPI to develop a guidebook on dyslexia and related conditions, published for informational purposes only, for parents, guardians, teachers, and administrators. DPI must publish the guidebook on its website and must review and, if appropriate, revise the guidebook every three school years, in consultation with the Wisconsin Branch of the International Dyslexia Association (IDA) and the Wisconsin State Reading Association (WSRA). The act also requires that school boards include a link to the guidebook on their school district websites.

2019 ACT 96: *The method for providing notice of a special meeting of a school*

<https://docs.legis.wisconsin.gov/2019/related/acts/96> [Act Memo](#)

(Enacted 2/5/20, published 2/6/20, first effective as of 2/7/20)

Act 96 modifies the method by which school board members may be notified of a special school board meeting.

The act generally retains the requirement that a school board member receive notice of a special meeting at least 24 hours before the meeting. However, the act provides that the school district clerk, or in the clerk's absence the school district president, must notify each school board member of the date, time, and place of a special meeting in a manner likely to give the member notice of the meeting.

Act 96 also provides an additional exception to the 24-hour notice requirement. Under the act, if the school district clerk, or in the clerk's absence the school district president, determines that, for good cause, notice at least 24 hours in advance is impossible or impractical, then notice of the date, time, and place of the meeting may be given less than 24 hours, but not less than two hours, before the meeting.

2019 ACT 116: *Requiring that student identification cards include contact information for suicide prevention hotlines.*

<https://docs.legis.wisconsin.gov/2019/related/acts/116> [Act Memo](#)
(Enacted 3/2/20, published 3/3/20, first effective as of 7/1/20)

Act 116 requires that contact information for suicide prevention hotlines be included on certain student identification cards (student IDs). The act applies to ID cards issued to students by public schools, independent charter schools, Wisconsin Technical Colleges, or by institutions or college campuses within the University of Wisconsin System.

The act requires these schools and institutions to include certain contact information on student IDs, and allows them to include other information. A student ID must include the telephone number for the National Suicide Prevention Lifeline or one of its affiliate crisis centers, or if it ceases operations, another national network of local crisis centers that provides free and confidential emotional support to individuals in suicidal crisis or emotional distress 24 hours a day and seven days a week.

A student ID may also include the following:

- A statement that the text-based emotional support service of the Crisis Text Line may be accessed by texting HOPELINE to 741741 or by specifying any successor method.
- Instructions for contacting another text-based state or national organization that provides free support to individuals in crisis 24 hours a day and seven days a week.
- The telephone number for a local suicide prevention hotline. A school or institution may comply by printing the contact information directly on the student ID, or by affixing a sticker containing the information.

Act 116 imposes requirements on students IDs if a school or institution chooses to issue them, but does not require issuance of student IDs. Further, if a school or institution has a supply of unissued and noncompliant student IDs on the act's effective date, the school or institution may continue issuing the IDs until the supply is depleted. The requirements first apply to a student ID card issued on July 1, 2020.

2019 ACT 117: *Creating a school-based mental health consultation pilot program and making an appropriation.*

<https://docs.legis.wisconsin.gov/2019/related/acts/117> [Act Memo](#)
(Enacted 3/2/20, published 3/3/20, first effective as of 3/4/20)

Act 117 requires the Department of Health Services (DHS) to create and administer a school-based mental health consultation pilot program in Outagamie County and to provide funds for the operation of the pilot program to an organization that already provides consultation services through the child psychiatry consultation program.

This is a DHS Pilot program and is limited to assisting participating school-based providers in providing enhanced care to students with mental health care needs, provide referral support for those students in schools located in Outagamie County

The act includes general fund appropriation for fiscal year 2020-2021 in the amount of \$175,000, and provides that DHS must allocate \$175,000 in each fiscal year in, at least, fiscal years 2020-2021 and 2021-2022, to the organization providing the services under the pilot program. By August 1, 2022, DHS must submit a report on the school-based mental health consultation pilot program to the standing committees of the Legislature with jurisdiction over health.

2019 ACT 118: *The seclusion and physical restraint of pupils.*

<https://docs.legis.wisconsin.gov/2019/related/acts/118> [Act Memo](#)
(Enacted 3/2/20, published 3/3/20, first effective as of 3/4/20)

Act 118 changes current law by requiring a debriefing for staff involved following an incident of seclusion or restraint, clarifying that notice requirements also apply to incidents involving law enforcement officers, and that the written report be provided to parents through first class mail, electronic submission, or hand delivery. Debriefing meetings are required and do not constitute IEP team meetings. As such, revisions cannot be made to the IEP in a debriefing.

The act updates the components of employee training to emphasize the use of de-escalation and prevention. The Act further requires a meeting of the IEP team within 10 school days following the second time seclusion or physical restraint is used within a school year.

Under current law the use of mechanical restraints on a pupil is prohibited. The act clarifies that the use of vehicle safety restraints while transporting a pupil in a moving vehicle is not the use of a mechanical restraint. Additionally, Act 118 updates the list of prohibited maneuvers and techniques to include any maneuver or technique which places the student in the prone position, and prohibits doors to seclusion rooms or areas from having any lock on it.

See Appendix A for further information on how the act expands notification and reporting requirements. A side-by-side comparison of the new requirements compared to the requirements under the previous law, 2011 Wis. Act 125, is available in a [comparison chart](#).

2019 ACT 170: *An online early learning pilot program and making an appropriation.*

<https://docs.legis.wisconsin.gov/2019/related/acts/170> [Act Memo](#)
(Enacted 3/3/20, published 3/4/20, first effective as of 3/5/20)

Act 170 creates a three-year online early learning pilot program for low-income children to be administered by a service provider from July 1, 2020, to June 30, 2023.

The act defines a service provider as a nonstock, nonprofit organization described under s. 501 (c) (3) of the Internal Revenue Code that has successfully conducted an online early learning program, as evidenced by independent and reliable evaluations.

Under Act 170, DPI must award a contract, using a competitive request-for proposals process, to a

service provider to administer the program in the following school districts:

- A first class city school district (Milwaukee Public Schools).
- The two urban school districts with the largest reading achievement gaps, as defined by DPI (Racine Unified and Green Bay Area Public).
- Three rural school districts, selected by DPI, that have reading achievement gaps (Siren, North Crawford and Lac du Flambeau #1).

The act creates, and provides for the delayed repeal of, a \$500,000 annual appropriation for the program and requires that DPI pay the amount appropriated to the service provider for each school year of the contract. The act also requires the service provider to provide a total of \$500,000 in matching funds during the term of the contract.

Under the act, the service provider must comply with two reporting requirements. First, the service provider must report to DPI the name of each child who participates in the program, whether the child completed the program, and any other information that is necessary to identify the child in the student information system, as requested by DPI. To the extent possible, DPI must ensure that, for each child who is reported to have participated in the program, the following information is included in the student information system:

- The fact that the child participated in the program.
- Whether or not the child completed the program. Second, the service provider must submit an annual report to DPI that contains the following information:
 - The number of eligible children who applied to participate in the program.
 - The number of eligible children who participated in the program.
 - The number of low-income families that requested a computer or home Internet service.
 - The number of low-income families that were provided a computer or home Internet service.
 - The frequency with which children participating in the program used the instructional software provided by the program.
 - How children participating in the program performed on prekindergarten and kindergarten readiness assessments selected and administered by the service provider.
 - Parental feedback on the program.

By October 15, 2023, DPI must compile and submit the information that it receives from the service provider's annual reports to the Joint Committee on Finance and to the appropriate standing committees of the Legislature. Effective date: March 5, 2020, except that the repeal of the appropriation takes effect on July 1, 2023.

2019 ACT 171: *Requiring certain occupational areas to be included in the youth apprenticeship program*

<https://docs.legis.wisconsin.gov/2019/related/acts/171> Act Memo
(Enacted 3/3/20, published 3/4/20, first effective as of 3/5/20)

Act 171 requires the Department of Workforce Development to include the following occupational areas in its list of approved occupations for the youth apprenticeship program:

- Architecture and instruction.

- Arts, audio-visual technology, and communications.
- Business management and administration.
- Education and training.
- Finance.
- Government and public administration.
- Education and training.
- Finance.
- Government and public administration.
- Health science.
- Hospitality and tourism.
- Human services
- Information technology.
- Law, public safety, corrections, and security.
- Manufacturing.
- Marketing.
- Science, technology, engineering, and mathematics.
- Transportation, distribution, and logistics.

2019 ACT 176: *The revenue limit ceiling for school districts.*

<https://docs.legis.wisconsin.gov/2019/related/acts/176> [Act Memo](#)

(Enacted 3/3/20, published 3/4/20, first effective as of 3/5/20)

Act 176 creates an exception to the requirement that a school district's revenue ceiling be frozen following a failed operating referendum. Specifically, the act provides that the revenue ceiling freeze does not apply to an operating referendum held during the 2018-19 school year if: (1) the resolution to exceed the revenue limit was for the recurring costs of operating and maintaining a new school building; and (2) at the same election, the electorate also rejected a resolution to issue general obligation bonds for the cost of constructing the new school building.

2019 ACT 185: *State government response to the COVID-19 pandemic.*

<https://docs.legis.wisconsin.gov/2019/related/acts/185> [Act Memo](#)

(Enacted 4/15/20, published 4/16/20, first effective 4/17/20)

Act 185 prohibits the DPI from publishing school and school district accountability reports in the 2020-21 school year.

In regards to pupil assessments, the act does the following:

- Specifies that current law requiring assessments to be administered annually to pupils attending school in a public school district, independent charter school, private choice school, or special needs scholarship program school would not apply in 2019-20.
- Specifies that pupil performance on assessments in the 2019-20 could not be considered for the evaluation of teachers and principals under the statewide educator effectiveness system.

- Modifies statutory language under the Opportunity Schools and Partnership Program (OSPP) to accommodate a one-year lapse in administering statewide assessments and publishing accountability reports.

The act also requires school boards to submit a report to the DPI by November 1, 2020, regarding virtual instruction provided during the public health emergency in the 2019-20 school year during which public schools are closed by the Department of Health Services.

The report requires the following:

- a. whether or not virtual instruction was implemented in the school district during the public health emergency, and, if so, in which grades it was implemented;
- b. if virtual instruction was implemented, the process for implementing the virtual instruction;
- c. for each grade level, the average percentage of the 2019-20 school year curriculum that was provided to pupils, including curriculum provided in-person and virtually;
- d. whether anything was provided to pupils during the 2020 summer to help pupils learn content that they missed because of the public health emergency and, if so, what was provided to pupils;
- e. recommendations for best practices for transitioning to and providing virtual instruction when schools are closed;
- f. any challenges or barriers the school board faced related to implementing virtual instruction during the public health emergency;
- g. by position type, the number of staff members who were laid off during the public health emergency;
- h. the number of lunches the school board provided during the public health emergency; and
- i. the total amount by which the school board reduced expenditures during or because of the public health emergency in each of the following categories: utilities, transportation, food service, personnel (Including reductions resulting from layoffs), and contract terminations.

Act 185 also modified the various deadlines under the regular application procedure for the full-time open enrollment program for the 2020-21 school year to extend them by one month.

Appendix A

2019 ACT 118: *The seclusion and physical restraint of pupils*

Notification and Reporting

Under Act 118, the incident report requirements apply whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on a pupil at a public school or SNSP school. Thus, under the act, the school principal must consult with the covered individuals and with any law enforcement officers present during the incident and must prepare a written report within two business days of the incident that includes the names and titles of those covered individuals and law enforcement officers.

The act expands the reporting and response requirements in two ways. First, the act requires that, in addition to preparing a written report, the school principal meet with covered individuals who participated in an incident at a public school or SNSP school to discuss: (1) the events preceding, during, and following the incident; and (2) how to prevent the need for seclusion and physical restraint.

Second, the act expands the application of the incident report requirements to include the use of seclusion or physical restraint on local educational agency (LEA) placed pupils at private schools. Thus, under the act, whenever a covered individual or a law enforcement officer uses seclusion or physical restraint on an LEA placed pupil at a private school, the private school administrator must consult with the covered individuals and with any law enforcement officers present during the incident and must prepare a written report within two business days of the incident that includes the same information that must be included in a report about an incident at a public or special needs scholarship program school. The act does not, however, require that a private school administrator also meet with covered individuals to discuss the incident and how to prevent the need for seclusion and physical restraint.

Parental Notification

Under the act, the school principal, or the private school administrator in the case of an LEA placed pupil at a private school, must notify the pupil's parent of the incident and of the availability of the written report as soon as practicable, but no later than one business day after the incident. Further, within three business days of the incident, the school principal or the private school administrator must consult with either: (1) send the report to the pupil's parent by first class mail or by electronic transmission; or (2) hand deliver the report to the pupil's parent.

Annual Reports

Under prior law, annually by September 1, each public and SNSP school principal was required to submit a report to the school's governing body that included:

- The number of incidents of seclusion and of physical restraint in the school during the previous school year.
- The total number of pupils who were involved in the incidents.
- The number of children with disabilities who were involved in the incidents.

The act requires that data about seclusion and physical restraint be reported separately and that the data regarding number of pupils involved in each type of incident be disaggregated by total number of pupils and number of children with disabilities. Thus, under the act, annually by

October 1, each public and SNSP school principal must submit a report to the school's governing body that includes:

- The number of incidents of seclusion in the school during the previous school year.
- The total number of pupils who were involved in the incidents of seclusion.
- The number of children with disabilities who were involved in the incidents of seclusion.
- The number of incidents of physical restraint in the school during the previous school year.
- The total number of pupils who were involved in the incidents of physical restraint.
- The number of children with disabilities who were involved in the incidents of physical restraint.

The act also requires that annually, by December 1, each governing body report the data that it receives about incidents of seclusion and physical restraint from each of its schools to DPI.