



Date: May 26, 2022
To: District Administrators
From: John Johnson, PhD, Deputy State Superintendent
Subject: 2021-22 Enacted Legislation Affecting Schools

The last general business floor period of the 2021-2022 legislative session ended on March 10, 2022. 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. Note that a listing of K-12 education related legislation vetoed by the Governor is attached as an appendix to this memo. For questions or additional information about legislation enacted in the 2021-2022 session, please contact Legis.Inquiry@dpi.wi.gov.

EDUCATOR LICENSURE

2021 Act 22: The practice of psychology.

[Act Text](#) [Act Memo](#)

(Enacted 3/26/21, Published 3/27/2021, Effective June 1, 2021)

Act 22 removes separate licensure status for a private practice school psychologist but allows grandfathering for renewal of a prior license in this category.

2021 Act 214: The Foundations of Reading test licensure requirement.

[Act Text](#) [Act Memo](#)

(Enacted 3/31/22, Published 4/01/22, Effective as of 4/02/22)

Act 214 allows a teacher licensure applicant to pass either the 2012 version of FORT or the most recent edition of FORT.

2021 Act 236: Substitute teacher permits issued by the Department of Public Instruction.

[Act Text](#) [Act Memo](#)

(Enacted 4/08/22, Published 4/09/22, Effective as of 4/10/22)

Act 236 requires the State Superintendent to grant a substitute teacher permit to a person who is currently in a teacher training program if the individual meets certain requirements.

For more information about substitute teacher permits, see [Substitute Licenses | Wisconsin Department of Public Instruction](https://dpi.wi.gov/licensing/apply-educator-license/substitute) [https://dpi.wi.gov/licensing/apply-educator-license/substitute]

INSTRUCTION

2021 Act 30: Incorporating the Holocaust and other genocides into the state model social studies standards and requiring instruction on the Holocaust and other genocides.

[Act Text](#) [Act Memo](#)

(Enacted 4/28/2021, Published 4/29/21, Effective as of 4/29/2021, First Applicable for the 2022-23 school year)

Act 30 requires the State Superintendent of Public Instruction to incorporate the Holocaust and other genocides into the model academic standards for social studies, and to develop a model curricula and instructional materials for students in grades 5-8 and grades 9-12. This act also requires all public schools, independent charter schools, and private schools participating in a parental choice program to provide instruction on the Holocaust and other genocides at least once in grades 5-8, and at least once in grades 9-12. All required schools must implement such instruction by July 1, 2022 (i.e., beginning with the 2022-23 school year).

More information on this requirement can be found on DPI's web site, at: [Laws & Statutes Related to Social Studies Instruction in Wisconsin | Wisconsin Department of Public Instruction](https://dpi.wi.gov/social-studies/laws) [https://dpi.wi.gov/social-studies/laws]

2021 Act 31: Creating Hmong-Lao Veterans Day.

[Act Text](#) [Act Memo](#)

(Enacted 5/14/21, Published 5/25/21, Effective as of 5/16/21)

Act 31 designates May 14 as Hmong-Lao Veterans Day and requires the Governor to annually issue a proclamation for the observance of Hmong-Lao Veterans Day, ordering the flags at the State Capitol building to be flown at half-staff, requesting that some portion of the day be used to recall the veterans' accomplishments and to thank those veterans for their service during that war, and encouraging schools to discuss Hmong military service in support of the U.S. Armed Forces.

2021 Act 90: Required subjects in a human growth and development instructional program.

[Act Text](#) [Act Memo](#)

(Enacted 11/5/21, Published 11/6/21, Effective as of 11/7/21)

Act 90 specifies that if a school district provides instruction in human growth and development, it must ensure the instruction includes an explanation of the process under s. 48.195, Stats., for relinquishing a newborn.

For more information about Wisconsin's Safe Haven law, see [Safe Haven for Newborns Information | Wisconsin Department of Children and Families](https://dcf.wisconsin.gov/cps/safehaven) [https://dcf.wisconsin.gov/cps/safehaven]

GRANTS

2021 Act 109: Grants to schools to provide critical incident mapping data to law enforcement agencies.

[Act Text](#) [Act Memo](#)

(Enacted 12/3/21, Published 12/4/21, Effective as of 12/5/21)

Act 109 allows school boards and the governing bodies of private schools to submit critical incident mapping data, in lieu of blueprints, to the relevant law enforcement agency and the Office of School Safety (OSS) within the Department of Justice (DOJ), and similarly requires the OSS to compile such data and maintain its confidentiality, subject to the exception allowing law enforcement access upon request. In addition, the act creates a DOJ grant program to assist school boards and governing bodies of private schools in submitting critical incident mapping data.

For more information about School Safety Grant administered by DOJ/OSS, see [School Safety Grants | Wisconsin Department of Justice \(state.wi.us\)](https://www.doj.state.wi.us/office-school-safety/school-safety-grants) [https://www.doj.state.wi.us/office-school-safety/school-safety-grants]

2021 Act 217: Grants to support the teaching of college courses in high schools and the Early College Credit Program.

[Act Text](#) [Act Memo](#)

(Enacted 3/31/22, Published 4/01/22, Effective as of 4/02/22)

Act 217 eliminates the June 30, 2021, sunset date for a teacher credential grant program (i.e., continues the program), which is administered by the Department of Workforce Development (DWD) under the Wisconsin Fast Forward (WFF) program. The Act also clarifies that high school students attending independent charter schools are eligible to participate in the Early College Credit Program (ECCP).

For more information about the WFF program administered by DWD, see [Wisconsin Fast Forward - Office of Skills Development](https://wisconsinfastforward.com/) [https://wisconsinfastforward.com/]

For more information about the ECCP, see [Early College Credit Program | Wisconsin Department of Public Instruction](https://dpi.wi.gov/dual-enrollment/eccp) [https://dpi.wi.gov/dual-enrollment/eccp]

SCHOOL DISTRICT OPERATIONS

2021 Act 81 : Immunization-related mail.

[Act Text](#) [Act Memo](#)

(Enacted 11/5/21, Published 11/6/21, Effective as of 11/7/21)

Act 81 requires government entities, public and private schools, certain day care providers, and health care providers, when sending mail, to ensure that any information that discloses a person's immunization status or that would otherwise allow someone to infer a person's immunization status is enclosed and sealed and not visible from the outside of the mail.

2021 Act 83: Providing information about educational options offered in a school district.

[Act Text](#) [Act Memo](#)

(Enacted 11/5/21, Published 11/6/21, Effective as of 11/7/21)

Act 83 requires public schools, including charter schools, and private schools participating in the state's parental choice program to include in their annual accountability reports a list of youth apprenticeship programs available to students.

For more information about notification requirements, see [Notification Requirements | Wisconsin Department of Public Instruction](https://dpi.wi.gov/accountability/report-cards/notification-requirements) [https://dpi.wi.gov/accountability/report-cards/notification-requirements]

2021 Act 95: Establishing the Wisconsin commission for the United States semiquincentennial (events in schools).

(Enacted 12/3/21, Published 12/4/21, Effective as of 12/5/21)

[Act Text](#) [Act Memo](#)

Under Act 95, among other duties, the Commission must plan and prepare educational events and opportunities relating to the semiquincentennial for use by public, private, and tribal elementary and secondary schools, and provide informational materials about those events and opportunities to the DPI for distribution to those schools. Each public elementary or secondary school, including each charter school, is required under the Act to provide at least one event or opportunity to pupils in the 2025-26 school year.

2021 Act 210: Information about sudden cardiac arrest during youth athletic activities.

[Act Text](#) [Act Memo](#)

(Enacted 3/29/22, Published 3/30/22, Effective as of 3/31/22, First Applicable for the 2022-23 school year)

Act 210 requires DPI to develop an information sheet that can be used to educate coaches, athletes, and parents about the nature and risk of sudden cardiac arrest during youth athletic activities. The information sheet must specifically include information about electrocardiogram testing and the risks of continuing to participate in a youth athletic activity after experiencing symptoms of sudden cardiac arrest.

For all youth athletic activities offered to persons who are 12 years of age or older, information about sudden cardiac arrest must be included in the information sheet detailing the risks of concussions and head injuries. Consistent with current law, this information sheet must be signed and returned before an athlete can participate in the athletic season. The updated information sheet containing information about sudden cardiac arrest must be distributed to athletes and coaches starting with any youth athletic activity season beginning on or after July 1, 2022 (i.e., the 2022-23 school year).

2021 Act 213: Special observance days in schools.

[Act Text](#) [Act Memo](#)

(Enacted 3/31/22, Published 4/01/22, Effective as of 4/02/22)

Act 213 adds September 11, a day to remember the attacks that occurred on September 11, 2001, and to honor law enforcement officers and fire fighters.

For more information about special observation days in schools, see [Observance Days | Wisconsin Department of Public Instruction](https://dpi.wi.gov/social-studies/laws/observance-days) [<https://dpi.wi.gov/social-studies/laws/observance-days>]

OPEN ENROLLMENT APPLICATION (VIRTUAL PROGRAMS)

2021 Act 18: Full-time open enrollment to attend a fully virtual program offered by a nonresident school district during the 2021-22 school year.

[Act Text](#) [Act Memo](#)

(Enacted 3/26/21, Published 3/26/2021, Effective as of 3/28/21)

2021 Wisconsin Act 18 clarifies that, for the 2021-22 school year, nonresident students may attend a fully virtual program provided by a nonresident school district under full-time open enrollment. Additionally, during the 2021-22 school year, the location of a fully virtual program is the school

district governed by the school board offering the program or the school district in which the charter school offering the program is located.

2021 Act 19: Applications for full-time open enrollment.

[Act Text](#) [Act Memo](#)

(Enacted 3/26/21, Published 3/27/21, Effective as of 3/28/21)

Prior law prohibited a student from applying to more than three nonresident school districts in a single school year. Act 19 provides that applications to attend a virtual charter school in a nonresident school district are not counted toward the three-application limit.

DPI OPERATIONS

2021 Act 56: DPI's waiver authority related to parental choice programs, the Special Needs Scholarship Program, and independent charter schools.

[Act Text](#) [Act Memo](#)

(Enacted 6/29/21, Published 6/30/21, Effective as of 7/1/21)

Previously, 2019 Act 185 authorized DPI to waive any requirement in Wis. Stats. chapters 115 through 121, and the administrative rules related to a parental choice program, the Special Needs Scholarship Program (SNSP), a private school participating in either of those programs (private choice schools), or an independent charter school (ICS), for the period of time beginning March 12, 2020, and ending October 31, 2020. This Act (2021 Act 56) extends the length of time DPI may exercise this authority to October 31, 2021, but also limits DPI's waiver authority for SNSP and private choice schools, and for ICS, to prohibit DPI from granting any waiver related any of the following: pupil assessments required under state law, including the standardized reading test schools are required to administer in the third grade; and maintenance of pupil records.

2021 Act 89: Making school district and school financial information available to the public.

[Act Text](#) [Act Memo](#)

(Enacted 11/5/21, Published 11/6/21, Effective as of 11/7/21)

Act 89 requires the DPI to create an online portal that displays financial data collected from all school districts, county children with disabilities education boards, and independent charter schools and make this portal available beginning in the 2023-24 school year.

2021 Act 212: Measuring a school district's improvement for the school and school district accountability report.

[Act Text](#) [Act Memo](#)

(Enacted 3/31/22, Published 4/01/22, Effective as of 4/02/22, First Applicable for the 2022-23 school year report)

Under Act 212, when calculating a school district's improvement score, DPI must exclude data from any juvenile detention facility, secured residential care center for children and youth, house of correction, or county jail located in the school district if 50 percent or more of the total students residing in a facility during the relevant school year do not reside there for the entire school year. The act first applies to the accountability report published for the 2022-23 school year.

For more information about school accountability reports, see [Report Cards Home | Wisconsin Department of Public Instruction](#) [<https://dpi.wi.gov/accountability/report-cards/notification-requirements>]

2021 Act 215: Administration of the online early learning pilot program in the 2022-23 school year.

[Act Text](#) [Act Memo](#)

(Enacted 3/31/22, Published 4/01/22, Effective as of 4/01/22, First Applicable for 2022-23 school year)

Act 215 allows the service provider, during the 2022-23 school year, to extend administration of the program to low-income children in school districts other than those specified under 2019 Act 170, after giving first preference to low-income children who reside in the school districts specified in Act 170.

For more information about the Waterford UPSTART program, see: [Wisconsin Upstart Program - Waterford.org](#) [<https://www.waterford.org/upstart/wisconsin-upstart/>]

MISCELLANEOUS

2021 Act 34: Allowing a pupil enrolled in a home-based private educational program to serve as an election inspector.

[Act Text](#) [Act Memo](#)

(Enacted 5/21/21, Published 5/22/21, Effective as of 5/23/21)

Wisconsin Act 34 allows a student enrolled in a home-based private educational program (homeschooled) to serve as a poll worker if the student meets the same criteria that apply to other students under current law.

2021 Act 144: Exempting cooperative educational service agency employees from wage payment frequency requirements.

[Act Text](#) [Act Memo](#)

(Enacted 3/4/21, Published 3/5/22, Effective as of 3/6/22)

Under prior law, all employers are required to generally pay each of their employees at least monthly for their services performed in the preceding 31 days. There is an exception to this requirement for school district and private school employees, such that those employees may elect to be paid over a 12-month period for services performed during the school year. Act 144 adds employees of Cooperative Educational Services Agencies to this exception.

2021 Act 219: Payments to an independent charter school authorized by a tribal college.

[Act Text](#) [Act Memo](#)

(Enacted 4/08/22, Published 4/09/22, Effective as of 4/10/22)

Act 219 provides that independent charter schools authorized by tribal colleges receive the same per pupil payment amount as other independent charter schools.