



Date: May 16, 2024
To: District Administrators
From: Tom McCarthy, Associate Deputy State Superintendent
Office of the State Superintendent
Subject: 2023-24 Enacted Legislation Affecting Schools

The last general business floor period of the 2023-24 legislative session ended on April 11, 2024 (proposals that had not been enrolled or signed into law were adversely disposed on April 15, 2024). Below is a summary of K-12 education-related bills enacted in this session, along with links to the text of each act and available Legislative Council summary memos (LC Memo). Note that a listing of K-12 education related legislation vetoed by the Governor is attached as the Appendix to this memo. For questions or additional information about legislation enacted in the 2023-24 session, please contact Legis.Inquiry@dpi.wi.gov.

EDUCATOR LICENSURE

2023 Act 196: A tier I license issued by the Department of Public Instruction (changes administrative rule PI 34)

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

(Effective date: May 1, 2024)

This bill allows the State Superintendent to issue a tier I license to an applicant who holds a license in specific mental health-related fields, as described in the LC Memo. The two-year, renewable tier 1 license created under Act 196 authorizes a license holder to work as a clinically trained mental health professional but does not authorize the license holder to work as a school social worker or a school counselor. *See the Act Memo (above) for further details.*

2023 Act 197: An alternative teacher certification program for an initial license to teach

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

(Effective date: March 2, 2024)

Current law directs DPI to grant an initial license to teach to an individual who possesses a bachelor's degree, passes a background check, and has completed an alternative teacher certification program operated by a nonstock, nonprofit organization described under s. 501 (c) (3) of the Internal Revenue Code and that meets other criteria specified in state law. This Act removes the requirement that the organization be a nonstock, nonprofit organization. *See the Act Memo (above) for further details.*

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More information about educator licensing: [Leading Forward: Licensing | Wisconsin Department of Public Instruction](#) and [Licensing Pathways](#)

Refer to the [Appendix](#) for bills related to educator licensure that were vetoed by the Governor (Senate Bills 335, 608, and 917).

EARLY LITERACY INSTRUCTION

2023 Act 20: Office of Literacy and Early Literacy Reading Instruction

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

(Effective date: July 21, 2023)

Act 20 creates an Office of Literacy, known as the Wisconsin Reading Center (WCR), within DPI to carry out responsibilities relating to early literacy outcomes. The act also makes various changes relating to early literacy instruction, curriculum, assessment, intervention, and teacher licensing and preparation. *See the Act Memo (above) for further details.*

2023 Act 100: Funding for Early literacy programs administered by the DPI (related to Act 20)

[Act Text](#) [Act Memo](#) [Partial Veto Message](#)

(Effective date: March 2, 2024)

Act 100 creates a state appropriation for the Office of Literacy to support the literacy programs and related activities required under 2023 Act 20. *See the Act Memo (above) for further details.*

NOTE: *the Legislature has filed a lawsuit against the Governor's partial veto of Act 100 arguing it is unconstitutional. Regardless of the outcome of that action, schools are still required to comply with the requirements under Act 20.*

2023 Act 192: Mandatory early literacy professional development (related to Act 20)

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

(Effective date: March 24, 2024)

Under Act 192, certain training offered by a cooperative educational service agency (CESA) satisfies the Act 20 professional development training requirement, if the training was provided by CESA 6, 8, or 9, was provided after May 1, 2021, and before July 1, 2024, and the CESA provided training on science-based early reading instruction. *See the Act Memo (above) for further details.*

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NOTE: Act 192 does not change the timeframe established under Act 20 pertaining to required professional development training: school are required to ensure that by **July 1, 2025**, existing staff in schools teaching pupils in grades K-3 receive the professional development training specified in Act 20 (or within six months for individuals who begin working between January 1 and July 1, 2025).

More information about Act 20 and related legislation: [Wisconsin Reads | Wisconsin Department of Public Instruction](#).

INSTRUCTION (OTHER SUBJECTS)

2023 Act 60: Requiring one-half credit of personal financial literacy for high school graduation

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

(Effective date: December 8, 2023; first applies to students graduating from high school in 2028)

Act 60 creates an additional requirement for students to complete at least 0.5 credit of personal financial literacy. The course must include financial mindset, education and employment, money management, saving and investing, credit and debt, and risk management and insurance. *See the Act Memo (above) for further details.*

More information about financial literacy education: [Personal Financial Literacy | Wisconsin Department of Public Instruction](#)

2023 Act 160: Driver Education Instruction related to Work Zone Safety

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

(Effective date: March 23, 2024)

Act 160 requires all approved driver education courses to acquaint students with the hazards posed by highway work zones and provide at least 30 minutes of instruction in safely dealing with these hazards (materials determined by Dept. of Transportation). *See the Act Memo (above) for further details.*

More information about driver education: [Alcohol/Traffic Safety and Driver Education | Wisconsin Department of Public Instruction](#)

2023 Act 266: Directing school boards to provide instruction on Hmong Americans and Asian Americans

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

(Effective date: April 6, 2024)

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State law, under [Wis. Stat. sec. 118.01\(2\)\(c\)8](#), requires public schools to provide an instructional program at all grade levels designed to give students an understanding of human relations, particularly with regard to American Indians, Black Americans, and Hispanics. Act 266 adds Hmong Americans and Asian Americans to this list. *See the Act Memo (above) for further details.*

More information: [Teaching and Learning Team Staff | Wisconsin Department of Public Instruction](#) (contact Laura Roeker, Director).

GRANT PROGRAMS

2023 Act 72: Grant program for recovery high schools

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

(Effective date: December 8, 2023)

Act 72 creates a program to provide grants to recovery high schools. A recovery high school is a public, private, or tribal high school specifically designed for students in recovery from a substance use disorder. A recovery high school must either award high school credits that count towards a high school diploma awarded by the school or high school credits that will transfer and count towards a high school diploma awarded by a school district. While Act 72 did not include funding for the new program, the Legislative Joint Committee on Finance (JCF) set aside \$500,000 GPR annually in a supplemental appropriation for this new grant program. *See the Act Memo (above) for further details.*

More information about the Recovery High School Grant: [Student Services/Prevention and Wellness Team Directory | Wisconsin Department of Public Instruction](#) (contact Susan Piazza, Director)

2023 Act 86: Driver education grant program

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

(Effective Date December 8, 2023)

Act 86 directs the Department of Transportation (DOT) to establish and administer a driver education grant program to award grants to providers of driver education courses for classroom instruction, behind-the-wheel instruction, or both. The following providers may receive a grant: a public school providing a course approved by DOT or DPI; a technical college providing a course approved by the board of the Wisconsin Technical College System; a nonpublic, private, or tribal school providing a course that meets minimum standards set by DPI; or a driver school licensed by DOT. Under 2023 Act 19 (2023-25 state biennial budget) \$6,000,000 was appropriated annually to fund this grant program, in the appropriation under [s. 20.395 \(5\)\(eq\)](#), Wis. Stats. *See the Act Memo (above) for further details.*

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More information: this new driver education grant program is administered by the [Wisconsin Department of Transportation](#). The statute that creates this grant program is [s. 85.27](#), Wis. Stats.

2023 Act 165: Technical education equipment grants

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

(Effective date: March 23, 2024)

Act 165 expands the Technical Education Equipment Grant program, administered by the Department of Workforce Development (DWD) as part of the Wisconsin Fast Forward program. Under prior law, the grant could be used only to purchase allowable equipment; the act expands purposes for which the grant may be used to include enhancing or improving technical education facilities. Act 165 also increases the maximum grant award from \$50,000 to \$100,000, allows a consortium of school districts to receive the grants under certain conditions, and varies the amount of matching funds required to depend on whether the funds are from private or public sources. *See the Act Memo (above) for further details.*

More information about Technical Education Equipment Grants: [Wisconsin Fast Forward Grants](#)

SCHOOL DISTRICT ADMINISTRATION/OPERATIONS

2023 Act 12: Reporting incidents that occur on school grounds/transportation (part of the Shared Revenue bill)

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

(The act generally takes effect on June 22, 2024, with exceptions)

Act 12 requires public high schools, including independent charter schools (ICS), and private high schools that participate in a choice program, to collect and maintain statistics regarding specific types of incidents that occur on school grounds and/or school transportation, during normal school hours or during school-sponsored events that occur before or after normal school hours. The requirement applies to incidents reported to law enforcement and results in filing a charge or citation. Specified incidents include:

- Homicide.
- Sexual assault.
- Burglary, robbery, or theft.
- Certain types of battery, substantial battery, or aggravated battery.

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- Arson.
- Use or possession of alcohol, a controlled substance, or a controlled substance analog.
- Possession of a firearm in violation of the gun-free school zones law.
- Disorderly conduct in violation of a municipal ordinance.

Under Act 12, each high school of a school district is required to report the statistics to the district's school board. School boards and the governing bodies of ICS and private choice schools operating a high school must report those statistics annually to DPI.

The act requires DPI to promulgate rules to administer the reporting requirements, and that the rule includes a requirement that the reporting system incorporates the uniform crime reporting system, in cooperation with the Department of Justice (DOJ). The act also requires DPI to include certain statistics at the school, school district, and statewide level, and to include the statistics in school accountability reports (i.e., report cards). However, the act prohibits DPI from considering the statistics when determining a school's performance or school district's improvement for the report card. *See the Act Memo (above) for further details.*

DPI continues to work with DOJ to reduce the burden on schools associated with the new reporting requirements enshrined in Act 12. Guidance is forthcoming to help schools navigate this complex new law.

More information about incident reporting: contact [Tom McCarthy](#), Associate Deputy State Superintendent.

2023 Act 26: Volunteer school bus drivers

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

(Effective date: August 6, 2023)

Act 26 creates another exception to the doctrine of incompatibility of offices that allows a school board member to serve as a volunteer bus driver. Under the act, a school board member who serves as a volunteer bus driver must satisfy all of the following criteria: be authorized by the Department of Transportation to drive a school bus; hold a valid commercial driver license; not receive any compensation for serving as a volunteer bus driver; and agree to abstain from voting on any issue before the school board that substantially and directly concerns the school bus drivers. *See the Act Memo (above) for further details.*

More information about school board operations: [School Board Operations | Wisconsin Department of Public Instruction](#)

2023 Act 95-Guaranteed admission to University of Wisconsin System institutions and technical colleges and requiring high schools to prepare class rankings for certain pupils.

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

(Effective date: February 22, 2024. The class ranking provisions first apply to the 2024-25 school year and the guaranteed admissions provisions first apply to admissions for the 2025-26 academic year.)

The act requires school boards, charter school operators, and governing bodies of private schools and tribal schools that operate high schools with at least 15 pupils in each class to prepare a class ranking of pupils at the end of 11th grade. Under Act 95, the class ranking must be made solely on the basis of a pupil's grade point average.

Each class ranking must identify those pupils who rank in the top five percent of their high school class and those pupils who rank in the top 10 percent of their high school class. The school must then notify each pupil ranked in the top 10 percent of the pupil's high school class that the pupil is ranked, as applicable, in the top five percent or in the top 10 percent of the pupil's high school class and include the appropriate ranking on the pupil's high school transcript as of the pupil's completion of grade 11. *See the Act Memo (above) for further details.*

More information about Act 95 requirements pertaining to K-12 schools: contact [Tacara Lovings](#), Policy Initiatives Advisor (DPI, Office of the State Superintendent).

More information about guaranteed admission to University of Wisconsin schools: [The Wisconsin Guarantee | Universities of Wisconsin](#)

2023 Act 198: The definition of “strip search” for the purpose of the prohibition against strip-searching a pupil.

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

(Effective date: March 24, 2024)

2023 Act 198 modifies definitions is current law pertaining to strip search for the purpose of prohibiting the strip-search of a pupil (defines “private area” as naked or underwear-clad).

2023 Act 200: Sexual misconduct against a pupil by a school staff

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

(Effective date: March 24, 2024)

Act 200 creates a new crime prohibiting sexual misconduct by a school staff member or volunteer against a pupil. The act also adds certain crimes, including the new crime of sexual

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misconduct by school staff, to the list of crimes under state law that result in automatic revocation of licenses issued by the State Superintendent of Public Instruction, and further requires permanent revocation of such licenses if a licensee is convicted of certain crimes. See the Act Memo (above) for further details.

Refer to the [Appendix](#) for bills related to school district administration/operations that were vetoed by the Governor (Assembly Bills 510 and 377; Senate Bills 549 and 688).

Student Health and Wellness

2023 Act 27: Epinephrine delivery system

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

(Effective date: August 6, 2023)

Act 27 authorizes, but **does not require**, the use of an epinephrine delivery system in the same manner as previously authorized for an epinephrine auto-injector and a prefilled syringe. The act defines epinephrine delivery system to mean a device that contains a premeasured dose of epinephrine, and that is used to administer epinephrine into the human body to prevent or treat a life-threatening allergic reaction.

The epinephrine delivery system must be approved by the FDA (Food and Drug Administration). The act also removes references to “epinephrine auto-injector” and “prefilled syringe” in the same statutes. *See the Act Memo (above) for further details.*

2023 Act 193: Ready-to-use glucagon rescue therapies in schools

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

(Effective date: March 24, 2024)

2023 Wisconsin Act 193 creates an option for, but **does not require**, a school district, independent charter school, private school, or tribal school to obtain a prescription from a physician, advanced practice nurse prescriber, or physician assistant, and to have on hand “undesigned glucagon”. “Undesignated glucagon” means glucagon approved by the federal Food and Drug Administration for the treatment of severe hypoglycemia in a dosage form that can be rapidly administered to a patient with diabetes in a hypoglycemic emergency that is prescribed in the name of a school or school district). *See the Act Memo (above) for further details.*

2023 Act 194: Immunity from liability for administering an opioid antagonist

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

(Effective date: March 24, 2024)

2023 Wisconsin Act 194 grants civil immunity to schools, school personnel, and medical professionals who provide or administer an opioid antagonist. Act 194 **does not require** that schools stock and keep on hand an opioid antagonist. The immunity applies regardless of whether a student's parent or guardian or the student's physician, advanced practice nurse prescriber, or physician assistant gave authorization. However, civil immunity does not apply if the injury is the result of an act or omission that constitutes gross negligence or willful or wanton misconduct. *See the Act Memo (above) for further details.*

2023 Act 195: The supply and use of short-acting bronchodilators on school premises or at a school-sponsored event

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

(Effective date: March 24, 2024)

2023 Wisconsin Act 195 authorizes, but **does not require**, a public, private, or tribal school to obtain, and to provide or administer, a short-acting bronchodilator to a student with a prescription or to a person in respiratory distress. *See the Act Memo (above) for further details.*

More information about school health services: [School Nursing and Health Services | Wisconsin Department of Public Instruction](#)

APPENDIX

VETOED BILLS RELATING TO K-12 EDUCATION (2023-24 LEGISLATIVE SESSION)

2023 Assembly Bill 510

Relating to rights reserved to a parent or guardian of a child. [Veto Message](#)

2023 Assembly Bill 377

Relating to designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the sex of the participants. [Veto Message](#)

2023 Senate Bill 335

Relating to allowing school boards to employ a school district administrator who is not licensed by the department of public instruction. [Veto Message](#)

2023 Senate Bill 549

Relating to allowing representatives of certain federally chartered youth membership organizations to provide information to pupils on public school property. [Veto Message](#)

Senate Bill 608

Relating to a license to teach based on working as a paraprofessional in a school district. (FE) [Veto Message](#)

Senate Bill 688

Relating to local government competitive bidding thresholds and requiring school districts to utilize competitive bidding. [Veto Message](#)

Senate Bill 917

Relating to student teaching requirement for teacher preparatory programs and granting rule-making authority. [Veto Message](#)

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