

LEGAL UPDATES

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Service

K-12 Education

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2019 Wisconsin Act 185: K-12 Education Provisions

On April 15, 2020, Governor Evers signed into law the 2019 Wisconsin Act 185 with bipartisan support, a state response to the COVID-19 pandemic enacting certain provisions implemented in previously issued emergency orders.

Several of the provisions focus on easing burdens imposed on healthcare providers and accessing federal funding impacting the healthcare industry. Key provisions relate to healthcare regulatory, health insurance, unemployment, K-12 education, food and personal care return, and property tax.

The Act contains several items affecting public education in Wisconsin.

State testing

The Act suspends required state testing for the 2019-2020 school year. Under current law, pupils are given the annual reading test in the 3rd grade, as well as assessments adopted by the State Superintendent in the 4th, 8th, 9th, 10th and 11th grades.

Under the Act, school boards and operators of independent charter schools established under s.118.40 (2r) may not consider pupil performance on statewide assessments and may not include pupil performance on those assessments in the evaluation score assigned to a teacher or principal under the educator effectiveness evaluation system.

The Act modifies statutory language under the Opportunity Schools and Partnership Program (OSPP) to accommodate the one-year lapse in the administration of statewide assessments and the publishing of accountability reports. Currently, a school district is subject to an OSPP if it is placed in the lowest performance category in the school district accountability reports published in the three previous school years.

Report cards

The Act also prohibits the Department of Public Instruction (DPI) from issuing state school and district report cards in the 2020-2021 school year. Under the current law, DPI is required to publish accountability reports annually no later than November 30. The report cards issued each fall are based on data from assessments administered the previous spring.

Enrollment timelines

Timelines for the state's full-time open enrollment program were also affected by the Act. The various deadlines under the regular application procedure for the full-time open enrollment program for the 2020-2021 school year have been extended by about one month.

Closure and transition

In a non-statutory provision, the Act requires DPI to publish a report on school operations during the period school was closed due to COVID-19. School boards in Wisconsin are required to provide DPI with information about their experiences during the closure by November 1, 2020. DPI will compile the information from school boards to make a report to the legislature by January 1, 2021.

DPI is also required under the Act to provide guidance on best practices relating to transitioning from virtual to in-person instruction. This guidance must be posted on the DPI website no later than June 30, 2020.

Comprehensive CARES Act and COVID-19 guidance

Husch Blackwell's CARES Act resource team helps clients identify available assistance using industry-specific updates on changing agency rulemakings. Our COVID-19 response team provides clients with an online legal Toolkit to address challenges presented by the coronavirus outbreak, including rapidly changing orders on a state-by-state basis. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.