



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3554/1
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2023 ASSEMBLY BILL 305

June 9, 2023 - Introduced by Representative VOS, cosponsored by Senators STROEBEL, HUTTON and JAGLER. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 115.7915 (4m) (a) 2. b., 118.40 (2r) (e) 2p. (intro.), 118.60 (4)
2 (bg) 3., 118.60 (4) (bg) 5. a., 118.60 (4) (bg) 5. b., 119.23 (4) (bg) 3., 119.23 (4) (bg)
3 5. a. and 119.23 (4) (bg) 5. b.; and **to create** 121.905 (1) (b) 8. of the statutes;
4 **relating to:** increasing the per pupil payments in parental choice programs
5 and the Special Needs Scholarship program and the per pupil payments made
6 to independent charter schools and increasing the revenue ceiling for school
7 districts.

Analysis by the Legislative Reference Bureau

Current law generally limits the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year. This limit is known as a school district's revenue limit. Current law provides a minimum per pupil revenue limit for school districts, known as the "revenue ceiling." Under current law, the revenue ceiling is \$10,000 in the 2020-21 school year and each school year thereafter. This bill increases the revenue ceiling to \$11,000 for the 2023-24 school year and each school year thereafter.

Under current law, the per pupil payment amounts under the Milwaukee Parental Choice Program, the Racine Parental Choice Program, the Wisconsin Parental Choice Program, and the Special Needs Scholarship Program and the per pupil payment amount paid to independent charter schools (collectively "per pupil

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payments”) are adjusted annually. The annual adjustment adds to the per pupil payment amount received for the previous school year an amount equal to the sum of any per member revenue limit increase that applies to school districts in the current school year and any per member increase in categorical aids between the current school year and the previous school year. Beginning in the 2024-25 school year, the annual adjustment described above also includes the change in the revenue ceiling, if positive, except for the annual adjustment for a payment under a parental choice program for a pupil enrolled in kindergarten to grade 8, which includes 90 percent of the change in the revenue ceiling, if positive.

Additionally, in the 2023-24 school year, this bill adds the following amounts to the per pupil adjustment formula:

1. For the per pupil payment amount under the MPCP, RPCP, and WPCP for pupils enrolled in grades kindergarten to eight, 10 percent of the revenue ceiling for the 2023-24 school year.

2. For the per pupil payment amount under the MPCP, RPCP, and WPCP for pupils enrolled in grades nine to 12, 26.8 percent of the revenue ceiling for the 2023-24 school year.

3. For the per pupil payment amount paid to independent charter schools, 15.7 percent of the revenue ceiling for the 2023-24 school year.

4. For the per pupil payment amount under the SNSP, 14.5 percent of the revenue ceiling for the 2023-24 school year.

Because the per pupil adjustment formula includes the amount received in the previous school year, the amounts added in the 2023-24 school year will be included in the per pupil amounts for the 2024-25 school year.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 115.7915 (4m) (a) 2. b. of the statutes is amended to read:
2 115.7915 (**4m**) (a) 2. b. Beginning in the 2018-19 school year and subject to
3 subd. 3., the sum of the scholarship amount under this subdivision for the previous
4 school year; the amount of the per pupil revenue limit adjustment under s. 121.91
5 (2m) for the current school year, if positive; and the change in the amount of
6 statewide categorical aid per pupil between the previous school year and the current
7 school year, as determined under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24

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1 school year, 14.5 percent of the revenue ceiling, as defined in s. 121.905 (1), for that
2 school year.

3 **SECTION 2.** 115.7915 (4m) (a) 2. b. of the statutes, as affected by 2023 Wisconsin
4 Act (this act), is amended to read:

5 115.7915 (**4m**) (a) 2. b. Beginning in the 2018-19 school year and subject to
6 subd. 3., the sum of the scholarship amount under this subdivision for the previous
7 school year; the amount of the per pupil revenue limit adjustment under s. 121.91
8 (2m) for the current school year, if positive; and the change in the revenue ceiling,
9 as defined in s. 121.905 (1), between the previous school year and current school year,
10 if positive; the change in the amount of statewide categorical aid per pupil between
11 the previous school year and the current school year, as determined under s. 118.40
12 (2r) (e) 2p., if positive; and in the 2023-24 school year, 14.5 percent of the revenue
13 ceiling, as defined in s. 121.905 (1), for that school year.

14 **SECTION 3.** 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

15 118.40 (**2r**) (e) 2p. (intro.) In the 2015-16 school year and in each school year
16 thereafter, for a pupil attending a charter school established by or under a contract
17 with an entity under par. (b) 1., from the appropriation under s. 20.255 (2) (fm), the
18 department shall pay to the operator of the charter school an amount equal to the
19 sum of the amount paid per pupil under this paragraph in the previous school year;
20 the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
21 current school year, if positive; and the change in the amount of statewide categorical
22 aid per pupil between the previous school year and the current school year, if positive;
23 and in the 2023-24 school year, 15.7 percent of the revenue ceiling, as defined in s.
24 121.905 (1), for that school year. The change in the statewide categorical aid per
25 pupil shall be determined as follows:

ASSEMBLY BILL 305**SECTION 4**

1 **SECTION 4.** 118.40 (2r) (e) 2p. (intro.) of the statutes, as affected by 2023
2 Wisconsin Act (this act), is amended to read:

3 118.40 **(2r)** (e) 2p. (intro.) In the 2015-16 school year and in each school year
4 thereafter, for a pupil attending a charter school established by or under a contract
5 with an entity under par. (b) 1., from the appropriation under s. 20.255 (2) (fm), the
6 department shall pay to the operator of the charter school an amount equal to the
7 sum of the amount paid per pupil under this paragraph in the previous school year;
8 the amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
9 current school year, if positive; and the change in the revenue ceiling, as defined in
10 s. 121.905 (1), between the previous school year and current school year, if positive;
11 the change in the amount of statewide categorical aid per pupil between the previous
12 school year and the current school year, if positive; and in the 2023-24 school year,
13 15.7 percent of the revenue ceiling, as defined in s. 121.905 (1), for that school year.
14 The change in the statewide categorical aid per pupil shall be determined as follows:

15 **SECTION 5.** 118.60 (4) (bg) 3. of the statutes is amended to read:

16 118.60 **(4)** (bg) 3. In the 2015-16 school year and in each school year thereafter,
17 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
18 the private school during a school term, except as provided in subd. 5., the state
19 superintendent shall pay to the private school in which the pupil is enrolled on behalf
20 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an
21 amount equal to the sum of the maximum amount per pupil the state superintendent
22 paid a private school under this section in the previous school year for the grade in
23 which the pupil is enrolled; in the 2023-24 school year, if the pupil is enrolled in a
24 grade from kindergarten to 8, 10 percent of the revenue ceiling, as defined in s.
25 121.905 (1), for that school year; the amount of the per pupil revenue adjustment

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1 under s. 121.91 (2m) for the current school year, if positive; and the change in the
2 amount of statewide categorical aid per pupil between the previous school year and
3 the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive; and in
4 the 2023-24 school year, if the pupil is enrolled in a grade from 9 to 12, 26.8 percent
5 of the revenue ceiling, as defined in s. 121.905 (1), for that school year.

6 **SECTION 6.** 118.60 (4) (bg) 3. of the statutes, as affected by 2023 Wisconsin Act
7 (this act), is amended to read:

8 118.60 (4) (bg) 3. In the 2015-16 school year and in each school year thereafter,
9 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
10 the private school during a school term, except as provided in subd. 5., the state
11 superintendent shall pay to the private school in which the pupil is enrolled on behalf
12 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an
13 amount equal to the sum of the maximum amount per pupil the state superintendent
14 paid a private school under this section in the previous school year for the grade in
15 which the pupil is enrolled; in the 2023-24 school year, if the pupil is enrolled in a
16 grade from kindergarten to 8, 10 percent of the revenue ceiling, as defined in s.
17 121.905 (1), for that school year; the amount of the per pupil revenue adjustment
18 under s. 121.91 (2m) for the current school year, if positive; and 90 percent of the
19 change in the revenue ceiling, as defined in s. 121.905 (1), between the previous
20 school year and current school year, if positive, if the pupil is enrolled in a grade from
21 kindergarten to 8, or if the pupil is enrolled in a grade from 9 to 12, the change in the
22 revenue ceiling, as defined in s. 121.905 (1), between the previous school year and
23 current school year, if positive; the change in the amount of statewide categorical aid
24 per pupil between the previous school year and the current school year, as
25 determined under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year,

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1 if the pupil is enrolled in a grade from 9 to 12, 26.8 percent of the revenue ceiling, as
2 defined in s. 121.905 (1), for that school year.

3 **SECTION 7.** 118.60 (4) (bg) 5. a. of the statutes is amended to read:

4 118.60 (4) (bg) 5. a. Multiply the number of pupils participating in the program
5 who are enrolled in the private school in any grade between kindergarten to 8 by the
6 sum of the maximum amount per pupil the state superintendent paid a private
7 school under this section in the previous school year for the grade in which the pupil
8 is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for
9 the current school year, if positive; and the change in the amount of statewide
10 categorical aid per pupil between the previous school year and the current school
11 year, as determined under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school
12 year, 10 percent of the revenue ceiling, as defined in s. 121.905 (1), for that school
13 year.

14 **SECTION 8.** 118.60 (4) (bg) 5. a. of the statutes, as affected by 2023 Wisconsin
15 Act (this act), is amended to read:

16 118.60 (4) (bg) 5. a. Multiply the number of pupils participating in the program
17 who are enrolled in the private school in any grade between kindergarten to 8 by the
18 sum of the maximum amount per pupil the state superintendent paid a private
19 school under this section in the previous school year for the grade in which the pupil
20 is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for
21 the current school year, if positive; and 90 percent of the change in the revenue
22 ceiling, as defined in s. 121.905 (1), between the previous school year and current
23 school year, if positive; the change in the amount of statewide categorical aid per
24 pupil between the previous school year and the current school year, as determined

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1 under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year, 10 percent of
2 the revenue ceiling, as defined in s. 121.905 (1), for that school year.

3 **SECTION 9.** 118.60 (4) (bg) 5. b. of the statutes is amended to read:

4 118.60 (4) (bg) 5. b. Multiply the number of pupils participating in the program
5 who are enrolled in the private school in any grade between 9 to 12 by the sum of the
6 maximum amount per pupil the state superintendent paid a private school under
7 this section in the previous school year for the grade in which the pupil is enrolled;
8 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
9 school year, if positive; and the change in the amount of statewide categorical aid per
10 pupil between the previous school year and the current school year, as determined
11 under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year, 26.8 percent
12 of the revenue ceiling, as defined in s. 121.905 (1), for that school year.

13 **SECTION 10.** 118.60 (4) (bg) 5. b. of the statutes, as affected by 2023 Wisconsin
14 Act (this act), is amended to read:

15 118.60 (4) (bg) 5. b. Multiply the number of pupils participating in the program
16 who are enrolled in the private school in any grade between 9 to 12 by the sum of the
17 maximum amount per pupil the state superintendent paid a private school under
18 this section in the previous school year for the grade in which the pupil is enrolled;
19 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
20 school year, if positive; and the change in the revenue ceiling, as defined in s. 121.905
21 (1), between the previous school year and current school year, if positive; the change
22 in the amount of statewide categorical aid per pupil between the previous school year
23 and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive; and
24 in the 2023-24 school year, 26.8 percent of the revenue ceiling, as defined in s.
25 121.905 (1), for that school year.

ASSEMBLY BILL 305**SECTION 11**

1 **SECTION 11.** 119.23 (4) (bg) 3. of the statutes is amended to read:

2 119.23 (4) (bg) 3. In the 2015-16 school year and in each school year thereafter,
3 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
4 the private school during a school term, except as provided in subd. 5., the state
5 superintendent shall pay to the private school in which the pupil is enrolled on behalf
6 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an
7 amount equal to the sum of the maximum amount per pupil the state superintendent
8 paid a private school under this section in the previous school year for the grade in
9 which the pupil is enrolled; in the 2023-24 school year, if the pupil is enrolled in a
10 grade from kindergarten to 8, 10 percent of the revenue ceiling, as defined in s.
11 121.905 (1), for that school year; the amount of the per pupil revenue adjustment
12 under s. 121.91 (2m) for the current school year, if positive; and the change in the
13 amount of statewide categorical aid per pupil between the previous school year and
14 the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive; and in
15 the 2023-24 school year, if the pupil is enrolled in a grade from 9 to 12, 26.8 percent
16 of the revenue ceiling, as defined in s. 121.905 (1), for that school year.

17 **SECTION 12.** 119.23 (4) (bg) 3. of the statutes, as affected by 2023 Wisconsin Act
18 (this act), is amended to read:

19 119.23 (4) (bg) 3. In the 2015-16 school year and in each school year thereafter,
20 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in
21 the private school during a school term, except as provided in subd. 5., the state
22 superintendent shall pay to the private school in which the pupil is enrolled on behalf
23 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an
24 amount equal to the sum of the maximum amount per pupil the state superintendent
25 paid a private school under this section in the previous school year for the grade in

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1 which the pupil is enrolled; in the 2023-24 school year, if the pupil is enrolled in a
2 grade from kindergarten to 8, 10 percent of the revenue ceiling, as defined in s.
3 121.905 (1), for that school year; the amount of the per pupil revenue adjustment
4 under s. 121.91 (2m) for the current school year, if positive; and 90 percent of the
5 change in the revenue ceiling, as defined in s. 121.905 (1), between the previous
6 school year and current school year, if positive, if the pupil is enrolled in a grade from
7 kindergarten to 8, or if the pupil is enrolled in a grade from 9 to 12, the change in the
8 revenue ceiling, as defined in s. 121.905 (1), between the previous school year and
9 current school year, if positive; the change in the amount of statewide categorical aid
10 per pupil between the previous school year and the current school year, as
11 determined under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year,
12 if the pupil is enrolled in a grade from 9 to 12, 26.8 percent of the revenue ceiling, as
13 defined in s. 121.905 (1), for that school year.

14 **SECTION 13.** 119.23 (4) (bg) 5. a. of the statutes is amended to read:

15 119.23 (4) (bg) 5. a. Multiply the number of pupils participating in the program
16 who are enrolled in the private school in any grade between kindergarten to 8 by the
17 sum of the maximum amount per pupil the state superintendent paid a private
18 school under this section in the previous school year for the grade in which the pupil
19 is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for
20 the current school year, if positive; and the change in the amount of statewide
21 categorical aid per pupil between the previous school year and the current school
22 year, as determined under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school
23 year, 10 percent of the revenue ceiling, as defined in s. 121.905 (1), for that school
24 year.

ASSEMBLY BILL 305**SECTION 14**

1 **SECTION 14.** 119.23 (4) (bg) 5. a. of the statutes, as affected by 2023 Wisconsin
2 Act (this act), is amended to read:

3 119.23 (4) (bg) 5. a. Multiply the number of pupils participating in the program
4 who are enrolled in the private school in any grade between kindergarten to 8 by the
5 sum of the maximum amount per pupil the state superintendent paid a private
6 school under this section in the previous school year for the grade in which the pupil
7 is enrolled; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for
8 the current school year, if positive; and 90 percent of the change in the revenue
9 ceiling, as defined in s. 121.905 (1), between the previous school year and current
10 school year, if positive; the change in the amount of statewide categorical aid per
11 pupil between the previous school year and the current school year, as determined
12 under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year, 10 percent of
13 the revenue ceiling, as defined in s. 121.905 (1), for that school year.

14 **SECTION 15.** 119.23 (4) (bg) 5. b. of the statutes is amended to read:

15 119.23 (4) (bg) 5. b. Multiply the number of pupils participating in the program
16 who are enrolled in the private school in any grade between 9 to 12 by the sum of the
17 maximum amount per pupil the state superintendent paid a private school under
18 this section in the previous school year for the grade in which the pupil is enrolled;
19 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
20 school year, if positive; and the change in the amount of statewide categorical aid per
21 pupil between the previous school year and the current school year, as determined
22 under s. 118.40 (2r) (e) 2p., if positive; and in the 2023-24 school year, 26.8 percent
23 of the revenue ceiling, as defined in s. 121.905 (1), for that school year.

24 **SECTION 16.** 119.23 (4) (bg) 5. b. of the statutes, as affected by 2023 Wisconsin
25 Act (this act), is amended to read:

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1 119.23 (4) (bg) 5. b. Multiply the number of pupils participating in the program
2 who are enrolled in the private school in any grade between 9 to 12 by the sum of the
3 maximum amount per pupil the state superintendent paid a private school under
4 this section in the previous school year for the grade in which the pupil is enrolled;
5 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
6 school year, if positive; and the change in the revenue ceiling, as defined in s. 121.905
7 (1), between the previous school year and current school year, if positive; the change
8 in the amount of statewide categorical aid per pupil between the previous school year
9 and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive; and
10 in the 2023-24 school year, 26.8 percent of the revenue ceiling, as defined in s.
11 121.905 (1), for that school year.

12 **SECTION 17.** 121.905 (1) (b) 8. of the statutes is created to read:

13 121.905 (1) (b) 8. Notwithstanding subd. 7., “revenue ceiling” means the
14 amount under subd. 7. plus \$1,000.

15 **SECTION 9334. Initial applicability; Public Instruction.**

16 (1) REVENUE CEILING. The treatment of s. 121.905 (1) (b) 8. first applies to the
17 revenue ceiling in the 2023-24 school year.

18 **SECTION 9434. Effective dates; Public Instruction.**

19 (1) ANNUAL ADJUSTMENT FORMULA. The treatment of ss. 115.7915 (4m) (a) 2. b.
20 (by SECTION 2), 118.40 (2r) (e) 2p. (intro.) (by SECTION 4), 118.60 (4) (bg) 3. (by SECTION
21 6), 118.60 (4) (bg) 5. a. (by SECTION 8), 118.60 (4) (bg) 5. b. (by SECTION 10), 119.23 (4)
22 (bg) 3. (by SECTION 12), 119.23 (4) (bg) 5. a. (by SECTION 14) and 119.23 (4) (bg) 5. b.
23 (by SECTION 16) takes effect on July 1, 2024.

24 (END)