



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5595/1
FFK:skw

2023 BILL

1 **AN ACT to amend** 119.04 (1); and **to create** 118.143 of the statutes; **relating to:**
2 requiring the community approach to four-year-old kindergarten.

Analysis by the Legislative Reference Bureau

Under current law, a school board may, but is not required to, provide four-year-old kindergarten. Current law also requires the Department of Public Instruction to award grants to school boards for the purpose of implementing four-year-old kindergarten. For purposes of the grant program, DPI must give a preference to school districts that use a community approach to early education, as defined by DPI by rule.

Under this bill, if a school provides four-year-old kindergarten, the school board must offer four-year-old kindergarten using a community approach to early education, as defined by DPI by rule, and the school board must contract with each family child care center, group child care center, and head start agency (community-based provider) that holds a license issued by the Department of Children and Families; is in good standing with DCF; and notifies the school board of its intent to offer a four-year-old kindergarten program by no later than February 1 of the preceding school year. The bill also requires that the contract between a school board and a community-based provider include a minimum net per pupil amount that is not less than 95 percent of the per pupil revenue limit that applies to four-year-old kindergarten pupils in the school district in which the community-based provider is located. Under the bill, the contract must also include a quarterly payment schedule, allocate the responsibility to provide transportation to the community-based provider, and allow the community-based provider to use

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any curriculum that meets the Wisconsin Model Early Learning Standards. The bill further specifies that the contract between a school board and a community-based provider may not require a staff-to-child ratio that is less than what is required by DCF under the community-based provider's DCF license and may not require the administration of assessments that are not required under state or federal law.

Finally, the bill exempts teachers who teach four-year-old kindergarten at a community-based provider from the requirement to hold a license issued by DPI. Instead, under the bill, a teacher who teaches four-year-old kindergarten at a community-based provider must have 1) a bachelor's degree or higher from an accredited institution of higher education or 2) an associate degree in early childhood education and be enrolled at, or intend to enroll at, an accredited institution of higher education for the purpose of obtaining a bachelor's degree and intend to obtain a bachelor's degree within four years.

For further information see the 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.** 118.143 of the statutes is created to read:

2 **118.143 Four-year-old kindergarten; community approach contracts.**

3 **(1)** In this section:

4 (a) "Community-based provider" means a head start agency designated under
5 42 USC 9836, a family child care center, as defined in s. 49.136 (1) (j), or a group child
6 care center, as defined in s. 49.136 (1) (k).

7 (b) "Contract or agreement" means a written document that defines the roles
8 and responsibilities of the school board and the community-based provider related
9 to the operation of the school board's 4-year-old kindergarten program.

10 (c) "Local per pupil funding amount" means the per pupil revenue limit for a
11 pupil enrolled in the four-year-old kindergarten program in the school district in
12 which a community-based provider is located.

13 **(2)** (a) Beginning in the 2024-25 school year, if a school board provides a
14 4-year-old kindergarten program, the school board shall offer the 4-year-old

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1 kindergarten program using a community approach to early education, as defined
2 by the department by rule.

3 (b) A community-based provider is eligible for a contract under par. (c) if all of
4 the following apply:

5 1. The community-based provider is licensed by the department of children
6 and families.

7 2. The community-based provider is in good standing with the department of
8 children and families.

9 3. The community-based provider is located within the boundaries of the
10 school district.

11 4. The community-based provider notifies the school board of its intent to offer
12 a 4-year-old kindergarten program by no later than February 1 of the preceding
13 school year.

14 (c) 1. By no later than May 1 of the preceding school year, a school board shall
15 contract with each community-based provider that is eligible under par. (b).

16 2. A contract or agreement between a school board and an eligible
17 community-based provider for the operation of a 4-year-old kindergarten program
18 shall include all of the following:

19 a. A per pupil payment for each pupil enrolled in a school district who is
20 attending the 4-year-old kindergarten program at the community-based provider
21 that is no less than 95 percent of the local per pupil funding amount. If the contract
22 or agreement requires the community-based provider to pay a fee or make a
23 payment to the school board, the net amount received by the community-based
24 provider under the contract or agreement for each pupil enrolled in a school district

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1 who is attending the 4-year-old kindergarten program at the community-based
2 provider may not be not less than 95 percent of the local per pupil funding amount.

3 b. A payment schedule that requires quarterly payments to the
4 community-based provider.

5 c. A requirement that transportation will be provided by the community-based
6 provider in accordance with the community-based provider's transportation policy
7 that applies to all children who attend the community-based provider.

8 d. A provision that allows the community-based provider to use any
9 curriculum that meets the department's model early learning standards.

10 3. A contract or agreement between a school board and an eligible
11 community-based provider for the operation of a 4-year-old kindergarten program
12 may not require any of the following:

13 a. A staff-to-child ratio that is less than what is required under the
14 community-based provider's license that is issued by the department of children and
15 families.

16 b. The community-based provider to administer assessments that are not
17 required by state or federal law.

18 **(3)** (a) Notwithstanding ss. 118.19 (1) and 121.02 (1) (a), a teacher who teaches
19 in a 4-year-old kindergarten program offered at a community-based provider under
20 a contract or agreement is not required to hold a certificate, license, or permit to teach
21 issued by the department.

22 (b) Except as provided in par. (c), a teacher who teaches in a 4-year-old
23 kindergarten program offered at a community-based provider under a contract or
24 agreement shall have a bachelor's degree or a degree or educational credential

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1 higher than a bachelor's degree, including a master's or doctorate, from a nationally
2 or regionally accredited institution of higher education.

3 (c) A teacher may teach in a 4-year-old kindergarten program offered at a
4 community-based provider under a contract or agreement if the teacher has an
5 associate degree in early childhood education and all of the following apply:

6 1. The teacher is enrolled at, or will be enrolled at by no later than 12 months
7 after the teacher begins teaching in the 4-year-old kindergarten program, a
8 nationally or regionally accredited institution of higher education for the purpose of
9 obtaining a bachelor's degree.

10 2. The teacher intends to obtain a bachelor's degree by no later than 4 years
11 after the teacher begins teaching in the 4-year-old kindergarten program.

12 (4) Notwithstanding s. 121.54, a school board is not required to provide
13 transportation to pupils enrolled in a school district who attend a 4-year-old
14 kindergarten program offered at a community-based provider under a contract or
15 agreement.

16 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2023 Wisconsin Act 12, is
17 amended to read:

18 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
19 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
20 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,
21 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.124,
22 118.125 to 118.14, 118.143, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163,
23 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6),
24 (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935,
25 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m),

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1 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
2 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
3 applicable to a 1st class city school district and board but not, unless explicitly
4 provided in this chapter or in the terms of a contract, to the commissioner or to any
5 school transferred to an opportunity schools and partnership program.

6 **SECTION 3. Nonstatutory provisions.**

7 (1) DEADLINES FOR CONTRACTS FOR THE 2024-25 SCHOOL YEAR. Notwithstanding s.
8 118.143 (2) (b) 4., to be eligible under s. 118.143 (2) (b) for a contract to operate a
9 4-year-old kindergarten program for the 2024-25 school year, a community-based
10 provider, as defined in s. 118.143 (1) (a), shall notify a school board of its intent to offer
11 a 4-year-old kindergarten program by no later than May 1, 2024. Notwithstanding
12 s. 118.143 (2) (c) 1., for a contract to operate a 4-year-old kindergarten program
13 during the 2024-25 school year, a school board shall contract with a
14 community-based provider that is eligible under s. 118.143 (2) (b) by no later than
15 August 15, 2024.

16 (END)