

## WASB State Legislative Update – Wednesday, February 17, 2021

### State Budget

Last night (Feb. 16), Governor Tony Evers unveiled his proposed 2021-23 biennial state budget bill in a virtual presentation to lawmakers assembled in the state Assembly Chamber. It has been introduced as [2021 Senate Bill 111](#) and [2021 Assembly Bill 68](#), a pair of identical companion bills.

This presentation, coming so soon after the budget was presented, will address the governor's proposed budget in broad general terms, focused mainly on the provisions relating to PreK-12 school funding. As is typical of state budget proposals these days, there are numerous policy items tucked into the budget provisions. Over the coming days and weeks, the WASB government relations (GR) team will provide WASB members with additional detailed information about the proposed budget through a series of webinars, podcasts and blog posts.

Based on WASB resolutions and the Legislative Agenda adopted by the WASB Board of Directors, the WASB established several key budget priorities in terms of school funding. Throughout the course of the debate over the budget as proposed and as it may be modified, it will be important to keep these priorities in mind. Among these priorities, we are seeking:

- an increase in spendable resources for school districts that, at a minimum, equals or is greater than the rate of inflation in each year of the two-year state budget;
- a significant increase in special education categorical aid;
- a significant increase in resources for school-based mental health services to students (and staff); and
- provisions aimed at mitigating the effects of the drop in student membership counts (which affect both revenue limit calculations and per pupil aid allocations) caused by the pandemic.

Against this backdrop, we note that the proposed budget, in general terms, would:

- return the state to two-thirds funding for preK-12 school costs in both years of the biennium;
- provide a total investment in preK-12 education that is greater in total dollars than the DPI's budget request;
- provide an increase in general equalization aids and revenue limits that is equal to or greater than the rate of inflation;
- provide an increase in special education categorical aid funding greater than what the DPI requested;
- include an adjustment to the rolling three-year membership average to account for the effect of the pandemic on school district enrollment.

Here is a quick look at some of the key preK-12 provisions in the proposed budget:

### **General Aids and Revenue Limits:**

- Provide an additional \$612.8 million in state general aid to school districts over the biennium, the largest increase since the 2005-07 biennium.
- Restore the requirement that the state provide at least two-thirds funding of partial school revenues.

- Increase special adjustment aid rates from 85 percent of prior year general aid to 90 percent of prior year general aid in each year in the biennium. Had this provision been in effect in 2020-21, it would have increased general aids for at least 55 low-aided school districts.
- Allow a \$200 per pupil adjustment (increase) in school district revenue limits in 2021-22 and \$204 per pupil in 2022-23.
- Increase the membership calculations used for four-year-old kindergarten (4K) students in the state general equalization aid and revenue limit formulas to count each full-day 4K student as 1.0 FTE, beginning in fiscal year 2022-23.
- Increase the low revenue ceiling to \$10,250 in 2021-22 and \$10,500 in 2022-23 to provide greater revenue limit equity for low-spending school districts. This increase could help raise per pupil spending in an estimated 140 low-spending districts

Additionally, the proposed budget would repeal statutory restrictions that prevent a low-spending district from utilizing the low revenue ceiling mechanism if an operational referendum failed to be approved by district electors.

### **Categorical Aids:**

- Provide an additional \$709 million in special education categorical aid over the biennium.

Increase by special education aid by \$296.7 million in 2021-22 and by \$412.9 million in 2022-23 to reimburse eligible special education costs at 45 percent and 50 percent in those fiscal years, respectively.

Further, convert special education aid from a sum certain appropriation to a sum sufficient appropriation, to ensure this aid is not prorated and that the state meets the percentage levels of support it promises.

- Increase per pupil categorical aid payments from the current \$742 per pupil to \$750 per pupil and provide districts with a supplemental per pupil aid payment of \$75 for each low-income pupil.
- Provide an increase of \$22.5 million in 2021-22 and \$24 million in 2022-23 for school mental health categorical aid

In addition, expand the school mental health categorical aid program to support all pupil service professional staff expenditures and provide a roughly 10 percent reimbursement of such expenditures in each year of the biennium. (Pupil service professionals include school counselors, psychologists, social workers, and nurses.)

- Increase English Learner aid by \$28 million over the biennium to raise the reimbursement rate provided by this aid from the current level of 8.1 percent to 15 percent and provide English Learner aid to every district with a least one English Learner student.

### **Vouchers**

- Pauses growth in voucher programs by freezing the number of slots in voucher schools in 2021-22 and 2022-23.

## Non-Budget Legislation

### **2021 Senate Bill 4**

The [bill](#) prohibits the Department of Health Services and local health officers from requiring individuals to receive a vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19.

Under current law, during a state of emergency related to public health declared by the governor, DHS may order any individual to receive a vaccination, except under certain medical circumstances or if the individual objects for religious or conscience reasons and may isolate or quarantine an individual who is unwilling or unable to be vaccinated.

(Passed the Senate by a voice vote on Feb. 16)  
Companion bill is [2021 Assembly Bill 23](#).

### **2021 Senate Bill 5**

This [bill](#) prohibits an employer from requiring an individual to receive a vaccine against the SARS-CoV-2 coronavirus or show evidence of having received such a vaccine.

(Recommended for passage, available for scheduling.)  
Companion bill is [2021 Assembly Bill 25](#).

### **2021 Senate Bill 6**

This [bill](#) would create a pair of nonstatutory provisions aimed at:

- a) limiting a school board's ability to close a school building to in-person instruction or to in-person instruction for a specific grade or grades for a period that exceeds 14 consecutive days; and
- b) requiring a school board to offer a full-time, in person option to all pupils enrolled in the district by no later than 15 days after the date on which the Department of Health Services indicates that COVID-19 vaccinations may be allocated to individuals in phase 1c. of the state's vaccination prioritization guidelines (unless the school board votes unanimously not to offer a full-time, in-person option to some or all pupils enrolled in the school district).

(Recommended for passage, available for scheduling.)  
**WASB OPPOSES**

### **2021 Senate Bill 39**

This [bill](#) allows a pupil who attends a virtual charter school to participate in interscholastic athletics and extracurricular activities in the pupil's resident school district.

This bill also prohibits a school district from being a member of an interscholastic athletic association in the 2021-22 school year unless, during the 2020-21 and 2021-22 school years, the association allows an exception to the association's transfer rules based on the manner in which educational programming was delivered during the 2020-21 and 2021-22 school years.

Specifically, under the bill, for purposes of eligibility during the 2020-21 and 2021-22 school years, the interscholastic athletic association must consider the method by which educational programming was delivered during the 2020-21 or 2021-22 school year to be an extenuating circumstance that justifies transferring schools. Under the bill, the “method of delivering educational programming” includes virtual instruction, in-person instruction, and a combination of both virtual and in-person instruction. Additionally, if a waiver is granted based on the method of delivering educational programming in the 2020-21 or 2021-22 school year, the association must allow the pupil to play any level of athletics, including varsity athletics.

(Referred to Senate Committee on Education, scheduled for a public hearing on Tuesday, Feb. 23.)  
Companion bill is [2021 Assembly Bill 62](#).

**WASB OPPOSES**

### **2021 Senate Bill 40**

This [bill](#) would generally set certain requirements and limitations on health insurance coverage in the event the federal Patient Protection and Affordable Care Act no longer preempts state law on the topic.

Generally, the Affordable Care Act allows premium rates to be based only on individual or family coverage, rating area, age, and tobacco use; requires group and individual health insurance policies to accept every employer and individual that applies for coverage, known as guaranteed issue, and renew health insurance coverage at the option of the sponsor or individual; and prohibits health insurance policies from imposing preexisting condition exclusions.

If those requirements and limitations of the Affordable Care Act become no longer enforceable or no longer preempt state law, all of the following would apply under the bill:

1. Every individual health benefit plan must accept every individual in this state who applies for coverage and every group health benefit plan must accept every employer in this state that applies for coverage, regardless of whether any individual or employee has a preexisting condition. A health benefit plan may restrict enrollment in coverage to open or special enrollment periods, and the commissioner of insurance must ensure a statewide 45-day open enrollment period allowing individuals, including individuals who do not have coverage, to enroll in coverage. Health benefit plans must provide special enrollment periods for certain qualifying events described in federal law.
2. A health benefit plan offered on the individual or small employer market or a self-insured governmental health plan may not vary premium rates for a specific plan on any basis except age, tobacco use, area in the state, and whether the plan covers an individual or a family.
3. A health benefit plan or a self-insured governmental health plan may not impose a preexisting condition exclusion. A preexisting condition exclusion is defined in the bill as a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for the coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the date of enrollment for coverage.
4. A health benefit plan or a self-insured governmental health plan is prohibited from imposing an annual or lifetime limit on the dollar value of benefits under the plan.

(Referred to Senate Committee on [Committee on Insurance, Licensing and Forestry](#), no hearing scheduled yet.)

Companion bill is [2021 Assembly Bill 34](#)

### **2021 Senate Bill 41**

This [bill](#), for the 2021-22 school year, increases the income eligibility for the Wisconsin Parental Choice Program to 300 percent of the federal poverty level, allows a pupil to submit full-time open enrollment applications to an unlimited number of nonresident school districts, and prohibits a resident school district from denying a full-time open enrollment (OEP) application submitted under the alternative application process if the basis for the application is that the pupil's parent and nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

For purposes of attending a private school participating in the WPCP in the 2021-22 school year, this bill changes the family income eligibility requirement for the WPCP to a family income that is no more than 300 percent of the federal poverty level, which is the same as the family income eligibility requirement for the Racine and Milwaukee Parental Choice Programs. Under current law, the income eligibility requirement for the WPCP is a family income of no more than 220 percent of the federal poverty level.

Under the bill, during the 2020-21 and 2021-22 school years, if a pupil submits an OEP application using the alternative application procedure on the basis of the pupil's parent and nonresident school board agreeing that attending school in the nonresident school district is in the best interests of the pupil, the pupil's resident school board may not deny the application for any reason.

Current law also limits the number of nonresident school boards to which a pupil may apply to attend a public school under the OEP to no more than three nonresident school boards in any school year. Under the bill, this limitation does not apply to 1) applications for the 2020-21 school year that are submitted under the alternative application procedure, or 2) applications for the 2021-22 school year that are submitted under the standard or alternative application procedure.

(Referred to Senate Committee on Education, no hearing scheduled yet.)

Companion bill is [2021 Assembly Bill 59](#).

### **2021 Senate Bill 51**

This [bill](#) changes the criteria for a newspaper to be eligible for compensation for publication of legal notices. Specifically, the bill eliminates the requirement that the publisher of the newspaper sells 50 percent or more of the circulation of the newspaper and also eliminates the requirement that a newspaper be published regularly and continuously in the city, village, or town where published for at least two of the five years immediately before the date of publication of a notice, and instead allows a newspaper to

qualify if it has been published at least once a week for at least 50 consecutive issues prior to the first publication of the notice in the city, village, or town where published.

Under current law, if there is not a newspaper in a city, village, or town that meets any of the general criteria, a newspaper may still qualify for compensation under an alternative provision if the newspaper is published regularly and continuously in the city, village, or town, and publishing in the newspaper is likely to give notice in the area or to the affected person, and the newspaper is otherwise qualified for compensation. The bill changes the “regularly and continuously” requirement to a requirement that the newspaper be circulated at least once each week for at least 50 issues each year for one year prior to the first publication of the notice in the city, village or town and requiring that the newspaper contain, on average, at least 10 percent news content per issue. The bill also provides an exception to the definition of “newspaper” to allow newspapers to qualify under these alternative criteria.

The bill adds a requirement that a newspaper that publishes a legal notice must place an electronic copy of the legal notice at no additional charge on that newspaper's Internet site in addition to the current law requirement to place an electronic copy on the Wisconsin newspapers legal notices Internet site. Under the bill, every newspaper that publishes legal notices must have an Internet site and must include on its home page a prominent link to the newspaper's legal notices section. The bill requires that a newspaper's legal notices section must be available for viewing at no cost to the public and must include a link to the Wisconsin newspapers legal notices Internet site.

(Hearing held in Senate Committee on Government Operations, Legal Review and Consumer Protection, no executive session yet.)

Companion bill is [2021 Assembly Bill 47](#).

## **2021 Senate Bill 55**

This [bill](#) would authorize city councils and the boards of villages, counties, school districts, and technical college districts to satisfy their legal obligation to publish the proceedings of regular and special meetings by posting a copy of the proceedings in a public place, electronically placing a copy of the proceedings on the Internet site maintained by the respective governmental unit, and transmitting a copy to the newspaper designated by the governmental unit or likely to give notice in the territory of the governmental unit.

Under the bill, before one of the above-named the governmental bodies may discontinue publication in a newspaper, the governmental body must do the following:

- 1) Provide 180 days' notice to the newspaper.
- 2) Publish two separate notices in the newspaper indicating that it will discontinue publication in the newspaper and will instead post, electronically place, and transmit the proceedings. The governmental unit may discontinue publication of its proceedings 30 days after the second notice required under this provision.
- 3) Establish an electronic notification service to notify interested individuals and organizations in the governmental unit each time the proceedings are posted, electronically placed, and transmitted.
- 4) Maintain the proceedings placed electronically on the governmental body's Internet site for at least 3 years.

Current law regarding publication of school board meeting proceedings is confusing and inconsistent because it imposes a mandate on some, but not all, districts to publish a Class 1 legal notice (or pay for a

district-wide distribution of the proceedings). Whether a school district is subject to the Class 1 legal notice requirement for its meetings currently depends upon whether a newspaper is published in the district. If no newspaper is published in the district, then the proceedings of school board meetings may be publicized as the school board directs.

(Passed Senate on a 20-12 vote on Feb. 16)

Companion bill is [2021 Assembly Bill 60](#)

**WASB SUPPORTS**

### **The Political Back and Forth on Governor's Authority to Issue Emergency Orders**

Section [323.10](#), Stats., sets forth the governor's authority to issue executive orders declaring a state of emergency. It states:

**323.10 Declaration by governor.** The governor may issue an executive order declaring a state of emergency for the state or any portion of the state if he or she determines that an emergency resulting from a disaster or the imminent threat of a disaster exists. If the governor determines that a public health emergency exists, he or she may issue an executive order declaring a state of emergency related to public health for the state or any portion of the state and may designate the department of health services as the lead state agency to respond to that emergency. If the governor determines that the emergency is related to computer or telecommunication systems, he or she may designate the department of administration as the lead agency to respond to that emergency. *A state of emergency shall not exceed 60 days, unless the state of emergency is extended by joint resolution of the legislature.* A copy of the executive order shall be filed with the secretary of state. *The executive order may be revoked at the discretion of either the governor by executive order or the legislature by joint resolution.* (emphasis added)

Section 323.12, Stats., grants the governor certain powers that may be used in responding to the specified public health emergency, as defined in section 323.02 (16), Stats.

Pursuant to those statutes, Governor Tony Evers issued a series of Executive Orders, beginning with Executive Order #72 on March 12, 2020. Additional Executive Orders were issued roughly 60 days apart on July 30, 2020; September 22, 2020; November 20, 2020; and January 19, 2021.

Following the issuance of the last of these orders on January 19, 2021 (Executive Order #104), the Senate and Assembly each adopted Senate Joint Resolution 3, in which lawmakers asserted that because the legislature has not extended the state of emergency related to the COVID-19 coronavirus emergency identified in Executive Order #72, the governor's authority to address the COVID-19 coronavirus using the emergency powers identified in section 323.12 of the statutes expired on May 11, 2020.

Noting that the Wisconsin Supreme Court had reaffirmed the legislature's constitutionally mandated participation in any further response to the COVID-19 coronavirus in *Wisconsin Legislature v. Palm*, the joint resolution asserted that the governor had no authority to issue Executive Order #104 on January 19, 2021, and it was therefore void from the date of its issuance, as were any and all of the governor's actions or orders related to the declared public health emergency to the extent the authority for those orders or actions depended on Executive Order #104, or sections 323.10 or 323.12 of the statutes.

This included Emergency Order 1, issued on Jan. 19, 2021, which generally required all individuals, aged 5 and up, to wear face coverings when indoors or in an enclosed space, other than at a private residence



where another person or persons who are not members of individual's household or living unit are present in the same room or enclosed space.

In response, Governor Evers issued yet another Executive Order declaring a public health emergency—[Executive Order #105](#)—on Feb. 4, 2021, along with [Emergency Order #1](#), requiring face coverings.

A case currently pending before the Wisconsin Supreme Court, *Jere Fabick v. Tony Evers* [Case# 2020AP1718-OA}, may resolve the question of whether the Governor violated Wis. Stat. § 323.10 when he issued multiple and successive executive orders declaring a state of emergency beyond 60 days in response to the COVID-19 pandemic. Oral arguments in that case were heard on Nov. 16, 2020.

## **Vetoed Legislation**

### **Assembly Bill 1**

As originally approved by the state Senate in January [this bill](#) – a GOP-authored COVID-19 relief package that ultimately included more than 20 separate provisions – included several items Evers had agreed to; however later additions to the bill— such as provisions to limit the governor's use of emergency orders, to limit the authority of the Department of Health Services and local health departments to regulate gatherings, to prohibit employers from requiring employee vaccination as a condition of employment, and to give the Legislature authority over how to spend all future federal COVID-19 dollars received by the state — led the Democratic governor to veto the proposal.

Among other things, Assembly Bill 1 would have extended the 2019 Act 185 waiver of the unemployment insurance (UI) waiting week requirement through the week ending March 13, 2021. (Under Act 185, the waiting week requirement was waived from March 12, 2020, through February 7, 2021.) Gov. Evers' veto of this bill means the one-week waiting period was reinstated. As a result, the state will likely miss out on more than \$1 million in federal reimbursement funding for each week the requirement is in place — for a total of \$6.5 million over five weeks, according to the nonpartisan Legislative Fiscal Bureau.

The CARES Act provided temporary 100% federal funding of the first week of regular UI benefits through the week ending December 26, 2020, for states with no waiting week. Under the Continued Assistance for Unemployed Workers Act of 2020, this provision was extended to end on March 14, 2021, but at a 50% federal reimbursement level for weeks starting after December 26, 2020.

A Department of Workforce Development (DWD) spokesperson said last week that the DWD is exploring potential options related to waiving the waiting period. Without that waiver, people will face a delay in their initial payment, exacerbating the financial impacts of the pandemic.

Last week, legislative Democrats introduced the provisions originally included in the Senate version of the AB 1 package Gov. Evers said he would sign into law as 22 stand-alone bills with hopes that some could reach Evers' desk. One of those 22 proposed bills would continue the state's temporary waiver of the one-week waiting period for unemployment benefits.

## **Administrative Rulemaking--**

**UI Work Search Requirements Waived**—On Feb. 11, the Wisconsin Department of Workforce Development (DWD) published a new Emergency Rule [EmR2106](#) relating to work search waivers,



availability for work, and work available for people filing claims with the unemployment insurance program during the COVID-19 pandemic. The emergency rule will allow DWD to continue to waive work searches for people who apply for Unemployment Insurance benefits. State law [Wis. Stat. § 108.04\(2\)\(a\)3](#) requires someone applying for benefits to look for a suitable job and provide information about four work search actions taken each week. The rule also continues to ease eligibility for people who would work but cannot for coronavirus-related reasons, such as being quarantined or subject to subsequent stay-at-home orders.

**Pupil Discrimination Procedures (PI 9)**—Today (Feb. 17) is the last day to submit comments on DPI Revisions to Pupil Discrimination Procedures found in PI 9.

Among other changes, the proposed rules, known officially as Clearinghouse Rule 21-007, would require modifications to school district policies and procedures for receiving and processing pupil discrimination complaints and establish *new* mandates regarding **annual**, comprehensive internal evaluations and reports on the status of nondiscrimination and equality of educational opportunity in each school district.

Examples of some of the significant proposed changes to PI 9 include the following:

- All school district employees (i.e., those in any position) would be required to refer any verbal or written complaint of pupil discrimination to a school district employee that the district has designated to receive complaints of pupil discrimination.
- The employee the school district designates to receive pupil discrimination complaints must assist complainants in filing written complaints that meet certain procedural requirements outlined in the revised rules.
- School districts would be required to provide a final written determination of every complaint to the complainant within 60 days of receipt, unless the parties agree in writing to allow an extension of the deadline.
- Currently, Chapter PI 9 requires school districts to evaluate the status of nondiscrimination and equality of opportunity in the district at least once every 5 years. School districts are also currently required to prepare a written report of each such evaluation. (A further description of the current evaluation process is available on the [DPI website](#).) *The proposed rules would require school districts to conduct such evaluations and prepare written reports every year and would also materially modify the scope of each such annual evaluation and report.* For example, each annual evaluation would be required to assess the materials, methods, and practices used for instruction, counseling, or student assessment/testing for “potential bias or stereotyping.” In addition, various data in the evaluations and reports would have to be disaggregated by pupil protected class status.

## **Federal Funding Update**

**Congressional Action on ESSER III Funding**--On Tuesday, February 9, the House Education and Labor Committee marked up [legislation](#) that would provide nearly \$130 billion in additional emergency aid for the K-12 community. These funds would be distributed via the existing Elementary and Secondary School Emergency Relief ([ESSER](#)) funding stream. All the existing allowable uses of funds and related requirements for the ESSER fund would apply except that:

- States would be required to set-aside at least five percent of their ESSER allocation to support evidence-based interventions that address learning loss; and
- School districts receiving funds would be required to use at least 20 percent of their local allocation for similar activities to address student learning loss.

In addition to these changes, the bill would also explicitly tie the treatment of these funds to existing requirements in the Every Student Succeeds Act (ESSA) delineating how to share resources with nonpublic schools (a provision known as equitable services).

Significantly, the bill would also require states and local school districts to adhere to both a Maintenance of Equity and a Maintenance of Effort provision—requirements that would compel states and districts to maintain previous spending levels and prevent additional reductions of funding to fall on districts serving students most in need in exchange for this funding.

The committee considered over 30 amendments during a 13-hour markup hearing which did not significantly change the underlying bill. The legislation was passed along party lines, 27-21, and was sent back to the House Budget committee to be included in a single legislative package at a later date.

Separately, but concurrent to this effort, both the House Energy and Commerce Committee and the House Committee on Oversight and Reform have also been marking up their own legislative proposals.

Late Friday evening, the Energy and Commerce Committee passed COVID-19 relief budget reconciliation legislation that will provide \$7.6 billion to expand internet connectivity for students and teachers who lack adequate internet access.

**State Action—Joint Finance Committee Oversight of ESSER II Funds**—On Wednesday, February 10, In what may well be an harbinger of a potentially contentious budget struggle over public school funding, the GOP-led Joint Finance Committee (JFC) voted down, along party lines, a DPI plan to equitably distribute roughly \$65 million in federal Coronavirus relief funds to schools ([see previous WASB blog post](#)) and replace it with a plan that directs the funding to districts based on the extent to which they are providing in-person instruction.

A Wisconsin [state statute](#) (s. 115.295) gives the JFC authority to review and object to or alter the distribution of federal funds by the DPI if those funds reflect an increase of 5 percent or more above the federal funds indicated in the Chapter 20 appropriations schedule. No vote of the full Legislature nor approval by the governor is required; a simple nine-member majority of the 16 members of JFC is all that is required.

Under the plan proposed by the DPI, \$65 million of the state's 10 percent set aside from the federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) would have been used to establish a minimum grant amount of \$395 per pupil for the 172 school districts that receive less than that amount under the allocation method specified in the CRRSA or the minimum \$100,000 per district allocation set forth in the DPI plan.

Under the motion adopted by the JFC, 33 districts would remain eligible for the minimum \$100,000 per district allocation set forth in the DPI plan. However, an eligible school district's allocation of the remaining \$65 million in federal funding will be determined based on its relative share of the in-person instructional hours in the 2020-21 school year despite the fact that expenses aided under this federal funding stream could be incurred up until September 30, 2023. As a result, there is no minimum per pupil distribution under the motion approved by the JFC.

The amount that each eligible school district could receive will not be known until all eligible districts have reported their instructional hours after the end of the current school year. Each eligible district must calculate its number of instructional hours by adding the number of hours each pupil attending school in the district spent in a classroom taught by an instructor in that same classroom in the 2020-21 school year.

Despite adding considerable complexity to the calculation of district's grant amounts and the distribution process for these funds, the JFC reduced the amount allotted to the DPI for administering these funds by \$479,000 from what the DPI had requested.

Congress made roughly \$685 million in federal funding available to Wisconsin public schools through the CRRSA to help them deal with the additional costs related to the pandemic. Ninety percent of that funding (about \$617.5 million) flows directly to schools in the form of grants, according to their share of the state's 2019-20 Title I allocation (i.e., in proportion to their share of low-income students in 2019-20); however, under state statute, Wisconsin lawmakers who are members of the JFC have a say in deciding how to spend the remaining 10 percent (roughly 67.5 million).