

WASB Legal and Legislative Video Update, January 12, 2022, 12 pm

WASB Staff Counsel will address the following topics:

- I. Election Update.
- II. Convention attendance, Open Meeting Law, Code of Ethics for Local Government Officials.
- III. Base Wage Negotiations, CPI Rate.
- IV. Administrator Contract Renewal and Nonrenewal.
- V. WRS – Rehired Annuitants.

WASB LEGAL UPDATE

I. Election update.

January 17, 2022. Deadline for Non-Exempt Committees to File January Continuing Campaign Finance Report

January 18, 2022. Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent

On or Before January 24, 2022. Provide Municipal Clerk(s) with Ballots for Primary Election (If a Primary Is Held and If Paper Ballots Are Required)

On or About January 31, 2022. Notify Non-Exempt Committees of Duty to File a Preprimary Campaign Finance Report (If a Primary Election is Held)

February 1 to February 7, 2022. Deadline for Non-Exempt Committees to File a Preprimary Election Campaign Finance Report (If a Primary Election is Held)

February 8, 2022. Duties of Clerk Regarding Campaign Finance Reports that Have Been Filed or that Are Delinquent (If a Primary Election is Held)

February 11, 2022. Write-in Candidate Registration Deadline for the Primary Election (If a Primary Election is Held)

If at least one candidate has been certified to appear on the ballot for the office sought by a write-in candidate, and provided that no candidate who has been certified to appear on the ballot dies before the election, then write-in votes may only be counted if the write-in candidate has filed a registration statement under s. [11.0202\(1\)\(a\)](#) by no later than noon on the Friday immediately preceding the election. *Section [7.50\(2\)\(em\)](#).*

If no candidates have been certified to appear on the ballot for the office in question, or if a candidate who was certified to appear on the ballot dies before the election, then all write-in votes shall be counted, regardless of whether the person receiving votes filed a registration statement. *Section [7.50\(2\)\(em\)](#).*

Note: Send the names of all registered write-in candidates to all applicable municipal clerks. While there is no express requirement that school district clerks notify applicable municipal clerks of registered write-in candidates, the Wisconsin Election Commission [Election Day Manual](#) directs municipal clerks to provide a list of registered write-in candidates to election inspectors and that list will be incomplete if school district clerks fail to inform municipal clerks of registered school board write-in candidates.

On or Before February 14, 2022. Determine if Polling Places will be Closed.

[Wisconsin Legislature: 120.06\(9\)](#)

(a) The primary and spring elections for school board members shall be conducted by the election officials for state and municipal elections. In a school board election or referendum held in conjunction with a state, county, municipal, or judicial election, the polling places for the state, county, municipal, or judicial election shall be the polling places for the school board election or referendum, and the municipal election hours shall apply. **If no state, county, municipal, or judicial election is held on the day of the school board election or referendum, the school board may select the polling places to be used.** The election costs shall be charged as provided in ss. [5.68](#) and [7.03](#).

(b) The school board may not select a polling place to be closed under par. (a) if:

1. Ten percent or more of the electors voting in the last school board election voted at the polling place; or
2. The polling place is located in a municipality which is located entirely within the school district.

(c) The school board shall post a notice on the door of any polling place not selected indicating all polling places selected and open for voting.

On or Before February 14, 2022. Choose Board of Canvassers (If a Primary Election is Held)

The school district clerk shall choose two qualified electors prior to the date of the election being canvassed who shall, with the school district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other two members of the board of canvassers shall designate a third member to serve in lieu of the clerk for that election. *Section [7.53\(3\)](#).*

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. (Form EL-154 may be used.)

February 14, 2022. Notice of Primary (If a Primary Election is Held)

The clerk shall publish a Class 1 notice, in accordance with [Ch. 985](#), on the Monday before the primary election. If, due to the method of delivering newspapers in the school district, the school district clerk determines that more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than three days before the primary. In addition, if publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes.

The notice shall contain the following information:

- (1) The date of the election;
- (2) The names of all candidates in the order in which they are listed on the ballot;
- (3) The location and open hours of polling places and a designation of which persons should vote at each polling place; and

- (4) A facsimile ballot and the relevant portions of the voting instructions under s. 10.02(3).

February 15, 2022. Spring Primary Election

On or About February 15, 2022

Issue Open Meetings Law Notice of the Meeting(s) of the Board of Canvassers
(If a Primary Election is Held)

On or About February 16, 2022. Receipt of Election Materials and Other Related Duties
(If a Primary Election Was Held)

On or About February 16, 2022. Receipt of Election Materials and Other Related Duties
(If a Primary Election Was Held)

After the election, the school district clerk shall:

- (1) Receive all election materials from municipal clerk(s), including ballots (after they have been counted, reported and secured) if the school district election ballots are separate. *Sections [7.51\(5\)\(b\)](#) and [120.06\(8\)\(e\)](#);*
- (2) Assure that the election returns are canvassed as required by law. *Sections [7.53\(3\)](#), [120.06\(8\)\(f\)](#), and [120.06\(14\)](#); (See the next item, below, which also relates to the canvass.)*
- (3) Retain and later supervise the destruction of election materials from the primary and from the spring election, pursuant to s. [7.23](#), insofar as applicable. *Section [120.06\(8\)\(g\)](#); and*

Assure that the recount of the election, if any, is conducted by the municipal and school district boards of canvassers pursuant to s. [9.01](#). *Section [120.06\(8\)\(h\)](#)*

On or About February 16 to 22, 2022. Canvass of Election Returns and Written Determination of Primary Results (If a Primary Election Was Held)

The Elections Commission advises that appointed members of the board of canvassers should take and file an oath of office prior to undertaking any duties as an election official. The school district clerk or any notary may administer the oath and Form EL-154 may be used.

The board of canvassers shall prepare a written statement showing the numbers of votes cast for each person for each office and for and against each question and shall prepare a determination showing the names of the persons who have won nomination to the school board and the results of any school district referendum. Each statement and determination shall be attested by each of the canvassers, and the statement and determination shall be filed in the school district office. *Sections [7.53\(3\)\(a\)](#) and [120.06\(14\)](#).*

The board of canvassers must wait to begin its work until after the municipal clerk(s) have delivered the tally sheets, inspectors' statements, ballots, and applicable envelopes and materials to the school district clerk. The municipal clerks are generally required to deliver these materials no later than 4 p.m. on the day after the election. *Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#).*

The latest possible date and time that the canvass may commence is 9 a.m. on the Tuesday after the election. *Section [7.53\(3\)\(a\)](#).*

Once the canvassing of the election begins, it is to continue, without adjournment, until it is completed. However, as an exception to this rule, if the board of canvassers has met before 4

p.m. on the Monday after the election and thereafter receives amended statements, tally sheets, and lists from a municipal clerk for provisional ballots that are eligible to be counted under s. [6.97\(4\)](#), then the board of canvassers must reconvene no later than 9 a.m. on the Tuesday after the election and adjust the returns accordingly. Sections [7.51\(5\)\(b\)](#) and [7.53\(3\)\(a\)](#).

In all cases, the board of canvassers must complete the canvass and prepare its statements and determinations no later than 4 p.m. on the Tuesday after the election. Section [7.53\(3\)\(a\)](#).

On or About February 16 to 25, 2022. Recount Request May Be Filed (If a Primary Election Was Held)

On or About February 18 to 25, 2022. Drawing of Lots for Ballot Order Following any Primary Election

On or About February 18 to 25, 2022. School District Clerk Certifies Nominations and Ballot Order to County Clerk(s) (If a Primary Was Held)

II. Convention attendance, Open Meeting Law, Code of Ethics for Local Government Officials.

[Legal and Ethical Standards Related to Attendance at the State Education Convention | Wisconsin Association of School Boards \(wasb.org\)](#)

Open Meeting Law

- *The Wisconsin Attorney General was asked to issue an opinion as to whether the social nature of many activities offered at the Convention makes attendance at the Convention outside the scope of the Open Meetings Law.*
- *[A]ccording to the Attorney General, the attendance of board members and administrators at a conference, convention, or seminar, does not constitute a chance encounter because such attendance is pre-planned.*
- *[T]he Attorney General also concluded that attendance at the Convention did not necessarily constitute a “meeting” of the board. According to the Attorney General, discussions at the Convention generally involve concerns common to all school districts, rather than discussions about a particular district’s business. As such, even if the number of board members present is sufficient to determine the board’s course of action, the purpose of the gathering is not to engage in the business of the particular district, but rather to take advantage of the Convention-related activities. Therefore, the Attorney General has concluded that attendance of a quorum of a board at the Convention, by itself, does not result in a “meeting” of a governmental body, as defined in the Open Meetings Law.*
- *The Attorney General warned, however, that when a quorum of a board or any committee or subunit of a board is present during the Convention and all related activities, including the ride to and from the Convention, board members must not discuss business specifically related to the district.⁸ Moreover, board members should not formally attempt to convene during any of the Convention-related activities.*

The Code of Ethics for Local Public Officials

- *The Wisconsin Ethics Commission has opined that an official may attend conventions and participate in convention-related activities, by and large, without violating the Code of Ethics.*

- *Specifically, while attending a convention authorized by and on behalf of a district, officials may accept meals, refreshments and the like without charge **that are provided, sponsored, and/or sanctioned by the event organizer.***
- *However, during the Convention, officials must be cautious about accepting food, drinks and/or entertainment, without charge or at less than fair value, that are offered at social events sponsored **by entities or organizations other than the event organizers** when the entities or organizations may be current or prospective district vendors.*
- *District officials may accept at the Convention educational or informational materials, prizes or other giveaway items for the purpose of conveying the item to the district **for the use or benefit of the district.***
- *Finally, district policies may address the issue of the receipt of gifts by district officials.*

III. Base wage negotiations, CPI rate

[Wisconsin Legislature: 111.70\(4\)\(mb\)](#)

mb) *Prohibited subjects of bargaining; general municipal employees.* The municipal employer is prohibited from bargaining collectively with a collective bargaining unit containing a general municipal employee with respect to any of the following:

1. Any factor or condition of employment except wages, which includes only total base wages and excludes any other compensation, which includes, but is not limited to, overtime, premium pay, merit pay, performance pay, supplemental compensation, pay schedules, and automatic pay progressions.

2. Except as provided in s. [66.0506](#) or [118.245](#), whichever is applicable, any proposal that does any of the following:

a. If there is an increase in the consumer price index change, provides for total base wages for authorized positions in the proposed collective bargaining agreement that exceeds the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement by a greater percentage than the consumer price index change.

b. If there is a decrease or no change in the consumer price index change, provides for any change in total base wages for authorized positions in the proposed collective bargaining agreement from the total base wages for authorized positions 180 days before the expiration of the previous collective bargaining agreement.

(mbb) *Consumer price index change.* For purposes of determining compliance with par. [\(mb\)](#), the commission shall provide, upon request, to a municipal employer or to any representative of a collective bargaining unit containing a general municipal employee, the consumer price index change during any 12-month period. The commission may get the information from the department of revenue.

[Addressing Questions About Act 10 After Wisconsin Supreme Court Decision | Wisconsin Association of School Boards \(wasb.org\)](#)

IV. Administrator contracts.

[Wisconsin Legislature: 118.24](#)

(6) The employment contract of any person described under sub. (1) shall be in writing and filed with the school district clerk. At least 4 months prior to the expiration of the employment contract, the employing school board shall give notice in writing of either renewal of the contract or of refusal to renew such person's contract. If no such notice is given, the contract then in force shall continue in force for 2 years. Any such person who receives notice of renewal or who does not receive notice of renewal or refusal to renew the person's contract at least 4 months before the contract expiration shall accept or reject the contract in writing on or before a date 3 months prior to the contract expiration. No such person may be employed or dismissed except by a majority vote of the full membership of the school board. Nothing in this section prevents the modification or termination of an employment contract by mutual agreement of the parties. No school board may enter into a contract of employment with any such person for a period of time as to which such person is then under a contract of employment with another school board.

(7) Prior to giving notice of refusal to renew the contract of any person described under sub. (1), the employing board shall give such person preliminary notice in writing by registered mail at least 5 months prior to the expiration of such contract that the board is considering nonrenewal of the contract, and that if such person files a written request with the board within 7 days after receiving such notice, the person has the right to a hearing before the board prior to being given written notice of refusal to renew the contract. The written request for a hearing shall include a statement requesting either a private hearing or a public hearing before the board. Section [118.22](#) does not apply to such a proceeding. If a hearing concerning nonrenewal of the contract is requested, the reasons upon which the board is considering nonrenewal may also be requested and the board shall furnish such reasons before the hearing in writing.

V. WRS Eligibility, Rehiring Annuitants

WASB Legal Comment drafted by Boardman & Clark: [C201805.pdf \(wasb.org\)](#).

The WRS participation standards for annuitants who retired on or after July 2, 2013, require an annuitant's position to be expected to last at least 365 consecutive days, and the annuitant must be expected to work at least two-thirds of full-time hours. For WRS eligibility purposes, annuitants who retired on or after July 2, 2013, and are rehired by a district in positions in which the annuitants are expected to work at least 880 hours per fiscal year are considered to be working two-thirds of full-time.

An annuitant who retires on or after July 2, 2013, and who is hired in a WRS position (expected to last 365 consecutive days and 880 hours per fiscal year) does not have the option to choose whether to be a participating WRS employee. Instead, such an annuitant's WRS annuity is automatically suspended when he/she is hired in a WRS position, at which point both the annuitant and the district are required to make statutory contributions to WRS on behalf of the annuitant. The suspension of an annuity simply delays payments, but does not impose any sanction or penalty on the annuitant. An annuitant that returns to work in a WRS position as an independent contractor will have his/her annuity suspended, but will not be permitted to re-enroll

in WRS or make statutory contributions to WRS because independent contractors are not WRS eligible.

Wisconsin Department of Employee Trust Funds: [ETF WRS Administration Manual](#)

CHAPTER 15 – EMPLOYMENT OF ANNUITANTS

1500 Rehired Annuitants

1501 Required Conditions for a Rehired Annuitant

1502 Completing the Rehired Annuitant Form (ET-2319)

1503 Life and Health Insurance Coverage for Rehired Annuitants

1504 Disability Annuitants

1505 Waiving WRS Participation for Service as a Part-Time Elected Official

1506 Waiver of Part-Time Elected Service (ET-4303)

1507 History of Rehired Annuitant

Wisconsin Department of Employee Trust Funds: [Information for Rehired Annuitants - ETF - September 2021](#)

The ETF manual covers, amongst others, the following: what is a valid termination of employment? break-in-service requirements and going back to work for a WRS employer.

WASB Legislative Update January 12, 2022

ESSER III Funding –

The DPI and the co-chairs of the Joint Finance Committee are apparently getting closer to an agreement that could reconcile differences over the distribution of a portion of the federal COVID relief funds for public schools (“ESSER III” funds) provided to the state under the American Rescue Plan Act (ARPA).

The US Department of Education has asked Wisconsin to submit a new proposal for how a portion of these ESSER III funds are to be spent. An agreement could lead to the release of certain of those funds that have been withheld by the U.S. Department of Education.

ESSER III is shorthand for the Elementary and Secondary School Emergency Relief Fund grant program authorized under ARPA and provides additional money for local educational agencies (LEAs) to prevent, prepare for, and respond to COVID-19. ESSER III supplements earlier federal allocations referred to as ESSER I, created by the CARES Act in March 2020, and ESSER II, created by the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act in December 2020.

The ARPA directs that state education agencies (i.e., the DPI) distribute 90 percent of Wisconsin’s ESSER III allocation to LEAs according to the 2020-21 Title I, Part A formula. Title I is the largest federally funded education program for elementary and secondary schools and distributes funding in proportion to the number of students in poverty in each state and its districts. Title I funding aims to reduce the gap between economically advantaged and disadvantaged students.

Under the ARPA, \$107.8 million in ESSER III funds not allocated according to the Title I formula was earmarked for specific purposes. The DPI’s plan called for allocating \$77.0 million (5% of the state total) for district activities to address learning disruption caused by the pandemic, using a formula grant process that would consider the variance in award amounts under the Title I distribution. Additionally, \$15.4 million (or 1%) for summer enrichment programs and another \$15.4 million (or 1%) for afterschool programs was proposed to be allocated through a competitive grant process. Districts receiving funding from these programs would be required to demonstrate how their activities and evidence-based interventions would be used to respond to the academic, social, and emotional needs of pupils.

With the remaining funds, the DPI proposed a plan that would have allocated \$39.4 million (2.5% of the state total) to establish a \$600,000 minimum grant amount for most school districts.

Unlike most states, Wisconsin has a unique [statute](#) that allows for Joint Finance Committee review and approval of increases in federal funding to a state agency that exceed a percentage of the funding levels indicated in the statutory appropriation tables. Using this review mechanism, the Joint Finance Committee directed DPI to distribute a portion of ESSER III funds to LEAs (i.e., school districts and independent charter schools) receiving less than \$781 per pupil under the Title I, Part A formula allocation based on their hours of in-person instruction during the 2020-2021 school year.

On December 6, 2021, the U.S. Secretary of Education, [in a letter](#) to State Superintendent Jill Underly, indicated that the U.S. Department of Education had approved the state’s plan for use of the “ESSER III” funds provided under the American Rescue Plan Act. However, the department required that portions of the state plan pertaining to certain “reserve” funds be modified in certain aspects.

In particular, the Department of Education found that the Joint Finance Committee’s directive under [Motion 57](#) to explicitly exclude school districts that provided in-person instruction for less than 50 percent of their total instructional hours during the 2020-2021 school year from eligibility to receive funds was inconsistent with intent of the American Rescue Plan (ARP) Act because it would prevent the students who lost the most in-person instructional time as a result of the pandemic from receiving much-needed services, and would also conflict with the ARP Act’s statutory requirement that the address the disproportionate impact of the coronavirus on certain student subgroups. That portion of the state plan is what is currently being reworked.

We’ve also heard rumors that among the sticking points are the timelines/deadlines from Joint Finance Committee [Motion 57](#) related to the reading portions. Given the late date at which the JFC motion passed, the requirement to obtain stakeholder input on the state plan for spending ESSER III, and the overall lateness of the state’s application to the U.S. Department of Education, those timelines, which were tight even under the most optimistic scenario, are now wildly inaccurate given many had passed before the U.S. Dept. of Education issued its decision.

School and School District Report Cards—

An informational public hearing on changes to the 2020-21 report cards is currently underway in the Assembly Education Committee. The 2020-21 reports are the first issued since the 2018-19 school year. No statewide assessments were administered in the 2019-20 school year due to the pandemic and thus no report cards were generated for the 2019-20 school year.

At the time the 2020-21 report cards were released, Committee chairman Rep. Jeremy Thiesfeldt (R-Fond du Lac) issued a press release accusing the State Superintendent and the DPI of “manipulating the 2020-21 District and School Report Card data in ways that mislead the public.” Rep. Thiesfeldt’s press release noted that the DPI altered four of the five Accountability Ratings Categories, making it easier for schools to receive a higher rating.” Rep. Thiesfeldt claimed, “This action seeks to hide from parents the impact of the poor decisions made in schools across Wisconsin during 2020.”

Report card scores are calculated in four priority areas: achievement; growth; target group outcomes; and on-track to graduation. By law, the larger the percentage of a school or district’s students who are economically disadvantaged, the more the growth measure contributes to its overall score.

This year’s report cards replaced the closing gaps priority area of past years with the new target group outcomes priority area. According to the DPI, the priority area target group outcomes measure sheds additional light on students in the school with test scores in the lowest quartile. The DPI says this measure was designed to help focus support on the learners who need it most, while also improving outcomes for all students.

According to the DPI, the Target Group Outcomes measure focuses students in roughly the bottom quartile (25%) of performance based on the prior year's test results. This priority area is scored using a multiple measure system from other priority areas - achievement, value-added growth, chronic absenteeism, and attendance or graduation rates.

Along with this change, the DPI eliminated the five-point deductions for not meeting specific dropout and absenteeism rate targets. Chronic absenteeism has been incorporated into the On-Track and Target Group Outcomes priority areas. Additionally, the methodology for calculating chronic absenteeism has been aligned with that used in the federal ESSA accountability system. The DPI notes that dropout rates are still available in WISEdash.

New (Recent) Legislation--

Assembly Bill 495, relating to: possession of a firearm in a vehicle on school grounds by a person with a license to carry a concealed weapon

Both state and federal law include very similar “gun free school zones” provisions generally banning the possession of firearms in school buildings, on the grounds of a school, and within 1,000 feet of the grounds of a school. These laws are subject to several exceptions.

Under current law, a person is generally prohibited from possessing a firearm on the grounds of a school. A person who violates the prohibition is guilty of a Class I felony.

A person who has a Wisconsin concealed carry license under current law (“a CCW licensee”) is not subject to the *federal* gun free school zones law with respect to schools in Wisconsin but is subject to the Wisconsin *state* gun free school law. Although a CCW licensee is not subject to the general state prohibition against possessing a firearm within 1,000 feet of the grounds of a school, a CCW licensee IS subject to the prohibition on possessing a firearm on the grounds of a school or in school buildings.

Under this bill, a person who has a license to carry a concealed weapon may possess a firearm in a vehicle on the grounds of a school.

This bill is apparently aimed at addressing the situation of parents who are CCCW licensees and could, as a matter of law, face felony prosecution for possessing a firearm while dropping off or picking up their children from school, although prosecutorial discretion makes this unlikely.

The bill received a public hearing in the Assembly Committee on Criminal Justice and Public Safety on January 5, 2022. It was scheduled to be voted out of committee (i.e., recommended for passage) this morning. The companion bill to Assembly Bill 495 is Senate Bill 484.

Senate Bill 589, relating to: the Foundations of Reading test licensure requirement

Under current law, applicants for an initial license to teach grades kindergarten to five, an initial license to teach special education, an initial license as a reading teacher, an initial license as a

reading specialist, or an initial license to teach at a school that uses the Montessori method generally must pass an examination identical to the Foundations of Reading test (FoRT) administered in 2012.

This bill changes the requirement to allow an applicant to instead pass an examination identical to the most recent edition of the FoRT.

The version of the FoRT administered in 2012 is being phased out. Unless this bill passes, the DPI will be unable to license new teacher candidates in license categories subject to the FoRT requirement.

Senate Bill 589 was passed by the state Senate by a 30-2 vote on October 25, 2021. It is now in the Assembly Education Committee. A companion bill (Assembly Bill 611) has received a public hearing in the Assembly Education Committee but has not yet been voted out of committee.

Assembly Bill 830, relating to: requiring the state superintendent of public instruction to develop a model curriculum for pupils in grades 5 to 12 to instruct pupils on how to interact with law enforcement with mutual cooperation and respect

This bill requires the state superintendent of public instruction, in consultation with organizations representing law enforcement, to promulgate rules to develop a model curriculum for pupils in grades 5 to 12 to instruct pupils on how to interact with law enforcement with mutual cooperation and respect.

The bill allows a school board or operator of an independent charter school to include in each grade from 5 to 12 instruction in law enforcement interactions that is consistent with the model curriculum.

The bill specifies that a school board that elects not to include such instruction must adopt a resolution making that election.

Assembly Bill 843, relating to: comprehensive firearm education for high school pupils

This bill requires the state superintendent of public instruction to develop a curriculum for a comprehensive firearm education course for high school pupils. The bill requires the state superintendent to jointly develop the curriculum with the Department of Natural Resources, a law enforcement agency, and an organization that specializes in firearm safety or that certifies firearm instructors.

The bill allows a school board or operator of an independent charter school to offer high school pupils a comprehensive firearm education course consistent with the curriculum the state superintendent develops or a hunter safety course modeled on DNR's hunter education program.

Under the bill, if the school board or operator offers such a course, the course must be taught or supervised by an individual who demonstrates proof of training in firearm safety.

The bill specifies that a school board that elects not to offer a firearm education or hunter safety course must adopt a resolution making that election.

Older Legislation—

Assembly Bill 563, relating to: requiring instruction in Civics in elementary and high school grades and adding to high school graduation requirements

As introduced, this bill requires the state superintendent of public instruction to promulgate rules to develop a model curriculum and instructional materials for grades kindergarten to 12 on civic education to prepare pupils to be civically responsible and knowledgeable adults. The model curriculum and instructional materials must be designed to assist pupils in developing all of the following:

1. An understanding of pupils' shared rights and responsibilities as residents of this state and the United States and of the founding principles of the United States.
2. A sense of civic pride and desire to participate regularly with government at the local, state, and federal levels.
3. An understanding of the process for effectively advocating before governmental bodies and officials.
4. An understanding of the civic-minded expectations of an upright and desirable citizenry that recognizes and accepts responsibility for preserving and defending the benefits of liberty inherited from previous generations and secured by the U.S. Constitution.
5. Knowledge of other nations' governing philosophies, including communism, socialism, and totalitarianism, and an understanding of how those philosophies compare with the philosophy and principles of freedom and representative democracy essential to the founding principles of the United States.

The state superintendent must curate oral history resources to be used along with the model curriculum. The bill requires school boards, independent charter schools, and private schools to include in their respective curricula instruction in civic education that is consistent with the model curriculum.

Finally, under current law, a school board may grant a high school diploma to a pupil only if the pupil meets specific statutory requirements, including earning a certain number of credits in various subjects in the high school grades. (Currently, a pupil must earn at least three credits of social studies, including state and local government. The bill specifies that the social studies credits also must include one-half credit of civics instruction.)

The bill was passed by the state Assembly on September 28, 2021, by a [61-37](#) vote; however, it was significantly amended.

How the bill was amended:

- [Assembly Amendment 3](#) requires school districts and independent charter schools to report to DPI how they are meeting the civics instruction requirement. DPI must compile the information and submit an annual report to the Assembly and Senate Committees on Education. The amendment does not impose a reporting requirement on private schools.
- [Assembly Amendment 5](#) removes the requirement that all private schools provide civics instruction consistent with the DPI model curriculum and requires instead that only private schools participating in a parental choice program (“choice school”) must provide civics instruction.

The bill is currently in the Senate Education Committee. No public hearing has been held yet by that committee. There is no Senate companion bill.

Assembly Bill 561—relating to: requiring school boards to report information regarding credit recovery courses

This bill requires school districts to report information about students who take credit recovery courses to the Department of Public Instruction (DPI). A “credit recovery course” is a program or course that allows a student to retake a course or make up credit for a course the student took but did not pass and that is required for high school graduation.

As introduced, the bill requires school districts to report the following information to DPI after each school year:

- (1) the number of students who attended a credit recovery course during the school year;
- (2) each student’s grade level; and
- (3) the subject of the course each student attended.

The DPI must then compile the information and submit a report to the Assembly and Senate Committees on Education by January 1st of each year.

This bill was passed by the state Assembly on September 28, 2021, by a [60-38](#) vote; however, it was significantly amended.

How the bill was amended:

- [Assembly Amendment 1](#) changes the initial applicability date from next school year to the current school year. Under the amendment, school districts must begin reporting credit recovery course information for the 2021-22 school year.
- [Assembly Amendment 2](#), as originally introduced, applied the credit recovery course reporting requirement to independent charter schools and all private schools, in addition to school districts. However, Assembly Amendment 1 to Assembly Amendment 2 limits

the reporting requirement so that it applies to school districts, independent charter schools, and private schools participating in a school choice program or the Special Needs Scholarship Program, rather than applying to all private schools.

- Assembly Amendment 3 expands the types of credit recovery course information that school districts must report to DPI. In addition to categories required under the bill, the amendment also requires districts to report a student's ethnicity, whether the student is a limited-English proficient student, and whether the student's rate of truancy during the school year was 20 percent or more of the days on which school was held.

The bill is currently in the Senate Committee on Education, which held a public hearing on the bill and its Senate companion (Senate Bill 567) on October 14, 2021.