



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-3553/1  
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## 2021 SENATE BILL 608

October 11, 2021 - Introduced by Senator JAGLER, cosponsored by Representative SCHRAA. Referred to Committee on Education.

1     **AN ACT** *to amend* 118.60 (2) (a) 2. c., 118.60 (3) (ar) 6. (intro.), 118.60 (3) (ar) 6.  
2             a. and 118.60 (3) (ar) 6. b.; and *to create* 118.60 (3) (ar) 6. am., 118.60 (3) (ar)  
3             6. bm. and 118.60 (3) (ar) 6. cm. of the statutes; **relating to:** the prior year pupil  
4             attendance requirement to participate in the Racine Parental Choice Program  
5             or the statewide parental choice program and allowing a pupil who changes  
6             residence to transfer from the Racine Parental Choice Program or Milwaukee  
7             Parental Choice Program to the statewide parental choice program.

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***Analysis by the Legislative Reference Bureau***

***Prior year pupil attendance requirement***

Under current law, a pupil must meet at least one of the following criteria to be eligible to participate in the statewide parental choice program (also known as the Wisconsin Parental Choice Program) or the Racine Parental Choice Program: 1) the pupil was enrolled in a public school in the previous school year; 2) the pupil was not enrolled in school in the previous school year; 3) the pupil attended a private school in the WPCP, RPCP, or Milwaukee Parental Choice Program in the previous school year; 4) the pupil was on a waiting list to attend a private school in the WPCP, RPCP, or MPCP in the previous school year; 5) the pupil attended school in another state in the previous school year; or 6) the pupil is enrolling in kindergarten, first grade, or ninth grade in the current school year. This requirement is known as the prior year pupil attendance requirement.

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Under the bill, a pupil who attended a private school under the Special Needs Scholarship Program in the previous school year satisfies the prior year pupil attendance requirement to participate in the WPCP or RPCP.

***Pupil transfers from the RPCP or MPCP to the WPCP***

This bill creates an exception to the application period for the WPCP for a pupil 1) who was participating in the RPCP or MPCP; 2) whose residence changed from the Racine Unified School District or Milwaukee Public Schools school district to a school district in this state other than RUSD or MPS; and 3) who, after the change in residence, wants to participate in the WPCP.

Under current law, a private school participating in the WPCP may accept applications for the following school year between the first weekday in February and the third Thursday in April. Current law provides an exception to this application period that allows the Department of Public Instruction, between the first weekday in August and the third Friday in August, to transfer a pupil's application from one private school participating in the WPCP to another private school participating in the WPCP if all of the following apply:

1. The pupil applied to participate in the WPCP during the immediately preceding application period.
2. A private school participating in the WPCP accepted the pupil's application and verified that the pupil is eligible to participate in the WPCP.
3. The pupil's residence changed after the end of the immediately preceding application period and on or before the third Friday in August, and, after the change, the pupil resides in a school district in this state other than RUSD or MPS.
4. The private school to which the pupil's application is transferred has space available in the pupil's grade.
5. After the change, the pupil resides in a school district that has not exceeded its pupil participation limit in the WPCP.

The bill provides a similar exception to the WPCP application period for a pupil whose residence changes from the RUSD or MPS school district to a school district in this state other than RUSD or MPS after the last weekday in July. Specifically, the bill allows DPI to transfer a pupil's application from a private school participating in the RPCP or MPCP to a private school participating in the WPCP if all of the following apply:

1. The pupil applied to participate in the RPCP or MPCP for the current school year no later than the last weekday in July of the current school year.
2. A private school participating in the RPCP or MPCP accepted the pupil's application and verified that the pupil is eligible to participate in the RPCP or MPCP.
3. If the pupil was required to meet the family income eligibility requirement for the RPCP or MPCP, the private school to which the pupil's application is transferred verifies that the pupil also meets the family income eligibility requirement for the WPCP.
4. The pupil's residence changed after the last weekday in April, after the pupil's application was submitted, and on or before the third Friday in August, and, after the change, the pupil resides in a school district in this state other than RUSD or MPS.

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5. The private school to which the pupil's application is transferred has space available in the pupil's grade.

6. After the change, the pupil resides in a school district that has not exceeded its pupil participation limit in the WPCP.

The bill also specifies that, for all of the transfer options described above, 1) the deadline for DPI to transfer an application is the third Friday in September; and 2) the private school to which an application is transferred must, between the first weekday in August and the third Friday in August, notify DPI of the pupil's change in residence and verify that the other conditions for transfer apply.

In addition, the bill provides a similar exception during the 2021-22 school year that allows DPI to transfer a pupil's application from a private school participating in the RPCP or MPCP to a private school participating in the WPCP if 1) the pupil's application was submitted no later than April 20, 2021; 2) the pupil's residence changed from the RUSD or MPS school district to a school district in this state other than RUSD or MPS after April 20, 2021, and on or before August 20, 2021; and 3) the private school to which the pupil's application is transferred notifies DPI between November 1, 2021, and November 12, 2021, of the pupil's change in residence and verifies that the other conditions for transfer apply.

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

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

1           **SECTION 1.** 118.60 (2) (a) 2. c. of the statutes is amended to read:

2           118.60 (2) (a) 2. c. The pupil attended a private school under this section or s.  
3           115.7915 or 119.23 in the previous school year.

4           **SECTION 2.** 118.60 (3) (ar) 6. (intro.) of the statutes is amended to read:

5           118.60 (3) (ar) 6. (intro.) ~~In the 2017-18 school year and any school year~~  
6           ~~thereafter, between the first weekday in August and the 3rd Friday in August, No~~  
7           ~~later than the 3rd Friday in September,~~ the department may transfer a pupil's  
8           application to attend a private school under this section or s. 119.23 in the current  
9           school year to a private school that accepted applications from pupils under subd. 1.  
10          for the current school year, if all of the following apply:

11          **SECTION 3.** 118.60 (3) (ar) 6. a. of the statutes is amended to read:

**SENATE BILL 608****SECTION 3**

1           118.60 (3) (ar) 6. a. A participating private school accepted an application from  
2 the pupil for the current school year under subd. 1. and verified that the pupil is  
3 eligible to attend a private school under this section; a participating private school  
4 accepted an application from the pupil for the current school year under par. (a) no  
5 later than the last weekday in July of the current school year and verified that the  
6 pupil is eligible to attend that private school under this section; or a private school  
7 participating in the program under s. 119.23 accepted an application from the pupil  
8 for the current school year under s. 119.23 (3) (a) no later than the last weekday in  
9 July of the current school year and verified that the pupil is eligible to attend that  
10 private school under s. 119.23.

11           **SECTION 4.** 118.60 (3) (ar) 6. am. of the statutes is created to read:

12           118.60 (3) (ar) 6. am. If the private school that accepted the pupil's application  
13 under subd. 6. a. verified the eligibility of the applicant to participate in the program  
14 under this section or s. 119.23 on the basis of family income as provided under sub.  
15 (2) (a) 1. b. or s. 119.23 (2) (a) 1. b., the participating private school to which the pupil's  
16 application is transferred verifies no later than the 3rd Friday in August that the  
17 pupil is eligible under sub. (2) (bm) to participate in the program under this section  
18 on the basis of family income.

19           **SECTION 5.** 118.60 (3) (ar) 6. b. of the statutes is amended to read:

20           118.60 (3) (ar) 6. b. ~~The~~ If the pupil's application was submitted under subd.  
21 1., the pupil's residence changed after the end of the application period under subd.  
22 1. and on or before the 3rd Friday in August and, ~~after the change,~~ the pupil  
23 continues to reside in a school district other than an eligible school district or a 1st  
24 class city school district.

25           **SECTION 6.** 118.60 (3) (ar) 6. bm. of the statutes is created to read:

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1           118.60 (3) (ar) 6. bm. If the pupil's application was submitted under par. (a) or  
2           s. 119.23 (3) (a), the pupil's residence changed after the last weekday in April, after  
3           the pupil's application was submitted, and on or before the 3rd Friday in August and,  
4           after the change, the pupil resides in a school district other than an eligible school  
5           district or a 1st class city school district.

6           **SECTION 7.** 118.60 (3) (ar) 6. cm. of the statutes is created to read:

7           118.60 (3) (ar) 6. cm. Between the first weekday in August and the 3rd Friday  
8           in August, the participating private school to which the pupil's application is  
9           transferred notifies the department of the pupil's change in residence and verifies  
10          that the conditions under subd. 6. a. to c. apply.

11          **SECTION 8. Nonstatutory provisions.**

12          (1) PUPIL TRANSFERS DURING THE 2021-22 SCHOOL YEAR. The department of public  
13          instruction may transfer a pupil's application to attend a private school under s.  
14          118.60 (3) (a) or 119.23 (3) (a) in the 2021-22 school year to a private school that  
15          accepted applications from pupils under s. 118.60 (3) (ar) 1. for the 2021-22 school  
16          year, if all of the following apply:

17               (a) A private school participating in the program under s. 118.60 or 119.23  
18               accepted an application from the pupil for the 2021-22 school year under s. 118.60  
19               (3) (a) or 119.23 (3) (a) no later than April 20, 2021, and verified that the pupil is  
20               eligible to attend a private school under s. 118.60 or 119.23.

21               (b) If the private school that accepted the pupil's application under par. (a)  
22               verified the eligibility of the applicant to participate in the program under s. 118.60  
23               or 119.23 on the basis of family income as provided under s. 118.60 (2) (a) 1. b. or  
24               119.23 (2) (a) 1. b., the participating private school to which the pupil's application  
25               is transferred verifies no later than November 12, 2021, that the pupil is eligible

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1 under s. 118.60 (2) (bm) to participate in the program under this section on the basis  
2 of family income.

3 (c) The pupil's residence changed after April 20, 2021, after the pupil's  
4 application was submitted, and on or before August 20, 2021, and, after the change,  
5 the pupil resides in a school district other than an eligible school district, as defined  
6 in s. 118.60 (1) (am), or a 1st class city school district.

7 (d) The participating private school to which the pupil's application is  
8 transferred under this subsection has space available in the pupil's grade for the  
9 remainder of the 2021-22 school year.

10 (e) Between November 1, 2021, and November 12, 2021, the participating  
11 private school to which the pupil's application is transferred notifies the department  
12 of the pupil's change in residence and verifies that the conditions under pars. (a) to  
13 (d) apply.

14 (f) The total number of pupils residing in the pupil's resident school district  
15 attending a private school under s. 118.60 during the 2021-22 school year does not  
16 exceed the school district's pupil participation limit under s. 118.60 (2) (be).

17 (2) NO STATE AID ADJUSTMENT. If the department of public instruction transfers  
18 a pupil's application under sub. (1), the pupil is not considered an incoming choice  
19 pupil, as defined in s. 118.60 (4d) (a), residing in the school district to which the pupil  
20 changed his or her residence for purposes of making the calculation under s. 118.60  
21 (4d) for the school year in which the transfer occurs.

22 **SECTION 9. Initial applicability.**

23 (1) The treatment of s. 118.60 (3) (ar) 6. (intro.), a., am., b., bm., and cm. first  
24 applies to applications to attend a private school in the 2022-23 school year.

25

(END)