

1999 ASSEMBLY BILL 342

May 17, 1999 – Introduced by Representatives SINICKI, YOUNG, BOYLE, BOCK, POCAN, RICHARDS, PLOUFF, BALOW, MILLER, COLON, LA FAVE, BLACK, J. LEHMAN and COGGS, cosponsored by Senators GROBSCHMIDT, MOEN, PLACHE and ERPENBACH. Referred to Committee on Education Reform.

1 **AN ACT to repeal** 118.40 (4) (b) 2.; **to consolidate, renumber and amend**
 2 118.40 (4) (b) (intro.) and 1.; **to amend** 118.13 (2) (b), 118.13 (3) (a) 3., 118.13
 3 (3) (b) 1., 118.13 (3) (b) 2. and 118.13 (4); and **to create** 118.13 (1m) and 118.13
 4 (2) (am) of the statutes; **relating to:** prohibiting charter schools, and private
 5 schools that participate in the Milwaukee parental choice program, from
 6 discriminating against pupils.

Analysis by the Legislative Reference Bureau

Under current law, no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Each school board must have written policies and procedures to implement this prohibition. The policies and procedures must provide for receiving and investigating complaints regarding violations of the prohibition and for making determinations as to whether the prohibition has been developed.

Current law provides that any complainant who receives a negative determination from a school board may appeal that decision to the state superintendent of public instruction, whose decision is subject to judicial review. Current law also imposes a forfeiture of up to \$1,000 against any public school

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official, employe or teacher who intentionally violates the prohibition against discrimination.

This bill makes all of the above provisions applicable to those private schools that participate in the Milwaukee parental choice program (with respect to the pupils attending the schools under the program) and to charter schools.

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

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

1 **SECTION 1.** 118.13 (1m) of the statutes is created to read:

2 118.13 **(1m)** No person who wishes to attend a private school under s. 119.23
3 or a charter school may be denied admission to that school and no pupil who is
4 attending a private school under s. 119.23 or a charter school may be denied
5 participation in, be denied the benefits of or be discriminated against in any
6 curricular, extracurricular, pupil services, recreational or other program or activity
7 of that school because of the person's sex, race, religion, national origin, ancestry,
8 creed, pregnancy, marital or parental status, sexual orientation or physical, mental,
9 emotional or learning disability.

10 **SECTION 2.** 118.13 (2) (am) of the statutes is created to read:

11 118.13 **(2)** (am) Each private school participating in the program under s.
12 119.23 and each charter school shall develop written policies and procedures to
13 implement this section and submit them to the state superintendent. The policies
14 and procedures shall provide for receiving and investigating complaints regarding
15 possible violations of this section, for making determinations as to whether this
16 section has been violated and for ensuring compliance with this section.

17 **SECTION 3.** 118.13 (2) (b) of the statutes is amended to read:

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1 118.13 **(2)** (b) Any person who receives a negative determination under par. (a)
2 or (am) may appeal the determination to the state superintendent.

3 **SECTION 4.** 118.13 (3) (a) 3. of the statutes is amended to read:

4 118.13 **(3)** (a) 3. Include in the department's biennial report under s. 15.04 (1)
5 (d) information on the ~~status of school district~~ compliance of school districts, charter
6 schools and private schools with this section and ~~school district~~ the progress made
7 toward providing reasonable equality of educational opportunity for all pupils in this
8 state.

9 **SECTION 5.** 118.13 (3) (b) 1. of the statutes is amended to read:

10 118.13 **(3)** (b) 1. Periodically review school district, charter school and private
11 school programs, activities and services to determine whether the school boards,
12 charter schools and private schools are complying with this section.

13 **SECTION 6.** 118.13 (3) (b) 2. of the statutes is amended to read:

14 118.13 **(3)** (b) 2. Assist school boards, charter schools and private schools to
15 comply with this section by providing information and technical assistance upon
16 request.

17 **SECTION 7.** 118.13 (4) of the statutes is amended to read:

18 118.13 **(4)** Any public school, charter school or private school official, employe
19 or teacher who intentionally engages in conduct which discriminates against a
20 person or causes a person to be denied rights, benefits or privileges, in violation of
21 sub. (1) or (1m), may be required to forfeit not more than \$1,000.

22 **SECTION 8.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,
23 renumbered 118.40 (4) (b) and amended to read:

24 118.40 **(4)** (b) *Restrictions.* A charter school may not ~~do any of the following:~~

25 1. Charge charge tuition.

1 **SECTION 9.** 118.40 (4) (b) 2. of the statutes is repealed.

2 **(END)**