

1999 DRAFTING REQUEST

Bill

Received: 03/22/99

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Christine Sinicki (608) 266-8588

By/Representing: Jan

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Pre Topic:

No specific pre topic given

Topic:

Prohibit discrimination by Milwaukee parental choice schools

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 03/25/99	wjackson 03/25/99		_____			
/P1			jfrantze 03/26/99	_____	lrb_docadmin 03/26/99		S&L
/1	grantpr 04/9/99	wjackson 04/9/99	martykr 04/13/99	_____	lrb_docadmin 04/13/99	lrb_docadmin 04/21/99	

FE Sent For (04/21/99.)
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FE Sent For:			km 4/13				

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1/?	grantpr	/p1 3/25 WLJ	3/26	3/26	3/26		

Please submit

<END>

FE Sent For:

Peter -
please draft this
as an Assembly bill
for Rep. Sinicki

Call Jan@6-8588
if you have
questions

Amend 119.23 (Milwaukee school choice program) by adding the following new section:

① (10)(a) No person may be denied admission to any private school participating in the program under this section, denied participation in, denied the benefits of, or discriminated against in any curricular, extracurricular, pupil services, recreational or other 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 to the same extent as state law prohibits such discrimination against public school students under sec. 118.13 and federal laws prohibit such discrimination by public schools under Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

(b) Each private school participating in the program under this section must develop procedures to ensure compliance with this nondiscrimination policy and establish a process for receiving and investigating complaints of possible violations and determining whether the policy has been violated.

(c) Any person who believes that her/his rights have been violated under this section is entitled to the same administrative and judicial remedies that are described in sec. 118.13(2)(b)-(3)(a)1.

~~spending other than credit committee~~

① already is 42 USC covered

✓ ② want priv. schools to submit policy / procedures to SS? Yes

✓ ③ want penalty in (4) to apply? Yes

✓ ④ prohibition on apply to use pupils in the priv. sch. ~ just those partic attending under the program? just choice participants

⑤ ^{see} (3) (5) 1 + 2 - want that to apply? Yes

1999

Date (time) needed

DN

LRB - 2574, P1

PG : Wlj :

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the

statutes; relating to: . . . prohibiting a private school that participates in the Milwaukee parental choice program from engaging in discriminating against a pupil attending the school under the program.

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create -> anal: -> title: -> head

For the subheading [old =S], execute: create -> anal: -> title: -> sub

For the sub-subheading [old =P], execute: create -> anal: -> title: -> sub-sub

4# This is a preliminary draft. An analysis will be provided on a later revision.

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

SECTION #.

Section #. 118.13 ^{(1m)✓} of the statutes is created to read:

^(B)
^{(1m)✓}
118.13 ^{(1m)✓} No ~~person~~ ^{of the private school} may be denied admission to ~~any public~~ ^{the private} school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other 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.

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

pupil who wishes to attend a private school under
s. 119.23[✓] or who is attending a private
school under s. 119.23

Section #. 118.13 (2) ^{(am) ✓} of the statutes is created to read:

118.13 (2) ^(am) Each ^{private} school ~~board~~ ^{participating in the program under s-119.23 ✓} shall develop written policies and procedures to implement this section and submit them to the state superintendent ~~as a part of its 1986 annual report under s. 120.18~~. The policies and procedures shall provide for receiving and investigating complaints ~~by residents of the school district~~ regarding possible violations of this section, for making determinations as to whether this section has been violated and for ensuring compliance with this section.

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

Section #. 118.13 (2) (b) of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

Section #. 118.13 (3) (a) 3. of the statutes is amended to read:

of school districts and private schools

118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1) (d) information on the ~~status of school district~~ compliance with this section and ~~school district~~ ^{the} progress ^{made} toward providing reasonable equality of educational opportunity for all pupils in this state.

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

Section #. 118.13 (3) (b) 1. of the statutes is amended to read:

118.13 (3) (b) 1. Periodically review school district programs, activities and services to determine whether the school boards are complying with this section.

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

and private school

and private schools

Section #. 118.13 (3) (b) 2.[√] of the statutes is amended to read:

118.13 (3) (b) 2. Assist school boards ^{and private schools} to comply with this section by providing information and technical assistance upon request.

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

Section #. 118.13 (4) of the statutes is amended to read:

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

History: 1985 a. 29; 1987 a. 332; 1991 a. 131; 1995 a. 27 s. 9145 (1); 1997 a. 27.

or (1m)

(Knd)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2574/P1dn
PG:wlj:jjf

March 26, 1999

Please review this draft carefully to ensure that it accomplishes your intent.

Do you want the draft to cover charter schools as well as MPS choice schools? Note that although s. 118.40 (4) (b) 2., which prohibits a charter school from engaging in discrimination, is similar to s. 118.13 (1), there are no provisions applicable to charter schools that are similar to the other parts of s. 118.13.

If you have questions or need more information, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

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Managing Attorney
Phone: (608) 267-3362
E-mail: Peter.Grant@legis.state.wi.us

Yes, please include charter schools





~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{Reger} to amend 118.13 (2) (b), 118.13 (3) (a) 3., 118.13 (3) (b) 1., 118.13 (3) (b)
 2 2. and 118.13 (4); and to create 118.13 (1m) and 118.13 (2) (am) of the statutes;
 3 relating to: prohibiting a private school ^{charter schools, and} that participates in the Milwaukee
 4 parental choice program, from discriminating against a pupil ^s attending the
 5 school under the program.

Analysis by the Legislative Reference Bureau

(attached) ✓

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

or a charter school

6 SECTION 1. 118.13 (1m) of the statutes is created to read:
 7 118.13 (1m) No ^{person} pupil who wishes to attend a private school under s. 119.23 ^{or}
 8 who is attending a private school under s. 119.23 may be denied admission to the
 9 private school ^{that} or be denied participation in, be denied the benefits of or be
 10 discriminated against in any curricular, extracurricular, pupil services, recreational
 and no ^{STET} pupil who is attending a private school
 under s. 119.23 or a charter school may

1 or other program or activity of ~~the private~~ ^{that} school because of the person's sex, race,
2 religion, national origin, ancestry, creed, pregnancy, marital or parental status,
3 sexual orientation or physical, mental, emotional or learning disability.

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

5 118.13 (2) (am) Each private school participating in the program under s.
6 ^{and each charter school} 119.23 shall develop written policies and procedures to implement this section and
7 submit them to the state superintendent. The policies and procedures shall provide
8 for receiving and investigating complaints regarding possible violations of this
9 section, for making determinations as to whether this section has been violated and
10 for ensuring compliance with this section.

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

12 118.13 (2) (b) Any person who receives a negative determination under par. (a)
13 or (am) may appeal the determination to the state superintendent.

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

15 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
16 (d) information on the ~~status of school district~~ ^{+ charter} compliance of school districts and schools
17 private schools with this section and ~~school district~~ the progress made toward
18 providing reasonable equality of educational opportunity for all pupils in this state.

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

20 118.13 (3) (b) 1. Periodically review school district ^{, charter school} and private school programs,
21 activities and services to determine whether the school boards ^{, charter schools} and private schools
22 are complying with this section.

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

24 118.13 (3) (b) 2. Assist school boards ^{, charter schools} and private schools to comply with this
25 section by providing information and technical assistance upon request.

1

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

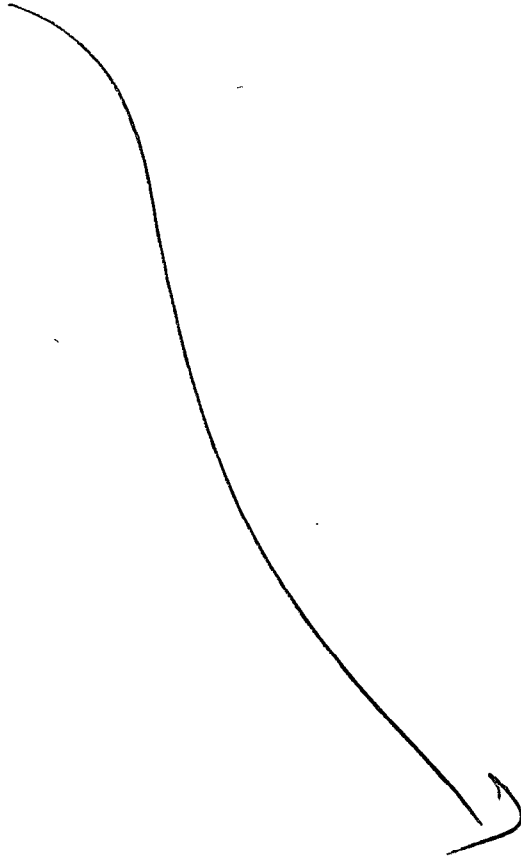
2

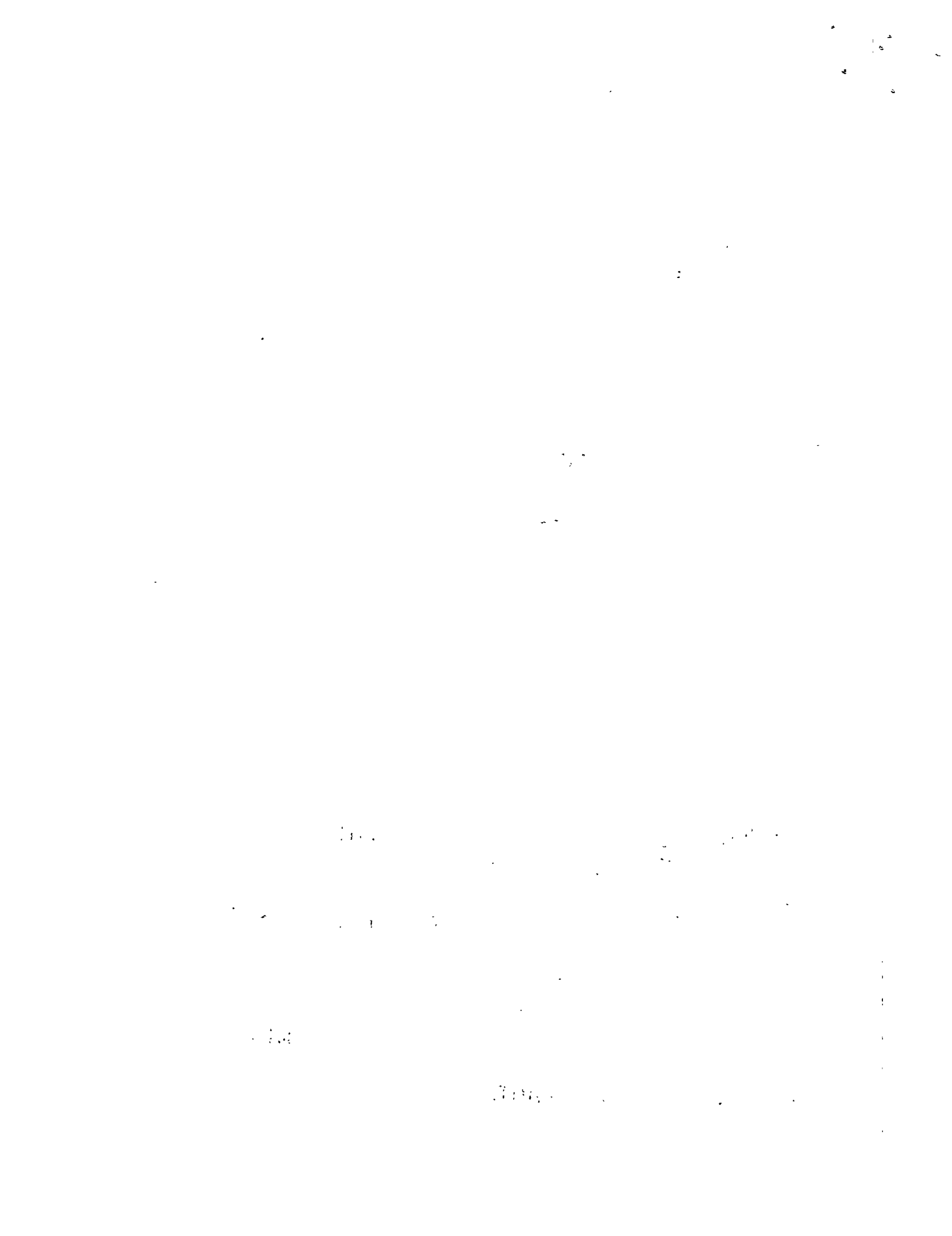
118.13 (4) Any public, ~~or private~~ school, official, employe or teacher who intentionally engages in conduct which discriminates against a person or causes a person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may be required to forfeit not more than \$1,000.

6

~~(END)~~

charter school
or private school





violations of the prohibition are for making determinations as to whether the prohibition has been developed.

Current law provides that any complainant person who receives a negative determination from a school board may appeal that ^{decision} decision to the state superintendent of public instruction, whose decision is subject to judicial review. Current law ^{also} also imposes a forfeiture of up to \$1,000 ~~for~~ against any ^{public} school ~~board~~ official, employee or teacher who intentionally discriminates ~~for~~ violates the prohibition against discrimination.

This bill makes all of the

above ^{provisions} provisions applicable ~~to~~
~~charter schools~~ and to those
private schools that participate
in the Milwaukee Parental Choice
Program, (with respect to the pupils
attending the schools under the program)
and ~~are~~ to charter schools.

FE-3L

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 4/13/99

To: Representative Sinicki

Relating to LRB drafting number: LRB-2574

Topic

Prohibit discrimination by Milwaukee parental choice schools

Subject(s)

Education - MPS

1. **JACKET** the draft for introduction Chris
in the **Senate** _____ or the **Assembly** ✓ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction ✓.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362

