2005 DRAFTING REQUEST

Bill

Received: **02/20/2006**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Alberta Darling (608) 266-5830**

By/Representing: **Tom**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - MPS**
Education - state superintendent

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Darling@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Parental Choice Program and SAGE

Instructions:

Same as 05-4672

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LRB - 4693/1
PG: kjf & wlj

2005 BILL

Regen

AN ACT ***to repeal*** 118.43 (6) (c) and 119.23 (2) (a) 2.; ***to amend*** 118.43 (6) (b) (intro.), 118.43 (6) (b) 9., 119.23 (2) (a) 1., 119.23 (2) (b) and 119.23 (10) (c); and ***to create*** 119.23 (2) (a) 7., 119.23 (7) (e), 119.23 (7) (f), 119.23 (9) and 119.23 (10) (am) of the statutes; **relating to:** the Milwaukee Parental Choice Program and the Student Achievement Guarantee in Education Program.

Analysis by the Legislative Reference Bureau

Milwaukee Parental Choice Program

Under current law, the number of pupils who may attend a private school under the Milwaukee Parental Choice Program (MPCP) is capped at 15 percent of the enrollment of the Milwaukee Public Schools (MPS). If in any school year there are more spaces available in the private schools participating in the MPCP than the maximum number of pupils allowed to attend the private schools under the MPCP, the law directs the Department of Public Instruction (DPI) to prorate the number of spaces available at each participating private school.

This bill provides that the number of pupils who attend private schools under the MPCP may not exceed 22,500. That number is to be determined in the same manner as public school enrollment is determined; for example, most kindergarten pupils are counted as 0.5 pupil.

Under current law, to participate in the MPCP, a pupil must be a member of a family with a total family income of no more than 1.75 times the federal poverty level.

This bill allows a pupil to continue to attend an MPCP school if the pupil's family income does not exceed 2.2 times the federal poverty level. The bill also provides that siblings of pupils attending an MPCP school are subject to the higher limit.

Under current law, a pupil may participate in the MPCP only if, in the previous school year, the pupil was enrolled in the MPS, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, or was not enrolled in school. This bill eliminates this eligibility requirement.

The bill requires that each private school participating in the MPCP achieve accreditation or approval by at least one of a number of specified accrediting agencies within three and one–half years of its initial participation. The bill authorizes DPI to issue an order barring a private school from participating in the MPCP in the following school year if the private school fails to timely apply for accreditation, fails to achieve accreditation within the requisite period, or is denied accreditation by the accrediting agency.

Current law requires each school board to adopt academic standards and to administer statewide examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than independent charter schools) located in the school district. Identical provisions exist under current law for independent charter schools. Under current law, the fourth, eighth, and tenth grade examinations are not required to be administered to pupils participating in the MPCP.

This bill requires a private school participating in the MPCP to administer nationally normed, standardized tests in reading, science, and mathematics to the pupils attending the school in the fourth, eighth, and tenth grades under the MPCP. Beginning in 2006 and annually thereafter until 2011, the private school must provide the scores of all standardized tests that it has administered to the School Choice Demonstration Project, currently at Georgetown University. The bill directs the Legislative Audit Bureau, based upon the standardized test score data that it receives from the project, to review and analyze the test score data and submit reports to the legislature annually from 2007 to 2011. The reports must include the results of various tests, including standardized state tests administered to representative samples of pupils in the MPCP and pupils enrolled in the MPS.

SAGE

Current law allows a school board to enter into a five–year renewable achievement guarantee (SAGE) contract with DPI to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving $2,000 for each low–income pupil enrolled in grades eligible for SAGE funding in the school district. The most recent set of SAGE contracts expires at the end of the 2005–06 school year. Contracts may be renewed for one or more terms of five years.

This bill increases the $2,000 per pupil payment to $2,250 beginning in the 2007–08 school year for contract renewals.

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:

SECTION 1. 118.43 (6) (b) (intro.) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

118.43 **(6)** (b) (intro.) From the appropriation under s. 20.255 (2) (cu), ~~subject to par. (c),~~ the department shall pay to each school district that has entered into a contract with the department under this section an amount determined as follows:

SECTION 2. 118.43 (6) (b) 9. of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

118.43 **(6)** (b) 9. In the 2005–06 and ~~any subsequent~~ 2006–07 school ~~year~~ years, $2,000 multiplied by the number of low–income pupils enrolled in grades eligible for funding in each school in the school district covered by renewals of contracts under sub. (2) (g); and in the 2007–08 school year and any subsequent school year, $2,250 multiplied by the number of low–income pupils enrolled in grades eligible for funding in each school in the school district covered by renewals of contracts under sub. (2) (g).

SECTION 3. 118.43 (6) (c) of the statutes is repealed.

SECTION 4. 119.23 (2) (a) 1. of the statutes is amended to read:

119.23 **(2)** (a) 1. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this

section if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. For purposes of admission to a private school under this section, siblings of pupils attending a private school under this section are subject to the higher income limit. If a pupil attending a private school under this section ceases to attend a private school under this section, the lower income limit applies unless the pupil is a sibling of a pupil attending a private school under this section.

SECTION 5. 119.23 (2) (a) 2. of the statutes is repealed.

SECTION 6. 119.23 (2) (a) 7. of the statutes is created to read:

119.23 **(2)** (a) 7. The private school achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year that begins after June 30, 2006, in which it participates in the program under this section, or the private school was approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education.

SECTION 7. 119.23 (2) (b) of the statutes is amended to read:

119.23 **(2)** (b) No more than ~~15% of the school district's membership~~ 22,500 pupils, as counted under s. 121.004 (7), may attend private schools under this section. ~~If in any school year there are more spaces available in the participating private schools than the maximum number of pupils allowed to participate, the department shall prorate the number of spaces available at each participating~~

1 ~~private school~~ Whenever the state superintendent determines that the limit is
2 reached, he or she shall issue an order prohibiting the participating private schools
3 from accepting additional pupils until he or she determines that the number of pupils
4 attending private schools under this section has fallen below the limit.

5 **SECTION 8.** 119.23 (7) (e) of the statutes is created to read:

6 119.23 **(7)** (e) 1. Annually, each private school participating in the program
7 under this section shall administer a nationally normed standardized test in
8 reading, mathematics, and science to pupils attending the school under the program
9 in the 4th, 8th, and 10th grades. The private school may administer additional
10 standardized tests to such pupils. Beginning in 2006 and annually thereafter until
11 2011, the private school shall provide the scores of all standardized tests that it
12 administers to the School Choice Demonstration Project.

13 2. The legislative audit bureau shall review and analyze the standardized test
14 score data received from the School Choice Demonstration Project. Based on its
15 review, in 2007 and annually thereafter until 2011, the bureau shall report to the
16 legislature under s. 13.172 (2) the results of the standardized tests administered
17 under subd. 1., the scores of a representative sample of pupils participating in the
18 program on the tests under ss. 118.30 and 121.02 (1) (r), and the scores of a
19 comparable group of pupils enrolled in the school district operating under this
20 chapter on the tests under ss. 118.30 and 121.02 (1) (r).

21 **SECTION 9.** 119.23 (7) (f) of the statutes is created to read:

22 119.23 **(7)** (f) A private school that is neither accredited nor approved under
23 sub. (2) (a) 7., and to which either of the following applies, shall apply for
24 accreditation by December 31 of the school year in which it enters or reenters the
25 program under this section:

1. The private school did not participate in the program under this section during the 2005–06 school year.

2. The private school participated in the program under this section during the 2005–06 school year but did not participate in the program during the 2006–07 school year.

SECTION 10. 119.23 (9) of the statutes is created to read:

119.23 **(9)** If any accrediting agency specified under sub. (2) (a) 7. determines during the accrediting process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 11. 119.23 (10) (am) of the statutes is created to read:

119.23 **(10)** (am) If the state superintendent determines that any of the following have occurred, he or she may issue an order barring the private school from participating in the program under this section in the following school year:

1. The private school has not complied with the requirement under sub. (7) (f).

2. The private school's application for accreditation has been denied by the accrediting organization.

3. The private school has not achieved accreditation within the period allowed under sub. (2) (a) 7.

SECTION 12. 119.23 (10) (c) of the statutes is amended to read:

119.23 **(10)** (c) Whenever the state superintendent issues an order under par. (a), (am), or (b), he or she shall immediately notify the parent or guardian of each pupil attending the private school under this section.

SECTION 13. Nonstatutory provisions.

(1) Any private school that is neither accredited nor approved as required under section 119.23 (2) (a) 7. of the statutes, as created by this act, that participated

in the program under section 119.23 of the statutes during the 2005–06 school year, and that has notified the state superintendent of public instruction under section 119.23 (2) (a) 3. of the statutes of its intent to continue to participate in the program during the 2006–07 school year, shall apply for accreditation by September 30, 2006. If the state superintendent determines that the private school has not applied for accreditation by September 30, 2006, the private school may not participate in the program under section 119.23 of the statutes in the 2006–07 school year.

SECTION 14. Initial applicability.

(1) The treatment of section 119.23 (2) (a) 1. and 2. of the statutes first applies to pupils and private schools who intend to participate in the Milwaukee Parental Choice Program in the 2006–07 school year.

(END)