



2007 DRAFTING REQUEST

Assembly Amendment (AA-SSA1-SB40)

Received: 06/26/2007

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 266-3847

By/Representing: Kava

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: PG

Submit via email: YES

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Kava -

Topic:

Create Racine County Parental Choice Program

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>
/1	tkuczens 06/27/2007	csicilia 06/28/2007	rschluet 06/28/2007	_____	lparisi 06/28/2007		
	tkuczens 07/05/2007	kfollett 07/05/2007		_____			
/2	tkuczens 07/06/2007	kfollett 07/06/2007	jfrantze 07/05/2007	_____	cduerst 07/05/2007		
/3			rschluet 07/06/2007	_____	cduerst 07/06/2007		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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	tkuczens 07/05/2007	kfollett 07/05/2007		_____			
/2		<i>13/5 F</i> <i>7/10</i>	jfrantze 07/05/2007	_____	cduerst 07/05/2007		

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<END>

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/1	tkuczens 06/27/2007	csicilia 06/28/2007	rschluet 06/28/2007		lparisi 06/28/2007		

FE Sent For:

12 cjs 7/5
07

[Handwritten Signature]

17 <END>

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/1	tkuczens						
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1 ejs 6/28
07

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6/28
PB

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

6/26/07

LFB (Roe Kava) for Assembly Republicans (budget)

- create Racine County Parental Choice Program. (LRB - 1489)

- modify reimbursement under (4)(b) (sliding scale)

· adjust annually, as under 19.23 (4)(b)2., by tying to general school aids.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBb0728/1

TRK.../....
ejs
inserts
d-note

6/27/07

LFB:.....Kava - Create Racine County Parental Choice Program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40

subd. 2.a.

in the 2007-08
school year, and
in each

Insert
1-A (Schedule)
1-B



At the locations indicated, amend the substitute amendment as follows:

- ①
- ②
- ③
- ④
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- 10

2. a. ~~In the 2007-08 school year,~~ if the pupil is a member of a family that has a total family income that is no more than 1.75 times the poverty line, \$6,500, ~~in~~ subsequent school years, the amount paid per pupil under this subdivision paragraph in the previous school year multiplied by the sum of 1.0 plus the percentage change from the previous school year to the current school year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

b. ~~In the 2007-08 school year,~~ if the pupil is a member of a family that has a total family income that is more than 1.75 times the poverty line but no more than

subd. 2. b. in the 2007-08 school year, and, in each

1 2.25 times the poverty line, \$5,000. In subsequent school years, the amount paid per
2 pupil under this subdivision paragraph in the previous school year multiplied by the
3 sum of 1.0 plus the percentage change from the previous school year to the current
4 school year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a
5 decimal, but not less than zero.

6 c. In the 2007-08 school year, if the pupil is a member of a family that has a total
7 family income that is more than 2.25 times the poverty line but no more than 2.50
8 times the poverty line, \$3,500. In subsequent school years, the amount paid per pupil
9 under this subdivision paragraph in the previous school year multiplied by the sum
10 of 1.0 plus the percentage change from the previous school year to the current school
11 year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal,
12 but not less than zero.

in the 2007-08 school year, and, in each

subd. 2. c. in the 2007-08 school year, and, in each

13 d. In the 2007-08 school year, if the pupil is a member of a family that has a total
14 family income that is more than 2.50 times the poverty line but no more than 2.75
15 times the poverty line, \$2,000. In subsequent school years, the amount paid per pupil
16 under this subdivision paragraph in the previous school year multiplied by the sum
17 of 1.0 plus the percentage change from the previous school year to the current school
18 year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal,
19 but not less than zero.

subd. 2. d. in the 2007-08 school year, and, in each

20 e. In the 2007-08 school year, if the pupil is a member of a family that has a
21 total family income that is more than 2.75 times the poverty line, \$1,000. In
22 subsequent school years, the amount paid per pupil under this subdivision
23 paragraph in the previous school year multiplied by the sum of 1.0 plus the
24 percentage change from the previous school year to the current school year in the

in the 2007-08 school year, and, in each

subd. 2. e.

1 total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but not
2 less than zero.

Inserts
3-3A
3-3B
3-3C

3 **SECTION 2744f.** 121.08 (4) (d) of the statutes is amended to read:

4 121.08 (4) (d) The state superintendent shall ensure that the total amount of
5 aid reduction under pars. (a) and , (b), and (bd) lapses to the general fund.”

Insert
3-6

6 **History:** 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25.

(END)

20057

LRB 60728 / 1

File With Statute **20.005 (3)** Schedule

TRK : :

\$\$\$ SCHEDULE

Insert 1-A

In the component bar:

For the action phrase, execute: create → action: → ch20

For the table layout, execute: create → <Table> → \$sched

SECTION #. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

Page 123, line 3: after that line insert:

2005-06

2006-07

20. _____
.....
.....

() _____
.....
.....

→ " (fr) Racine County Parental
Choice Program

..... GPR S -0- -0-

20. _____
.....
.....

() _____
.....
.....

() _____
.....
.....

..... _____

BILL

receive up to \$6,500 towards tuition at a participating private school. A pupil who is a member of a family with an income that is greater than 275 percent of the federal poverty line would be eligible to receive up to \$1,000 towards tuition at a participating private school.

Each private school participating in the RCPCP must meet at least one of the following standards:

1. At least 70 percent of the pupils in the program advance one grade level each year.
2. The private school's average attendance rate for the pupils in the program is at least 90 percent.
3. At least 80 percent of the pupils in the program demonstrate significant academic progress.
4. At least 70 percent of the families of pupils in the program meet parental involvement criteria established by the private school.

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:

Insert 1-B

Page 302, line 17: after that line insert:

① 242p SECTION 1. 20.255 (2) (fr) of the statutes is created to read:

2 20.255 (2) (fr) *Racine County Parental Choice Program*. A sum sufficient to
3 make the payments to private schools under s. 118.53 (4) and (4m). v. ^ ←

Page 1290, line 8: after that line insert:

④ 2731d SECTION 2. 118.53 of the statutes is created to read:

- 5 **118.53 Racine County Parental Choice Program. (1)** In this section:
- 6 (a) "Membership" has the meaning given in s. 121.004 (5).
- 7 (b) "Poverty line" means the federal poverty line as defined under 42 USC 9902
- 8 (2).
- 9 (c) "Resident school board" means the school board of a resident school district.
- 10 (d) "Resident school district" means the school district in which a pupil resides.
- 11 (e) "Summer average daily membership equivalent" has the meaning given in
- 12 s. 121.004 (8).

BILL

1 (f) “Summer choice average daily membership equivalent” means the summer
2 average daily membership equivalent of pupils who were attending a private school
3 under this section on the 2nd Friday of January of the school term immediately
4 preceding that summer or whose applications have been accepted under sub. (3) for
5 attendance at the private school in the school term immediately following that
6 summer.

7 (g) “Teacher” means a person who has primary responsibility for the academic
8 instruction of pupils.

9 (2) Beginning in the 2009–10 school year, any pupil in grades kindergarten to
10 12 who resides within Racine County may attend any private school located in the
11 county if all of the following apply:

12 (a) The private school notified the state superintendent of its intent to
13 participate in the program under this section by February 1 of the previous school
14 year. The notice shall specify the number of pupils participating in the program
15 under this section for which the school has space.

16 (b) The private school complies with 42 USC 2000d.

17 (c) The private school meets all health and safety laws or codes that apply to
18 public schools.

19 (d) All of the private school’s teachers have graduated from high school or been
20 granted a declaration of equivalency of high school graduation.

21 (e) The private school achieves accreditation by the Wisconsin North Central
22 Association, the Wisconsin Religious and Independent Schools Accreditation, the
23 Independent Schools Association of the Central States, or any other organization
24 recognized by the National Council for Private School Accreditation, by December 31

BILL

1 of the 3rd school year following the first school year in which the private school
2 participates in the program under this section.

3 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
4 on a form provided by the state superintendent, to the participating private school
5 that the pupil wishes to attend. The pupil or the pupil's parent or guardian shall
6 submit with the application sufficient documentation, as determined by the state
7 superintendent by rule, for the participating private school to verify family income
8 and to determine payments to be made on behalf of the pupil under subs. (4) and
9 (4m).

10 (b) Within 60 days after receiving the application, the private school shall
11 notify the applicant, in writing, whether the application has been accepted. The
12 state superintendent shall ensure that the private school determines which pupils
13 to accept on a random basis, except that the private school may give preference in
14 accepting applications to siblings of pupils accepted on a random basis.

15 (c) If the private school rejects an applicant because it has too few available
16 spaces, the pupil may transfer his or her application to a participating private school
17 that has space available.

18 (d) The pupil or the pupil's parent or guardian shall submit proof of the pupil's
19 enrollment in the private school to the state superintendent prior to the school term.

20 (4) (a) Annually, on or before October 15, a private school participating in the
21 program under this section shall file with the department a report stating its
22 summer average daily membership equivalent and its summer choice average daily
23 membership equivalent for the purpose of sub. (4m).

BILL

1 (b) Upon receipt of proof of enrollment under sub. (3) (d), the state
2 superintendent shall pay to the parent or guardian, from the appropriation under s.
3 20.255 (2) (fr), an amount equal to the lesser of the following:

4 1. The amount equal to the private school's operating and debt service cost per
5 pupil that is related to educational programming, as determined by the department.

6 2. a. If the pupil is a member of a family that has a total family income that is
7 no more than 1.75 times the poverty line, \$6,500.

8 b. If the pupil is a member of a family that has a total family income that is more
9 than 1.75 times the poverty line but no more than 2.25 times the poverty line, \$5,000.

10 c. If the pupil is a member of a family that has a total family income that is more
11 than 2.25 times the poverty line but no more than 2.50 times the poverty line, \$3,500.

12 d. If the pupil is a member of a family that has a total family income that is more
13 than 2.50 times the poverty line but no more than 2.75 times the poverty line, \$2,000.

14 e. If the pupil is a member of a family that has a total family income that is more
15 than 2.75 times the poverty line, \$1,000.

16 (c) The state superintendent shall pay 25 percent of the total amount under par.

17 (b) in September, 25 percent in November, 25 percent in February, and 25 percent in
18 May. The state superintendent may include the entire amount under sub. (4m) in
19 one of those installments or apportion the entire amount among one or more of those
20 installments. The department shall send the check to the private school. The parent
21 or guardian shall restrictively endorse the check for the use of the private school.

22 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
23 pay to the parent or guardian of each pupil enrolled in a private school under this
24 section, in the manner described in sub. (4) (c), an amount determined by multiplying
25 40 percent of the payment under sub. (4) by the quotient determined by dividing the

End of
Insert 1-B

Insert
3-3A

BILL

1 summer choice average daily membership equivalent of the private school by the
2 total number of pupils for whom payments are being made under sub. (4).

3 (5) The state superintendent shall ensure that pupils and parents and
4 guardians of pupils who reside in Racine County are informed annually of the private
5 schools participating in the program under this section.

6 (6) The resident school board shall provide transportation to pupils of the
7 resident school district attending a private school under this section if required
8 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
9 transported.

10 (7) (a) Each private school participating in the program under this section shall
11 meet at least one of the following standards:

12 1. At least 70 percent of the pupils in the program advance one grade level each
13 year.

14 2. The private school's average attendance rate for the pupils in the program
15 is at least 90 percent.

16 3. At least 80 percent of the pupils in the program demonstrate significant
17 academic progress.

18 4. At least 70 percent of the families of pupils in the program meet parent
19 involvement criteria established by the private school.

20 (am) Each private school participating in the program under this section is
21 subject to uniform financial accounting standards established by the department.
22 Annually by September 1 following a school year in which a private school
23 participated in the program under this section, the private school shall submit to the
24 department all of the following:

BILL

1 1. An independent financial audit of the private school conducted by a certified
2 public accountant, accompanied by the auditor's statement that the audit report is
3 free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1.
4 The audit under this subdivision shall be limited in scope to those records that are
5 necessary for the department to make payments under subs. (4) and (4m).

6 2. Evidence of sound fiscal practices, as prescribed by the department by rule.

7 (c) A private school may not require a pupil attending the private school under
8 this section to participate in any religious activity if the pupil's parent or guardian
9 submits to the pupil's teacher or the private school's principal a written request that
10 the pupil be exempt from such activities.

11 (d) By August 1 before the first school term of participation in the program, or
12 by May 1 if the private school begins participating in the program during summer
13 school, each private school participating in the program under this section shall
14 submit to the department all of the following:

15 1. A copy of the school's current certificate of occupancy issued by the city, town,
16 or village in which the school is located. If the private school moves to a new location,
17 the private school shall submit a copy of the new certificate of occupancy issued by
18 the city, town, or village in which the school is located to the department before the
19 attendance of pupils at the new location and before the next succeeding date specified
20 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the
21 requirement of this subdivision.

22 2. Evidence of financial viability, as prescribed by the department by rule.

23 3. Proof that the private school's administrator has participated in a fiscal
24 management training program approved by the department.

BILL

1 (e) Annually, each private school participating in the program under this
2 section shall administer a nationally normed standardized test in reading,
3 mathematics, and science to pupils attending the school under the program in the
4 4th, 8th, and 10th grades. The private school may administer additional
5 standardized tests to such pupils.

6 (8) There is created a pupil assignment council composed of one representative
7 from each private school participating in the program under this section. Annually
8 by June 30, the council shall make recommendations to the participating private
9 schools to achieve, to the extent possible, a balanced representation of pupils
10 participating in the program under this section.

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

14 (10) (a) The state superintendent may issue an order barring a private school
15 from participating in the program under this section in the current school year if the
16 state superintendent determines that the private school has done any of the
17 following:

18 1. Misrepresented information required under sub. (7) (d).

19 2. Failed to provide the notice required under sub. (2) (a), or the information
20 required under sub. (7) (am) or (d), by the date or within the period specified.

21 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
22 by the date specified by department rule.

23 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
24 specified by department rule.

BILL

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

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

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

8 (b) The state superintendent may issue an order immediately terminating a
9 private school's participation in the program under this section if he or she
10 determines that conditions at the private school present an imminent threat to the
11 health or safety of pupils.

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

15 (d) The state superintendent may withhold payment from a parent or guardian
16 under subs. (4) and (4m) if the private school attended by the child of the parent or
17 guardian violates this section.

18 (11) The department shall promulgate rules to implement and administer this
19 section. ^{)) ^} ←

End of
insert 3-3A

Insert
3-3C

~~SECTION 3. 121.08 (4) (b) of the statutes is renumbered 121.08 (4) (b) 1.~~

Page 1243, line 15: after that line insert:

SECTION 4. 121.08 (4) (b) 2 of the statutes is created to read:
(br)

22 121.08 (4) (b) 2. The amount of state aid that a school district located in whole
23 or in part in Racine County is eligible to be paid from the appropriation under 20.255

24 (2) (ac) shall also be reduced by 45 percent of the sum of the amounts paid under s.

BILL

end of insert 3-3C

1 118.53 (4) and (4m) in the current school year for pupils who reside in the school
2 district and attend a private school under s. 118.53 in the current school year.

Insert 3-6

Page 1259, line 17: after that line insert:

3 ~~SECTION 5.~~ SECTION 5. 146.89 (1) (d) 2. of the statutes is amended to read:

4 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
5 in the Racine County Parental Choice Program under s. 118.53 or the Milwaukee
6 Parental Choice Program under s. 119.23.

7 ~~SECTION 6.~~ SECTION 6. 146.89 (1) (g) 3. of the statutes is amended to read:

8 146.89 (1) (g) 3. A private school, as defined in s. 115.001 (3r), that participates
9 in the Racine County Parental Choice Program under s. 118.53 or the Milwaukee
10 Parental Choice Program under s. 119.23. ✓ ↑

11 (END) ↑

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0728/1ins
TKK:.....

1 **Insert 3-3B**

2 **1.** Page 1242, line 21: after that line insert:

3 **"SECTION 2740q.** 121.08 (4) (a) 2. of the statutes is amended to read:

4 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
5 that all school districts are eligible to be paid from the appropriations under s. 20.255
6 (2) (ac), ~~and (r)~~ calculated as if the ~~reduction~~ ^{reductions} under ~~par.~~ ^{pars.} (b) ~~or (br)~~ ^{and} had not occurred.

NOTE: NOTE: The bracketed language indicates an incorrect cross-reference. Section 20.255 (2) (r) was repealed by 2005 Wis. Act 25. Corrective legislation is pending.

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25.

7 **SECTION 2740s.** 121.08 (4) (a) 3. of the statutes is amended to read:

8 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
9 eligible to be paid from the ~~appropriations~~ ^{appropriation} under s. 20.255 (2) (ac), ~~and (r)~~ calculated as if
10 the ~~reduction~~ ^{reductions} under ~~par.~~ ^{pars.} (b) ~~or (br)~~ ^{and} had not occurred, by the quotient under subd. 2.".

NOTE: NOTE: The bracketed language indicates an incorrect cross-reference. Section 20.255 (2) (r) was repealed by 2005 Wis. Act 25. Corrective legislation is pending.

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0728/1dn

TKK:.....

gjs

State aid reduction.

(MPCP)

Russ:

I have a couple of questions about this draft:

1. Sections 2741, 2742, 2743, and 2744 of SSA1 to SB40 modify the methodology for determining the reduction, under s. 121.08 (4) (b), in state aid for the Milwaukee Parental Choice Program. Should I modify the methodology for the Racine County Parental Choice Program state aid reductions under proposed 121.08 (4) (br) to parallel the new MPCP methodology? ✓
✓
✓
✓

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

2. Program fees. Sections 236, 2734, 2735, and 9137 (1) and (2) of SSA1 to SB40 create a Program fee for MPCP to be used to evaluate the financial information submitted by private schools participating in the program. Should a similar program fee be created for the Racine County Parental Choice Program?

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

LRBb0728/1dn
TKK:cjs:rs

June 28, 2007

Russ:

I have a couple of questions about this draft:

1. State aid reduction. Sections 2741, 2742, 2743, and 2744 of SSA1 to SB40 modify the methodology for determining the reduction, under s. 121.08 (4) (b), in state aid for the Milwaukee Parental Choice Program (MPCP). Should I modify the methodology for the Racine County Parental Choice Program state aid reductions under proposed 121.08 (4) (br) to parallel the new MPCP methodology?
2. Program fees. Sections 236, 2734, 2735, and 9137 (1) and (2) of SSA 1 to SB 40 create a program fee for MPCP to be used to evaluate the financial information submitted by private schools participating in the program. Should a similar program fee be created for the Racine County Parental Choice Program?

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

2
LRBb0728/A
TKK:cjs:rs
RMNR
stays

7/5/07

LFB:.....Kava - Create Racine County Parental Choice Program
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40**

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 123, line 3: after that line insert:

3 “(fr) Racine County Parental Choice

4 Program GPR S -0- -0-”.

5 **2.** Page 302, line 17: after that line insert:

6 “SECTION 242p. 20.255 (2) (fr) of the statutes is created to read:

7 20.255 (2) (fr) *Racine County Parental Choice Program*. A sum sufficient to
8 make the payments to private schools under s. 118.53 (4) and (4m).”.

9 **3.** Page 1240, line 8: after that line insert:

10 “SECTION 2731d. 118.53 of the statutes is created to read:

1 **118.53 Racine County Parental Choice Program. (1)** In this section:

2 (a) "Membership" has the meaning given in s. 121.004 (5).

3 (b) "Poverty line" means the federal poverty line as defined under 42 USC 9902
4 (2).

5 (c) "Resident school board" means the school board of a resident school district.

6 (d) "Resident school district" means the school district in which a pupil resides.

7 (e) "Summer average daily membership equivalent" has the meaning given in
8 s. 121.004 (8).

9 (f) "Summer choice average daily membership equivalent" means the summer
10 average daily membership equivalent of pupils who were attending a private school
11 under this section on the 2nd Friday of January of the school term immediately
12 preceding that summer or whose applications have been accepted under sub. (3) for
13 attendance at the private school in the school term immediately following that
14 summer.

15 (g) "Teacher" means a person who has primary responsibility for the academic
16 instruction of pupils.

17 **(2)** Beginning in the 2009-10 school year, any pupil in grades kindergarten to
18 12 who resides within Racine County may attend any private school located in the
19 county if all of the following apply:

20 (a) The private school notified the state superintendent of its intent to
21 participate in the program under this section by February 1 of the previous school
22 year. The notice shall specify the number of pupils participating in the program
23 under this section for which the school has space.

24 (b) The private school complies with 42 USC 2000d.

1 (c) The private school meets all health and safety laws or codes that apply to
2 public schools.

3 (d) All of the private school's teachers have graduated from high school or been
4 granted a declaration of equivalency of high school graduation.

5 (e) The private school achieves accreditation by the Wisconsin North Central
6 Association, the Wisconsin Religious and Independent Schools Accreditation, the
7 Independent Schools Association of the Central States, or any other organization
8 recognized by the National Council for Private School Accreditation, by December 31
9 of the 3rd school year following the first school year in which the private school
10 participates in the program under this section.

11 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
12 on a form provided by the state superintendent, to the participating private school
13 that the pupil wishes to attend. The pupil or the pupil's parent or guardian shall
14 submit with the application sufficient documentation, as determined by the state
15 superintendent by rule, for the participating private school to verify family income
16 and to determine payments to be made on behalf of the pupil under subs. (4) and
17 (4m).

18 (b) Within 60 days after receiving the application, the private school shall
19 notify the applicant, in writing, whether the application has been accepted. The
20 state superintendent shall ensure that the private school determines which pupils
21 to accept on a random basis, except that the private school may give preference in
22 accepting applications to siblings of pupils accepted on a random basis.

23 (c) If the private school rejects an applicant because it has too few available
24 spaces, the pupil may transfer his or her application to a participating private school
25 that has space available.

1 (d) The pupil or the pupil's parent or guardian shall submit proof of the pupil's
2 enrollment in the private school to the state superintendent prior to the school term.

3 (4) (a) Annually, on or before October 15, a private school participating in the
4 program under this section shall file with the department a report stating its
5 summer average daily membership equivalent and its summer choice average daily
6 membership equivalent for the purpose of sub. (4m).

7 (b) Upon receipt of proof of enrollment under sub. (3) (d), the state
8 superintendent shall pay to the parent or guardian, from the appropriation under s.
9 20.255 (2) (fr), an amount equal to the lesser of the following:

10 1. The amount equal to the private school's operating and debt service cost per
11 pupil that is related to educational programming, as determined by the department.

12 2. a. If the pupil is a member of a family that has a total family income that is
13 no more than 1.75 times the poverty line, \$6,500 in the ²⁰⁰⁹⁻¹⁰ 2007-08 school year, and, in
14 each subsequent school year, the amount paid per pupil under this subd. 2. a. in the
15 previous school year multiplied by the sum of 1.0 plus the percentage change from
16 the previous school year to the current school year in the total amount appropriated
17 under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

18 b. If the pupil is a member of a family that has a total family income that is more
19 than 1.75 times the poverty line but no more than 2.25 times the poverty line, \$5,000
20 in the ²⁰⁰⁹⁻¹⁰ 2007-08 school year, and, in each subsequent school year, the amount paid per
21 pupil under this subd. 2. b. in the previous school year multiplied by the sum of 1.0
22 plus the percentage change from the previous school year to the current school year
23 in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but
24 not less than zero.

1 c. If the pupil is a member of a family that has a total family income that is more
2 than 2.25 times the poverty line but no more than 2.50 times the poverty line, \$3,500
3 in the ²⁰⁰⁹⁻¹⁰2007-08 school year, and, in each subsequent school year, the amount paid per
4 pupil under this subd. 2. c. in the previous school year multiplied by the sum of 1.0
5 plus the percentage change from the previous school year to the current school year
6 in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but
7 not less than zero.

8 d. If the pupil is a member of a family that has a total family income that is more
9 than 2.50 times the poverty line but no more than 2.75 times the poverty line, \$2,000
10 in the ²⁰⁰⁹⁻¹⁰2007-08 school year, and, in each subsequent school year, the amount paid per
11 pupil under this subd. 2. d. in the previous school year multiplied by the sum of 1.0
12 plus the percentage change from the previous school year to the current school year
13 in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but
14 not less than zero.

15 e. If the pupil is a member of a family that has a total family income that is more
16 than 2.75 times the poverty line, \$1,000 in the ²⁰⁰⁹⁻¹⁰2007-08 school year, and, in each
17 subsequent school year, the amount paid per pupil under this subd. 2. e. in the
18 previous school year multiplied by the sum of 1.0 plus the percentage change from
19 the previous school year to the current school year in the total amount appropriated
20 under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

21 (c) The state superintendent shall pay 25 percent of the total amount under par.
22 (b) in September, 25 percent in November, 25 percent in February, and 25 percent in
23 May. The state superintendent may include the entire amount under sub. (4m) in
24 one of those installments or apportion the entire amount among one or more of those

1 installments. The department shall send the check to the private school. The parent
2 or guardian shall restrictively endorse the check for the use of the private school.

3 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
4 pay to the parent or guardian of each pupil enrolled in a private school under this
5 section, in the manner described in sub. (4) (c), an amount determined by multiplying
6 40 percent of the payment under sub. (4) by the quotient determined by dividing the
7 summer choice average daily membership equivalent of the private school by the
8 total number of pupils for whom payments are being made under sub. (4).

9 **(5)** The state superintendent shall ensure that pupils and parents and
10 guardians of pupils who reside in Racine County are informed annually of the private
11 schools participating in the program under this section.

12 **(6)** The resident school board shall provide transportation to pupils of the
13 resident school district attending a private school under this section if required
14 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
15 transported.

16 **(7) (a)** Each private school participating in the program under this section shall
17 meet at least one of the following standards:

18 1. At least 70 percent of the pupils in the program advance one grade level each
19 year.

20 2. The private school's average attendance rate for the pupils in the program
21 is at least 90 percent.

22 3. At least 80 percent of the pupils in the program demonstrate significant
23 academic progress.

24 4. At least 70 percent of the families of pupils in the program meet parent
25 involvement criteria established by the private school.

1 (am) Each private school participating in the program under this section is
2 subject to uniform financial accounting standards established by the department.
3 Annually by September 1 following a school year in which a private school
4 participated in the program under this section, the private school shall submit to the
5 department all of the following:

6 1. An independent financial audit of the private school conducted by a certified
7 public accountant, accompanied by the auditor's statement that the audit report is
8 free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1.
9 The audit under this subdivision shall be limited in scope to those records that are
10 necessary for the department to make payments under subs. (4) and (4m).

11 2. Evidence of sound fiscal practices, as prescribed by the department by rule.

12 (c) A private school may not require a pupil attending the private school under
13 this section to participate in any religious activity if the pupil's parent or guardian
14 submits to the pupil's teacher or the private school's principal a written request that
15 the pupil be exempt from such activities.

16 (d) By August 1 before the first school term of participation in the program, or
17 by May 1 if the private school begins participating in the program during summer
18 school, each private school participating in the program under this section shall
19 submit to the department all of the following:

20 1. A copy of the school's current certificate of occupancy issued by the city, town,
21 or village in which the school is located. If the private school moves to a new location,
22 the private school shall submit a copy of the new certificate of occupancy issued by
23 the city, town, or village in which the school is located to the department before the
24 attendance of pupils at the new location and before the next succeeding date specified

1 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the
2 requirement of this subdivision.

3 2. Evidence of financial viability, as prescribed by the department by rule.

4 3. Proof that the private school's administrator has participated in a fiscal
5 management training program approved by the department.

6 (e) Annually, each private school participating in the program under this
7 section shall administer a nationally normed standardized test in reading,
8 mathematics, and science to pupils attending the school under the program in the
9 4th, 8th, and 10th grades. The private school may administer additional
10 standardized tests to such pupils.

11 (8) There is created a pupil assignment council composed of one representative
12 from each private school participating in the program under this section. Annually
13 by June 30, the council shall make recommendations to the participating private
14 schools to achieve, to the extent possible, a balanced representation of pupils
15 participating in the program under this section.

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

19 (10) (a) The state superintendent may issue an order barring a private school
20 from participating in the program under this section in the current school year if the
21 state superintendent determines that the private school has done any of the
22 following:

23 1. Misrepresented information required under sub. (7) (d).

24 2. Failed to provide the notice required under sub. (2) (a), or the information
25 required under sub. (7) (am) or (d), by the date or within the period specified.

1 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
2 by the date specified by department rule.

3 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
4 specified by department rule.

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

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

10 2. The private school has not achieved accreditation within the period allowed
11 under sub. (2) (e).

12 (b) The state superintendent may issue an order immediately terminating a
13 private school's participation in the program under this section if he or she
14 determines that conditions at the private school present an imminent threat to the
15 health or safety of pupils.

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

19 (d) The state superintendent may withhold payment from a parent or guardian
20 under subs. (4) and (4m) if the private school attended by the child of the parent or
21 guardian violates this section.

22 (11) The department shall promulgate rules to implement and administer this
23 section.”.

24 4. Page 1242, line 21: after that line insert:

1 **“SECTION 2740q.** 121.08 (4) (a) 2. of the statutes is amended to read:

2 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
3 that all school districts are eligible to be paid from the ~~appropriations~~ appropriation
4 under s. 20.255 (2) (ac) ~~and (r)~~, calculated as if the ~~reduction~~ reductions under ~~par.~~
5 pars. (b) and (br) had not occurred.

6 **SECTION 2740s.** 121.08 (4) (a) 3. of the statutes is amended to read:

7 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
8 eligible to be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) ~~and~~
9 ~~(r)~~, calculated as if the ~~reduction~~ reductions under ~~par.~~ pars. (b) and (br) had not
10 occurred, by the quotient under subd. 2.”.

11 **5.** Page 1243, line 15: after that line insert:

12 **“SECTION 2744d.** 121.08 (4) (br) of the statutes is created to read:

13 121.08 (4) (br) The amount of state aid that a school district located in whole
14 or in part in Racine County is eligible to be paid from the appropriation under 20.255
15 (2) (ac) shall also be reduced by 45 percent of the sum of the amounts paid under s.
16 118.53 (4) and (4m) in the current school year for pupils who reside in the school
17 district and attend a private school under s. 118.53 in the current school year.

18 **SECTION 2744f.** 121.08 (4) (d) of the statutes is amended to read:

19 121.08 (4) (d) The state superintendent shall ensure that the total amount of
20 aid reduction under ~~pars.~~ (a) ~~and~~, (b), and (bd) lapses to the general fund.”.

21 **6.** Page 1259, line 17: after that line insert:

22 **“SECTION 2872d.** 146.89 (1) (d) 2. of the statutes is amended to read:

