



State of Wisconsin  
2009 - 2010 LEGISLATURE

P3  
LRB-1402/P2

TKK:cjs:ph

inserts  
d-note

DOA:.....Skwarczek, BB0368 - Changes to MPCP

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1/21/09

P.W.F.

Do Not Gen

1 AN ACT...; relating to: the budget.

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

**PRIMARY AND SECONDARY EDUCATION**

This bill makes changes to the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions.

Beginning in the 2011-12 school year, this bill directs each private school participating in the MPCP to ensure that every teacher, supervisor, administrator, and professional staff member holds a license or a permit to teach issued by the Department of Public Instruction (DPI). Currently, persons are not required to be licensed to teach in any private school.

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools

and the material on pp. 7 & 8 of 1402/P2 should be deleted as shown in INSERTS 19-23A and 19-23B.

LPS - the material on pages 2-6 of LRB-1402/P2 should be deleted

2007 ASSEMBLY BILL 919

SA 07/1  
SF 92

March 6, 2008 – Introduced by Representative SINICKI, cosponsored by Senator LEHMAN. Referred to Committee on Education Reform.

1 AN ACT *to renumber and amend* 119.23 (2) (b) and 119.23 (7) (c); *to amend*  
2 115.28 (7) (b), 118.125 (4), 118.13 (2) (b), 118.13 (3) (a) 3., 118.13 (3) (b) 1., 118.13  
3 (3) (b) 2., 118.13 (4), 118.19 (1), 118.30 (1g) (a) 1., 118.30 (2) (b) 1. and 2., 118.33  
4 (1) (f) 3., 119.23 (7) (a) (intro.), 119.23 (7) (am) 1., 119.23 (7) (e) 1., 119.23 (7) (e)  
5 2., 119.23 (10) (a) 4. and 119.23 (10) (d); and *to create* 118.13 (1m), 118.13 (2)  
6 (am), 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b) 5., 118.33 (1) (f) 2m., 118.33  
7 (6) (c), 119.23 (1) (am), 119.23 (2) (a) 8., 119.23 (2) (b) 2., 119.23 (6m), 119.23 (7)  
8 (ar), 119.23 (7) (b), 119.23 (7) (c) 2., 119.23 (7) (c) 3., 119.23 (7) (c) 4., 119.23 (10)  
9 (a) 5., 119.23 (10) (a) 6. and 119.23 (10) (a) 7. of the statutes; **relating to:** the  
10 Milwaukee Parental Choice Program.

*Analysis by the Legislative Reference Bureau*

\* This bill makes a number of changes in the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions. The changes include the following:

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INSERT ANALYSIS 1

**Teacher licensure**

Beginning in the 2009-10 school year, this bill directs each private school participating in the MPCP to ensure that every teacher, supervisor, administrator, and professional staff member holds a license or a permit to teach issued by the Department of Public Instruction (DPI). Currently, persons are not required to be licensed to teach in any private school.

has at least a bachelor's degree from an accredited institution of higher education

2011-12

g and

at the private school

teachers

have graduated from high school or to have been granted a declaration of equivalence of high school graduation

**Standards and hours of pupil instruction**

Current law requires each private school participating in the MPCP to meet at least one of the following standards:

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

This bill requires each private school participating in the MPCP to meet at least three of the above standards and to annually submit to DPI a report describing the school's status with respect to the fourth standard.

Under current law, a school board must schedule at least 1,050 hours of direct pupil instruction in grades one to six and at least 1,137 hours of direct pupil instruction in grades seven to twelve. This bill requires private schools participating in the MPCP to comply with these requirements.

**Enrollment cap**

Under current law, enrollment in the MPCP is capped at 22,500 pupils. This bill changes the enrollment cap to no more than 15 percent of the enrollment of the Milwaukee Public Schools. The bill requires private schools participating in MPCP to reduce or limit the percentage of pupils enrolled in the private school under the MPCP so that the percentage of MPCP pupils does not exceed 49 percent. To attain this limit, a private school with an enrollment of MPCP students that is greater than 49 percent of its total enrollment percent must replace each MPCP pupil who graduates, is promoted, withdraws, transfers, or is expelled from the private school with a pupil who is not enrolled under the MPCP, or not replace the pupil, until the enrollment reaches the 49 percent threshold.

INSERT ANALYSIS 2

**Pupil assessments and academic standards**

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998. Identical provisions exist under current law for

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independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades three to eight and at least once in grades ten to twelve; and in science at least once in grades three to five, six to nine, and ten to twelve. This bill imposes this requirement on private schools participating in the MPCP for pupils attending the schools under the MPCP.

***High school diplomas, grade promotion, and maintenance of pupil records***

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria. This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

The bill requires a private school participating in the MPCP to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. Progress records include the courses a pupil took, the pupil's grades, the pupil's attendance record, the pupil's immunization record, and records of the pupil's extracurricular activities. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school

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or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

***Religious activities***

Current law prohibits a private school that is participating in the MPCP from requiring a pupil attending the private school under the program to participate in any religious activity if the pupil's parent or guardian requests that the pupil be exempt from the activity.

This bill requires each private school participating in the MPCP to adopt a policy implementing the requirement described above. The private school must include in the policy a list of the school activities that it has determined are religious activities for the purpose of the exemption requirement. The list must include religious worship, religious instruction, and any school activity that the private school has determined is sectarian, proselytizing, or religiously doctrinal in nature. The bill requires each MPCP school to provide a copy of its policy to each person who expresses an interest in attending the private school under the program and annually to DPI.

The amendment directs each MPCP school to ensure that a pupil who is exempt from participating in a religious activity is not present in the room in which the activity occurs. The bill also directs each MPCP school to provide a pupil who is exempt from religious activities with a sufficient number of hours of instruction to meet the statutory requirement for all private schools (at least 875 hours of instruction each school year) and to enable the pupil to advance from grade to grade.

***Nondiscrimination***

Current law prohibits public schools from discriminating against pupils on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. Current law does permit a school district to operate one or more schools that enroll only one sex or provide one or more courses that enroll only one sex if the school board makes comparable schools or courses available to the opposite sex under the same policies and criteria of admission. Current law requires each school board to adopt policies and procedures implementing this nondiscrimination requirement. This bill imposes the same nondiscrimination requirements on private schools participating in the MPCP. The governing body of the participating private school must develop written policies and procedures to implement the nondiscrimination requirement.

***Disclosure requirements***

The bill also requires each MPCP school to provide each applicant to the school with all of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; (5) a copy of the school's nondiscrimination policies and procedures; (6) graduation requirements; (7) a copy of the non-harassment policy and procedures

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used by the school; (8) suspension and expulsion policies and procedures; and (9) policies for accepting or denying the transfer of credits for coursework completed by pupils at other schools. In addition, upon request of any person, the school must provide to that person the information above, as well as the number of pupils enrolled in the private school in the previous school year; the number of pupils enrolled in the private school under MPCP in the previous school year; pupil scores on standardized tests administered in the previous school year; the number of pupils who were expelled or who failed to graduate in the previous school year; a copy of the academic standards adopted by the private school; the number of pupils who have graduated from the private school in every year in which the private school has participated in the MPCP; and the rates of promotion of 4th and 8th grade pupils enrolled in 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:*

1           **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

2           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
3           applicants and granting and revocation of licenses or certificates under par. (a), the  
4           state superintendent shall grant certificates and licenses to teachers in private  
5           schools, except that teaching experience requirements for such certificates and  
6           licenses may be fulfilled by teaching experience in either public or private schools.

7           An applicant is not eligible for a license or certificate unless the state superintendent  
8           finds that the private school in which the applicant taught offered an adequate  
9           educational program during the period of the applicant's teaching therein. Private

10          Except as provided in s. 119.23 (7) (b) 3., private schools are not obligated to employ  
11          only licensed or certified teachers.

12          **SECTION 2.** 118.125 (4) of the statutes is amended to read:

13          118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and  
14          a private school participating in the program under s. 119.23 shall transfer to

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1 another school or school district all pupil records relating to a specific pupil if the  
2 transferring school district or private school has received written notice from the  
3 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor  
4 that the pupil intends to enroll in the other school or school district or written notice  
5 from the other school or school district that the pupil has enrolled or from a court that  
6 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02  
7 (10p), or a secured residential care center for children and youth, as defined in s.  
8 938.02 (15g). In this subsection, “school” and “school district” include any juvenile  
9 correctional facility, secured residential care center for children and youth, adult  
10 correctional institution, mental health institute, or center for the developmentally  
11 disabled, that provides an educational program for its residents instead of or in  
12 addition to that which is provided by public and private schools.

13 **SECTION 3.** 118.13 (1m) of the statutes is created to read:

14 118.13 **(1m)** (a) Except as provided in par. (b), no person who wishes to attend  
15 a private school under s. 119.23 may be denied admission to that school and no pupil  
16 who is attending a private school under s. 119.23 may be denied participation in, be  
17 denied the benefits of, or be discriminated against in any curricular, extracurricular,  
18 pupil services, recreational, or other program or activity of that school because of the  
19 person’s sex, race, religion, national origin, ancestry, creed, pregnancy, marital or  
20 parental status, sexual orientation, or physical, mental, emotional, or learning  
21 disability.

22 (b) A private school participating in the program under s. 119.23 may enroll  
23 only one sex or provide one or more courses that enroll only one sex if the private  
24 school makes available to the opposite sex, under the same policies and criteria of  
25 admission, a school or courses that are comparable to each such school or course.

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

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

8           **SECTION 5.** 118.13 (2) (b) of the statutes is amended to read:

9           118.13 **(2)** (b) Any person who receives a negative determination under par. (a)  
10 or (am) may appeal the determination to the state superintendent.

11           **SECTION 6.** 118.13 (3) (a) 3. of the statutes is amended to read:

12           118.13 **(3)** (a) 3. Include in the department's biennial report under s. 15.04 (1)  
13 (d) information on the status of school district compliance of school districts and  
14 private schools with this section and school district the progress made toward  
15 providing reasonable equality of educational opportunity for all pupils in this state.

16           **SECTION 7.** 118.13 (3) (b) 1. of the statutes is amended to read:

17           118.13 **(3)** (b) 1. Periodically review school district and private school programs,  
18 activities, and services to determine whether the school boards and the governing  
19 bodies of private schools are complying with this section.

20           **SECTION 8.** 118.13 (3) (b) 2. of the statutes is amended to read:

21           118.13 **(3)** (b) 2. Assist school boards and the governing bodies of private schools  
22 to comply with this section by providing information and technical assistance upon  
23 request.

24           **SECTION 9.** 118.13 (4) of the statutes is amended to read:

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

5           **SECTION 10.** 118.19 (1) of the statutes is amended to read:

6           118.19 (1) Any person seeking to teach in a public school, including a charter  
7 school, in a private school participating in the program under s. 119.23, or in a school  
8 or institution operated by a county or the state shall first procure a license or permit  
9 from the department.

10          **SECTION 11.** 118.30 (1g) (a) 1. of the statutes is amended to read:

11          118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
12 academic standards in mathematics, science, reading and writing, geography, and  
13 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
14 standards issued by the governor as an executive order under s. 14.23, the school  
15 board may adopt those standards no. 326, dated January 13, 1998.

16          **SECTION 12.** 118.30 (1g) (a) 3. of the statutes is created to read:

17          118.30 (1g) (a) 3. The governing body of each private school participating in the  
18 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
19 science, reading and writing, geography, and history. The governing body of the  
20 private school may adopt the pupil academic standards issued by the governor as  
21 executive order no. 326, dated January 13, 1998.

22          **SECTION 13.** 118.30 (1s) of the statutes is created to read:

23          118.30 (1s) Annually, the governing body of each private school participating  
24 in the program under s. 119.23 shall do all of the following:

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1 (a) Administer the 4th grade examination adopted or approved by the state  
2 superintendent under sub. (1) to all pupils attending the 4th grade in the private  
3 school under s. 119.23.

4 (am) Administer the 8th grade examination adopted or approved by the state  
5 superintendent under sub. (1) to all pupils attending the 8th grade in the private  
6 school under s. 119.23.

7 (b) Administer the 10th grade examination adopted or approved by the state  
8 superintendent under sub. (1) to all pupils attending the 10th grade in the private  
9 school under s. 119.23.

10 (c) Administer to pupils attending the private school under s. 119.23 all other  
11 examinations in reading, mathematics, and science that are required to be  
12 administered to public school pupils under 20 USC 6311 (b) (3).

13 **SECTION 14.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

14 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
15 subch. V of ch. 115, the school board or, operator of the charter school under s. 118.40  
16 (2r), or governing body of the private school participating in the program under s.  
17 119.23 shall comply with s. 115.77 (1m) (bg).

18 2. According to criteria established by the state superintendent by rule, the  
19 school board or, operator of the charter school under s. 118.40 (2r), or governing body  
20 of the private school participating in the program under s. 119.23 may determine not  
21 to administer an examination under this section to a limited-English speaking  
22 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
23 her native language or may modify the format and administration of an examination  
24 for such pupils.

25 **SECTION 15.** 118.30 (2) (b) 5. of the statutes is created to read:

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1 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
2 body of a private school participating in the program under s. 119.23 shall excuse the  
3 pupil from taking an examination administered under sub. (1s) (a) to (b).

4 SECTION 16. 118.33 (1) (f) 2m. of the statutes is created to read:

5 118.33 (1) (f) 2m. The governing body of each private school participating in the  
6 program under s. 119.23 shall develop a policy specifying criteria for granting a high  
7 school diploma to pupils attending the private school under s. 119.23. The criteria  
8 shall include the pupil's academic performance and the recommendations of  
9 teachers.

10 SECTION 17. 118.33 (1) (f) 3. of the statutes is amended to read:

11 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
12 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
13 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
14 charter school's policy under subd. 1. or 2. Beginning on September 1, 2008, the<sup>e 2010</sup>  
15 governing body of a private school participating in the program under s. 119.23 may  
16 not grant a high school diploma to any pupil attending the private school under s.  
17 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
18 policy under subd. 2m.

19 SECTION 18. 118.33 (6) (c) of the statutes is created to read:

20 118.33 (6) (c) 1. The governing body of each private school participating in the  
21 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
22 a pupil who is attending the private school under s. 119.23 from the 4th grade to the  
23 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
24 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless  
25 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the

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1 pupil's academic performance; the recommendations of teachers, which shall be  
2 based solely on the pupil's academic performance; and any other academic criteria  
3 specified by the governing body of the private school.

4 2. Beginning on September 1, <sup>2010</sup> ~~2008~~, the governing body of a private school  
5 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
6 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
7 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
8 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
9 body's policy under subd. 1.

INSERT 11-12

10 **SECTION 19.** 119.23 (1) (am) of the statutes is created to read:

11 119.23 (1) (am) "Progress records" has the meaning given in s. 118.125 (1) (c).

12 **SECTION 20.** 119.23 (2) (a) 8. of the statutes is created to read:

13 119.23 (2) (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually  
14 provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least  
15 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this  
16 subdivision include recess and time for pupils to transfer between classes but do not  
17 include the lunch periods.

INSERT 11-18

18 **SECTION 21.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) 1. and  
19 amended to read:

20 119.23 (2) (b) 1. No more than 22,500 pupils, as counted under s. 121.004 (7),  
21 15 percent of the membership of the school district operating under this chapter may  
22 attend private schools under this section. Whenever the state superintendent  
23 determines that the limit is reached, he or she shall issue an order prohibiting the  
24 participating private schools from accepting additional pupils until he or she

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## SECTION 21

1 determines that the number of pupils attending private schools under this section  
2 has fallen below the limit.

3 **SECTION 22.** 119.23 (2) (b) 2. of the statutes is created to read:

4 119.23 (2) (b) 2. a. Except as provided in subd. 2. b., no more than 49 percent  
5 of a private school's total enrollment may consist of pupils attending the private  
6 school under this section.

7 b. If the percentage of pupils enrolled in the private school under this section  
8 in any school year is greater than 49 percent of the school's total enrollment in that  
9 school year, upon the graduation, promotion, expulsion, transfer, or withdrawal of  
10 a pupil enrolled in the private school under this section the private school shall fill  
11 the open slot created by the departure of that pupil with a pupil who is not enrolled  
12 under this section, or not fill the open slot, until the percentage of pupils enrolled in  
13 the private school under this section is no greater than 49 percent of the school's total  
14 enrollment.

15 **SECTION 23.** 119.23 (6m) of the statutes is created to read:

16 119.23 (6m) Each private school participating in the program under this  
17 section shall do all of the following:

18 (a) Provide to each person who applies to attend the private school all of the  
19 following:

20 1. A list of the names, addresses, and telephone numbers of the members of the  
21 private school's governing body and of the private school's shareholders, if any.

22 2. A notice stating whether the private school is an organization operated for  
23 profit or not for profit. If the private school is a nonprofit organization, the private  
24 school shall also provide the applicant with a copy of the certificate issued under

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1 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
2 a nonprofit organization that is exempt from federal income tax.

3 3. A copy of the appeals process used if the private school rejects the applicant.

4 4. A statement that the private school agrees to permit public inspection and  
5 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
6 extent as required of, and subject to the same terms and enforcement provisions that  
7 apply to, an authority under subch. II of ch. 19.

8 5. A statement that the private school agrees to provide public access to  
9 meetings of the governing body of the private school to the same extent as is required  
10 of, and subject to the same terms and enforcement provisions that apply to, a  
11 governmental body under subch. V of ch. 19.

12 6. A copy of the private school's policies and procedures on nondiscrimination  
13 adopted under s. 118.13 (2) (am).

14 6e 7. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m. ✓

15 7e 8. A copy of the non-harassment policy used by the private school, together ✓  
16 with the procedures for reporting and obtaining relief from harassment.

17 8e 9. A copy of the suspension and expulsion policies and procedures, including ✓  
18 procedures for appealing a suspension or expulsion, used by the private school.

19 9e 10. A copy of the policy used by the private school for accepting or denying the ✓  
20 transfer of credits earned by a pupil enrolled in the program under this section for  
21 the satisfactory completion of coursework at another school.

22 (b) Upon request by any person, provide the material specified in par. (a) and  
23 any of the following information:

24 1. The number of pupils enrolled in the private school under this section in the  
25 previous school year categorized by grade. ✓

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1 2. The number of pupils enrolled in the private school other than under this  
2 section in the previous school year categorized by grade.

3 3. The number of pupils enrolled in the private school under this section in the  
4 previous school year who were expelled from the private school or who were expected  
5 to graduate from high school but failed to graduate as expected.

6 4. The number of pupils enrolled in the private school other than under this  
7 section in the previous school year who were expelled from the private school or who  
8 were expected to graduate from high school but failed to graduate as expected.

9 3 e 5. For each school year in which the private school has participated in the  
10 program under this section, all of the following information:

11 a. The number of pupils who were enrolled in the private school under this  
12 section in the 12th grade and graduated from the private school, expressed as a whole  
13 number and as a percentage of pupils who were enrolled in the private school under  
14 this section in the 12th grade in that year.

15 b. The number of pupils who were enrolled in the private school other than  
16 under this section in the 12th grade and graduated from the private school,  
17 expressed as a whole number and as a percentage of pupils who were enrolled in the  
18 private school other than under this section in the 12th grade in that year.

19 b e 6. The number of pupils who were enrolled in the private school under this  
20 section and advanced from grade 4 to grade 5, expressed as a whole number and as  
21 a percentage of pupils who were enrolled in the private school under this section in  
22 grade 4 in that year.

23 d. The number of pupils who were enrolled in the private school other than  
24 under this section and advanced from grade 4 to grade 5, expressed as a whole

ASSEMBLY BILL 919

1 number and as a percentage of pupils who were enrolled in the private school other  
2 than under this section in grade 4 in that year.

3 *and other than under this section in the 8<sup>th</sup> grade*  
4 section *and* advanced from grade 8 to grade 9, expressed as a whole number and as  
5 a percentage of pupils who were enrolled in the private school under this section in  
6 grade 8 in that year.

7 f. The number of pupils who were enrolled in the private school other than  
8 under this section and advanced from grade 8 to grade 9, expressed as a whole  
9 number and as a percentage of pupils who were enrolled in the private school other  
10 than under this section in grade 8 in that year.

11 *4* 6. A copy of the academic standards adopted under s. 118.30 (1g) (a) 3.

12 *5* 7. *To the extent permitted under 20 USC 1232g and 43 CFR part 993* Pupil scores on standardized tests administered under sub. (7) (b) 1. and (e)  
13 1. in the previous school year.

14 SECTION 24. 119.23 (7) (a) (intro.) of the statutes is amended to read:  
15 119.23 (7) (a) (intro.) Each private school participating in the program under  
16 this section shall meet at least ~~one~~ 3 of the following standards and annually submit  
17 to the department a report describing the school's status with respect to the 4th  
18 standard:

19 SECTION 25. 119.23 (7) (am) 1. of the statutes is amended to read:  
20 119.23 (7) (am) 1. An independent financial audit of the private school  
21 conducted by a certified public accountant, accompanied by the auditor's statement  
22 that the report is free of material misstatements and fairly presents pupil costs  
23 under sub. (4) (b) 1. The Except as provided in par. (ar). the audit under this  
24 subdivision shall be limited in scope to those records that are necessary for the  
25 department to make payments under subs. (4) and (4m).

**ASSEMBLY BILL 919**

**SECTION 26**

1           **SECTION 26.** 119.23 (7) (ar) of the statutes is created to read:

2           119.23 **(7)** (ar) The certified public accountant conducting the independent  
3 financial audit required under par. (am) 1. shall include in the audit a report on the  
4 private school's compliance with par. (b) 4. and 6. The certified public accountant  
5 may determine compliance by examining an appropriate sample of pupil records.

6           **SECTION 27.** 119.23 (7) (b) of the statutes is created to read:

7           119.23 **(7)** (b) Each private school participating in the program under this  
8 section shall do all of the following:

9           1. Administer to any pupils attending the 3rd grade in the private school under  
10 this section a standardized reading test developed by the department.

11           2. Employ a reading specialist licensed by the department to develop and  
12 coordinate a comprehensive reading curriculum and annually evaluate the  
13 curriculum.

14           3. Ensure that all instructional staff in the private school hold a license or  
15 permit to teach issued by the department. For purposes of this subdivision,  
16 "instructional staff" has the meaning given in the rules promulgated by the  
17 department under s. 121.02 (1) (a) 2.

*administrators of and teachers employed by*

*to have at least a bachelor's degree from an accredited institution of higher education*

18           4. Maintain progress records for each pupil attending the private school under  
19 this section while the pupil attends the school and, except as provided under subd.  
20 7., for at least 5 years after the pupil ceases to attend the school.

21           5. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
22 is attending the private school under this section with a copy of the pupil's progress  
23 records.

INSERT 16-11

**ASSEMBLY BILL 919**

1           6. Issue a high school diploma or certificate to each pupil who attends the  
2 private school under this section and satisfactorily completes the course of  
3 instruction and any other requirements necessary for high school graduation.

4           7. If the private school ceases operating as a private school, immediately  
5 transfer all of the progress records of the pupils who attended the school under this  
6 section to the board.

7           **SECTION 28.** 119.23 (7) (c) of the statutes is renumbered 119.23 (7) (c) 1. and  
8 amended to read:

9           119.23 (7) (c) 1. A private school may not require a pupil attending the private  
10 school under this section to participate in any religious activity if the pupil's parent  
11 or guardian submits to the pupil's teacher or the private school's principal a written  
12 request that the pupil be exempt from such activities the activity. The private school  
13 shall ensure that a pupil who is exempt from participating in a religious activity  
14 under this subdivision is not present in the room in which the religious activity  
15 occurs. A private school shall provide each person who applies to attend the private  
16 school under this section with a copy of a statement embodying the prohibition under  
17 this subdivision.

18           **SECTION 29.** 119.23 (7) (c) 2. of the statutes is created to read:

19           119.23 (7) (c) 2. Each private school participating in the program under this  
20 section shall adopt a policy implementing subd. 1. and provide a copy of the policy  
21 to each person who expresses an interest in attending the private school under this  
22 section and annually to the department with the notice under sub. (2) (a) 3. The  
23 private school shall include in the policy a list of the school activities that it has  
24 determined are religious activities for the purpose of subd. 1. The list shall include

ASSEMBLY BILL 919

1 religious worship, religious instruction, and any school activity that the private  
2 school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

3 SECTION 30. 119.23 (7) (c) 3. of the statutes is created to read:

4 119.23 (7) (c) 3. Each private school participating in the program under this  
5 section shall provide a pupil who is exempt from one or more religious activities  
6 under subd. 1. with a sufficient number of hours of instruction to meet the  
7 requirement under sub. (2) (a) 8. and to enable the pupil to advance from grade to  
8 grade in the private school.

9 SECTION 31. 119.23 (7) (c) 4. of the statutes is created to read:

10 119.23 (7) (c) 4. The department shall promulgate rules to implement and  
11 administer this subsection, including rules specifying the supervision required for  
12 pupils who are exempt from religious activities under subd. 1.

13 SECTION 32. 119.23 (7) (e) 1. of the statutes is amended to read:

14 119.23 (7) (e) 1. Annually <sup>2009-10</sup> In the 2007-08 school year, each private school  
15 participating in the program under this section shall administer a nationally normed  
16 standardized test in reading, mathematics, and science to pupils attending the  
17 school under the program in the 4th, 8th, and 10th grades. <sup>2010-11</sup> Beginning in the 2008-09  
18 school year and annually thereafter, each private school participating in the program  
19 under this section shall administer the examinations required under s. 118.30 (1s)  
20 to pupils attending the school under the program. The private school may administer  
21 additional standardized tests to such pupils. Beginning in 2006 and annually  
22 thereafter until 2011, the private school shall provide the scores of all standardized  
23 tests and examinations that it administers under this subdivision to the School  
24 Choice Demonstration Project legislative audit bureau.

25 SECTION 33. 119.23 (7) (e) 2. of the statutes is amended to read:

ASSEMBLY BILL 919

1           119.23 (7) (e) 2. The legislative audit bureau shall review and analyze the  
 2 standardized test score data received from the School Choice Demonstration Project  
 3 under subd. 1. Based on its review, in 2007 and annually thereafter until 2011, the  
 4 bureau shall report to the legislature under s. 13.172 (2) the results of the  
 5 standardized tests administered under subd. 1., the scores of a representative  
 6 sample of pupils participating in the program on the tests under ss. 118.30 and  
 7 121.02 (1) (r), and the scores of a comparable group of pupils enrolled in the school  
 8 district operating under this chapter on the tests under ss. 118.30 and 121.02 (1) (r).

9           **SECTION 34.** 119.23 (10) (a) 4. of the statutes is amended to read:

10           119.23 (10) (a) 4. Failed to meet at least ~~one~~ 3 of the standards under sub. (7)  
 11 (a) by the date specified by department rule.

12           **SECTION 35.** 119.23 (10) (a) 5. of the statutes is created to read:

13           119.23 (10) (a) 5. Failed to provide the information required under sub. (6m).

14           **SECTION 36.** 119.23 (10) (a) 6. of the statutes is created to read:

15           119.23 (10) (a) 6. Failed to comply with the requirements under sub. (7) (b) or  
 16 (c).

17           **SECTION 37.** 119.23 (10) (a) 7. of the statutes is created to read:

18           119.23 (10) (a) 7. Violated sub. (7) (b) 4., 5., or 6.

19           **SECTION 38.** 119.23 (10) (d) of the statutes is amended to read:

20           119.23 (10) (d) The state superintendent may withhold payment from a parent  
 21 or guardian under subs. (4) and (4m) if the private school attended by the child of the  
 22 parent or guardian violates this section or s. 118.25 (4) 118.125(4)

23           **SECTION 39. Initial applicability.**

24           (1) Except as provided in subsections (2) and (3), this act first applies to private  
 25 schools participating in the program under section 119.23 of the statutes and to

INSERT 19-23A  
 19-23B  
 19-23C

**ASSEMBLY BILL 919****SECTION 39**

1 pupils who apply to attend, and to pupils who attend, a private school under section  
2 119.23 of the statutes in the 2008–09 school year.

3 (2) The treatment of sections 115.28 (7) (b) and 119.23 (7) (b) 3. of the statutes  
4 first applies to a private school participating in the program under section 119.23 of  
5 the statutes in the 2009–10 school year.

6 (3) The treatment of section 118.19 (1) of the statutes first applies to a person  
7 seeking to teach in a private school participating in the program under section 119.23  
8 of the statutes in the 2009–10 school year.

9 (END)

SA

1           **INSERT ANALYSIS 1**

Under current law, a private school participating in the MPCP must achieve accreditation by an accrediting organization or association by December 31 of the third school year following the first school year in which it participates in the MPCP. This bill requires the private school to attain accreditation by August 1 of the school year in which the school first participates in the MPCP.

2           **INSERT ANALYSIS 2**

permits the state superintendent to issue an order authorizing additional pupils to be admitted into the MPCP. The order must require participating private schools to give priority first to returning MPCP pupils and then to siblings of enrolled MPCP pupils. DPI may also by rule establish a system for randomly selecting additional pupils to participate in the MPCP.

3           **INSERT 11-12**

4           **SECTION 1.** 119.23 (2) (a) 6. of the statutes is amended to read:

5           119.23 (2) (a) 6. All of the private school's teachers and administrators have  
6 ~~graduated from high school or been granted a declaration of equivalency of high~~  
7 ~~school graduation~~ at least a bachelor's degree from an accredited institution of  
8 higher education.

9           History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125.

9           **SECTION 2.** 119.23 (2) (a) 7. of the statutes is amended to read:

10           119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin  
11 North Central Association, the Wisconsin Religious and Independent Schools  
12 Accreditation, the Independent Schools Association of the Central States, the  
13 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at  
14 Marquette University, or any other organization recognized by the National Council  
15 for Private School Accreditation, by ~~December 31 of the 3rd school year following the~~  
16 ~~first school year that begins after June 30, 2006,~~ August 1 of the school year in which  
17 it first participates in the program under this section, or, for private schools  
18 participating in the program on the effective date of this subdivision .... [LRB inserts

1 date], by August 1, 2010, or the private school was approved for scholarship funding  
2 for the 2005-06 school year by Partners Advancing Values in Education.

3 **History:** 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125.

3 **INSERT 11-18**

4 **SECTION 3.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.) and  
5 amended to read:

6 119.23 (2) (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004  
7 (7), may attend private schools under this section. Whenever the state  
8 superintendent determines that the limit is reached, he or she shall issue an order  
9 prohibiting the participating private schools from accepting additional pupils until  
10 he or she determines that the number of pupils attending private schools under this  
11 section has fallen below the limit. If the number of pupils attending the program falls  
12 below the limit under this paragraph, participating private schools that wish to  
13 accept additional pupils under the program shall accept pupils as follows:

14 **SECTION 4.** 119.23 (2) (b) 1. of the statutes is created to read:

15 119.23 (2) (b) 1. The private school shall give first priority to pupils who are  
16 attending a private school under this section.

17 **SECTION 5.** 119.23 (2) (b) 2. of the statutes is created to read:

18 119.23 (2) (b) 2. The private school shall give <sup>e 2nd</sup> second priority to the siblings of  
19 pupils who are attending a private school under this section.

20 **SECTION 6.** 119.23 (2) (b) 3. of the statutes is created to read:

21 119.23 (2) (b) 3. The private school shall give <sup>e 3rd</sup> third priority to pupils selected  
22 at random under a procedure established by the department by rule.

23 **INSERT 16-11**

24 Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

- 7 -  
INSERT 19-23A

1           5. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
2 is attending the private school under this section with a copy of the pupil's progress  
3 records.

4           6. Issue a high school diploma or certificate to each pupil who attends the  
5 private school under this section and satisfactorily completes the course of  
6 instruction and any other requirements necessary for high school graduation.

7           7. If the private school ceases operating as a private school, immediately  
8 transfer all of the progress records of the pupils who attended the school under this  
9 section to the board.

10           **SECTION 11.** 119.23 (7) (e) 1. of the statutes is amended to read:

11           119.23 (7) (e) 1. Annually In the 2009-10 school year, each private school  
12 participating in the program under this section shall administer a nationally normed  
13 standardized test in reading, mathematics, and science to pupils attending the  
14 school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11  
15 school year and annually thereafter, each private school participating in the program  
16 under this section shall administer the examinations required under s. 118.30 (1s)  
17 to pupils attending the school under the program. The private school may administer  
18 additional standardized tests to such pupils. Beginning in 2006 and annually  
19 thereafter until 2011, the private school shall provide the scores of all standardized  
20 tests and examinations that it administers under this subdivision to the School  
21 Choice Demonstration Project.

22           **SECTION 12.** 938.49 (2) (b) of the statutes is amended to read:

23           938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last  
24 enrolled in a private school under the program under s. 119.23, the private school,  
25 in writing of its obligation under s. 118.125 (4). /

INSERT ANALYSIS 2

LPB 1402 / P3 ins

In the event <sup>that</sup> the enrollment cap is reached, the state superintendent must issue an order prohibiting the enrollment of additional pupils to the MPCP until the number of pupils falls below 22,500. This bill provides that, if the number of pupils enrolled in the program falls below 22,500 <sup>participating</sup> private schools may admit additional pupils under the program but must give first priority to returning MPCP pupils, second priority to siblings of enrolled MPCP pupils, and third priority to pupils selected at random under a procedure established by DPI by rule. ©

**SECTION 9339**

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and 8.

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**SECTION 9339. Initial applicability; Public Instruction.**

(1) MILWAUKEE PARENTAL CHOICE PROGRAM CHANGES. Except as provided in subsections (2) and (3), the treatment of sections 118.125 (4), 118.30 (1s) and (2) (b) 1., 2., and 5., 118.33 (1) (f) 2m. and 3., 119.23 (1) (am) and (7) (b) (intro.), 1., 2., 4., 5., 6., and 7. and (e) 1., and 938.49 (2) (b) of the statutes first applies to private schools participating in the program under section 119.23 of the statutes and to pupils who apply to attend, and to pupils who attend, a private school under section 119.23 of the statutes in the 2010-11 school year.

(2) MILWAUKEE PARENTAL CHOICE PROGRAM; LICENSURE OF INSTRUCTIONAL STAFF. The treatment of sections 115.28 (7) (b) and 119.23 (7) (b) 3. of the statutes first applies to a private school participating in the program under section 119.23 of the statutes in the 2011-12 school year.

(3) MILWAUKEE PARENTAL CHOICE PROGRAM; LICENSE REQUIRED TO TEACH. The treatment of section 118.19 (1) of the statutes first applies to a person seeking to teach in a private school participating in the program under section 119.23 of the statutes in the 2011-12 school year.

(END)

↗ the renumbering and amendment of section 119.23 (2)(b) of the statutes, and the creation of section 119.23 (2)(b) 1., 2. and 3. of the statutes ↗

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INSERT 19-23C

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"(2g) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER AND ADMINISTRATOR

REQUIREMENTS. The treatment of section 119.23 (2) (a) 6. of the statutes takes effect

on July 1, 2008."

and (7)(b)30

(END)

first applies to private schools participating in the program under section 119.23 of the statutes and teachers and administrators in those private schools in the 2011-12 school year.

NONSTAT  
INIT APP

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

LRB-1402/P2dn  
TKK:cjs:ph

Marta:

Per our telephone conversation on January 20, this draft does not include item number 11. in your e-mail dated January 19, 2009. That item directed me to "reimburse MPCP schools based on prior year enrollment."

✓ Under s. 119.23 (4) (b), stats., MPCP schools receive per pupil payments, paid through the families of the pupils enrolled under the program, once the family presents proof of enrollment in the participating private school to DPI. It is not clear how this per pupil payment can be reconciled with the proposition to reimburse MPCP schools based upon the previous year's enrollment. If current year enrollment under the program is higher than enrollment in the previous year, some families of MPCP pupils would not receive payments from the state, and those pupils would, therefore, not be attending the school "at no charge" as required under s. 119.23 (2) (a), stats.

Please let me know if you want me to take an alternative approach.

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

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

LRB-1402/P3dn  
TKK:cjs:md

January 22, 2009

Marta:

Per our telephone conversation on January 20, this draft does not include item number 11. in your e-mail dated January 19, 2009. That item directed me to "reimburse MPCP schools based on prior year enrollment."

Under s. 119.23 (4) (b), stats., MPCP schools receive per pupil payments, paid through the families of the pupils enrolled under the program, once the family presents proof of enrollment in the participating private school to DPI. It is not clear how this per pupil payment can be reconciled with the proposition to reimburse MPCP schools based upon the previous year's enrollment. If current year enrollment under the program is higher than enrollment in the previous year, some families of MPCP pupils would not receive payments from the state, and those pupils would, therefore, not be attending the school "at no charge" as required under s. 119.23 (2) (a), stats.

Please let me know if you want me to take an alternative approach.

Tracy K. Kuczenski  
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State of Wisconsin  
2009 - 2010 LEGISLATURE

P4  
LRB-1402/P3  
TKK:cjs:md  
shays

DOA:.....Skwarczek, BB0368 - Changes to MPCP  
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

2/11/09

Do NOT Gen

2010-11

1 AN ACT ...; relating to: the budget.

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

**PRIMARY AND SECONDARY EDUCATION**

This bill makes changes to the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions.

Under current law, a private school participating in the MPCP must achieve accreditation by an accrediting organization or association by December 31 of the third school year following the first school year in which it participates in the MPCP. This bill requires the private school to attain accreditation by August 1 of the school year in which the school first participates in the MPCP.

Beginning in the 2011-12 school year, this bill directs each private school participating in the MPCP to ensure that every teacher and administrator at the private school has at least a bachelor's degree from an accredited institution of higher education. Currently, teachers are required to have graduated from high school or to have been granted a declaration of equivalency of high school graduation.

Under current law, a school board must schedule at least 1,050 hours of direct pupil instruction in grades one to six and at least 1,137 hours of direct pupil instruction in grades seven to twelve. This bill requires private schools participating in the MPCP to comply with these requirements.

Under current law, enrollment in the MPCP is capped at 22,500 pupils. In the event that the enrollment cap is reached, the state superintendent must issue an

order prohibiting the enrollment of additional pupils to the MPCP until the number of pupils falls below 22,500. This bill provides that, if the number of pupils enrolled in the program falls below 22,500, participating private schools may admit additional pupils under the program but must give first priority to returning MPCP pupils, second priority to siblings of enrolled MPCP pupils, and third priority to pupils selected at random under a procedure established by DPI by rule.

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998. Identical provisions exist under current law for independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades three to eight and at least once in grades ten to twelve; and in science at least once in grades three to five, six to nine, and ten to twelve. This bill imposes this requirement on private schools participating in the MPCP for pupils attending the schools under the MPCP.

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria. This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

The bill requires a private school participating in the MPCP to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. Progress records include the

courses a pupil took, the pupil's grades, the pupil's attendance record, the pupil's immunization record, and records of the pupil's extracurricular activities. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

The bill also requires each MPCP school to provide each applicant to the school with all of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; (5) graduation requirements; (6) a copy of the non-harassment policy and procedures used by the school; (7) suspension and expulsion policies and procedures; and (8) policies for accepting or denying the transfer of credits for coursework completed by pupils at other schools. In addition, upon request of any person, the school must provide to that person the information above, as well as the number of pupils enrolled in the private school in the previous school year; the number of pupils enrolled in the private school under MPCP in the previous school year; pupil scores on standardized tests administered in the previous school year; a copy of the academic standards adopted by the private school; the number of pupils who have graduated from the private school in every year in which the private school has participated in the MPCP; and the rates of promotion of 4th and 8th grade pupils enrolled in 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:***

- 1           **SECTION 1.** 118.125 (4) of the statutes is amended to read:
- 2           118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and
- 3           a private school participating in the program under s. 119.23 shall transfer to

1 another school or school district all pupil records relating to a specific pupil if the  
2 transferring school district or private school has received written notice from the  
3 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor  
4 that the pupil intends to enroll in the other school or school district or written notice  
5 from the other school or school district that the pupil has enrolled or from a court that  
6 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02  
7 (10p), or a secured residential care center for children and youth, as defined in s.  
8 938.02 (15g). In this subsection, "school" and "school district" include any juvenile  
9 correctional facility, secured residential care center for children and youth, adult  
10 correctional institution, mental health institute, or center for the developmentally  
11 disabled, that provides an educational program for its residents instead of or in  
12 addition to that which is provided by public and private schools.

13 **SECTION 2.** 118.30 (1g) (a) 1. of the statutes is amended to read:

14 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
15 academic standards in mathematics, science, reading and writing, geography, and  
16 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
17 standards issued by the governor as an executive order under s. 14.23, the school  
18 board may adopt those standards no. 326, dated January 13, 1998.

19 **SECTION 3.** 118.30 (1g) (a) 3. of the statutes is created to read:

20 118.30 (1g) (a) 3. The governing body of each private school participating in the  
21 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
22 science, reading and writing, geography, and history. The governing body of the  
23 private school may adopt the pupil academic standards issued by the governor as  
24 executive order no. 326, dated January 13, 1998.

25 **SECTION 4.** 118.30 (1s) of the statutes is created to read:

1           118.30 (1s) Annually, the governing body of each private school participating  
2 in the program under s. 119.23 shall do all of the following:

3           (a) Administer the 4th grade examination adopted or approved by the state  
4 superintendent under sub. (1) to all pupils attending the 4th grade in the private  
5 school under s. 119.23.

6           (am) Administer the 8th grade examination adopted or approved by the state  
7 superintendent under sub. (1) to all pupils attending the 8th grade in the private  
8 school under s. 119.23.

9           (b) Administer the 10th grade examination adopted or approved by the state  
10 superintendent under sub. (1) to all pupils attending the 10th grade in the private  
11 school under s. 119.23.

12           (c) Administer to pupils attending the private school under s. 119.23 all other  
13 examinations in reading, mathematics, and science that are required to be  
14 administered to public school pupils under 20 USC 6311 (b) (3).

15           **SECTION 5.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

16           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
17 subch. V of ch. 115, the school board or, operator of the charter school under s. 118.40  
18 (2r), or governing body of the private school participating in the program under s.  
19 119.23 shall comply with s. 115.77 (1m) (bg).

20           2. According to criteria established by the state superintendent by rule, the  
21 school board or, operator of the charter school under s. 118.40 (2r), or governing body  
22 of the private school participating in the program under s. 119.23 may determine not  
23 to administer an examination under this section to a limited-English speaking  
24 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or

1 her native language or may modify the format and administration of an examination  
2 for such pupils.

3 **SECTION 6.** 118.30 (2) (b) 5. of the statutes is created to read:

4 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
5 body of a private school participating in the program under s. 119.23 shall excuse the  
6 pupil from taking an examination administered under sub. (1s) (a) to (b).

7 **SECTION 7.** 118.33 (1) (f) 2m. of the statutes is created to read:

8 118.33 (1) (f) 2m. The governing body of each private school participating in the  
9 program under s. 119.23 shall develop a policy specifying criteria for granting a high  
10 school diploma to pupils attending the private school under s. 119.23. The criteria  
11 shall include the pupil's academic performance and the recommendations of  
12 teachers.

13 **SECTION 8.** 118.33 (1) (f) 3. of the statutes is amended to read:

14 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
15 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
16 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
17 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the  
18 governing body of a private school participating in the program under s. 119.23 may  
19 not grant a high school diploma to any pupil attending the private school under s.  
20 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
21 policy under subd. 2m.

22 **SECTION 9.** 118.33 (6) (c) of the statutes is created to read:

23 118.33 (6) (c) 1. The governing body of each private school participating in the  
24 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
25 a pupil who is attending the private school under s. 119.23 from the 4th grade to the

1 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
2 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless  
3 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the  
4 pupil's academic performance; the recommendations of teachers, which shall be  
5 based solely on the pupil's academic performance; and any other academic criteria  
6 specified by the governing body of the private school.

7 2. Beginning on September 1, 2010, the governing body of a private school  
8 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
9 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
10 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
11 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
12 body's policy under subd. 1.

13 **SECTION 10.** 119.23 (1) (am) of the statutes is created to read:

14 119.23 (1) (am) "Progress records" has the meaning given in s. 118.125 (1) (c).

15 **SECTION 11.** 119.23 (2) (a) 6. of the statutes is amended to read:

16 119.23 (2) (a) 6. All of the private school's teachers and administrators have  
17 ~~graduated from high school or been granted a declaration of equivalency of high~~  
18 ~~school graduation~~ at least a bachelor's degree from an accredited institution of  
19 higher education.

20 **SECTION 12.** 119.23 (2) (a) 7. of the statutes is amended to read:

21 119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin  
22 North Central Association, the Wisconsin Religious and Independent Schools  
23 Accreditation, the Independent Schools Association of the Central States, the  
24 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at  
25 Marquette University, or any other organization recognized by the National Council

1 for Private School Accreditation, by December 31 of the 3rd school year following the  
2 first school year that begins after June 30, 2006, August 1 of the school year in which  
3 it first participates in the program under this section, or, for private schools  
4 participating in the program on the effective date of this subdivision .... [LRB inserts  
5 date], by August 1, 2010, or the private school was approved for scholarship funding  
6 for the 2005-06 school year by Partners Advancing Values in Education.

7 **SECTION 13.** 119.23 (2) (a) 8. of the statutes is created to read:

8 119.23 (2) (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually  
9 provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least  
10 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this  
11 subdivision include recess and time for pupils to transfer between classes but do not  
12 include the lunch periods.

13 **SECTION 14.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.)  
14 and amended to read:

15 119.23 (2) (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004  
16 (7), may attend private schools under this section. Whenever the state  
17 superintendent determines that the limit is reached, he or she shall issue an order  
18 prohibiting the participating private schools from accepting additional pupils until  
19 he or she determines that the number of pupils attending private schools under this  
20 section has fallen below the limit. If the number of pupils attending the program falls  
21 below the limit under this paragraph, participating private schools that wish to  
22 accept additional pupils under the program shall accept pupils as follows:

23 **SECTION 15.** 119.23 (2) (b) 1. of the statutes is created to read:

24 119.23 (2) (b) 1. The private school shall give first priority to pupils who are  
25 attending a private school under this section.

1           **SECTION 16.** 119.23 (2) (b) 2. of the statutes is created to read:

2           119.23 (2) (b) 2. The private school shall give 2nd priority to the siblings of  
3 pupils who are attending a private school under this section.

4           **SECTION 17.** 119.23 (2) (b) 3. of the statutes is created to read:

5           119.23 (2) (b) 3. The private school shall give 3rd priority to pupils selected at  
6 random under a procedure established by the department by rule.

7           **SECTION 18.** 119.23 (6m) of the statutes is created to read:

8           119.23 (6m) Each private school participating in the program under this  
9 section shall do all of the following:

10           (a) Provide to each person who applies to attend the private school all of the  
11 following:

12           1. A list of the names, addresses, and telephone numbers of the members of the  
13 private school's governing body and of the private school's shareholders, if any.

14           2. A notice stating whether the private school is an organization operated for  
15 profit or not for profit. If the private school is a nonprofit organization, the private  
16 school shall also provide the applicant with a copy of the certificate issued under  
17 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
18 a nonprofit organization that is exempt from federal income tax.

19           3. A copy of the appeals process used if the private school rejects the applicant.

20           4. A statement that the private school agrees to permit public inspection and  
21 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
22 extent as required of, and subject to the same terms and enforcement provisions that  
23 apply to, an authority under subch. II of ch. 19.

24           5. A statement that the private school agrees to provide public access to  
25 meetings of the governing body of the private school to the same extent as is required

1 of, and subject to the same terms and enforcement provisions that apply to, a  
2 governmental body under subch. V of ch. 19.

3 6. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

4 7. A copy of the non-harassment policy used by the private school, together  
5 with the procedures for reporting and obtaining relief from harassment.

6 8. A copy of the suspension and expulsion policies and procedures, including  
7 procedures for appealing a suspension or expulsion, used by the private school.

8 9. A copy of the policy used by the private school for accepting or denying the  
9 transfer of credits earned by a pupil enrolled in the program under this section for  
10 the satisfactory completion of coursework at another school.

11 (b) Upon request by any person, provide the material specified in par. (a) and  
12 any of the following information:

13 1. The number of pupils enrolled in the private school under this section in the  
14 previous school year.

15 2. The number of pupils enrolled in the private school other than under this  
16 section in the previous school year.

17 3. For each school year in which the private school has participated in the  
18 program under this section, all of the following information:

19 a. The number of pupils who were enrolled in the private school under this  
20 section and other than under this section in the 12th grade and the number of those  
21 pupils who graduated from the private school.

22 b. The number of pupils who were enrolled in the private school under this  
23 section and other than under this section in the 4th grade and the number of those  
24 pupils who advanced from grade 4 to grade 5.

1 c. The number of pupils who were enrolled in the private school under this  
2 section and other than under this section in the 8th grade and the number of those  
3 pupils who advanced from grade 8 to grade 9.

4 4. A copy of the academic standards adopted under sub. (7) (b) 2.

5 5. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil  
6 scores on standardized tests administered under sub. (7) (b) 1. and (e) 1. in the  
7 previous school year.

8 **SECTION 19.** 119.23 (7) (am) 1. of the statutes is amended to read:

9 119.23 (7) (am) 1. An independent financial audit of the private school  
10 conducted by a certified public accountant, accompanied by the auditor's statement  
11 that the report is free of material misstatements and fairly presents pupil costs  
12 under sub. (4) (b) 1. The Except as provided in par. (ar), the audit under this  
13 subdivision shall be limited in scope to those records that are necessary for the  
14 department to make payments under subs. (4) and (4m).

15 **SECTION 20.** 119.23 (7) (ar) of the statutes is created to read:

16 119.23 (7) (ar) The certified public accountant conducting the independent  
17 financial audit required under par. (am) 1. shall include in the audit a report on the  
18 private school's compliance with par. (b) 4. and 6. The certified public accountant  
19 may determine compliance by examining an appropriate sample of pupil records.

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

21 119.23 (7) (b) Each private school participating in the program under this  
22 section shall do all of the following:

23 1. Administer to any pupils attending the 3rd grade in the private school under  
24 this section a standardized reading test developed by the department.

25 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

1           3. Ensure that all administrators of and teachers employed by the private  
2 school have at least a bachelor's degree from an accredited institution of higher  
3 education.

4           4. Maintain progress records for each pupil attending the private school under  
5 this section while the pupil attends the school and, except as provided under subd.  
6 7., for at least 5 years after the pupil ceases to attend the school.

7           5. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
8 is attending the private school under this section with a copy of the pupil's progress  
9 records.

10          6. Issue a high school diploma or certificate to each pupil who attends the  
11 private school under this section and satisfactorily completes the course of  
12 instruction and any other requirements necessary for high school graduation.

13          7. If the private school ceases operating as a private school, immediately  
14 transfer all of the progress records of the pupils who attended the school under this  
15 section to the board.

16          **SECTION 22.** 119.23 (7) (e) 1. of the statutes is amended to read:

17          119.23 (7) (e) 1. Annually In the 2009-10 school year, each private school  
18 participating in the program under this section shall administer a nationally normed  
19 standardized test in reading, mathematics, and science to pupils attending the  
20 school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11  
21 school year and annually thereafter, each private school participating in the program  
22 under this section shall administer the examinations required under s. 118.30 (1s)  
23 to pupils attending the school under the program. The private school may administer  
24 additional standardized tests to such pupils. Beginning in 2006 and annually  
25 thereafter until 2011, the private school shall provide the scores of all standardized

1 tests and examinations that it administers under this subdivision to the School  
2 Choice Demonstration Project.

3 **SECTION 23.** 119.23 (10) (a) 5. of the statutes is created to read:

4 119.23 (10) (a) 5. Failed to provide the information required under sub. (6m).

5 **SECTION 24.** 119.23 (10) (a) 6. of the statutes is created to read:

6 119.23 (10) (a) 6. Failed to comply with the requirements under sub. (7) (b) or  
7 (c).

8 **SECTION 25.** 119.23 (10) (a) 7. of the statutes is created to read:

9 119.23 (10) (a) 7. Violated sub. (7) (b) 4., 5., or 6.

10 **SECTION 26.** 119.23 (10) (d) of the statutes is amended to read:

11 119.23 (10) (d) The state superintendent may withhold payment from a parent  
12 or guardian under subs. (4) and (4m) if the private school attended by the child of the  
13 parent or guardian violates this section or s. 118.125 (4).

14 **SECTION 27.** 938.49 (2) (b) of the statutes is amended to read:

15 938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last  
16 enrolled in a private school under the program under s. 119.23, the private school,  
17 in writing of its obligation under s. 118.125 (4).

18 **SECTION 9339. Initial applicability; Public Instruction.**

19 (1) MILWAUKEE PARENTAL CHOICE PROGRAM CHANGES. Except as provided in  
20 subsection (2), the treatment of sections 118.125 (4), 118.30 (1g) (a) 1. and 3., (1s) and  
21 (2) (b) 1., 2., and 5., 118.33 (1) (f) 2m. and 3. and (6) (c), 119.23 (1) (am), (2) (a) 7. and  
22 8., (6m), and (7) (am) 1., (ar), (b) (intro.), 1., 2., 4., 5., 6., and 7., and (e) 1. and (10) (a)  
23 5., 6., and 7. and (d), and 938.49 (2) (b) of the statutes, the renumbering and  
24 amendment of section 119.23 (2) (b) of the statutes, and the creation of section 119.23  
25 (2) (b) 1., 2., and 3. of the statutes, first apply to private schools participating in the

1 program under section 119.23 of the statutes and to pupils who apply to attend, and  
2 to pupils who attend, a private school under section 119.23 of the statutes in the  
3 2010-11 school year.

4 (2) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER AND ADMINISTRATOR  
5 REQUIREMENTS. The treatment of section 119.23 (2) (a) 6. and (7) (b) 3. of the statutes  
6 first applies to private schools participating in the program under section 119.23 of  
7 the statutes and to teachers and administrators in those private schools in the  
8 2011-12 school year.

*e 2010-11*

9

(END)



DOA:.....Skwarczek, BB0368 - Changes to MPCP

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill makes changes to the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions.

Under current law, a private school participating in the MPCP must achieve accreditation by an accrediting organization or association by December 31 of the third school year following the first school year in which it participates in the MPCP. This bill requires the private school to attain accreditation by August 1 of the school year in which the school first participates in the MPCP.

Beginning in the 2010-11 school year, this bill directs each private school participating in the MPCP to ensure that every teacher and administrator at the private school has at least a bachelor's degree from an accredited institution of higher education. Currently, teachers are required to have graduated from high school or to have been granted a declaration of equivalency of high school graduation.

Under current law, a school board must schedule at least 1,050 hours of direct pupil instruction in grades one to six and at least 1,137 hours of direct pupil instruction in grades seven to twelve. This bill requires private schools participating in the MPCP to comply with these requirements.

Under current law, enrollment in the MPCP is capped at 22,500 pupils. In the event that the enrollment cap is reached, the state superintendent must issue an

order prohibiting the enrollment of additional pupils to the MPCP until the number of pupils falls below 22,500. This bill provides that, if the number of pupils enrolled in the program falls below 22,500, participating private schools may admit additional pupils under the program but must give first priority to returning MPCP pupils, second priority to siblings of enrolled MPCP pupils, and third priority to pupils selected at random under a procedure established by DPI by rule.

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998. Identical provisions exist under current law for independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades three to eight and at least once in grades ten to twelve; and in science at least once in grades three to five, six to nine, and ten to twelve. This bill imposes this requirement on private schools participating in the MPCP for pupils attending the schools under the MPCP.

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria. This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

The bill requires a private school participating in the MPCP to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. Progress records include the

courses a pupil took, the pupil's grades, the pupil's attendance record, the pupil's immunization record, and records of the pupil's extracurricular activities. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

The bill also requires each MPCP school to provide each applicant to the school with all of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; (5) graduation requirements; (6) a copy of the non-harassment policy and procedures used by the school; (7) suspension and expulsion policies and procedures; and (8) policies for accepting or denying the transfer of credits for coursework completed by pupils at other schools. In addition, upon request of any person, the school must provide to that person the information above, as well as the number of pupils enrolled in the private school in the previous school year; the number of pupils enrolled in the private school under MPCP in the previous school year; pupil scores on standardized tests administered in the previous school year; a copy of the academic standards adopted by the private school; the number of pupils who have graduated from the private school in every year in which the private school has participated in the MPCP; and the rates of promotion of 4th and 8th grade pupils enrolled in the private school.

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.** 118.125 (4) of the statutes is amended to read:
- 2           118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and
- 3           a private school participating in the program under s. 119.23 shall transfer to

1 another school or school district all pupil records relating to a specific pupil if the  
2 transferring school district or private school has received written notice from the  
3 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor  
4 that the pupil intends to enroll in the other school or school district or written notice  
5 from the other school or school district that the pupil has enrolled or from a court that  
6 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02  
7 (10p), or a secured residential care center for children and youth, as defined in s.  
8 938.02 (15g). In this subsection, "school" and "school district" include any juvenile  
9 correctional facility, secured residential care center for children and youth, adult  
10 correctional institution, mental health institute, or center for the developmentally  
11 disabled, that provides an educational program for its residents instead of or in  
12 addition to that which is provided by public and private schools.

13 **SECTION 2.** 118.30 (1g) (a) 1. of the statutes is amended to read:

14 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
15 academic standards in mathematics, science, reading and writing, geography, and  
16 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
17 standards issued by the governor as an executive order under s. 14.23, the school  
18 board may adopt those standards no. 326, dated January 13, 1998.

19 **SECTION 3.** 118.30 (1g) (a) 3. of the statutes is created to read:

20 118.30 (1g) (a) 3. The governing body of each private school participating in the  
21 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
22 science, reading and writing, geography, and history. The governing body of the  
23 private school may adopt the pupil academic standards issued by the governor as  
24 executive order no. 326, dated January 13, 1998.

25 **SECTION 4.** 118.30 (1s) of the statutes is created to read:

1           118.30 (1s) Annually, the governing body of each private school participating  
2 in the program under s. 119.23 shall do all of the following:

3           (a) Administer the 4th grade examination adopted or approved by the state  
4 superintendent under sub. (1) to all pupils attending the 4th grade in the private  
5 school under s. 119.23.

6           (am) Administer the 8th grade examination adopted or approved by the state  
7 superintendent under sub. (1) to all pupils attending the 8th grade in the private  
8 school under s. 119.23.

9           (b) Administer the 10th grade examination adopted or approved by the state  
10 superintendent under sub. (1) to all pupils attending the 10th grade in the private  
11 school under s. 119.23.

12           (c) Administer to pupils attending the private school under s. 119.23 all other  
13 examinations in reading, mathematics, and science that are required to be  
14 administered to public school pupils under 20 USC 6311 (b) (3).

15           **SECTION 5.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

16           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
17 subch. V of ch. 115, the school board or, operator of the charter school under s. 118.40  
18 (2r), or governing body of the private school participating in the program under s.  
19 119.23 shall comply with s. 115.77 (1m) (bg).

20           2. According to criteria established by the state superintendent by rule, the  
21 school board or, operator of the charter school under s. 118.40 (2r), or governing body  
22 of the private school participating in the program under s. 119.23 may determine not  
23 to administer an examination under this section to a limited-English speaking  
24 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or

1 her native language or may modify the format and administration of an examination  
2 for such pupils.

3 **SECTION 6.** 118.30 (2) (b) 5. of the statutes is created to read:

4 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
5 body of a private school participating in the program under s. 119.23 shall excuse the  
6 pupil from taking an examination administered under sub. (1s) (a) to (b).

7 **SECTION 7.** 118.33 (1) (f) 2m. of the statutes is created to read:

8 118.33 (1) (f) 2m. The governing body of each private school participating in the  
9 program under s. 119.23 shall develop a policy specifying criteria for granting a high  
10 school diploma to pupils attending the private school under s. 119.23. The criteria  
11 shall include the pupil's academic performance and the recommendations of  
12 teachers.

13 **SECTION 8.** 118.33 (1) (f) 3. of the statutes is amended to read:

14 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
15 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
16 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
17 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the  
18 governing body of a private school participating in the program under s. 119.23 may  
19 not grant a high school diploma to any pupil attending the private school under s.  
20 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
21 policy under subd. 2m.

22 **SECTION 9.** 118.33 (6) (c) of the statutes is created to read:

23 118.33 (6) (c) 1. The governing body of each private school participating in the  
24 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
25 a pupil who is attending the private school under s. 119.23 from the 4th grade to the

1 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
2 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless  
3 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the  
4 pupil's academic performance; the recommendations of teachers, which shall be  
5 based solely on the pupil's academic performance; and any other academic criteria  
6 specified by the governing body of the private school.

7 2. Beginning on September 1, 2010, the governing body of a private school  
8 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
9 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
10 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
11 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
12 body's policy under subd. 1.

13 **SECTION 10.** 119.23 (1) (am) of the statutes is created to read:

14 119.23 (1) (am) "Progress records" has the meaning given in s. 118.125 (1) (c).

15 **SECTION 11.** 119.23 (2) (a) 6. of the statutes is amended to read:

16 119.23 (2) (a) 6. All of the private school's teachers and administrators have  
17 graduated from high school or been granted a declaration of equivalency of high  
18 school graduation at least a bachelor's degree from an accredited institution of  
19 higher education.

20 **SECTION 12.** 119.23 (2) (a) 7. of the statutes is amended to read:

21 119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin  
22 North Central Association, the Wisconsin Religious and Independent Schools  
23 Accreditation, the Independent Schools Association of the Central States, the  
24 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at  
25 Marquette University, or any other organization recognized by the National Council

1 for Private School Accreditation, by December 31 of the 3rd school year following the  
2 first school year that begins after June 30, 2006, August 1 of the school year in which  
3 it first participates in the program under this section, or, for private schools  
4 participating in the program on the effective date of this subdivision ... [LRB inserts  
5 date], by August 1, 2010, or the private school was approved for scholarship funding  
6 for the 2005-06 school year by Partners Advancing Values in Education.

7 **SECTION 13.** 119.23 (2) (a) 8. of the statutes is created to read:

8 119.23 (2) (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually  
9 provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least  
10 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this  
11 subdivision include recess and time for pupils to transfer between classes but do not  
12 include the lunch periods.

13 **SECTION 14.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.)  
14 and amended to read:

15 119.23 (2) (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004  
16 (7), may attend private schools under this section. Whenever the state  
17 superintendent determines that the limit is reached, he or she shall issue an order  
18 prohibiting the participating private schools from accepting additional pupils until  
19 he or she determines that the number of pupils attending private schools under this  
20 section has fallen below the limit. If the number of pupils attending the program falls  
21 below the limit under this paragraph, participating private schools that wish to  
22 accept additional pupils under the program shall accept pupils as follows:

23 **SECTION 15.** 119.23 (2) (b) 1. of the statutes is created to read:

24 119.23 (2) (b) 1. The private school shall give first priority to pupils who are  
25 attending a private school under this section.

1           **SECTION 16.** 119.23 (2) (b) 2. of the statutes is created to read:

2           119.23 (2) (b) 2. The private school shall give 2nd priority to the siblings of  
3 pupils who are attending a private school under this section.

4           **SECTION 17.** 119.23 (2) (b) 3. of the statutes is created to read:

5           119.23 (2) (b) 3. The private school shall give 3rd priority to pupils selected at  
6 random under a procedure established by the department by rule.

7           **SECTION 18.** 119.23 (6m) of the statutes is created to read:

8           119.23 (6m) Each private school participating in the program under this  
9 section shall do all of the following:

10           (a) Provide to each person who applies to attend the private school all of the  
11 following:

12           1. A list of the names, addresses, and telephone numbers of the members of the  
13 private school's governing body and of the private school's shareholders, if any.

14           2. A notice stating whether the private school is an organization operated for  
15 profit or not for profit. If the private school is a nonprofit organization, the private  
16 school shall also provide the applicant with a copy of the certificate issued under  
17 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
18 a nonprofit organization that is exempt from federal income tax.

19           3. A copy of the appeals process used if the private school rejects the applicant.

20           4. A statement that the private school agrees to permit public inspection and  
21 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
22 extent as required of, and subject to the same terms and enforcement provisions that  
23 apply to, an authority under subch. II of ch. 19.

24           5. A statement that the private school agrees to provide public access to  
25 meetings of the governing body of the private school to the same extent as is required

1 of, and subject to the same terms and enforcement provisions that apply to, a  
2 governmental body under subch. V of ch. 19.

3 6. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

4 7. A copy of the non-harassment policy used by the private school, together  
5 with the procedures for reporting and obtaining relief from harassment.

6 8. A copy of the suspension and expulsion policies and procedures, including  
7 procedures for appealing a suspension or expulsion, used by the private school.

8 9. A copy of the policy used by the private school for accepting or denying the  
9 transfer of credits earned by a pupil enrolled in the program under this section for  
10 the satisfactory completion of coursework at another school.

11 (b) Upon request by any person, provide the material specified in par. (a) and  
12 any of the following information:

13 1. The number of pupils enrolled in the private school under this section in the  
14 previous school year.

15 2. The number of pupils enrolled in the private school other than under this  
16 section in the previous school year.

17 3. For each school year in which the private school has participated in the  
18 program under this section, all of the following information:

19 a. The number of pupils who were enrolled in the private school under this  
20 section and other than under this section in the 12th grade and the number of those  
21 pupils who graduated from the private school.

22 b. The number of pupils who were enrolled in the private school under this  
23 section and other than under this section in the 4th grade and the number of those  
24 pupils who advanced from grade 4 to grade 5.

1 c. The number of pupils who were enrolled in the private school under this  
2 section and other than under this section in the 8th grade and the number of those  
3 pupils who advanced from grade 8 to grade 9.

4 4. A copy of the academic standards adopted under sub. (7) (b) 2.

5 5. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil  
6 scores on standardized tests administered under sub. (7) (b) 1. and (e) 1. in the  
7 previous school year.

8 **SECTION 19.** 119.23 (7) (am) 1. of the statutes is amended to read:

9 119.23 (7) (am) 1. An independent financial audit of the private school  
10 conducted by a certified public accountant, accompanied by the auditor's statement  
11 that the report is free of material misstatements and fairly presents pupil costs  
12 under sub. (4) (b) 1. The Except as provided in par. (ar), the audit under this  
13 subdivision shall be limited in scope to those records that are necessary for the  
14 department to make payments under subs. (4) and (4m).

15 **SECTION 20.** 119.23 (7) (ar) of the statutes is created to read:

16 119.23 (7) (ar) The certified public accountant conducting the independent  
17 financial audit required under par. (am) 1. shall include in the audit a report on the  
18 private school's compliance with par. (b) 4. and 6. The certified public accountant  
19 may determine compliance by examining an appropriate sample of pupil records.

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

21 119.23 (7) (b) Each private school participating in the program under this  
22 section shall do all of the following:

23 1. Administer to any pupils attending the 3rd grade in the private school under  
24 this section a standardized reading test developed by the department.

25 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

1           3. Ensure that all administrators of and teachers employed by the private  
2 school have at least a bachelor's degree from an accredited institution of higher  
3 education.

4           4. Maintain progress records for each pupil attending the private school under  
5 this section while the pupil attends the school and, except as provided under subd.  
6 7., for at least 5 years after the pupil ceases to attend the school.

7           5. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
8 is attending the private school under this section with a copy of the pupil's progress  
9 records.

10          6. Issue a high school diploma or certificate to each pupil who attends the  
11 private school under this section and satisfactorily completes the course of  
12 instruction and any other requirements necessary for high school graduation.

13          7. If the private school ceases operating as a private school, immediately  
14 transfer all of the progress records of the pupils who attended the school under this  
15 section to the board.

16           **SECTION 22.** 119.23 (7) (e) 1. of the statutes is amended to read:

17           119.23 (7) (e) 1. Annually In the 2009-10 school year, each private school  
18 participating in the program under this section shall administer a nationally normed  
19 standardized test in reading, mathematics, and science to pupils attending the  
20 school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11  
21 school year and annually thereafter, each private school participating in the program  
22 under this section shall administer the examinations required under s. 118.30 (1s)  
23 to pupils attending the school under the program. The private school may administer  
24 additional standardized tests to such pupils. Beginning in 2006 and annually  
25 thereafter until 2011, the private school shall provide the scores of all standardized

1 tests and examinations that it administers under this subdivision to the School  
2 Choice Demonstration Project.

3 **SECTION 23.** 119.23 (10) (a) 5. of the statutes is created to read:

4 119.23 (10) (a) 5. Failed to provide the information required under sub. (6m).

5 **SECTION 24.** 119.23 (10) (a) 6. of the statutes is created to read:

6 119.23 (10) (a) 6. Failed to comply with the requirements under sub. (7) (b) or  
7 (c).

8 **SECTION 25.** 119.23 (10) (a) 7. of the statutes is created to read:

9 119.23 (10) (a) 7. Violated sub. (7) (b) 4., 5., or 6.

10 **SECTION 26.** 119.23 (10) (d) of the statutes is amended to read:

11 119.23 (10) (d) The state superintendent may withhold payment from a parent  
12 or guardian under subs. (4) and (4m) if the private school attended by the child of the  
13 parent or guardian violates this section or s. 118.125 (4).

14 **SECTION 27.** 938.49 (2) (b) of the statutes is amended to read:

15 938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last  
16 enrolled in a private school under the program under s. 119.23, the private school,  
17 in writing of its obligation under s. 118.125 (4).

18 **SECTION 9339. Initial applicability; Public Instruction.**

19 (1) MILWAUKEE PARENTAL CHOICE PROGRAM CHANGES. Except as provided in  
20 subsection (2), the treatment of sections 118.125 (4), 118.30 (1g) (a) 1. and 3., (1s) and  
21 (2) (b) 1., 2., and 5., 118.33 (1) (f) 2m. and 3. and (6) (c), 119.23 (1) (am), (2) (a) 7. and  
22 8., (6m), and (7) (am) 1., (ar), (b) (intro.), 1., 2., 4., 5., 6., and 7., and (e) 1. and (10) (a)  
23 5., 6., and 7. and (d), and 938.49 (2) (b) of the statutes, the renumbering and  
24 amendment of section 119.23 (2) (b) of the statutes, and the creation of section 119.23  
25 (2) (b) 1., 2., and 3. of the statutes, first apply to private schools participating in the

1 program under section 119.23 of the statutes and to pupils who apply to attend, and  
2 to pupils who attend, a private school under section 119.23 of the statutes in the  
3 2010-11 school year.

4 (2) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER AND ADMINISTRATOR  
5 REQUIREMENTS. The treatment of section 119.23 (2) (a) 6. and (7) (b) 3. of the statutes  
6 first applies to private schools participating in the program under section 119.23 of  
7 the statutes and to teachers and administrators in those private schools in the  
8 2010-11 school year.

9 (END)