



1 ***b0739/2.216*1124.** Page 989, line 11: delete lines 11 to 19.

2 ***b0901/1.16*1125.** Page 989, line 20: delete lines 20 and 21.

3 ***b1045/P3.5*1126.** Page 989, line 21: after that line insert:

4 “SECTION 2532m. 118.60 of the statutes is created to read:

5 **118.60 Racine parental choice program. (1) DEFINITIONS.** In this section:

6 (a) “Administrator” means the superintendent, supervising principal,
7 executive director, or other person who acts as the administrative head of a private
8 school participating in the program under this section.

9 (b) “Membership” has the meaning given in s. 121.004 (5).

10 (c) “Preaccreditation” means the review and approval of an educational plan.
11 Review of an education plan includes consideration of whether the school submitting
12 the plan meets the requirements under s. 118.165 (1). The fact that a private school
13 has obtained preaccreditation does not require an accreditation organization to
14 accredit the private school.

15 (d) “Progress records” has the meaning given in s. 118.125 (1) (c).

16 (e) “Summer average daily membership equivalent” has the meaning given in
17 s. 121.004 (8).

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

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

3 (2) (a) Subject to par. (b), any pupil in grades kindergarten to 12 who resides
4 within the Racine Unified School District may attend, at no charge, any private
5 school if all of the following apply:

6 1. a. The pupil is a member of a family that has a total family income that does
7 not exceed an amount equal to 3.0 times the poverty level determined in accordance
8 with criteria established by the director of the federal office of management and
9 budget. In this subdivision and sub. (3m), family income includes income of the
10 pupil's parents or legal guardians. The family income of the pupil shall be
11 determined as provided in subd. 1. b. A pupil attending a private school under this
12 section whose family income increases may continue to attend a private school under
13 this section.

14 b. The private school submits to the department of revenue the names,
15 addresses, social security numbers, and other state and federal tax identification
16 numbers, if any, of the pupil's parents or legal guardians. The department of revenue
17 shall review the information submitted under this subd. 1. b. and shall determine
18 whether the pupil is eligible to participate in the program under this section on the
19 basis of family income. Family income for a family in which the pupil's parents are
20 married or in which the pupil's legal guardians are married shall be reduced by
21 \$7,000 before the determination is made under this subd. 1. b. The department of
22 revenue may take no other action on the basis of the information submitted under
23 this subd. 1. b. The department of public instruction may not request any additional
24 verification of income from the family of a pupil once the department of revenue has
25 determined whether the pupil is eligible to participate in the program under this

1 section on the basis of family income. The department of public instruction shall
2 establish a procedure for determining family income eligibility for those pupils for
3 whom no social security number or state or federal tax identification number has
4 been provided.

5 2. The pupil satisfies one or more of the following:

6 a. The pupil was enrolled in a public school in the Racine Unified School
7 District in the previous school year.

8 b. The pupil was not enrolled in school in the previous school year.

9 c. The pupil attended a private school under this section in the previous school
10 year.

11 d. The pupil is applying to attend kindergarten, first grade, or 9th grade in a
12 private school participating in the program under this section.

13 3. a. Except as provided in subd. 3. b., the private school notified the state
14 superintendent of its intent to participate in the program under this section, and
15 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)
16 3., by February 1 of the previous school year. The notice shall specify the number of
17 pupils participating in the program under this section for which the school has space.

18 b. For a private school that intends to participate in the program under this
19 section in the 2011-12 school year, the private school notified the state
20 superintendent of its intent to participate, and paid the nonrefundable fee set by the
21 department under subd. 3. a. by August 1, 2011. The notice shall specify the number
22 of pupils participating in the program under this section for which the school has
23 space.

24 4. The private school complies with 42 USC 2000d.

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

3 6. a. Except as provided in subd. 6. c., all of the private school's teachers have
4 a bachelor's degree from an accredited institution of higher education.

5 b. All of the private school's administrators have at least a bachelor's degree
6 from an accredited institution of higher education.

7 c. Any teacher employed by the private school on July 1, 2011, who has been
8 teaching for at least the 5 consecutive years immediately preceding July 1, 2011, and
9 who does not satisfy the requirements under subd. 6. a. on July 1, 2011, applies to
10 the department on a form prepared by the department for a temporary,
11 nonrenewable waiver from the requirements under subd. 6. a. The department shall
12 promulgate rules to implement this subd. 6. c., including the form of the application
13 and the process by which the waiver application will be reviewed. The application
14 form shall require the applicant to submit a plan for satisfying the requirements
15 under subd. 6. a., including the name of the accredited institution of higher education
16 at which the teacher is pursuing or will pursue the bachelor's degree and the
17 anticipated date on which the teacher expects to complete the bachelor's degree. No
18 waiver granted under this subd. 6. c. is valid after July 31, 2016.

19 7. For a private school that is a first-time participant in the program under this
20 section, and that is not accredited by the Wisconsin North Central Association, the
21 Wisconsin Religious and Independent School Accreditation, the Independent
22 Schools Association of the Central States, the archdiocese within which the private
23 school is located, or by any other organization recognized by the National Council for
24 Private Schools Accreditation, the private school obtains preaccreditation by the
25 Institute for the Transformation of Learning at Marquette University, the Wisconsin

1 North Central Association, the Wisconsin Religious and Independent Schools
2 Accreditation, the Independent Schools Association of the Central States, the
3 archdiocese within which the private school is located, or any other organization
4 recognized by the National Council for Private School Accreditation by September
5 1 before the first school term of participation in the program under this section that
6 begins after August 31, 2011; by August 1 before the first school term of participation
7 in the program under this section that begins after August 31, 2012; or by May 1 if
8 the private school begins participation in the program under this section during
9 summer school. The private school shall achieve accreditation by the Wisconsin
10 North Central Association, the Wisconsin Religious and Independent Schools
11 Accreditation, the Independent Schools Association of the Central States, the
12 archdiocese within which the private school is located, or any other organization
13 recognized by the National Council for Private School Accreditation, by December 31
14 of the 3rd school year following the first school year in which the private school begins
15 participation in the program under this section. If the private school is accredited
16 under this subdivision, the private school is not required to obtain preaccreditation
17 as a prerequisite to providing instruction under this section in additional grades or
18 in an additional or new school.

****NOTE: Are the references to the archdiocese acceptable? Also, note that I
modified the structure of this subdivision. Okay?

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

1 (b) 1. In the 2011-12 school year, no more than 250 pupils, as counted under
2 s. 121.004 (7), may attend private schools under this section. Priority shall be given
3 to pupils who were eligible for a free or reduced-price lunch in the federal school
4 lunch program under 42 USC 1758 (b) in the 2010-11 school year.

5 2. In the 2012-13 school year, no more than 500 pupils, as counted under s.
6 121.004 (7), may attend private schools under this section. Priority shall be given
7 to pupils who attended a private school under this section in the 2011-12 school year.

8 3. Whenever the state superintendent determines that the limit is reached
9 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
10 private schools from accepting additional pupils until he or she determines that the
11 number of pupils attending private schools under this section has fallen below the
12 limit. If the number of pupils attending private schools under this section falls below
13 the limit under this paragraph, the state superintendent shall issue an order
14 notifying participating private schools that they may begin accepting additional
15 pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to
16 accept additional pupils under this section shall accept pupils as follows:

17 a. The private school shall give first priority to pupils who are attending a
18 private school under this section.

19 b. The private school shall give 2nd priority to the siblings of pupils who are
20 attending a private school under this section.

21 c. The private school shall give 3rd priority to pupils selected at random under
22 a procedure established by the department by rule.

23 (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school
24 participating in the program under this section who teaches only courses in
25 rabbinical studies is not required to have a bachelor's degree.

1 2. Notwithstanding par. (a) 6., an administrator of a private school
2 participating in the program under this section that prepares and trains pupils
3 attending the school in rabbinical studies is not required to have a bachelor's degree.

4 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application,
5 on a form provided by the state superintendent, to the participating private school
6 that the pupil wishes to attend. If more than one pupil from the same family applies
7 to attend the same private school, the pupils may use a single application. Within
8 60 days after receiving the application, the private school shall notify each applicant,
9 in writing, whether his or her application has been accepted. If the private school
10 rejects an application, the notice shall include the reason. A private school may reject
11 an applicant only if it has reached its maximum general capacity or seating capacity.
12 The state superintendent shall ensure that the private school determines which
13 pupils to accept on a random basis, except that the private school may give preference
14 in accepting applications to siblings of pupils accepted on a random basis.

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

18 **(3m)** (a) A private school participating in the program under this section may
19 not charge or receive any additional payment for a pupil participating in the program
20 under this section other than the payment the school receives under sub. (4) and, if
21 applicable, sub. (4m), if either of the following applies:

- 22 1. The pupil is enrolled in a grade from kindergarten to 8.
- 23 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the
24 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2

1 times the poverty level determined in accordance with criteria established by the
2 director of the federal office of management and budget.

3 (b) A private school participating in the program under this section may, in
4 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.
5 (4m), charge the pupil tuition and fees in an amount determined by the school if both
6 of the following apply:

7 1. The pupil is enrolled in a grade from 9 to 12.

8 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds
9 an amount equal to 2.2 times the poverty level determined in accordance with
10 criteria established by the director of the federal office of management and budget.

11 (c) A private school participating in the program under this section shall
12 determine whether the private school may charge additional tuition and fees to a
13 pupil on the basis of the pupil's family income as permitted under par. (b). The
14 private school shall establish a process for accepting an appeal to the governing body
15 of the private school of the determination made under this paragraph.

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

20 (b) Except as provided in par. (bg), upon receipt from the pupil's parent or
21 guardian of proof of the pupil's enrollment in the private school during a school term,
22 the state superintendent shall pay to the private school in which the pupil is enrolled
23 on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255
24 (2) (fr), an amount equal to the lesser of the following:

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

3 2. The amount paid per pupil under this subsection in the previous school year
4 multiplied by the sum of 1.0 plus the percentage change from the previous school
5 year to the current school year in the total amount appropriated under s. 20.255 (2)
6 (ac) expressed as a decimal, but not less than zero.

7 (bg) In the 2011-12 and 2012-13 school years, upon receipt from the pupil's
8 parent or guardian of proof of the pupil's enrollment in the private school during a
9 school term, the state superintendent shall pay to the parent or guardian, from the
10 appropriation under s. 20.255 (2) (fr), an amount equal to the private school's
11 operating and debt service cost per pupil that is related to educational programming,
12 as determined by the department, or \$6,442, whichever is less.

13 (c) The state superintendent shall pay 25 percent of the total amount under this
14 subsection in September, 25 percent in November, 25 percent in February, and 25
15 percent in May. Each installment may consist of a single check for all pupils
16 attending the private school under this section. The state superintendent shall
17 include the entire amount under sub. (4m) in the November installment, but the
18 payment shall be made in a separate check from the payment under this subsection.

19 (d) In determining a private school's operating and debt service cost per pupil
20 under par. (b) 1. and (4m) (a), the department shall do all of the following:

21 1. Subtract only the following, up to the actual cost of the service or material
22 related to each item:

23 a. Fees charged pupils for books and supplies used in classes and programs.

24 b. Rentals for school buildings.

25 c. Food service revenues.

1 d. Governmental financial assistance.

2 e. Interest and other income resulting from the investment of debt proceeds.

3 2. If legal title to the private school's buildings and premises is held in the name
4 of the private school's parent organization or other related party, there is no other
5 mechanism to include the private school's facilities costs in the calculation of its
6 operating and debt service cost, and the private school requests that the department
7 do so, include an amount equal to 10.5 percent of the fair market value of the school
8 and its premises. A request made by a private school under this subdivision remains
9 effective in subsequent school years and may not be withdrawn by the private school.

10 3. If immediately prior to the effective date of this subdivision [LRB inserts
11 date], a private school's operating and debt service costs, as determined by the
12 department, included the amount described in subd. 2., continue to include the
13 amount described in subd. 2. in subsequent school years.

14 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
15 pay to each private school participating in the program under this section, on behalf
16 of the parent or guardian of each pupil attending the private school under this
17 section, in the manner described in sub. (4) (c), the amount determined as follows:

18 (a) Determine the private school's operating and debt service cost per pupil in
19 summer school that is related to educational programming.

20 (b) Multiply the amount under par. (a) by 0.40.

21 (c) Multiply the product under par. (b) by the quotient determined by dividing
22 the summer choice average daily membership equivalent of the private school by the
23 total number of pupils for whom payments are being made under sub. (4).

24 **(4r)** If, after the 3rd Friday in September in any school year, a private school
25 participating in the program under this section closes, for each installment under

1 sub. (4) (c) that was not paid to the private school in that school year, the state
2 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),
3 the amount determined, for each pupil who had been attending the private school
4 under this section in that school year and who enrolls in the school district operating
5 under this chapter in that school year, as follows:

6 (a) Multiply the amount determined under sub. (4) (b) or (bg) by 0.616.

7 (b) Multiply the product under par. (a) by 0.25.

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

11 (6) The school board of the Racine Unified School District shall provide
12 transportation to pupils attending a private school under this section if required
13 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
14 transported.

15 (6m) Each private school participating in the program under this section shall
16 do all of the following:

17 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who
18 applies to attend the private school all of the following:

19 1. The name, address, and telephone number of the private school and the
20 name of one or more contact persons at the school.

21 2. A list of the names of the members of the private school's governing body and
22 of the private school's shareholders, if any.

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

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

4 5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2r.

5 6. A copy of the nonharassment policy used by the private school, together with
6 the procedures for reporting and obtaining relief from harassment.

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

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

12 9. A copy of the policy governing visitors and visits to the private school,
13 developed as required under sub. (7) (b) 2m.

14 (b) Annually, by August 1st, provide to the department the material specified
15 in par. (a) and all of the following information:

16 1. The number of pupils attending the private school under this section in the
17 previous school year.

18 2. The number of pupils attending the private school other than under this
19 section in the previous school year.

20 3. For each of the previous 5 school years in which the private school has
21 participated in the program under this section, all of the following information:

22 a. The number of pupils who attended the private school under this section and
23 other than under this section in the 12th grade and the number of those pupils who
24 graduated from the private school.

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

4 c. The number of pupils who attended the private school under this section and
5 other than under this section in the 4th grade and the number of those pupils who
6 advanced from grade 4 to grade 5.

7 d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
8 scores on all standardized tests administered under sub. (7) (e).

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

10 (c) Provide to the department a signed statement from each individual who is
11 a member of the private school's governing body verifying that the individual is a
12 member of the governing body.

13 (d) Upon request by any pupil, or the parent or guardian of any minor pupil,
14 who is attending or who applies to attend the private school, provide the material
15 specified in pars. (a) and (b).

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

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

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

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

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

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

6 1. An independent financial audit of the private school conducted by an
7 independent certified public accountant, accompanied by the auditor's statement
8 that the report is free of material misstatements and fairly presents pupil costs
9 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those
10 records that are necessary for the department to make payments under subs. (4) and
11 (4m). The auditor shall conduct his or her audit, including determining sample sizes
12 and evaluating financial viability, in accordance with the auditing standards
13 established by the American Institute of Certified Public Accountants. The
14 department may not require an auditor to comply with standards that exceed the
15 scope of the standards established by the American Institute of Certified Public
16 Accountants.

17 2. Evidence of sound fiscal and internal control practices, as prescribed by the
18 department by rule. An auditor engaged to evaluate the private school's fiscal and
19 internal control practices shall conduct his or her evaluation, including determining
20 sample sizes, in accordance with attestation standards established by the American
21 Institute of Certified Public Accountants.

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

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

- 1 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 4.
- 2 2m. Develop a written policy governing visitors and visits to the private school.
- 3 3. Ensure that any teacher's aide employed by the private school has graduated
- 4 from high school, been granted a declaration of equivalency of high school
- 5 graduation, or been issued a general educational development certificate of high
- 6 school equivalency.
- 7 3m. Annually, schedule 2 meetings at which members of the governing body of
- 8 the private school will be present and at which pupils, and the parents or guardians
- 9 of pupils, applying to attend the private school or attending the private school may
- 10 meet and communicate with the members of the governing body. The private school
- 11 shall, within 30 days after the start of the school term, notify the department in
- 12 writing of the scheduled meeting dates and shall, at least 30 days before the
- 13 scheduled meeting date, notify in writing each pupil, or the parent or guardian of
- 14 each minor pupil, applying to attend the private school or attending the private
- 15 school of the meeting date, time, and place.
- 16 4. Maintain progress records for each pupil attending the private school under
- 17 this section while the pupil attends the school and, except as provided under subd.
- 18 7., for at least 5 years after the pupil ceases to attend the school.
- 19 5. Upon request, provide a pupil or the parent or guardian of a minor pupil who
- 20 is attending the private school under this section with a copy of the pupil's progress
- 21 records.
- 22 6. Issue a high school diploma or certificate to each pupil who attends the
- 23 private school under this section and satisfactorily completes the course of
- 24 instruction and any other requirements necessary for high school graduation.

1 7. a. Except as provided in subd. 7. b., if the private school ceases operating as
2 a private school, immediately transfer all of the progress records of the pupils who
3 attended the school under this section to the school board of the Racine Unified
4 School District. The private school shall send written notice to each pupil, or to the
5 parent or guardian of a minor pupil, of the transfer of progress records under this
6 subd. 7. a.

7 b. If the private school is affiliated with an organization that will maintain the
8 progress records of each pupil who attended the school under this section for at least
9 5 years after the private school ceases operation as a private school, the private
10 school may transfer a pupil's records to the organization if the pupil, or the parent
11 or guardian of a minor pupil, consents in writing to the release of the progress records
12 to the affiliated organization. The private school shall send to the department a copy
13 of the consent form for each pupil who consents to the transfer of progress records
14 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent
15 or guardian of a minor pupil, and shall include the name, phone number, mailing
16 address, and other relevant contact information of the organization that will
17 maintain the progress records, and a declaration by the affiliated organization that
18 the organization agrees to maintain the progress records for at least 5 years after the
19 private school ceases operation as a private school.

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

24 (d) By September 1 before the first school term of participation in the program
25 that begins in the 2011-12 school year, by August 1 before the first school term of

1 participation in the program that begins in the 2012-13 school year or any school
2 year thereafter, or by May 1 if the private school begins participating in the program
3 during summer school, each private school participating in the program under this
4 section shall submit to the department all of the following:

5 1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

6 b. A copy of the school's current certificate of occupancy issued by the
7 municipality within which the school is located. If the private school moves to a new
8 location, the private school shall submit a copy of the new certificate of occupancy
9 issued by the municipality within which the school is located to the department
10 before the attendance of pupils at the new location and before the next succeeding
11 date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet
12 the requirement of this subdivision.

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

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

16 (e) Each private school participating in the program under this section shall
17 administer the examinations required under s. 118.30 (1t) to pupils attending the
18 school under the program. The private school may administer additional
19 standardized tests to such pupils.

20 (g) 1. By the first day of the 3rd month beginning after the month in which the
21 department establishes the model management plan and practices for maintaining
22 indoor environmental quality in public and private schools under s. 118.075 (3), or
23 by October 1 of a private school's first school year of participation in the program
24 under this section, whichever is later, the private school shall provide for the

1 development of a plan for maintaining indoor environmental quality in the private
2 school.

3 2. By the first day of the 12th month beginning after the month in which the
4 department establishes the model management plan and practices for maintaining
5 indoor environmental quality in public and private schools under s. 118.075 (3), or
6 by the beginning of the 2nd school year of participation in the program under this
7 section, whichever is later, the private school shall implement a plan for maintaining
8 indoor environmental quality in the private school.

9 3. Each private school participating in the program under this section shall
10 provide a copy of the plan implemented under subd. 2. to any person upon request.

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

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

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

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

1 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or
2 provide the information required under sub. (7) (am) or (d), by the date or within the
3 period specified.

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

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

8 5. Failed to provide the information required under sub. (6m).

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

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

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

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

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

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

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

1 (d) The state superintendent may withhold payment from a private school
2 under subs. (4) and (4m) if the private school violates this section.

3 (11) The department shall do all of the following:

4 (a) Promulgate rules to implement and administer this section. The
5 department may not by rule establish standards under sub. (7) (am) that exceed the
6 standards established by the American Institute of Certified Public Accountants.

7 (b) Notify each private school participating in the program under this section
8 of any proposed changes to the program or to administrative rules governing the
9 program, including changes to application or filing deadlines but not including
10 changes to provisions governing health or safety, prior to the beginning of the school
11 year in which the change takes effect.”.

12 ***b1046/P3.5*1127.** Page 989, line 21: after that line insert:

13 “SECTION 2532p. 118.62 of the statutes is created to read:

14 **118.62 Green Bay Parental Choice Program. (1) DEFINITIONS.** In this
15 section:

16 (a) “Administrator” means the superintendent, supervising principal,
17 executive director, or other person who acts as the administrative head of a private
18 school participating in the program under this section.

19 (b) “Membership” has the meaning given in s. 121.004 (5).

20 (c) “Preaccreditation” means the review and approval of an educational plan.
21 Review of an education plan includes consideration of whether the school submitting
22 the plan meets the requirements under s. 118.165 (1). The fact that a private school
23 has obtained preaccreditation does not require an accreditation organization to
24 accredit the private school.

1 (d) "Progress records" has the meaning given in s. 118.125 (1) (c).

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

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

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

12 **(1m)** (a) In this subsection:

13 1. "Board" means the government accountability board.

14 2. "Circulator" has the meaning given for "qualified circulator" under s. 5.02
15 (16g).

16 (b) On or after September 1, 2011, an individual, committee, or group may file
17 a registration statement with the board to initiate a petition to implement the Green
18 Bay Parental Choice Program under this section. The registration statement shall
19 include the name and mailing address of the individual who, or committee or group
20 that, is initiating the petition.

21 (c) The individual, committee, or group may circulate the petition and shall file
22 the petition with the board no later than 60 days after the date on which the
23 registration statement is filed under par. (b). The certification of a circulator shall
24 appear at the bottom of each petition filed with the board. The certification of the
25 circulator shall include the name and mailing address of the individual who, or

1 committee or group that, initiated the petition and shall state that he or she
2 personally circulated the petition and personally obtained each of the signatures; he
3 or she knows the signatures are of qualified electors, as defined under s. 6.02, of the
4 Green Bay Area Public School District as the petition requires; he or she knows the
5 signers signed the petition with full knowledge of its content; he or she knows the
6 respective residences given for each signer; and he or she knows each signer signed
7 on the date stated opposite his or her signature. The certification shall further state
8 that he or she, the circulator, is a qualified elector of this state, or if not a qualified
9 elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident
10 of this state, would not be disqualified from voting under s. 6.03; that he or she
11 intends to support the implementation of the program under this section; and that
12 he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a).
13 The circulator shall indicate the date that he or she makes the certification next to
14 his or her signature.

15 (d) The board shall, within 31 days after a petition is filed under par. (c), review
16 the signatures to determine whether any signatures or petition sheets may not be
17 counted for the reasons provided in par. (e) or (f). If, after review, the board
18 determines that the petition contains a number of signatures of qualified electors in
19 the Green Bay Area Public School District equal to not less than 25 percent of the
20 number of pupils enrolled in the Green Bay Area Public School District in the
21 2010-11 school year, the board shall certify that result to the department of public
22 instruction. The department shall implement the program under this section in the
23 first school year that begins after the date on which the board certifies the petition
24 under this paragraph.

25 (e) An individual signature on a petition sheet may not be counted if:

- 1 1. The signature is not dated.
- 2 2. The signature is dated outside the circulation period.
- 3 3. The signature is dated after the date of the certification contained on the
- 4 petition sheet.
- 5 4. The residency of the signer of the petition sheet cannot be determined by the
- 6 address given.
- 7 5. The signature is that of an individual who is not a resident of the Green Bay
- 8 Area School District.
- 9 6. The signer has been adjudicated not to be a qualified elector on grounds of
- 10 incompetency or limited incompetency as provided in s. 6.03 (3).
- 11 7. The signer is not a qualified elector by reason of age.
- 12 8. The circulator knew or should have known that the signer, for any other
- 13 reason, was not a qualified elector.
- 14 (f) No signature on the petition sheet may be counted if:
- 15 1. The circulator fails to sign his or her certification.
- 16 2. The circulator is not a qualified circulator.
- 17 **(2)** (a) After a petition is certified as provided under sub. (1m) (d), and subject
- 18 to par. (b), any pupil in grades kindergarten to 12 who resides within the Green Bay
- 19 Area Public School District may attend, at no charge, any private school if all of the
- 20 following apply:
- 21 1. a. The pupil is a member of a family that has a total family income that does
- 22 not exceed an amount equal to 3.0 times the poverty level determined in accordance
- 23 with criteria established by the director of the federal office of management and
- 24 budget. In this subdivision and sub. (3m), family income includes income of the
- 25 pupil's parents or legal guardians. The family income of the pupil shall be

1 determined as provided in subd. 1. b. A pupil attending a private school under this
2 section whose family income increases may continue to attend a private school under
3 this section.

4 b. The private school submits to the department of revenue the names,
5 addresses, social security numbers, and other state and federal tax identification
6 numbers, if any, of the pupil's parents or legal guardians. The department of revenue
7 shall review the information submitted under this subd. 1. b. and shall determine
8 whether the pupil is eligible to participate in the program under this section on the
9 basis of family income. Family income for a family in which the pupil's parents are
10 married or in which the pupil's legal guardians are married shall be reduced by
11 \$7,000 before the determination is made under this subd. 1. b. The department of
12 revenue may take no other action on the basis of the information submitted under
13 this subd. 1. b. The department of public instruction may not request any additional
14 verification of income from the family of a pupil once the department of revenue has
15 determined whether the pupil is eligible to participate in the program under this
16 section on the basis of family income. The department of public instruction shall
17 establish a procedure for determining family income eligibility for those pupils for
18 whom no social security number or state or federal tax identification number has
19 been provided.

20 2. The pupil satisfies one or more of the following:

21 a. The pupil was enrolled in a public school in the Green Bay Area Public School
22 District in the previous school year.

23 b. The pupil was not enrolled in school in the previous school year.

24 c. The pupil attended a private school under this section in the previous school
25 year.

1 d. The pupil is applying to attend kindergarten, first grade, or 9th grade in a
2 private school participating in the program under this section.

3 3. a. Except as provided in subd. 3. b., the private school notified the state
4 superintendent of its intent to participate in the program under this section, and
5 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)
6 3., by February 1 of the previous school year. The notice shall specify the number of
7 pupils participating in the program under this section for which the school has space.

8 b. For a private school that intends to participate in the program under this
9 section in the first school year that begins after a petition is certified under sub. (1m)
10 (d), the private school notified the state superintendent of its intent to participate,
11 and paid the nonrefundable fee set by the department under subd. 3. a. by February
12 1 of that school year. The notice shall specify the number of pupils participating in
13 the program under this section for which the school has space.

14 4. The private school complies with 42 USC 2000d.

15 5. The private school meets all health and safety laws or codes that apply to
16 public schools.

17 6. a. Except as provided in subd. 6. c., all of the private school's teachers have
18 a bachelor's degree from an accredited institution of higher education.

19 b. All of the private school's administrators have at least a bachelor's degree
20 from an accredited institution of higher education.

21 c. Any teacher employed by the private school on July 1 of the first school year
22 that begins after a petition is certified under sub. (1m) (d), who has been teaching for
23 at least the 5 consecutive years immediately preceding that July 1, and who does not
24 satisfy the requirements under subd. 6. a. on that July 1 applies to the department
25 on a form prepared by the department for a temporary, nonrenewable waiver from

1 the requirements under subd. 6. a. The department shall promulgate rules to
2 implement this subd. 6. c., including the form of the application and the process by
3 which the waiver application will be reviewed. The application form shall require
4 the applicant to submit a plan for satisfying the requirements under subd. 6. a.,
5 including the name of the accredited institution of higher education at which the
6 teacher is pursuing or will pursue the bachelor's degree and the anticipated date on
7 which the teacher expects to complete the bachelor's degree. No waiver granted
8 under this subd. 6. c. is valid after July 31 of the 5th year that begins after a petition
9 is certified under sub. (1m) (d).

10 7. For a private school that is a first-time participant in the program under this
11 section, and that is not accredited by the Wisconsin North Central Association, the
12 Wisconsin Religious and Independent School Accreditation, the Independent
13 Schools Association of the Central States, the archdiocese within which the private
14 school is located, or by any other organization recognized by the National Council for
15 Private Schools Accreditation, the private school obtains preaccreditation by the
16 Institute for the Transformation of Learning at Marquette University, the Wisconsin
17 North Central Association, the Wisconsin Religious and Independent Schools
18 Accreditation, the Independent Schools Association of the Central States, the
19 archdiocese within which the private school is located, or any other organization
20 recognized by the National Council for Private School Accreditation by September
21 1 before the first school term of participation in the program under this section that
22 begins in the first school year that begins after a petition is certified under sub. (1m)
23 (d); by August 1 before the first school term of participation in the program under this
24 section that begins after the first school year that begins after a petition is certified
25 under sub. (1m) (d); or by May 1 before the first summer class is offered by the private

1 school if the private school begins participation in the program under this section
2 during summer school. The private school shall achieve accreditation by the
3 Wisconsin North Central Association, the Wisconsin Religious and Independent
4 Schools Accreditation, the Independent Schools Association of the Central States,
5 the archdiocese within which the private school is located, or any other organization
6 recognized by the National Council for Private School Accreditation, by December 31
7 of the 3rd school year following the first school year in which the private school begins
8 participation in the program under this section. If the private school is accredited
9 under this subdivision, the private school is not required to obtain preaccreditation
10 as a prerequisite to providing instruction under this section in additional grades or
11 in an additional or new school.

****NOTE: Are the references to the archdiocese acceptable?

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

17 (b) 1. In the first school year that begins after a petition is certified under sub.
18 (1m) (d), no more than 250 pupils, as counted under s. 121.004 (7), may attend private
19 schools under this section. Priority shall be given to pupils who were eligible for a
20 free or reduced-price lunch in the federal school lunch program under 42 USC 1758
21 (b) in the immediately preceding school year.

22 2. In the 2nd school year that begins after a petition is certified under sub. (1m)
23 (d), no more than 500 pupils, as counted under s. 121.004 (7), may attend private

1 schools under this section. Priority shall be given to pupils who attended a private
2 school under this section in the school year described in subd. 1.

3 3. Whenever the state superintendent determines that the limit is reached
4 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
5 private schools from accepting additional pupils until he or she determines that the
6 number of pupils attending private schools under this section has fallen below the
7 limit. If the number of pupils attending private schools under this section falls below
8 the limit under this paragraph, the state superintendent shall issue an order
9 notifying participating private schools that they may begin accepting additional
10 pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to
11 accept additional pupils under this section shall accept pupils as follows:

12 a. The private school shall give first priority to pupils who are attending a
13 private school under this section.

14 b. The private school shall give 2nd priority to the siblings of pupils who are
15 attending a private school under this section.

16 c. The private school shall give 3rd priority to pupils selected at random under
17 a procedure established by the department by rule.

18 (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school
19 participating in the program under this section who teaches only courses in
20 rabbinical studies is not required to have a bachelor's degree.

21 2. Notwithstanding par. (a) 6., an administrator of a private school
22 participating in the program under this section that prepares and trains pupils
23 attending the school in rabbinical studies is not required to have a bachelor's degree.

24 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
25 on a form provided by the state superintendent, to the participating private school

1 that the pupil wishes to attend. If more than one pupil from the same family applies
2 to attend the same private school, the pupils may use a single application. Within
3 60 days after receiving the application, the private school shall notify each applicant,
4 in writing, whether his or her application has been accepted. If the private school
5 rejects an application, the notice shall include the reason. A private school may reject
6 an applicant only if it has reached its maximum general capacity or seating capacity.
7 The state superintendent shall ensure that the private school determines which
8 pupils to accept on a random basis, except that the private school may give preference
9 in accepting applications to siblings of pupils accepted on a random basis.

10 (b) If the private school rejects an applicant because it has too few available
11 spaces, the pupil may transfer his or her application to a participating private school
12 that has space available.

13 **(3m)** (a) A private school participating in the program under this section may
14 not charge or receive any additional payment for a pupil participating in the program
15 under this section other than the payment the school receives under sub. (4) and, if
16 applicable, sub. (4m), if either of the following applies:

- 17 1. The pupil is enrolled in a grade from kindergarten to 8.
- 18 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the
19 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2
20 times the poverty level determined in accordance with criteria established by the
21 director of the federal office of management and budget.

22 (b) A private school participating in the program under this section may, in
23 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.
24 (4m), charge the pupil tuition and fees in an amount determined by the school if both
25 of the following apply:

1 1. The pupil is enrolled in a grade from 9 to 12.

2 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds
3 an amount equal to 2.2 times the poverty level determined in accordance with
4 criteria established by the director of the federal office of management and budget.

5 (c) A private school participating in the program under this section shall
6 determine whether the private school may charge additional tuition and fees to a
7 pupil on the basis of the pupil's family income as permitted under par. (b). The
8 private school shall establish a process for accepting an appeal to the governing body
9 of the private school of the determination made under this paragraph.

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

14 (b) Upon receipt from the pupil's parent or guardian of proof of the pupil's
15 enrollment in the private school during a school term, the state superintendent shall
16 pay to the private school in which the pupil is enrolled on behalf of the pupil's parent
17 or guardian, from the appropriation under s. 20.255 (2) (fn), an amount equal to the
18 lesser of the following:

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

21 2. The amount paid per pupil under s. 119.23 (4) (b) 2. or (bg) in the previous
22 school year multiplied by the sum of 1.0 plus the percentage change from the
23 previous school year to the current school year in the total amount appropriated
24 under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

1 (c) The state superintendent shall pay 25 percent of the total amount under this
2 subsection in September, 25 percent in November, 25 percent in February, and 25
3 percent in May. Each installment may consist of a single check for all pupils
4 attending the private school under this section. The state superintendent shall
5 include the entire amount under sub. (4m) in the November installment, but the
6 payment shall be made in a separate check from the payment under this subsection.

7 (d) In determining a private school's operating and debt service cost per pupil
8 under par. (b) 1. and (4m) (a), the department shall do all of the following:

9 1. Subtract only the following, up to the actual cost of the service or material
10 related to each item:

11 a. Fees charged pupils for books and supplies used in classes and programs.

12 b. Rentals for school buildings.

13 c. Food service revenues.

14 d. Governmental financial assistance.

15 e. Interest and other income resulting from the investment of debt proceeds.

16 2. If legal title to the private school's buildings and premises is held in the name
17 of the private school's parent organization or other related party, there is no other
18 mechanism to include the private school's facilities costs in the calculation of its
19 operating and debt service cost, and the private school requests that the department
20 do so, include an amount equal to 10.5 percent of the fair market value of the school
21 and its premises. A request made by a private school under this subdivision remains
22 effective in subsequent school years and may not be withdrawn by the private school.

23 3. If immediately prior to the effective date of this subdivision [LRB inserts
24 date], a private school's operating and debt service costs, as determined by the

1 department, included the amount described in subd. 2., continue to include the
2 amount described in subd. 2. in subsequent school years.

3 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
4 pay to each private school participating in the program under this section, on behalf
5 of the parent or guardian of each pupil attending the private school under this
6 section, in the manner described in sub. (4) (c), the amount determined as follows:

7 (a) Determine the private school's operating and debt service cost per pupil in
8 summer school that is related to educational programming.

9 (b) Multiply the amount under par. (a) by 0.40.

10 (c) Multiply the product under par. (b) by the quotient determined by dividing
11 the summer choice average daily membership equivalent of the private school by the
12 total number of pupils for whom payments are being made under sub. (4).

13 **(4r)** If, after the 3rd Friday in September in any school year, a private school
14 participating in the program under this section closes, for each installment under
15 sub. (4) (c) that was not paid to the private school in that school year, the state
16 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),
17 the amount determined, for each pupil who had been attending the private school
18 under this section in that school year and who enrolls in the school district operating
19 under this chapter in that school year, as follows:

20 (a) Multiply the amount determined under sub. (4) (b) by 0.616.

21 (b) Multiply the product under par. (a) by 0.25.

22 **(5)** The state superintendent shall ensure that pupils and parents and
23 guardians of pupils who reside in the Green Bay Area Public School District are
24 informed annually of the private schools participating in the program under this
25 section.

1 **(6)** The school board of the Green Bay Area Public School District shall provide
2 transportation to pupils attending a private school under this section if required
3 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
4 transported.

5 **(6m)** Each private school participating in the program under this section shall
6 do all of the following:

7 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who
8 applies to attend the private school all of the following:

9 1. The name, address, and telephone number of the private school and the
10 name of one or more contact persons at the school.

11 2. A list of the names of the members of the private school's governing body and
12 of the private school's shareholders, if any.

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

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

19 5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2g.

20 6. A copy of the nonharassment policy used by the private school, together with
21 the procedures for reporting and obtaining relief from harassment.

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

1 8. A copy of the policy used by the private school for accepting or denying the
2 transfer of credits earned by a pupil attending the private school under this section
3 for the satisfactory completion of coursework at another school.

4 9. A copy of the policy governing visitors and visits to the private school,
5 developed as required under sub. (7) (b) 2m.

6 (b) Annually, by August 1st, provide to the department the material specified
7 in par. (a) and all of the following information:

8 1. The number of pupils attending the private school under this section in the
9 previous school year.

10 2. The number of pupils attending the private school other than under this
11 section in the previous school year.

12 3. For each of the previous 5 school years in which the private school has
13 participated in the program under this section, all of the following information:

14 a. The number of pupils who attended the private school under this section and
15 other than under this section in the 12th grade and the number of those pupils who
16 graduated from the private school.

17 b. The number of pupils who attended the private school under this section and
18 other than under this section in the 8th grade and the number of those pupils who
19 advanced from grade 8 to grade 9.

20 c. The number of pupils who attended the private school under this section and
21 other than under this section in the 4th grade and the number of those pupils who
22 advanced from grade 4 to grade 5.

23 d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
24 scores on all standardized tests administered under sub. (7) (e).

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

1 (c) Provide to the department a signed statement from each individual who is
2 a member of the private school's governing body verifying that the individual is a
3 member of the governing body.

4 (d) Upon request by any pupil, or the parent or guardian of any minor pupil,
5 who is attending or who applies to attend the private school, provide the material
6 specified in pars. (a) and (b).

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

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

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

13 3. At least 80 percent of the pupils in the program demonstrate significant
14 academic progress.

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

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

22 1. An independent financial audit of the private school conducted by an
23 independent certified public accountant, accompanied by the auditor's statement
24 that the report is free of material misstatements and fairly presents pupil costs
25 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those

1 records that are necessary for the department to make payments under subs. (4) and
2 (4m). The auditor shall conduct his or her audit, including determining sample sizes
3 and evaluating financial viability, in accordance with the auditing standards
4 established by the American Institute of Certified Public Accountants. The
5 department may not require an auditor to comply with standards that exceed the
6 scope of the standards established by the American Institute of Certified Public
7 Accountants.

8 2. Evidence of sound fiscal and internal control practices, as prescribed by the
9 department by rule. An auditor engaged to evaluate the private school's fiscal and
10 internal control practices shall conduct his or her evaluation, including determining
11 sample sizes, in accordance with attestation standards established by the American
12 Institute of Certified Public Accountants.

13 (b) Each private school participating in the program under this section shall
14 do all of the following:

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

17 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 5.

18 2m. Develop a written policy governing visitors and visits to the private school.

19 3. Ensure that any teacher's aide employed by the private school has graduated
20 from high school, been granted a declaration of equivalency of high school
21 graduation, or been issued a general educational development certificate of high
22 school equivalency.

23 3m. Annually, schedule 2 meetings at which members of the governing body of
24 the private school will be present and at which pupils, and the parents or guardians
25 of pupils, applying to attend the private school or attending the private school may

1 meet and communicate with the members of the governing body. The private school
2 shall, within 30 days after the start of the school term, notify the department in
3 writing of the scheduled meeting dates and shall, at least 30 days before the
4 scheduled meeting date, notify in writing each pupil, or the parent or guardian of
5 each minor pupil, applying to attend the private school or attending the private
6 school of the meeting date, time, and place.

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

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

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

16 7. a. Except as provided in subd. 7. b., if the private school ceases operating as
17 a private school, immediately transfer all of the progress records of the pupils who
18 attended the school under this section to the school board of the Green Bay Area
19 Public School District. The private school shall send written notice to each pupil, or
20 to the parent or guardian of a minor pupil, of the transfer of progress records under
21 this subd. 7. a.

22 b. If the private school is affiliated with an organization that will maintain the
23 progress records of each pupil who attended the school under this section for at least
24 5 years after the private school ceases operation as a private school, the private
25 school may transfer a pupil's records to the organization if the pupil, or the parent

1 or guardian of a minor pupil, consents in writing to the release of the progress records
2 to the affiliated organization. The private school shall send to the department a copy
3 of the consent form for each pupil who consents to the transfer of progress records
4 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent
5 or guardian of a minor pupil, and shall include the name, phone number, mailing
6 address, and other relevant contact information of the organization that will
7 maintain the progress records, and a declaration by the affiliated organization that
8 the organization agrees to maintain the progress records for at least 5 years after the
9 private school ceases operation as a private school.

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

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

18 1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

19 b. A copy of the school's current certificate of occupancy issued by the
20 municipality within which the school is located. If the private school moves to a new
21 location, the private school shall submit a copy of the new certificate of occupancy
22 issued by the municipality within which the school is located to the department
23 before the attendance of pupils at the new location and before the next succeeding
24 date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet
25 the requirement of this subdivision.

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

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

4 (e) Each private school participating in the program under this section shall
5 administer the examinations required under s. 118.30 (1v) to pupils attending the
6 school under the program. The private school may administer additional
7 standardized tests to such pupils.

8 (g) 1. By the first day of the 3rd month beginning after the month in which the
9 department establishes the model management plan and practices for maintaining
10 indoor environmental quality in public and private schools under s. 118.075 (3), or
11 by October 1 of a private school's first school year of participation in the program
12 under this section, whichever is later, the private school shall provide for the
13 development of a plan for maintaining indoor environmental quality in the private
14 school.

15 2. By the first day of the 12th month beginning after the month in which the
16 department establishes the model management plan and practices for maintaining
17 indoor environmental quality in public and private schools under s. 118.075 (3), or
18 by the beginning of the 2nd school year of participation in the program under this
19 section, whichever is later, the private school shall implement a plan for maintaining
20 indoor environmental quality in the private school.

21 3. Each private school participating in the program under this section shall
22 provide a copy of the plan implemented under subd. 2. to any person upon request.

23 (8) There is created a pupil assignment council composed of one representative
24 from each private school participating in the program under this section. Annually
25 by June 30, the council shall make recommendations to the participating private

1 schools to achieve, to the extent possible, a balanced representation of pupils
2 participating in the program under this section.

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

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

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

11 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or
12 provide the information required under sub. (7) (am) or (d), by the date or within the
13 period specified.

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

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

18 5. Failed to provide the information required under sub. (6m).

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

20 7. Violated sub. (7) (b) 4., 5., or 6.

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

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

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

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

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

10 (d) The state superintendent may withhold payment from a private school
11 under subs. (4) and (4m) if the private school violates this section.

12 **(11)** The department shall do all of the following:

13 (a) Promulgate rules to implement and administer this section. The
14 department may not by rule establish standards under sub. (7) (am) that exceed the
15 standards established by the American Institute of Certified Public Accountants.

16 (b) Notify each private school participating in the program under this section
17 of any proposed changes to the program or to administrative rules governing the
18 program, including changes to application or filing deadlines but not including
19 changes to provisions governing health or safety, prior to the beginning of the school
20 year in which the change takes effect.”.

21 ***b0901/1.17*1128.** Page 990, line 2: delete “~~or 118.153,~~” and substitute
22 “118.153,”.

23 ***b0736/P1.1*1129.** Page 990, line 7: delete lines 7 to 14.

1 ***b0928/P3.2*1130.** Page 990, line 17: delete “located” and substitute
2 “located”.

3 ***b0928/P3.3*1131.** Page 990, line 18: delete “in the city Milwaukee County”
4 and substitute “~~in the city~~”.

5 ***b0928/P3.4*1132.** Page 990, line 19: delete the material beginning with
6 that line and ending with page 991, line 13, and substitute:

7 “**SECTION 2536c.** 119.23 (2) (a) 1. of the statutes is renumbered 119.23 (2) (a)
8 1. a. and amended to read:

9 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
10 income that does not exceed an amount equal to ~~1.75~~ 3.0 times the poverty level
11 determined in accordance with criteria established by the director of the federal
12 office of management and budget. In this subdivision and sub. (3m), family income
13 includes income of the pupil’s parents or legal guardians. The family income of the
14 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school
15 under this section whose family income increases may continue to attend a private
16 school under this section ~~if the pupil is a member of a family that has a total family~~
17 ~~income that does not exceed an amount equal to 2.2 times the poverty level~~
18 ~~determined in accordance with criteria established by the director of the federal~~
19 ~~office of management and budget. For purposes of admission to a private school~~
20 ~~under this section, siblings of pupils attending a private school under this section are~~
21 ~~subject to the higher income limit. If a pupil attending a private school under this~~
22 ~~section ceases to attend a private school under this section, the lower income limit~~
23 ~~applies unless the pupil is a sibling of a pupil attending a private school under this~~
24 ~~section.~~

1 **SECTION 2536g.** 119.23 (2) (a) 1. b. of the statutes is created to read:

2 119.23 (2) (a) 1. b. The private school submits to the department of revenue the
3 names, addresses, social security numbers, and other state and federal tax
4 identification numbers, if any, of the pupil's parents or legal guardians. The
5 department of revenue shall review the information submitted under this subd. 1.
6 b. and shall determine whether the pupil is eligible to participate in the program
7 under this section on the basis of family income. Family income for a family in which
8 the pupil's parents are married or in which the pupil's legal guardians are married
9 shall be reduced by \$7,000 before the determination is made under this subd. 1. b.
10 The department of revenue may take no other action on the basis of the information
11 submitted under this subd. 1. b. The department of public instruction may not
12 request any additional verification of income from the family of a pupil once the
13 department of revenue has determined whether the pupil is eligible to participate
14 in the program under this section on the basis of family income. The department of
15 public instruction shall establish a procedure for determining family income
16 eligibility for those pupils for whom no social security number or state or federal tax
17 identification number has been provided.

18 **SECTION 2536L.** 119.23 (2) (a) 3. of the statutes is amended to read:

19 119.23 (2) (a) 3. The Except as provided in subd. 3m. b., the private school
20 notified the state superintendent of its intent to participate in the program under
21 this section, and paid a nonrefundable fee set by the department, by February 1 of
22 the previous school year. The notice shall specify the number of pupils participating
23 in the program under this section for which the school has space. The department
24 shall by rule set the fee charged under this subdivision at an amount such that the
25 total fee revenue covers the costs of employing one full-time auditor to evaluate the

1 financial information submitted by the private schools under sub. (7) (am) and (d) 2.
2 and 3.

3 **SECTION 2536p.** 119.23 (2) (a) 3m. of the statutes is created to read:

4 119.23 (2) (a) 3m. a. In this subdivision, "municipality" has the meaning given
5 in s. 5.02 (11).

6 b. For a private school located in a municipality other than the city that intends
7 to participate in the program under this section in the 2011-12 school year, the
8 private school notified the state superintendent of its intent to participate, and paid
9 the nonrefundable fee set by the department under subd. 3. by August 1, 2011. The
10 notice shall specify the number of pupils participating in the program under this
11 section for which the school has space.

12 **SECTION 2536t.** 119.23 (2) (a) 7. a. of the statutes is amended to read:

13 119.23 (2) (a) 7. a. Subject to subd. 7. c., for a private school participating in the
14 program under this section on July 1, 2009, the private school achieves accreditation
15 by the Wisconsin North Central Association, the Wisconsin Religious and
16 Independent Schools Accreditation, the Independent Schools Association of the
17 Central States, the Archdiocese of Milwaukee, or any other organization recognized
18 by the National Council for Private School Accreditation, by December 31 of the 3rd
19 school year following the first school year that begins after June 30, 2006, in which
20 it participates in the program under this section, or the private school was approved
21 for scholarship funding for the 2005-06 school year by Partners Advancing Values
22 in Education. If the private school is accredited as provided under this subd. 7. a.,
23 the private school is not required to obtain preaccreditation from the Institute for the
24 ~~Transformation of Learning at Marquette University~~ under subd. 7. b. as a

1 prerequisite to providing instruction under this section in additional grades or in an
2 additional or new school.

3 **SECTION 2536x.** 119.23 (2) (a) 7. b. of the statutes is amended to read:

4 119.23 (2) (a) 7. b. Subject to subd. 7. c., for a private school that is a first-time
5 participant in the program under this section on or after July 1, 2009, and that is not
6 accredited as provided under subd. 7. a., the private school obtains preaccreditation
7 ~~from~~ by the Institute for the Transformation of Learning at Marquette University,
8 the Wisconsin North Central Association, the Wisconsin Religious and Independent
9 Schools Accreditation, the Independent Schools Association of the Central States,
10 the Archdiocese of Milwaukee, or any other organization recognized by the National
11 Council for Private School Accreditation by August 1 before the first school term of
12 participation in the program under this section that begins after July 1, 2009, or by
13 May 1 if the private school begins participating in the program during summer
14 school, and achieves accreditation by the Wisconsin North Central Association, the
15 Wisconsin Religious and Independent Schools Accreditation, the Independent
16 Schools Association of the Central States, the Archdiocese of Milwaukee, or any
17 other organization recognized by the National Council for Private School
18 Accreditation, by December 31 of the 3rd school year following the first school year
19 that begins after July 1, 2009, in which it participates in the program under this
20 section. If the private school is accredited under this subd. 7. b., the private school
21 is not required to obtain preaccreditation ~~from the Institute for the Transformation~~
22 ~~of Learning at Marquette University~~ as a prerequisite to providing instruction under
23 this section in additional grades or in an additional or new school.”.

24 ***b1045/P3.6*1133.** Page 991, line 13: after that line insert:

Except as provided in subd. 3 m 6 5 the ✓

1 "SECTION 2538g. 119.23 (2) (a) 3. of the statutes is amended to read:

2 119.23 (2) (a) 3. ~~The~~ private school notified the state superintendent of its
3 intent to participate in the program under this section, and paid a nonrefundable fee
4 set by the department, by February 1 of the previous school year. The notice shall
5 specify the number of pupils participating in the program under this section for
6 which the school has space. The department shall by rule set the fee charged under
7 this subdivision at an amount such that the total fee revenue covers the costs of
8 employing one full-time auditor to evaluate the financial information submitted by
9 the private schools under sub. (7) (am) and (d) 2. and 3. and under s. 118.60 (7) (am)
10 and (d) 2. and 3. and under s. 118.62 (7) (am) and (d) 2. and 3. ✓

11 *b1046/P3.6*1134. Page 991, line 13: after that line insert:

12 "SECTION 2538g. 119.23 (2) (a) 3. of the statutes is amended to read:

13 119.23 (2) (a) 3. The private school notified the state superintendent of its
14 intent to participate in the program under this section, and paid a nonrefundable fee
15 set by the department, by February 1 of the previous school year. The notice shall
16 specify the number of pupils participating in the program under this section for
17 which the school has space. The department shall by rule set the fee charged under
18 this subdivision at an amount such that the total fee revenue covers the costs of
19 employing one full-time auditor to evaluate the financial information submitted by
20 the private schools under sub. (7) (am) and (d) 2. and 3. and under s. 118.62 (7) (am)
21 and (d) 2. and 3."

22 *b1042/P1.1*1135. Page 991, line 15: delete the material beginning with

23 that line and ending with page 992, line 2 and substitute:

24 "SECTION 2540b. 119.23 (3) (a) of the statutes is amended to read:

1 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
2 application, on a form provided by the state superintendent, to the participating
3 private school that the pupil wishes to attend. If more than one pupil from the same
4 family applies to attend the same private school, the pupils may use a single
5 application. Within 60 days after receiving the application, the private school shall
6 notify ~~the~~ each applicant, in writing, whether ~~the~~ his or her application has been
7 accepted. If the private school rejects an application, the notice shall include the
8 reason. A private school may reject an applicant only if it has reached its maximum
9 general capacity or seating capacity. The state superintendent shall ensure that the
10 private school determines which pupils to accept on a random basis, except that the
11 private school may give preference in accepting applications to siblings of pupils
12 accepted on a random basis.”.

13 ***b0928/P3.5*1136.** Page 992, line 3: delete lines 3 to 20 and substitute:

14 **“SECTION 2540m.** 119.23 (3m) of the statutes is created to read:

15 119.23 (3m) (a) A private school participating in the program under this section
16 may not charge or receive any additional payment for a pupil participating in the
17 program under this section other than the payment the school receives under sub.
18 (4) and, if applicable, sub. (4m), if either of the following applies:

- 19 1. The pupil is enrolled in a grade from kindergarten to 8.
- 20 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the
21 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2
22 times the poverty level determined in accordance with criteria established by the
23 director of the federal office of management and budget.

1 (b) A private school participating in the program under this section may, in
2 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.
3 (4m), charge the pupil tuition and fees in an amount determined by the school if both
4 of the following apply:

5 1. The pupil is enrolled in a grade from 9 to 12.

6 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds
7 an amount equal to 2.2 times the poverty level determined in accordance with
8 criteria established by the director of the federal office of management and budget.

9 (c) A private school participating in the program under this section shall
10 determine whether the private school may charge additional tuition and fees to a
11 pupil on the basis of the pupil's family income as permitted under par. (b). The
12 private school shall establish a process for accepting an appeal to the governing body
13 of the private school of the determination made under this paragraph.”.

14 ***b1042/P1.2*1137.** Page 992, line 20: after that line insert:

15 “SECTION 2541m. 119.23 (4) (b) (intro.) of the statutes is amended to read:

16 119.23 (4) (b) (intro.) Except as provided in par. (bg), upon receipt from the
17 pupil's parent or guardian of proof of the pupil's enrollment in the private school
18 during a school term, the state superintendent shall pay to the ~~parent or guardian~~
19 private school in which the pupil is enrolled on behalf of the pupil's parent or
20 guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the
21 lesser of the following:”.

22 ***b1042/P1.3*1138.** Page 993, line 3: after that line insert:

23 “SECTION 2542c. 119.23 (4) (c) of the statutes is amended to read:

1 119.23 (4) (c) The state superintendent shall pay 25% of the total amount under
2 this subsection in September, 25% in November, 25% in February, and 25% in May.
3 Each installment may consist of a single check for all pupils attending the private
4 school under this section. The state superintendent ~~may~~ shall include the entire
5 amount under sub. (4m) in ~~one of those installments or apportion the entire amount~~
6 ~~among one or more of those installments.~~ ~~Except as provided in sub. (4r), the~~
7 ~~department shall send the check to the private school.~~ ~~Except as provided in sub.~~
8 ~~(4r), the parent or guardian shall restrictively endorse the check for the use of the~~
9 ~~private school~~ the November installment, but the payment shall be made in a
10 separate check from the payment under this subsection.

11 **SECTION 2542g.** 119.23 (4) (d) of the statutes is created to read:

12 119.23 (4) (d) In determining a private school's operating and debt service cost
13 per pupil under par. (b) 1. and (4m) (a), the department shall do all of the following:

14 1. Subtract only the following, up to the actual cost of the service or material
15 related to each item:

- 16 a. Fees charged pupils for books and supplies used in classes and programs.
- 17 b. Rentals for school buildings.
- 18 c. Food service revenues.
- 19 d. Governmental financial assistance.
- 20 e. Interest and other income resulting from the investment of debt proceeds.

21 2. If legal title to the private school's buildings and premises is held in the name
22 of the private school's parent organization or other related party, there is no other
23 mechanism to include the private school's facilities costs in the calculation of its
24 operating and debt service cost, and the private school requests that the department
25 do so, include an amount equal to 10.5 percent of the fair market value of the school

1 and its premises. A request made by a private school under this subdivision remains
2 effective in subsequent school years and may not be withdrawn by the private school.

3 3. If immediately prior to the effective date of this subdivision [LRB inserts
4 date], a private school's operating and debt service costs, as determined by the
5 department, included the amount described in subd. 2., continue to include the
6 amount described in subd. 2. in subsequent school years.

7 **SECTION 2542n.** 119.23 (4m) of the statutes is renumbered 119.23 (4m) (intro.)
8 and amended to read:

9 119.23 (4m) (intro.) In addition to the payment under sub. (4) the state
10 superintendent shall pay to ~~the parent or guardian of each pupil enrolled in a private~~
11 school participating in the program under this section, on behalf of the parent or
12 guardian of each pupil attending the private school under this section, in the manner
13 described in sub. (4) (c), ~~an~~ the amount determined by ~~multiplying 40% of the~~
14 ~~payment under sub. (4) as follows:~~

15 (c) Multiply the product under par. (b) by the quotient determined by dividing
16 the summer choice average daily membership equivalent of the private school by the
17 total number of pupils for whom payments are being made under sub. (4).

18 **SECTION 2542r.** 119.23 (4m) (a) and (b) of the statutes are created to read:

19 119.23 (4m) (a) Determine the private school's operating and debt service cost
20 per pupil in summer school that is related to educational programming.

21 (b) Multiply the amount under par. (a) by 0.40.”.

22 ***b0928/P3.6*1139.** Page 993, line 4: delete lines 4 to 8 and substitute:

23 “**SECTION 2544m.** 119.23 (7) (b) 8. of the statutes is repealed.”.

24 ***b1042/P1.4*1140.** Page 993, line 8: after that line insert: