

2011 DRAFTING REQUEST

Bill

Received: 10/06/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Leah Vukmir (608) 266-2512

By/Representing: Janine Hale

May Contact:

Drafter: tkuczens

Subject: Education - choice schools

Addl. Drafters:

Extra Copies: pg

Submit via email: YES

Requester's email: Sen.Vukmir@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

MPCP and program for eligible school districts - miscellaneous provisions related to income verification for pupil eligibility, private school accreditation, pupil fees, occupancy permit and others

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | tkuczens 10/06/2011 | csicilia 10/06/2011 | | _____ | | | S&L |
| /1 | | | rschluet 10/06/2011 | _____ | lparisi 10/06/2011 | mbarman 10/12/2011 | |
| | | | | _____ | lparisi 10/07/2011 | | |

FE Sent For:

at
intro
10-13-11

<END>

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| /1 | | | rschlue 10/06/2011 | _____ | lparisi 10/06/2011 | | |

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| /? | tkuczens | | | | | | |
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10/6/11
tk
W

FE Sent For:

<END>

Kuczenski, Tracy

From: Hale, Janine
Sent: Thursday, October 06, 2011 1:00 PM
To: Kuczenski, Tracy
Cc: Rostan, Jason
Subject: LRB 2787/1

Hi Tracy,

I just reviewed the draft. It was our intention to leave "retroactively" in the language. So the lines would read "...except that no participating private school may retroactively recover any uncollected costs"

This would be on Page 9, line 10 and page 17, line 5. Can you please reinsert that and make this a /2? I have not jacketed the bill and will not do so until I get the jacket notification for the /2. Please also do the same for the senate companion bill for Rep. Leah Vukmir. It is my understanding Sen. Vukmir's office has also not jacketed the bill.

Thank you,
Janine Hale

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

Kuczenski, Tracy

From: Hale, Janine
Sent: Wednesday, October 05, 2011 10:25 AM
To: Kuczenski, Tracy
Subject: RE: final changes to LRB 2787/P3

Tracy,

I just heard from DOR. There are two places in the bill where it says "department" and they would prefer that it say "department of public instruction". They feel this would provide clarity as to which department is being referenced in those sections to avoid misinterpretation.

The locations are:

Page 4, line 11 replace the word "department" with "department of public instruction"

Page 11, line 9 replace the word "department" with "department of public instruction"

So with these and the previous changes I sent you earlier we are ready for a /1. Can you please prepare that and also a Senate companion bill for Sen. Leah Vukmir? Can both the Assembly version and the Senate version be jacketed right away and sent to our offices or do we have to do the electronic approval for jacketing via email?

Thank you for all your help with this draft and with this issue. I appreciate your timeliness and responsiveness. I hope you are feeling better today.

Janine

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
309 East, State Capitol
P.O. Box 8953
Madison, WI 53708
janine.hale@legis.wi.gov
608-266-9171
1-888-534-0063

From: Kuczenski, Tracy
Sent: Wednesday, October 05, 2011 10:06 AM
To: Hale, Janine
Cc: Hanaman, Cathlene
Subject: RE: final changes to LRB 2787/P3

I'll make these changes.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Hale, Janine
Sent: Wednesday, October 05, 2011 10:04 AM
To: Kuczenski, Tracy

Cc: Hanaman, Cathlene

Subject: final changes to LRB 2787/P3

Tracy/Cathlene:

Please make the following changes to LRB 2787/P3:

A. Replace the language in preliminary draft 3 on page 5 line 25 and page 6 lines 1 and 2 Beginning with "An" and ending with "section" with language stating:

"An applicant rejected under this paragraph may be admitted to a private school participating in the program under this section for the following school year provided they reside within an eligible school district. "

B. Replace the language in preliminary draft 3 on page 13 lines 22-24 beginning with "An" and ending with "section" with language stating:

"An applicant rejected under this paragraph may be admitted to a private school participating in the program under this section for the following year provided they reside within the City of Milwaukee." (please use the residency language used in the statutes)

Our goal for the changes in A and B are if a student applies to the program, goes through the lottery system, and is rejected because there are not enough available seats to have language stating that the applicant does not need to prove income in the following school year. However they still need to prove residency. For example, if a student applies to a new school for 9th grade, but does not get accepted because there are not enough seats available, we want that student to be able to apply the following year for 10th grade without having to verify income again.

C. Remove all the language on page 6 lines 3-7 and page 13 line 25 and page 14 lines 1-4 in preliminary draft 3.

D. Add "high school" before the word *classes* on page 7 line 5 and page 14 line 23 in preliminary draft 3

E. Add "uncollected" before the word costs on page 14 line 16 and page 6 line 19.

*****I also gave P3 to DOR. I am still waiting to get confirmation from them if they need any changes to P3. However, since I had these changes prepared I wanted to get these to you now so you could begin working on these. I will alert you either way if DOR has any additional changes.*****

Janine L. Hale

Office of State Representative Robin Vos

Co-Chair, Joint Committee on Finance

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janine.hale@legis.wi.gov

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Sent: Wednesday, October 05, 2011 10:04 AM
To: Kuczenski, Tracy
Cc: Hanaman, Cathlene
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Kuczenski, Tracy

From: Hale, Janine
Sent: Friday, September 30, 2011 10:52 AM
To: Kuczenski, Tracy
Subject: Additional changes to school choice clean-up bill LRB 2787/2

Attachments: 9.28.11 memo to Rep. Vos re LRB-2787.doc

Tracy,

We have reviewed LRB 2787/2 with the Department of Revenue, the Department of Public Instruction and School Choice WI. From those conversations, the following changes have been requested:

Please add the following language to allow schools to charge fees for transportation to and from extracurricular activities and to and from school.

On page 3, line 12 and page 8, line 23 - change "may" to "shall" in the line "the department of public instruction may utilize..."

On page 5, line 4 and page 11, line 13 - add "or receive" back into the language in the line that states "A private school participating in the program under this section may not charge ~~or receive~~ any additional..."

On page 5, line 19 and page 12, line 3 - it states "transportation to and from extracurricular activities". Remove "to and from extra extracurricular activities" from the above line so the line states "transportation".

Add Wisconsin Evangelical Lutheran Synod School Accreditation (WELSSA) and National Lutheran School Accreditation (NLSA) to the list of organizations allowed to accredit schools and to the list of organizations allowed to pre-accredit schools in 119.23 and 118.60.

Page 2, lines 7 and 8 - change these lines to read: "1. Had a controlling ownership interest in, or was the administrator, an officer, director, or trustee of, the private school."

Page 2, line 9 - eliminate "2. Was the administrator of the private school" since administrator will now be included in the line above.

Page 5, line 9 - remove the word "charge" and replace it with the words "recover costs through".

Page 5, lines 12 and 13 - change this to read "personal use items, such as uniforms, gym clothes and towels." Remove "musical instruments" from these lines and add as a separate line under this section.

Page 5, lines 14 and 15 - change this to read "Social and extracurricular activities if not necessary to the private school's curriculum."

Page 5, line 16 - change this to read "Meals consumed by pupils of the private school."

Page 5, line 17 - add "High school" before the word "Classes".

In regards to the changes made above under Section 5, since this applies to the 11-12 school year we want to ensure that the language does not allow schools to go back and recoup costs retroactively prior to passage of the bill. If schools have been collecting fees prior there is no problem. We just don't want schools to all of the sudden start charging parents for a few months worth of fees after the bill is signed into law. Is there anyway to reflect that in the bill's language?

Page 11, line 5 - change the date to "December 31, 2015".

Additionally, the DOR has put together the memo below to explain their requested changes to the draft.



9.28.11 memo to
Rep. Vos re LR...

Finally, I may have some more changes coming this afternoon, but I wanted to at least get these to you now. If you have any questions, please feel free to contact me.

Upon completion of all the changes, please have this bill drafted as a /1 and jacketed for introduction in the Assembly. Also, Sen. Leah Vukmir plans to introduce a Senate companion bill. Can you please have that drafted, jacketed for introduction in the Senate and sent to her office? Also, please send me the LRB number for the Senate bill.

If you have any questions, please feel free to contact me.

Janine Hale

Janine L. Hale

Office of State Representative Robin Vos

Co-Chair, Joint Committee on Finance

309 East, State Capitol

P.O. Box 8953

Madison, WI 53708

janine.hale@legis.wi.gov

608-266-9171

1-888-534-0063

TO: Representative Robin Vos
FROM: Michael Wagner, Legislative Advisor
Wisconsin Department of Revenue
DATE: September 28, 2011
RE: LRB-2787/P2

As we discussed today, the Department of Revenue needs technical changes to:

- (1) Clarify that its role is simply to do data matching to verify claimed eligibility on the basis of family income; not to make a determination, decision or order.
- (2) Require information necessary to make the data match (marital status, family size and school year),
- (3) Set forth the definition of family income so that parents and legal guardians know in advance what number will be used in the data match and ensure consistency with DPI's past practice.

Relating clause, line 10, we request the following changes marked in red:

...building, ~~determination~~ verification of income eligibility for pupils to participate in the programs fees...

On page 3 of the bill, we request the following changes marked in red:

SECTION 2. 118.60 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

118.60 (2) (a) 1. b. The private school submits to the department the names, addresses, social security numbers, and other state and federal tax identification numbers, if any, of each of the pupil's parents or legal guardians, whether the parents or legal guardians are married, the family size and school year. The department of revenue shall review the information submitted under this subd. 1. b. and shall ~~determine whether the pupil is eligible to participate in the program under this section on the basis of family income~~ make a determination as to verify the eligibility or ineligibility of the pupil to participate in the program under this section on the basis of family income. "Family income" means federal adjusted gross income of the parents or legal guardians residing in the same household for the preceding tax year and if not available, for the tax year immediately prior. Family income for a family in which the pupil's parents are married or in which the pupil's legal guardians are married shall be reduced by \$7,000 before the ~~Determination~~ verification is made under this subd. 1.b. The department of revenue may take no other action on the basis of the information submitted under this subd. 1.b. If the department of revenue is unable to verify family income and to determine verify whether the pupil is eligible or ineligible to participate in the program under this section on the basis of family income, the department of revenue shall notify the department of public instruction of this fact and the department of public instruction may utilize an alternative process, to be established by the department of public instruction, to determine whether the pupil is eligible to participate in the program under this

section on the basis of family income. The department of public instruction may not request any additional verification of income from the family of a pupil once the department of revenue has ~~determined whether~~ verified that the pupil is eligible to participate in the program under this section on the basis of family income. The department shall establish a procedure for determining family income eligibility for those pupils for whom no social security number or state or federal tax identification number has been provided.

On page 8 of the bill we request the following changes marked in red:

SECTION 12. 119.23 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

119.23 (2) (a) 1. b. The private school submits to the department the names, addresses, social security numbers, and other state and federal tax identification numbers, if any, of the pupil's parents or legal guardians ~~whether the parents or legal guardians are married, the family size and school year.~~ whether the parents or legal guardians are married, the family size and school year. The department of revenue shall review the information submitted under this subd. 1. b. and shall ~~determine whether the pupil is eligible to participate in the program under this section on the basis of family income~~ make a determination as to verify the eligibility or ineligibility of the pupil to participate in the program under this section on the basis of family income. "Family income" means federal adjusted gross income of the parents or legal guardians residing in the same household for the preceding tax year and if not available, for the tax year immediately prior. Family income for a family in which the pupil's parents are married or in which the pupil's legal guardians are married shall be reduced by \$7,000 before the ~~determination-verification~~ is made under this subd. 1. b. The department of revenue may take no other action on the basis of the information submitted under this subd. 1. b. If the department of revenue is unable to verify family income and to determine whether the pupil is eligible or ineligible to participate in the program under this section on the basis of family income, the department of revenue shall notify the department of public instruction of this fact and the department of public instruction may utilize an alternative process, to be established by the department of public instruction, to determine whether the pupil is eligible to participate in the program under this section on the basis of family income. The department of public instruction may not request any additional verification of income from the family of a pupil once the department of revenue has ~~determined whether~~ verified that the pupil is eligible to participate in the program under this section on the basis of family income. The department shall establish a procedure for determining family income eligibility for those pupils for whom no social security number or state or federal tax identification number has been provided.

Kuczenski, Tracy

From: Hale, Janine
Sent: Monday, October 03, 2011 10:06 AM
To: Kuczenski, Tracy
Subject: FW: SECOND Revised Suggestion LRB 2787/P2
Attachments: Abridged Suggestion for LRB 2787 - P2 (2).doc
Tracy,

Here is another email and further clarification from DOR in addition to the email I just forwarded to you.
Janine

Janine L. Hale

Office of State Representative Robin Vos
Co-Chair, Joint Committee on Finance
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From: Wagner, Michael W - DOR [mailto:MichaelW.Wagner@revenue.wi.gov]
Sent: Friday, September 30, 2011 6:42 PM
To: Hale, Janine
Cc: Erlandsen, Dana J - DOR; Western, Jennifer N - DOR
Subject: SECOND Revised Suggestion LRB 2787/P2

Janine,

I have one more correction for you. The changes adopted in Section 2 must be consistent with the changes recommended in Section 12.

In our original draft to you, we suggested the "for each" addition only in Section 2. That was an error on our part. So, please emphasize to the drafter, for consistency, that the final language for Section 2 must match the suggested language in Section 12.

The proposed language in the attachment would correct the "for each" part in both Section 2 and Section 12.

Again, the other changes related to "verify" should be included per my 9/28 memo. I didn't include them in this abridged edition since the language that we provided in the 9/28 memo should adequately address those changes.

Thank you,

Mike Wagner
Legislative Advisor, Dept. of Revenue
608-266-7817

hael W - DOR
nber 30, 2011 4:41 PM

10/6/2011

.EGIS
87/P2

Janine,

This is the suggested change to remove "each of." Please note, the other changes from yesterday's memo should still be included. This suggestion is only to address the concern of "each of."

I will review this with our technical expert on Monday morning to confirm that this change is consistent with the purposes previously expressed.

Regards,

Mike Wagner
Legislative Advisor, Dept. of Revenue
608-266-7817

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10/6/2011

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SECTION 2. 118.60 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

118.60 (2) (a) 1. b. The private school submits to the department the names, addresses, social security numbers, and other state and federal tax identification numbers, if any, of the pupil's parents or legal guardians that reside in the same household as the pupil, whether the parents or legal guardians are married, the family size and school year.

Deleted: each of

On page 8 of the bill we request the following changes marked in red:

SECTION 12. 119.23 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

119.23 (2) (a) 1. b. The private school submits to the department the names, addresses, social security numbers, and other state and federal tax identification numbers, if any, of the pupil's parents or legal guardians that reside in the same household of the pupil, whether the parents or legal guardians are married, the family size and school year.



State of Wisconsin
2011 - 2012 LEGISLATURE

3117/1

LRB-27871
TKK:wlj/cjs/jld:rs

EMNR

2011 BILL

10/6/11

now

Changes on p. 9 and 17

1 AN ACT *to amend* 118.60 (2) (a) 1. a., 118.60 (2) (a) 1. b., 118.60 (2) (a) 7., 118.60
2 (3) (b), 118.60 (3m) (a) (intro.), 118.60 (3m) (b) (intro.), 118.60 (3m) (c), 118.60
3 (7) (d) 1. b., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. b., 119.23 (2)
4 (a) 7. a., 119.23 (2) (a) 7. b., 119.23 (3) (b), 119.23 (3m) (a) (intro.), 119.23 (3m)
5 (b) (intro.), 119.23 (3m) (c), 119.23 (7) (d) 1. b. and 119.23 (9); and *to create*
6 118.60 (1) (ag), 118.60 (3m) (am), 118.60 (10) (a) 8., 119.23 (1) (ag), 119.23 (2) (a)
7 7. d., 119.23 (3m) (am) and 119.23 (10) (a) 8. of the statutes; **relating to:**
8 preaccreditation and accreditation of private schools participating in the
9 Milwaukee Parental Choice Program and the choice program for eligible school
10 districts, certificates of occupancy for participating private school buildings,
11 verification of income eligibility for pupils to participate in the programs, fees

LPS: please
eliminate this space

BILL

1 and tuition charged to pupils attending participating private schools, and
2 standards of conduct for administrators of participating private schools.

Analysis by the Legislative Reference Bureau

Under the Milwaukee Parental Choice Program (MPCP), the state pays all or a portion of the costs for an eligible pupil who resides within the city of Milwaukee to attend a participating private school. A pupil is eligible to participate in the MPCP if, among other requirements, the total family income of the pupil does not exceed 300 percent of the federal poverty level. 2011 Wisconsin Act 32 (the biennial budget act), created a parental choice program for eligible school districts (program). Under the program, the state pays all or a portion of the costs for an eligible pupil who resides within the eligible school district to attend a participating private school. A pupil is eligible to participate in the program if, among other requirements, the total family income of the pupil does not exceed 300 percent of the federal poverty level.

Current law requires a private school participating in the MPCP or the program to submit the names, social security numbers, and addresses of the applicant pupil's parents or legal guardians to the Department of Public Instruction (DPI). DPI must then forward this information to the Department of Revenue (DOR), which must determine whether the pupil is eligible to participate in the MPCP or the program on the basis of family income. This bill requires the private school to provide the names of the parents or legal guardians residing in the same household as the pupil and whether the parents or legal guardians are married. The bill defines family income as federal adjusted gross income of the parents or legal guardians residing in the same household as the pupil for the tax year preceding the school year for which family income is being verified or, if not available, for the tax year preceding the school year for which family income is being verified. The bill clarifies that DOR does not make a determination about the pupil's eligibility to participate in the program on the basis of family income, but verifies whether the pupil is eligible to participate on the basis of family income. If DOR is unable to verify the pupil's eligibility, DOR must notify DPI, which must utilize an alternative process to determine whether the pupil is eligible.

Under current law, a private school participating in the MPCP or the program may only reject an applicant who is eligible to participate in the MPCP or the program if the school has too few available spaces. This bill provides that a pupil whose eligibility to participate in the program on the basis of family income has been verified by the DOR or by DPI but who is rejected because there are too few spaces may be admitted to a participating private school in the following school year as long as the pupil continues to reside in the city of Milwaukee or an eligible school district. The bill also provides that DPI may not require verification in that following school year of the pupil's eligibility to participate on the basis of family income.

Under current law, a private school located in the city of Milwaukee may participate in the MPCP if it complies with certain requirements; among the requirements, the private school must obtain accreditation from an approved

BILL

accrediting organization by December 31 of the third school year following the first school year in which the private school participated in the MPCP. Similarly, a private school located in an eligible school district may participate in the program if it complies with certain requirements, including the same accreditation requirement. Approved accrediting organizations include the archdiocese within which the private school is located, Independent Schools Association of the Central States, and Wisconsin Religious and Independent Schools Accreditation. A private school that was participating in the MPCP on July 1, 2009, is considered to be accredited if it was approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education (PAVE). For a private school that is a first-time participant in the MPCP or the program and that is not yet accredited by an approved accrediting organization, the private school must be preaccredited by an approved accrediting organization, including Independent Schools Association of the Central States, Wisconsin Religious and Independent Schools Accreditation, and any other organization recognized by the National Council for Private School Accreditation by August 1 before the first term of participation in the MPCP or by September 1 before the first term of participation in the program.

Under the bill, a private school participating in the MPCP that was approved for scholarship funding for the 2005–06 school year by PAVE and that is participating in the MPCP on the bill's effective date must achieve accreditation by December 31, 2015. This bill withdraws preaccreditation approval under both the MPCP and the program from organizations recognized by the National Council for Private School Accreditation. The bill identifies Wisconsin Evangelical Lutheran Synod School Accreditation and National Lutheran School Accreditation and the diocese within which the private school is located as approved accrediting and preaccrediting organizations under both the MPCP and the program.

Under current law, the state superintendent of public instruction may bar a private school from participating in the MPCP or in the program for certain specified reasons, including if the private school fails to comply with standards established for participating schools or if conditions at the private school present an imminent threat to the health or safety of pupils.

This bill requires the state superintendent to terminate the participation of a private school in the MPCP or in the program if the private school retains, whether for compensation or on a voluntary basis, a disqualified person before the end of a seven-year period following the issuance of an order barring a private school from participating in the MPCP. The bill defines a "disqualified person" as all of the following: 1) a person who had a controlling ownership interest in, or was the administrator or an officer, director, or trustee, of, a private school at the time that the state superintendent issued an order barring the private school from participating in the MPCP or in the program; 2) a person who was designated by the administrator of the private school to assist in processing applications at the time that the state superintendent issued an order barring the private school from participating in the MPCP or in the program; and 3) a person who was responsible for the action or circumstance leading to a private school being barred from participation in the MPCP or in the program.

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Current law prohibits a private school participating in the MPCP or the program from charging or receiving any additional payment for a pupil attending the school under the MPCP or the program if the pupil is enrolled in grade kindergarten to 8 or if the pupil is enrolled in grade 9 to 12 and the family income of the pupil does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal Office of Management and Budget. Current law permits a participating private school to charge tuition and fees, in an amount to be determined by the private school, to a pupil in grade 9 to 12 provided the family income of the pupil exceeds 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

Beginning in the 2011-12 school year, this bill permits a private school participating in the MPCP or the program to recover the cost of providing the following to a pupil participating in the program under this section through reasonable fees in an amount determined by the private school and charged to the pupil, regardless of the family income of the pupil: a) personal use items such as uniforms and gym clothes; b) social and extracurricular activities that are not necessary to the private school's curriculum; c) musical instruments; d) meals; e) high school classes that are not required for graduation and for which no credits toward graduation are given; f) transportation; g) before-school and after-school child care. The bill prohibits the private school from recovering uncollected costs incurred prior to the effective date of the bill. The bill also prohibits the private school from expelling or preventing the pupil from attending the school or otherwise disciplining a pupil attending the school under the program, or withholding or reducing the pupil's grades because the pupil cannot pay any such fee imposed upon the pupil.

Current law requires a private school participating in the MPCP to submit a copy of the school's current certificate of occupancy, issued by the municipality within which the school is located, to DPI by August 1 before the first term of participation in the MPCP. Current law requires a private school participating in the program to submit a copy of the school's current certificate of occupancy, issued by the municipality within which the school is located, to DPI by September 1 before the first term of participation in the Program. This bill provides that, if a municipality within which the private school is located does not issue certificates of occupancy, the private school may submit a certificate of occupancy issued by the local or regional governmental unit with authority to issue certificates of occupancy.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1

SECTION 1. 118.60 (1) (ag) of the statutes is created to read:

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1 118.60 (1) (ag) “Disqualified person” means a person who, when a private
2 school was barred or terminated from participation in the program under this section
3 by an order issued under sub. (10), satisfied at least one of the following:

4 1. Had a controlling ownership interest in, or was the administrator or an
5 officer, director, or trustee of, the private school.

6 2. Was a person designated by the administrator of the private school to assist
7 in processing pupil applications.

8 3. Was responsible for an action or circumstance that led to the private school
9 being barred or terminated from participation in the program under this section.

10 **SECTION 2.** 118.60 (2) (a) 1. a. of the statutes, as created by 2011 Wisconsin Act
11 32, is amended to read:

12 118.60 (2) (a) 1. a. The pupil is a member of a family that has a total family
13 income that does not exceed an amount equal to 3.0 times the poverty level
14 determined in accordance with criteria established by the director of the federal
15 office of management and budget. In this subdivision and sub. (3m), family income
16 includes income of the pupil’s parents or legal guardians. The family income of the
17 pupil shall be ~~determined~~ verified as provided in subd. 1. b. A pupil attending a
18 private school under this section whose family income increases may continue to
19 attend a private school under this section.

20 **SECTION 3.** 118.60 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act
21 32, is amended to read:

22 118.60 (2) (a) 1. b. The private school submits to the department the names,
23 addresses, social security numbers, and other state and federal tax identification
24 numbers, if any, of the pupil’s parents or legal guardians that reside in the same
25 household as the pupil, whether and to whom the parents or legal guardians are

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1 married, the names of all of the other members of the pupil's family residing in the
2 same household as the pupil, and the school year for which family income is being
3 verified under this subd. 1. b. The department of revenue shall review the
4 information submitted under this subd. 1. b. and shall ~~determine whether the pupil~~
5 ~~is eligible to participate in the program under this section on the basis of family~~
6 ~~income~~ verify the eligibility or ineligibility of the pupil to participate in the program
7 under this section on the basis of family income. In this subdivision, "family income"
8 means federal adjusted gross income of the parents or legal guardians residing in the
9 same household as the pupil for the tax year preceding the school year for which
10 family income is being verified under this subd. 1. b. or, if not available, for the tax
11 year preceding the tax year preceding the school year for which family income is
12 being ascertain under this subd. 1. b. Family income for a family in which the pupil's
13 parents are married or in which the pupil's legal guardians are married shall be
14 reduced by \$7,000 before the ~~determination~~ verification is made under this subd. 1.
15 b. The department of revenue may take no other action on the basis of the
16 information submitted under this subd. 1. b. If the department of revenue is unable
17 to verify family income or to ascertain whether the pupil is eligible or ineligible to
18 participate in the program under this section on the basis of family income, the
19 department of revenue shall notify the department of public instruction of this fact
20 and the department of public instruction shall utilize an alternative process, to be
21 established by the department of public instruction, to determine whether the pupil
22 is eligible to participate in the program under this section on the basis of family
23 income. 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~~ verified that the pupil is eligible to participate in the program

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

5 **SECTION 4.** 118.60 (2) (a) 7. of the statutes, as created by 2011 Wisconsin Act
6 32, is amended to read:

7 118.60 (2) (a) 7. For a private school that is a first-time participant in the
8 program under this section, and that is not accredited by ~~the~~ Wisconsin North
9 Central Association, ~~the~~ Wisconsin Religious and Independent School Accreditation,
10 ~~the~~ Independent Schools Association of the Central States, Wisconsin Evangelical
11 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
12 diocese or archdiocese within which the private school is located, or by any other
13 organization recognized by the National Council for Private Schools Accreditation,
14 the private school obtains preaccreditation by the Institute for the Transformation
15 of Learning at Marquette University, ~~the~~ Wisconsin North Central Association, ~~the~~
16 Wisconsin Religious and Independent Schools Accreditation, ~~the~~ Independent
17 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod
18 School Accreditation, National Lutheran School Accreditation, or the diocese or
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 after August 31, 2011; by August 1 before the first school term of participation
23 in the program under this section that begins in the first school year that begins after
24 a school district is identified as an eligible school district under sub. (1m); or by May
25 1 if the private school begins participation in the program under this section during

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

12 **SECTION 5.** 118.60 (3) (b) of the statutes, as created by 2011 Wisconsin Act 32,
13 is amended to read:

14 118.60 (3) (b) If the private school rejects an applicant because it has too few
15 available spaces, the ~~pupil~~ applicant may transfer his or her application to a
16 participating private school that has space available. An applicant rejected under
17 this paragraph may be admitted to a private school participating in the program
18 under this section for the following school year, provided that the applicant continues
19 to reside within an eligible school district. The department may not require, in that
20 following school year, the private school to submit financial information regarding
21 the applicant or to verify the eligibility of the applicant to participate in the program
22 under this section on the basis of family income.

23 **SECTION 6.** 118.60 (3m) (a) (intro.) of the statutes, as created by 2011 Wisconsin
24 Act 32, is amended to read:

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1 118.60 (3m) (a) (intro.) A private school participating in the program under this
2 section may not charge or receive any additional tuition payment for a pupil
3 participating in the program under this section other than the payment the school
4 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

5 **SECTION 7.** 118.60 (3m) (am) of the statutes is created to read:

6 118.60 (3m) (am) 1. Beginning in the 2011–12 school year, a private school
7 participating in the program under this section may recover the cost of providing the
8 following to a pupil participating in the program under this section through
9 reasonable fees in an amount determined by the private school and charged to the
10 pupil, except that no participating private school may ^{retroactively} recover any uncollected costs
11 incurred prior to the effective date of this subdivision [LRB inserts date]:

- 12 a. Personal use items, such as uniforms, gym clothes, and towels.
- 13 b. Social and extracurricular activities if not necessary to the private school's
14 curriculum.
- 15 c. Musical instruments.
- 16 d. Meals consumed by pupils of the private school.
- 17 e. High school classes that are not required for graduation and for which no
18 credits toward graduation are given.
- 19 f. Transportation.
- 20 g. Before–school and after–school child care.
- 21 2. A private school may not prohibit an eligible pupil from attending the private
22 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's
23 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid
24 fees charged under subd. 1.

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1 **SECTION 8.** 118.60 (3m) (b) (intro.) of the statutes, as created by 2011 Wisconsin
2 Act 32, is amended to read:

3 118.60 **(3m)** (b) (intro.) ~~-A- Beginning in the 2011-12 school year, a private~~
4 school participating in the program under this section may, in addition to the
5 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the
6 pupil tuition ~~and fees~~ in an amount determined by the school if both of the following
7 apply:

8 **SECTION 9.** 118.60 (3m) (c) of the statutes, as created by 2011 Wisconsin Act 32,
9 is amended to read:

10 118.60 **(3m)** (c) A private school participating in the program under this section
11 shall determine whether the private school may charge additional tuition ~~and fees~~
12 to a pupil on the basis of the pupil's family income as permitted under par. (b). The
13 private school shall establish a process for accepting an appeal to the governing body
14 of the private school of the determination made under this paragraph.

15 **SECTION 10.** 118.60 (7) (d) 1. b. of the statutes, as created by 2011 Wisconsin
16 Act 32, is amended to read:

17 118.60 **(7)** (d) 1. b. A copy of the school's current certificate of occupancy issued
18 by the municipality within which the school is located. If the private school moves
19 to a new location, the private school shall submit a copy of the new certificate of
20 occupancy issued by the municipality within which the school is located to the
21 department before the attendance of pupils at the new location and before the next
22 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the
23 private school is located does not issue certificates of occupancy, the private school
24 may submit a certificate of occupancy issued by the local or regional governmental

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1 unit with authority to issue certificates of occupancy. A temporary certificate of
2 occupancy does not meet the requirement of this subdivision.

3 **SECTION 11.** 118.60 (10) (a) 8. of the statutes is created to read:

4 118.60 **(10)** (a) 8. Before the end of a 7-year period beginning on the date of an
5 order issued by the state superintendent under this subsection, retained a
6 disqualified person, for compensation or as a volunteer, as an owner, officer, director,
7 trustee, administrator, person designated by the administrator to assist in
8 processing pupil applications, or person responsible for administrative, financial, or
9 pupil health and safety matters.

10 **SECTION 12.** 119.23 (1) (ag) of the statutes is created to read:

11 119.23 **(1)** (ag) “Disqualified person” means a person who, when a private
12 school was barred or terminated from participation in the program under this section
13 by an order issued under sub. (10), satisfied at least one of the following:

14 1. Had a controlling ownership interest in, or was the administrator or an
15 officer, director, or trustee of, the private school.

16 2. Was a person designated by the administrator of the private school to assist
17 in processing pupil applications.

18 3. Was responsible for an action or circumstance that led to the private school
19 being barred or terminated from participation in the program under this section.

20 **SECTION 13.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin
21 Act 32, is amended to read:

22 119.23 **(2)** (a) 1. a. The pupil is a member of a family that has a total family
23 income that does not exceed an amount equal to 3.0 times the poverty level
24 determined in accordance with criteria established by the director of the federal
25 office of management and budget. In this subdivision and sub. (3m), family income

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1 includes income of the pupil's parents or legal guardians. The family income of the
2 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school
3 under this section whose family income increases, including a pupil who attended a
4 private school under this section in the 2010-11 school year and whose family income
5 has increased, may continue to attend a private school under this section.

6 **SECTION 14.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin
7 Act 32, is amended to read:

8 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
9 income that does not exceed an amount equal to 3.0 times the poverty level
10 determined in accordance with criteria established by the director of the federal
11 office of management and budget. In this subdivision and sub. (3m), family income
12 includes income of the pupil's parents or legal guardians. The family income of the
13 pupil shall be ~~determined~~ verified as provided in subd. 1. b. A pupil attending a
14 private school under this section whose family income increases may continue to
15 attend a private school under this section.

16 **SECTION 15.** 119.23 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin
17 Act 32, is amended to read:

18 119.23 (2) (a) 1. b. The private school submits to the department the names,
19 addresses, social security numbers, and other state and federal tax identification
20 numbers, if any, of the pupil's parents or legal guardians that reside in the same
21 household as the pupil, whether and to whom the parents or legal guardians are
22 married, the names of all of the other members of the pupil's family residing in the
23 same household as the pupil, and the school year for which family income is being
24 verified under this subd. 1. b. The department of revenue shall review the
25 information submitted under this subd. 1. b. and shall ~~determine whether the pupil~~

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1 ~~is eligible to participate in the program under this section on the basis of family~~
2 ~~income~~ verify the eligibility or ineligibility of the pupil to participate in the program
3 under this section on the basis of family income. In this subdivision, "family income"
4 means federal adjusted gross income of the parents or legal guardians residing in the
5 same household as the pupil for the tax year preceding the school year for which
6 family income is being verified under this subd. 1. b. or, if not available, for the tax
7 year preceding the tax year preceding the school year for which family income is
8 being verified under this subd. 1. b. Family income for a family in which the pupil's
9 parents are married or in which the pupil's legal guardians are married shall be
10 reduced by \$7,000 before the ~~determination~~ verification is made under this subd. 1.
11 b. The department of revenue may take no other action on the basis of the
12 information submitted under this subd. 1. b. If the department of revenue is unable
13 to ascertain family income or to verify whether the pupil is eligible or ineligible to
14 participate in the program under this section on the basis of family income, the
15 department of revenue shall notify the department of public instruction of this fact
16 and the department of public instruction shall utilize an alternative process, to be
17 established by the department of public instruction, to determine whether the pupil
18 is eligible to participate in the program under this section on the basis of family
19 income. The department of public instruction may not request any additional
20 verification of income from the family of a pupil once the department of revenue has
21 determined whether verified that the pupil is eligible to participate in the program
22 under this section on the basis of family income. The department of public
23 instruction shall establish a procedure for determining family income eligibility for
24 those pupils for whom no social security number or state or federal tax identification
25 number has been provided.

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1 **SECTION 16.** 119.23 (2) (a) 7. a. of the statutes, as affected by 2011 Wisconsin
2 Act 32, is amended to read:

3 119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating
4 in the program under this section on July 1, 2009, the private school achieves
5 accreditation by ~~the~~ Wisconsin North Central Association, ~~the~~ Wisconsin Religious
6 and Independent Schools Accreditation, ~~the~~ Independent Schools Association of the
7 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,
8 National Lutheran School Accreditation, ~~the Archdiocese of Milwaukee diocese or~~
9 archdiocese within which the private school is located, or any other organization
10 recognized by the National Council for Private School Accreditation, by December 31
11 of the 3rd school year following the first school year that begins after June 30, 2006,
12 in which it participates in the program under this section, ~~or the private school was~~
13 ~~approved for scholarship funding for the 2005–06 school year by Partners Advancing~~
14 ~~Values in Education.~~ If the private school is accredited as provided under this subd.
15 7. a., the private school is not required to obtain preaccreditation under subd. 7. b.
16 as a prerequisite to providing instruction under this section in additional grades or
17 in an additional or new school.

18 **SECTION 17.** 119.23 (2) (a) 7. b. of the statutes, as affected by 2011 Wisconsin
19 Act 32, is amended to read:

20 119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that is a
21 first-time participant in the program under this section on or after July 1, 2009, and
22 that is not accredited as provided under subd. 7. a., the private school obtains
23 preaccreditation by the Institute for the Transformation of Learning at Marquette
24 University, ~~the~~ Wisconsin North Central Association, ~~the~~ Wisconsin Religious and
25 Independent Schools Accreditation, ~~the~~ Independent Schools Association of the

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1 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,
2 National Lutheran School Accreditation, or the ~~Archdiocese of Milwaukee, or any~~
3 ~~other organization recognized by the National Council for Private School~~
4 ~~Accreditation~~ diocese or archdiocese within which the private school is located by
5 August 1 before the first school term of participation in the program under this
6 section that begins after July 1, 2009, or by May 1 if the private school begins
7 participating in the program during summer school, and achieves accreditation by
8 ~~the Wisconsin North Central Association, the Wisconsin Religious and Independent~~
9 ~~Schools Accreditation, the Independent Schools Association of the Central States,~~
10 Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran
11 School Accreditation, the ~~Archdiocese of Milwaukee~~ diocese or archdiocese within
12 which the private school is located, or any other organization recognized by the
13 National Council for Private School Accreditation, by December 31 of the 3rd school
14 year following the first school year that begins after July 1, 2009, in which it
15 participates in the program under this section. If the private school is accredited
16 under this subd. 7. b., 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.

19 **SECTION 18.** 119.23 (2) (a) 7. d. of the statutes is created to read:

20 119.23 (2) (a) 7. d. For a private school that was approved for scholarship
21 funding for the 2005-06 school year by Partners Advancing Values in Education and
22 is participating in the program under this section on the effective date of this subd.
23 7. d. [LRB inserts date], the private school achieves accreditation by Wisconsin
24 North Central Association, Wisconsin Religious and Independent Schools
25 Accreditation, Independent Schools Association of the Central States, Wisconsin

BILL**SECTION 18**

1 Evangelical Lutheran Synod School Accreditation, National Lutheran School
2 Accreditation, the diocese or archdiocese within which the private school is located,
3 or any other organization recognized by the National Council for Private School
4 Accreditation, by December 31, 2015. If the private school is accredited as provided
5 under this subd. 7. d., the private school is not required to obtain preaccreditation
6 under subd. 7. b. as a prerequisite to providing instruction under this section in
7 additional grades or in an additional or new school.

8 **SECTION 19.** 119.23 (3) (b) of the statutes is amended to read:

9 119.23 **(3)** (b) If the private school rejects an applicant because it has too few
10 available spaces, the pupil applicant may transfer his or her application to a
11 participating private school that has space available. An applicant rejected under
12 this paragraph may be admitted to a private school participating in the program
13 under this section for the following school year, provided that the applicant continues
14 to reside within the city. The department may not require, in that following school
15 year, the private school to submit financial information regarding the applicant or
16 to verify the eligibility of the applicant to participate in the program under this
17 section on the basis of family income.

18 **SECTION 20.** 119.23 (3m) (a) (intro.) of the statutes, as created by 2011
19 Wisconsin Act 32, is amended to read:

20 119.23 **(3m)** (a) (intro.) A private school participating in the program under this
21 section may not charge or receive any additional tuition payment for a pupil
22 participating in the program under this section other than the payment the school
23 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

24 **SECTION 21.** 119.23 (3m) (am) of the statutes is created to read:

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1 119.23 (3m) (am) 1. Beginning in the 2011–12 school year, a private school
2 participating in the program under this section may recover the cost of providing the
3 following to a pupil participating in the program under this section through
4 reasonable fees in an amount determined by the private school and charged to the
5 pupil, except that no participating private school may ^{retroactively} recover any uncollected costs
6 incurred prior to the effective date of this subdivision [LRB inserts date]:

7 a. Personal use items, such as uniforms, gym clothes, and towels.

8 b. Social and extracurricular activities if not necessary to the private school's
9 curriculum.

10 c. Musical instruments.

11 d. Meals consumed by pupils of the private school.

12 e. High school classes that are not required for graduation and for which no
13 credits toward graduation are given.

14 f. Transportation.

15 g. Before–school and after–school child care.

16 2. A private school may not prohibit an eligible pupil from attending the private
17 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's
18 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid
19 fees charged under subd. 1.

20 **SECTION 22.** 119.23 (3m) (b) (intro.) of the statutes, as created by 2011
21 Wisconsin Act 32, is amended to read:

22 119.23 (3m) (b) (intro.) ~~-A-~~ Beginning in the 2011–12 school year, a private
23 school participating in the program under this section may, in addition to the
24 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the

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1 pupil tuition ~~and fees~~ in an amount determined by the school if both of the following
2 apply:

3 **SECTION 23.** 119.23 (3m) (c) of the statutes, as created by 2011 Wisconsin Act
4 32, is amended to read:

5 119.23 (3m) (c) A private school participating in the program under this section
6 shall determine whether the private school may charge additional tuition ~~and fees~~
7 to a 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 **SECTION 24.** 119.23 (7) (d) 1. b. of the statutes, as affected by 2011 Wisconsin
11 Act 32, is amended to read:

12 119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued
13 by the municipality within which the school is located. If the private school moves
14 to a new location, the private school shall submit a copy of the new certificate of
15 occupancy issued by the municipality within which the school is located to the
16 department before the attendance of pupils at the new location and before the next
17 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the
18 private school is located does not issue certificates of occupancy, the private school
19 may submit a certificate of occupancy issued by the local or regional governmental
20 unit with authority to issue certificates of occupancy. A temporary certificate of
21 occupancy does not meet the requirement of this subdivision.

22 **SECTION 25.** 119.23 (9) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. a. ~~or~~ b. or
25 d. determines during the accrediting or preaccrediting process that a private school

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1 does not meet all of the requirements under s. 118.165 (1), it shall report that failure
2 to the department.

3 **SECTION 26.** 119.23 (10) (a) 8. of the statutes is created to read:

4 119.23 **(10)** (a) 8. Before the end of a 7-year period beginning on the date of an
5 order issued by the state superintendent under this subsection, retained a
6 disqualified person, for compensation or as a volunteer, as an owner, officer, director,
7 trustee, administrator, person designated by the administrator to assist in
8 processing pupil applications, or person responsible for administrative, financial, or
9 pupil health and safety matters.

10

(END)

Barman, Mike

From: LRB.Legal
Sent: Friday, October 07, 2011 10:14 AM
To: Rostan, Jason
Cc: Sen.Vukmir
Subject: Requested PDF (LRB-3117/1)

Attachments: 11-3117/1



11-31171.pdf (85
KB)

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau
Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

Parisi, Lori

From: Rostan, Jason
Sent: Tuesday, October 11, 2011 3:54 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3117/1 Topic: MPCP and program for eligible school districts - miscellaneous provisions related to income verification for pupil eligibility, private school accreditation, pupil fees, occupancy permit and others

Please Jacket LRB 11-3117/1 for the SENATE.