State of Wisconsin
2013 – 2014 LEGISLATURE

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2013 BILL

8/26/13
Today or 8/27

Roger

AN ACT ***to repeal*** 118.60 (2) (bm), 118.60 (4) (bg) 1., 118.60 (4) (bg) 2., 118.60 (4) (bg) 3., 118.60 (4) (bg) 4., 118.60 (4) (bg) 5., 118.60 (11) (d), 119.23 (4) (bg) 1., 119.23 (4) (bg) 2., 119.23 (4) (bg) 3., 119.23 (4) (bg) 4., 119.23 (4) (bg) 5. and 119.23 (11) (d); ***to renumber and amend*** 118.31 (1); ***to amend*** 115.28 (7) (b), 118.016 (1), 118.016 (1g), (1r) and (2), 118.19 (1), 118.30 (5m), 118.305 (1) (h), 118.305 (3) (e), 118.31 (2), 118.31 (3) (intro.), 118.31 (4), 118.31 (5), 118.31 (6), 118.60 (2) (a) (intro.), 118.60 (2) (a) 1. a., 118.60 (2) (c), 118.60 (3) (c), 118.60 (4) (d) (intro.), 118.60 (4) (d) 2., 118.60 (4r) (a), 118.60 (7) (am) 1., 118.60 (7) (b) 3m., 118.60 (7) (d) 1. b., 118.60 (10) (a) 3., 118.60 (10) (a) 7., 118.60 (10) (c), 119.23 (2) (a) 1. a., 119.23 (2) (c), 119.23 (4) (d) (intro.), 119.23 (4) (d) 2., 119.23 (4r) (a), 119.23 (7) (am) 1., 119.23 (7) (b) 3m., 119.23 (7) (d) 1. b., 119.23 (10) (a) 3., 119.23 (10) (a) 7. and 119.23 (10) (c); ***to repeal and recreate*** 118.60 (4m) and 119.23 (4m); and ***to create*** 118.305 (1) (gm), 118.31 (1) (b), 118.33 (1) (f) 5., 118.60 (2) (a) 1. am., 118.60 (2) (a) 6m., 118.60 (2) (a) 9., 118.60 (2) (a) 10., 118.60 (2) (d), 118.60 (4)

(bd) (intro.), 118.60 (4) (bd) 1., 118.60 (4) (bd) 2. and 3., 118.60 (7) (b) 9., 118.60 (7) (d) 1. d., 118.60 (7) (i), 118.60 (10) (a) 9., 118.60 (10) (a) 10., 118.60 (10) (bg), 118.60 (10) (br), 119.23 (2) (a) 1. am., 119.23 (2) (a) 6m., 119.23 (2) (a) 9., 119.23 (2) (a) 10., 119.23 (2) (d), 119.23 (4) (bd) (intro.), 119.23 (4) (bd) 1., 119.23 (4) (bd) 2. and 3., 119.23 (7) (b) 9., 119.23 (7) (d) 1. d., 119.23 (7) (i), 119.23 (10) (a) 9., 119.23 (10) (a) 10., 119.23 (10) (bg), 119.23 (10) (br) and 120.13 (1) (i) of the statutes; **relating to:** accountability provisions for private schools participating in a parental choice program and requiring the exercise of rule–making authority.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the law governing the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the statewide parental choice program (parental choice programs). The changes are to take effect in the 2014-15 school year.

Family income for pupil eligibility

Current law permits a pupil to attend a participating private school under the Racine Parental Choice Program or the Milwaukee Parental Choice Program if the pupil resides in the Racine Unified School District (RUSD) or the Milwaukee Public School District (MPS), respectively, and the family income of the pupil does not exceed three times the federal poverty level. 2013 Wisconsin Act 20 (the biennial budget bill) (Act 20) established a new parental choice program under which a pupil who resides in a school district other than RUSD or MPS may, beginning in the 2013–14 school year, attend a participating private school if the family income of the pupil does not exceed 1.85 times the federal poverty level. Under each parental choice program, if the family income of a pupil who is attending a private school under the program increases, the pupil may continue to attend a private school under the program.

Under this bill, beginning in the 2013–14 (2014-15) school year, no pupil whose family income exceeds 1.85 times the federal poverty level may attend a participating private school under any of the parental choice programs. The bill makes no changes to the provisions governing a pupil who is attending a private school under the program and whose family income increases.

Per pupil payments

Under current law, in the 2013–14 school year, for each pupil enrolled in a private school under a parental choice program, the department must pay to the private school an amount equal to the private school's per pupil operating and debt service cost that is related to educational programming (educational costs) or $6,442

(the maximum payment per pupil), whichever is less. Also under current law, in the 2014–15 school year, the maximum payment per pupil increases to $7,210 for a pupil enrolled in a grade from kindergarten to 8 and to $7,856 for a pupil enrolled in a grade from 9 to 12.

Beginning in the 2014–15 school year, if a private school enrolls pupils under a parental choice program in any grade from K to 8 and also in any grade from 9 to 12, current law prohibits the department from determining separate educational costs for pupils enrolled in grades K to 8 and for pupils enrolled in grades 9 to 12. Instead, the maximum payment per pupil for that school would be an amount determined by: (a) multiplying the number of pupils enrolled in the school under a choice program in any grade from K to 8 by the maximum payment amount for those grades; (b) multiplying the number of pupils enrolled in the school under a choice program in any grade from 9 to 12 by the maximum payment amount for those grades; (c) adding those two amounts together; and (d) dividing that sum by the total number of pupils enrolled in the school under a parental choice program.

Finally, under current law, beginning in the 2015–16 school year, the maximum per pupil payment in any given school year is equal to the maximum per pupil payment in the previous school year plus the revenue limit per pupil adjustment, if positive, provided to school districts in the current year plus the change in total categorical aid funding per pupil, if positive, from the prior year to the current year.

This bill eliminates these methods for determining per pupil payments to participating private schools. Under this bill, for each pupil enrolled in a private school under a parental choice program, the department must pay the lesser of the following: a) the private school's per pupil educational costs; b) a rolling average of the tuition paid by a pupil attending the private school, but not under a parental choice program, in the current and two preceding school years; or c) $6,442.

beginning in the 2014-15 school year

Teacher licensure

With certain exceptions, current law requires that the teachers and administrators employed by a private school participating in a parental choice program have at least a bachelor's degree from an accredited institution of higher education. The teachers and administrators are not required to be licensed by the department.

With certain exceptions, this bill requires that all instructional staff of private schools participating in a parental choice program hold a license or permit issued by the department. "Instructional staff" means all professional employees who have as part of their responsibility direct contact with pupils or with the private school's instructional program.

Reading readiness assessments of participating pupils

Under current law, in the 2013–14 school year, each school board and the governing body of each independent charter school must assess each pupil enrolled in four–year–old kindergarten to first grade for reading readiness. Beginning in the 2014–15 school year, each school board and charter school governing board must annually assess each pupil enrolled in four–year–old kindergarten to second grade for reading readiness.

This bill extends these requirements to private schools participating in a parental choice program. The requirements apply only to those pupils attending the private school under the program. The bill also authorizes the state superintendent of public instruction to issue an order barring a private school from participating in a parental choice program if it violates the requirement described above.

Criteria for awarding a high school diploma to participating pupils

Current law requires the governing body of each private school participating in a parental choice program to develop a policy specifying criteria for granting a high school diploma to pupils attending the school under the program. The criteria must include the pupil's academic performance and the recommendations of teachers. The private school may not grant a high school diploma to any pupil attending the school under the program unless the pupil satisfies the criteria specified in the policy.

2014 - 15

Beginning in the 2015–16 school year, this bill requires a private school participating in a parental choice program to include in its policy the requirements for granting a high school diploma to public school pupils. These requirements include earning a specified minimum number of credits in certain subjects and, in grades 9 to 12, being enrolled in a class or participating in an activity approved by the school board during each class period of each school day.

The bill also authorizes the state superintendent of public instruction to issue an order barring a private school from participating in a parental choice program if the private school fails to include these new requirements in its high school graduation policy.

Corporal punishment of pupils enrolled in a participating private school

Under current law, no official, employee, or agent of a school district (school employee) may subject a pupil enrolled in the school district to corporal punishment. Current law defines corporal punishment to mean "the intentional infliction of physical pain which is used as a means of discipline." Current law permits a school employee to use reasonable and necessary force under certain circumstances, including to obtain possession of a weapon from a pupil, protect the safety of others, or quell a disturbance. Each school board must establish a policy to outline the circumstances in which a school employee may use reasonable and necessary force.

This bill extends these provisions regarding corporal punishment to private schools participating in a parental choice program, and permits the state superintendent to issue an order barring the private school from participating in a parental choice program for the current school year if the private school fails to comply with these provisions.

Expulsion of pupils from participating private schools

Under current law, a pupil may be expelled from a public school for repeatedly violating school rules; making a bomb threat; or endangering or threatening to endanger the property, health, or safety of others. A pupil who has a firearm at school must be expelled for at least one year. Before expelling a pupil, the school board must provide a hearing at which the pupil or his or her parent may be represented by an attorney. After the hearing, the school board must issue a written decision, which may be appealed to the state superintendent of public instruction.

This bill directs the department to promulgate rules establishing a procedure for the expulsion of pupils attending a private school under a parental choice program by the governing body of the private school. The rules must adhere as closely as feasible to the statutory provisions governing the expulsion of pupils from public schools.

The bill also authorizes the state superintendent to issue an order barring a private school from participating in a parental choice program for the current school year if the private school violates the rules described above.

Regular building inspection of certain participating private schools

Under current law, before a private school may participate in a parental choice program, the private school must submit to the department a copy of the certificate of occupancy (certificate) issued for the private school building by the municipality within which the private school is located. If the municipality does not issue certificates, the private school may submit either a certificate issued by a local or regional governmental unit with authority to issue such a certificate or a letter or form from the municipality that explains that the municipality does not issue certificates.

This bill requires a private school located in a municipality that does not issue certificates to annually obtain a building inspection of the school building.

Miscellaneous other provisions

Under current law, the department may only release data related to enrollment of, standardized test results for, and other information related to pupils participating in a parental choice program all at the same time, uniformly, and completely. This bill eliminates this requirement.

This bill requires a private school participating in a parental choice program to permit public inspection and copying of any record of the private school that relates to pupils attending the private school under the program to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, a school board. The bill authorizes the department to issue an order barring the private school from participating in the parental choice program for the current school year if the private school violates this requirement.

This bill requires that a private school be located in this state in order to participate in a parental choice program.

This bill provides that a private school may participate in a parental choice program only if it has been in operation for the attendance of pupils for at least two school years. The bill also provides that no more than 49 percent of a private school's enrollment may consist of pupils attending the private school under a parental choice program. These provisions are effective July 1, 2015.

Currently, a private school participating in a parental choice program must schedule two meetings each year at which members of the school's governing board will be present and at which pupils and prospective pupils and their parents may meet and communicate with the members of the governing board.

This bill requires a private school participating in a parental choice program to hold at least one such meeting each month. The bill requires that the meetings be open to the public and that the private school provide public notice of the meetings

in the same manner as notice of meetings of governmental bodies is required to be provided. Finally, the bill authorizes the department to issue an order barring the private school from participating in the parental choice program for the current school year if the private school violates these requirements.

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

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

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

115.28 **(7)** (b) Subject to the same rules and laws concerning qualifications of applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the state superintendent shall grant ~~certificates and~~ licenses to teachers in private schools and tribal schools, except that teaching experience requirements for such ~~certificates and~~ licenses may be fulfilled by teaching experience in public, private, or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the state superintendent finds that the private school or tribal school in which the applicant taught offered an adequate educational program during the period of the applicant's teaching therein. ~~Private~~ Except as provided in ss. 118.60 (2) (a) 6m. and 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed or certified teachers.

SECTION 2. 118.016 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.016 **(1)** (a) In the 2013–14 school year, each school board and the governing body of each charter school established under s. 118.40 (2r) and of each private school participating in a parental choice program under s. 118.60 or 119.23 shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in 4–year–old kindergarten to first

grade in the school district or in the charter or private school for reading readiness. Beginning in the 2014–15 school year, each school board and the governing body of each charter school established under s. 118.40 (2r) and of each private school participating in a parental choice program under s. 118.60 or 119.23 shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in 4–year–old kindergarten to second grade in the school district or in the charter or private school for reading readiness. For a private school, this subsection applies only to pupils attending the school under s. 118.60 or 119.23. The department shall ensure that the assessment evaluates whether a pupil possesses phonemic awareness and letter sound knowledge.

SECTION 3. 118.016 (1g), (1r) and (2) of the statutes are amended to read:

118.016 **(1g)** If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r) or private school under s. 118.60 or 119.23 shall comply with s. 115.77 (1m) (bg).

(1r) The school board or governing body of the charter or private school shall report the results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

(2) The school board of the school district or governing body of the charter or private school in which the pupil is enrolled shall provide a pupil whose assessment under sub. (1) indicates that he or she is at risk of reading difficulty with interventions or remedial reading services, as described under s. 121.02 (1) (c).

SECTION 4. 118.19 (1) of the statutes is amended to read:

118.19 **(1)** Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach in a public school, including a charter school, in a private school participating in a

parental choice program under s. 118.60 or 119.23, or in a school or institution operated by a county or the state shall first procure a license or permit from the department.

SECTION 5. 118.30 (5m) of the statutes is amended to read:

118.30 **(5m)** When determining the percentage of pupils participating in the program under s. 119.23 who performed at designated proficiency levels on the examinations administered as required under sub. (1s), the department shall ~~consider only the pupils participating in the program under s. 119.23 to whom the examinations were administered at each grade level, and shall~~ not exclude from consideration those pupils participating in the program under s. 119.23 who were excused from taking the examinations under sub. (2) (b) 5.

SECTION 6. 118.305 (1) (gm) of the statutes is created to read:

118.305 **(1)** (gm) "Pupil" excludes pupils who are attending a private school participating in a parental choice program under s. 118.60 or 119.23 but not under the parental choice program.

SECTION 7. 118.305 (1) (h) of the statutes is amended to read:

118.305 **(1)** (h) "School" means a public school, including a charter school, and a private school participating in a parental choice program under s. 118.60 or 119.23.

SECTION 8. 118.305 (3) (e) of the statutes is amended to read:

118.305 **(3)** (e) It does not constitute corporal punishment, as defined in s. 118.31 (1) (a).

SECTION 9. 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and amended to read:

118.31 **(1)** (intro.) In this section, ~~"corporal:~~

(a) "Corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.787 or reasonable physical activities associated with athletic training.

SECTION 10. 118.31 (1) (b) of the statutes is created to read:

118.31 **(1)** (b) "Private school" means a private school, as defined in s. 115.001 (3r), that is participating in any parental choice program under ss. 118.60 and 119.23.

SECTION 11. 118.31 (2) of the statutes is amended to read:

118.31 **(2)** Except as provided in sub. (3), no official, employee, or agent of a school board or of a private school may subject a pupil enrolled in the school district or in the private school to corporal punishment.

SECTION 12. 118.31 (3) (intro.) of the statutes is amended to read:

118.31 **(3)** (intro.) Subsection (2) does not prohibit an official, employee, or agent of a school board or of a private school from:

SECTION 13. 118.31 (4) of the statutes is amended to read:

118.31 **(4)** Each school board and each private school shall adopt a policy that allows any official, employee, or agent of the school board or private school to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not ~~a person~~ an official, employee, or agent of a school board or of a private school was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by ~~an~~ the official, employee, or agent ~~of a school board~~.

SECTION 14. 118.31 (5) of the statutes is amended to read:

118.31 **(5)** Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or of a private school or ~~their officials, employees or agents~~ of an official, employee, or agent of the school board or private school for damages arising out of claims involving allegations of improper or unnecessary use of force by a school ~~employees~~ official, employee, or agent against ~~students~~ a pupil.

SECTION 15. 118.31 (6) of the statutes is amended to read:

118.31 **(6)** Nothing in this section shall prohibit, permit, or otherwise affect any action taken by an official, employee, or agent of a school board or private school with regard to a person who is not a pupil enrolled in the school district or in the private school.

SECTION 16. 118.33 (1) (f) 5. of the statutes is created to read:

118.33 **(1)** (f) 5. Beginning in the 2015–16 (or 2014-15) school year, the governing body of each private school participating in a parental choice program under s. 118.60 or 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting a high school diploma specified in pars. (a) and (b), with the exceptions provided in pars. (d) and (e).

SECTION 17. 118.60 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(2)** (a) (intro.) Any pupil in grades kindergarten to 12 who resides within an eligible school district may attend any private school under this section and, subject to pars. (be)~~, (bm)~~, and (bs), any pupil in grades kindergarten to 12 who resides in a school district, other than an eligible school district or a 1st class city

school district, may attend any private school under this section if all of the following apply:

SECTION 18. 118.60 (2) (a) 1. a. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 19. 118.60 (2) (a) 1. am. of the statutes is created to read:

118.60 **(2)** (a) 1. am. Beginning in the 2013–14 school year, the pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.85 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. The family income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases above the income level in this subd. 1. am. may continue to attend a private school under this section.

SECTION 20. 118.60 (2) (a) 6m. of the statutes is created to read:

118.60 **(2)** (a) 6m. All instructional staff employed by the private school hold a license or permit to teach issued by the department. For purposes of this

subdivision, "instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.

SECTION 21. 118.60 (2) (a) 9. of the statutes is created to read:

118.60 **(2)** (a) 9. The private school has been in operation for the attendance of pupils for at least 2 school years.

SECTION 22. 118.60 (2) (a) 10. of the statutes is created to read:

118.60 **(2)** (a) 10. The private school is located in this state.

SECTION 23. 118.60 (2) (bm) of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 24. 118.60 (2) (c) of the statutes is amended to read:

118.60 **(2)** (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to have a bachelor's degree or hold a license or permit to teach issued by the department.

2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to have a bachelor's degree or hold a license or permit to teach issued by the department.

SECTION 25. 118.60 (2) (d) of the statutes is created to read:

118.60 **(2)** (d) No more than 49 percent of a private school's enrollment may consist of pupils attending the private school under this section.

SECTION 26. 118.60 (3) (c) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

118.60 **(3)** (c) If a participating private school rejects an applicant who resides in a school district, other than an eligible school district or a 1st class city school

district, because the private school has too few available spaces, the applicant may transfer his or her application to a participating private school that has space available. An applicant rejected under this paragraph may, subject to sub. (2) (a) 1. am. and (be) ~~and (bm)~~, be admitted to a private school participating in the program under this section for the following school year.

SECTION 27. 118.60 (4) (bd) (intro.) of the statutes is created to read:

118.60 **(4)** (bd) (intro.) Upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an amount equal to the lesser of the following:

SECTION 28. 118.60 (4) (bd) 1. of the statutes is created to read:

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

SECTION 29. 118.60 (4) (bd) 2. and 3. of the statutes are created to read:

118.60 **(4)** (bd) 2. The average of the tuition paid by a pupil attending the private school, but not under the program under this section or the program under s. 119.23, in the current and 2 preceding school years.

3. $6,442.

SECTION 30. 118.60 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is repealed.

SECTION 31. 118.60 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 32. 118.60 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 33. 118.60 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 34. 118.60 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 35. 118.60 (4) (d) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(4)** (d) (intro.) In determining a private school's operating and debt service cost per pupil under par. ~~(bg)~~ (bd) 1., the department shall do all of the following, but may not determine separate costs for pupils enrolled in grades kindergarten to 8 and for pupils enrolled in grades 9 to 12:

SECTION 36. 118.60 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(4)** (d) 2. If legal title to the private school's buildings and premises is held in the name of the private school's parent organization or other related party, there is no other mechanism to include the private school's facilities costs in the calculation of its operating and debt service cost, and the private school requests that the department do so, include an amount equal to 10.5 percent of the fair market value of the school and its premises. ~~If legal title to the private school's buildings and premises is held in the name of the private school's parent organization or other related party but the private school was not permitted to include an amount equal to 10.5 percent of the fair market value of the school and its premises in the 2012–13 school year, the private school may, beginning on July 2, 2013, request the department to include that amount.~~ A request made by a private school under this

subdivision remains effective in subsequent school years and may not be withdrawn by the private school.

SECTION 37. 118.60 (4m) of the statutes, as affected by 2013 Wisconsin Act 20, is repealed and recreated to read:

118.60 **(4m)** In addition to the payment under sub. (4), the state superintendent shall pay to each private school participating in the program under this section, on behalf of the parent or guardian of each pupil attending the private school under this section, in the manner described in sub. (4) (c), the amount determined as follows:

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

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

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

SECTION 38. 118.60 (4r) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(4r)** (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by 0.616.

SECTION 39. 118.60 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(7)** (am) 1. An independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) ~~(bg)~~ (bd) 1. The audit under this subdivision shall

be limited in scope to those records that are necessary for the department to make payments under subs. (4) and (4m). The auditor shall conduct his or her audit, including determining sample sizes and evaluating financial viability, in accordance with the auditing standards established by the American Institute of Certified Public Accountants. The department may not require an auditor to comply with standards that exceed the scope of the standards established by the American Institute of Certified Public Accountants. If a private school participating in the program under this section also accepts pupils under s. 119.23, the private school may submit one comprehensive financial audit to satisfy the requirements of this subdivision and s. 119.23 (7) (am) 1. The private school shall include in the comprehensive financial audit the information specified under s. 119.23 (7) (am) 1.

SECTION 40. 118.60 (7) (b) 3m. of the statutes is amended to read:

118.60 **(7)** (b) 3m. Annually, schedule ~~2 meetings~~ at least one meeting each month at which members of the governing body of the private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the private school or attending the private school may meet and communicate with the members of the governing body. The meetings shall be open to the public. The private school shall, within 30 days after the start of the school term, notify the department in writing of the scheduled meeting dates and shall, at least 30 days before the scheduled meeting date, notify in writing each pupil, or the parent or guardian of each minor pupil, applying to attend the private school or attending the private school of the meeting date, time, and place. The private school shall provide notice of the meetings in the manner provided in s. 19.84.

SECTION 41. 118.60 (7) (b) 9. of the statutes is created to read:

118.60 **(7)** (b) 9. Permit public inspection and copying of any record, as defined in s. 19.32 (2), of the private school to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, a school board under subch. II of ch. 19. This subdivision applies only to records that relate to pupils attending the private school under this section.

SECTION 42. 118.60 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(7)** (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's current certificate of occupancy issued by the municipality within which the school is located. If the private school moves to a new location, the private school shall submit a copy of the new certificate of occupancy issued by the municipality within which the school is located to the department before the attendance of pupils at the new location and before the next succeeding date specified in s. 121.05 (1) (a).

c. If the 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 or a letter or form from the municipality within which the private school is located that explains that the municipality does not issue certificates of occupancy. A ~~temporary certificate of occupancy does not meet the requirement of this subdivision~~ private school to which this subd. 1. c. applies shall annually obtain a building inspection of the school building.

SECTION 43. 118.60 (7) (d) 1. d. of the statutes is created to read:

118.60 **(7)** (d) 1. d. A temporary certificate of occupancy does not satisfy the requirements of this subdivision.

SECTION 44. 118.60 (7) (i) of the statutes is created to read:

118.60 **(7)** (i) 1. Each private school participating in the program under this section shall annually conduct state and federal background checks of all teachers and administrators employed by the private school on the effective date of this subdivision .... [LRB inserts date].

2. Beginning on the effective date of this subdivision .... [LRB inserts date], each private school participating in the program under this section shall annually conduct state and federal background checks of each individual who applies to teach in or serve as an administrator of the private school prior to extending an offer of employment to that individual.

3. A participating private school may not employ a person as a teacher or administrator or contract with the person to serve as a teacher or administrator if the person would not be eligible to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 45. 118.60 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 **(10)** (a) 3. Failed to refund to the state any overpayment made under s. 118.60 (4) (b), 2011 stats., or s. 118.60 (4) (bg), 2011 stats., or under sub. (4) ~~(bg)~~ (bd) or (4m) by the date specified by department rule.

SECTION 46. 118.60 (10) (a) 7. of the statutes is amended to read:

118.60 **(10)** (a) 7. Violated sub. (7) (b) 3m., 4., 5., ~~or~~ 6., or 9.

SECTION 47. 118.60 (10) (a) 9. of the statutes is created to read:

118.60 **(10)** (a) 9. Violated s. 118.016, 118.19 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

SECTION 48. 118.60 (10) (a) 10. of the statutes is created to read:

118.60 **(10)** (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

SECTION 49. 118.60 (10) (bg) of the statutes is created to read:

118.60 **(10)** (bg) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the owner of the private school would not be eligible or permitted to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 50. 118.60 (10) (br) of the statutes is created to read:

118.60 **(10)** (br) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the private school has failed to comply with the requirements under sub. (7) (i) 1. or 2. or if the private school employs an individual in contravention of the prohibitions under sub. (7) (i) 3.

SECTION 51. 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 52. 118.60 (11) (d) of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 53. 119.23 (2) (a) 1. a. of the statutes is amended to read:

119.23 **(2)** (a) 1. a. ~~The~~ Except as provided in subd. 1. am., the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. The

family income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases, including a pupil who attended a private school under this section in the 2010–11 school year and whose family income has increased, may continue to attend a private school under this section.

SECTION 54. 119.23 (2) (a) 1. am. of the statutes is created to read:

119.23 **(2)** (a) 1. am. Beginning in the 2013–14 school year, the pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.85 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. The family income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases above the income level in this subd. 1. am. may continue to attend a private school under this section.

SECTION 55. 119.23 (2) (a) 6m. of the statutes is created to read:

119.23 **(2)** (a) 6m. All instructional staff employed by the private school hold a license or permit to teach issued by the department. For purposes of this subdivision, "instructional staff" has the meaning given in the rules promulgated by the department under s. 121.02 (1) (a) 2.

SECTION 56. 119.23 (2) (a) 9. of the statutes is created to read:

119.23 **(2)** (a) 9. The private school has been in operation for the attendance of pupils for at least 2 school years.

SECTION 57. 119.23 (2) (a) 10. of the statutes is created to read:

119.23 **(2)** (a) 10. The private school is located in this state.

SECTION 58. 119.23 (2) (c) of the statutes is amended to read:

119.23 **(2)** (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to have a bachelor's degree or hold a license or permit to teach issued by the department.

2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to have a bachelor's degree or hold a license or permit to teach issued by the department.

SECTION 59. 119.23 (2) (d) of the statutes is created to read:

119.23 **(2)** (d) No more than 49 percent of a private school's enrollment may consist of pupils attending the private school under this section.

SECTION 60. 119.23 (4) (bd) (intro.) of the statutes is created to read:

119.23 **(4)** (bd) (intro.) Upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the private school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

SECTION 61. 119.23 (4) (bd) 1. of the statutes is created to read:

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

SECTION 62. 119.23 (4) (bd) 2. and 3. of the statutes are created to read:

119.23 **(4)** (bd) 2. The average of the tuition paid by a pupil attending the private school, but not under the program under this section or the program under s. 118.60, in the current and 2 preceding school years.

3. $6,442.

SECTION 63. 119.23 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is repealed.

SECTION 64. 119.23 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 65. 119.23 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 66. 119.23 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 67. 119.23 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 68. 119.23 (4) (d) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(4)** (d) (intro.) In determining a private school's operating and debt service cost per pupil under par. ~~(bg)~~ (bd) 1., the department shall do all of the following, but may not determine separate costs for pupils enrolled in grades kindergarten to 8 and for pupils enrolled in grades 9 to 12:

SECTION 69. 119.23 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(4)** (d) 2. If legal title to the private school's buildings and premises is held in the name of the private school's parent organization or other related party, there is no other mechanism to include the private school's facilities costs in the

calculation of its operating and debt service cost, and the private school requests that the department do so, include an amount equal to 10.5 percent of the fair market value of the school and its premises. ~~If legal title to the private school's buildings and premises is held in the name of the private school's parent organization or other related party but the private school was not permitted to include an amount equal to 10.5 percent of the fair market value of the school and its premises in the 2012–13 school year, the private school may, beginning on July 2, 2013, request the department to include that amount.~~ A request made by a private school under this subdivision remains effective in subsequent school years and may not be withdrawn by the private school.

SECTION 70. 119.23 (4m) of the statutes, as affected by 2013 Wisconsin Act 20, is repealed and recreated to read:

119.23 **(4m)** In addition to the payment under sub. (4), the state superintendent shall pay to each private school participating in the program under this section, on behalf of the parent or guardian of each pupil attending the private school under this section, in the manner described in sub. (4) (c), the amount determined as follows:

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

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

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

SECTION 71. 119.23 (4r) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(4r)** (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by 0.616.

SECTION 72. 119.23 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(7)** (am) 1. An independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) ~~(bg)~~ (bd) 1. The audit under this subdivision shall be limited in scope to those records that are necessary for the department to make payments under subs. (4) and (4m). The auditor shall conduct his or her audit, including determining sample sizes and evaluating financial viability, in accordance with the auditing standards established by the American Institute of Certified Public Accountants. The department may not require an auditor to comply with standards that exceed the scope of the standards established by the American Institute of Certified Public Accountants. If a private school participating in the program under this section also accepts pupils under s. 118.60, the private school may submit one comprehensive financial audit to satisfy the requirements of this subdivision and s. 118.60 (7) (am) 1. The private school shall include in the comprehensive financial audit the information specified under s. 118.60 (7) (am) 1.

SECTION 73. 119.23 (7) (b) 3m. of the statutes is amended to read:

119.23 **(7)** (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each month at which members of the governing body of the private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the private school or attending the private school may meet and communicate with the members of the governing body. The meetings shall be open to the public. The

private school shall, within 30 days after the start of the school term, notify the department in writing of the scheduled meeting dates and shall, at least 30 days before the scheduled meeting date, notify in writing each pupil, or the parent or guardian of each minor pupil, applying to attend the private school or attending the private school of the meeting date, time, and place. The private school shall provide notice of the meetings in the manner provided in s. 19.84.

SECTION 74. 119.23 (7) (b) 9. of the statutes is created to read:

119.23 **(7)** (b) 9. Permit public inspection and copying of any record, as defined in s. 19.32 (2), of the private school to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, a school board under subch. II of ch. 19. This subdivision applies only to records that relate to pupils attending the private school under this section.

SECTION 75. 119.23 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(7)** (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's current certificate of occupancy issued by the municipality within which the school is located. If the private school moves to a new location, the private school shall submit a copy of the new certificate of occupancy issued by the municipality within which the school is located to the department before the attendance of pupils at the new location and before the next succeeding date specified in s. 121.05 (1) (a).

c. If the 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 or a letter or form from the municipality within which the private school is located that explains that the municipality does not issue certificates of occupancy.

A ~~temporary certificate of occupancy does not meet the requirement of this subdivision~~ private school to which this subd. 1. c. applies shall annually obtain a building inspection of the school building.

SECTION 76. 119.23 (7) (d) 1. d. of the statutes is created to read:

119.23 **(7)** (d) 1. d. A temporary certificate of occupancy does not satisfy the requirements of this subdivision.

SECTION 77. 119.23 (7) (i) of the statutes is created to read:

119.23 **(7)** (i) 1. Each private school participating in the program under this section shall annually conduct state and federal background checks of all teachers and administrators employed by the private school on the effective date of this subdivision .... [LRB inserts date].

2. Beginning on the effective date of this subdivision .... [LRB inserts date], each private school participating in the program under this section shall annually conduct state and federal background checks of each individual who applies to teach in or serve as an administrator of the private school prior to extending an offer of employment to that individual.

3. A participating private school may not employ a person as a teacher or administrator or contract with the person to serve as a teacher or administrator if the person would not be eligible to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 78. 119.23 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 **(10)** (a) 3. Failed to refund to the state any overpayment made under s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) ~~(bg)~~ (bd) or (4m) by the date specified by department rule.

SECTION 79. 119.23 (10) (a) 7. of the statutes is amended to read:

119.23 **(10)** (a) 7. Violated sub. (7) (b) 3m., 4., 5., ~~or~~ 6., or (9).

SECTION 80. 119.23 (10) (a) 9. of the statutes is created to read:

119.23 **(10)** (a) 9. Violated s. 118.016, 118.19 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

SECTION 81. 119.23 (10) (a) 10. of the statutes is created to read:

119.23 **(10)** (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

SECTION 82. 119.23 (10) (bg) of the statutes is created to read:

119.23 **(10)** (bg) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the owner of the private school would not be eligible or permitted to be employed, licensed, or permitted for any of the reasons specified under s. 115.31 (2g) or (6m) or 115.315.

SECTION 83. 119.23 (10) (br) of the statutes is created to read:

119.23 **(10)** (br) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that the private school has failed to comply with the requirements under sub. (7) (i) 1. or 2. or if the private school employs an individual in contravention of the prohibitions under sub. (7) (i) 3.

SECTION 84. 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 85. 119.23 (11) (d) of the statutes, as created by 2013 Wisconsin Act 20, is repealed.

SECTION 86. 120.13 (1) (i) of the statutes is created to read:

120.13 **(1)** (i) The department shall promulgate rules establishing a procedure for the expulsion of pupils attending a private school under s. 118.60 or 119.23 by the governing body of the private school. The rules shall adhere as closely as feasible to the provisions applicable to public school pupils under this subsection.

SECTION 87. Effective date.

(1) This act takes effect on July 1, 2014.

(END)

INSERT 7–12

SECTION 1. 118.016 (1) (b) of the statutes is created to read:

118.016 **(1)** (b) In the 2014–15 school year, the governing body of each private school participating in a parental choice program under s. 118.60 or 119.23 shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in 4–year–old kindergarten to first grade in the private school for reading readiness. Beginning in the 2015–16 school year, the governing body of each private school participating in a parental choice program under s. 118.60 or 119.23 shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in 4–year–old kindergarten to second grade in the private school for reading readiness. This paragraph applies only to pupils attending the school under s. 118.60 or 119.23.