

**2013 DRAFTING REQUEST**

**Bill**

Received: **7/26/2013** Received By: **tkuczens**  
Wanted: **As time permits** Same as LRB:  
For: **John Lehman (608) 266-1832** By/Representing: **Beau Stafford**  
May Contact: Drafter: **tkuczens**  
Subject: **Education - choice programs** Addl. Drafters:  
Extra Copies: **pg, flk**

Submit via email: **YES**  
Requester's email: **Sen.Lehman@legis.wisconsin.gov**  
Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Misc. provisions related to private schools participating in a parental choice program

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**Instructions:**

From 2013 LRBb0742

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**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 8/10/2013			_____			
/P1	tkuczens 8/22/2013	evinz 8/22/2013	rschluet 8/23/2013	_____	lparisi 8/14/2013		State
/1	tkuczens 8/26/2013	evinz 8/26/2013	jfrantze 8/27/2013	_____	sbasford 8/23/2013		State

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12				_____	sbasford 8/27/2013	srose 8/27/2013	State

FE Sent For:



A+  
Intro.

<END>

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**Instructions:**

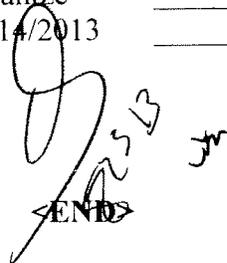
From 2013 LRBb0742

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8/22/13  
  
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/?	tkuczens	1pl eeV 8/13/13	AW/p	8/14			

FE Sent For:

<END>

## Kuczenski, Tracy

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**From:** Stafford, Beau  
**Sent:** Tuesday, July 30, 2013 10:02 AM  
**To:** Kuczenski, Tracy  
**Cc:** Grant, Peter; McCarthy, Tom  
**Subject:** RE: Voucher Accountability Bill

Tracy –

Yesterday we noticed that the substitute amendment did not cover Corporal Punishment for voucher schools. Can we make sure to add the requirement for voucher schools to abide by 118.31 too?

Thanks!

## Beau Stafford

Chief of Staff  
Office of Senator John Lehman  
21<sup>st</sup> Senate District  
5 South  
608-266-1832  
[Beau.stafford@legis.wisconsin.gov](mailto:Beau.stafford@legis.wisconsin.gov)

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**From:** Kuczenski, Tracy  
**Sent:** Thursday, July 25, 2013 2:41 PM  
**To:** Stafford, Beau  
**Cc:** Grant, Peter  
**Subject:** RE: Voucher Accountability Bill

Hi Beau –

I will take care of this request. Unfortunately, I'm not sure I can have it done for introduction by next Wednesday: I will be out of the office next week and have some drafts to wrap up before then. But I'll get as much done before I leave as I can.

Tracy

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

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**From:** Stafford, Beau  
**Sent:** Thursday, July 25, 2013 2:18 PM  
**To:** Kuczenski, Tracy  
**Cc:** Grant, Peter  
**Subject:** Voucher Accountability Bill

Tracy –

We would like to get the voucher accountability amendment (LRB-b0742/1) drafted as an introducible bill? The only change we would like to make is in regards to the open records request for pupil data. The substitute amendment

passed by the Assembly changed how DPI can release pupil data. We would like to allow DPI to release any data they see fit for the voucher program participants.

John would like to be able to introduce this bill on August 1<sup>st</sup>, but I understand if this takes a little longer. Let me know if anything is unclear.

Thanks Tracy!

**Beau Stafford**

Chief of Staff

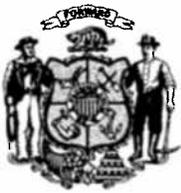
Office of Senator John Lehman

21<sup>st</sup> Senate District

5 South

608-266-1832

[Beau.stafford@legis.wisconsin.gov](mailto:Beau.stafford@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-27857 P1  
PG&TKK: +: ...  
d-note  
insert  
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAJ  
xref J

8/10/13 As soon as possible

Pugh V

gen cat

1 AN ACT <sup>gen cat</sup>; relating to: accountability provisions for private schools participating  
2 in a parental choice program and requiring the exercise of rule-making  
3 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 state-wide parental choice program (parental choice programs). E

**Family income for pupil eligibility**

three

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 3 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 school year, no pupil whose family income exceeds 1.75 times the federal poverty level may attend a participating

8

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 ~~between K-8~~ <sup>from  $\Delta$  to  $\Delta$</sup>  and also in any grade ~~between 9-12~~ <sup>from</sup>, current law prohibits the department from determining separate educational costs for pupils enrolled in grades K-8 and for pupils enrolled in grades 9-12. 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 ~~between K-8~~ <sup>from</sup> 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 ~~between 9-12~~ <sup>to</sup> by the maximum payment amount for those grades; (c) adding those ~~two~~ <sup>from</sup> amounts ~~together~~ <sup>to  $\Delta$</sup> ; 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.

### ***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.

**Reporting of participating pupil data in the state-wide student information system and annual reporting of the performance of participating private schools in the state-wide school accountability reports**

Prior to the enactment of Act 20, the department was required to establish a student information system (SIS) to be used beginning in the 2012-13 school year. The SIS would be used to collect information about pupils enrolled in public schools, including their academic performance and demographic information, aggregated by school district, school, and teacher. Act 20 requires the department to develop, instead, a proposal for a multiple-vendor SIS and to submit the multiple-vendor SIS proposal for approval, disapproval, or modification to the Joint Committee on Finance. If the multiple-vendor SIS proposal is approved, the department must ensure that information about pupils enrolled in private schools participating in a parental choice program (participating private schools) and in charter schools is included in the SIS.

Act 20 also requires the department to annually publish a school and school district accountability report in which the department places each school in one of five performance categories based on certain measures, including pupil achievement and college and career readiness. Under Act 20, the department must include independent charter schools and participating private schools in the accountability report beginning one year after those schools begin using the multi-vendor SIS, if the multi-vendor SIS is established.

This bill requires the department to include participating private schools in the accountability report beginning in the 2014-15 school year, regardless of whether the multi-vendor SIS is established. The bill also requires a participating private school that is placed in either of the 2 lowest performance categories for two consecutive years to contract with a public or private entity to develop a corrective action plan, to implement the corrective action plan, and to make, at minimum, the following level of progress under the action plan: SIX

1. Within 3 school years, increase the numeric score used as the basis for the school's performance category placement by 6 points over the score received in the year in which the corrective action plan requirement was triggered.

2. Within 5 school years, improve by one performance category over the performance category received in the year in which the corrective action plan requirement was triggered.

3. Within 7 school years, improve the numeric score used as the basis for performance category placement to the extent that the school is placed in one of the top three performance categories.

The state superintendent must bar a private school that develops a corrective action plan but fails to make the progress required under the bill from participating in a parental choice 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

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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<sup>^</sup> 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.

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<sup>^</sup> 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:*

Insert  
6-1

1           SECTION 1. 115.385<sup>x</sup> (2) of the statutes, as created by 2013 Wisconsin Act 20, is  
2 amended to read:

3           115.385 (2) Beginning one year after a charter school established under s.  
4 118.40 (2r) ~~or a private school participating in a parental choice program under s.~~  
5 ~~118.60 or 119.23~~ begins using the student information system under s. 115.28 (12)  
6 (b), or begins using a system that is interoperable with that system, the department  
7 shall include the school in its annual school accountability report under sub. (1).

8           SECTION 2. 115.385<sup>v</sup> (3) of the statutes is created to read:

9           115.385 (3) Beginning in the 2014-15 school year, the department shall include  
10 in its annual school accountability report under sub. (1) each private school  
11 participating in a parental choice program under s. 118.60<sup>v</sup> or 119.23<sup>v</sup>.

12           SECTION 3. 118.016<sup>x</sup> (1) of the statutes, as affected by 2013 Wisconsin Act 20,  
13 is amended to read:

14           118.016 (1) In the 2013-14 school year, each school board and the governing  
15 body of each charter school established under s. 118.40 (2r) and of each private school  
16 participating in a parental choice program under s. 118.60<sup>v</sup> or 119.23<sup>v</sup> shall, using the  
17 appropriate, valid, and reliable assessment of literacy fundamentals selected by the

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

Insert  
7-13A  
7-13B

History: 2011 a. 166.

13 **SECTION 4.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and  
 14 amended to read:

15 118.31 (1) (intro.) In this section, ~~“corporal~~:

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

History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

22 **SECTION 5.** 118.31 (1) (b) of the statutes is created to read:

## SECTION 5

1           118.31 (1) (b) "Private school" means a private school, as defined in s. 115.001  
2           (3r), that is participating in any parental choice program under ss. 118.60 and  
3           119.23.

4           **SECTION 6.** 118.31 (2) of the statutes is amended to read:

5           118.31 (2) Except as provided in sub. (3), no official, employee, or agent of a  
6           school board or of a private school may subject a pupil enrolled in the school district  
7           or in the private school to corporal punishment.

8           History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

8           **SECTION 7.** 118.31 (3) (intro.) of the statutes is amended to read:

9           118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or  
10           agent of a school board or of a private school from:

11           History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

11           **SECTION 8.** 118.31 (4) of the statutes is amended to read:

12           118.31 (4) Each school board and each private school shall adopt a policy that  
13           allows any official, employee, or agent of the school board or private school to use  
14           reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining  
15           whether or not a person an official, employee, or agent of a school board or of a private  
16           school was acting within the exceptions in sub. (3), deference shall be given to  
17           reasonable, good faith judgments made by an the official, employee, or agent of a  
18           school board.

19           History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

19           **SECTION 9.** 118.31 (5) of the statutes is amended to read:

20           118.31 (5) Except as provided in s. 939.61 (1), this section does not create a  
21           separate basis for civil liability of a school board or of a private school or their  
22           officials, employees or agents of an official, employee, or agent of the school board or  
23           private school for damages arising out of claims involving allegations of improper or

1 unnecessary use of force by a school employees official, employee, or agent against  
2 students a pupil.

3 History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

SECTION 10. 118.31 (6) of the statutes is amended to read:

4 118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect any  
5 action taken by an official, employee, or agent of a school board or private school with  
6 regard to a person who is not a pupil enrolled in the school district or in the private  
7 school.

8 History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

SECTION 11. 118.60 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin

9 Act 20, is amended to read:

10 118.60 (2) (a) (intro.) Any pupil in grades kindergarten to 12 who resides within  
11 an eligible school district may attend any private school under this section and,  
12 subject to pars. (be), ~~(bm)~~, and (bs), any pupil in grades kindergarten to 12 who  
13 resides in a school district, other than an eligible school district or a 1st class city  
14 school district, may attend any private school under this section if all of the following  
15 apply:

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

16 SECTION 12. 118.60 (2) (a) 1. a. of the statutes, as affected by 2013 Wisconsin

17 Act 20, is amended to read:

18 118.60 (2) (a) 1. a. Except as provided in par. ~~(bm)~~ subd. 1. am., the pupil is a  
19 member of a family that has a total family income that does not exceed an amount  
20 equal to 3.0 times the poverty level determined in accordance with criteria  
21 established by the director of the federal office of management and budget. In this  
22 subdivision and sub. (3m), family income includes income of the pupil's parents or  
23 legal guardians. The family income of the pupil shall be verified as provided in subd.

Insert  
9-8

1 1. b. A pupil attending a private school under this section whose family income  
2 increases may continue to attend a private school under this section.

**History:** 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).  
**History:** g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

3 **SECTION 13.** 118.60 (2) (bm) of the statutes, as created by 2013 Wisconsin Act  
4 20, is repealed.

5 **SECTION 14.** 118.60 (4) (bd) 1. of the statutes is created to read:

6 118.60 (4) (bd) 1. The amount equal to the private school's operating and debt  
7 service cost per pupil that is related to educational programming, as determined by  
8 the department.

9 **SECTION 15.** 118.60 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act  
10 20, is repealed.

11 **SECTION 16.** 118.60 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act  
12 20, is repealed.

13 **SECTION 17.** 118.60 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act  
14 20, is repealed.

15 **SECTION 18.** 118.60 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act  
16 20, is repealed.

17 **SECTION 19.** 118.60 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act  
18 20, is repealed.

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

21 118.60 (4) (d) (intro.) In determining a private school's operating and debt  
22 service cost per pupil under par. (bg) (bd) 1., the department shall do all of the

10-3A  
10-3B  
10-3C  
10-3D  
10-5A  
10-5B  
10-5C  
10-5D  
10-9

1 following, but may not determine separate costs for pupils enrolled in grades  
2 kindergarten to 8 and for pupils enrolled in grades 9 to 12:

**History:** 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

**History:** g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

3 **SECTION 21.** 118.60 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act  
4 20, is amended to read:

5 118.60 (4) (d) 2. If legal title to the private school's buildings and premises is  
6 held in the name of the private school's parent organization or other related party,  
7 there is no other mechanism to include the private school's facilities costs in the  
8 calculation of its operating and debt service cost, <sup>(plan)</sup> and the private school requests that  
9 the department do so, include an amount equal to 10.5 percent of the fair market  
10 value of the school and its premises. ~~If legal title to the private school's buildings and~~  
11 ~~premises is held in the name of the private school's parent organization or other~~  
12 ~~related party but the private school was not permitted to include an amount equal~~  
13 ~~to 10.5 percent of the fair market value of the school and its premises in the 2012-13~~  
14 ~~school year, the private school may, beginning on July 2, 2013, request the~~  
15 ~~department to include that amount.~~ A request made by a private school under this  
16 subdivision remains effective in subsequent school years and may not be withdrawn  
17 by the private school.

**History:** 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

**History:** g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

18 **SECTION 22.** 118.60 (4m) of the statutes, as affected by 2013 Wisconsin Act 20,  
19 is repealed and recreated to read:

20 118.60 (4m) In addition to the payment under sub. (4) the state superintendent  
21 shall pay to each private school participating in the program under this section, on  
22 behalf of the parent or guardian of each pupil attending the private school under this  
23 section, in the manner described in sub. (4) (c), the amount determined as follows:

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

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

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

7 **SECTION 23.** 118.60 (4r) (a) of the statutes, as affected by 2013 Wisconsin Act  
8 20, is amended to read:

9 118.60 (4r) (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by  
10 0.616.

**History:** 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

**History:** g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

11 **SECTION 24.** 118.60 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin  
12 Act 20, is amended to read:

13 118.60 (7) (am) 1. An independent financial audit of the private school  
14 conducted by an independent certified public accountant, accompanied by the  
15 auditor's statement that the report is free of material misstatements and fairly  
16 presents pupil costs under sub. (4) ~~(bg)~~ (bd) 1. The audit under this subdivision shall  
17 be limited in scope to those records that are necessary for the department to make  
18 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
19 including determining sample sizes and evaluating financial viability, in accordance  
20 with the auditing standards established by the American Institute of Certified  
21 Public Accountants. The department may not require an auditor to comply with  
22 standards that exceed the scope of the standards established by the American  
23 Institute of Certified Public Accountants. If a private school participating in the  
24 program under this section also accepts pupils under s. 119.23, the private school

1 may submit one comprehensive financial audit to satisfy the requirements of this  
2 subdivision and s. 119.23 (7) (am) 1. The private school shall include in the  
3 comprehensive financial audit the information specified under s. 119.23 (7) (am) 1.

Insert  
13-4

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).  
History: g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

4 SECTION 25. 118.60 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin  
5 Act 20, is amended to read:

6 118.60 (7) (d) 1. b. A Except as provided in subd. 1. c., a copy of the school's  
7 current certificate of occupancy issued by the municipality within which the school  
8 is located. If the private school moves to a new location, the private school shall  
9 submit a copy of the new certificate of occupancy issued by the municipality within  
10 which the school is located to the department before the attendance of pupils at the  
11 new location and before the next succeeding date specified in s. 121.05 (1) (a).

12 c. If the municipality within which the private school is located does not issue  
13 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy  
14 issued by the local or regional governmental unit with authority to issue certificates  
15 of occupancy or a letter or form from the municipality within which the private school  
16 is located that explains that the municipality does not issue certificates of occupancy.  
17 ~~A temporary certificate of occupancy does not meet the requirement of this~~  
18 ~~subdivision private school to which this subd. 1. c. applies shall annually obtain a~~  
19 building inspection of the school building.

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).  
History: g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

20 SECTION 26. 118.60 (7) (d) 1. d. of the statutes is created to read:

21 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
22 requirements of this subdivision.

Insert  
14-1

SECTION 27. 118.60 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act

2 20, is amended to read:

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

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

Insert  
14-6

6 SECTION 28. 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act

7 20, is amended to read:

8 118.60 (10) (c) Whenever the state superintendent issues an order under par.  
9 (a), (am), (ar), or (b), (bg), (br), or (bu), he or she shall immediately notify the parent  
10 or guardian of each pupil attending the private school under this section.

History: 2011 a. 32, 47, 215; s. 35.17 correction in (4) (d) (intro.).

History: g the program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

11 SECTION 29. 118.60 (11) (d) of the statutes, as created by 2013 Wisconsin Act

12 20, is repealed.

Insert  
14-13A  
14-13B  
14-13C  
14-13D  
14-13E

13 SECTION 30. 119.23 (4) (bd) 1. of the statutes is created to read:

14 119.23 (4) (bd) 1. The amount equal to the private school's operating and debt  
15 service cost per pupil that is related to educational programming, as determined by  
16 the department.

Insert  
14-17

17 SECTION 31. 119.23 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act

18 20, is repealed.

19 SECTION 32. 119.23 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act

20 20, is repealed.

21 SECTION 33. 119.23 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act

22 20, is repealed.

1           **SECTION 34.** 119.23 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act  
2   20, is repealed.

3           **SECTION 35.** 119.23 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act  
4   20, is repealed.

5           **SECTION 36.** 119.23 (4) (d) (intro.) of the statutes, as affected by 2013 Wisconsin  
6   Act 20, is amended to read:

7           119.23 (4) (d) (intro.) In determining a private school’s operating and debt  
8   service cost per pupil under par. (bg) (bd) 1., the department shall do all of the  
9   following, but may not determine separate costs for pupils enrolled in grades  
10   kindergarten to 8 and for pupils enrolled in grades 9 to 12:

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 17 correction in (4) (d) (intro.).

11           **SECTION 37.** 119.23 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act  
12   20, is amended to read:

13           119.23 (4) (d) 2. If legal title to the private school’s buildings and premises is  
14   held in the name of the private school’s parent organization or other related party,  
15   there is no other mechanism to include the private school’s facilities costs in the  
16   calculation of its operating and debt service cost, and the private school requests that  
17   the department do so, include an amount equal to 10.5 percent of the fair market  
18   value of the school and its premises. ~~If legal title to the private school’s buildings and~~  
19   ~~premises is held in the name of the private school’s parent organization or other~~  
20   ~~related party but the private school was not permitted to include an amount equal~~  
21   ~~to 10.5 percent of the fair market value of the school and its premises in the 2012–13~~  
22   ~~school year, the private school may, beginning on July 2, 2013, request the~~  
23   ~~department to include that amount.~~ A request made by a private school under this

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

**History:** 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. ~~17~~ 17 correction in (4) (d) (intro.).

3 **SECTION 38.** 119.23 (4m) of the statutes, as affected by 2013 Wisconsin Act 20,  
4 is repealed and recreated to read:

5 **119.23 (4m)** In addition to the payment under sub. (4) the state superintendent  
6 shall pay to each private school participating in the program under this section, on  
7 behalf of the parent or guardian of each pupil attending the private school under this  
8 section, in the manner described in sub. (4) (c), the amount determined as follows:

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

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

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

15 **SECTION 39.** 119.23 (~~4r~~) (a) of the statutes, as affected by 2013 Wisconsin Act  
16 20, is amended to read:

17 **119.23 (4r)** (a) Multiply the amount determined under sub. (4) (~~bg~~) (bd) by  
18 0.616.

**History:** 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. ~~17~~ 17 correction in (4) (d) (intro.).

19 **SECTION 40.** 119.23 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin  
20 Act 20, is amended to read:

21 **119.23 (7) (am) 1.** An independent financial audit of the private school  
22 conducted by an independent certified public accountant, accompanied by the  
23 auditor's statement that the report is free of material misstatements and fairly

1 presents pupil costs under sub. (4) ~~(bg)~~ <sup>✓</sup>(bd) 1. The audit under this subdivision shall  
 2 be limited in scope to those records that are necessary for the department to make  
 3 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
 4 including determining sample sizes and evaluating financial viability, in accordance  
 5 with the auditing standards established by the American Institute of Certified  
 6 Public Accountants. The department may not require an auditor to comply with  
 7 standards that exceed the scope of the standards established by the American  
 8 Institute of Certified Public Accountants. If a private school participating in the  
 9 program under this section also accepts pupils under s. 118.60, the private school  
 10 may submit one comprehensive financial audit to satisfy the requirements of this  
 11 subdivision and s. 118.60 (7) (am) 1. The private school shall include in the  
 12 comprehensive financial audit the information specified under s. 118.60 (7) (am) 1.

Insert  
17-13

**History:** 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

13 **SECTION 41.** 119.23 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin  
 14 Act <sup>✓</sup>20, is amended to read:

15 119.23 (7) (d) 1. b. A Except as provided in subd. 1. c., a copy of the school's  
 16 current certificate of occupancy issued by the municipality within which the school  
 17 is located. If the private school moves to a new location, the private school shall  
 18 submit a copy of the new certificate of occupancy issued by the municipality within  
 19 which the school is located to the department before the attendance of pupils at the  
 20 new location and before the next succeeding date specified in s. 121.05 (1) (a).

21 c. If the municipality within which the private school is located does not issue  
 22 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy  
 23 issued by the local or regional governmental unit with authority to issue certificates  
 24 of occupancy or a letter or form from the municipality within which the private school

1 is located that explains that the municipality does not issue certificates of occupancy.  
2 A temporary certificate of occupancy does not meet the requirement of this  
3 subdivision private school to which this subd. 1. c. applies shall annually obtain a  
4 building inspection of the school building. *explain*

*History:* 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

5 SECTION 42. 119.23 (7) (d) 1. d. of the statutes is created to read:

6 119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
7 requirements of this subdivision.

8 SECTION 43. 119.23 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act  
9 20, is amended to read:

10 119.23 (10) (a) 3. Failed to refund to the state any overpayment made under  
11 s. 119.23 (4) (b), 2001 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) (bg)  
12 (bd) or (4m) by the date specified by department rule.

*History:* 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

13 SECTION 44. 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act  
14 20, is amended to read:

15 119.23 (10) (c) Whenever the state superintendent issues an order under par.  
16 (a), (am), (ar), or (b), (bg), (br), or (bu), he or she shall immediately notify the parent  
17 or guardian of each pupil attending the private school under this section.

*History:* 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

18 SECTION 45. 119.23 (11) (d) of the statutes, as created by 2013 Wisconsin Act  
19 20, is repealed.

20 SECTION 46. Effective dates. This act takes effect on the day after publication,  
21 except as follows:

Insert  
18-8

Insert  
18-13

Insert  
18-20





**SENATE AMENDMENT 8,  
TO ASSEMBLY BILL 40**

June 20, 2013 - Offered by Senators LEHMAN, WIRCH, RISSER, MILLER, SHILLING,  
HARRIS, VINEHOUT, ERPENBACH, HANSEN, LASSA and C. LARSON.

1 At the locations indicated, amend the bill, as shown by assembly substitute  
2 amendment 1, as follows:

3 **1.** Page 961, line 16: after that line insert:

Begin  
Insert  
6-1

4 ~~SECTION 17.00m.~~ SECTION 115.28 (7) (b) of the statutes is amended to read:

5 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
6 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the  
7 state superintendent shall grant ~~certificates and~~ licenses to teachers in private  
8 schools and tribal schools, except that teaching experience requirements for such  
9 ~~certificates and~~ licenses may be fulfilled by teaching experience in public, private,  
10 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the  
11 state superintendent finds that the private school or tribal school in which the  
12 applicant taught offered an adequate educational program during the period of the  
13 applicant's teaching therein. Private Except for a private school participating in a

as provided in sso 118060(2)(a) 6m0 and  
119023(2)(a) 6m0\*

End  
Insert  
6-1

(1) parental choice program under s. 118.60 or 119.23, private schools are not obligated  
(2) to employ only licensed or certified teachers.

3 **2.** Page 966, line 22: delete that line.  
4 **3.** Page 966, line 23: delete "119.23".  
5 **4.** Page 966, line 25: after that line insert:

(6) ~~(3) Beginning in the 2014-15 school year, the department shall include in its  
7 annual school accountability report under sub. (1) each private school participating  
(8) in a parental choice program under s. 118.60 or 119.23.~~

(9) **5.** Page 968, line 8: after "(2r)" insert "and of each private school participating  
10 in a parental choice program under s. 118.60 or 119.23".

11 **6.** Page 968, line 11: after "charter" insert "or private".

12 **7.** Page 968, line 13: after "(2r)" insert "and of each private school participating  
13 in a parental choice program under s. 118.60 or 119.23".

14 **8.** Page 968, line 16: after "readiness." insert "For a private school, this  
15 subsection applies only to pupils attending the school under s. 118.60 or 119.23".

16 **9.** Page 968, line 18: after that line insert:

Begin  
Insert  
2-13A

(17) ~~SECTION 115m.~~ 118.016 (1g), (1r) and (2) of the statutes are amended to read:

18 118.016 (1g) If a pupil is enrolled in a special education program under subch.  
19 V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r)  
20 or private school under s. 118.60 or 119.23 shall comply with s. 115.77 (1m) (bg).

21 (1r) The school board or governing body of the charter or private school shall  
22 report the results of a pupil's assessment under sub. (1) to the pupil's parent or  
23 guardian.

Continue  
Insert  
7-13A



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

5 **10.** Page 968, line 25: after that line insert:

6 ~~SECTION 17.56m.~~ 118.19 (1) of the statutes is amended to read:

7 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach  
8 in a public school, including a charter school, in a private school participating in a  
9 parental choice program under s. 118.60 or 119.23, or in a school or institution  
10 operated by a county or the state shall first procure a license or permit from the  
11 department.

12 **11.** Page 972, line 3: after that line insert:

13 ~~SECTION 17.59m.~~ 118.30 (5m) of the statutes is amended to read:

14 118.30 (5m) When determining the percentage of pupils participating in the  
15 program under s. 119.23 who performed at designated proficiency levels on the  
16 examinations administered as required under sub. (1s), the department shall  
17 ~~consider only the pupils participating in the program under s. 119.23 to whom the~~  
18 ~~examinations were administered at each grade level, and shall not~~ exclude from  
19 consideration those pupils participating in the program under s. 119.23 who were  
20 excused from taking the examinations under sub. (2) (b) 5.

21 ~~SECTION 17.58h.~~ 118.305 (1) (gm) of the statutes is created to read:

22 118.305 (1) (gm) "Pupil" excludes pupils who are attending a private school  
23 participating in a parental choice program under s. 118.60 or 119.23 but not under  
24 the parental choice program.

Continue  
Insert  
7-13A



1 SECTION ~~178k~~. 118.305 (1) (h) of the statutes is amended to read:

2 118.305 (1) (h) "School" means a public school, including a charter school, and  
3 a private school participating in a parental choice program under s. 118.60 or 119.23.

End  
Insert  
9-13A

4 SECTION ~~178L~~. 118.33 (1) (f) 5. of the statutes is created to read:

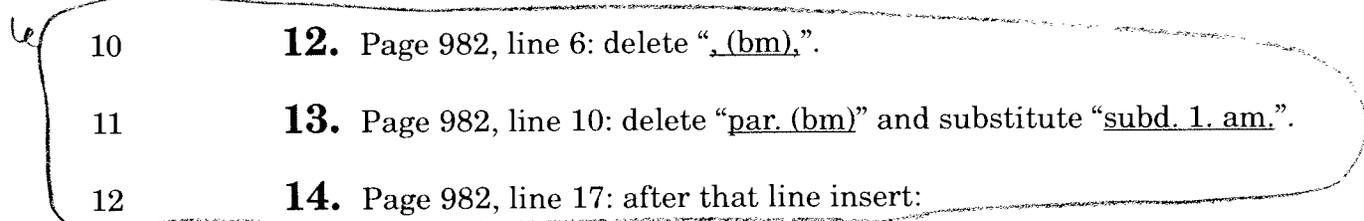
5 118.33 (1) (f) 5. Beginning in the 2015-16 school year, the governing body of  
6 each private school participating in a parental choice program under s. 118.60 or  
7 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting  
8 a high school diploma specified in pars. (a) and (b), with the exceptions provided in  
9 pars. (d) and (e).<sup>e</sup>

Insert  
9-8

10 **12.** Page 982, line 6: delete ", (bm).".

11 **13.** Page 982, line 10: delete "par. (bm)" and substitute "subd. 1. am."

12 **14.** Page 982, line 17: after that line insert:



Begin  
Insert  
10-3A

13 SECTION ~~1849o~~. 118.60 (2) (a) 1. am. of the statutes is created to read:

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

23 **15.** Page 985, line 22: after that line insert:

End  
10-7A

24 SECTION ~~1849m~~. 118.60 (2) (a) 9. of the statutes is created to read:

Begin  
cont 10-3C

1 118.60 (2) (a) 9. The private school has been in operation for the attendance of  
2 pupils for at least 2 school years.

3 ~~SECTION 1843n.~~ 118.60 (2) (a) 10. of the statutes is created to read:

4 118.60 (2) (a) 10. The private school is located in this state.

5 **16.** Page 986, line 12: delete lines 12 to 20, as affected by assembly  
6 amendment 3.

7 **17.** Page 986, line 25: after that line insert:

8 ~~SECTION 1843m.~~ 118.60 (2) (d) of the statutes is created to read:

9 118.60 (2) (d) No more than 49 percent of a private school's enrollment may  
10 consist of pupils attending the private school under this section.

11 **18.** Page 993, line 11: delete the material beginning with that line and ending  
12 with page 996, line 6, as affected by assembly amendment 3, and substitute:

13 ~~SECTION 1843td.~~ 118.60 (4) (b) (intro.) of the statutes is amended to read:

14 118.60 (4) (b) (intro.) ~~Except as provided in par. (bg), upon~~ Upon receipt from  
15 the pupil's parent or guardian of proof of the pupil's enrollment in the private school  
16 during a school term, the state superintendent shall pay to the private school in  
17 which the pupil is enrolled on behalf of the pupil's parent or guardian, from the  
18 appropriation under s. 20.255 (2) (fr), an amount equal to the lesser of the following:

19 **SECTION 1848th.** 118.60 (4) (b) 2. of the statutes is repealed.

20 **SECTION 1848tp.** 118.60 (4) (b) 3. and 4. of the statutes are created to read:

21 118.60 (4) (b) 3. The average of the tuition paid by a pupil attending the private  
22 school, but not under the program under this section or the program under s. 119.23,  
23 in the current and 2 preceding school years.

24 (4) \$6,442.

End Insert 10-30

Insert 10-5B

End 10-5B

Begin 10-5D

End 10-5D

Insert 10-9

End 10-9

4) 30

- 1 SECTION 1848tt. 118.60 (4) (bg) of the statutes is repealed.”
- 2 19. Page 996, line 9: delete “(b) 1.” and substitute “(b) 1.”
- 3 20. Page 996, line 9: delete “(bg)”.
- 4 21. Page 996, line 12: delete lines 12 to 25.
- 5 22. Page 997, line 7: delete lines 7 to 25.
- 6 23. Page 997, line 14: delete “(bg)” and substitute “(b)”.
- 7 24. Page 998, line 11: delete “(b) or (bg)” and substitute “(b) or (bg)”.
- 8 25. Page 999, line 13: delete “(b) 1 (bg)” and substitute “(b) 1”.
- 9 26. Page 1000, line 3: after that line insert:

Begin  
Insert  
13-4

10 SECTION 1855h. 118.60 (7) (b) 9. of the statutes is created to read:  
 11 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined  
 12 in s. 19.32 (2), of the private school to the same extent as required of, and subject to  
 13 the same terms and enforcement provisions that apply to, a school board under  
 14 subch. II of ch. 19. This subdivision applies only to records that relate to pupils  
 15 attending the private school under this section.”

16 27. Page 1000, line 6: after that line insert:

Lib.  
Sort

17 SECTION 1856f. 118.60 (7) (b) 3m. of the statutes is amended to read:  
 18 118.60 (7) (b) 3m. Annually, schedule 2 meetings at least one meeting each  
 19 month at which members of the governing body of the private school will be present  
 20 and at which pupils, and the parents or guardians of pupils, applying to attend the  
 21 private school or attending the private school may meet and communicate with the  
 22 members of the governing body. The meetings shall be open to the public. The  
 23 private school shall, within 30 days after the start of the school term, notify the

13-4 cont

1 department in writing of the scheduled meeting dates and shall, at least 30 days  
 2 before the scheduled meeting date, notify in writing each pupil, or the parent or  
 3 guardian of each minor pupil, applying to attend the private school or attending the  
 4 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. *De*

End  
Insert 13-4

6

5  
 6 **28.** Page 1001, line 8: after "occupancy" insert "and shall annually obtain a  
 7 building inspection of the school building".

8 **29.** Page 1001, line 25: after that line insert:

Begin  
Insert  
14-1



9 **SECTION 1856x.** 118.60 (7) (h) of the statutes is created to read:

10 118.60 (7) (h) A participating private school that is placed in either of the 2  
 11 lowest performance categories on the accountability report issued for the private  
 12 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public  
 13 or private entity to develop a corrective action plan and shall implement the  
 14 corrective action plan for the next school year. The private school shall, at minimum,  
 15 make the following progress under the corrective action plan:

16 1. Within 3 school years, the private school shall increase the numeric score  
 17 used as the basis for the performance categories established under s. 115.385 (1) (b)  
 18 by 6 points over the numeric score received on the accountability report in the school  
 19 year in which the requirement to undertake a corrective action plan was triggered.

20 2. Within 5 school years, the private school shall improve by one performance  
 21 category over the performance category received on the accountability report in the  
 22 school year in which the requirement to undertake a corrective action plan was  
 23 triggered.

14-1  
(cont)

14-1  
(cont)

1 3. Within 7 school years, the private school shall have improved its numeric  
2 scores to the extent that the private school falls within one of the top 3 performance  
3 categories established under s. 115.385 (1) (b).

4 **SECTION 1856m.** 118.60 (7) (i) of the statutes is created to read:

5 118.60 (7) (i) 1. Each private school participating in the program under this  
6 section shall annually conduct state and federal background checks of all teachers  
7 and administrators employed by the private school on the effective date of this  
8 subdivision .... [LRB inserts date].

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

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

End  
14-1

18 **30.** Page 1002, line 3: delete "(b)-or" and substitute "(b) or".

19 **31.** Page 1002, line 4: delete "(bg) or" and substitute "(bg)-or".

20 **32.** Page 1002, line 4: after that line insert:

Begin  
INSEA

21 **SECTION 1857c.** 118.60 (10) (a) 7. of the statutes is amended to read:

22 118.60 (10) (a) 7. Violated sub. (7) (b) 3m, 4., 5., ~~or~~ 6., or 9.

14-6

23 **SECTION 1857cc.** 118.60 (10) (a) 9. of the statutes is created to read:

24 118.60 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, or 118.33 (1) (f) 5.

1180 315

Insert  
14-6  
(cont)

1 SECTION 1857cd. 118.60 (10) (a) 10. of the statutes is created to read:

2 118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i)."

3 **33.** Page 1003, line 10: delete lines 10 to 13 and substitute:

4 SECTION 1857dg. 118.60 (10) (bg) of the statutes is created to read:

5 118.60 (10) (bg) The state superintendent may issue an order immediately  
6 terminating a private school's participation in the program under this section if he  
7 or she determines that the owner of the private school would not be eligible or  
8 permitted to be employed, licensed, or permitted for any of the reasons specified  
9 under s. 115.31 (2g) or (6m) or 115.315.

10 SECTION 1857dh. 118.60 (10) (br) of the statutes is created to read:

11 118.60 (10) (br) The state superintendent may issue an order immediately  
12 terminating a private school's participation in the program under this section if he  
13 or she determines that the private school has failed to comply with the requirements  
14 under sub. (7) (i) 1. or 2. or if the private school employs an individual in  
15 contravention of the prohibitions under sub. (7) (i) 3.

16 SECTION 1857di. 118.60 (10) (bu) of the statutes is created to read:

17 118.60 (10) (bu) The state superintendent shall issue an order barring a private  
18 school from participating in the program under this section if the private school fails  
19 to make progress as required under sub. (7) (h) 1., 2., or 3.

20 SECTION 1857dj. 118.60 (10) (c) of the statutes is amended to read:

21 118.60 (10) (c) Whenever the state superintendent issues an order under par.  
22 (a), (am), or (ar), (b), (bg), (br), or (bu), he or she shall immediately notify the parent  
23 or guardian of each pupil attending the private school under this section."

24 **34.** Page 1004, line 3: after that line insert:

End  
Insert  
14-6

Begin  
Insert  
14-13A

1

~~SECTION 1854g.~~ 119.23 (2) (a) 1. a. of the statutes is amended to read:

2

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.

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~~SECTION 1854m.~~ 119.23 (2) (a) 1. am. of the statutes is created to read:

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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.

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End  
14-13A

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**35.** Page 1007, line 16: after that line insert:

23

24

~~SECTION 1861n.~~ 119.23 (2) (a) 9. of the statutes is created to read:

Begin  
Insert  
14-13C  
(cont)

1 119.23 (2) (a) 9. The private school has been in operation for the attendance of  
2 pupils for at least 2 school years.

3 SECTION 1861~~o~~. 119.23 (2) (a) 10. of the statutes is created to read:

4 119.23 (2) (a) 10. The private school is located in this state. *oe*

5 **36.** Page 1008, line 5: after that line insert:

6 SECTION 1862~~m~~. 119.23 (2) (d) of the statutes is created to read:

7 119.23 (2) (d) No more than 49 percent of a private school's enrollment may  
8 consist of pupils attending the private school under this section. *oe*

9 **37.** Page 1008, line 17: delete the material beginning with that line and  
10 ending with page 1011, line 13, as affected by assembly amendment 3, and  
11 substitute:

12 SECTION 1863~~d~~. 119.23 (4) (b) (intro.) of the statutes is *created* amended to read:

13 119.23 (4) (b) (intro.) *keep* Except as provided in par. (bg), upon *plain* Upon receipt from  
14 the pupil's parent or guardian of proof of the pupil's enrollment in the private school  
15 during a school term, the state superintendent shall pay to the private school in  
16 which the pupil is enrolled on behalf of the pupil's parent or guardian, from the  
17 appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

18 SECTION 1863h. 119.23 (4) (b) 2. of the statutes is repealed.

19 SECTION 1863p. 119.23 (4) (b) 3. and 4. of the statutes are created to read:

20 119.23 (4) (b) 3. The average of the tuition paid by a pupil attending the private  
21 school, but not under the program under this section or the program under s. 118.60,  
22 in the current and 2 preceding school years.

23 4. \$6,442.

24 SECTION 1863t. 119.23 (4) (bg) of the statutes is repealed."

*Insert  
14-13C  
(com)*

*End 14-13C*

*Begin  
14-13 E*

*[scribble]*

*End  
14-13 E*

*[scribble]*

*[scribble]*

*14-17*

*Insert  
14-17*

1           **38.** Page 1011, line 16: delete "(bg)".

2           **39.** Page 1011, line 16: delete "(b) 1." and substitute "(b) 1."

3           **40.** Page 1011, line 19: delete the material beginning with that line and  
4 ending on page 1012, line 7.

5           **41.** Page 1012, line 14: delete the material beginning with that line and  
6 ending on page 1013, line 7.

7           **42.** Page 1013, line 12: delete "(b) or (bg)" and substitute "(b) or (b)".

8           **43.** Page 1014, line 10: delete "(b) 1. (bg)" and substitute "(b) 1."

9           **44.** Page 1015, line 3: after that line insert:

Begin  
Insert  
17-13  
↓

10           ~~SECTION 1873n.~~ SECTION 1873n. 119.23 (7) (b) 3m. of the statutes is amended to read:

11           119.23 (7) (b) 3m. Annually, schedule two meetings at least one meeting each  
12 month at which members of the governing body of the private school will be present  
13 and at which pupils, and the parents or guardians of pupils, applying to attend the  
14 private school or attending the private school may meet and communicate with the  
15 members of the governing body. The meetings shall be open to the public. The  
16 private school shall, within 30 days after the start of the school term, notify the  
17 department in writing of the scheduled meeting dates and shall, at least 30 days  
18 before the scheduled meeting date, notify in writing each pupil, or the parent or  
19 guardian of each minor pupil, applying to attend the private school or attending the  
20 private school of the meeting date, time, and place. The private school shall provide  
21 notice of the meetings in the manner provided in s. 19.84.

22           ~~SECTION 1873o.~~ SECTION 1873o. 119.23 (7) (b) 9. of the statutes is created to read:

1 119.23 (7) (b) 9. Permit public inspection and copying of any record, as defined  
 2 in s. 19.32 (2), of the private school to the same extent as required of, and subject to  
 3 the same terms and enforcement provisions that apply to, a school board under  
 4 subch. II of ch. 19. This subdivision applied only to records that relate to pupils  
 5 attending the private school under this section.

End Insert  
17-13

6 **45.** Page 1015, line 15: after "occupancy" insert "and shall annually obtain  
 7 a building inspection of the school building".  
 8 **46.** Page 1016, line 19: after that line insert:

Begin  
Insert  
18-8

9 ~~SECTION 1875g.~~ 119.23 (7) (h) of the statutes is created to read:  
 10 119.23 (7) (h) A participating private school that is placed in either of the 2  
 11 lowest performance categories on the accountability report issued for the private  
 12 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public  
 13 or private entity to develop a corrective action plan and shall implement the  
 14 corrective action plan for the next school year. The private school shall, at minimum,  
 15 make the following progress under the corrective action plan:

16 1. Within 3 school years, the private school shall increase the numeric score  
 17 used as the basis for the performance categories established under s. 115.385 (1) (b)  
 18 by 6 points over the numeric score received on the accountability report in the school  
 19 year in which the requirement to undertake a corrective action plan was triggered.

20 2. Within 5 school years, the private school shall improve by one performance  
 21 category over the performance category received on the accountability report in the  
 22 school year in which the requirement to undertake a corrective action plan was  
 23 triggered.

Insert  
18-8  
(cont)

1 3. Within 7 school years, the private school shall have improved its numeric  
2 scores to the extent that the private school falls within one of the top 3 performance  
3 categories established under s. 115.385 (1) (b).

4 SECTION ~~1875h~~ 119.23 (7) (i) of the statutes is created to read:

5 119.23 (7) (i) 1. Each private school participating in the program under this  
6 section shall annually conduct state and federal background checks of all teachers  
7 and administrators employed by the private school on the effective date of this  
8 subdivision .... [LRB inserts date].

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

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

End  
Insert  
18-8

- 18 47. Page 1017, line 2: delete "(b) or" and substitute "(b) or".
- 19 48. Page 1017, line 3: delete "(bg) or" and substitute "(bg) or".
- 20 49. Page 1017, line 3: after that line insert:

21 SECTION ~~1876c~~ 119.23 (10) (a) 7. of the statutes is amended to read:

22 119.23 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6. or (9).

23 SECTION ~~1876d~~ 119.23 (10) (a) 9. of the statutes is created to read:

24 119.23 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, or 118.33 (1) (f) 5.

1180315

Begin  
Insert  
18-13

↓  
(cont)

Insert  
18-13  
(cont)

1 SECTION ~~1876e~~<sup>✓</sup>. 119.23 (10) (a) 10. of the statutes is created to read:

2 119.23 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).<sup>✓</sup>

3 **50.** Page 1018, line 10: after that line insert:

4 SECTION ~~1876d~~<sup>✓</sup>. 119.23 (10) (bu) of the statutes is created to read:

5 119.23 (10) (bu) The state superintendent shall issue an order barring a private  
6 school from participating in the program under this section if the private school fails  
7 to make progress as required under sub. (7) (h) 1., 2., or 3.<sup>✓</sup>

8 **51.** Page 1018, line 11: delete lines 11 to 14 and substitute:

9 SECTION ~~1876d~~<sup>✓</sup>. 119.23 (10) (bg) of the statutes is created to read:

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

15 SECTION ~~1876d~~<sup>✓</sup>. 119.23 (10) (br) of the statutes is created to read:

16 119.23 (10) (br) The state superintendent may issue an order immediately  
17 terminating a private school's participation in the program under this section if he  
18 or she determines that the private school has failed to comply with the requirements  
19 under sub. (7) (i) 1. or 2. or if the private school employs an individual in  
20 contravention of the prohibitions under sub. (7) (i) 3.

21 SECTION ~~1876d~~<sup>✓</sup>. 119.23 (10) (c) of the statutes is amended to read:

22 119.23 (10) (c) Whenever the state superintendent issues an order under par.  
23 (a), (am), or (ar), (b), (bg), (br), or (bu), he or she shall immediately notify the parent  
24 or guardian of each pupil attending the private school under this section."

LPS:  
sort

LPS:  
sort

LPS:  
sort

End  
Insert 18-13



**BILL**

**SECTION 1**

6  
1           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
2 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the  
3 state superintendent shall grant ~~certificates and~~ licenses to teachers in private  
4 schools and tribal schools, except that teaching experience requirements for such  
5 ~~certificates and~~ licenses may be fulfilled by teaching experience in public, private,  
6 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the  
7 state superintendent finds that the private school or tribal school in which the  
8 applicant taught offered an adequate educational program during the period of the  
9 applicant's teaching therein. Private Except as provided in ss. 118.60 (2) (a) 6m. and  
10 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed ~~or~~  
11 ~~certified~~ teachers.

12           **SECTION 2.** 118.60 (2) (a) 6m. of the statutes is <sup>✓</sup>created to read:

13           118.60 (2) (a) 6m. All instructional staff employed by the private school hold  
14 a license or permit to teach issued by the department. For purposes of this  
15 subdivision, "instructional staff" has the meaning given in the rules promulgated by  
16 the department under s. 121.02 (1) (a) 2.

17           **SECTION 3.** 118.60 (2) (c) of the statutes is <sup>✓</sup>amended to read:

18           118.60 (2) (c) 1. Notwithstanding par. (a) 6. <sup>✓</sup>and 6m., a teacher employed by a  
19 private school participating in the program under this section who teaches only  
20 courses in rabbinical studies is not required to have a bachelor's degree or hold a  
21 license or permit to teach issued by the department.

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

Begin  
Insert  
10-3B  
  
End  
10-3B  
  
Begin  
Insert  
10-5A  
  
End  
10-5A

**BILL**

Begin  
Insert  
14-13B

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3  
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5  
6

**SECTION 4.** 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.

End  
14-13B

**SECTION 5.** 119.23 (2) (c) of the statutes is amended to read:

Begin  
14-13D

7  
8  
9  
10  
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14

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.

End  
14-13D

**SECTION 6. Effective date.**

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

(END)

4

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2785/P1ins  
PG&TKK:.....

~~X~~ INSERT 7-13B

1 SECTION 1. 118.305 (3) (e) of the statutes is amended to read:

2 118.305 (3) (e) It does not constitute corporal punishment, as defined in s.

3 118.31 (1) <sup>✓</sup>(a).

History: 2011 a. 125, s. 13.92 (1) (bm) 2.

<sup>✓</sup> INSERT 10-5C <sup>✓</sup>

4 SECTION 2. 118.60 (3) (c) of the statutes, as created by 2013 Wisconsin Act <sup>✓</sup>20,

5 is amended to read:

6 118.60 (3) (c) If a participating private school rejects an applicant who resides  
7 in a school district, other than an eligible school district or a 1st class city school  
8 district, because the private school has too few available spaces, the applicant may  
9 transfer his or her application to a participating private school that has space  
10 available. An applicant rejected under this paragraph may, subject to sub. (2) <sup>✓</sup>(a) 1.  
11 am. and (be) ~~and (bm)~~, be admitted to a private school participating in the program  
12 under this section for the following school year.

History: 2011 a. 32, 47, 215; 2013 a. 20; s. 35.17 corrections in (3) (a) (intro.), (4) (d) (intro.).

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

LRB-27857/dn  
PG&TKK:.....

P1  
leev

date

Senator Lehman:

Please carefully review this bill to ensure that it accomplishes your intent. If you are comfortable with the bill as drafted, we will prepare it for introduction.

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