

2013 DRAFTING REQUEST

Bill

Received: 1/6/2013 Received By: tkuczens
Wanted: As time permits Same as LRB:
For: Administration-Budget 266-1037 By/Representing: Hynek
May Contact: Drafter: tkuczens
Subject: Education - choice programs Addl. Drafters:
Extra Copies: pg, ffk

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

Pre Topic:

DOA:.....Hynek, BB0324 -

Topic:

New Parental Choice Program

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 1/10/2013	evinz 1/11/2013		_____			
/P1	tkuczens 1/26/2013	evinz 1/30/2013	jfrantze 1/30/2013	_____	lparisi 1/11/2013		State S&L
/P2	tkuczens 2/8/2013	kfollett 2/8/2013		_____	sbasford 1/30/2013		State S&L

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/P4	tkuczens 2/11/2013	evinz 2/11/2013	phenry 2/11/2013	_____ _____	mbarman 2/11/2013		State S&L
/P5	tkuczens 2/13/2013	jdyer 2/13/2013	jmurphy 2/13/2013	_____ _____	mbarman 2/11/2013		State S&L
/P6				_____ _____	lparisi 2/13/2013		State S&L

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AC 2/13/13 *jm 2/13/13* *jm + jk 2/13*

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1/2 ev 1/21/13
Jb
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ph
Jb 1/30
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Subject: Education - choice programs Addl. Drafters:
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/?	tkuczens	<i>pl 1/11/13 (eev)</i>	<i>pl 1/11/13 eev</i>	_____	_____	_____	_____

FE Sent For:

pmj
1/11/13

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Grant, Peter

From: Hanaman, Cathlene
Sent: Wednesday, January 02, 2013 8:11 AM
To: Grant, Peter; Kuczenski, Tracy; Knepp, Fern
Subject: FW: Statutory Language Drafting Request - BB0324

From: Sara.Hynek@Wisconsin.gov [<mailto:Sara.Hynek@Wisconsin.gov>]
Sent: Friday, December 28, 2012 10:35 AM
To: Hanaman, Cathlene
Cc: Hynek, Sara - DOA; Hynek, Sara - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0324

Biennial Budget: 2013-15

DOA Tracking Code: BB0324

Topic: New Parental Choice Program

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA
Phone: (608) 266-1037
E-mail: Sara.Hynek@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:

Create a new parental choice program.

*School performance report under
C. 115.38*

Eligible districts are those in which a district school received a grade of "fails to meet expectations" on the DPI school report card in any year. If, during any year of eligibility, a district student chooses to enroll in private schools through the choice program, the district becomes a choice district in perpetuity. Any change in report card scoring does not affect its status as a choice district. For the 2013-14 school year, eligibility could be based on either the November 2012 or June 2013 report cards.

During the first year in which a student in an eligible district participates in the program, there shall be a cap of the lower of 250 students or the number of students enrolled in the failing school(s) in the district. For example, in the Whitehall school district, 158 students were enrolled in the failing middle school, so the cap would be 158 for Whitehall.

The same income limitations and other provisions applicable to Milwaukee and Racine would apply.

Attachments: False

year of the current fiscal biennium, for the distribution of aid in that year is no more than 91 percent of the statewide average.

3. The school district is eligible, in the 2nd fiscal year of the current fiscal biennium, to receive aid under s. 121.136.

4. The school district is located in whole or in part in a city of the 2nd class.

(b) "Membership" has the meaning given in s. 121.004 (5).

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

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

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

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

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

(1m) By November 15 of the 2nd fiscal year of each fiscal biennium, the department shall prepare a list that identifies eligible school districts. The department shall post the list on the department's Internet site and shall notify in writing the school district clerk of each eligible school district. A school district that has qualified as an eligible school district under this section on April 20, 2012, shall remain an eligible school district, but no school district may qualify as an eligible school district after April 20, 2012.

(2) (a) Subject to ^{par. (am.) and} (b), any pupil in grades kindergarten to 12 who resides within an eligible school district may attend any private school if all of the following apply:

1. a. 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.

b. The private school submits to the department of public instruction the names, addresses, social security numbers, and other state and federal tax identification numbers, if any, of the pupil's parents or legal guardians that reside in the same household as the pupil, whether and to whom the parents or legal guardians are married, the names of all of the other members of the pupil's family residing in the same household as the pupil, and the school year for which family income is being verified under this subd. 1. b. The department of revenue shall review the information submitted under this subd. 1. b. and shall verify the eligibility or ineligibility of the pupil to participate in the program under this section on the basis of family income. In this subdivision, "family income" means federal adjusted gross income of the parents or legal guardians residing in the same household as the pupil for the tax year preceding the school year for which family income is being verified under this subd. 1. b. or, if not available, for the tax year preceding the tax year preceding the school year for which family income is being verified under this subd. 1. b. Family income for a family in which the pupil's parents are married or in which the pupil's legal guardians are married shall be reduced by \$7,000 before the verification is made under this subd. 1. b. The department of revenue may take no other action on the basis of the

information submitted under this subd. 1. b. If the department of revenue is unable to verify family income or to verify whether the pupil is eligible or ineligible to participate in the program under this section on the basis of family income, the department of revenue shall notify the department of public instruction of this fact and the department of public instruction shall utilize an alternative process, to be established by the department of public instruction, to determine whether the pupil is eligible to participate in the program under this section on the basis of family income. The department of public instruction may not request any additional verification of income from the family of a pupil once the department of revenue has verified that the pupil is eligible to participate in the program under this section on the basis of family income. The department of public instruction shall establish a procedure for determining family income eligibility for those pupils for whom no social security number or state or federal tax identification number has been provided.

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

a. The pupil was enrolled in a public school in an eligible school district in the previous school year.

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

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

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

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

b. For a private school that intends to participate in the program under this section in an eligible school district identified under 2011 Wisconsin Act 32, section 9137 (3u), the private school notified the state superintendent of its intent to participate, and paid the nonrefundable fee set by the department under subd. 3. a. by August 1, 2011. The notice shall specify the number of pupils participating in the program under this section for which the school has space.

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

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

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

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

c. Any teacher employed by the private school on July 1 of the first school year that begins after a school district is identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32, section 9137 (3u), who has been teaching for at least the 5 consecutive years immediately preceding that July 1, and who does not satisfy the requirements under subd. 6. a. on that July 1, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6. a. The department shall promulgate rules to implement this subd. 6. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6. a., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's degree and the anticipated date on which the teacher expects to complete the bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31 of the 5th school year that begins after a school

district is identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32, section 9137 (3u).

7. For a private school that is a first-time participant in the program under this section, and that is not accredited by Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation, the private school obtains preaccreditation by the Institute for the Transformation of Learning at Marquette University, Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, or the diocese or archdiocese within which the private school is located by September 1 before the first school term of participation in the program under this section that begins after August 31, 2011; by August 1 before the first school term of participation in the program under this section that begins in the first school year that begins after a school district is identified as an eligible school district under sub. (1m); or by May 1 if the private school begins participation in the program under this section during summer school. In any school year, a private school may apply for and seek to obtain preaccreditation from only one of the entities enumerated in this subdivision. A private school that fails to obtain accreditation in a school year may apply for and seek to obtain preaccreditation from one of the entities enumerated in this subdivision in the following school year. The private school shall achieve accreditation by Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year in which the private school begins participation in the program under this section. If the private school is accredited under this subdivision, the private school is not required to obtain preaccreditation as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

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

(b) 1. In the first school year that begins after a school district is identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32, section 9137 (3u), no more than 250 pupils, as counted under s. 121.004 (7), may attend private schools under this section. Priority shall be given to pupils who were eligible for a free or reduced-price lunch in the federal school lunch program under 42 USC 1758 (b) in the immediately preceding school year.

2. In the 2nd school year that begins after a school district is identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32, section 9137 (3u), no more than 500 pupils, as counted under s. 121.004 (7), may attend private schools under this section. Priority shall be given to pupils who attended a private school under this section in the immediately preceding school year.

3. Whenever the state superintendent determines that the limit is reached under subd. 1. or 2., he or she shall issue an order prohibiting the participating private schools from accepting additional pupils until he or she determines that the number of pupils attending private schools under this section has fallen below the limit. If the number of pupils attending private schools under this

section falls below the limit under this paragraph, the state superintendent shall issue an order notifying participating private schools that they may begin accepting additional pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to accept additional pupils under this section shall accept pupils as follows:

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

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

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

(c) 1. Notwithstanding par. (a) 6., 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.

2. Notwithstanding par. (a) 6., 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.

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

(b) If the private school rejects an applicant because it 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 be admitted to a private school participating in the program under this section for the following school year, provided that the applicant continues to reside within an eligible school district. The department may not require, in that following school year, the private school to submit financial information regarding the applicant or to verify the eligibility of the applicant to participate in the program under this section on the basis of family income.

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

1. The pupil is enrolled in a grade from kindergarten to 8.

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

(am) 1. Beginning in the 2011-12 school year, a private school participating in the program under this section may recover the cost of providing the following to a pupil participating in the program under this section through reasonable fees in an amount determined by the private school and charged to the pupil, except that no participating private school may retroactively recover any uncollected costs incurred prior to November 19, 2011:

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

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

stand here
(b) (m) new corp.

- c. Musical instruments.
- d. Meals consumed by pupils of the private school.
- e. High school classes that are not required for graduation and for which no credits toward graduation are given.
- f. Transportation.
- g. Before-school and after-school child care.

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

(b) Beginning in the 2011–12 school year, a private school participating in the program under this section may, in addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the pupil tuition in an amount determined by the school if both of the following apply:

1. The pupil is enrolled in a grade from 9 to 12.
2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

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

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

(b) Except as provided in par. (bg), 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:

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

(bg) In the 2011–12 and 2012–13 school years, 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 private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, or \$6,442, whichever is less.

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

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

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

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

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. 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.

3. If immediately prior to July 1, 2011, a private school's operating and debt service costs, as determined by the department, included the amount described in subd. 2., continue to include the amount described in subd. 2. in subsequent school years.

(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).

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

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

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

(5) The state superintendent shall ensure that pupils and parents and guardians of pupils who reside in an eligible school district are informed annually of the private schools participating in the program under this section.

(6) The school board of an eligible school district shall provide transportation to pupils attending a private school under this section if required under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so transported.

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

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

1. The name, address, and telephone number of the private school and the name of one or more contact persons at the school.
2. A list of the names of the members of the private school's governing body and of the private school's shareholders, if any.
3. A notice stating whether the private school is an organization operated for profit or not for profit. If the private school is a nonprofit organization, the private school shall also provide the applicant with a copy of the certificate issued under section 501 (c) (3) of the Internal Revenue Code verifying that the private

school is a nonprofit organization that is exempt from federal income tax.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(am) Each private school participating in the program under this section is subject to uniform financial accounting standards established by the department. Annually by September 1 following a school year in which a private school participated in the pro-

gram under this section, the private school shall submit to the department all of the following:

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) (b) 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.

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

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

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

2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 4.

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

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

3m. Annually, schedule 2 meetings 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 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.

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

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

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

7. a. Except as provided in subd. 7. b., if the private school ceases operating as a private school, immediately transfer all of the progress records of the pupils who attended the school under this section to the school board of the eligible school district within which the pupils reside. The private school shall send written notice to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress records under this subd. 7. a.

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

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

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

(d) By September 1 before the first school term of participation in the program that begins in the 2011–12 school year, by August 1 before the first school term of participation in the program that begins in the 2012–13 school year or any school year thereafter, or by May 1 if the private school begins participating in the program during summer school, each private school participating in the program under this section shall submit to the department all of the following:

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

b. 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). 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. A temporary certificate of occupancy does not meet the requirement of this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) 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 conditions at the private school present an imminent threat to the health or safety of pupils.

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

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

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

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

(b) Notify each private school participating in the program under this section of any proposed changes to the program or to administrative rules governing 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.

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

~~1~~
X-ref

118.60 (1m) → (2)(a) l.c., ~~see~~

7.

(b) 1.

2.

121.08(4)(hr)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1026/2-PI

TKK:.....
Leev
RWR

DOA:.....Hyneck, BB0324 - New Parental Choice Program

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

in 1/10/13

SAI
xref ✓

draft gen

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil living in the city of Milwaukee or an eligible school district (currently, only the Racine Unified School District) may, under a parental choice program, attend a private school at state expense if, among other conditions, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill expands the parental choice program for eligible school districts by making eligible a school district in which at least one school in the district has received a grade of "fails to meet expectations" on a report card issued by DPI. Subsequent to a school receiving a failing grade, the bill requires a pupil enrolled in a public school in that school district to apply to a private school in order to trigger the implementation of a choice program in that school district. The bill does not, however, require the pupil who applies to a private school to be enrolled in a school that received a failing grade.

Under the bill, in the first year in which a school district becomes an eligible school district such that pupils may participate in the choice program, no more than 250 pupils or the total number of pupils enrolled in the school or schools identified as failing, whichever is less, may participate in the choice program from that school district. The participation cap is increased to 500 pupils in the second year in which

a school district participates in the choice program and is eliminated for that school district in any subsequent year. ✓

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

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

1 **SECTION 1.** 118.60 (1) (am) (intro.) of the statutes is amended to read:

2 118.60 (1) (am) (intro.) "Eligible school district" means a school district that,
3 subject to sub. (1m), satisfies all any of the following:

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

4 **SECTION 2.** 118.60 (1) (am) 1g. (intro.) of the statutes is created to read:

5 118.60 (1) (am) 1g. (intro.) Subject to sub. (1m) (a), the school district satisfies
6 all of the following:

7 **SECTION 3.** 118.60 (1) (am) 1. of the statutes is renumbered 118.60 (1) (am) 1g.

8 a.

9 **SECTION 4.** 118.60 (1) (am) 2. of the statutes is renumbered 118.60 (1) (am) 1g.

10 b.

11 **SECTION 5.** 118.60 (1) (am) 3. of the statutes is renumbered 118.60 (1) (am) 1g.

12 c.

13 **SECTION 6.** 118.60 (1) (am) 4. of the statutes is renumbered 118.60 (1) (am) 1g.

14 d.

15 **SECTION 7.** 118.60 (1) (am) 1r. of the statutes is created to read:

16 118.60 (1) (am) 1r. a. At least one public school in the school district receives

17 a grade of ~~fails to meet expectations~~ on a report card issued by the department.

****NOTE: The drafting instructions provide that a school district becomes eligible to participate in the program when any school in the district receives a grade of "fails to meet expectations on the DPI report card in any year." However, school report cards do not exist in the statute. That is, DPI is not required to prepare or distribute report cards for any school or school district. Further, no standards for determining what constitutes a passing or failing grade exist in the statutes. Finally, the grades themselves (such as

“fails to meet expectations” or “achieves expectations” or “exceeds expectations”) do not exist in the statutes.

As a result, it is conceivable that no report cards would ever be prepared to trigger the applicability of this provision. It is also conceivable that, because there are no statutory standards for assigning grades, the benchmarks could be shifted (manipulated) in order to avoid a school receiving a failing grade. Please advise.

****NOTE: Because there is no statutory requirement to prepare a report card, there is no way to know when or how frequently the report cards would be issued. What if the only report card is issued in September or October or, as in this past year, November?

(c) Would a private school that wishes to participate in the program be able to participate in the Fall of the year in which the report card was issued? Or not until the subsequent school year? If the former, will DPI be able to implement the program on such short notice? Will the private school? See, for example, the requirements: for verifying income under s. 118.60 (2) (a) 1.; to adopt academic standards (to be submitted to DPI by August 1 as required under sub. (6) (b) 4.) under sub. (7) (b) 2.; to submit documents under sub. (7) (d); and to be capable of administering examinations under sub. (7) (e), among others.

This will be a recurring issue, and not just an issue for the 2013-14 school year, because the date of any report card is unknowable and may vary from year to year.

****NOTE: The drafting instructions do not explain what “received a grade of fails to meet expectations” means from a eligibility and timing standpoint. For example, what happens if no pupil applies to attend a private school in the year in which a school in the district actually receives a failing grade, but a pupil wishes to apply after a new series of report cards are issued and none of those new report cards identifies a failing school? Will the school district satisfy the requirement under this subdivision 1r. a. because at one time a school in the district receives a failing grade?

Set question mark

- 1 b. At least one pupil enrolled in any public school in the school district
- 2 described under subd. 1r. a. applies to attend a private school.

****NOTE: The drafting instructions, and hence this draft, do not require that the pupil who applies under this subd. 1r. b. actually attends the failing school. That is, once any pupil in the district learns that at least one school in the district has been identified as failing, that pupil may apply to a private school under this subd. 1r. b. and thereby trigger the implementation of the program in that school district - even if the school the pupil attends exceeds expectations. Is that consistent with your intent?

****NOTE: The drafting instructions do not specify when the pupil must apply to the private school. Can the pupil apply to transfer to a private school as soon as any school in the district receives a failing grade? And, if so, would the program kick in at that time, or not until the subsequent school year?

This will be a recurring issue, and not just an issue for the 2013-14 school year.

****NOTE: How will a pupil enrolled in a district with a newly failing school know which private school to apply to? Because no program will exist for a school district that first satisfies the eligibility provision under s. 118.60 (1) (am) 1r. a., no private schools will have identified themselves under s. 118.60 (2) (a) 3. as wishing to participate in the program in that school district. (See also current law s. 118.60 (3) (a))

Although I understand that a pupil could attend any private school in the state, that may not be practical or geographically realistic for some pupils. That is, it is possible that no private schools that a pupil would wish to attend would be interested in

1 118.60 (2) (a) (intro.) Subject to ~~par.~~ pars. (b) and (bm), any pupil in grades
 2 kindergarten to 12 who resides within an eligible school district may attend any
 3 private school if all of the following apply:

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

SECTION 11. 118.60 (2) (a) 3. a. of the statutes is amended to read:

5 118.60 (2) (a) 3. a. Except as provided in ~~subd.~~ subds. 3. b. and 3. c., the private
 6 school notified the state superintendent of its intent to participate in the program
 7 under this section, and paid the nonrefundable fee set by the department as required
 8 under s. 119.23 (2) (a) 3., by February 1 of the previous school year. The notice shall
 9 specify the number of pupils participating in the program under this section for
 10 which the school has space.

11 History: 2011 a. 32, 47, 215; s. 35.17 correction [✓](4) (d) (intro.).

SECTION 12. 118.60 (2) (a) 3. c. of the statutes is [✓]created to read:

12 118.60 (2) (a) 3. c. For a private school that intends to participate in the
 13 program under this [✓]section in an eligible school district identified under ^{sub.}(1m)(b), the
 14 private school notified the state superintendent of its intent to participate, and paid
 15 the nonrefundable fee set by the department under [✓]subd. 3. a. by [what date]. The
 16 notice shall specify the number of pupils participating in the program under this
 17 section from that school district for which the school has space.

****NOTE: This ^{CS}section, like sub. (1m) (b), creates a place[§]holder to be filled in the next draft; in this case, the place[§]holder relates to the time by which a private school that wishes to participate in a choice program in a new eligible school district must notify the department of its intent to participate. This is a different notification question than the question raised in my NOTE under sub. (1) (am) 1r. c., in that a private school that wishes to participate in the program may not be the private school to which a pupil applies.

****NOTE: This will be a recurring issue, not just an issue for the 2013-14 school year; that is, the date specified under ~~this~~ subd. 3. c. will need to apply every time a new private school wishes to participate in the program for a subsequent school year, and also any time a new school district becomes an eligible school district.

18 **SECTION 13.** 118.60 (2) (a) 6. c. of the statutes is amended to read:

1 118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the
 2 first school year that begins after a school district is identified as an eligible school
 3 district under sub. (1m) [✓](b) or 2011 Wisconsin Act 32, section 9137 (3u), who has been
 4 teaching for at least the 5 consecutive years immediately preceding that July 1, and
 5 who does not satisfy the requirements under subd. 6. a. on that July 1, applies to the
 6 department on a form prepared by the department for a temporary, nonrenewable
 7 waiver from the requirements under subd. 6. a. The department shall promulgate
 8 rules to implement this subd. 6. c., including the form of the application and the
 9 process by which the waiver application will be reviewed. The application form shall
 10 require the applicant to submit a plan for satisfying the requirements under subd.
 11 6. a., including the name of the accredited institution of higher education at which
 12 the teacher is pursuing or will pursue the bachelor's degree and the anticipated date
 13 on which the teacher expects to complete the bachelor's degree. No waiver granted
 14 under this subd. 6. c. is valid after July 31 of the 5th school year that begins after a
 15 school district is identified as an eligible school district under sub. (1m) [✓](b) or 2011
 16 Wisconsin Act 32, section 9137 (3u).

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

17 **SECTION 14.** 118.60 (2) (b) 1. of the statutes is amended to read:

18 118.60 (2) (b) 1. In the first school year that begins after a school district is
 19 identified as an eligible school district under sub. [✓](1m) or 2011 Wisconsin Act 32,
 20 section 9137 (3u), no more than 250 pupils ^{from that school district} as counted under s. 121.004 (7), may
 21 attend private schools under this section. ^{Plain} Priority from that school district.
 22 Participating private schools shall be given give priority to pupils who were eligible

1 for a free or reduced-price lunch in the federal school lunch program under 42 USC
2 1758 (b) in the immediately preceding school year.

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

3 **SECTION 15.** 118.60 (2) (b) 2. of the statutes is amended to read:

4 118.60 (2) (b) 2. In the 2nd school year that begins after a school district is

5 identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32,

6 section 9137 (3u), no more than 500 pupils, ^{from that school district} as counted under s. 121.004 (7), may

7 attend private schools under this section. ^{plain} Priority from that school district.

8 Participating private schools shall be given give priority to pupils who attended a

9 private school under this section from that school district in the immediately

10 preceding school year.

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

11 **SECTION 16.** 118.60 (2) (b) 3. ^(intro.) of the statutes ^{is} ^{are} amended to read:

12 118.60 (2) (b) 3. ^(intro.) Whenever the state superintendent determines that the limit

13 is reached under subd. 1. or 2., he or she shall issue an order prohibiting the

14 participating private schools from accepting additional pupils ^{from that school district} until he or she

15 determines that the number of pupils attending private schools under this section

16 from that school district has fallen below the limit. If the number of pupils attending

17 private schools under this section from that school district falls below the limit under

18 this paragraph, the state superintendent shall issue an order notifying participating

19 private schools that they may begin accepting additional ^{from that school district} pupils, and,

20 notwithstanding sub. (3) (a), participating private schools that wish to accept

21 additional pupils under this section ^{from that school district} shall accept pupils as follows:

22 a. The private school shall give first priority to pupils in that school district who

23 are attending a private school under this section.

1 b. The private school shall give 2nd priority to the siblings of pupils who are
2 attending a private school under this section from that school district.

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

History: 2011 a. 32, 47, 215; s. 35.17 correction ^{id} (4) (d) (intro.).

5 SECTION 17. 118.60 (2) (bm) of the statutes is created to read:

6 118.60 (2) (b) ^m 1. In the first school year that begins after a school district is
7 identified as an eligible school district under sub. (1^m) (b), no more than 250 pupils
8 ^{from} ~~in~~ that school district or the ^{total} ~~number~~ of pupils enrolled in the school or schools in that
9 district that satisfy the requirement under sub. (1) (am) 1r. a., whichever is less, may
10 attend private schools under this section from that school district. In this
11 subdivision, the number of pupils means the number of pupils as counted under s.
12 121.004 (7). Participating private schools shall give priority to pupils who were
13 eligible for a free or reduced-price lunch in the federal school lunch program under
14 42 USC 1758 (b) in the immediately preceding school year.

15 2. In the 2nd school year that begins after a school district is identified as an
16 eligible school district under sub. (1^m) (b), no more than 500 pupils ^{from} ~~in~~ that school
17 district, as counted under s. 121.004 (7), may attend private schools under this
18 section from that school district. Participating private schools shall give priority to
19 pupils who attended a private school under this section from that school district in
20 the immediately preceding school year.

21 3. Whenever the state superintendent determines that the limit is reached
22 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
23 private schools from accepting additional pupils ^{from that school district} ~~until~~ he or she determines that the
24 number of pupils attending private schools under this section from that school

1 district has fallen below the limit. If the number of pupils attending private schools
 2 under this section from that school district falls below the limit under this
 3 paragraph, the state superintendent shall issue an order notifying participating
 4 private schools that they may begin accepting additional pupils, and, *from that school district*
 5 notwithstanding sub. (3) (a), participating private schools that wish to accept
 6 additional pupils under this section *from that school district* shall accept pupils as follows:

7 a. The private school shall give first priority to pupils in that school district who
 8 are attending a private school under this section.

9 b. The private school shall give 2nd priority to the siblings of pupils who are
 10 attending a private school under this section from that school district.

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

13

(END)

~~Section 17~~ Insert 9-13

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1026/P1ins
TKK:.....

INSERT 9-13

1 **SECTION 1.** 121.08 (4) (br) of the statutes is amended to read:

2 121.08 (4) (br) The amount of state aid that an eligible school district is eligible
3 to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the
4 amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in
5 the first school year that begins after a school district is identified as an eligible
6 school district under s. 118.60 (1m)^Y (b) or 2011 Wisconsin Act 32, section 9137 (3u),
7 and in each school year thereafter by 38.4 percent.

History: 1973 c. 90; 1977 c. 29; 1983 a. 509; 1985 a. 29; 1987 a. 27, 399; 1995 a. 27; 1999 a. 9, 185; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2007 a. 100; 2009 a. 28; 2011 a. 32, 157.

Kuczenski, Tracy

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Friday, January 18, 2013 1:17 PM
To: Kuczenski, Tracy
Subject: Choice Items

Hi Tracy – I had a few follow-ups to your drafter's notes on the choice expansion draft. I hope these first few points will help with them generally, but I've tried answer a couple specifically as well. I'm hoping we can use the Racine/"eligible district" provisions for the most part if some of these other changes are helpful.

First, we are drafting to place the school report cards into statute – LRB 1158. Hopefully this will help with the questions related to that. Also, that draft references 5 performance categories, so where "fails to meet expectations" is referenced, could we also add on something that says "or the equivalent lowest grade of the 5 performance categories" or something like that? FYI, I think the eventual decision will be to include D schools (meets few expectations) as well, but I don't know if we want to draft that quite yet.

Second, the whole eligibility-triggered-by-a-pupil-application piece seems to be very problematic. Instead, could we say that a school district is eligible beginning the first time a school within it receives a D or F grade, and eligibility continues until (a) the district no longer has any D or F schools and (b) no pupil has applied to attend a private school through the program?

Finally, I think insofar as you have questions about whether the schools/DPI will have time to get a program up and running between a report card and the next school year, we would want to use the Racine provisions (the schools could get preaccreditation and notify DPI of intent to participate by August 1 of following the most recent report card).

To address some of your specific questions:

Page 1 - Would a private school that wishes to participate in the program be able to participate in the fall of the year in which the report card was issued? I would say that it would be the school year that follows, or is subsequent to, issuance of the report card. That way, if it's issued in September or December or May or June of 2013, you can still get in for fall 2014. As noted above, maybe the August 1 deadline helps with that too. I am assuming DPI can implement and schools can get in, because they did it with Racine.

** Intent of this instruction: 8/1 of school year immediately following ^{June} report card. So*
Page 2, Note 2 – yes, that is consistent with the intent, the F school designation is only relevant for district eligibility, not pupil eligibility.

Page 2, Note 3 – I think the answer to the Page 1 note should answer this? We don't want schools to jump into participation in the middle of a school year, so if they have to wait until the year subsequent to an F report card, that ^{8/1 of the school year in which the school would first participate.} the should take care of it.

Page 2, Note 4 – I think if we use the Racine model, that should address this.

Page 4 – Let's require DPI to post a list of eligible school districts within 10 days of publishing the report card.

Page 5 – If we use the Racine model for the initial year, does that help? I think for any district, after they have students participating in the program, the regular deadlines for schools intending to participate would apply (similar to Racine and MKE).

Per Sara + call on 1/24/13

Per Sara Jan. 24 t. call (and 1/10/13 call too)

Eligible school district:

- Grade of D or F ("fails to meet expectations" or "meets few expectations") or the equivalent (lowest grade)
- two or more schools in the district

→ school district must have 4,000 enrolled pupils

* school district ceases to be eligible if, when report cards are next issued, no school or only one school receives failing grade and no pupil from r.d. participating in program (attending a private school under the program).

New cap:

state-wide: 500 pupils in 1st year of expansion (2013-14 school year)
1000 pupils in 2nd year of expansion (2014-15 school year)

* No cap thereafter.

Kuczenski, Tracy

From: Hynek, Sara - DOA <Sara.Hynek@Wisconsin.gov>
Sent: Friday, January 11, 2013 4:09 PM
To: Kuczenski, Tracy
Subject: Choice threshold

Follow Up Flag: Follow up
Flag Status: Flagged

Tracy, the 4,000 I mentioned earlier is the number of students enrolled in the district, NOT in the municipality. Thanks!

Sara Hynek
Team Leader, Education and Workforce Development Team
State Budget Office
Wisconsin Department of Administration
608-266-1037



State of Wisconsin
2013 - 2014 LEGISLATURE



PB

LRB-1026/PT P2

TKK:eev:jf

Stays insert

DOA:.....Hynek, BB0324 - New Parental Choice Program

FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION

in 1/26/13

don't get

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

having at least 4,000 pupils and

**Analysis by the Legislative Reference Bureau
EDUCATION**

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil living in the city of Milwaukee or an eligible school district (currently, only the Racine Unified School District) may, under a parental choice program, attend a private school at state expense if, among other conditions, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill expands the parental choice program for eligible school districts by making eligible a school district in which at least one school in the district has received a grade of "fails to meet expectations" on a report card issued by DPI. ^{two or more} ^{have}

Subsequent to a school receiving a failing grade, the bill requires a pupil enrolled in a public school in that school district to apply to a private school in order to trigger the implementation of a choice program in that school district. The bill does not, however, require the pupil who applies to a private school to be enrolled in a school that received a failing grade. ^{or "meets few expectations," or the equivalent lowest grades} ^{attend a participating}

Under the bill, in the first year in which a school district becomes an eligible school district such that pupils may participate in the choice program, no more than 250 pupils or the total number of pupils enrolled in the school or schools identified as failing, whichever is less, may participate in the choice program from that school district. The participation cap is increased to 500 pupils in the second year in which

or "meets few expectations," or the equivalent lowest grades
(qualifying grades)

qualifying

Insert analysis

a school district participates in the choice program and is eliminated for that school district in any subsequent year.

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

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

SECTION 1. 118.60 (1) (am) (intro.) of the statutes is amended to read:

118.60 (1) (am) (intro.) "Eligible school district" means a school district that, subject to sub. (1m), satisfies all any of the following:

SECTION 2. 118.60 (1) (am) 1. of the statutes is renumbered 118.60 (1) (am) 1g.

a.

SECTION 3. 118.60 (1) (am) 1g. (intro.) of the statutes is created to read:

118.60 (1) (am) 1g. (intro.) Subject to sub. (1m) (a), the school district satisfies all of the following:

SECTION 4. ~~118.60 (1) (am)~~ 1r. of the statutes is created to read:

118.60 (1) (am) 1r. a. At least one public school in the school district receives a grade of "fails to meet expectations" on a report card issued by the department.

****NOTE: The drafting instructions provide that a school district becomes eligible to participate in the program when any school in the district receives a grade of "fails to meet expectations on the DPI report card in any year." However, school report cards do not exist in the statute. That is, DPI is not required to prepare or distribute report cards for any school or school district. Further, no standards for determining what constitutes a passing or failing grade exist in the statutes. Finally, the grades themselves (such as "fails to meet expectations" or "achieves expectations" or "exceeds expectations") do not exist in the statutes.

As a result, it is conceivable that no report cards would ever be prepared to trigger the applicability of this provision. It is also conceivable that, because there are no statutory standards for assigning grades, the benchmarks could be shifted (manipulated) in order to avoid a school receiving a failing grade. Please advise.

****NOTE: Because there is no statutory requirement to prepare a report card, there is no way to know when or how frequently the report cards would be issued. What if the only report card is issued in September or October or, as in this past year, November?

Would a private school that wishes to participate in the program be able to participate in the fall of the year in which the report card was issued? Or not until the subsequent school year? If the former, will DPI be able to implement the program on such

short notice? Will the private school? See, for example, the requirements: for verifying income under s. 118.60 (2) (a) 1.; to adopt academic standards (to be submitted to DPI by August 1 as required under sub. (6m) (b) 4.) under sub. (7) (b) 2.; to submit documents under sub. (7) (d); and to be capable of administering examinations under sub. (7) (e), among others.

This will be a recurring issue, and not just an issue for the 2013-14 school year, because the date of any report card is unknowable and may vary from year to year.

****NOTE: The drafting instructions do not explain what “received a grade of ‘fails to meet expectations’” means from an eligibility and timing standpoint. For example, what happens if no pupil applies to attend a private school in the year in which a school in the district actually receives a failing grade, but a pupil wishes to apply after a new series of report cards are issued and none of those new report cards identifies a failing school? Will the school district satisfy the requirement under subd. 1r. a. because at one time a school in the district receives a failing grade?

1 b. At least one pupil enrolled in any public school in the school district described
2 under subd. 1r. a. applies to attend a private school.

****NOTE: The drafting instructions, and hence this draft, do not require that the pupil who applies under subd. 1r. b. actually attend the failing school. That is, once any pupil in the district learns that at least one school in the district has been identified as failing, that pupil may apply to a private school under subd. 1r. b. and thereby trigger the implementation of the program in that school district — even if the school the pupil attends exceeds expectations. Is that consistent with your intent?

****NOTE: The drafting instructions do not specify when the pupil must apply to the private school. Can the pupil apply to transfer to a private school as soon as any school in the district receives a failing grade? And, if so, would the program kick in at that time, or not until the subsequent school year?

This will be a recurring issue, and not just an issue for the 2013-14 school year.

****NOTE: How will a pupil enrolled in a district with a newly failing school know which private school to apply to? Because no program will exist for a school district that first satisfies the eligibility provision under s. 118.60 (1) (am) 1r. a., no private schools will have identified themselves under s. 118.60 (2) (a) 3. as wishing to participate in the program in that school district. (See also current law s. 118.60 (3) (a).)

Although I understand that a pupil could attend any private school in the state, that may not be practical or geographically realistic for some pupils. That is, it is possible that no private schools that a pupil would wish to attend would be interested in participating in the program; it is also possible that any private school the pupil would wish to attend will not have satisfied any of the prerequisites to participating in the program (see the list of provisions in the NOTE under subd. 1r. a., above).

This will be a recurring issue, and not just an issue for the 2013-14 school year, because the issue arises any time a new district becomes an eligible district. Please advise.

3 c. The private school described in subd. 1r. b. notifies the department that it
4 wishes to participate in the program under this section.

****NOTE: Should there be a deadline by which a private school must notify the department under subd. 1r. c.?

This will be a recurring question, and not just a question for the 2013-14 school year.

1 SECTION 5. 118.60 (1) (am) 2. of the statutes is renumbered 118.60 (1) (am) 1g.

2 b.

3 SECTION 6. 118.60 (1) (am) 3. of the statutes is renumbered 118.60 (1) (am) 1g.

4 c.

5 SECTION 7. 118.60 (1) (am) 4. of the statutes is renumbered 118.60 (1) (am) 1g.

6 d.

7 SECTION 8. 118.60 (1m) of the statutes is renumbered 118.60 (1m) (a) and
8 amended to read:

9 118.60 (1m) (a) By For an eligible school district under sub. (1) (am) 1g., by
10 November 15 of the 2nd fiscal year of each fiscal biennium, the department shall
11 prepare a list that identifies eligible school districts. The department shall post the
12 list on the department's Internet site and shall notify in writing the school district
13 clerk of each eligible school district. A school district that has qualified as an eligible
14 school district under ~~this section~~ sub. (1) (am) 1g. on April 20, 2012, shall remain an
15 eligible school district, but no school district may qualify as an eligible school district
16 under sub. (1) (am) 1g. after April 20, 2012.

17 SECTION 9. 118.60 (1m) (b) of the statutes is created to read:

18 118.60 (1m) (b) ~~For an eligible school district under sub. (1) (am) 1r.~~...

Insert
N 4-18

***NOTE: Given the uncertainty surrounding the timing of the prerequisites for eligibility under sub. (1) (am) 1r., as explained in the NOTES within that subdivision, I am unable to draft the precise trigger date at which point a school district becomes formally "identified" in some way as an eligible school district within which private schools may participate in a choice program. I have inserted this paragraph as a placeholder, as it is cross-referenced in various other SECTIONS, amended or created in this draft, that establish deadlines.

19 SECTION 10. 118.60 (2) (a) (intro.) of the statutes is amended to read:

Insert 5-4

1 118.60 (2) (a) (intro.) Subject to ~~par.~~ pars. (b) and (bm), any pupil in grades
2 kindergarten to 12 who resides within an eligible school district may attend any
3 private school if all of the following apply:

4 **SECTION 11.** 118.60 (2) (a) 3. a. of the statutes is amended to read:

5 118.60 (2) (a) 3. a. Except as provided in ~~subd.~~ subds. 3. b. and 3. c., the private
6 school notified the state superintendent of its intent to participate in the program
7 under this section, and paid the nonrefundable fee set by the department as required
8 under s. 119.23 (2) (a) 3., by February 1 of the previous school year. The notice shall
9 specify the number of pupils participating in the program under this section for
10 which the school has space.

11 **SECTION 12.** 118.60 (2) (a) 3. c. of the statutes is created to read:

12 118.60 (2) (a) 3. c. For a private school that intends to participate in the
13 program under this section in an eligible school district identified under sub. (1m)
14 (b), the private school notified the state superintendent of its intent to participate,
15 and paid the nonrefundable fee set by the department under subd. 3. a. by [what
16 date]. The notice shall specify the number of pupils participating in the program
17 under this section from that school district for which the school has space.

****NOTE: This SECTION, like sub. (1m) (b), creates a placeholder to be filled in the next draft; in this case, the placeholder relates to the time by which a private school that wishes to participate in a choice program in a new eligible school district must notify the department of its intent to participate. This is a different notification question than the question raised in my NOTE under sub. (1) (am) 1r. c., in that a private school that wishes to participate in the program may not be the private school to which a pupil applies.

****NOTE: This will be a recurring issue, not just an issue for the 2013-14 school year; that is, the date specified under subd. 3. c. will need to apply every time a new private school wishes to participate in the program for a subsequent school year, and also any time a new school district becomes an eligible school district.

18 **SECTION 13.** 118.60 (2) (a) 6. c. of the statutes is amended to read:

19 118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the
20 first school year that begins after a school district is identified as an eligible school

1 district under sub. (1m) (b) or 2011 Wisconsin Act 32, section 9137 (3u), who has been
2 teaching for at least the 5 consecutive years immediately preceding that July 1, and
3 who does not satisfy the requirements under subd. 6. a. on that July 1, applies to the
4 department on a form prepared by the department for a temporary, nonrenewable
5 waiver from the requirements under subd. 6. a. The department shall promulgate
6 rules to implement this subd. 6. c., including the form of the application and the
7 process by which the waiver application will be reviewed. The application form shall
8 require the applicant to submit a plan for satisfying the requirements under subd.
9 6. a., including the name of the accredited institution of higher education at which
10 the teacher is pursuing or will pursue the bachelor's degree and the anticipated date
11 on which the teacher expects to complete the bachelor's degree. No waiver granted
12 under this subd. 6. c. is valid after July 31 of the 5th school year that begins after a
13 school district is identified as an eligible school district under sub. (1m) (b) or 2011
14 Wisconsin Act 32, section 9137 (3u).

15 **SECTION 14.** 118.60 (2) (b) 1. of the statutes is amended to read:

16 118.60 (2) (b) 1. In the first school year that begins after a school district is
17 identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32,
18 section 9137 (3u), no more than 250 pupils from that school district, as counted under
19 s. 121.004 (7), may attend private schools under this section. Priority Participating
20 private schools shall ~~be given~~ give priority to pupils who were eligible for a free or
21 reduced-price lunch in the federal school lunch program under 42 USC 1758 (b) in
22 the immediately preceding school year.

23 **SECTION 15.** 118.60 (2) (b) 2. of the statutes is amended to read:

24 118.60 (2) (b) 2. In the 2nd school year that begins after a school district is
25 identified as an eligible school district under sub. (1m) or 2011 Wisconsin Act 32,

Insert 6-4-15

- 1 section 9137 (3u), no more than 500 pupils from that school district, as counted under
 2 s. 121.004 (7), may attend private schools under this section. Priority Participating
 3 private schools shall be given give priority to pupils who attended a private school
 4 under this section from that school district in the immediately preceding school year.

5 **SECTION 16.** 118.60 (2) (b) 3. (intro.), a., and b. of the statutes are amended to

6 read:

7 118.60 (2) (b) 3. (intro.) Whenever the state superintendent determines that
 8 the limit is reached under subd. 1. or 2., he or she shall issue an order prohibiting
 9 the participating private schools from accepting additional pupils from that school
 10 district until he or she determines that the number of pupils attending private
 11 schools under this section from that school district has fallen below the limit. If the
 12 number of pupils attending private schools under this section from that school
 13 district falls below the limit under this paragraph, the state superintendent shall
 14 issue an order notifying participating private schools that they may begin accepting
 15 additional pupils from that school district, and, notwithstanding sub. (3) (a),
 16 participating private schools that wish to accept additional pupils under this section
 17 from that school district shall accept pupils as follows:

18 a. The private school shall give first priority to pupils in that school district who
 19 are attending a private school under this section.

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

22 **SECTION 17.** 118.60 (2) (bm) of the statutes is created to read:

23 118.60 (2) (bm) 1. In the first ²⁰¹³⁻¹⁴ school year that begins after a school district is
 24 identified as an eligible school district under sub. (1m) (b), no more than ⁵⁰⁰ 250 pupils
 25 from that school district or the total number of pupils enrolled in the school or schools

^e residing in a school district identified as an eligible school district
 under sub. (1m)(b)

1 in that district that satisfy the requirement under sub. (1) (am) 1r. a., whichever is
 2 less, may attend private schools under this section from that school district. In this
 3 ^{a paragraph} subdivision, the number of pupils means the number of pupils as counted under s.
 4 121.004 (7). Participating private schools shall give priority to pupils who were
 5 eligible for a free or reduced-price lunch in the federal school lunch program under
 6 42 USC 1758 (b) in the immediately preceding school year.

7 2. In the ²⁰¹⁴⁻¹⁵ 2nd school year that begins after a school district is identified as an
 8 eligible school district under sub. (1m) (b), no more than ^{1,000} 500 pupils from that school
 9 district, as counted under s. 121.004 (7), ^{a subd (1m)(b)} may attend private schools under this
 10 section ^{identified as an eligible school district} from that school district. Participating private schools shall give priority to
 11 pupils who attended a private school under ^{a subd 1o} this section from that school district in
 12 the immediately preceding school year.

13 3. Whenever the state superintendent determines that the limit is reached
 14 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
 15 private schools from accepting additional pupils from ^{a any} that school district ^{any} until he or ^{identified as an} she determines that the number of pupils attending private schools under this ^{eligible} section from ^{school} that school district ^{district} has fallen below the limit. If the number of pupils ^{under} attending private schools under this section ^{subd (1m)(b)} from that school district falls below the
 18 limit under this paragraph, the state superintendent shall issue an order notifying
 19 participating private schools that they may begin accepting additional pupils from
 20 ^{a those} that school district ^s and, notwithstanding sub. (3) (a), participating private schools
 21 that wish to accept additional pupils under this section ^a from that school district shall
 22 accept pupils as follows:

23 a. The private school shall give first priority to pupils in ^a that school district ^{identified as an} who ^{eligible school} are attending a private school under this section. ^{district} ^{under} ^{subd (1m)(b)}

1 b. The private school shall give 2nd priority to the siblings of pupils who are
2 attending a private school under this section from that school district.

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

5 INS 4-5

SECTION 18. 121.08 (4) (br) of the statutes is amended to read:

6 121.08 (4) (br) The amount of state aid that an eligible school district is eligible
7 to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the
8 amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in
9 the first school year that begins after a school district is identified as an eligible
10 school district under s. 118.60 (1m) (b) or 2011 Wisconsin Act 32, section 9137 (3u),
11 and in each school year thereafter by 38.4 percent.

12

(END)

no 90

INSERT ANALYSIS

If, at the time at which any subsequent report card is issued for schools in the district, no school or only one school in the district has received a qualifying grade and no pupil who resides in the district is attending a participating private school under the program, the school district ceases to be an eligible school district. However, a school district that has ceased to be an eligible school district may become an eligible school district in a subsequent school year.

Within 10 days after issuing school report cards, DPI must publish a list of eligible school districts on its Internet site, and must provide a written notice to the clerk of each eligible school district. A private school must notify DPI by August 1 immediately following the issuance of the report card of its intent to participate in the choice program in a newly eligible school district in that school year. In the 2013-14 school year, participation in the expanded choice program is limited to no more than 500 pupils residing in eligible school districts. In the 2014-15 school year, participation is capped at no more than 1,000 pupils.

INSERT 2-10

no 70

1

1r. The school district satisfies all of the following:

2

a. The number of pupils enrolled in the school district equals or exceeds 4,000.

3

In this subd. 1r. a., the number of pupils means the number of pupils as counted under s. 121.004 (7).

4

subd. (1m)(b) 20

5

b. Subject to subd. 1r. c., two or more public schools in the school district receive

6

in the same school year a grade of either "fails to meet expectations" or "meets few

7

expectations," or the equivalent lowest grades, on a report card issued by ^{the}

8

department.

9 c. A school district ceases to be an eligible school district under this subdivision
10 if, at the time at which any subsequent report card is issued by the department for
11 schools in the school district, no school or only one school in the school district
12 receives a grade of "fails to meet expectations" or "meets few expectations," or the
13 equivalent lowest grades, and no pupil in the school district is attending a
14 participating private school under this section. This subd. 1r. c. does not preclude

school district from becoming an eligible school district under this subdivision in subsequent school year.

These
Notes
remain
under
1r. b.

****NOTE: Is it possible or likely that DPI will prepare more than one report card in any school year?

If so, I recommend specifying that only the report card issued at the end of the school year may be used for the purpose of disqualifying the school district under this subd. 1r. ~~f.~~ b

NOTE: 10 subject to subd. 20
INSERT 4-18

3 For an eligible school district under sub. (1) (am) 1r., within 10 days after the
4 department issues a report card with a grade of "fails to meet expectations" or "meets
5 few expectations," or the equivalent lowest grades, for at least two ~~a~~ school in a school district,
6 the department shall publish a notice on the department's Internet site that
7 identifies that school district as an eligible school district, immediately following
8 the school district clerk of the eligible school district. for the school year immediately following
the school year in which the report card

****NOTE: Is it possible or likely that DPI will prepare more than one report card in any school year?

If so, I recommend specifying that only the report card issued at the end of the school year may be used for the purpose of identifying the school district as an eligible school district.

Insert
2-9
to
Insert

INSERT 5-4

SECTION 1. 118.60 (2) (a) 3. a. of the statutes is amended to read:

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

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

SECTION 2. 118.60 (2) (a) 3. c. of the statutes is created to read:

1 118.60 (2) (a) 3. c. For a private school that is a first-time participant in the
 2 program under this section and that intends to participate in the program under this
 3 section in the first school year in which a school district identified as an eligible
 4 school district under sub. (1m) (b) is an eligible school district, the private school
 5 notified the state superintendent of its intent to participate in the program under
 6 this section, and paid the nonrefundable fee set by the department as required under
 7 s. 119.23 (2) (a) 3., by August 1 of the school year in which the private school first
 8 intends to participate. The notice shall specify the number of pupils participating
 9 in the program under this section for which the school has space.

2013 ^{S.}
 Δ LRB-1027 (Choice schools in multiple programs). Other changes will have to be made
 to this new subd. and to s. 118.60 (2) (a) 7. and, possibly, 119.23 (2) (a) 7. b. when the budget
 is compiled, but this will facilitate that process. The purpose of this subdivision is to
 permit new schools that are not already participating in the Racine or Milwaukee choice
 programs to participate in a newly-identified eligible school district in the fall
 immediately following the identification of that school district. Because of the February
 1 date for notification under s. 118.60 (2) (a) 3. a. (and 119.23 (2) (a) 3.), without this
 subdivision, schools that were not already participating would be precluded from
 participating until the next school year. Let me know if you are comfortable with this
 approach.

subdivision paragraph
paragraph
paragraph

INSERT 6-4

SECTION 3. 118.60 (2) (a) 7. of the statutes is amended to read:

10 118.60 (2) (a) 7. For a private school that is a first-time participant in the
 11 program under this section, and that is not accredited by Wisconsin North Central
 12 Association, Wisconsin Religious and Independent School Accreditation,
 13 Independent Schools Association of the Central States, Wisconsin Evangelical
 14 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
 15 diocese or archdiocese within which the private school is located, or by any other
 16 organization recognized by the National Council for Private Schools Accreditation,
 17 the private school obtains preaccreditation by the Institute for the Transformation
 18 of Learning at Marquette University, Wisconsin North Central Association,
 19

1 Wisconsin Religious and Independent Schools Accreditation, Independent Schools
2 Association of the Central States, Wisconsin Evangelical Lutheran Synod School
3 Accreditation, National Lutheran School Accreditation, or the diocese or archdiocese
4 within which the private school is located by ~~September 1 before the first school term~~
5 ~~of participation in the program under this section that begins after August 31, 2011;~~
6 ~~by August 1 15~~ before the first school term of participation in the program under this
7 section that begins in the first school year that begins after a school district is
8 identified as an eligible school district under sub. (1m); , or by May 1 if the private
9 school begins participation in the program under this section during summer school.
10 In any school year, a private school may apply for and seek to obtain preaccreditation
11 from only one of the entities enumerated in this subdivision. A private school that
12 fails to obtain accreditation in a school year may apply for and seek to obtain
13 preaccreditation from one of the entities enumerated in this subdivision in the
14 following school year. The private school shall achieve accreditation by Wisconsin
15 North Central Association, Wisconsin Religious and Independent Schools
16 Accreditation, Independent Schools Association of the Central States, Wisconsin
17 Evangelical Lutheran Synod School Accreditation, National Lutheran School
18 Accreditation, the diocese or archdiocese within which the private school is located,
19 or any other organization recognized by the National Council for Private School
20 Accreditation, by December 31 of the 3rd school year following the first school year
21 in which the private school begins participation in the program under this section.
22 If the private school is accredited under this subdivision, the private school is not
23 required to obtain preaccreditation as a prerequisite to providing instruction under
24 this section in additional grades or in an additional or new school.

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

(end INS 6-4)

INS 95

SECTION 4. 118.60^x (3) (a) of the statutes is amended to read:

118.60 (3) (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. Within 60 days after receiving the application, the private school shall notify each applicant, in writing, whether his or her application has been accepted, except that for a private school that is a first-time participant in the program under this section in the first school year in which a school district identified as an eligible school district under sub. (1m)(b) is an eligible school district, the private school shall notify each applicant, in writing, whether his or her application has been accepted within 15 days after receiving the application. If the private school rejects an application, the notice shall include the reason. A private school may reject an applicant only if it has reached its maximum general capacity or seating capacity. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

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

end ins 95

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INSERT 2-9 TO INSERT

1 2. A school district identified as an eligible school district under subd. 1. ceases
2 to be an eligible school district if, at the time at which any subsequent report cards
3 are issued by the department, no school or only one school in the school district
4 receives a grade of “fails to meet expectations” or “meets few expectations,” or the
5 equivalent lowest grades, and no pupil in the school district is attending a
6 participating private school under this section. The department shall, within 10
7 days after the department issues the subsequent report cards, remove the school
8 district from the list of eligible school districts on the department’s Internet site and
9 shall notify in writing the school district clerk of the change in eligibility status. This
10 subdivision does not preclude a school district from becoming an eligible school
11 district under sub. (1) (am) 1r. in a subsequent school year.