

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/11/2013 Received By: pgrant  
Wanted: As time permits Same as LRB:  
For: Administration-Budget 6-1037 By/Representing: Hynek  
May Contact: Drafter: pgrant  
Subject: Education - handicapped ed. Addl. Drafters:  
Education - school boards Extra Copies: TKK  
FFK

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

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**Pre Topic:**

DOA:.....Hynek, BB0357 -

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**Topic:**

Special Needs Scholarship Program

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 1/11/2013	scalvin 1/11/2013	jfrantze 1/14/2013	_____			
/1	pgrant 2/13/2013	kfollett 2/13/2013	phenry 2/13/2013	_____	sbasford 1/14/2013		
/2				_____	mbarman 2/13/2013		

FE Sent For:

**<END>**

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/?	pgrant 1/11/2013	scalvin 1/11/2013	jfrantze 1/14/2013				
/1		12/5/13 2/13/13	13/2	13/1	shasford 1/14/2013		

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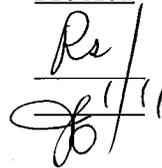
**Topic:**

Special Needs Scholarship Program

**Instructions:**

See attached

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/?	pgrant	// sac 01/11/2013	 1/11	 1/11			

FE Sent For:

<END>

## Grant, Peter

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**From:** Hanaman, Cathlene  
**Sent:** Friday, January 11, 2013 10:31 AM  
**To:** Grant, Peter; Kuczenski, Tracy; Knepp, Fern  
**Subject:** FW: Statutory Language Drafting Request - BB0357

**From:** [Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov) [<mailto:Sara.Hynek@Wisconsin.gov>]  
**Sent:** Friday, January 11, 2013 10:31 AM  
**To:** Hanaman, Cathlene  
**Cc:** Hynek, Sara - DOA; Hynek, Sara - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0357

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0357

**Topic:** Special Needs Scholarships

**SBO Team:** EWD

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

**Agency Acronym:** DPI

**Agency Number:** 255

**Priority:** Medium

**Intent:**

Create a special needs scholarship program. The draft should reflect the final version of AB 110 sent to the Senate in the last legislative session (ASA 1 as amended).

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



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**WISCONSIN LEGISLATIVE COUNCIL  
AMENDMENT MEMO**

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**2011 Assembly Bill 110**

**Assembly Substitute  
Amendment 1, as Amended**

*Memo published: March 14, 2012*

*Contact: Rachel Letzing, Senior Staff Attorney (266-3370)*

**Assembly Substitute Amendment 1** establishes a Special Needs Scholarship Program.

**Scholarship Requirements**

Under the substitute amendment, a child with a disability must receive a scholarship to attend an eligible school, defined as a public school, including a charter school, located outside the pupil's school district of residence, or a private school, if all of the following conditions are met:

1. The school has notified the Department of Public Instruction (DPI) of its intent to participate in the program and the child has been accepted by the school and the notice specifies the number of scholarship pupils for which the school has space.
2. If the school is a private school, it is approved as a private school by DPI or is accredited by the entities listed in the substitute amendment.
3. An Individualized Education Plan (IEP) or services plan as provided under federal law has been completed for the child.
4. The child attended a public school, a private school in the parental choice program, or did not attend school in this state, for the entire previous school year.
5. The child has been accepted to the school.

The substitute amendment specifies that if an eligible school receives more applications than the number of pupils for which it has space, the school must select pupils on a random basis, except that it may give preference to siblings of pupils who already attend the school.

The substitute amendment requires that the scholarship application be submitted to an eligible school on a form prepared by DPI and the application must include a document prepared by DPI

regarding the pupil's rights. The substitute amendment specifies that the document must compare the rights of a child with a disability and his or her parent under state and federal special education law to the rights of a child with a disability under the special needs scholarship program and federal special education law. The substitute amendment further specifies that receipt of this document by a scholarship applicant and acknowledged in a format prescribed by DPI constitutes notice that this applicant has been informed of his or her rights, and that subsequent acceptance of a scholarship constitutes the applicant's informed consent to the rights specified in the document.

**Limit on Number of Scholarships**

The substitute amendment provides that the number of scholarships awarded in any school year may not exceed 5% of the total number of children with disabilities residing in this state in the previous school year, as determined by DPI. ✓

**Amount of a Pupil's Scholarship**

The substitute amendment requires DPI to determine the amount of a pupil's scholarship, which must be the lesser of either of the following:

1. Divide the sum of the statewide gross property tax levy for schools in the previous year and the total amount of general school aid appropriated in the previous fiscal year by the total statewide membership in the previous school year, and add to the quotient the result obtained by dividing the amount appropriated for special education categorical aid in the previous fiscal year by the total full-time equivalent number of children with disabilities enrolled in public schools in the previous school year. ✓
2. The cost to the school district in which the eligible public school is located, the eligible charter school, or the eligible private school of providing to the pupil regular instruction, instructional and pupil support services, special education and related services, and certain other supplementary aids and services. ✓

Under the substitute amendment, the amount of general state aid that a school district is eligible to be paid in any school year is reduced by the total amount of scholarships paid by DPI for pupils who reside in that school district. The substitute amendment creates a sum sufficient appropriation to pay the scholarships. ✓

The substitute amendment provides that on behalf of the pupil's parent, DPI must pay the scholarship directly to the school district, charter school, or private school that the child will attend. The scholarship continues while the child attends a school eligible to participate in the program until he or she graduates from high school or until the end of the school term in which he or she turns 21, whichever comes first. ✓

**Private School Duties**

The substitute amendment requires each private school participating in the program to do all of the following:

1. Comply with applicable health and safety laws.
2. Hold a valid occupancy permit.
3. Comply with federal law that prohibits discrimination against any person on the basis of race, color, or national origin.
4. Conduct criminal background investigations of its employees and exclude from employment any person not permitted to hold a teaching license as the result of an offense and any person who might reasonably be believed to pose a threat to the safety of others.
5. Annually submit to DPI a school financial report prepared by a certified public accountant.
6. If the private school expects to receive at least \$50,000 in scholarships during a school year, either file a surety bond with DPI or provide DPI with information demonstrating that the private school has the ability to pay an amount equal to the total amount of scholarships that it expects to receive during the school year.
7. Provide to each applicant a profile of the private school's special education program in a form prescribed by DPI that includes the methods of instruction that will be used by the school to provide special education and related services to the child and the qualifications of the teachers and other persons who will be providing special education and related services to the child. The substitute amendment provides that DPI may not pay a scholarship to a private school unless the pupil's parent has acknowledged receiving the private school's profile in the manner provided by DPI.
8. Implement the child's most recent IEP or services plan as defined under federal law, as modified by agreement between the private school and the child's parent, and related services agreed to by the private school and the parent that are not included in the IEP or services plan.
9. Provide a record of the implementation of the child's IEP or services plan, including an evaluation of the child's progress, to the school board of the school district where the child resides in the form and manner prescribed by DPI.

**Penalties**

The substitute amendment authorizes DPI to bar a school district, charter school, or private school from participating in the program if DPI determines that the school district or school intentionally and substantially misrepresented information required under the substitute amendment, routinely failed to comply with the financial report and financial standards, used a pupil's scholarship for any purpose

other than educational purposes, or rebated, refunded, or shared a pupil's scholarship with a parent or pupil, or failed to refund in a timely manner any scholarship overpayments to the state. ✓

**Study**

The substitute amendment directs the Legislative Audit Bureau to contract for a study of the program that evaluates items specified in the substitute amendment. The results of the study must be reported to the Legislature by January 9, 2015. ✓

**Rulemaking**

Under the substitute amendment, DPI is directed to promulgate rules to implement and administer the scholarship program, including rules relating to the eligibility and participation of eligible schools, including timelines that maximize pupil and school participation, the calculation and distribution of scholarships, and the application and approval procedures for pupils and eligible schools. ✗

**Transportation**

The substitute amendment provides that if a child attends a private school under the program, his or her school district of residence must provide transportation to and from the school if the school is located at least two miles from the child's residence, the child resides in the private school's attendance area, and the private school is situated within the school district of residence or not more than five miles beyond the boundaries of the school district. ✓

The substitute amendment provides that if the child attends a public school under the program, the child's parent is responsible for transporting the child to and from school unless transportation is required in the child's IEP. If transportation is required in an IEP, the school district that the child attends is responsible for transporting the child. The substitute amendment allows a low-income pupil to apply to DPI for reimbursement of transportation costs. ✓

**Assembly Amendment 2 to Assembly Substitute Amendment 1** clarifies the provision in the substitute amendment relating to the limit on the number of scholarships. Specifically, the amendment provides that the total number of scholarship recipients in any school year may not exceed 5% of the total number of children with disabilities residing in this state in the previous school year, as determined by DPI. ✓

**Assembly Amendment 11 to Assembly Substitute Amendment 1** does all of the following:

- Changes the definition of an "eligible school" to mean a public school located in this state but outside the pupil's school district of residence, a charter school located in this state, including a charter school located in the pupil's school district of residence and a virtual charter school, or a private school located in this state. ✓
- Adds that a child may have attended a charter school for the entire school year immediately preceding the school year for which the child first receives a special needs scholarship. ✓

- Adds operating and debt services costs per pupil, as described under the statute applicable to the parental choice program, to the second formula under which a scholarship amount is calculated.
- Provides that if a child attends a private school under the special needs scholarship program, the school board of the child's school of residence must ensure that the child's IEP team reevaluates the child as provided under current law.
- Directs that if the IEP team determines that the child is no longer a child with a disability, the child is ineligible to receive a special needs scholarship beginning in the school term following the determination.
- Specifies that each participating private school must annually submit to DPI a school financial information report, prepared by a certified public accountant that complies with uniform financial accounting standard established by the DPI rule that currently applies to the parental choice program.
- Changes the requirement that the surety bond amount payable to the state be in an amount "equal to" the total amount of scholarships expected to be received by the private school during the school year to an amount "25 percent of" the total amount of scholarships expected to be received by the private school during the school year.
- Requires DPI to promulgate rules in a manner consistent with federal law, requiring the school board of a school district participating in the special needs scholarship program to spend its federal equitable share funds on children with disabilities who are enrolled by their parents in private schools other than under the special needs scholarship program.
- Adds a requirement that DPI ensure that the amount of the state aid reduction for a school district does not affect the amount received by the school district as state aid for any other purpose.

**Assembly Amendment 12 to Assembly Substitute Amendment 1** adds a requirement that whenever a pupil receives a special needs scholarship, DPI and the school board of the pupil's school district of residence must count the scholarship amount toward federal maintenance-of-effort requirements.

### **LEGISLATIVE HISTORY**

On March 6, 2012, the Assembly adopted Assembly Amendment 2, Assembly Amendment 11, and Assembly Amendment 12 to Assembly Substitute Amendment 1 on voice votes. The Assembly then adopted Assembly Substitute Amendment 1 on a voice vote. On March 14, 2012, the Assembly passed Assembly Bill 110, as amended, on a vote of Ayes, 55; Noes, 39.

REL:ksm



Date (time)  
needed \_\_\_\_\_

LRB- 1116 1 1

PG: sac: \_\_\_\_\_

# DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. . . . .  
.....  
.....

### *Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

(attached)

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

SECTION #.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBs0282/2  
PG:cjs:jm

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 110**

February 7, 2012 - Offered by Representative LITJENS.

1 **AN ACT to amend** 20.255 (2) (cy), 115.77 (1), 115.791 (4), 121.08 (4) (c), 121.08 (4)  
2 (d) and 121.54 (3); and **to create** 20.255 (2) (az), 115.7915, 118.60 (4s), 119.23  
3 (4s), 121.05 (1) (a) 4. and 121.08 (4) (am) of the statutes; **relating to:** creating  
4 the Special Needs Scholarship Program for disabled pupils, granting  
5 rule-making authority, and making an appropriation.

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

6 **SECTION 1.** 20.255 (2) (az) of the statutes is created to read:

7 20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to pay the  
8 special needs scholarships under s. 115.7915.

9 **SECTION 2.** 20.255 (2) (cy) of the statutes is amended to read:

10 20.255 (2) (cy) *Aid for transportation; open enrollment and special needs*  
11 *scholarships.* The amounts in the schedule to reimburse parents for the costs of

1 transportation of ~~open enrollment~~ pupils under ss. 115.7915, 118.51 (14) (b), and  
2 118.52 (11) (b).

3 **SECTION 3.** 115.77<sup>x</sup> (1) of the statutes is amended to read:

4 115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
5 2., if a child with a disability is attending a public school in a nonresident school  
6 district under s. 115.7915, 118.51, or 121.84 (1) (a) or (4), "local educational agency"  
7 means the school district that the child is attending.

8 **SECTION 4.** 115.791<sup>y</sup> (4) of the statutes is amended to read:

9 115.791 (4) Subject to s. 115.77 (1m) (d) and (e), this section does not require  
10 a local educational agency to pay the cost of education, including special education  
11 and related services, of a child with a disability at a private school or facility,  
12 including a child with a disability attending a private school under s. 115.7915, if the  
13 local educational agency made a free appropriate public education available to the  
14 child and the child's parents elected to place the child in a private school or facility.

15 **SECTION 5.** 115.7915<sup>z</sup> of the statutes is created to read:

16 **115.7915 Special Needs Scholarship Program. (1) DEFINITION.** In this  
17 section:

18 (a) "Eligible school" means a public school located in this state but outside the  
19 ~~pupil's school district of residence, including a charter school, or a private school~~  
20 located in this state.

2-19

21 (b) "Services plan" has the meaning given in 34 CFR 300.37.

22 (1m) SCHOLARSHIP REQUIREMENTS. Subject to sub. (1r), beginning in the  
23 2012-13 school year, a child with a disability shall receive a scholarship under this  
24 section to attend an eligible school if all of the following apply:

2013-14

1 (a) The school district in which the eligible public school is located, the eligible  
2 charter school, or the eligible private school notified the department of its intent to  
3 participate in the program under this section. The notice shall specify the number  
4 of pupils who may participate in the program under this section for whom the school  
5 has space.

6 (b) The school, if a private school, is approved by the state superintendent  
7 under s. 118.165 (2) or is accredited by the Wisconsin North Central Association,  
8 Wisconsin Religious and Independent Schools Accreditation, the Independent  
9 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod  
10 School Accreditation, National Lutheran School Accreditation, the diocese or  
11 archdiocese within which the private school is located, or any other organization  
12 recognized by the National Council for Private School Accreditation as of the August  
13 1 preceding the school term for which the scholarship is awarded.

14 (c) An individualized education program or services plan has been completed  
15 for the child.

16 (d) The child attended a public school, *attended a charter school,* attended a private school under s. 118.60  
17 or 119.23, or did not attend school in this state, for the entire school year immediately  
18 preceding the school year for which the child first receives a scholarship under this  
19 section.

20 (e) The child, or the child's parent on behalf of the child, has submitted an  
21 application to the eligible school, on a form prepared by the department, for a  
22 scholarship under this section to attend the eligible school. The application shall  
23 include the document developed by the department under sub. (2) (a). An application  
24 may be made, and a child may begin attending an eligible school under this section,  
25 at any time during the school year.

RECIPIENTS  
total

scholarship recipients

1 (f) The child has been accepted by the school district in which the eligible public  
2 school is located, the eligible charter school, or the eligible private school.

3 (1r) LIMIT ON NUMBER OF SCHOLARSHIPS. The number of ~~scholarships awarded~~  
4 under this section in any school year may not exceed 5 percent of the total number  
5 of children with disabilities residing in this state in the previous school year, as  
6 determined by the department.

7 (1s) ACCEPTANCE OF PUPILS. If an eligible school receives more applications  
8 under sub. (1m) (e) than the number of pupils specified in the notice under sub. (1m)  
9 (a), it shall select pupils on a random basis except that it may give preference to  
10 siblings of pupils who are already attending the eligible school.

11 (2) DEPARTMENT DUTIES. (a) 1. The department shall develop, for inclusion with  
12 an application under sub. (1m) (e), a document, and revise it as necessary, comparing  
13 the rights of a child with a disability and of his or her parent under this subchapter,  
14 other than this section, and 20 USC 1400 to 1482, with the rights of a child with a  
15 disability and of his or her parent under this section and 20 USC 1400 to 1482.

16 2. Receipt by an applicant of the document developed under subd. 1.,  
17 acknowledged in a format prescribed by the department, constitutes notice that the  
18 applicant has been informed of his or her rights under this section and 20 USC 1400  
19 to 1482. Subsequent acceptance of a scholarship under this section constitutes the  
20 applicant's informed consent to the rights specified in the document.

21 (b) The governing body of an eligible school that accepts a child under sub. (1m)  
22 (f) shall notify the department. Upon being notified, the department shall do all of  
23 the following:

24 1. Notify the school board of the pupil's school district of residence that the pupil  
25 has been awarded a scholarship under this section. The school board shall, within

1 3 days of receiving the notice, provide the department and the governing body of the  
2 eligible school that accepted the pupil with a copy of the pupil's individualized  
3 education program.

4 2. Determine the amount of the pupil's scholarship. The amount shall be the  
5 lesser of the following:

6 a. Divide the sum of the statewide gross property tax levy for schools in the  
7 previous year and the total amount of general school aid appropriated under s.  
8 20.255 (2) (ae), (ar), and (bb) in the previous fiscal year by the total statewide  
9 membership, as defined in s. 121.004 (5), in the previous school year, and add to the  
10 quotient the result obtained by dividing the amount appropriated under s. 20.255 (2)  
11 (b) in the previous fiscal year by the total full-time equivalent number of children  
12 with disabilities enrolled in public schools in the previous school year.

13 b. The cost to the school district in which the eligible public school is located,  
14 the eligible charter school, or the eligible private school of providing to the pupil  
15 regular instruction, instructional and pupil support services, special education and  
16 related services, and supplementary aids and services, other than costs under s.  
17 115.88 (3) and (4).

18 3. Prorate the amount determined under subd. 2. for a pupil attending an  
19 eligible school for less than a full school term.

20 4. Notify the parent of the scholarship amount, as determined under subd. 2.  
21 or 3., accompanied by an explanation of how the amount was determined.

22 5. On behalf of the pupil's parent, pay the scholarship to the school district,  
23 charter school, or private school that the pupil attends from the appropriation under  
24 s. 20.255 (2) (az), except that the department may not pay a scholarship to a private  
25 school unless the pupil's parent has acknowledged receiving the private school's

*Except as provided  
in sub. (3)(c),*

1 profile under sub. (4) (g) in the manner provided by the department. The scholarship  
2 continues while the pupil attends an eligible school until the pupil graduates from  
3 high school or until the end of the school term in which the pupil attains the age of  
4 21, whichever comes first.

5 (3) SCHOOL BOARD DUTIES. (a) Annually, each school board shall notify the  
6 parents of each child with a disability enrolled in the school district of the program  
7 under this section.

8 (b) Upon the request of a parent of a pupil receiving a scholarship, the pupil's  
9 resident school district shall administer the appropriate examinations under s.  
10 118.30 to the pupil at no cost if the school attended by the pupil does not administer  
11 them.

5-11A →  
6-11B →

12 (4) PRIVATE SCHOOL DUTIES. Each private school participating in the program  
13 under this section shall do all of the following:

14 (a) Comply with all health and safety laws or codes that apply to private  
15 schools.

16 (b) Hold a valid certificate of occupancy, if required by the municipality in which  
17 the school is located or, if the municipality in which the school is located does not  
18 issue certificates of occupancy, obtain a certificate of occupancy issued by the local  
19 or regional governmental unit with authority to issue certificates of occupancy.

20 (c) Comply with 42 USC 2000d.

21 (d) Conduct criminal background investigations of its employees and exclude  
22 from employment any person not permitted to hold a teaching license as the result  
23 of an offense and any person who might reasonably be believed to pose a threat to the  
24 safety of others.

*under s. 118.60 (11)(a)*

1 (e) Annually submit to the department a school financial information report,  
 2 prepared by a certified public accountant, that complies with uniform financial  
 3 accounting standards established by the department by rule. The report shall be  
 4 accompanied by an auditor's statement that the report is free of material  
 5 misstatements and fairly represents pupil costs. The report shall be limited in scope  
 6 to those records that are necessary for the department to make payments to the  
 7 private school.

8 (f) If the private school expects to receive at least \$50,000 in scholarships under  
 9 this section during a school year, do one of the following before the beginning of the  
 10 school year:

11 1. File with the department a surety bond payable to the state in an amount  
 12 equal to *25 percent of* the total amount of scholarships expected to be received by the private school  
 13 during the school year under this section.

14 2. File with the department financial information demonstrating that the  
 15 private school has the ability to pay an amount equal to the total amount of  
 16 scholarships expected to be received by the private school during the school year  
 17 under this section.

18 (g) Provide to each applicant under sub. (1m) (e) a profile of the private school's  
 19 special education program, in a form prescribed by the department, that includes the  
 20 methods of instruction that will be used by the school to provide special education  
 21 and related services to the child and the qualifications of the teachers and other  
 22 persons who will be providing special education and related services to the child.

23 (h) 1. Implement the child's most recent individualized education program or  
 24 services plan, as modified by agreement between the private school and the child's  
 25 parent, and related services agreed to by the private school and the child's parent

1 that are not included in the child's individualized education program or services  
2 plan.

3 2. Provide a record of the implementation of the child's individualized  
4 education program or services plan under subd. 1., including an evaluation of the  
5 child's progress, to the school board of the school district in which the child resides  
6 in the form and manner prescribed by the department.

7 (i) Regularly report to the parent of a pupil attending the private school and  
8 receiving a scholarship under this section on the pupil's progress.

9 (5) TRANSPORTATION. (a) *Private school.* Section 121.54 applies to the  
10 transportation of a pupil to and from the private school he or she is attending under  
11 this section.

12 (b) *Public school.* Section 118.51 (14) applies to the transportation of a pupil  
13 to and from the public school he or she is attending under this section.

14 (6) PENALTIES. (a) The department may bar a school district, charter school,  
15 or private school from participating in the program under this section if the  
16 department determines that the school district, charter school, or private school has  
17 done any of the following:

18 1. Intentionally and substantially misrepresented information required under  
19 sub. (4).

20 2. Routinely failed to comply with the standards under sub. (4) (e) or (f).

21 3. Used a pupil's scholarship for any purpose other than educational purposes  
22 or rebated, refunded, or shared a pupil's scholarship with a parent or pupil.

23 4. Failed to refund to the state, in a timely manner, any scholarship  
24 overpayments.

1 (b) If the department bars a school district, charter school, or private school  
2 from participating in the program under this section, it shall notify all pupils eligible  
3 to participate in the program and their parents as quickly as possible. A pupil who  
4 is receiving a scholarship and attending a school district, charter school, or private  
5 school barred from the program may attend another participating school district,  
6 charter school, or private school under the scholarship.

7 (7) STUDY. (a) The legislative audit bureau shall contract for a study of the  
8 program under this section with one or more researchers who have experience  
9 evaluating school choice programs. The study shall evaluate all of the following:

10 1. The level of satisfaction with the program expressed by participating pupils  
11 and their parents.

12 2. The percentage of participating pupils who were victimized because of their  
13 special needs at their resident school district and the percentage of such pupils at  
14 their participating school.

15 3. The percentage of participating pupils who exhibited behavioral problems  
16 at their resident school district and the percentage of such pupils at their  
17 participating school.

18 4. The average class size at participating pupils' resident school districts and  
19 at their participating schools.

20 5. The fiscal impact of the program on the state and on resident school districts.

21 (b) The contract under par. (a) shall require the researchers who conduct the  
22 study to do all of the following:

23 1. Apply appropriate analytical and behavioral science methodologies to  
24 ensure public confidence in the study.

25 2. Protect the identity of participating schools and pupils.

1 (c) The contract under par. (a) shall require that the results of the study be  
2 reported to the appropriate standing committees of the legislature under s. 13.172  
3 (3) by January 9, ~~2015~~<sup>e 2016</sup>

4 (8) RULES. The department shall promulgate rules to implement and  
5 administer this section, including rules relating to all of the following:

6 (a) The eligibility and participation of eligible schools, including timelines that  
7 maximize pupil and school participation.

8 (b) The calculation and distribution of scholarships.

9 (c) The application and approval procedures for pupils and eligible schools.

10 **SECTION 6.** 118.60 (4s) of the statutes is created to read:

11 118.60 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
12 private school participating in the program under this section who is receiving a  
13 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
14 school under this section under sub. (4), (4m), or (4r).

15 **SECTION 7.** 119.23 (4s) of the statutes is created to read:

16 119.23 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
17 private school participating in the program under this section who is receiving a  
18 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
19 school under this section under sub. (4), (4m), or (4r).

20 **SECTION 8.** 121.05 (1) (a) 4. of the statutes is created to read:

21 121.05 (1) (a) 4. Pupils residing in the school district but attending a public  
22 school in another school district, or a private school, under s. 115.7915.

23 **SECTION 9.** 121.08 (4) (am) of the statutes is created to read:

24 121.08 (4) (am) The amount of state aid that a school district is eligible to be  
25 paid from the appropriation under s. 20.255 (2) (ac) in any school year shall be

10-9 →

1 reduced by the total amount of scholarships paid by the department under s.  
2 115.7915 in that school year for pupils who reside in the school district. 11-2

3 **SECTION 10.** 121.08 (4) (c) of the statutes is amended to read:  
4 ~~121.08 (4) (c) The amount of state aid that a school district is eligible to be paid  
5 from the appropriation under s. 20.255 (2) (ac) shall also be reduced by an amount  
6 equal to the amount paid to the Second Chance Partnership under s. 115.28 (54) for  
7 pupils enrolled in the school district. The department shall ensure that the amount  
8 of the aid reduction lapses to the general fund and that it does not affect the amount  
9 determined to be received by a school district as state aid under this section for any  
10 other purpose.~~

11 **SECTION 11.** 121.08 (4) (d) of the statutes, as affected by 2011 Wisconsin Act 32,  
12 is amended to read:

13 121.08 (4) (d) The state superintendent shall ensure that the total amount of  
14 aid reduction under pars. (a), (b), and (br) this subsection lapses to the general fund.

15 **SECTION 12.** 121.54 (3) of the statutes is amended to read:

16 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. ~~Every~~ Except as  
17 provided in s. 115.7915 (5), every school board shall provide transportation for  
18 children with disabilities, as defined in s. 115.76 (5), to any public or private  
19 elementary or high school, to the school operated by the Wisconsin Center for the  
20 Blind and Visually Impaired or the school operated by the Wisconsin Educational  
21 Services Program for the Deaf and Hard of Hearing or to any special education  
22 program for children with disabilities sponsored by a state tax-supported institution  
23 of higher education, including a technical college, regardless of distance, if the  
24 request for such transportation is approved by the state superintendent. Approval

1 shall be based on whether or not the child can walk to school with safety and comfort.

2 Section 121.53 shall apply to transportation provided under this subsection.

3 (END)

ANALYSIS



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1976/1  
PG:cjs:ph

2011 ASSEMBLY BILL 110

April 26, 2011 - Introduced by Representatives LITJENS, FIELDS, WYNN, KNUDSON, NASS, PRIDEMORE, THIESFELDT, VOS, KLEETSCH, LEMAHIEU, NYGREN, STRACHOTA, BERNIER, BIES, BROOKS, ENDSLEY, FARROW, HONADEL, JACQUE, KNILANS, KOYENGA, KRAMER, KRUG, KUGLITSCH, T. LARSON, MURSAU, PETRYK, RIVARD, SEVERSON, SPANBAUER, TIFFANY and ZIEGELBAUER, cosponsored by Senators VUKMIR, MOULTON, GALLOWAY and DARLING. Referred to Committee on Education.

1 AN ACT to amend 20.255 (2) (cy), 115.77 (1), 115.791 (4), 121.08 (4) (c), 121.08 (4)  
2 (d) and 121.54 (3); and to create 20.255 (2) (az), 115.7915, 121.05 (1) (a) 4. and  
3 121.08 (4) (am) of the statutes; relating to: creating the Special Needs  
4 Scholarship Program for disabled pupils, granting rule-making authority, and  
5 making an appropriation.

LAS: Insert heading + subheading

EDUCATION

CS PRIMARY AND SECONDARY EDUCATION

Analysis by the Legislative Reference Bureau

This bill establishes a Special Needs Scholarship Program. Under the program, a child with a disability may receive a scholarship to attend a public school located outside the pupil's school district of residence, or a private school, if all of the following conditions are met:

1. The school has notified the Department of Public Instruction (DPI) of its intent to participate in the program and the child has been accepted by the school.
2. If the school is a private school, it is approved as a private school by DPI or is accredited.
3. An individualized education program (IEP) has been completed for the child.
4. The child attended a public school, or did not attend school in this state, in the previous school year.

Upon receipt of an application for a scholarship, DPI must review the child's IEP and determine the amount of the child's scholarship. The amount is the lesser of the cost to the child's school district of residence, ~~or the cost to the school district~~ or private school that the child wishes to attend, of providing regular instruction,

the charter school,

attended a charter school,  
attended a private school under a parental choice program,  
a charter school,

plus the per pupil operating and debt - 2 - service costs

or the statewide cost per public school pupil in the school year plus the amount appropriated for special education in

LRB-1976/1  
PG:cjs:ph

previous amount

instructional and pupil support services, special education and related services, and supplementary aids and services to the child. If the child is attending for less than a full school term, DPI must prorate the amount of the scholarship.

the previous school year

(A)

DPI pays the scholarship directly to the school or school district that the child will attend. The scholarship continues while the child attends a school eligible to participate in the program until he or she graduates from high school or until the end of the school term in which he or she turns 21, whichever comes first.

charter school or private school

Under the bill, a pupil attending a private school, or a public school outside the pupil's school district of residence, under the program is counted for state aid purposes by the pupil's school district of residence. However, the state aid paid to that school district is reduced by the total amount of scholarships paid by DPI for pupils who reside in that school district.

Each private school participating in the program must comply with applicable health and safety laws; hold a valid occupancy permit, if required by the municipality; comply with federal law that prohibits discrimination against any person on the basis of race, color, or national origin; and conduct criminal background investigations of its employees and exclude from employment any person not permitted to hold a teaching license as the result of an offense ~~any~~ any person who might reasonably be believed to pose a threat to the safety of others.

The private school must also annually submit to DPI a school financial report prepared by a certified public accountant. If the private school expects to receive at least \$50,000 in scholarships during a school year, it must either file a surety bond with DPI or provide DPI with information demonstrating that it has the ability to pay an amount equal to the total amount of scholarships that it expects to receive.

The bill provides that if a child attends a private school under the program, his or her school district of residence must provide transportation to and from the school if the school is located at least two miles from the child's residence, the child resides in the private school's attendance area, and the private school is situated within the school district of residence or not more than five miles beyond the boundaries of the school district.

If the child attends a public school under the program, the child's parent is responsible for transporting the child to and from school unless transportation is required in the child's IEP. If the latter applies, the school district that the child attends is responsible for transporting the child. The bill allows a low-income pupil to apply to DPI for reimbursement of transportation costs.

The bill authorizes DPI to bar a school from participating in the program if the school intentionally and substantially misrepresents information required under the bill, routinely fails to comply with financial standards, uses a pupil's scholarship for any purpose other than educational purposes, or fails to refund any scholarship overpayments to the state.

Finally, the bill directs the Legislative Audit Bureau to contract for a study of the program. The results of the study must be reported to the legislature by January

9, 2015

2016



(A)

(w/ A) The number of scholarship recipients in any school year may not exceed five percent of the total number of children with disabilities residing in this state in the previous school year.



**ASSEMBLY AMENDMENT 11,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 110**

March 6, 2012 - Offered by Representative LITJENS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 19: delete that line and substitute "pupil's school district of  
3 residence; a charter school located in this state, including a charter school located in  
4 the pupil's school district of residence and a charter school under s. 118.40 (8); or a  
5 private school".

6 **2.** Page 3, line 16: after "public school," insert "attended a charter school,".

7 **3.** Page 5, line 16: delete "and supplementary" and substitute  
8 "supplementary".

9 **4.** Page 5, line 16: after "services," insert "and operating and debt services  
10 costs per pupil, as described under s. 118.60 (4) (d)".

2-19

5-16

1           **5.** Page 6, line 1: delete "The scholarship" and substitute "Except as provided  
2 in sub. (3) (c), the scholarship".

3           **6.** Page 6, line 11: after that line insert:

4           "(c) If a child attends a private school under this section, the school board of the  
5 child's school district of residence shall ensure that the child's individualized  
6 education program team reevaluates the child as provided in s. 115.782 (4). If the  
7 individualized education program team determines that the child is no longer a child  
8 with a disability, the child is ineligible to receive a scholarship under this section  
9 beginning in the school term following the determination."

6-11A/7

10           **7.** Page 7, line 3: after "rule" insert "under s. 118.60 (11) (a)".

11           **8.** Page 7, line 12: after "equal to" insert "25 percent of".

12           **9.** Page 10, line 9: after that line insert:

13           "(d) In a manner consistent with federal law, requiring the school board of a  
14 school district participating in the program under this section to spend its federal  
15 equitable share funds on children with disabilities who are enrolled by their parents  
16 in private schools other than under this section."

10-9

17           **10.** Page 11, line 2: after "district." insert "The department shall ensure that  
18 the amount of the aid reduction under this paragraph does not affect the amount  
19 determined to be received by a school district as state aid under this section for any  
20 other purpose."

11-2



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRBa2709/1  
PG:wlj:jm

ASSEMBLY AMENDMENT 12,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 110

March 6, 2012 - Offered by Representative LITJENS.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 6, line 11: after that line insert:

3 “(3m) MAINTENANCE OF EFFORT. Whenever a pupil receives a scholarship under  
4 this section, the department and the school board of the pupil’s school district of  
5 residence shall count the scholarship amount toward federal maintenance-of-effort  
6 requirements.”

7 (END)

6-11B