2013 DRAFTING REQUEST

Assembly Amendment (AA-AB40)

Received:	**6/6/2013**	Received By:	**pgrant**
Wanted:	**As time permits**	Same as LRB:	
For:	**Legislative Fiscal Bureau 6-8314**	By/Representing:	**Kava**
May Contact:		Drafter:	**pgrant**
Subject:	**Education - school boards** **Education - school finance**	Addl. Drafters:	
		Extra Copies:	**TKK** **FFK**

Submit via email: **YES**
Requester's email: **Legislative Fiscal Bureau**
Carbon copy (CC) to:

Pre Topic:

LFB:.....Kava -

Topic:

Counting pupils enrolled in home-based programs in enrollment

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 6/6/2013	csicilia 6/6/2013	jfrantze 6/6/2013	_____ _____			
/1	pgrant 6/7/2013	scalvin 6/7/2013	jfrantze 6/7/2013	_____ _____	sbasford 6/6/2013		
/2	pgrant 6/8/2013	evinz 6/9/2013	jfrantze 6/9/2013	_____ _____	sbasford 6/7/2013		

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/3				_____	mbarman		
				_____	6/10/2013		

FE Sent For:

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/1		/2 sac 06/07/2013		_____ _____	sbasford 6/6/2013		

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6/7

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/?	pgrant	/1 cjs 6/6 13	6	ph 6/6			

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Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: http://legis.wisconsin.gov/lfb

May 29, 2013 | Joint Committee on Finance | Paper #524

Pupils Enrolled in Home-Based Private Educational Programs (DPI -- Choice, Charter, and Open Enrollment)

[LFB 2013-15 Budget Summary: Page 388, #18]

CURRENT LAW

A home-based private educational program is defined under state law as a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. Statutes specify that instruction in a home-based private educational program that meets all of the criteria for a private school may be substituted for attendance at a public or private school. In the 2011-12 school year, there were over 18,100 pupils enrolled in home-based private educational programs.

Under the part-time attendance option, the school board of a district operating high school grades must allow a pupil enrolled in a private school, tribal school, or home-based private educational program, who has met the standards for admission to high school, to take up to two courses during each school semester if the pupil resides in the district in which the public school is located and if the board determines that there is sufficient space in the classroom. The pupils are currently counted on a full-time equivalency (FTE) basis in a district's pupil membership for the calculation of equalization aid, but not revenue limits.

GOVERNOR

Expand the part-time attendance option for pupils enrolled in a home-based private educational program to require a school board to allow a pupil in a such program who has met the standards for admission for a course to attend up to two courses at a public school in the district during each school semester, if the board determines that there is sufficient space in the classroom. Require boards to determine the minimum standards for admission to a course offered by the district at each grade. Specify that a pupil enrolled in a home-based private

educational program and attending a public school may attend one course in each of two school districts, but may not attend more than two courses in any semester. Define "course" to mean study which has the fundamental purposes of developing the knowledge, concepts, and skills in a subject. Specify that a pupil attending public school under these provisions be counted as 0.25 pupil for the calculation of equalization aid, but not revenue limits, for each course the pupil attends at the public school during the school year. Specify that these provisions would be applicable to all school districts, including Milwaukee Public Schools.

DISCUSSION POINTS

1. The administration has requested modification of the bill language regarding the proposed 0.25 pupil membership count. Under the bill as drafted, all pupils in a home-based private educational program using the part-time attendance option would be counted as 0.25 pupil for the calculation of equalization aid. Under the requested modification, only pupils attending a nonresident district would be counted as 0.25 pupil for equalization aid purposes. Pupils attending their resident district would still be counted on an FTE basis under the requested modification.

2. The part-time attendance option for pupils enrolled in private schools and home-based private educational programs was enacted in 1997 Act 27, and first applied to general aid paid in 1998-99. Pupils enrolled in tribal schools were made eligible for the part-time attendance option under 2009 Act 302.

3. The effect of the bill provision, as modified by the DOA request, on the distribution of equalization aid would depend upon the use of the part-time attendance option by pupils in a home-based private educational program in grades K-8 in their district of residence and by pupils in a home-based private educational program in all grades in a nonresident district. This information is not currently available.

4. The potential scope of the bill provision can be illustrated by current use of the part-time attendance option. In their reporting to DPI, school districts report the total number of pupils using the part-time attendance option and do not differentiate between pupils in home-based private educational programs and pupils in private schools and tribal schools. Districts also report the number of hours attended by those pupils and the total hours for full-time pupils in those grades, but not the number of courses taken by those pupils.

5. In the September, 2011, pupil count, 230 children in 101 school districts used the part-time attendance option, while 231 children in 90 districts used it in the January, 2012, pupil count. When converted to an FTE basis, there were 37.8 FTE pupils using the part-time attendance option in the September count and 30.9 FTE pupils in the January count, for a total of 68.7 FTE in the pupil membership counts in 104 districts for the 2011-12 school year.

6. The pupil membership data from the 2011-12 school year was used to calculate general school aids in the 2012-13 aid year. Of the 104 districts with children using the part-time attendance option, the FTE pupil count in 67 of them was less than 0.5. Because the FTE pupil count did not round up to a whole number, these districts had no pupils added to their overall

membership from the part-time attendance option for the calculation of equalization aid.

7. The 37 remaining districts had a total of 60 pupils added to their pupil membership for the equalization aid calculation. The largest number of pupils for any district was seven. The 60 pupils represented 0.007% of the statewide total membership of 855,327 used to calculate 2012-13 equalization aid.

8. The bill provision would allow pupils in home-based private educational programs in all grades to take courses in public schools and to attend schools outside their district of residence. This would provide additional options for the parents of pupils in such programs, should they choose to take them. It would also increase the likelihood that districts with such pupils would receive some additional equalization aid for any courses that they offer to those pupils.

9. Given that public schools and home-based private educational programs represent philosophically different approaches to education, some would argue that it may be desirable to maintain current law and not allow for greater interaction between the two systems.

ALTERNATIVES

1. Approve the Governor's recommendation, as modified by the change requested by DOA, to: (a) expand the part-time attendance option for pupils enrolled in a home-based private educational program to allow these pupils in all grades, rather than just high school grades as under current law, to attend up to two courses at a public school during each school semester, including one course in each of two districts; and (b) to specify that nonresident pupils be counted as 0.25 pupil for the calculation of equalization aid, but not revenue limits, for each course the pupil attends at the public school, while resident pupils would continue to be counted on an FTE basis for aid purposes as under current law.

2. Delete provision.

Prepared by: Russ Kava

2013 Date (time) needed _____ LRB b 0370 / 1

PG : gs :

LFB BUDGET AMENDMENT [ONLY FOR LFB]

See form **AMENDMENTS — COMPONENTS & ITEMS.**

LFB AMENDMENT TO 2013 ASSEMBLY BILL 40

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page ~~816~~ 816, line ~~18~~ 18: delete lines 18 to 24.

#. Page ~~836~~ 836, line 11: after "program" insert "who resides outside the school district area"

#. Page . . . ., line . . . .:

(End)

#. Page . . . ., line . . . .:

#. Page . . . ., line . . . .:

#. Page . . . ., line . . . .:

6/7/13

TC w/ Russ Kava, LFB

- leave 118.145 as is under current law.
- 118.53 : ~~it can go out~~
  applies to res & non res
- 121.004 (7)(em) – if gr outside 10 of res, 0.25

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBb0370/1 2
PG:cjs:jf
sac

LFB:.....Kava – Counting pupils enrolled in home–based programs in enrollment

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

At the locations indicated, amend the bill as follows:

1. Page 816, line 18: delete lines 18 to 24.

2. Page 836, line 11: after "program," insert "who resides outside the school district and".

~~(END)~~

LPS: Item #

2. Page 854, line 16: after "school" insert "outside his or her school district of residence".

(End)

6/8/13

TC w/ Russ

time based: if res: count as FTE
if nonres: count as 0.25

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBb0370/~~2~~ 3
PG:~~cjs&sac~~:jf
Lall

LFB:.....Kava – Counting pupils enrolled in home–based programs in enrollment

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

At the locations indicated, amend the bill as follows:

~~**1.** Page 816, line 18: delete lines 18 to 24.~~

1. **2.** Page 854, line 16: after "school" insert "outside his or her school district of residence".

~~(END)~~

2. Page 854, line 18: after "year" insert

~~Section #. 121.004 (7) (e) of the statutes~~

in his or her school district of residence

118.53

~~121.004 (7) (e)~~ A pupil attending public school under s. ~~118.145 (4)~~ shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2007 a. 226; 2009 a. 28.

(End)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBb0370/3
PG:all:jf

LFB:.....Kava – Counting pupils enrolled in home–based programs in enrollment

FOR 2013–2015 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY BILL 40

At the locations indicated, amend the bill as follows:

1. Page 854, line 16: after "school" insert "outside his or her school district of residence".

2. Page 854, line 18: after "year." insert "A pupil attending public school in his or her school district of residence under s. 118.53 shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.".

(END)