

2013 DRAFTING REQUEST

Senate Amendment (SA-AB40)

Received: **6/17/2013** Received By: **tkuczens**
Wanted: **As time permits** Same as LRB:
For: **Chris Larson (608) 266-7505** By/Representing: **Sarah Barry**
May Contact: Drafter: **tkuczens**
Subject: **Education - choice programs** Addl. Drafters:
Extra Copies: **pg, ffk**

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

Pre Topic:

No specific pre topic given

Topic:

Choice program expansion - prohibit expansion to other school districts unless a referendum passes

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 6/17/2013			_____			
/1	tkuczens 6/17/2013	wjackson 6/17/2013	rschluet 6/19/2013	_____	lparisi 6/19/2013	lparisi 6/19/2013	

FE Sent For:

<END>

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/?	tkuczens 6/17/2013	1 WJ 6/17	6/17 WJ	<u>PIX</u> <u>Jm</u>			
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FE Sent For:

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb058212-1

TKK:Y:...

WJ PLAK
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 40

Edibra:
I corrected
the entire request
sheet

6/17/13

bill as shown by assembly

①

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

Insert
1-3

2

1. Page 982, line 2: after that line insert:

3

2. Page 982, line 6: after "subject to" insert "sub. (bs) and sub. (lr) and".

4

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1220/P1
TKK:kjf:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 118.60 (2) (a) 3. b. and 118.60 (2) (b); **to renumber and amend**
2 118.60 (2) (a) 3. a.; **to amend** 20.255 (1) (j) (title), 20.255 (2) (fv) (title), 118.60
3 (title), 118.60 (1m), 118.60 (2) (a) (intro.), 118.60 (2) (a) 6. c., 118.60 (2) (a) 7. and
4 121.08 (4) (br); and **to create** 118.60 (1r) of the statutes; **relating to:** requiring
5 a petition and referendum before a school district may qualify as an eligible
6 school district for purposes of the parental choice program for eligible school
7 districts.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

8 **SECTION 1.** 20.255 (1) (j) (title) of the statutes is amended to read:

1 20.255 (1) (j) (title) *Milwaukee Parental Choice Program and the parental*
 2 *choice programs in other program for eligible school districts; financial audits.*

3 **SECTION 2.** 20.255 (2) (fv) (title) of the statutes is amended to read:

4 20.255 (2) (fv) (title) *Milwaukee Parental Choice Program and the parental*
 5 *choice programs in other program for eligible school districts; transfer pupils.*

6 **SECTION 3.** 118.60 (title) of the statutes is amended to read:

7 **118.60 (title) Parental choice programs program for eligible school**
 8 **districts.**

9 **SECTION 4.** 118.60 (1m) of the statutes is amended to read:

10 118.60 (1m) By November 15 of the 2nd fiscal year of each fiscal biennium, the
 11 department shall prepare a list that identifies eligible school districts. The
 12 department shall post the list on the department's Internet site and shall notify in
 13 writing the school district clerk of each eligible school district. A school district that
 14 has qualified identified as an eligible school district in 2011 Wisconsin Act 32, section
 15 9137 (3u), shall remain an eligible school district, but a school district identified as
 16 an eligible school district under this subsection after the effective date of this
 17 subsection [LRB inserts date], must also qualify as an eligible school district
 18 under this section on April 20, 2012, shall remain an eligible school district, but no
 19 school district may qualify as an eligible school district after April 20, 2012 sub. (1r).

20 **SECTION 5.** 118.60 (1r) of the statutes is created to read:

21 118.60 (1r) (a) In this subsection:

- 22 1. "Board" means the government accountability board.
- 23 2. "Circulator" has the meaning given for "qualified circulator" under s. 5.02

24 (16g). ✓

Begin next 1-3

18296

✓

1 (b) No pupil who resides in a school district ^{or other than} identified as an eligible school
 2 district under sub. (1m) ^{or a 1st class city school district} may attend a private school under this section until the
 3 school district qualifies as provided under this subsection. An eligible school district
 4 may not qualify ^{under this subsection} until a petition is certified as provided in this paragraph and the
 5 petition is approved at a referendum as provided ⁱⁿ under par. (c). A petition may not
 6 be certified unless all of the following occur:

7 1. An individual, committee, or group ^{may} file a registration statement with
 8 the board to initiate a petition to have a school district ^{or other than} that has been identified as an
 9 eligible school district under sub. (1m) ^{or a 1st class city school district} qualify as an eligible school district under this
 10 subsection. The registration statement shall include the name and mailing address
 11 of the individual ^{who}, ^{or} ^{committee}, or group ^{that}, ^{is} initiating the petition.

12 2. The individual, committee, or group ^{may} circulate the petition and shall file
 13 the petition with the board no later than 60 days after the date on which the
 14 registration statement is filed under subd. 1. The certification of a circulator shall
 15 appear at the bottom of each petition filed with the board. The certification of the
 16 circulator shall include the name and mailing address of the individual ^{who}, ^{or}
 17 committee, or group ^{that}, ^{initiated} ^{a statement} the petition and shall state that he or she
 18 personally circulated the petition and personally obtained each of the signatures; he
 19 or she knows the signatures are of qualified electors, as ^{described in} defined under s. 6.02, of the
 20 school district that is the subject of the petition as the petition requires; he or she
 21 knows the signers signed the petition with full knowledge of its content; he or she
 22 knows the respective residences given for each signer; and he or she knows each
 23 signer signed on the date stated opposite his or her signature. The certification shall
 24 ^{also include a statement that} further state that he or she, the circulator, is a qualified elector of this state, ^{or} if not
 25 a qualified elector of this state, is a U.S. citizen age 18 or older who, if he or she were

1 a resident of this state, would not be disqualified from voting under s. 6.03; that he
2 or she intends to support the implementation of the program under this section in
3 the school district that is the subject of the petition; and that he or she is aware that
4 falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall
5 indicate the date that he or she makes the certification next to his or her signature.

6 3. The board shall, within 31 days after a petition is filed under subd. 2., review^s
7 the signatures to determine whether any signatures or petition sheets may not be
8 counted for the reasons provided in subd. 4. or 5.^{par (C)} If, after review, the board
9 determines that the petition contains a number of signatures of qualified electors in
10 the school district that is the subject of the petition equal to not less than 25 percent
11 of the number of pupils enrolled in the school district in the school year immediately
12 preceding the date on which a registration statement is filed under subd. 1., the
13 board shall certify that result to the school district clerk.

14 (4.)^{e (L) (C)} An individual signature on a petition sheet may not be counted if:

- 15 a. The signature is not dated.
- 16 b. The signature is dated outside the circulation period.
- 17 c. The signature is dated after the date of the certification contained on the
18 petition sheet.
- 19 d. The residency of the signer of the petition sheet cannot be determined by the
20 address given.
- 21 e. The signature is that of an individual who is not a resident of the school
22 district that is the subject of the petition.
- 23 f. The signer has been adjudicated not to be a qualified elector on grounds of
24 incompetency or limited incompetency as provided in s. 6.03 (3).
- 25 g. The signer is not a qualified elector by reason of age.

1 h. The circulator knew or should have known that the signer, for any other
2 reason, was not a qualified elector.

3 (5)^{e 20} No signature on the petition sheet may be counted if:

4 a. The circulator fails to sign his or her certification.

5 b. The circulator is not a qualified circulator.

6 (c)^{e (d)} Within 10 days after the government accountability board certifies the
7 petition under par. (b) 3., the school board shall notify the department of the
8 scheduled date of the referendum and submit a copy of the petition and certification
9 to the department. The school board shall call a special referendum for the purpose
10 of submitting the petition to the electors of the school district for approval or
11 rejection. In lieu of a special referendum, the school board may specify that the
12 referendum be held at the next succeeding spring primary or election or September
13 primary or general election, if such election is to be held not sooner than 42 days after
14 the petition is certified by the government accountability board. The referendum
15 shall be held in accordance with chs. 5 to 12. The form of the ballot shall correspond
16 substantially with the standard form for referendum ballots prescribed by the
17 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The question
18 submitted shall be whether the program under this section shall be implemented in
19 the school district. If a majority of those voting on the question approve, the eligible
20 school district qualifies under this subsection. The school district clerk shall do all
21 of the following:

22 1. Publish type A, B, C, D, and E notices of the referendum under s. 10.01 (2).

23 Notwithstanding s. 10.01 (2) (a), the type A notice shall include a copy of any
24 certificate submitted to the school district clerk by the government accountability
25 board under par. (b) 3. and the question to be submitted to the voters as provided in

1 this paragraph. Section 5.01 (1) applies in the event of failure to comply with the
2 notice requirements of this paragraph.

3 2. Provide the election officials with all necessary election supplies.

4 (d) ^{e (e)} The department shall implement the program under this section in an ^{see a}
5 eligible school district ^{other than an eligible school district or a 1st class city school district} that qualifies under this subsection in the first school year that

6 begins after the date on which the question submitted under par. (c) is approved.

7 (e) ^{(f) e e} An eligible school district that qualifies under this subsection shall remain
8 qualified under this subsection. ✓ (c)

End
Insert
1-3

9 SECTION 6. 118.60 (2) (a) (intro.) of the statutes is amended to read:

10 118.60 (2) (a) (intro.) Subject to ~~par. (b)~~ sub. (1r), any pupil in grades
11 kindergarten to 12 who resides within an eligible school district may attend any
12 private school if all of the following apply:

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

15 118.60 (2) (a) 3. ~~Except as provided in subd. 3. b., the~~ The private school notified
16 the state superintendent of its intent to participate in the program under this
17 section, and paid the nonrefundable fee set by the department as required under s.
18 119.23 (2) (a) 3., by February 1 of the previous school year. The notice shall specify
19 the number of pupils participating in the program under this section for which the
20 school has space.

21 SECTION 8. 118.60 (2) (a) 3. b. of the statutes is repealed.

22 SECTION 9. 118.60 (2) (a) 6. c. of the statutes is amended to read:

23 118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the
24 first school year that begins after a school district is identified as an eligible school
25 district under sub. (1m) and qualifies as an eligible school district under sub. (1r), or

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

17 **SECTION 10.** 118.60 (2) (a) 7. of the statutes is amended to read:

18 118.60 (2) (a) 7. For a private school that is a first-time participant in the
19 program under this section, and that is not accredited by Wisconsin North Central
20 Association, Wisconsin Religious and Independent School Accreditation,
21 Independent Schools Association of the Central States, Wisconsin Evangelical
22 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
23 diocese or archdiocese within which the private school is located, or by any other
24 organization recognized by the National Council for Private Schools Accreditation,
25 the private school obtains preaccreditation by the Institute for the Transformation

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

1 required to obtain preaccreditation as a prerequisite to providing instruction under
2 this section in additional grades or in an additional or new school.

3 SECTION 11. 118.60 (2) (b) of the statutes is repealed.

4 SECTION 12. 121.08 (4) (br) of the statutes is amended to read:

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

12

(END)