



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBb0830/1  
TKK:emw/wlj/jm

**SENATE AMENDMENT 13,  
TO ASSEMBLY BILL 64**

September 15, 2017 - Offered by Senators LARSON, JOHNSON, CARPENTER, L. TAYLOR,  
RISSER, VINEHOUT, BEWLEY, WIRCH, HANSEN and RINGHAND.

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

3           **1.** Page 281, line 2: after that line insert:

4           “**SECTION 206p.** 20.255 (1) (f) of the statutes is amended to read:

5           20.255 (1) (f) *Assessments of reading readiness.* The amounts in the schedule  
6 to provide school districts and, independent charter schools under s. 118.40 (2r) and  
7 (2x), the governing bodies of private schools participating in the special needs  
8 scholarship program under s. 115.7915, and the governing bodies of private schools  
9 participating in a parental choice program under s. 118.60 or 119.23 with the  
10 assessments of reading readiness under s. 118.016.”.

11           **2.** Page 281, line 22: delete “(a), (cm), and (e)” and substitute “(a) and (e)”.

12           **3.** Page 741, line 18: after that line insert:

13           “**SECTION 1461r.** 115.28 (7) (b) of the statutes is amended to read:

1           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
2 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the  
3 state superintendent shall grant ~~certificates~~ and licenses to teachers in private  
4 schools and tribal schools, except that teaching experience requirements for such  
5 ~~certificates~~ and licenses may be fulfilled by teaching experience in public, private,  
6 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the  
7 state superintendent finds that the private school or tribal school in which the  
8 applicant taught offered an adequate educational program during the period of the  
9 applicant's teaching therein. ~~Private~~ Except as provided in ss. 115.7915 (2m) (b),  
10 118.60 (2) (a) 6m., and 119.23 (2) (a) 6m., private schools are not obligated to employ  
11 only licensed or certified teachers.”.

12           **4.** Page 761, line 7: delete lines 7 to 10 and substitute:

13           “**SECTION 1486bm.** 115.7915 (2) (intro.) of the statutes is amended to read:

14           115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17  
15 school year, the department shall provide to a child with a disability a scholarship  
16 under sub. (4m) (a) to attend ~~a private~~ an eligible school, provided the private school  
17 is in compliance with the requirements under sub. (2m), if all of the following apply:”.

18           **5.** Page 763, line 10: after that line insert:

19           “**SECTION 1488i.** 115.7915 (2) (i) of the statutes is created to read:

20           115.7915 (2) (i) The sum of the pupils attending the private school under a  
21 scholarship under this section and under the programs under ss. 118.60 and 119.23  
22 is less than 49 percent of the total number of pupils attending the private school.

23           **SECTION 1488k.** 115.7915 (2m) of the statutes is created to read:

1           115.7915 **(2m)** PRIVATE SCHOOLS; REQUIREMENTS FOR PARTICIPATION. A private  
2 school may not participate in the program under this section unless all of the  
3 following apply:

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

5           (b) All instructional staff employed by the governing body of the private school  
6 hold a license or permit to teach issued by the department. For purposes of this  
7 paragraph, “instructional staff” has the meaning given in the rules promulgated by  
8 the department under s. 121.02 (1) (a) 2.

9           (c) Prior to accepting applications under sub. (2) (g), the private school had been  
10 in operation for the attendance of pupils for at least 2 school years.

11           (d) The governing body of the private school annually submits to an  
12 independent financial audit of the private school as provided under s. 118.60 (7) (am).

13           (e) The governing body of the private school annually schedules at least one  
14 meeting of the governing body of the private school each month that is open to the  
15 public as provided under s. 118.60 (7) (b) 3m.

16           (f) The governing body of the private school permits public inspection and  
17 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
18 extent as required of, and subject to the same terms and enforcement provisions that  
19 apply to, a school board under subch. II of ch. 19. This paragraph applies only to  
20 records that relate to pupils attending the private school under this section.

21           (g) The governing body of the private school complies with the requirement to  
22 submit a copy of the school’s certificate of occupancy or a building permit to the  
23 department as provided under s. 118.60 (7) (d).

1 (h) The governing body of the private school complies with the requirement to  
2 conduct state and federal background checks of teachers and administrators  
3 employed by and volunteers at the private school as provided in s. 118.60 (7) (h).”.

4 **6.** Page 764, line 7: delete the material beginning with that line and ending  
5 on page 765, line 12, and substitute:

6 “**SECTION 1492be.** 115.7915 (4m) (a) (intro.) of the statutes is renumbered  
7 115.7915 (4m) (a) and amended to read:

8 115.7915 (4m) (a) Subject to par. (c), from the appropriation under s. 20.255 (2)  
9 (az), the department shall pay the private school a child attends under the  
10 scholarship program under this section, on behalf of a child’s parent or guardian, the  
11 following amount: under s. 118.60 (4) (bd).

12 **SECTION 1492bm.** 115.7915 (4m) (a) 1. of the statutes is repealed.

13 **SECTION 1492bs.** 115.7915 (4m) (a) 2. of the statutes is repealed.”.

14 **7.** Page 766, line 1: delete lines 1 to 17.

15 **8.** Page 767, line 1: delete “~~b. and a.,~~ d.” and substitute “b. and, d.”.

16 **9.** Page 768, line 6: after that line insert:

17 “**SECTION 1492vc.** 115.7915 (8) (a) 5. of the statutes is created to read:

18 115.7915 (8) (a) 5. Failed to provide the information required under sub. (2m)  
19 (d) or (g) by the date or within the period specified.

20 **SECTION 1492vg.** 115.7915 (8) (a) 6. of the statutes is created to read:

21 115.7915 (8) (a) 6. Violated sub. (2m) (e) or (f).

22 **SECTION 1492vn.** 115.7915 (8) (a) 7. of the statutes is created to read:

23 115.7915 (8) (a) 7. Violated or employed a person who violated s. 118.016,  
24 118.19 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

1           **SECTION 1492vr.** 115.7915 (8) (ag) of the statutes is created to read:

2           115.7915 (8) (ag) The state superintendent may issue an order immediately  
3 terminating a private school’s participation in the program under this section if he  
4 or she determines that the owner of the private school would not be eligible or  
5 permitted to be employed, licensed, or permitted for any of the reasons specified  
6 under s. 115.31 (2g) or (6m) or 115.315.

7           **SECTION 1492vw.** 115.7915 (8) (ar) of the statutes is created to read:

8           115.7915 (8) (ar) The state superintendent may issue an order immediately  
9 terminating a private school’s participation in the program under this section if he  
10 or she determines that the private school has failed to comply with the requirements  
11 under s. 118.60 (7) (h) or if the private school employs an individual in contravention  
12 of the prohibitions under s. 118.60 (7) (h).”.

13           **10.** Page 782, line 1: before that line insert:

14           **“SECTION 1504yc.** 118.016 (1) (bm) of the statutes is created to read:

15           118.016 (1) (bm) Beginning in the 2018-19 school year, the governing body of  
16 each private school participating in a parental choice program under s. 118.60 or  
17 119.23 and each private school participating in the special needs scholarship  
18 program under s. 115.7915 shall, using the appropriate, valid, and reliable  
19 assessment of literacy fundamentals selected by the governing body, annually assess  
20 each pupil enrolled in 4-year-old kindergarten to 2nd grade in the private school for  
21 reading readiness. The governing body shall ensure that the assessment evaluates  
22 whether a pupil possesses phonemic awareness and letter sound knowledge. The  
23 governing body may administer computer adaptive assessments. This paragraph  
24 applies only to pupils attending the school under s. 115.7915, 118.60, or 119.23.

1           **SECTION 1504yg.** 118.016 (1) (c) of the statutes is amended to read:

2           118.016 (1) (c) The department shall pay to the school board ~~or~~, operator, or  
3 governing body, from the appropriation under s. 20.255 (1) (f), the per pupil cost of  
4 the selected assessment. If the appropriation under s. 20.255 (1) (f) in any fiscal year  
5 is insufficient to pay the full amount of aid under this paragraph, the state  
6 superintendent shall prorate state aid payments among the school boards ~~and~~,  
7 governing bodies of private schools, and operators of charter schools entitled to the  
8 aid.

9           **SECTION 1504yn.** 118.016 (1g) of the statutes is amended to read:

10           118.016 (1g) If a pupil is enrolled in a special education program under subch.  
11 V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40 (2r)  
12 or (2x), or governing body of the private school under s. 115.7915, 118.60, or 119.23  
13 shall comply with s. 115.77 (1m) (bg).

14           **SECTION 1504yr.** 118.016 (1r) of the statutes is amended to read:

15           118.016 (1r) The school board ~~or~~, operator of the charter school, or governing  
16 body of the private school under s. 115.7915, 118.60, or 119.23 shall report the results  
17 of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

18           **SECTION 1504yw.** 118.016 (2) of the statutes is amended to read:

19           118.016 (2) The school board of the school district ~~or~~, operator of the charter  
20 school, or governing body of the private school in which the pupil is enrolled shall  
21 provide a pupil whose assessment under sub. (1) indicates that he or she is at risk  
22 of reading difficulty with interventions or remedial reading services, as described  
23 under s. 121.02 (1) (c).”.

24           **11.** Page 783, line 7: delete lines 7 to 11 and substitute:

1           **“SECTION 1507g.** 118.19 (1) of the statutes is amended to read:

2           118.19 (1) Except as provided in subs. (1b) and (1c) and s. 118.40 (8) (b) 1. and  
3           2., any person seeking to teach in a public school, including a charter school, in a  
4           private school participating in a parental choice program under s. 118.60 or 119.23,  
5           in the special needs scholarship program under s. 115.7915, or in a school or  
6           institution operated by a county or the state shall first procure a license or permit  
7           from the department.”.

8           **12.** Page 792, line 20: after that line insert:

9           **“SECTION 1525b.** 118.30 (5m) of the statutes is amended to read:

10          118.30 (5m) When determining the percentage of pupils participating in the  
11          program under s. 119.23 who performed at designated proficiency levels on the  
12          examinations administered as required under sub. (1s) or s. 118.301 (3), the  
13          department shall ~~consider only the pupils participating in the program under s.~~  
14          ~~119.23 to whom the examinations were administered at each grade level, and shall~~  
15          not exclude from consideration those pupils participating in the program under s.  
16          119.23 who were excused from taking the examinations under sub. (2) (b) 5.

17          **SECTION 1525d.** 118.305 (1) (gm) of the statutes is created to read:

18          118.305 (1) (gm) “Pupil” excludes pupils who are attending a private school  
19          participating in a parental choice program under s. 118.60 or 119.23 or in the special  
20          needs scholarship program under s. 115.7915 but not under the parental choice  
21          program or scholarship program.

22          **SECTION 1525f.** 118.305 (1) (h) of the statutes is amended to read:

1           118.305 (1) (h) “School” means a public school, including a charter school, and  
2 a private school participating in the program under s. 115.7915, and a private school  
3 participating in a parental choice program under s. 118.60 or 119.23.

4           **SECTION 1525h.** 118.305 (3) (e) of the statutes is amended to read:

5           118.305 (3) (e) It does not constitute corporal punishment, as defined in s.  
6 118.31 (1) (a).

7           **SECTION 1525j.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and  
8 amended to read:

9           118.31 (1) (intro.) In this section, ~~“corporal:~~

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

16          **SECTION 1525L.** 118.31 (1) (b) of the statutes is created to read:

17          118.31 (1) (b) “Private school” means a private school, as defined in s. 115.001  
18 (3r), that is participating in the special needs scholarship program under s. 115.7915  
19 or in any parental choice program under ss. 118.60 and 119.23.

20          **SECTION 1525n.** 118.31 (2) of the statutes is amended to read:

21          118.31 (2) Except as provided in sub. (3), no official, employee, or agent of a  
22 school board or of a private school may subject a pupil enrolled in the school district  
23 or in the private school to corporal punishment.

24          **SECTION 1525p.** 118.31 (3) (intro.) of the statutes is amended to read:



1           118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or  
2 agent of a school board or of a private school from:

3           **SECTION 1525r.** 118.31 (4) of the statutes is amended to read:

4           118.31 (4) Each school board and each private school shall adopt a policy that  
5 allows any official, employee, or agent of the school board or private school to use  
6 reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining  
7 whether or not ~~a person~~ an official, employee, or agent of a school board or of a private  
8 school was acting within the exceptions in sub. (3), deference shall be given to  
9 reasonable, good faith judgments made by ~~an~~ the official, employee, or agent of ~~a~~  
10 school board.

11           **SECTION 1525t.** 118.31 (5) of the statutes is amended to read:

12           118.31 (5) Except as provided in s. 939.61 (1), this section does not create a  
13 separate basis for civil liability of a school board or of a private school or ~~their~~  
14 ~~officials, employees or agents~~ of an official, employee, or agent of the school board or  
15 private school for damages arising out of claims involving allegations of improper or  
16 unnecessary use of force by ~~a school employees~~ official, employee, or agent against  
17 ~~students~~ a pupil.

18           **SECTION 1525v.** 118.31 (6) of the statutes is amended to read:

19           118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect any  
20 action taken by an official, employee, or agent of a school board or private school with  
21 regard to a person who is not a pupil enrolled in the school district or in the private  
22 school.

23           **SECTION 1525x.** 118.33 (1) (f) 5. of the statutes is created to read:

24           118.33 (1) (f) 5. Beginning in the 2018-19 school year, the governing body of  
25 each private school participating in the special needs scholarship program under s.

1 115.7915 or in a parental choice program under s. 118.60 or 119.23 shall include in  
2 its policy under subd. 2m. or 2r. the requirements for granting a high school diploma  
3 specified in pars. (a) and (b), with the exceptions provided in pars. (d) and (e).”.

4 **13.** Page 826, line 11: after that line insert:

5 “**SECTION 1579e.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

6 118.60 (2) (a) (intro.) Subject to pars. (ag) and (ar), any pupil in grades  
7 kindergarten to 12 who resides within an eligible school district may attend any  
8 private school under this section and, subject to pars. (ag), (ar), (be), ~~(bm)~~, and (bs),  
9 any pupil in grades kindergarten to 12 who resides in a school district, other than  
10 an eligible school district or a 1st class city school district, may attend any private  
11 school under this section if all of the following apply:

12 **SECTION 1579m.** 118.60 (2) (a) 1. a. of the statutes, as affected by 2017  
13 Wisconsin Act 36, is amended to read:

14 118.60 (2) (a) 1. a. Except as provided in ~~par. (bm)~~ subd. 1. am., the pupil is a  
15 member of a family that has a total family income that does not exceed an amount  
16 equal to 3.0 times the poverty level determined in accordance with criteria  
17 established by the director of the federal office of management and budget. In this  
18 subdivision and sub. (3m), family income includes income of the pupil’s parents or  
19 legal guardians. Except as provided in subd. 1. c. and d., the family income of the  
20 pupil shall be verified as provided in subd. 1. b. A pupil attending a private school  
21 under this section whose family income increases above the income level in this subd.  
22 1. a. may continue to attend a private school under this section.

23 **SECTION 1579s.** 118.60 (2) (a) 1. am. of the statutes is created to read:

1           118.60 (2) (a) 1. am. Beginning in the 2018-19 school year, the pupil is a  
2 member of a family that has a total family income that does not exceed an amount  
3 equal to 1.85 times the poverty level determined in accordance with criteria  
4 established by the director of the federal office of management and budget. The  
5 family income of the pupil shall be verified as provided in subd. 1. b. A pupil  
6 attending a private school under this section whose family income increases above  
7 the income level in this subd. 1. am. may continue to attend a private school under  
8 this section.”.

9           **14.** Page 827, line 21: delete the material beginning with that line and ending  
10 on page 828, line 6, and substitute:

11           **“SECTION 1582b.** 118.60 (2) (a) 6m. of the statutes is created to read:

12           118.60 (2) (a) 6m. All instructional staff employed by the private school hold  
13 a license or permit to teach issued by the department. For purposes of this  
14 subdivision, “instructional staff” has the meaning given in the rules promulgated by  
15 the department under s. 121.02 (1) (a) 2.

16           **SECTION 1582f.** 118.60 (2) (a) 9. of the statutes is created to read:

17           118.60 (2) (a) 9. The private school has been in operation for the attendance of  
18 pupils for at least 2 school years.

19           **SECTION 1582k.** 118.60 (2) (a) 10. of the statutes is created to read:

20           118.60 (2) (a) 10. The private school is located in this state.

21           **SECTION 1582p.** 118.60 (2) (be) 2m. a. of the statutes is amended to read:

22           118.60 (2) (be) 2m. a. The pupil attended a private school under par. ~~(bm)~~ (a)  
23 1. am. in the previous school year.

24           **SECTION 1582s.** 118.60 (2) (bm) of the statutes is repealed.

1           **SECTION 1582w.** 118.60 (2) (c) of the statutes is amended to read:

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

6           2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school  
7 participating in the program under this section that prepares and trains pupils  
8 attending the school in rabbinical studies is not required to have a bachelor's degree  
9 or hold a license or permit to teach issued by the department.

10          **SECTION 1582y.** 118.60 (2) (cm) of the statutes is created to read:

11          118.60 (2) (cm) The sum of the pupils attending a private school under this  
12 section and s. 119.23 and under a scholarship under s. 115.7915 shall be less than  
13 49 percent of the total number of pupils attending the private school.”.

14          **15.** Page 828, line 24: delete the material beginning with that line and ending  
15 on page 829, line 9, and substitute:

16          “**SECTION 1598ba.** 118.60 (3) (c) of the statutes, as affected by 2017 Wisconsin  
17 Act 36, is amended to read:

18          118.60 (3) (c) If a participating private school rejects an applicant who resides  
19 in a school district, other than an eligible school district or a 1st class city school  
20 district, because the private school has too few available spaces, the applicant may  
21 transfer his or her application to a participating private school that has space  
22 available. An applicant who is rejected under this paragraph or an applicant who  
23 is on the waiting list under sub. (3) (ar) 4. may, subject to sub. (2) (a) 1. am. and (be),  
24 be admitted to a private school participating in the program under this section for

1 the following school year, provided that the applicant continues to reside in a school  
2 district other than an eligible school district or a 1st class city school district. The  
3 department may not require, in that following school year, the private school to  
4 submit financial information regarding the applicant or to verify the eligibility of the  
5 applicant to participate in the program under this section on the basis of family  
6 income.

7 **SECTION 1598bb.** 118.60 (4) (bd) of the statutes is created to read:

8 118.60 (4) (bd) Upon receipt from the pupil's parent or guardian of proof of the  
9 pupil's enrollment in the private school during a school term, the state  
10 superintendent shall pay to the private school in which the pupil is enrolled on behalf  
11 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an  
12 amount equal to the lesser of the following:

13 1. The amount equal to the private school's eligible education expenses, as  
14 defined in sub. (7) (am) 1m., per pupil, as determined by the department.

15 2. The average of the tuition paid by a pupil attending the private school, but  
16 not under the program under this section or the program under s. 119.23, in the  
17 current and 2 preceding school years.

18 3. \$6,442.

19 **SECTION 1598bc.** 118.60 (4) (be) of the statutes is created to read:

20 118.60 (4) (be) In determining a private school's eligible education expenses per  
21 pupil under par. (bd) 1., the department shall do all of the following, but may not  
22 determine separate expenses for pupils enrolled in grades kindergarten to 8 and for  
23 pupils enrolled in grades 9 to 12:

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

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

6 2. If legal title to the private school's buildings and premises is held in the name  
7 of the private school's parent organization or other related party, there is no other  
8 mechanism to include the private school's facilities costs in the calculation of its  
9 eligible education expenses, and the private school requests that the department do  
10 so, include an amount equal to 10.5 percent of the fair market value of the school and  
11 its premises. A request made by a private school under this subdivision remains  
12 effective in subsequent school years and may not be withdrawn by the private school.

13 3. If immediately prior to July 1, 2011, a private school's eligible education  
14 expenses, as defined under sub. (7) (am) 1m. and as determined by the department,  
15 included the amount described in subd. 2., continue to include the amount described  
16 in subd. 2. in subsequent school years.

17 4. Permit a private school to accumulate up to 15 percent of the private school's  
18 annual eligible education expenses in a reserve account and include any increase to  
19 that reserved amount in the department's determination of the private school's  
20 eligible education expenses for that school year.

21 **SECTION 1598bd.** 118.60 (4) (bg) of the statutes is repealed.

22 **SECTION 1598be.** 118.60 (4d) (b) 1. a. of the statutes is amended to read:

23 118.60 (4d) (b) 1. a. Identify the incoming choice pupils residing in the school  
24 district for whom a payment is made under sub. (4) (~~bg~~) (bd) in that school year.

25 **SECTION 1598bf.** 118.60 (4d) (b) 1. b. of the statutes is amended to read:

1           118.60 **(4d)** (b) 1. b. Sum the payments made under sub. (4) ~~(bg)~~ (bd) for all of  
2 the pupils identified under subd. 1. a. for that school year.

3           **SECTION 1598bg.** 118.60 (4m) of the statutes is repealed and recreated to read:

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

9           (a) Determine the private school's eligible education expenses, as defined in  
10 sub. (7) (am) 1m., per pupil in summer school.

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

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

15           **SECTION 1598bh.** 118.60 (4r) (a) of the statutes is amended to read:

16           118.60 **(4r)** (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by  
17 0.616.

18           **SECTION 1598bi.** 118.60 (7) (am) 2m. a. of the statutes, as affected by 2017  
19 Wisconsin Act 36, is amended to read:

20           118.60 **(7)** (am) 2m. a. An independent financial audit of the private school  
21 conducted by an independent certified public accountant, accompanied by the  
22 auditor's statement that the report is free of material misstatements and fairly  
23 presents the private school's eligible education expenses under sub. (4) (bd) 1., and  
24 beginning in the 2nd school year a private school participates in the program under  
25 this section, a copy of a management letter prepared by the auditor. If the private

1 school annually received a total of at least \$100,000 under this section and ss.  
2 115.7915 and 119.23 in any school year, the audit shall be prepared in accordance  
3 with generally accepted accounting principles with allowable modifications for  
4 long-term fixed assets. If the private school has not annually received a total of at  
5 least \$100,000 under this section and ss. 115.7915 and 119.23 in any school year, the  
6 audit shall be prepared as prescribed by the department by rule. The audit shall  
7 include a calculation of the private school's net eligible education expenses and a  
8 calculation of the balance of the private school's fund for future eligible education  
9 expenses. The auditor shall conduct his or her audit, including determining sample  
10 sizes and evaluating financial viability, in accordance with the auditing standards  
11 established by the American Institute of Certified Public Accountants. The  
12 department may not require an auditor to comply with standards that exceed the  
13 scope of the standards established by the American Institute of Certified Public  
14 Accountants. If a private school participating in a program under this section is part  
15 of an organization and the private school and the organization share assets,  
16 liabilities, or eligible education expenses, the private school may submit an audit of  
17 the private school or of the organization of which it is a part. If a private school that  
18 is part of an organization with which it shares assets, liabilities, or eligible education  
19 expenses submits an audit of only the private school, the independent auditor shall  
20 use his or her professional judgment to allocate any shared assets, liabilities, and  
21 eligible education expenses between the organization and the private school. If a  
22 private school participating in the program under this section also accepts pupils  
23 under s. 115.7915 or 119.23, the private school may submit one comprehensive  
24 financial audit to satisfy the requirements of this subdivision and ss. 115.7915 (6) (e)  
25 and 119.23 (7) (am) 2m., whichever are applicable. The private school shall include



1 in the comprehensive financial audit the information specified under s. 119.23 (7)  
2 (am) 2m.

3 **SECTION 1598bj.** 118.60 (7) (b) 3m. of the statutes is amended to read:

4 118.60 (7) (b) 3m. Annually, schedule ~~2 meetings~~ at least one meeting each  
5 month at which members of the governing body of the private school will be present  
6 and at which pupils, and the parents or guardians of pupils, applying to attend the  
7 private school or attending the private school may meet and communicate with the  
8 members of the governing body. The meetings shall be open to the public. The  
9 private school shall, within 30 days after the start of the school term, notify the  
10 department in writing of the scheduled meeting dates and shall, at least 30 days  
11 before the scheduled meeting date, notify in writing each pupil, or the parent or  
12 guardian of each minor pupil, applying to attend the private school or attending the  
13 private school of the meeting date, time, and place. The private school shall provide  
14 notice of the meetings in the manner provided in s. 19.84.

15 **SECTION 1598bk.** 118.60 (7) (b) 9. of the statutes is created to read:

16 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined  
17 in s. 19.32 (2), of the private school to the same extent as required of, and subject to  
18 the same terms and enforcement provisions that apply to, a school board under  
19 subch. II of ch. 19. This subdivision applies only to records that relate to pupils  
20 attending the private school under this section.

21 **SECTION 1598bL.** 118.60 (7) (d) 1. b. of the statutes is amended to read:

22 118.60 (7) (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's  
23 current certificate of occupancy issued by the municipality within which the school  
24 is located. If the private school moves to a new location, the private school shall  
25 submit a copy of the new certificate of occupancy issued by the municipality within

1 which the school is located to the department before the attendance of pupils at the  
2 new location and before the next succeeding date specified in s. 121.05 (1) (a).

3 c. If the municipality within which the private school is located does not issue  
4 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy  
5 issued by the local or regional governmental unit with authority to issue certificates  
6 of occupancy or a letter or form from the municipality within which the private school  
7 is located that explains that the municipality does not issue certificates of occupancy.  
8 ~~A temporary certificate of occupancy does not meet the requirement of this~~  
9 ~~subdivision. This subdivision applies only to a private school located in an eligible~~  
10 ~~school district private school to which this subd. 1. c. applies shall annually obtain~~  
11 a building inspection of the school building.

12 **SECTION 1598bm.** 118.60 (7) (d) 1. d. of the statutes is created to read:

13 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
14 requirements of this subdivision.

15 **SECTION 1598bmm.** 118.60 (7) (h) of the statutes, as created by 2017 Wisconsin  
16 Act 36, is amended to read:

17 118.60 (7) (h) Beginning in the 2018-19 school year, each private school  
18 participating in the program under this section shall conduct criminal background  
19 investigations of its employees and any independent contractors and volunteers who  
20 have access to children, and exclude from employment or independent contracting  
21 or volunteer service any person not permitted to hold a teaching license as the result  
22 of an offense and any person who might reasonably be believed to pose a threat to the  
23 safety of others.

24 **SECTION 1598bn.** 118.60 (10) (a) 7. of the statutes is amended to read:

25 118.60 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

1           **SECTION 1598bo.** 118.60 (10) (a) 9. of the statutes is created to read:

2           118.60 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19  
3 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

4           **SECTION 1598Lp.** 118.60 (10) (a) 10. of the statutes is created to read:

5           118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

6           **SECTION 1598bq.** 118.60 (10) (bg) of the statutes is created to read:

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

12           **SECTION 1598br.** 118.60 (10) (br) of the statutes is created to read:

13           118.60 (10) (br) The state superintendent may issue an order immediately  
14 terminating a private school's participation in the program under this section if he  
15 or she determines that the private school has failed to comply with the requirements  
16 under sub. (7) (h) or if the private school employs or accepts volunteer services from  
17 an individual in contravention of the prohibitions under sub. (7) (h).

18           **SECTION 1598bs.** 118.60 (10) (c) of the statutes is amended to read:

19           118.60 (10) (c) Whenever the state superintendent issues an order under par.  
20 (a), (am), (ar), ~~or (b), (bg), or (br)~~, he or she shall immediately notify the parent or  
21 guardian of each pupil attending the private school under this section.

22           **SECTION 1598bt.** 118.60 (11) (d) of the statutes is repealed.”.

23           **16.** Page 829, line 23: after that line insert:

24           “**SECTION 1599g.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

1           119.23 (2) (a) 1. a. ~~The~~ Except as provided in subd. 1. am., the pupil is a member  
2 of a family that has a total family income that does not exceed an amount equal to  
3 3.0 times the poverty level determined in accordance with criteria established by the  
4 director of the federal office of management and budget. In this subdivision and sub.  
5 (3m), family income includes income of the pupil's parents or legal guardians. Except  
6 as provided in subd. 1. d., the family income of the pupil shall be verified as provided  
7 in subd. 1. b. A pupil attending a private school under this section whose family  
8 income increases above the income level in this subd. 1. a., including a pupil who  
9 attended a private school under this section in the 2010-11 school year and whose  
10 family income has increased, may continue to attend a private school under this  
11 section.

12           **SECTION 1599r.** 119.23 (2) (a) 1. am. of the statutes is created to read:

13           119.23 (2) (a) 1. am. Beginning in the 2018-19 school year, the pupil is a  
14 member of a family that has a total family income that does not exceed an amount  
15 equal to 1.85 times the poverty level determined in accordance with criteria  
16 established by the director of the federal office of management and budget. The  
17 family income of the pupil shall be verified as provided in subd. 1. b. A pupil  
18 attending a private school under this section whose family income increases above  
19 the income level in this subd. 1. am. may continue to attend a private school under  
20 this section.”.

21           **17.** Page 830, line 8: delete lines 8 to 18 and substitute:

22           **“SECTION 1602da.** 119.23 (2) (a) 6m. of the statutes is created to read:

23           119.23 (2) (a) 6m. All instructional staff employed by the private school hold  
24 a license or permit to teach issued by the department. For purposes of this

1 subdivision, “instructional staff” has the meaning given in the rules promulgated by  
2 the department under s. 121.02 (1) (a) 2.

3 **SECTION 1602db.** 119.23 (2) (a) 9. of the statutes is created to read:

4 119.23 (2) (a) 9. The private school has been in operation for the attendance of  
5 pupils for at least 2 school years.

6 **SECTION 1602dc.** 119.23 (2) (a) 10. of the statutes is created to read:

7 119.23 (2) (a) 10. The private school is located in this state.

8 **SECTION 1602dd.** 119.23 (2) (c) of the statutes is amended to read:

9 119.23 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a  
10 private school participating in the program under this section who teaches only  
11 courses in rabbinical studies is not required to have a bachelor’s degree or hold a  
12 license or permit to teach issued by the department.

13 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school  
14 participating in the program under this section that prepares and trains pupils  
15 attending the school in rabbinical studies is not required to have a bachelor’s degree  
16 or hold a license or permit to teach issued by the department.

17 **SECTION 1602de.** 119.23 (2) (cm) of the statutes is created to read:

18 119.23 (2) (cm) The sum of the pupils attending a private school under this  
19 section and s. 118.60 and under a scholarship under s. 115.7915 shall be less than  
20 49 percent of the total number of pupils attending the private school.

21 **SECTION 1602df.** 119.23 (4) (bd) of the statutes is created to read:

22 119.23 (4) (bd) Upon receipt from the pupil’s parent or guardian of proof of the  
23 pupil’s enrollment in the private school during a school term, the state  
24 superintendent shall pay to the private school in which the pupil is enrolled on behalf

1 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an  
2 amount equal to the lesser of the following:

3 1. The amount equal to the private school's eligible education expenses, as  
4 defined in sub. (7) (am) 1m., per pupil that is related to educational programming,  
5 as determined by the department.

6 2. The average of the tuition paid by a pupil attending the private school, but  
7 not under the program under this section or the program under s. 118.60, in the  
8 current and 2 preceding school years.

9 3. \$6,442.

10 **SECTION 1602dg.** 119.23 (4) (be) of the statutes is created to read:

11 119.23 (4) (be) In determining a private school's eligible education expenses per  
12 pupil under par. (bd) 1., the department shall do all of the following, but may not  
13 determine separate expenses for pupils enrolled in grades kindergarten to 8 and for  
14 pupils enrolled in grades 9 to 12:

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

17 a. Fees charged pupils for books and supplies used in classes and programs.

18 b. Rentals for school buildings.

19 c. Food service revenues.

20 d. Governmental financial assistance.

21 e. Interest and other income resulting from the investment of debt proceeds.

22 2. If legal title to the private school's buildings and premises is held in the name  
23 of the private school's parent organization or other related party, there is no other  
24 mechanism to include the private school's facilities costs in the calculation of its  
25 eligible education expenses, and the private school requests that the department do

1 so, include an amount equal to 10.5 percent of the fair market value of the school and  
2 its premises. A request made by a private school under this subdivision remains  
3 effective in subsequent school years and may not be withdrawn by the private school.

4 3. If immediately prior to July 1, 2011, a private school's eligible education  
5 expenses, as defined under sub. (7) (am) 1m. and as determined by the department,  
6 included the amount described in subd. 2., continue to include the amount described  
7 in subd. 2. in subsequent school years.

8 4. Permit a private school to accumulate up to 15 percent of the private school's  
9 annual eligible education expenses in a reserve account and include any increase to  
10 that reserved amount in the department's determination of the private school's  
11 eligible education expenses for that school year.

12 **SECTION 1602dh.** 119.23 (4) (bg) of the statutes is repealed.

13 **SECTION 1602di.** 119.23 (4m) of the statutes is repealed and recreated to read:

14 119.23 (4m) In addition to the payment under sub. (4), the state  
15 superintendent shall pay to each private school participating in the program under  
16 this section, on behalf of the parent or guardian of each pupil attending the private  
17 school under this section, in the manner described in sub. (4) (c), the amount  
18 determined as follows:

19 (a) Determine the private school's eligible education expenses, as defined in  
20 sub. (7) (am) 1m., per pupil in summer school.

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

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

25 **SECTION 1602dj.** 119.23 (4r) (a) of the statutes is amended to read:

1           119.23 (4r) (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by  
2           0.616.

3           **SECTION 1602dk.** 119.23 (7) (am) 2m. a. of the statutes, as affected by 2017  
4           Wisconsin Act 36, is amended to read:

5           119.23 (7) (am) 2m. a. An independent financial audit of the private school  
6           conducted by an independent certified public accountant, accompanied by the  
7           auditor's statement that the report is free of material misstatements and fairly  
8           presents the private school's eligible education expenses under sub. (4) (bd) 1., and  
9           beginning in the 2nd school year a private school participates in the program under  
10          this section, a copy of the management letter prepared by the auditor. If the private  
11          school annually received a total of at least \$100,000 under this section and ss.  
12          115.7915 and 118.60 in any school year, the audit shall be prepared in accordance  
13          with generally accepted accounting principles with allowable modifications for  
14          long-term fixed assets. If the private school has not annually received a total of at  
15          least \$100,000 under this section and ss. 115.7915 and 118.60 in any school year, the  
16          audit shall be prepared as prescribed by the department by rule. The audit shall  
17          include a calculation of the private school net eligible education expenses and a  
18          calculation of the balance of the private school's fund for future eligible education  
19          expenses. The auditor shall conduct his or her audit, including determining sample  
20          sizes and evaluating financial viability, in accordance with the auditing standards  
21          established by the American Institute of Certified Public Accountants. The  
22          department may not require an auditor to comply with standards that exceed the  
23          scope of the standards established by the American Institute of Certified Public  
24          Accountants. If a private school participating in a program under this section is part  
25          of an organization and the private school and the organization share assets,



1 liabilities, or eligible education expenses, the private school may submit an audit of  
2 the private school or of the organization of which it is a part. If a private school that  
3 is part of an organization with which it shares assets, liabilities, or eligible education  
4 expenses submits an audit of only the private school, the independent auditor shall  
5 use his or her professional judgment to allocate any shared assets, liabilities, and  
6 eligible education expenses between the organization and the private school. If a  
7 private school participating in the program under this section also accepts pupils  
8 under s. 115.7915 or 118.60, the private school may submit one comprehensive  
9 financial audit to satisfy the requirements of this subdivision and ss. 115.7915 (6) (e)  
10 and 118.60 (7) (am) 2m., whichever are applicable. The private school shall include  
11 in the comprehensive financial audit the information specified under s. 118.60 (7)  
12 (am) 2m.

13 **SECTION 1602dL.** 119.23 (7) (b) 3m. of the statutes is amended to read:

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

25 **SECTION 1602dm.** 119.23 (7) (b) 9. of the statutes is created to read:

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

6           **SECTION 1602dn.** 119.23 (7) (d) 1. b. of the statutes is amended to read:

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

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

21           **SECTION 1602do.** 119.23 (7) (d) 1. d. of the statutes is created to read:

22           119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
23 requirements of this subdivision.

24           **SECTION 1602dom.** 119.23 (7) (h) of the statutes, as created by 2017 Wisconsin  
25 Act 36, is amended to read:

1           119.23 (7) (h) Beginning in the 2018-19 school year, each private school  
2 participating in the program under this section shall conduct criminal background  
3 investigations of its employees and any independent contractors and volunteers who  
4 have access to children, and exclude from employment or independent contracting  
5 or volunteer service any person not permitted to hold a teaching license as the result  
6 of an offense and any person who might reasonably be believed to pose a threat to the  
7 safety of others.

8           **SECTION 1602dp.** 119.23 (10) (a) 3. of the statutes is amended to read:

9           119.23 (10) (a) 3. Failed to refund to the state any overpayment made under  
10 s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) (~~bg~~) (**bd**)  
11 or (4m) by the date specified by department rule.

12           **SECTION 1602dq.** 119.23 (10) (a) 7. of the statutes is amended to read:

13           119.23 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

14           **SECTION 1602dr.** 119.23 (10) (a) 9. of the statutes is created to read:

15           119.23 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19  
16 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

17           **SECTION 1602ds.** 119.23 (10) (a) 10. of the statutes is created to read:

18           119.23 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

19           **SECTION 1602dt.** 119.23 (10) (bg) of the statutes is created to read:

20           119.23 (10) (bg) The state superintendent may issue an order immediately  
21 terminating a private school's participation in the program under this section if he  
22 or she determines that the owner of the private school would not be eligible or  
23 permitted to be employed, licensed, or permitted for any of the reasons specified  
24 under s. 115.31 (2g) or (6m) or 115.315.

25           **SECTION 1602du.** 119.23 (10) (br) of the statutes is created to read:

1           119.23 (10) (br) The state superintendent may issue an order immediately  
2 terminating a private school's participation in the program under this section if he  
3 or she determines that the private school has failed to comply with the requirements  
4 under sub. (7) (h) or if the private school employs or accepts volunteer services from  
5 an individual in contravention of the prohibitions under sub. (7) (h).

6           **SECTION 1602dv.** 119.23 (10) (c) of the statutes is amended to read:

7           119.23 (10) (c) Whenever the state superintendent issues an order under par.  
8 (a), (am), (ar), ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or  
9 guardian of each pupil attending the private school under this section.

10          **SECTION 1602dw.** 119.23 (11) (d) of the statutes is repealed.”.

11          **18.** Page 831, line 3: after that line insert:

12          “**SECTION 1623t.** 120.13 (1) (i) of the statutes is created to read:

13          120.13 (1) (i) The department shall promulgate rules establishing a procedure  
14 for the expulsion of pupils attending a private school under s. 115.7915, 118.60, or  
15 119.23 by the governing body of the private school. The rules shall adhere as closely  
16 as feasible to the provisions applicable to public school pupils under this subsection.”.

17          **19.** Page 834, line 17: after that line insert:

18          “**SECTION 1635dm.** 121.07 (2) (b) of the statutes is amended to read:

19          121.07 (2) (b) The number of pupils residing in the school district in the  
20 previous school year who were incoming choice pupils, as defined in s. 118.60 (4d) (a),  
21 and for whom a payment was made under s. 118.60 (4) ~~(bg)~~ (bd) in the previous school  
22 year.”.

23          **20.** Page 1068, line 20: delete that line and substitute “sections 118.60 (4m)  
24 and 119.23 (4m)”.

