



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBb0584/1
FFK:amn

**SENATE AMENDMENT 8,
TO ASSEMBLY BILL 56**

June 26, 2019 - Offered by Senator LARSON.

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

3 **1.** Page 418, line 7: after that line insert:

4 “**SECTION 1515d.** 118.016 (1) (bm) of the statutes is created to read:

5 118.016 (1) (bm) Beginning in the 2019-20 school year, each governing body
6 of a private school participating in a program under s. 118.60 or 119.23 shall, using
7 the appropriate, valid, and reliable assessment of literacy fundamentals selected by
8 the school board or operator, annually assess each pupil enrolled in 4-year-old
9 kindergarten to 2nd grade attending the private school under the program under s.
10 118.60 or 119.23 for reading readiness. The governing body shall ensure that the
11 assessment evaluates whether a pupil possesses phonemic awareness and letter
12 sound knowledge. The governing body of a private school may administer computer
13 adaptive assessments.

1 **SECTION 1516d.** 118.016 (1) (c), (1g), (1r) and (2) of the statutes are amended
2 to read:

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

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

13 **(1r)** The school board ~~or~~, operator of the charter school, or governing body of
14 the private school shall report the results of a pupil's assessment under sub. (1) to
15 the pupil's parent or guardian.

16 **(2)** The school board of the school district or operator of the charter school in
17 which the pupil is enrolled or the private school the pupil attends under s. 118.60 or
18 119.23 shall provide a pupil whose assessment under sub. (1) indicates that he or she
19 is at risk of reading difficulty with interventions or remedial reading services, as
20 described under s. 121.02 (1) (c).

21 **SECTION 1517d.** 118.30 (5m) of the statutes is amended to read:

22 118.30 **(5m)** When determining the percentage of pupils participating in the
23 program under s. 119.23 who performed at designated proficiency levels on the
24 examinations administered as required under sub. (1s) or s. 118.301 (3), the
25 department ~~shall consider only the pupils participating in the program under s.~~

1 ~~119.23 to whom the examinations were administered at each grade level, and shall~~
2 ~~may not~~ exclude from consideration those pupils participating in the program under
3 s. 119.23 who were excused from taking the examinations under sub. (2) (b) 5.

4 **SECTION 1518d.** 118.305 (1) (gm) of the statutes is created to read:

5 118.305 (1) (gm) "Pupil" does not include a pupil attending a private school
6 participating in a program under s. 115.7915, 118.60, or 119.23 who is not
7 participating the program.

8 **SECTION 1519d.** 118.305 (1) (h) of the statutes is amended to read:

9 118.305 (1) (h) "School" means a public school, including a charter school, and
10 a private school participating in the program under s. 115.7915, 118.60, or 119.23.

11 **SECTION 1520d.** 118.305 (3) (e) of the statutes is amended to read:

12 118.305 (3) (e) It does not constitute corporal punishment, as defined in s.
13 118.31 (1) (a).

14 **SECTION 1521d.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and
15 amended to read:

16 118.31 (1) (intro.) In this section, ~~"corporal;~~

17 (a) "Corporal punishment" means the intentional infliction of physical pain
18 which is used as a means of discipline. "Corporal punishment" includes, but is not
19 limited to, paddling, slapping or prolonged maintenance of physically painful
20 positions, when used as a means of discipline. "Corporal punishment" does not
21 include actions consistent with an individualized education program developed
22 under s. 115.787 or reasonable physical activities associated with athletic training.

23 **SECTION 1523d.** 118.31 (1) (b) of the statutes is created to read:

24 118.31 (1) (b) "Private school" means a private school that is participating in
25 a parental choice program under s. 115.7915, 118.60, or 119.23.

1 **SECTION 1524d.** 118.31 (2) of the statutes is amended to read:

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

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

7 118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or
8 agent of a school board or of a private school from:

9 **SECTION 1526d.** 118.31 (4) of the statutes is amended to read:

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

17 **SECTION 1527d.** 118.31 (5) of the statutes is amended to read:

18 118.31 (5) Except as provided in s. 939.61 (1), this section does not create a
19 separate basis for civil liability of a school board or of a governing body of a private
20 school ~~or their officials, employees or agents~~ of an official, employee, or agent of the
21 school board or private school for damages arising out of claims involving allegations
22 of improper or unnecessary use of force by ~~a school employees~~ official, employee, or
23 agent against students a pupil.

24 **SECTION 1528d.** 118.31 (6) of the statutes is amended to read:

1 118.31 (6) Nothing in this section shall prohibit, permit or otherwise affect any
2 action taken by an official, employee, or agent of a school board or private school with
3 regard to a person who is not a pupil enrolled in the school district or attending the
4 private school.

5 **SECTION 1529d.** 118.33 (1) (f) 5. of the statutes is created to read:

6 118.33 (1) (f) 5. Beginning in the 2019-20 school year, the governing body of
7 each private school participating in a parental choice program under s. 118.60 or
8 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting
9 a high school diploma specified in pars. (a) and (b), with the exceptions provided in
10 pars. (d) and (e).

11 **SECTION 1530d.** 118.60 (2) (a) 9. of the statutes is created to read:

12 118.60 (2) (a) 9. The private school is located in this state.

13 **SECTION 1531d.** 118.60 (2) (e) of the statutes is created to read:

14 118.60 (2) (e) No more than 49 percent of a private school's enrollment may
15 consist of pupils attending the private school under this section and s. 119.23.

16 **SECTION 1532d.** 118.60 (4) (bg) 3. of the statutes is amended to read:

17 118.60 (4) (bg) 3. In the 2015-16 to 2018-19 school year ~~and in each school year~~
18 ~~thereafter~~ years, upon receipt from the pupil's parent or guardian of proof of the
19 pupil's enrollment in the private school during a school term, except as provided in
20 subd. 5., the state superintendent shall pay to the private school in which the pupil
21 is enrolled on behalf of the pupil's parent or guardian, from the appropriation under
22 s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the
23 state superintendent paid a private school under this section in the previous school
24 year for the grade in which the pupil is enrolled; the amount of the per pupil revenue
25 adjustment under s. 121.91 (2m) for the current school year, if positive; and the

1 change in the amount of statewide categorical aid per pupil between the previous
2 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,
3 if positive.

4 **SECTION 1533d.** 118.60 (4) (bg) 6. of the statutes is created to read:

5 118.60 (4) (bg) 6. Beginning in the 2019-20 school year, upon receipt from the
6 pupil's parent or guardian of proof of the pupil's enrollment in the private school
7 during a school term, the state superintendent shall pay to the private school in
8 which the pupil is enrolled on behalf of the pupil's parent or guardian, from the
9 appropriation under s. 20.255 (2) (fr), an amount equal to the lesser of the following:

10 1. The amount equal to the private school's operating and debt service cost per
11 pupil that is related to educational programming, as determined by the department.

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

15 3. For a pupil in grade kindergarten to 8, \$7,754.

16 4. For a pupil in grade 9 to 12, \$8,400.

17 **SECTION 1534d.** 118.60 (4) (dc) of the statutes is created to read:

18 118.60 (4) (dc) In determining a private school's operating and debt service cost
19 per pupil under par. (bg), the department shall do all of the following:

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

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

23 b. Rentals for school buildings.

24 c. Food service revenues.

25 d. Governmental financial assistance.

- 1 e. Interest and other income resulting from the investment of debt proceeds.
- 2 2. If legal title to the private school's buildings and premises is held in the name
3 of the private school's parent organization or other related party, there is no other
4 mechanism to include the private school's facility costs in the calculation of its
5 operating and debt service cost, and the private school requests that the department
6 do so, include an amount equal to 10.5 percent of the fair market value of the school
7 and its premises.
- 8 3. Allow a private school to accumulate up to 15 percent of the private school's
9 annual operating and debt service costs related to educational programming in a
10 reserve account and include any increase to that reserved amount in the
11 department's determination of the private school's operating and debt service costs
12 related to programming for that school year.
- 13 **SECTION 1535d.** 118.60 (4m) (a) of the statutes is repealed and recreated to
14 read:
- 15 118.60 (4m) (a) In addition to the payment under sub. (4), the state
16 superintendent shall, subject to par. (b), pay to each private school participating in
17 the program under this section, on behalf of the parent or guardian of each pupil
18 attending the private school under this section, in the manner described in sub. (4)
19 (c), the amount determined as follows:
- 20 1. Determine the private school's operating and debt service cost per pupil in
21 summer school that is related to educational programming.
- 22 2. Multiply the amount under subd. 1. by 0.40.
- 23 3. Multiply the product under subd. 2. by the quotient determined by dividing
24 the summer choice average daily membership equivalent of the private school by the
25 total number of pupils for whom payments are being made under sub. (4).

1 **SECTION 1536d.** 118.60 (7) (b) 3m. of the statutes is amended to read:

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

13 **SECTION 1537d.** 118.60 (7) (b) 9. of the statutes is created to read:

14 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined
15 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
16 the same terms and enforcement provisions that apply to, a school board under
17 subch. II of ch. 19. This subdivision applies only to records that relate to pupils
18 attending the private school under this section.

19 **SECTION 1538d.** 118.60 (7) (d) 1. b. of the statutes is amended to read:

20 118.60 (7) (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's
21 current certificate of occupancy issued by the municipality within which the school
22 is located. If the private school moves to a new location, the private school shall
23 submit a copy of the new certificate of occupancy issued by the municipality within
24 which the school is located to the department before the attendance of pupils at the
25 new location and before the next succeeding date specified in s. 121.05 (1) (a).

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

10 **SECTION 1539d.** 118.60 (7) (d) 1. d. of the statutes is created to read:

11 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
12 requirements of this subdivision.

13 **SECTION 1540d.** 118.60 (7) (i) of the statutes is created to read:

14 118.60 (7) (i) Beginning in the 2019-20 school year, each private school
15 participating in the program under this section shall annually report to the
16 department the numbers of suspensions and expulsions; the reasons for which pupils
17 are suspended or expelled, according to categories specified by the department; the
18 length of time for which pupils are expelled, according to categories specified by the
19 department; whether pupils return to school after their expulsion; the educational
20 programs and services, if any, provided to pupils during their expulsions, reported
21 according to categories specified by the department; and the grade, sex, and ethnicity
22 of pupils who are suspended or expelled and whether the pupils are children with
23 disabilities, as defined in s. 115.76 (5).

24 **SECTION 1541d.** 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 1542d.** 118.60 (10) (a) 9. of the statutes is created to read:

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

4 **SECTION 1543d.** 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 1544d.** 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 1545d.** 118.60 (10) (c) of the statutes is amended to read:

13 118.60 (10) (c) Whenever the state superintendent issues an order under par.
14 (a), (am), (ar), ~~or~~, (b), or (bg), he or she shall immediately notify the parent or
15 guardian of each pupil attending the private school under this section.

16 **SECTION 1545d.** 118.60 (11) (d) of the statutes is repealed.

17 **SECTION 1546d.** 119.23 (2) (a) 9. of the statutes is created to read:

18 119.23 (2) (a) 9. The private school is located in this state.

19 **SECTION 1547d.** 119.23 (2) (d) of the statutes is created to read:

20 119.23 (2) (d) No more than 49 percent of a private school's enrollment may
21 consist of pupils attending the private school under this section and s. 118.60.

22 **SECTION 1548d.** 119.23 (4) (bg) 3. of the statutes is amended to read:

23 119.23 (4) (bg) 3. ~~In the 2015-16 to 2018-19 school year and in each school year~~
24 ~~thereafter years~~, upon receipt from the pupil's parent or guardian of proof of the
25 pupil's enrollment in the private school during a school term, except as provided in

1 subd. 5., the state superintendent shall pay to the private school in which the pupil
2 is enrolled on behalf of the pupil's parent or guardian, from the appropriation under
3 s. 20.255 (2) (fu), an amount equal to the sum of the maximum amount per pupil the
4 state superintendent paid a private school under this section in the previous school
5 year for the grade in which the pupil is enrolled; the amount of the per pupil revenue
6 adjustment under s. 121.91 (2m) for the current school year, if positive; and the
7 change in the amount of statewide categorical aid per pupil between the previous
8 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,
9 if positive.

10 **SECTION 1549d.** 119.23 (4) (bg) 6. of the statutes is created to read:

11 119.23 (4) (bg) 6. Beginning in the 2019-20 school year, upon receipt from the
12 pupil's parent or guardian of proof of the pupil's enrollment in the private school
13 during a school term, the state superintendent shall pay to the private school in
14 which the pupil is enrolled on behalf of the pupil's parent or guardian, from the
15 appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

16 a. The amount equal to the private school's operating and debt service cost per
17 pupil that is related to educational programming, as determined by the department.

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

21 c. For a pupil in grade kindergarten to 8, \$7,754.

22 d. For a pupil in grade 9 to 12, \$8,400.

23 **SECTION 1550d.** 119.23 (4) (dc) of the statutes is created to read:

24 119.23 (4) (dc) In determining a private school's operating and debt service cost
25 per pupil under par. (bg), the department shall do all of the following:

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

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

4 b. Rentals for school buildings.

5 c. Food service revenues.

6 d. Governmental financial assistance.

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

8 2. If legal title to the private school's buildings and premises is held in the name
9 of the private school's parent organization or other related party, there is no other
10 mechanism to include the private school's facility costs in the calculation of its
11 operating and debt service cost, and the private school requests that the department
12 do so, include an amount equal to 10.5 percent of the fair market value of the school
13 and its premises.

14 3. Allow a private school to accumulate up to 15 percent of the private school's
15 annual operating and debt service costs related to educational programming in a
16 reserve account and include any increase to that reserved amount in the
17 department's determination of the private school's operating and debt service costs
18 related to programming for that school year.

19 **SECTION 1551d.** 119.23 (4m) (a) of the statutes is repealed and recreated to
20 read:

21 119.23 **(4m)** (a) In addition to the payment under sub. (4), the state
22 superintendent shall, subject to par. (b), pay to each private school participating in
23 the program under this section, on behalf of the parent or guardian of each pupil
24 attending the private school under this section, in the manner described in sub. (4)
25 (c), the amount determined as follows:

1 1. Determine the private school's operating and debt service cost per pupil in
2 summer school that is related to educational programming.

3 2. Multiply the amount under subd. 1. by 0.40.

4 3. Multiply the product under subd. 2. by the quotient determined by dividing
5 the summer choice average daily membership equivalent of the private school by the
6 total number of pupils for whom payments are being made under sub. (4).

7 **SECTION 1552d.** 119.23 (7) (b) 3m. of the statutes is amended to read:

8 119.23 (7) (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each
9 month at which members of the governing body of the private school will be present
10 and at which pupils, and the parents or guardians of pupils, applying to attend the
11 private school or attending the private school may meet and communicate with the
12 members of the governing body. The meetings shall be open to the public. The
13 private school shall, within 30 days after the start of the school term, notify the
14 department in writing of the scheduled meeting dates and shall, at least 30 days
15 before the scheduled meeting date, notify in writing each pupil, or the parent or
16 guardian of each minor pupil, applying to attend the private school or attending the
17 private school of the meeting date, time, and place. The private school shall provide
18 notice of the meetings in the manner provided in s. 19.84.

19 **SECTION 1553d.** 119.23 (7) (b) 9. of the statutes is created to read:

20 119.23 (7) (b) 9. Permit public inspection and copying of any record, as defined
21 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
22 the same terms and enforcement provisions that apply to, a school board under
23 subch. II of ch. 19. This subdivision applies only to records that relate to pupils
24 attending the private school under this section.

25 **SECTION 1554d.** 119.23 (7) (d) 1. b. of the statutes is amended to read:

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

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

15 **SECTION 1555d.** 119.23 (7) (d) 1. d. of the statutes is created to read:

16 119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
17 requirements of this subdivision.

18 **SECTION 1556d.** 119.23 (7) (i) of the statutes is created to read:

19 119.23 (7) (i) Beginning in the 2019-20 school year, each private school
20 participating in the program under this section shall annually report to the
21 department the numbers of suspensions and expulsions; the reasons for which pupils
22 are suspended or expelled, according to categories specified by the department; the
23 length of time for which pupils are expelled, according to categories specified by the
24 department; whether pupils return to school after their expulsion; the educational
25 programs and services, if any, provided to pupils during their expulsions, reported

1 according to categories specified by the department; and the grade, sex, and ethnicity
2 of pupils who are suspended or expelled and whether the pupils are children with
3 disabilities, as defined in s. 115.76 (5).

4 **SECTION 1557d.** 119.23 (10) (a) 7. of the statutes is amended to read:

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

6 **SECTION 1558d.** 119.23 (10) (a) 9. of the statutes is created to read:

7 119.23 (10) (a) 9. Violated or employed an individual who violated s. 118.016,
8 118.305, 118.31, or 118.33 (1) (f) 5.

9 **SECTION 1559d.** 119.23 (10) (a) 10. of the statutes is created to read:

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

11 **SECTION 1560d.** 119.23 (10) (bg) of the statutes is created to read:

12 119.23 (10) (bg) The state superintendent may issue an order immediately
13 terminating a private school's participation in the program under this section if he
14 or she determines that the owner of the private school would not be eligible or
15 permitted to be employed, licensed, or permitted for any of the reasons specified
16 under s. 115.31 (2g) or (6m) or 115.315.

17 **SECTION 1561d.** 119.23 (10) (c) of the statutes is amended to read:

18 119.23 (10) (c) Whenever the state superintendent issues an order under par.
19 (a), (am), (ar), ~~or~~ (b), or (bg), he or she shall immediately notify the parent or
20 guardian of each pupil attending the private school under this section.

21 **SECTION 1562d.** 119.23 (11) (d) of the statutes is repealed.

22 **SECTION 1563d.** 120.13 (1) (i) of the statutes is created to read:

23 120.13 (1) (i) The department shall promulgate rules establishing a procedure
24 for the expulsion of pupils attending a private school under s. 115.7915, 118.60, or

1 119.23 by the governing body of the private school. The rules shall adhere as closely
2 as feasible to the provisions applicable to public school pupils under this subsection.”.

3 (END)