



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-2163/P2  
KRP&JK:all

DOA:.....Kretschmann, BB0442 - Choice programs transparency and accountability compile

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

**1. Changes to parental choice programs**

This bill makes the following changes related to parental choice programs:

**Teacher licensure.** With certain exceptions, the bill requires that, beginning on July 1, 2022, teachers at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by DPI. Under current law, teachers at choice schools must have at least a bachelor's degree from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach at SNSP schools.

**Accreditation.** The bill requires that a private school that begins participation in a parental choice program in the 2021-22 school year or in any school year thereafter must be accredited by August 1 of the school year in which the private school begins participation in the parental choice program. Under current law, a private school must do all of the following:

1. Obtain preaccreditation by a preaccrediting entity by August 1 (December 15 for new private schools) before the first school term in which the private school

begins participation in the parental choice program, or by May 1 if the private school begins participating in the parental choice program during summer school.

2. Apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins participation in the parental choice program.

3. Obtain accreditation by an accrediting entity by December 31 of the third school year following the first school year in which the private school begins participation in the parental choice program.

***Milwaukee Parental Choice Program state aid reduction.*** Under current law, the estimated cost of the payments made to private schools participating in the Milwaukee Parental Choice Program is partially offset by two reductions in the general school aid otherwise paid to the Milwaukee Public Schools. For the 2010-11 school year and in each school year thereafter, one of the reductions to MPS is an amount equal to 6.6 percent of the cost of payments made to private schools participating in the MPCP. Current law requires DPI to pay an amount equal to that reduction amount to the City of Milwaukee and requires the City of Milwaukee to pay that amount to the board of school directors of MPS. This bill eliminates the 6.6 percent aid reduction and the requirements that the reduction amount be paid by DPI to the city and by the city to the board. The bill does not make any changes to other state aid reduction. *See Taxation-Property Taxation.*

## TAXATION

### PROPERTY TAXATION

#### ***1. School aid reduction information***

This bill requires that a person's property tax bill include information from the school district where the property is located regarding the amount of any gross reduction in state aid to the district as a result of pupils enrolled in the statewide choice program, the Racine Parental Choice Program, or the Milwaukee Parental Choice Program or as a result of making payments to private schools under the Special Needs Scholarship Program.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

**SECTION 1.** 74.09 (3) (gb) of the statutes is created to read:

74.09 (3) (gb) 1. Include information from the school district where the property is located regarding the amount of any gross reduction in state aid to the district under ss. 115.7915 (4m), 118.60 (4d), and 121.08 (4) (b) in the previous year and the

current year and the percentage change between those years, except that this paragraph does not apply in any year in which such a reduction does not occur.

2. In addition to the information provided under subd. 1., include the following insert in substantially similar form:

“The gross reduction in state aid to your school district in the .... (current year) is \$ .... as a result of pupils enrolled in the .... (statewide choice program) (Racine choice program) (Milwaukee choice program) or as a result of payments to .... (a private school) under the special needs scholarship program. Your school district had the option to increase property taxes to replace this aid reduction.”

**SECTION 2.** 115.28 (7) (b) of the statutes is amended to read:

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

**SECTION 3.** 115.7915 (2) (i) of the statutes is created to read:

115.7915 (2) (i) 1. Except as provided in subd. 2., beginning on July 1, 2022, all of the eligible school’s teachers have a teaching license or permit issued by the department, except that a teacher employed by the eligible school who teaches only

courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

2. Any teacher employed by the eligible school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 1. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 1. The department shall promulgate rules to implement this subdivision, including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 1. No waiver granted under this subdivision is valid after July 1, 2027.

**SECTION 4.** 118.19 (1) of the statutes is amended to read:

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

**SECTION 5.** 118.19 (1b) of the statutes is amended to read:

118.19 (1b) An individual may teach an online course in a subject and level in a public school, including a charter school, in a private school participating in a parental choice program under s. 118.60 or 119.23, or in a private school participating in the program under s. 115.7915 without a license or permit from the department if the individual holds a valid license or permit to teach the subject and level in the state from which the online course is provided.

**SECTION 6.** 118.19 (1c) (b) (intro.) of the statutes is amended to read:

118.19 (1c) (b) (intro.) A faculty member of an institution of higher education may teach in a public high school, including a charter school that operates only high school grades, in a private school participating in a parental choice program under s. 118.60 or 119.23 that operates only high school grades, or in a private school participating in the program under s. 115.7915 that operates only high school grades without a license or permit from the department if the faculty member satisfies all of the following:

**SECTION 7.** 118.19 (3) (b) of the statutes is amended to read:

118.19 (3) (b) The state superintendent shall permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin–Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. ~~School districts shall~~ A school district, the governing body of a private school participating in a parental choice program under s. 118.60 or 119.23, or the governing body of a private school participating in the program under s. 115.7915 may not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture, unless they qualify under par. (a).

**SECTION 8.** 118.19 (10) (b) 1. of the statutes is amended to read:

118.19 (10) (b) 1. Conduct a background investigation of each applicant for issuance or renewal of a license or permit, including a license or permit issued to a pupil services professional, and for a faculty member seeking to teach in a public high school without a license or permit.

**SECTION 9.** 118.191 (2) (a) of the statutes is amended to read:

118.191 (2) (a) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a technical education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

**SECTION 10.** 118.191 (2) (b) of the statutes is amended to read:

118.191 (2) (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a vocational education subject to an individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5m), of which at least 25 points are from sub. (5m) (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

**SECTION 11.** 118.191 (2m) of the statutes is amended to read:

118.191 (2m) An initial teaching license issued under sub. (2) authorizes an individual to teach only in the school district controlled by the school board, or in the private school controlled by the governing body, that determined the curriculum the individual agreed to complete in order to qualify for the initial teaching license.

**SECTION 12.** 118.191 (3) of the statutes is amended to read:

118.191 (3) An initial teaching license issued under sub. (2) is valid for 3 years. An initial teaching license issued under sub. (2) is void if the license holder ceases to be employed as a teacher in the school district or private school in which the license holder is authorized to teach under sub. (2m).

**SECTION 13.** 118.191 (4) of the statutes is amended to read:

118.191 (4) Upon the expiration of the 3-year term of an initial teaching license issued under sub. (2), the department shall issue to the license holder a professional teaching license to teach the technical education subject or vocational education subject if the individual successfully completed the curriculum that the individual agreed to under sub. (2), as determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 that established the curriculum. The department shall indicate on a professional teaching license issued under this subsection that the license was obtained under the experience-based licensure program under this section.

**SECTION 14.** 118.192 (4) of the statutes is amended to read:

118.192 (4) A school board or private school participating in a parental choice program under s. 118.60 or 119.23 that employs a person who holds a professional teaching permit shall ensure that no regularly licensed teacher is removed from his or her position as a result of the employment of persons holding permits.

**SECTION 15.** 118.60 (2) (a) 6. a. of the statutes is amended to read:

118.60 (2) (a) 6. a. Except as provided in subd. 6. c. and d., all of the private school's teachers have a teaching license issued by the department or a bachelor's

degree or a degree or educational credential higher than a bachelor's degree, including a masters or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2022.

**SECTION 16.** 118.60 (2) (a) 6m. of the statutes is created to read:

118.60 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2022, all of the private school's teachers have a teaching license or permit issued by the department.

b. Any teacher employed by the private school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2027.

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

118.60 (2) (a) 7. b. ~~Each~~ If the private school that begins participation in the program under this section on or after April 10, 2014, and before the 2021-22 school year, and that the private school is not accredited by an accrediting entity, shall obtain the private school obtains preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private



school to which this subd. 7. b. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. b. applies that fails to obtain preaccreditation as required under this subd. 7. b. may not participate in the program under this section or under s. 119.23 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

**SECTION 18.** 118.60 (2) (a) 7. c. of the statutes is amended to read:

118.60 (2) (a) 7. c. ~~A private school to which~~ If subd. 7. b. applies shall apply ~~to the private school, the private school applies~~ for accreditation by an accrediting entity by December 31 of the first school year that begins after April 10, 2014, in which the private school begins participation in the program under this section, and ~~shall achieve~~ obtains accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. c., the private school is not required to obtain preaccreditation under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

**SECTION 19.** 118.60 (2) (a) 7. d. of the statutes is created to read:

118.60 (2) (a) 7. d. If the private school begins participation in the program under this section in the 2021-22 school year or in any school year thereafter, the private school is accredited by an accrediting entity by August 1 of the school year in which the private school begins participation in the program under this section.

**SECTION 20.** 118.60 (2) (ag) 4. of the statutes is amended to read:

118.60 (2) (ag) 4. Notwithstanding If the new private school begins participation in the program under this section before the 2021-22 school year,

notwithstanding the deadline to obtain preaccreditation under sub. (2) par. (a) 7. b., by December 15 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity. If the new private school begins participation in the program under this section in the 2021-22 school year or in any school year thereafter, the new private school shall comply with the requirement under par. (a) 7. d.

**SECTION 21.** 118.60 (2) (c) 3. of the statutes is created to read:

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

**SECTION 22.** 118.60 (7) (ad) 1. of the statutes is amended to read:

118.60 (7) (ad) 1. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for and achieve accreditation by an accrediting entity to offer instruction in the additional grades in the manner established under sub. (2) (a) 7. c by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

**SECTION 23.** 118.60 (7) (ad) 2. of the statutes is amended to read:

118.60 (7) (ad) 2. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for ~~and achieve accreditation by an accrediting entity~~ to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. c~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

**SECTION 24.** 119.23 (2) (a) 6. a. of the statutes is amended to read:

119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a masters or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2022.

**SECTION 25.** 119.23 (2) (a) 6m. of the statutes is created to read:

119.23 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1, 2022, all of the private school's teachers have a teaching license or permit issued by the department.

b. Any teacher employed by the private school on July 1, 2022, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. The department

shall promulgate rules to implement this subd. 6m. b., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid after July 1, 2027.

**SECTION 26.** 119.23 (2) (a) 7. bg. of the statutes is amended to read:

119.23 (2) (a) 7. bg. ~~Each~~ If the private school that begins participation in the program under this section on or after April 10, 2014, and before the 2021-22 school year, and that the private school is not accredited by an accrediting entity, shall obtain the private school obtains preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private school to which this subd. 7. bg. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. bg. applies that fails to obtain preaccreditation as required under this subd. 7. bg. may not participate in the program under this section or under s. 118.60 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

**SECTION 27.** 119.23 (2) (a) 7. br. of the statutes is amended to read:

119.23 (2) (a) 7. br. ~~A private school to which~~ If subd. 7. bg. applies shall apply to the private school, the private school applies for accreditation by an accrediting entity by December 31 of the first school year that begins after April 10, 2014, in which the private school begins participation in the program under this section, and ~~shall achieve~~ obtains accreditation by an accrediting entity by December 31 of the

3rd school year following the school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. br., the private school is not required to obtain preaccreditation as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

**SECTION 28.** 119.23 (2) (a) 7. f. of the statutes is created to read:

119.23 (2) (a) 7. f. If the private school begins participation in the program under this section in the 2021-22 school year or in any school year thereafter, the private school is accredited by an accrediting entity by August 1 of the school year in which the private school begins participation in the program under this section.

**SECTION 29.** 119.23 (2) (ag) 4. of the statutes is amended to read:

119.23 (2) (ag) 4. Notwithstanding If the new private school begins participation in the program under this section before the 2021-22 school year, notwithstanding the deadline to obtain preaccreditation under sub. (2) par. (a) 7. bg., by December 15 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity. If the new private school begins participation in the program under this section in the 2021-22 school year or in any school year thereafter, the new private school shall comply with the requirement under par. (a) 7. f.

**SECTION 30.** 119.23 (2) (c) 3. of the statutes is created to read:

119.23 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

**SECTION 31.** 119.23 (7) (ad) 1. of the statutes is amended to read:

119.23 (7) (ad) 1. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for ~~and achieve accreditation by an accrediting entity~~ to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. or~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

**SECTION 32.** 119.23 (7) (ad) 2. of the statutes is amended to read:

119.23 (7) (ad) 2. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for ~~and achieve accreditation by an accrediting entity~~ to offer instruction in the additional grades ~~in the manner established under sub. (2) (a) 7. or~~ by December 31 of the first school year in which the private school begins offering instruction in the additional grades and shall obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

**SECTION 33.** 121.07 (2) (intro.) of the statutes is amended to read:

121.07 (2) MEMBERSHIP. (intro.) For the purposes of ss. 121.08, 121.09, 121.095, and 121.105, ~~and 121.137~~, a school district's membership is the sum of all of the following:

**SECTION 34.** 121.08 (4) (b) (intro.) and 1. of the statutes are consolidated, renumbered 121.08 (4) (b) and amended to read:

121.08 (4) (b) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the amount calculated as follows: ~~1. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009-10 school year by 41.6 percent, and multiply by~~ multiplying the amounts paid under s. 119.23 (4) and (4m) in the 2010-11 to 2012-13 school years by 38.4 percent. Beginning in the 2013-14 school year, multiply the amounts paid under s. 119.23 (4) and (4m) in the current school year by a percentage determined by subtracting 3.2 percentage points from the percentage that was applied under this ~~subdivision~~ paragraph in the previous school year. This ~~subdivision~~ paragraph does not apply after the 2024-25 school year.

**SECTION 35.** 121.08 (4) (b) 2. and 3. of the statutes are repealed.

**SECTION 36.** 121.137 of the statutes is repealed.

**SECTION 37.** 121.90 (2) (am) 4. of the statutes is repealed.

**SECTION 9434. Effective dates; Public Instruction.**

(1) TEACHER LICENSURE IN CERTAIN PRIVATE SCHOOLS. The treatment of s. 118.19 (1), (1b), (1c) (b) (intro.), and (3) (b) takes effect on July 1, 2022.

(END)