



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBb0685/1  
TKK:kjf&ahe

**ASSEMBLY AMENDMENT 10,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 64**

September 13, 2017 - Offered by Representatives MASON, BARCA, BOWEN, WACHS,  
ZEPNICK and SINICKI.

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

2           **1.** Page 10, line 25: after that line insert:

3           “**SECTION 8re.** 13.94 (intro.) of the statutes is amended to read:

4           **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be

5           known as the “Legislative Audit Bureau,” headed by a chief known as the “State

6           Auditor.” The bureau shall be strictly nonpartisan and shall at all times observe the

7           confidential nature of any audit currently being performed. Subject to s. 230.35 (4)

8           (a) and (f), the state auditor or designated employees shall at all times with or

9           without notice have access to all departments and to any books, records or other

10          documents maintained by the departments and relating to their expenditures,

11          revenues, operations and structure, including specifically any such books, records,

12          or other documents that are confidential by law, except as provided in sub. (4) and

1 except that access to documents of counties, cities, villages, towns or school districts  
2 is limited to work performed in connection with audits authorized under sub. (1) (m)  
3 and except that access to documents of the opportunity schools and partnership  
4 programs under s. 119.33, ~~subch. IX of ch. 115~~, and subch. II of ch. 119 is limited to  
5 work performed in connection with audits authorized under sub. (1) (os). In the  
6 discharge of any duty imposed by law, the state auditor may subpoena witnesses,  
7 administer oaths and take testimony and cause the deposition of witnesses to be  
8 taken as prescribed for taking depositions in civil actions in circuit courts.

9 **SECTION 8rm.** 13.94 (1) (b) of the statutes is amended to read:

10 13.94 (1) (b) At the state auditor's discretion or as the joint legislative audit  
11 committee directs, audit the records of each department. Audits of the records of a  
12 county, city, village, town, or school district may be performed only as provided in par.  
13 (m). Audits of the records of the opportunity schools and partnership programs  
14 under s. 119.33, ~~subch. IX of ch. 115~~, and subch. II of ch. 119 may be performed only  
15 as provided in par. (os). After completion of any audit under this paragraph, the  
16 bureau shall file with the chief clerk of each house of the legislature, the governor,  
17 the department of administration, the legislative reference bureau, the joint  
18 committee on finance, the legislative fiscal bureau, and the department audited, a  
19 detailed report of the audit, including the bureau's recommendations for  
20 improvement and efficiency and including specific instances, if any, of illegal or  
21 improper expenditures. The chief clerks shall distribute the report to the joint  
22 legislative audit committee, the appropriate standing committees of the legislature,  
23 and the joint committee on legislative organization.

24 **SECTION 8rs.** 13.94 (1) (os) of the statutes is amended to read:

1           13.94 (1) (os) Beginning in 2017, and biennially thereafter, prepare a  
2 performance evaluation audit of the opportunity schools and partnership programs  
3 under s. 119.33, ~~subch. IX of ch. 115~~, and subch. II of ch. 119. The legislative audit  
4 bureau shall file a copy of the report of the audit under this paragraph with the  
5 distributees specified in par. (b).”.

6           **2.** Page 284, line 4: after that line insert:

7           “**SECTION 215r.** 20.255 (2) (fs) of the statutes is amended to read:

8           20.255 (2) (fs) *Opportunity schools and partnership programs.* A sum sufficient  
9 to make the payments under ss. ~~115.999 (4)~~, 119.33 (6) (a) to (c), and 119.9005 (1) to  
10 (3).”.

11           **3.** Page 422, line 12: after that line insert:

12           “**SECTION 706m.** 40.03 (2) (x) 1. of the statutes is repealed.”.

13           **4.** Page 563, line 14: after that line insert:

14           “**SECTION 984ar.** 66.0301 (1) (a) of the statutes is amended to read:

15           66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section  
16 “municipality” means the state or any department or agency thereof, or any city,  
17 village, town, county, or school district, the opportunity schools and partnership  
18 ~~programs~~ program under ~~subch. IX of ch. 115~~ and subch. II of ch. 119, the  
19 superintendent of schools opportunity schools and partnership program under s.  
20 119.33, or any public library system, public inland lake protection and rehabilitation  
21 district, sanitary district, farm drainage district, metropolitan sewerage district,  
22 sewer utility district, solid waste management system created under s. 59.70 (2),  
23 local exposition district created under subch. II of ch. 229, local professional baseball  
24 park district created under subch. III of ch. 229, local professional football stadium

1 district created under subch. IV of ch. 229, local cultural arts district created under  
2 subch. V of ch. 229, long-term care district under s. 46.2895, water utility district,  
3 mosquito control district, municipal electric company, county or city transit  
4 commission, commission created by contract under this section, taxation district,  
5 regional planning commission, housing authority created under s. 66.1201,  
6 redevelopment authority created under s. 66.1333, community development  
7 authority created under s. 66.1335, or city-county health department.”.

8 **5.** Page 596, line 13: delete lines 13 to 19.

9 **6.** Page 742, line 9: delete lines 9 to 18 and substitute:

10 “**SECTION 1463e.** 115.28 (10m) (a) of the statutes is renumbered 115.28 (10m).

11 **SECTION 1463m.** 115.28 (10m) (b) of the statutes is repealed.

12 **SECTION 1463s.** 115.28 (10o) of the statutes is repealed.”.

13 **7.** Page 775, line 8: delete the material beginning with that line and ending  
14 with page 778, line 15, and substitute:

15 “**SECTION 1504Lm.** 115.999 of the statutes is repealed.”.

16 **8.** Page 779, line 17: delete the material beginning with that line and ending  
17 with page 781, line 25.

18 **9.** Page 782, line 16: after that line insert:

19 “**SECTION 1505j.** 118.125 (4) of the statutes is amended to read:

20 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a  
21 private school participating in the program under s. 118.60 or in the program under  
22 s. 119.23, and the governing body of a private school that, pursuant to s. ~~115.999 (3),~~  
23 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general  
24 management of a school transferred to an opportunity schools and partnership

1 program under s. 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 shall transfer  
2 to another school, including a private or tribal school, or school district all pupil  
3 records relating to a specific pupil if the transferring school district or private school  
4 has received written notice from the pupil if he or she is an adult or his or her parent  
5 or guardian if the pupil is a minor that the pupil intends to enroll in the other school  
6 or school district or written notice from the other school or school district that the  
7 pupil has enrolled or from a court that the pupil has been placed in a juvenile  
8 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center  
9 for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and  
10 “school district” include any juvenile correctional facility, secured residential care  
11 center for children and youth, adult correctional institution, mental health institute,  
12 or center for the developmentally disabled that provides an educational program for  
13 its residents instead of or in addition to that which is provided by public, private, and  
14 tribal schools.”.

15 **10.** Page 792, line 20: after that line insert:

16 **“SECTION 1525c.** 118.30 (1g) (a) 3. of the statutes is amended to read:

17 118.30 (1g) (a) 3. The governing body of each private school participating in the  
18 program under s. 119.23 and the governing body of a private school that, pursuant  
19 to s. ~~115.999 (3)~~, 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation  
20 and general management of a school transferred to an opportunity schools and  
21 partnership program under s. 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 shall  
22 adopt pupil academic standards in mathematics, science, reading and writing,  
23 geography, and history. The governing body of the private school may adopt the pupil

1 academic standards issued by the governor as executive order no. 326, dated January  
2 13, 1998.

3 **SECTION 1525g.** 118.30 (1s) (intro.) of the statutes is amended to read:

4 118.30 (1s) (intro.) Annually, the governing body of each private school  
5 participating in the program under s. 119.23, other than a private school at which  
6 fewer than 20 pupils are attending the school under the program under s. 119.23, and  
7 the governing body of a private school that, pursuant to s. ~~115.999 (3)~~, 119.33 (2) (c)  
8 ~~3.~~, or 119.9002 (3) (c), is responsible for the operation and general management of a  
9 school transferred to an opportunity schools and partnership program under s.  
10 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 shall do all of the following:

11 **SECTION 1525n.** 118.33 (1) (f) 2. of the statutes is amended to read:

12 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that  
13 operates high school grades and an individual or group or a person that, pursuant  
14 to s. ~~115.999 (3)~~, 119.33 (2) (c) 1. or ~~2.~~, or 119.9002 (3) (a) or (b), is responsible for the  
15 operation and general management of a school transferred to an opportunity schools  
16 and partnership program under s. 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119  
17 and that operates high school grades shall develop and periodically review and revise  
18 a policy specifying criteria for granting a high school diploma. The criteria shall  
19 include the pupil's academic performance, successful completion of the civics test  
20 under sub. (1m) (a), and the recommendations of teachers.

21 **SECTION 1525r.** 118.33 (1) (f) 2m. of the statutes is amended to read:

22 118.33 (1) (f) 2m. The governing body of each private school participating in the  
23 program under s. 119.23 and the governing body of a private school that, pursuant  
24 to s. ~~115.999 (3)~~, 119.33 (2) (c) ~~3.~~, or 119.9002 (3) (c), is responsible for the operation  
25 and general management of a school transferred to an opportunity schools and

1 partnership program under s. 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 shall  
2 develop and periodically review and revise a policy specifying criteria for granting  
3 a high school diploma to pupils attending the private school under s. 119.23 or the  
4 school transferred to an opportunity schools and partnership program under s.  
5 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119. The criteria shall include the  
6 pupil's academic performance, successful completion of the civics test under sub.  
7 (1m) (a), and the recommendations of teachers.

8 **SECTION 1525w.** 118.33 (1) (f) 3. of the statutes is amended to read:

9 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under  
10 s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. ~~115.999~~  
11 ~~(3)~~, 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and  
12 general management of a school transferred to an opportunity schools and  
13 partnership program under s. 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 may  
14 grant a high school diploma to any pupil unless the pupil has satisfied the criteria  
15 specified in the school board's or charter school's policy under subd. 1. or 2. Neither  
16 the governing body of a private school participating in the program under s. 119.23  
17 nor a governing body of a private school that, pursuant to s. ~~115.999 (3)~~, 119.33 (2)  
18 (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management  
19 of a school transferred to an opportunity schools and partnership program under s.  
20 119.33, ~~subch. IX of ch. 115~~, or subch. II of ch. 119 may grant a high school diploma  
21 to any pupil attending the private school under s. 119.23 or the school transferred  
22 to an opportunity schools and partnership program under s. 119.33, ~~subch. IX of ch.~~  
23 ~~115~~, or subch. II of ch. 119 unless the pupil has satisfied the criteria specified in the  
24 governing body's policy under subd. 2m. The governing body of a private school  
25 participating in the program under s. 118.60 may not grant a high school diploma to

1 any pupil attending the private school under s. 118.60 unless the pupil has satisfied  
2 the criteria specified in the governing body's policy under subd. 2r.".

3 **11.** Page 830, line 18: after that line insert:

4 **"SECTION 1619ub.** 119.33 (2) (a) 1. of the statutes is amended to read:

5 119.33 (2) (a) 1. Establish policies for providing a qualitative analysis of each  
6 eligible school, identified in the annual report submitted by the state superintendent  
7 under s. 115.28 (10m) (a), to determine whether the school is suitable for transfer to  
8 the program under this section. The superintendent of schools may use the policies  
9 established by the commissioner under s. 119.9002 (1) (a) to select eligible schools to  
10 be transferred to the program under this section and may use the  
11 request-for-proposal process developed by the commissioner under s. 119.9002 (2)  
12 (b) for soliciting proposals from individuals, groups, persons, and governing bodies  
13 of private schools to operate and manage the eligible school upon transfer of the  
14 school to the program under this section. If the superintendent of schools does not  
15 use the policies established by the commissioner, the superintendent of schools shall  
16 include as a criterion in his or her policies the level of interest within the school and  
17 the school's community in transferring the school to the program, as determined from  
18 community engagement, and shall establish a method for evaluating community  
19 engagement.

20 **SECTION 1619ud.** 119.33 (2) (b) 1. a. of the statutes is amended to read:

21 119.33 (2) (b) 1. a. During the 2015-16 school year, but after the commissioner  
22 has completed his or her selection under s. 119.9002 (2) (a), select from the report  
23 submitted by the state superintendent under s. 115.28 (10m) (a) at least one and not

1 more than 3 eligible schools to be transferred to the program under this section for  
2 the following school year.

3 **SECTION 1619ue.** 119.33 (2) (b) 1. b. of the statutes is amended to read:

4 119.33 (2) (b) 1. b. During the 2016-17 school year, but after the commissioner  
5 has completed his or her selection under s. 119.9002 (2) (a), select from the report  
6 submitted by the state superintendent under s. 115.28 (10m) ~~(a)~~ not more than 3  
7 additional eligible schools to be transferred to the program under this section for the  
8 following school year.

9 **SECTION 1619uh.** 119.33 (2) (b) 1. c. of the statutes is amended to read:

10 119.33 (2) (b) 1. c. During the 2017-18 school year and any subsequent school  
11 year, but after the commissioner has completed his or her selection under s. 119.9002  
12 (2) (a), select from the report submitted by the state superintendent under s. 115.28  
13 (10m) ~~(a)~~ not more than 5 additional eligible schools to be transferred to the program  
14 under this section for the following school year.

15 **SECTION 1619uL.** 119.9000 (5) of the statutes is amended to read:

16 119.9000 (5) "Eligible school" means a public school in the school district  
17 operating under this chapter identified on the annual report submitted by the state  
18 superintendent under s. 115.28 (10m) ~~(a)~~.

19 **SECTION 1619up.** 119.9002 (1) (a) of the statutes is amended to read:

20 119.9002 (1) (a) Establish policies for providing qualitative analysis of each  
21 eligible school, identified in the annual report submitted by the state superintendent  
22 under s. 115.28 (10m) ~~(a)~~, to determine whether the school is suitable for transfer to  
23 the opportunity schools and partnership program. The commissioner shall include  
24 as a criterion in his or her policies the level of interest within the school and the  
25 school's community in transferring the school to the program, as determined from

1 community engagement. The commissioner shall establish a method for evaluating  
2 community engagement.

3 **SECTION 1619ur.** 119.9002 (2) (a) 1. of the statutes is amended to read:

4 119.9002 (2) (a) 1. During the 2015-16 school year, from the report submitted  
5 by the state superintendent under s. 115.28 (10m) (a), and using the policies  
6 established under sub. (1) (a), select at least one and not more than 3 eligible schools  
7 to be transferred to the opportunity schools and partnership program for the  
8 following school year.

9 **SECTION 1619uu.** 119.9002 (2) (a) 2. of the statutes is amended to read:

10 119.9002 (2) (a) 2. During the 2016-17 school year, from the report submitted  
11 by the state superintendent under s. 115.28 (10m) (a), and using the policies  
12 established under sub. (1) (a), select not more than 3 additional eligible schools to be  
13 transferred to the opportunity schools and partnership program for the following  
14 school year.

15 **SECTION 1619uy.** 119.9002 (2) (a) 3. of the statutes is amended to read:

16 119.9002 (2) (a) 3. During the 2017-18 school year, and in any subsequent  
17 school year, from the report submitted by the state superintendent under s. 115.28  
18 (10m) (a), and using the policies established under sub. (1) (a), select not more than  
19 5 additional eligible schools to be transferred to the opportunity schools and  
20 partnership program for the following school year.”.

21 **12.** Page 833, line 14: after that line insert:

22 “**SECTION 1628m.** 120.18 (1) (o) of the statutes is repealed.”.

23 **13.** Page 849, line 6: after that line insert:

24 “**SECTION 1662g.** 146.89 (1) (d) 2. of the statutes is amended to read:

