

Clearinghouse Rule 00-005

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

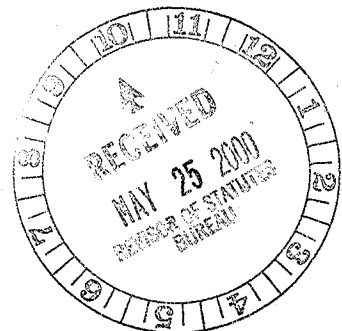
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to the Milwaukee parental school choice program was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

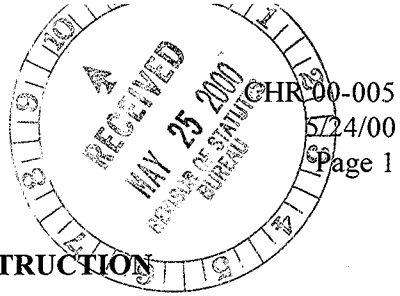
I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 25th day of May, 2000.

John T. Benson

John T. Benson
State Superintendent
State Department of Public Instruction





**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby renumbers and amends PI 35.03 (5) (intro.), and PI 35.04 (2) to (5); amends PI 35.02 (intro.), (8) and (11), PI 35.025, PI 35.03 (1) (a), PI 35.03 (2) (e), PI 35.04 (title) and (1), PI 35.045 (1) (e) 3., PI 35.05 (3) (b) (intro.) and 1. to 4., and PI 35.05 (4) and (5); and creates PI 35.03 (3), PI 35.04 (2), (3), and (8), PI 35.045, and PI 35.05 (6) and (9), relating to the Milwaukee parental school choice program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: s. 227.11(2)(a), Stats.

Statute interpreted: s. 119.23, Stats.

1999 Wisconsin Act 9 created new provisions under s. 119.23, Stats., relating to the Milwaukee Parental School Choice Program (MPSCP). To reflect the statutory changes, Chapter PI 35, has been modified to:

- Specify voucher payment provisions for MPSCP summer school programs; and
- Calculate the annual voucher amount under the MPSCP.

Other changes have been made to ensure that participating schools are safe and to make it easier for parents to participate in the program, including:

- Calculating the annual income limits for participation in the MPSCP in a more timely fashion. Calculating the income eligibility limits earlier will allow schools to notify the department of their intent to be in the program and permit parents to apply to participating schools earlier. Such a change will make the MPSCP application process more in line with the application processes for other educational option programs in Milwaukee.
- Ensuring parents a fair opportunity to submit an application to a choice school by requiring that open application periods for the program set by the private schools will have to be at least 14 days in length.
- Requiring current and new choice schools to submit an occupancy certificate showing compliance with building codes.

The department promulgated these rules as emergency rules effective January 4, 2000.

SECTION 1. PI 35.02 (intro.), (8) and (11) are amended to read:

PI 35.02 (intro.) ~~is~~ Except as specified in s. PI 35.043 (1) (b) and (c), in this chapter:

(8) "Enrollment" or "pupils enrolled" has the meaning defined under s. 121.004 (7) (a) to (cm), Stats.

(11) "Membership" has the meaning defined under s. 121.004 (5), Stats.

SECTION 2. PI 35.025 is amended to read:

PI 35.025 Pupil assignment council requirements. The pupil assignment council created under s. 119.23 (8), Stats., shall meet annually by April 15 to designate a date by which ~~random selection of pupils will be determined for those private schools that receive more applications than spaces available for enrollment~~ all private schools in the program must have at least one open enrollment period for choice applicants for the school year beginning the following September. The pupil assignment council shall also recommend to the state superintendent a method for ensuring that pupils will be accepted on a random basis.

SECTION 3. PI 35.03 (1) (a) is amended to read:

PI 35.03 (1) (a) The private school's method for ensuring that, except for continuing pupils in the choice program at that private school and their siblings, pupils will be accepted on a random selection basis from a new pool of applicants each school year. Waiting lists from previous school years may not be carried over and used from one year to the next.

SECTION 4. PI 35.03 (2) (e) is amended to read:

PI 35.03 (2) (e) Meet all of the requirements specified under ss. PI 35.03, 35.04, 35.043, 35.045 and 35.046.

SECTION 5. PI 35.03 (3) is created to read:

PI 35.03 (3) **HEALTH AND SAFETY REQUIREMENTS.** The administrator of a school in the private school choice program shall ensure that the school is meeting the requirements of s. 119.23 (2), Stats., regarding health and safety laws and codes for schools by filing with the department a copy of the private school's current certificate of occupancy issued by the city of Milwaukee. The administrator shall submit the certificate of occupancy under this subsection to the department no later than August 1 prior to the first school year of participation in the choice program, or by no later than May 1 if the school is beginning participation in the choice program with summer school. The administrator shall file subsequent certificates of occupancy as issued by the city of Milwaukee.

SECTION 6. PI 35.03 (5) (intro.) is renumbered PI 35.03 (5) (a) and as renumbered, is amended to read:

PI 35.03 (5) (a) A private school participating in the private school choice program shall submit a report to the department by October 15 each school year indicating the criteria to be used in meeting the continuing eligibility standards specified under s. 119.23 (7) (a), Stats. ~~In order to continue participating in the private school choice program in the next school year, private schools shall meet at least~~

(b) A private school participating in the private school choice program shall submit a report to the department by June 30 each school year providing evidence that the school has in that school year met one of the following criteria:

~~(a) 1.~~ 1. At least 70% of the pupils in the private school choice program shall advance one grade level each year. For pupils attending a private school choice program in grades 9 through 12, "advance one grade level" means a successful completion of at least 4 credits or the equivalent as approved by the state superintendent during each school year. ~~To meet the requirement under this paragraph~~ For pupils attending a private school choice program in grades kindergarten through 8, each private school participating in the private school choice program shall ensure that each pupil in the private school choice program who is advanced one grade level has met one of the following criteria:

1. a. Achievement of 70% of the instructional objectives specific to each grade level in reading, mathematics and language arts which are introduced during each semester of the current school year. Under this ~~paragraph~~ subparagraph, a private school shall do all of the following: ~~a. Establish~~ establish written objectives and performance standards for reading, mathematics and language arts for each grade level in which pupils are enrolled in the private school choice program. ~~b. Document;~~ document written criteria and methodology for evaluating pupil performance for each objective. ~~c. Document;~~ and document each pupil's performance using the evaluation method specified in ~~subd. 1. b. this~~ subparagraph in a written record and maintain these records for 3 years.

~~2.~~ b. Achievement of at least .08 grade equivalent increase for each month between the spring or fall and spring administration of the standardized achievement test. Under this ~~paragraph~~ subparagraph, a private school shall do all of the following: ~~a. Report~~ report, by October 15, to the state superintendent the tests to be administered and the dates on which they will be administered. ~~b. Maintain,~~ and maintain each student's answer sheets and score information for 3 years.

~~(b)~~ 2. The private school's average attendance rate for pupils in the private school choice program is at least 90%. The report required under sub. ~~(5) (intro.)~~ (5) (a) shall include the method used by the private school in determining the average attendance rate for pupils.

~~(c)~~ 3. At least 80% of the pupils in the private school choice program demonstrate significant academic progress.

~~(d)~~ 4. At least 70% of the families of pupils in the private school choice program meet parental involvement criteria established by the private school. ~~To meet the requirement under this paragraph each private school participation in the private school choice program shall, by October 15 of each school year, identify and submit to the department the parental involvement criteria it will use for the school year and by June 15 of each school year, submit to the department evidence that the criteria have been met for that school year.~~

SECTION 7. PI 35.04 (title) and (1) are amended to read:

PI 35.04 (title) **School year enrollment.** (1) A private school that participates in the private school choice program shall accept pupils on a random basis in accordance with the method ~~reviewed~~ submitted under s. PI 35.03 (1) (a) and approved under s. PI 35.05 (5). A private school may give preference to siblings of pupils ~~accepted on a random basis already enrolled in or accepted into the choice program at that private school.~~

SECTION 8. PI 35.04 (2) to (5) are renumbered PI 35.04 (4) to (7) and, as renumbered, PI 35.04 (4), (5) (intro.) and (a), and (6) (c) are amended to read:

PI 35.04 (4) A private school under this section shall notify each applicant and the applicant's parent or guardian of acceptance or nonacceptance, in writing, within 60 days after receiving the application. The private school shall retain all notices given under this section and all original applications, both accepted and nonaccepted, submitted under this chapter. The private school shall submit, with the continuing eligibility report under s. PI 35.03 (5) (b), the number of accepted and nonaccepted applications for the choice program for that school year.

(5) Annually, by September 1 ~~or within 5 days after classes begin~~, a private school under this section shall do all of the following:

(a) Submit to the department a copy of the accepted applications that correspond to the class list submitted under par. (b). (b) The private school shall ensure the submitted applications are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

(6) (c) Submit to the department with the membership report under par. (a), copies of any accepted applications for pupils included in the class list under par. (b) that were not previously reported under sub. ~~(3) (a)~~ (5) (a). The private school shall ensure that the applications submitted under this paragraph are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

SECTION 9. PI 35.04 (2), (3), and (8) are created to read:

PI 35.04 (2) A private school under this section shall establish open application periods for the following school year. The open application period shall be at least 14 days in length and may not begin prior to January 1.

(3) A private school under this section may not accept pupil applications until the school has met both of the following:

(a) The private school has submitted its notice of intent to participate form for the following school year to the department under s. PI 35.03 (1).

(b) The private school has received the department's approval under s. PI 35.05 (5) of the school's plan for randomly selecting children into the program.

(8) A private school under this section shall return to the department any checks received under s. 119.23 (4), Stats., that are not cashed within 45 days of their receipt at the school.

SECTION 10. PI 35.043 is created to read:

PI 35.043 **Summer school enrollment and payment.** (1) In this section:

(a) "Academic purposes" means summer school learning experiences that are related or similar to instruction that is offered during the rest of the school year or for which credit toward graduation is given.

(b) "Enrollment" or "pupils enrolled" in summer school means the sum of the first day of attendance, last day of attendance and the days in between the pupil was either in attendance or had an excused absence but was still enrolled in the program.

(c) "Membership" for summer school payments means the school's total minutes of enrollment of eligible choice pupils in academic summer classes or laboratory periods necessary for academic purposes.

(2) A private school under this chapter may count pupils for aid membership that are enrolled in those academic summer classes or laboratory periods that are necessary for academic purposes as defined under sub. (1) (a). A private school counting pupils for aid membership under this section, shall annually, by no later than October 15 following summer school, submit to the department a summer school membership report listing the choice program pupils that were enrolled in summer school and the daily minutes each of those pupils were enrolled. The department shall provide the membership form.

(3) A private school under this chapter may include a pupil in its membership report required under sub. (2) if either of the following applies:

(a) The pupil was enrolled in the private school choice program on the 2nd Friday of January in the school term immediately preceding that summer.

(b) The pupil's application has been accepted into the private school choice program at that private school in the school term immediately following that summer.

(4) The summer school payment due to the private school shall be calculated according to s. 119.23 (4m), Stats. To determine payment, the private school shall divide the school's total summer school minutes of enrollment for their

choice program pupils by 48,600; round that quotient to the nearest whole number; and multiply the resulting whole number by the voucher amount calculated under s. 119.23 (4) (b) 2., Stats., for the school year immediately following the summer school.

(5) Summer school courses necessary for academic purposes include all of the following:

(a) Music programs, lessons, sections or clinics.

(b) Swimming instruction programs, if taught or directed on-site.

(c) Up to 270 minutes of instructional time per pupil, per day, including field trips if accompanied by a teacher and if all pupils have equal access to field trips regardless of their ability to pay.

(6) Summer school courses necessary for academic purposes do not include any of the following:

(a) Travel time to events, including field trips.

(b) Performances, including band, orchestra, parades and plays.

(c) Recreational programs and team sports.

(d) Participation in fairs or expositions by pupil organizations, such as future farmers of America.

(e) Any offering not provided by or directed on-site by a teacher.

NOTE: The pupil count report and summer school membership report may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental Private School Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 11. PI 35.045 (1) (e) 3., is amended to read:

PI 35.045 (1) (e) 3. The private school's membership of pupils participating in the private school choice program shall be multiplied by the lesser of ~~the school district's per pupil aid eligibility~~ the amount determined under s. 119.23 (4) (b) 2., Stats., or the private school's per pupil cost under s. PI 119.23 (4) (b) 1., Stats. If the result is greater than the amount of the private school choice payments retained by the school, an adjustment payment shall be made to the private school within 60 days of the financial audit report certified by the department. If the result is less than the amount of the private school choice payments retained by the private school, the private school shall refund the amount of any overpayment to the department within 60 days of notification.

SECTION 12. PI 35.05 (3) (b) (intro.) and 1. to 4. are amended to read:

PI 35.05 (3) (b) The amount per pupil to be paid to the private school shall be determined as specified in s. 119.23 ~~(5) (a) (4), Stats.~~ No aid may be paid to a private school for a pupil unless the private school has ~~provided the information required~~ met the requirements under ss. PI 35.03 ~~(1), 35.04, 35.043, 35.045 and 35.046.~~ The payment schedule is as follows:

1. The September payment shall be based on the number of pupils receiving instruction at the beginning of the school year as indicated on the class list and the accepted, eligible applications for those pupils submitted under s. PI 35.04 ~~(3) (b) (5) and the July 1 estimated~~ amount per pupil ~~as determined under s. 121.15 (4) 119.23 (4), Stats.,~~ multiplied by 25%.

2. The November payment shall be based on the number of pupils reported on the membership report and the accepted, eligible applications for those pupils submitted on October 1 under s. PI 35.04 (4) (a) (6) and the October 15 amount per pupil as determined under s. ~~121.15 (4)~~ 119.23 (4), Stats., that the school district will receive in the current school year, multiplied by 50%, less the September payment. The November payment shall include any payments from the state for summer school instruction for choice program pupils at the school in the immediately preceding summer, as calculated under s. PI 35.043, divided by the number of pupils reported on the October 1 membership report.

3. The February payment shall be based on the number of pupils reported on the membership report and the accepted, eligible applications for those pupils submitted on February 1 under s. PI 35.04 (4) (a) (6) and the October 15 amount per pupil as determined under s. ~~121.15 (4)~~ 119.23 (4), Stats., that the school district will receive in the current school year, multiplied by 25%.

4. The May payment shall be based on the number of pupils reported on the membership report and the accepted, eligible applications for those pupils submitted on February 1 under s. PI 35.04 (4) (a) (6) and the October 15 amount per pupil as determined under s. ~~121.15 (4)~~ 119.23 (4), Stats., that the school district will receive in the current school year, multiplied by 25%.

SECTION 13. PI 35.05 (4) and (5) are amended to read:

PI 35.05 (4) The state superintendent shall annually inform the pupils and parents who reside in the city of the private schools participating under this chapter. The state superintendent shall, by no later than January 1 prior to the following school year, make available the notice of school's intent to participate form, an informational brochure for parents, and the choice program pupil application form.

(5) The state superintendent shall, prior to the first school year that a private school participates in the program under this section, review and approve the proposal submitted under s. PI 35.03 (1) (a) to ensure that pupils are accepted on a random basis. After the first school year of a private school's participation, the state superintendent shall review and approve any changes to the proposal submitted under s. PI 35.03 (1) (a).

SECTION 14. PI 35.05 (6) and (9) are created to read:

PI 35.05 (6) In accordance with s. 119.23 (2) (a) 1., Stats., the state superintendent shall, by no later than December 1, calculate the income limits for pupil participation in the program for the school year beginning the next September. The limits shall be calculated as follows:

(a) Increase the most recent federal poverty level available from the federal office of management and budget by the increase in the urban consumer price index between January 1 and October 31 of the current calendar year.

(b) Multiply the amount determined under par. (a) by 1.75.

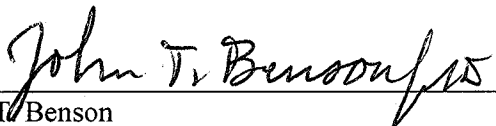
(9) The state superintendent shall annually review academic summer classes or laboratory periods that are necessary for academic purposes at private schools under this chapter, for payment under s. PI 35.043.

SECTION 15. In the sections of the rules listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

| A Rule Sections as Renumbered | B Old Cross-References | C New Cross-References |
|--|---|---|
| PI 35.04 (7) (a) | sub. (4) (a) | sub. (6) (c) |
| PI 35.04 (7) (b) | sub. (5) (a) 2. | par. (a) 2. |

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 25th day of May, 2000



John T. Benson
State Superintendent