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2005 SENATE BILL 604

February 15, 2006 – Introduced by Senators Harsdorf, Plale and Grothman, cosponsored by Representatives Honadel, Musser, F. Lasee, Albers, Jeskewitz and Townsend. Referred to Committee on Education.

- 1 AN ACT to amend 118.165 (1) (intro.) and 118.165 (2); and to create 118.165 (1m)
 - of the statutes; **relating to:** statutory requirements for private schools.

Analysis by the Legislative Reference Bureau

Under current law, an institution is a private school if its educational program meets all of the following criteria:

- 1. The primary purpose of the program is to provide private or religious-based education.
 - 2. The program is privately controlled.
 - 3. The program provides at least 875 hours of instruction each school year.
- 4. The program provides a sequentially progressive curriculum of fundamental instruction in specified subjects.
- 5. The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance law.
- 6. The pupils in the institution's educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation, or the institution is licensed as a child welfare agency.

This bill provides that an institution is also considered a private school if it complies with items 1. to 5., above, and the parents or guardians of all the pupils who

SENATE BILL 604

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do not return home annually for at least two months of summer vacation have waived the requirement of item 6., above, in writing.

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

SECTION 1. 118.165 (1) (intro.) of the statutes is amended to read:

118.165 (1) An Except as provided in sub. (1m), an institution is a private school if its educational program meets all of the following criteria:

Section 2. 118.165 (1m) of the statutes is created to read:

118.165 (1m) An institution is a private school if it meets the criteria under sub.

(1) (a) to (e) and the parents or guardians of all the pupils attending the institution who do not return annually to the homes of their parents or guardians for at least 2 months of summer vacation have waived the requirement under sub. (1) (f) in writing.

Section 3. 118.165 (2) of the statutes is amended to read:

118.165 (2) An institution may request the state superintendent to approve the institution's educational program as a private school. The Except as provided in sub. (1m), the state superintendent shall base his or her approval solely on the criteria under sub. (1).

15 (END)