



2015 SENATE BILL 78

March 23, 2015 - Introduced by Senators C. LARSON, WIRCH, RISSER, RINGHAND, HARRIS DODD, CARPENTER, HANSEN, ERPENBACH and L. TAYLOR, cosponsored by Representatives BARNES, MASON, POPE, JOHNSON, SARGENT, GOYKE, GENRICH, RIEMER, BROSTOFF, JORGENSEN, BILLINGS, HEBL, KAHL, ZAMARRIPA, KESSLER, SUBECK, OHNSTAD, BERCEAU, MILROY, KOLSTE, SINICKI, HESSELBEIN, DANOU, C. TAYLOR and WACHS. Referred to Committee on Education Reform and Government Operations.

1 **AN ACT to create** 118.60 (7) (h), 118.60 (7) (i), 118.60 (10) (a) 9., 119.23 (7) (h),
2 119.23 (7) (i) and 119.23 (10) (a) 9. of the statutes; **relating to:** requiring a
3 private school participating in a parental choice program to employ certain
4 special education staff and to comply with certain provisions of the Americans
5 with Disabilities Act.

Analysis by the Legislative Reference Bureau

This bill requires a private school participating in a parental choice program (PCP) that enrolls a child with a disability to employ a teacher or therapist who is licensed by DPI to provide special education or related services. The bill also requires a private school participating in a PCP to comply with Part A of Title II of the Americans with Disabilities Act. Finally, DPI may prohibit a private school from participating in a PCP if the private school fails to satisfy these requirements.

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

6 **SECTION 1.** 118.60 (7) (h) of the statutes is created to read:

SENATE BILL 78**SECTION 1**

1 118.60 (7) (h) A private school participating in the program under this section
2 that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall
3 employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

4 **SECTION 2.** 118.60 (7) (i) of the statutes is created to read:

5 118.60 (7) (i) Each private school participating in the program under this
6 section shall comply with the requirements under 42 USC 12131 to 12134 and 28
7 CFR part 35.

8 **SECTION 3.** 118.60 (10) (a) 9. of the statutes is created to read:

9 118.60 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or
10 (i).

11 **SECTION 4.** 119.23 (7) (h) of the statutes is created to read:

12 119.23 (7) (h) A private school participating in the program under this section
13 that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall
14 employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

15 **SECTION 5.** 119.23 (7) (i) of the statutes is created to read:

16 119.23 (7) (i) Each private school participating in the program under this
17 section shall comply with the requirements under 42 USC 12131 to 12134 and 28
18 CFR part 35.

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

20 119.23 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or
21 (i).

22 **SECTION 7. Initial applicability.**

23 (1) This act first applies to a private school participating in a parental choice
24 program under section 118.60 or 119.23 of the statutes in the 2016-17 school year.

25

(END)