

1999 DRAFTING REQUEST

Bill

Received: **02/28/2000**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Jolene**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Ah. Drafters:

Subject: **Education - MPS**

Extra Copies: **MJL**

Pre Topic:

No specific pre topic given

Topic:

Eligibility for parental choice program

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Reaured</u> |
|--------------|------------------------|------------------------|------------------------|----------------|----------------------------|----------------------------|----------------|
| /? | grantpr 02/28/2000 | wjackson 02/28/2000 | | _____ | | | |
| /1 | | | jfrantze 02/28/2000 | _____ | lrb_docadmin 02/28/2000 | | |
| /2 | grantpr 03/0 1/2000 | wjackson 03/02/2000 | hhagen 03/02/2000 | _____ | lrb-docadmin 03/02/2000 | lrb-docadmin 03/02/2000 | |

FE Sent For:

<END>

Not Needed

03/02/2000 09:31:24 AM

Page 1

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<END>



Representative Mark D. Gundrum
State Capitol, P.O. Box 8952
Madison, WI 53708
(608) 267-5158 Office
(608) 282-3684 Fax

Facsimile Transmittal Sheet

To: Peter Grant (608) 264-6948

From: Jolene Churchill, Legislative Assistant

Date: February 28, 2000

Total No. of Pages Including Cover: 3 pages

Comments:

Dear Peter,

Attached is the MJS article my boss is referring to in regard to the bill he would like to have drafted for the applicants of the School Choice program.

Thomas More hoping to call Milwaukee home

School wants to join choice program, asks court to rule on location dispute

BY JESSICA MCBRIDE
of the Journal Sentinel staff

If more than 80% of a high school's property, including all of its buildings, is located within the City of St. Francis, is that school in:

- A) St. Francis.
- B) Milwaukee.

Sound like a simple geography quiz? Not so fast.

A local high school has gone to court to get the question answered.

Thomas More High School, 2601 E. Morgan Ave. in Milwaukee (yes, that's the mailing address) wants a court to rule that the school is located in Milwaukee.

But the Wisconsin Department of Public Instruction and state superintendent John T. Benson disagree, saying a City of Milwaukee map shows that more than 80% of the school's property, including the school

itself and the administration buildings, lies within the boundaries of St. Francis.

Thomas More, a private school, wants to participate in the Milwaukee Parental Choice Program, more commonly referred to as school choice.

Problem is, the program is called the "Milwaukee" Parental Choice Program for a reason. Participating private schools have to be in the City of Milwaukee under state law.

The school asked DPI to declare it a "private school located in the City of Milwaukee." Benson and DPI refused. Thomas More filed suit last week in Milwaukee County Circuit Court, asking the court to declare it a Milwaukee school.

The school pointed out in the court filing that the Wisconsin Interscholastic Athletic Association lists Thomas More as a Milwaukee school and "commonly refers to TMHS as 'Milwaukee Thomas More.'" There's also the point about the mailing address.

Please see SCHOOL page 7

School/Thomas More hopes to call Milwaukee its home

From page 1

Furthermore, the school's suit says, "there is no indication by the Legislature that 'located in' requires that all of the property lie within the boundaries of the City of Milwaukee in order for a school to become eligible to become a choice school."

In a letter to Thomas More President Thomas Knitter, Benson said the issue had been carefully scrutinized.

"The statutes and rules do not specify whether the private school must be located wholly or part in Milwaukee," Benson wrote. "In the absence of clear direction I have, therefore, relied on a 'common sense' approach..."

Benson said the 80% figure this before," he said.

persuaded him, as did the fact that the St. Francis School District has "historically listed Thomas More High School as a private school within its district boundaries and has provided federally funded services to the school."

Knitter would not say during an interview Friday whether the 80-20 split was accurate. He did say the school occupies 16 acres of land and has an enrollment of 720.

Although schools receive \$5,100 in state aid for choice students, Knitter said he couldn't estimate how many such students would choose Thomas More.

DPI spokesman Greg Doyle said there are 92 schools in the choice program.

"We haven't had an issue like

MJS, 2/28/00, 10

2/28/12

Jules — Gundersen

see article title

draft so if any part of school
property (i.e. when school is located)
is within the city, get to be a charter
school.

1999

Date (time) needed

Wed a.m.

LRB - 4645 / 1

PG : WLj : _____

BILL

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . . of the statutes; relating to: . . . eligibility of ^{private} schools . . . to participate in the Milwaukee Parental Choice Program . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

For the 3 titles used in an analysis, in the component bar:

For the main heading [old =M], execute: create → anal: → title: → head

For the subheading [old =S], execute: create → anal: → title: → sub

For the sub-subheading [old =P], execute: create → anal: → title: → sub-sub

(attached)

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

'SECTION #.

Section #. 119.23 (2) (a) (intro.)[✓] of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to par. (b), any pupil in grades kindergarten to 12 who resides within the city may attend, at no charge, any private school located in the city if all of the following apply:

History: **1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9.**

(EWD)

or situated on property ~~of~~
~~least~~ any portion of which
is located in the city

ANALYSIS

¶ Under current law, only private schools located in the city of Milwaukee may participate in the Milwaukee Parental Choice Program. This bill allows a private school that is ~~situated on property~~ ~~at least~~ to participate in the program if it is located in the city ^{or} if it is situated on property ~~at least~~ ^{any} ^{portion} of which ^{is} located in the city.



1999 BILL

1 **AN ACT** ^{Regen} ~~to amend~~ 119.23 (2) (a) (intro.) of the statutes; **relating to:** eligibility of
2 private schools to participate in the Milwaukee parental choice program.

Analysis by the Legislative Reference Bureau

Under current law, only private schools located in the city of Milwaukee may participate in the Milwaukee parental choice program. This bill ~~allows~~ ^{allows} a private school ~~to participate in the program if it is located in the city or it is situated on property any portion of which is located in the city.~~ ^{that} is situated on property any portion of which is located in the city. ^{outside} ^{provides that}

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

3 **SECTION 1.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

4 119.23 (2) (a) (intro.) Subject to par. (b), any pupil in grades kindergarten to 12
5 who resides within the city may attend, at no charge, any private school located in
6 the city or situated on property any portion of which is located in the city if all of the
7 following apply:

8 (END)

any private school located outside the city that is

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/02/2000

To: Representative Gundrum

Relating to LRB drafting number: LRB-4645

Topic

Eligibility for parental choice program

Subject(s)

Education - MPS

1. JACKET the draft for introduction by Rep. Gundrum
in the Senate or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached —.
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction —.
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Managing Attorney
Telephone: (608) 267-3362