

**1999 DRAFTING REQUEST**

**Bill**

Received: 03/07/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Richard Grobschmidt (608) 266-7505

By/Representing: Lisa

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - miscellaneous  
Education - MPS

Extra Copies: MJL

**Pre Topic:**

No specific pre topic given

**Topic:**

Pupil discrimination

**Instructions:**

Same as AB 342

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 03/07/2000	wjackson 03/08/2000		_____			S&L
/1			martykr 03/08/2000	_____	lrb_docadmin 03/08/2000	lrb_docadmin 03/09/2000	

FE Sent For (03/08/2000.)  
*7/1"*

<END>

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1?	grantpr	1/1 WLJ 3/9	dm 3/8	<u>Self 3/8</u>			

FE Sent For:

<END>

LRB-4699/1

PG:wlj

**1999 ASSEMBLY BILL 342**

NO CHANGES

May 17, 1999 - Introduced by Representatives SINICKI, YOUNG, BOYLE, BOCK, POCAN, RICHARDS, PLOUFF, BALOW, MILLER, COLON, LA FAVE, BLACK, J. LEHMAN and COGGS, cosponsored by Senators GROBSCHMIDT, MOEN, PLACNE and ERPENBACH. Referred to Committee on Education Reform

Regen

1 AN ACT *to repeal* 118.40 (4) (b) 2.; *to consolidate, renumber and amend*  
2 118.40 (4) (b) (intro.) and 1.; *to amend* 118.13 (2) (b), 118.13 (3) (a) 3., 118.13  
3 (3) (b) 1., 118.13 (3) (b) 2. and 118.13 (4); and *to create* 118.13 (1m) and 118.13  
4 (2) (am) of the statutes; **relating to:** prohibiting charter schools, and private  
5 schools that participate in the Milwaukee parental choice program, from  
6 discriminating against pupils.

***Analysis by the Legislative Reference Bureau***

Under current law, no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability. Each school board must have written policies and procedures to implement this prohibition. The policies and procedures must provide for receiving and investigating complaints regarding violations of the prohibition and for making determinations as to whether the prohibition has been developed.

Current law provides that any complainant who receives a negative determination from a school board may appeal that decision to the state superintendent of public instruction, whose decision is subject to judicial review. Current law also imposes a forfeiture of up to \$1,000 against any public school

**ASSEMBLY BILL 342**

official, employe or teacher who intentionally violates the prohibition against discrimination.

This bill makes all of the above provisions applicable to those private schools that participate in the Milwaukee parental choice program (with respect to the pupils attending the schools under the program) and to charter schools.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 118.13 (1m) of the statutes is created to read:

2           118.13 (1m) No person who wishes to attend a private school under s. 119.23  
3 or a charter school may be denied admission to that school and no pupil who is  
4 attending a private school under s. 119.23 or a charter school may be denied  
5 participation in, be denied the benefits of or be discriminated against in any  
6 curricular, extracurricular, pupil services, recreational or other program or activity  
7 of that school because of the person's sex, race, religion, national origin, ancestry,  
8 creed, pregnancy, marital or parental status, sexual orientation or physical, mental,  
9 emotional or learning disability.

10          **SECTION 2.** 118.13 (2) (am) of the statutes is created to read:

11          118.13 (2) (am) Each private school participating in the program under s.  
12 119.23 and each charter school shall develop written policies and procedures to  
13 implement this section and submit them to the state superintendent. The policies  
14 and procedures shall provide for receiving and investigating complaints regarding  
15 possible violations of this section, for making determinations as to whether this  
16 section has been violated and for ensuring compliance with this section.

17          **SECTION 3.** 118.13 (2) (b) of the statutes is amended to read:

**ASSEMBLY BILL 342**

1           118.13 (2) (b) Any person who receives a negative determination under par. (a)  
2           or (am) may appeal the determination to the state superintendent.

3           **SECTION 4.** 118.13 (3) (a) 3. of the statutes is amended to read:

4           118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
5           (d) information on the ~~status of school district~~ compliance of school districts, charter  
6           schools and private schools with this section and ~~school district~~ the progress made  
7           toward providing reasonable equality of educational opportunity for all pupils in this  
8           state.

9           **SECTION 5.** 118.13 (3) (b) 1. of the statutes is amended to read:

10          118.13 (3) (b) 1. Periodically review school district, charter school and private  
11          school programs, activities and services to determine whether the school boards,  
12          charter schools and private schools are complying with this section.

13          **SECTION 6.** 118.13 (3) (b) 2. of the statutes is amended to read:

14          118.13 (3) (b) 2. Assist school boards, charter schools and private schools to  
15          comply with this section by providing information and technical assistance upon  
16          request.

17          **SECTION 7.** 118.13 (4) of the statutes is amended to read:

18          118.13 (4) Any public school, charter school or private school official, employe  
19          or teacher who intentionally engages in conduct which discriminates against a  
20          person or causes a person to be denied rights, benefits or privileges, in violation of  
21          sub. (1) or (1m), may be required to forfeit not more than \$1,000.

22          **SECTION 8.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
23          renumbered 118.40 (4) (b) and amended to read:

24          118.40 (4) (b) *Restrictions.* A charter school may not ~~do any of the following:~~  
25          ~~1. Charge~~ charge tuition.



**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: 03/08/2000

To: Senator Grobschmidt

Relating to LRB drafting number: LRB-4694

**Topic**  
Pupil discrimination

**Subject(s)**  
Education - miscellaneous, Education - MPS

1. **JACKET** the draft for introduction *R. Grobschmidt*  
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.

Done  
03-08-00  
MR

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction *R. Grobschmidt*  
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