

## 2001 ASSEMBLY BILL 474

August 15, 2001 – Introduced by Representatives LA FAVE, SINICKI, J. LEHMAN, POCAN, BOCK, RICHARDS and BLACK, cosponsored by Senator DECKER. Referred to Committee on Education Reform.

1     **AN ACT** *to renumber and amend* 119.23 (7) (c); and *to create* 119.23 (7m) (b)  
2             to (d) of the statutes; **relating to:** the requirement to exempt pupils attending  
3             a private school under the Milwaukee parental choice program from religious  
4             activities.

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### *Analysis by the Legislative Reference Bureau*

Current law prohibits a private school that is participating in the Milwaukee Parental Choice Program (MPCP) from requiring a pupil attending the private school under the program to participate in any religious activity if the pupil's parent or guardian requests that the pupil be exempt from the activity.

This bill requires each private school participating in the MPCP to adopt a policy implementing the requirement described above. The private school must include in the policy a list of the school activities that it has determined are religious activities for the purpose of the exemption requirement. The list must include religious worship, religious instruction, and any school activity that the private school has determined is sectarian, proselytizing, or religiously doctrinal in nature. The bill requires each MPCP school to provide a copy of its policy to each person who expresses an interest in attending the private school under the program and annually to the department of public instruction (DPI).

The bill directs each MPCP school to ensure that a pupil who is exempt from participating in a religious activity is not present in the room in which the activity occurs. The bill also directs each MPCP school to provide a pupil who is exempt from religious activities with a sufficient number of hours of instruction to meet the

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statutory requirement for all private schools (at least 875 hours of instruction each school year) and to enable the pupil to advance from grade to grade.

Finally, the bill directs DPI to promulgate rules specifying the supervision required for pupils who are exempt from religious activities.

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

1           **SECTION 1.** 119.23 (7) (c) of the statutes is renumbered 119.23 (7m) (a) and  
2 amended to read:

3           **119.23 (7m) (a)** A private school may not require a pupil attending the private  
4 school under this section to participate in any religious activity if the pupil's parent  
5 or guardian submits to the pupil's teacher or the private school's principal a written  
6 request that the pupil be exempt from ~~such activities~~ the activity. The private school  
7 shall ensure that a pupil who is exempt from participating in a religious activity  
8 under this paragraph is not present in the room in which the religious activity occurs.

9           **SECTION 2.** 119.23 (7m) (b) to (d) of the statutes are created to read:

10           **119.23 (7m) (b)** Each private school participating in the program under this  
11 section shall adopt a policy implementing par. (a) and provide a copy of the policy to  
12 each person who expresses an interest in attending the private school under this  
13 section and annually to the department with the notice under sub. (2) (a) 3. The  
14 private school shall include in the policy a list of the school activities that it has  
15 determined are religious activities for the purpose of par. (a). The list shall include  
16 religious worship, religious instruction, and any school activity that the private  
17 school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

18           (c) Each private school participating in the program under this section shall  
19 provide a pupil who is exempt from one or more religious activities under par. (a) with

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1 a sufficient number of hours of instruction to meet the requirement under s. 118.165  
2 (1) (c) and to enable the pupil to advance from grade to grade in the private school.

3 (d) The department shall promulgate rules to implement and administer this  
4 subsection, including rules specifying the supervision required for pupils who are  
5 exempt from religious activities under par. (a).

6 **SECTION 3. Initial applicability.**

7 (1) This act first applies to pupils who express an interest in attending a private  
8 school under section 119.23 of the statutes, and to pupils who attend a private school  
9 under section 119.23 of the statutes, in the 2002–03 school year.

10 **SECTION 4. Effective date.**

11 (1) This act takes effect on January 1, 2002, or on the first day of the second  
12 month beginning after publication, whichever is later.

13 (END)