

## 2001 ASSEMBLY BILL 716

January 14, 2002 – Introduced by Representatives SINICKI, SCHNEIDER, CULLEN, POCAN, J. LEHMAN, RICHARDS, YOUNG, PLOUFF, BOCK, MILLER, TURNER, HEBL, MORRIS-TATUM and SHILLING, cosponsored by Senators DECKER and BURKE. Referred to Committee on Education Reform.

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., 118.13 (4) and 119.23 (7) (c); and *to create* 118.13  
4           (1m), 118.13 (2) (am), 118.40 (4) (a) 3. and 4. and 119.23 (6m) of the statutes;  
5           **relating to:** prohibiting charter schools, and private schools that participate  
6           in the Milwaukee parental choice program, from discriminating against pupils,  
7           and requiring such schools to disclose certain information.

---

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

Current law prohibits public schools and charter schools from discriminating against pupils on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability. In addition, each school board must adopt policies and procedures implementing this nondiscrimination requirement.

This bill extends the nondiscrimination requirement to schools participating in the Milwaukee parental choice program (MPCP), under which state funds are used to pay for the cost of children from low-income families to attend, at no charge, private school located in the city of Milwaukee. The bill also requires each MPCP school and charter school to develop written policies and procedures to implement the nondiscrimination requirement and to provide each applicant to a school with all

**ASSEMBLY BILL 716**

of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; and (5) a copy of the school's nondiscrimination policies and procedures. In addition, upon request of any person, the school must provide the information above, as well as the number of pupils enrolled in the previous school year, pupil scores on standardized tests administered in the previous school year, and the number of pupils who were expelled or who failed to graduate in the previous school year.

Under current law an MPCP school must exempt an MPCP pupil from participating in any religious activity if the pupil's parent or guardian submits a written request to that effect. This bill requires an MPCP school to provide each applicant for admission with a copy of a statement embodying this exemption requirement.

---

***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

**ASSEMBLY BILL 716**

1 and procedures shall provide for receiving and investigating complaints regarding  
2 possible violations of this section, for making determinations as to whether this  
3 section has been violated, and for ensuring compliance with this section.

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

5 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
6 or (am) may appeal the determination to the state superintendent.

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

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

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

14 118.13 (3) (b) 1. Periodically review school district, charter school, and private  
15 school programs, activities and services to determine whether the school boards,  
16 charter schools, and private schools are complying with this section.

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

18 118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to  
19 comply with this section by providing information and technical assistance upon  
20 request.

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

22 118.13 (4) Any public school, charter school, or private school official, employee  
23 or teacher who intentionally engages in conduct which discriminates against a  
24 person or causes a person to be denied rights, benefits or privileges, in violation of  
25 sub. (1) or (1m), may be required to forfeit not more than \$1,000.

**ASSEMBLY BILL 716****SECTION 8**

1           **SECTION 8.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

2           118.40 **(4)** (a) 3. Provide to each applicant to the charter school all of the  
3 following:

4           a. A list of the names, addresses, and telephone numbers of the members of the  
5 charter school's governing body and of the charter school's shareholders, if any.

6           b. A notice stating whether the charter school is an organization operated for  
7 profit or not for profit. If the charter school is a nonprofit organization, the charter  
8 school shall also provide each applicant with a copy of the certificate issued under  
9 section 501 (c) (3) of the Internal Revenue Code verifying that the charter school is  
10 a nonprofit organization that is exempt from federal income tax.

11           c. A copy of the appeals process used if the charter school rejects an applicant  
12 for admission.

13           d. A statement that the charter school agrees to permit public inspection and  
14 copying of any record, as defined in s. 19.32 (2), of the charter school to the same  
15 extent as required of, and subject to the same terms and enforcement provisions that  
16 apply to, an authority under subch. II of ch. 19.

17           e. A statement that the charter school agrees to provide public access to  
18 meetings of the governing body of the charter school to the same extent as is required  
19 of, and subject to the same terms and enforcement provisions that apply to, a  
20 governmental body under subch. V of ch. 19.

21           f. A copy of the charter school's policies and procedures on nondiscrimination  
22 adopted under s. 118.13 (2) (am).

23           4. Upon request by any person, provide the material specified in subd. 3. and  
24 the number of pupils enrolled in the charter school in the previous school year, pupil  
25 scores on standardized tests administered in the previous school year, and the

**ASSEMBLY BILL 716**

1 number of pupils who were expelled or who failed to graduate in the previous school  
2 year.

3 **SECTION 9.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
4 renumbered 118.40 (4) (b) and amended to read:

5 118.40 **(4)** (b) *Restrictions.* A charter school may not do any of the following:  
6 1. Charge charge tuition.

7 **SECTION 10.** 118.40 (4) (b) 2. of the statutes is repealed.

8 **SECTION 11.** 119.23 (6m) of the statutes is created to read:

9 119.23 **(6m)** Each private school participating in the program under this  
10 section shall do all of the following:

11 (a) Provide to each person who applies to attend the private school all of the  
12 following:

13 1. A list of the names, addresses, and telephone numbers of the members of the  
14 private school's governing body and of the private school's shareholders, if any.

15 2. A notice stating whether the private school is an organization operated for  
16 profit or not for profit. If the private school is a nonprofit organization, the private  
17 school shall also provide the applicant with a copy of the certificate issued under  
18 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
19 a nonprofit organization that is exempt from federal income tax.

20 3. A copy of the appeals process used if the private school rejects the applicant.

21 4. A statement that the private school agrees to permit public inspection and  
22 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
23 extent as required of, and subject to the same terms and enforcement provisions that  
24 apply to, an authority under subch. II of ch. 19.

**ASSEMBLY BILL 716****SECTION 11**

1           5. A statement that the private school agrees to provide public access to  
2 meetings of the governing body of the private school to the same extent as is required  
3 of, and subject to the same terms and enforcement provisions that apply to, a  
4 governmental body under subch. V of ch. 19.

5           6. A copy of the private school's policies and procedures on nondiscrimination  
6 adopted under s. 118.13 (2) (am).

7           (b) Upon request by any person, provide the material specified in par. (a) and  
8 the number of pupils enrolled in the private school in the previous school year, pupil  
9 scores on standardized tests administered in the previous school year, and the  
10 number of pupils who were expelled or who failed to graduate in the previous school  
11 year.

12           **SECTION 12.** 119.23 (7) (c) of the statutes is amended to read:

13           119.23 (7) (c) A private school may not require a pupil attending the private  
14 school under this section to participate in any religious activity if the pupil's parent  
15 or guardian submits to the pupil's teacher or the private school's principal a written  
16 request that the pupil be exempt from such activities. A private school participating  
17 in the program under this section shall provide each person who applies to attend the  
18 private school under this section with a copy of a statement embodying the  
19 prohibition under this paragraph.

20                                               (END)