

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Emerson

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Emerson - AM83,

Topic:

Milwaukee 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>Required</u>
/?	grantpr 06/23/2001	chanaman 06/23/2001					
/1			pgreensl 06/24/2001		lrb_docadmin 06/24/2001		
/2	grantpr 06/28/2001	csicilia 06/28/2001	kfollet 06/28/2001		lrb_docadmin 06/28/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1			pgreensl 06/24/2001		lrb_docadmin 06/24/2001		

FE Sent For:

1/2 ij = 6/28
01 kj 6/28 <END> Ben 6/28

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/?	grantpr		6/25 P8	==			

FE Sent For:

<END>

ARC Amendment # 83

Education Task Force Package

School Choice Reforms

- Authorize all eligible private schools in Milwaukee County to participate in the Milwaukee Parental Choice Program (MPCP). *(Task Force)*
- Restore Gov. McCallum's budget language to allow pupils to participate in the MPCP if their total family income does not exceed 185% of the federal poverty level. In addition, once a pupil attends a school through MPCP, they can remain in the program even if their family no longer meets the income criteria. *(Task Force)*
- Eliminate the cap on the number of MPS students who can participate in the MPCP. *(Task Force)*
- Specify that private schools wishing to participate in MPCP must submit applications to DPI by February 1st. DPI is then required to make a determination and notify choice school applicants by March 1st. *(Task Force / McCormick)*
- Require the Legislative Audit Bureau to administer a longitudinal study of the parental choice program over a twelve-year period. Costs for the study would be privately financed and include the use of state standardized tests during the study, with results released at regular intervals. The study would also review graduation rates and other indicators of academic achievement. The first report under this section shall be released no later than October 1, 2003. Provide 1.0 PR FTE to fund the staff to monitor such a contract for the study. *(Task Force / McCormick)*

Charter School Reforms

- mjl
- Allow CESAs and UW-Parkside to charter schools. A charter school created under this provision would not be an instrumentality of any school district. *(Task Force)*
 - Allow a technical college outside of Milwaukee to create a charter school if they have an agreement with school districts to participate. Change statutes to allow students in districts that have a charter school agreement with the technical college to attend the charter school even though it may not be located in the school district of residence. *(Duff)*
 - Modify statutes that prevent Milwaukee chapter 220 students and others from attending charter schools in MPS. Currently you must attend a school in Milwaukee to attend a MPS charter school and chapter 220 students attend schools outside MPS. *(Task Force)*
 - Specify that independent charter schools in Milwaukee would have the same access to student transportation services that other charter schools in Milwaukee have. *(Task Force)*
 - Modify charter school statutes to provide uniform timelines for action on charter school applications, so that a school district must grant or deny a charter school application within 60 days after a hearing on the charter school proposal. Unlike for Milwaukee charter school applications, current law does not require a school board to act on a charter school application. In addition, school boards would be required to provide written reasons for its decision to grant or deny a charter school application.

2001

Date (time)
needed

DN

LRB b 16711 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

PK :cm4:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 923, line 7...: *after that line insert :-*

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:

#. Page, line:



2146 g
SECTION 1. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades kindergarten to 12 who resides within the city ~~of any private school located outside the city that is situated on property any portion of which is located in the city~~ of any private school located outside the city that is situated on property any portion of which is located in the city ^{Milwaukee County} may attend, at no charge, any private school located in the city if all of the following apply:

**** NOTE: This is reconciled s. 119.23 (2) (a) (intro.). This SECTION has been affected by LRB-1692 and LRB-1697.

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

2147 h
119.23 (2) (a) 1. The pupil is a member of a family that has a total family income that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

INS 2-10
SECTION 3. 119.23 (2) (e) of the statutes is created to read:

119.23 (2) (e) A pupil who attends a private school under this section is eligible to attend a private school under this section in succeeding school years even if the pupil no longer meets the criterion under par. (a) 1.

~~Section 9340 - Initial applicability, public instruction.~~

#. Page 1401 line 19. after that line insert:
MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2) (a) (intro.) ~~and~~ ^{and 3., (b), (c),} 1. and (e) of the statutes first applies to pupils who ~~apply~~ ^{intend} to participate in the Milwaukee parental choice program in the 2002-03 school year.))

(END)

cc (1k)

and private schools

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

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

1

²⁷⁴⁸ⁱ
SECTION 1. 119.23 (2) (a) 3. of the statutes is amended to read:

2 119.23 (2) (a) 3. The private school notified the state superintendent of its
3 intent to participate in the program under this section by May February 1 of the
4 previous school year. The notice shall specify the number of pupils participating in
5 the program under this section for which the school has space.

NS
A

6

^{2749m}
SECTION 2. 119.23 (2) (c) of the statutes is created to read:

7

119.23 (2) (c) If the department receives a notice from a private school under
8 par. (a) 3., by March 1 the department shall notify the private school whether it is
9 eligible to participate in the program under this section. If the department

10 determines that the private school is ineligible, the notice shall include an
11 explanation of that determination.

12 2. If the department determines under subd. 1. that a private school is
13 ineligible, the private school may appeal the decision to the department within 14
14 days after the decision. The department shall approve, reverse, or modify its decision
15 within 7 days of receiving an appeal.

16

SECTION 3. 119.23 (2) (d) of the statutes is created to read:

17 119.23 (2) (d) By August 1, a private school that intends to participate in the
18 program under this section in the current school year shall submit to the department
19 a report stating the number of pupils that will attend the private school under this
20 section in the current school year.

21

SECTION 4. 119.23 (4) (a) of the statutes is amended to read:

(End of insert 2-10)

A

2748K

Section #. 119.23 (2) (b) of the statutes is amended to read:

119.23 (2) (b) ~~No more than 15% of the school district's membership may attend private schools under this section.~~ If in any school year there are more spaces available in the participating private schools than the ~~maximum~~ number of pupils ~~allowed~~ to participate, the department shall prorate the number of spaces available at each participating private school.

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.

who wish

END of
Insert A

2-14:1

2753p
SEC. 119.23(9)

(9) 119.23(9) The legislative audit bureau

shall administer a 12-year longitudinal

study of the program under this section.

The bureau shall seek private sources of funding for the study. The study shall

use standardized examinations,

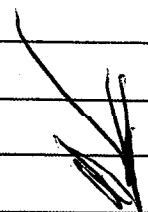
and shall review graduation rates and other

indicators of academic achievement.

The results of the study shall be submitted to the legislature

periodically over the 12-year period in the manner provided under S-13.172(2) with the first report due by

October 15, 2003.



2-14:2

#. Page 1343 line 11: after that line insert:

(CS)
of (4) LEGISLATIVE AUDIT BUREAU POSITION. The

authorized FTE positions for the legislative
audit bureau, funded from the appropriation

under section 20.265 (3)(g) of the statutes,
is increased by 150 PR positions to

monitor the ~~administration~~ study under

section 119.23 (9) of the statutes, as ~~number~~
affected by this act."

(end of insert

2-14)

mem.
Stats.

6/23/5)

P6/cmH

DN

1. This draft allows ^{all} private schools ^{located} in Milwaukee County to participate in the ^{choice} program.

It does not, however, ~~allow~~ allow pupils who live outside the city of Milwaukee to participate. OK?

2. This draft requires ^a private school to notify DPI by February 1 of ~~its~~ its intent to participate in the choice program,

~~and~~ requires DPI to determine whether the school is eligible by May 1. It does

not, however, specify ~~the~~ the consequences of that

determination. ^{For example,} Can DPI modify its determination better or

in light of ^{more} recent information about

the school? Can a school appeal a

negative determination? If so, to whom?

3. The ^{language about the} longitudinal study ~~language~~ is ~~intentionally~~

ambiguous regarding who is to ~~perform~~ conduct

the study. Do you want to direct

LAB ~~to~~ to contract for the study?

4. Is the appropriation that the draft taps for the position correct?

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1671/1dn
PG:cmh:pg

June 24, 2001

1. This draft allows all private schools located in Milwaukee County to participate in the choice program. It does not, however, allow pupils who live outside the city of Milwaukee to participate. OK?
2. This draft requires a private school to notify DPI by February 1 of its intent to participate in the choice program, and requires DPI to determine whether the school is eligible by May 1. It does not, however, specify the consequences of that determination. For example, can DPI modify its determination in light of better or more recent information about the school? Can a school appeal a negative determination? If so, to whom?
3. The language about the longitudinal study is ambiguous regarding who is to conduct the study. Do you want to direct LAB to contract for the study?
4. Is the appropriation that the draft taps for the position correct?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1671/1dn
PG:gmh:pg

June 24, 2001

1. This draft allows all private schools located in Milwaukee County to participate in the choice program. It does not, however, allow pupils who live outside the city of Milwaukee to participate. OK?
2. This draft requires a private school to notify DPI by February 1 of its intent to participate in the choice program, and requires DPI to determine whether the school is eligible by May 1. It does not, however, specify the consequences of that determination. For example, can DPI modify its determination in light of better or more recent information about the school? Can a school appeal a negative determination? If so, to whom?
3. The language about the longitudinal study is ambiguous regarding who is to conduct the study. Do you want to direct LAB to contract for the study?
4. Is the appropriation that the draft taps for the position correct?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Grant, Peter

From: Hanaman, Cathlene
Sent: Thursday, June 28, 2001 1:17 PM
To: Grant, Peter
Subject: FW: LRB Draft: 01b1671/1 Milwaukee parental choice program

Importance: High

-----Original Message-----

From: Emerson, James
Sent: Thursday, June 28, 2001 1:13 PM
To: Hanaman, Cathlene
Cc: Duff, Marc
Subject: FW: LRB Draft: 01b1671/1 Milwaukee parental choice program
Importance: High

Please make these changes listed below to LRB 01b1671

-----Original Message-----

From: Duff, Marc
Sent: Thursday, June 28, 2001 12:49 PM
To: Emerson, James
Subject: RE: LRB Draft: 01b1671/1 Milwaukee parental choice program

Here are some of the changes as a result of Peter's questions. I hope this is ok.

marc

1. Yes, the language should confine eligibility to Milwaukee residents only.

2. In Section 2749m, we recommend the following language after "...under this section."

If the department deems a school to be ineligible, the department shall notify the school and identify with specificity the basis for such determination. Upon notification of ineligibility, the school may within 14 days provide additional information to the department. Within 7 days thereafter, the department shall notify the school in writing of its decision on eligibility. A school denied eligibility may bring an original action in Circuit Court for Milwaukee County challenging the department's action. The Circuit Court shall give preference to such action and shall exercise de novo review of the Department's decision.

3. Re the longitudinal study, assuming LAB already has statutory authority to hire private researchers, no additional language would appear necessary. If statutory authority is needed, the following could be added to Section 2753p:

"The bureau may retain private contractors to assist in carrying out the study."

4. Finally, re effective date, I think the draft is correct in making changes effective for the 2002-03 school year. To try and make the various changes effective in the 2001-02 school year could be highly problematic, especially given the uncertainty as to when a conference report

will be agreed to.

-----Original Message-----

From: Emerson, James
Sent: Tuesday, June 26, 2001 6:19 PM
To: Rep.Duff; Duff, Marc; Dake, Marsha
Subject: FW: LRB Draft: 01b1671/1 Milwaukee parental choice program

Marsha:

I believe this is the one you were concerned about, and rightfully so. It is drafting so Milwaukee County Schools can participate in choice, but only Milwaukee City children can. I'm not sure if that was the intent. In addition, the drafter's notes contain some other questions. Please advise me, or copy me, how you plan to proceed.

Jim Emerson
ARC

-----Original Message-----

From: Greenslet, Patty
Sent: Sunday, June 24, 2001 1:05 PM
To: Emerson, James
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1671/1 Milwaukee parental choice program

Following is the PDF version of draft 01b1671/1.

<< File: 01b1671/1 >> << File: 01b1671/1dn >>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1671/1

PG:cmh/pg

figs

ARC:.....Emerson - AM83, Milwaukee parental choice program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 923, line 7: after that line insert:

3 "SECTION 2746g. 119.23 (2) (a) (intro.) of the statutes is amended to read:

4 119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades
5 kindergarten to 12 who resides within the city may attend, at no charge, any private
6 school located in ~~the city~~ Milwaukee County if all of the following apply:

7 SECTION 2747h. 119.23 (2) (a) 1. of the statutes is amended to read:

8 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
9 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined

1 in accordance with criteria established by the director of the federal office of
2 management and budget.

3 **SECTION 2748i.** 119.23 (2) (a) 3. of the statutes is amended to read:

4 119.23 (2) (a) 3. The private school notified the state superintendent of its
5 intent to participate in the program under this section by ~~May~~ February 1 of the
6 previous school year. The notice shall specify the number of pupils participating in
7 the program under this section for which the school has space.

8 **SECTION 2748k.** 119.23 (2) (b) of the statutes is amended to read:

9 119.23 (2) (b) ~~No more than 15% of the school district's membership may attend~~
10 ~~private schools under this section.~~ If in any school year there are more spaces
11 available in the participating private schools than the ~~maximum~~ number of pupils
12 allowed who wish to participate, the department shall prorate the number of spaces
13 available at each participating private school.

14 **SECTION 2749m.** 119.23 (2) (c) of the statutes is created to read:

15 119.23 (2) (c) ^{1.} If the department receives a notice from a private school under
16 par. (a) 3., by March 1 the department shall notify the private school whether it is
17 eligible to participate in the program under this section. INS. 2-17

18 **SECTION 2751m.** 119.23 (2) (e) of the statutes is created to read:

19 119.23 (2) (e) A pupil who attends a private school under this section is eligible
20 to attend a private school under this section in succeeding school years even if the
21 pupil no longer meets the criterion under par. (a) 1.

22 **SECTION 2753p.** 119.23 (9) of the statutes is repealed and recreated to read:

23 119.23 (9) The legislative audit bureau shall administer a 12-year longitudinal
24 study of the program under this section. The bureau shall seek private sources of
25 funding for the study. The study shall use standardized examinations, and shall

1 review graduation rates and other indicators of academic achievement. The results
2 of the study shall be submitted to the legislature periodically over the 12-year period
3 in the manner provided under s. 13. 172 (2), with the first report due by October 15,
4 2003.”.

5 **2.** Page 1343, line 11: after that line insert:

6 “(4k) LEGISLATIVE AUDIT BUREAU POSITION. The authorized FTE positions for the
7 legislative audit bureau, funded from the appropriation under section 20.765 (3) (g)
8 of the statutes, is increased by 1.0 PR position to monitor the study under section
9 119.23 (9) of the statutes, as affected by this act.”.

10 **3.** Page 1401, line 19: after that line insert:

11 “(1k) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)
12 (a) (intro.), 1., and 3., (b), (c), and (e) of the statutes first applies to pupils and private
13 schools who intend to participate in the Milwaukee parental choice program in the
14 2002–03 school year.”.

15 (END)

2-17-11
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 119.23 (2) (a) 3. The private school notified the state superintendent of its
3 intent to participate in the program under this section by ~~May~~ February 1 of the
4 previous school year. The notice shall specify the number of pupils participating in
5 the program under this section for which the school has space.

6 **SECTION 2.** 119.23 (2) (c) of the statutes is created to read:

7 119.23 (2) (c) 1. If the department receives a notice from a private school under
8 par. (a) 3., by March 1 the department shall notify the private school whether it is
9 eligible to participate in the program under this section. ^{not} If the department
10 determines that the private school is ineligible, the notice shall include an
11 explanation of that determination.

12 ¶ 2. If the department determines under subd. 1. that a private school is
13 ineligible, the private school may appeal the decision to the department within 14
14 days after the decision. The department shall approve, reverse, or modify its decision
15 within 7 days of receiving an appeal.

16 **SECTION 3.** 119.23 (2) (d) of the statutes is created to read:

17 119.23 (2) (d) By August 1, a private school that intends to participate in the
18 program under this section in the current school year shall submit to the department
19 a report stating the number of pupils that will attend the private school under this
20 section in the current school year.

21 **SECTION 4.** 119.23 (4) (a) of the statutes is amended to read:

2-17 (continued)

¶ 3. A private school may appeal the department's decision under subcl. 2. to the circuit court for Milwaukee County.

The court shall conduct a ~~free~~ trial on the merits.

Full

give preference to the action and shall

< end ins >



ARC:.....Emerson - AM83, Milwaukee parental choice program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

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6 school located in ~~the city~~ Milwaukee County if all of the following apply:

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9 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined

1 in accordance with criteria established by the director of the federal office of
2 management and budget.

3 **SECTION 2748i.** 119.23 (2) (a) 3. of the statutes is amended to read:

4 119.23 (2) (a) 3. The private school notified the state superintendent of its
5 intent to participate in the program under this section by ~~May~~ February 1 of the
6 previous school year. The notice shall specify the number of pupils participating in
7 the program under this section for which the school has space.

8 **SECTION 2748k.** 119.23 (2) (b) of the statutes is amended to read:

9 119.23 (2) (b) ~~No more than 15% of the school district's membership may attend~~
10 ~~private schools under this section.~~ If in any school year there are more spaces
11 available in the participating private schools than the ~~maximum~~ number of pupils
12 allowed who wish to participate, the department shall prorate the number of spaces
13 available at each participating private school.

14 **SECTION 2749m.** 119.23 (2) (c) of the statutes is created to read:

15 119.23 (2) (c) 1. If the department receives a notice from a private school under
16 par. (a) 3., by March 1 the department shall notify the private school whether it is
17 eligible to participate in the program under this section. If the department
18 determines that the private school is ineligible, the notice shall include an
19 explanation of that determination.

20 2. If the department determines under subd. 1. that a private school is
21 ineligible, the private school may appeal the decision to the department within 14
22 days after the decision. The department shall approve, reverse, or modify its decision
23 within 7 days of receiving an appeal.

1 3. A private school may appeal the department's decision under subd. 2. to the
2 circuit court for Milwaukee County. The court shall give preference to the action and
3 shall conduct a full trial on the merits.

4 **SECTION 2751m.** 119.23 (2) (e) of the statutes is created to read:

5 119.23 (2) (e) A pupil who attends a private school under this section is eligible
6 to attend a private school under this section in succeeding school years even if the
7 pupil no longer meets the criterion under par. (a) 1.

8 **SECTION 2753p.** 119.23 (9) of the statutes is repealed and recreated to read:

9 119.23 (9) The legislative audit bureau shall administer a 12-year longitudinal
10 study of the program under this section. The bureau shall seek private sources of
11 funding for the study. The study shall use standardized examinations, and shall
12 review graduation rates and other indicators of academic achievement. The results
13 of the study shall be submitted to the legislature periodically over the 12-year period
14 in the manner provided under s. 13. 172 (2), with the first report due by October 15,
15 2003.”

16 **2.** Page 1343, line 11: after that line insert:

17 “(4k) LEGISLATIVE AUDIT BUREAU POSITION. The authorized FTE positions for the
18 legislative audit bureau, funded from the appropriation under section 20.765 (3) (g)
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21 **3.** Page 1401, line 19: after that line insert:

22 “(1k) MILWAUKEE PARENTAL CHOICE PROGRAM. The treatment of section 119.23 (2)
23 (a) (intro.), 1., and 3., (b), (c), and (e) of the statutes first applies to pupils and private

1 schools who intend to participate in the Milwaukee parental choice program in the
2 2002-03 school year.”

3 (END)