



State of Wisconsin Department of Public Instruction

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Elizabeth Burmaster
State Superintendent

JAN 30 2002

January 29, 2002

Members of the Wisconsin Senate
State Capitol
Madison, WI 53702

lisa

Dear Senator:

Attached, pursuant to s. 227.24 (3), Stats., is a copy of emergency rules relating to the Milwaukee parental school choice program for your information.

2001 Wisconsin Act 16 modified provisions under s. 119.23, Stats., relating to the Milwaukee Parental Choice Program (MPCP). To reflect the statutory changes Chapter PI 35 is modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payments from MPCP summer school by 60%.

Other changes have been made to better ensure that participating schools are safe and make it easier for parents to participate in the program, including:

- Creating optional open application periods for participating private schools starting in the 2002-03 school year.
- Changing the dates student applications are due at the department.
- Stating that submission of temporary permits would not meet the safety requirements of this program.

In addition, the following technical modifications have been made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership."
- Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following school year.
- Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school students not present on the count dates.
- Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1. 2001 Wisconsin Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

SDOS O & MAL

If you have any questions on these emergency rules, or the proposed permanent rules, please contact Tricia Collins, Milwaukee Parental Choice Program Consultant, at (608) 266-2853 or Lori Slauson, Administrative Rules Coordinator, Policy and Budget, at (608) 267-9127.

Sincerely,



Anthony S. Evers
Deputy State Superintendent



WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION
POLICY & BUDGET

Choice Building Usage Charge Rules

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION CREATING/AMENDING RULES

The state superintendent of public instruction hereby proposes to amend PI 35.045 (4) (a) 1. (intro.) and c. and to create PI 35.045 (4) (a) 1. e., relating to the Milwaukee Parental Choice Program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: ss. 119.23 (7) (am) and (4) (b) 1. and 227.11 (2) (a), Stats.

Statute interpreted: s. 119.23, Stats.

The proposed rules will provide an option for private schools participating in the Milwaukee Parental Choice Program to claim the cost for facilities provided by a related party. Because such costs are currently calculated in a variety of ways by participating private schools, this modification is needed for consistency. The building usage charge shall be charged annually at 10.5% of the appraised market value of the buildings, sites and improvements. If a private school chooses to use the building usage charge, the cost must be claimed on the financial information report that is submitted annually on September 1. Also, previous reports submitted for the 1998-1999, 1999-2000, and 2000-2001 school years must be amended to reflect the new cost calculation. A private school has until September 1, 2002 to claim a building usage charge.

The proposed rules will also delete the term "annually" when it requires a private school to "annually make an irrevocable election . . ." since it is not the intent nor current practice to make an irrevocable decision on an annual basis.

SECTION 1. PI 35.045 (4) (a) 1. (intro.) and c. are amended to read:

PI 35.045 (4) (a) 1. (intro.) The private school shall ~~annually~~ make an irrevocable election to either charge off all expenditures in each of the following categories entirely as a school year cost or amortize the expenditure over future periods as follows:

c. Buildings, sites and improvements owned by the private school may be amortized over 16 years or 6.25% annually. Under this subparagraph improvements include sidewalks, installed playground equipment, landscaping and building components such as lighting fixtures, built-in lockers, heating, ventilating and wiring systems. Only the difference between the amount previously included in cost and the value of the new building acquired shall be eligible for inclusion in cost calculation, if buildings are replaced.

SECTION 2. PI 35.045 (4) (a) 1. e. is created to read:

PI 35.045 (4) (a) 1. e. A building usage charge for facilities provided by a related party may be charged annually at 10.5 % of the appraised fair market value of the buildings, sites and improvements. Under this subparagraph improvements include sidewalks, installed playground equipment, landscaping and building components such as lighting fixtures, built-in lockers, heating, ventilating and wiring systems. New appraisals, for the purpose of establishing or re-establishing the fair market value, shall be done not less than once every 10 years. If the building usage charge is used, the cost of improvements and additions to school buildings or sites shall be added to the existing fair market value to establish a new fair market value until a new appraisal is completed.

SECTION 3. INITIAL APPLICABILITY. The treatment of s. PI 35.045 (4) (a) 1. e. may first be applied to participating private schools submitting their financial information report by September 1, 2001. However, any private school participating in the program prior to September 1, 2002, that chooses to use the building usage charge, shall do so by September 1, 2002. Also,

Any private school that chooses to use the building usage charge shall amend any financial information reports submitted under s. PI 35.045 for the 1998-1999, 1999-2000, and 2000-2001 school years, if applicable.

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of _____, 2001

John T. Benson
State Superintendent

Comments regarding this website can be directed to Lori Slauson

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MAY 16 2001

AMERICAN EDUCATION REFORM FOUNDATION

2025 NORTH SUMMIT AVENUE, SUITE 103 • MILWAUKEE, WI 53202

May 14, 2001

(414) 319-9160 • FAX (414) 765-0220

John Benson, Superintendent
Wisconsin Department of Public Instruction
P.O. Box 7841
Madison, WI 53707

Lisa
File

Dear Superintendent Benson:

We have reviewed the proposed administrative rule change with respect to the Building Usage Charge. After consulting with school representatives, accountants and department staff, the American Education Reform Foundation believes the proposed rule limits the options previously allowed by DPI. We recommend the following changes:

PI 35.045 (4)(a)1. (Intro.)

Amending this paragraph to remove the word "annually" affects not only subsection c. which applies to the building, but also subsections a. and b. which refer to educational media and equipment. It is not clear whether this rule change continues to give schools the option to annually elect to amortize or expense new purchases made during the applicable school year.

We recommend that the introductory paragraph be revised to indicate that the schools be allowed to make an annual election with respect to amortization of new purchases for media, equipment and buildings.

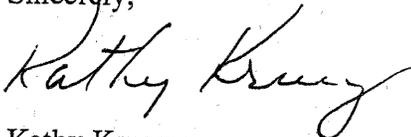
PI 35.045 (4)(a)1. c.

In the subsection relating to building amortization, adding the phrase "owned by the private school" removes the depreciation option for schools occupying space in a building owned by a related party. DPI issued a letter in July 2000 stating, "The BUC is a voluntary procedure. It is a new option available to schools to claim a cost for their buildings, sites, and improvements."

We recommend that the phrase "owned by the private school" be removed from subsection c.

Our recommendations preserve options that currently exist for the schools in MPCP.

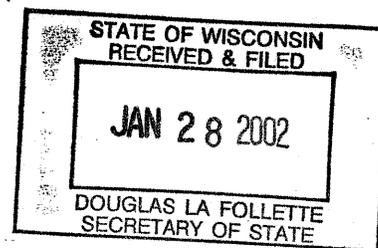
Sincerely,



Kathy Krueger
Director of Operations

- C: Robert Soldner, School Management Services
Tricia Collins, Milwaukee Parental Choice Program
Bill Lannoye, Milwaukee Parental Choice Program
Representative Stephen Nass (w/enclosure of proposed rule change)
Senator Richard Grobschmidt (w/enclosure of proposed rule change) ✓
Representative Luther Olsen (w/enclosure of proposed rule change)

CERTIFICATE



STATE OF WISCONSIN)
DEPARTMENT OF PUBLIC INSTRUCTION) SS

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed emergency rule relating to the Milwaukee parental choice program was duly approved and adopted by this Department on the date of publication in the *Wisconsin State Journal*.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 28th day of January, 2002.

E. Burmaster (asc)

Elizabeth Burmaster
State Superintendent
State Department of Public Instruction

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The state superintendent of public instruction hereby proposes to repeal PI 35.02 (15); to renumber PI 35.02 (12), (13) and (14); to amend PI 35 (title), PI 35.01, PI 35.02 (8), (11) and (16), PI 35.025, PI 35.03 (1) (intro.), (c) and the note following, (2) (intro.), (3), (5), (6) (a) and the note following, PI 35.04 (1), (2), (5) (a) and (b), (6) (a) to (c), (7) (a) 2., the following note, and (8), PI 35.043 (1) (c), (3) (a) and (b), (4) and the note following (6), PI 35.045 (1) (intro.), (c), (e) (intro.) and 3. and the note following, (4) (b) and (5), PI 35.046 (1) (b), (2) (b) 2., 3., 4., and 6., and PI 35.05 (3) (a) and (b) 1.; and to create PI 35.02 (12), PI 35.03 (1) (d), and PI 35.04 (4m), relating to the Milwaukee parental choice program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: s. 227.11 (2) (a), Stats.

Statute interpreted: s. 119.23, Stats.

2001 Act 16 modified provisions under s. 119.23, Stats., relating to the Milwaukee Parental Choice Program (MPCP). To reflect the statutory changes Chapter PI 35 would be modified to:

- Change the date a private school must annually submit notice of its intent to participate in the program from May 1 to February 1.
- Reduce payments from MPCP summer school by 60%.

Other changes would be made to better ensure that participating schools are safe and make it easier for parents to participate in the program, including

- Creating optional open application periods for participating private schools starting in the 2002-03 school year.
- Changing the dates student applications are due at the department.
- Stating that submission of temporary permits would not meet the safety requirements of this program.

In addition, the following technical modifications would be made to Chapter PI 35:

- Define in rule, rather than by cross-reference to statute, "pupils enrolled" and "membership."
- Eliminate conflicting language related to the attendance standard that schools can meet to continue participation in the program in the following school year.
- Clarify the language related to counting students for the purpose of payment under the program and the requirement to return checks received by the school students not present on the count dates.
- Modify references to the name of the program in the rule to make it consistent with the statutory name of the program.

SECTION 1. Chapter PI 35 (title) is amended to read:

Chapter PI 35

MILWAUKEE PARENTAL PRIVATE SCHOOL CHOICE PROGRAM

SECTION 2. PI 35.01 is amended to read:

PI 35.01 Purpose. Under s. 119.23 (2) (a), Stats., any qualified pupil in grades kindergarten to 12 who resides within a city may attend, at no charge, any participating private school located in the city. Participation in the private

school Milwaukee parental choice program is limited to 15% of the school district's membership as specified under s. 119.23 (2) (b), Stats. This chapter establishes approval criteria and requirements for private schools participating in the private school Milwaukee parental choice program, and requirements for receipt of state aid for those private schools under s. 119.23 (4), Stats., ~~and requirements for schools operating under ch. 119, Stats.~~

SECTION 3. PI 35.02 (15) is repealed.

SECTION 4. PI 35.02 (12), (13), and (14) are renumbered PI 35.02 (13), (14) and (15).

SECTION 5. PI 35.02 (12) is created to read:

PI 35.02 (12) "Milwaukee parental choice program" or "choice program" means the program established under s. 119.23, Stats.

SECTION 6. PI 35.02 (8), (11) and (16) are amended to read:

PI 35.02 (8) "Enrollment" or "pupils enrolled" ~~has the meaning defined under s. 121.004 (7) (a) to (cm), Stats.~~ means the total number of pupils, as expressed by official enrollments, except as provided in pars. (a) to (c). If such total contains a fraction, it shall be expressed as the nearest whole number.

(a) A first grade pupil may be counted only if the pupil attains the age required under s. 118.14, Stats., for first grade admission.

(b) 1. A pupil enrolled in kindergarten may be counted only if the pupil attains the age required under s. 118.14, Stats., for kindergarten admission. A kindergarten pupil shall be counted as one-half pupil except that:

a. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for 5 days a week for an entire school year shall be counted as one pupil.

b. A pupil enrolled in a 5-year-old kindergarten program requiring full-day attendance for less than 5 days a week for an entire school year shall be counted as the result obtained by multiplying the number of hours in each day in which the pupil is enrolled by the total number of days for which the pupil is enrolled, and dividing the result by the product of the number of hours of attendance per day required of first grade pupils in the school district operating under ch. 119, Stats., multiplied by 180.

2. In subd. 1. a. and b., "full-day" means the length of the school day required of first grade pupils in the school district operating the 5-year-old kindergarten program under ch. 119, Stats.

(c) A pupil enrolled in a 4-year-old kindergarten program that provides the required number of hours of direct pupil instruction under s. 121.02 (1) (f) 2., Stats., shall be counted as a 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

(11) "Membership" has the meaning defined under s. 121.004 (5), Stats. means the sum of the average number of pupils enrolled in the Milwaukee parental choice program as reported under PI 35.04 (6) (a) and the summer average daily membership equivalent as defined under PI 35.043 (1) (c).

(16) "Pupil Average attendance rate" means the rate obtained by dividing the aggregate number of full-time equivalent days of actual pupils' attendance, by the aggregate number of full-time equivalent days on which school was held.

SECTION 7. PI 35.025 is amended to read:

PI 35.025 **Pupil assignment council requirements.** The pupil assignment council created under s. 119.23 (8), Stats., shall meet annually by April 15 to designate a date by which all private schools in the program must have at least one open enrollment period for choice program applicants for the school year beginning the following September. The pupil assignment council shall also recommend to the state superintendent a method for ensuring that pupils will be accepted on a random basis.

SECTION 8. PI 35.03 (1) (d) is created to read:

PI 35.03 (1) (d) The open application periods during which the private school will accept Milwaukee parental choice program student applications.

SECTION 9. PI 35.03 (1) (intro.), (c) and the note following, (2) (intro.), (3), (5), (6) (a) (intro.) and the note following are amended to read:

PI 35.03 (1) NOTICE OF INTENT TO PARTICIPATE. (intro.) By ~~May~~ February 1 each year a private school which intends to participate in the ~~private school~~ Milwaukee parental choice program the following school year shall submit to the state superintendent a notice of intent to participate. The notice of intent shall include all of the following:

(c) The number of pupils participating in the ~~private school~~ choice program for which the private school has space.

Note: The Notice of School's Intent to Participate Form may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(2) PROCEDURAL REQUIREMENTS. (intro.) A private school that participates in the ~~private school~~ Milwaukee parental choice program shall do all of the following:

(3) HEALTH AND SAFETY REQUIREMENTS. The administrator of a school in the ~~private school~~ Milwaukee parental choice program shall ensure that the school is meeting the requirements of s. 119.23 (2), Stats., regarding health and safety laws and codes for schools by filing with the department a copy of the private school's current certificate of occupancy issued by the city of Milwaukee. The administrator shall submit the certificate of occupancy under this subsection to the department no later than August 1 prior to the first school year of participation in the choice program, or by no later than May 1 if the school is beginning participation in the choice program with summer school. The administrator shall file subsequent certificates of occupancy as issued by the city of Milwaukee. An administrator that files a copy of a temporary certificate of occupancy issued by the city of Milwaukee will not meet the requirements of this subsection. A private school that fails to meet the requirements of this subsection may not participate in the program.

(5) CONTINUING ELIGIBILITY. (a) A private school participating in the ~~private school~~ Milwaukee parental choice program shall submit a report to the department by October 15 each school year indicating the criteria to be used in meeting the continuing eligibility standards specified under s. 119.23 (7) (a), Stats.

(b) A private school participating in the ~~private school~~ Milwaukee parental choice program shall submit a report to the department by June 30 each school year providing evidence that the school has in that school year met one of the following criteria:

1. At least 70% of the pupils in the ~~private school~~ Milwaukee parental choice program shall advance one grade level each year. For pupils attending a ~~private school~~ Milwaukee parental choice program in grades 9 through 12, "advance one grade level" means a successful completion of at least 4 credits or the equivalent as approved by the state superintendent during each school year. For pupils attending a ~~private school~~ Milwaukee parental choice program in grades kindergarten through 8, each participating private school shall ensure that each pupil in the program who is advanced one grade level has met one of the following criteria:

a. Achievement of 70% of the instructional objectives specific to each grade level in reading, mathematics and language arts which are introduced during each semester of the current school year. Under this subparagraph, a private school shall do all of the following: establish written objectives and performance standards for reading, mathematics and language arts for each grade level in which pupils are enrolled in the ~~private school~~ Milwaukee parental choice program; document written criteria and methodology for evaluating pupil performance for each objective and document each pupil's performance using the evaluation method specified in this subparagraph in a written record and maintain these records for 3 years.

b. Achievement of at least .08 grade equivalent increase for each month between the spring or fall and spring administration of the standardized achievement test. Under this subparagraph, a private school shall do all of the following: report, by October 15, to the state superintendent the tests to be administered and the dates on which they will be administered, and maintain each student's answer sheets and score information for 3 years.

2. The private school's average attendance rate for pupils in the ~~private school~~ Milwaukee parental choice program is at least 90%. ~~The report required under sub. (5) (a) shall include the method used by the private school in determining the average attendance rate for pupils.~~

3. At least 80% of the pupils in the ~~private school~~ Milwaukee parental choice program demonstrate significant academic progress.

4. At least 70% of the families of pupils in the ~~private school~~ Milwaukee parental choice program meet parental involvement criteria established by the private school.

(6) (a) (intro.) A private school participating in the ~~private school~~ Milwaukee parental choice program may only charge pupils participating under the program fees that may be charged by public schools to indigent pupils. A private school under this subsection may charge reasonable fees for the following:

Note: All pupils participating under the ~~private school~~ Milwaukee parental choice program are indigent by definition under s. 119.23 (2) (a) 1., Stats., since the program is targeted exclusively to low-income pupils whose total family income does not exceed an amount equal to 1.75 times the poverty level. One available remedy for collecting a valid nonpaid fee is small claims court.

SECTION 10. PI 35.04 (4m) is created to read:

PI 35.04 (4m) Annually, by August 1, a private school under this section shall submit to the department a copy of the accepted student applications it received from February through July. The private school shall ensure the submitted

student applications are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

SECTION 11. PI 35.04 (1), (2), (5) (a) and (b), (6) (a) to (c), (7) (a) 2., the following note, and (8) are amended to read:

(1) A private school that participates in the ~~private school~~ Milwaukee parental choice program shall accept pupils on a random basis in accordance with the method submitted under s. PI 35.03 (1) (a) and approved under s. PI 35.05 (5). A private school may give preference to siblings of pupils already enrolled in or accepted into the choice program at that private school.

(2) A private school under this section shall ~~establish open application periods for the following school year. The open application period shall be at least 14 days in length and may not begin prior to January 1. select which of the open application periods listed on the notice of intent to participate form it will accept Milwaukee parental choice program student applications. A private school may not amend, after February 1, the open application periods selected on its notice of intent to participate form for the following school year.~~

(5) (a) Submit to the department a copy of the accepted applications ~~that correspond to the class list submitted under par. (b).~~ it received during August. The private school shall ensure the submitted applications are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

(b) Submit a class list of the ~~private school~~ choice program pupils, alphabetically by last name, and separated by grade level, that corresponds to the accepted applications submitted under ~~par. sub. (4m) and par. (a).~~

(6) (a) Annually by October 1 and February 1, submit to the department a membership report of the total number of pupils enrolled in the private school and the number of pupils enrolled in the ~~private school~~ Milwaukee parental choice program on the 3rd Friday of September and the 2nd Friday of January of the current school year. The membership report form shall be provided by the department.

(b) Submit to the department with the membership report under par. (a), a class list of the ~~private school~~ choice program pupils, alphabetically by last name, and separated by grade level. The class list shall correspond to the membership report under par. (a).

(c) Submit to the department with the membership report under par. (a), copies of any accepted applications for pupils included in the class list under par. (b) that were not previously reported under sub. (4m) and (5) (a). The private school shall ensure that the applications submitted under this paragraph are complete, accurate and signed by the parent or guardian and the school administrator or his or her designee as proof of enrollment required under s. 119.23 (4), Stats.

(7) (a) 2. The pupil is absent on the date specified but has attended for instruction at least one day during the school term prior to the date specified and attends for instruction at least one day after the date specified and has not enrolled in another private school or in a Wisconsin public school district during the period of absence.

Note: The pupil count report may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(8) A private school under this section shall return to the department any checks received under s. 119.23 (4), Stats., for students that did not meet the requirements under (7) (a) or that are not cashed within 45 days of their receipt at the school.

SECTION 12. PI 35.043 (1) (c), (3) (a) and (b), (4) and the note following (6) are amended to read:

PI 35.043 (1) (c) "Membership" for summer school payments means the school's total minutes of enrollment of eligible choice program pupils in academic summer classes or laboratory periods necessary for academic purposes.

(3) (a) The pupil was enrolled in the ~~private school~~ Milwaukee parental choice program on the 2nd Friday of January in the school term immediately preceding that summer.

(b) The pupil's application has been accepted into the ~~private school~~ Milwaukee parental choice program at that private school in the school term immediately following that summer.

(4) The summer school payment due to the private school shall be calculated according to s. 119.23 (4m), Stats. To determine payment, the private school shall divide the school's total summer school minutes of enrollment for their choice program pupils by 48,600; round that quotient to the nearest whole number; ~~and~~ multiply the resulting whole number by the voucher amount calculated under s. 119.23 (4) (b) 2., Stats., for the school year immediately following the summer school; and multiply the result by 40%.

Note: The pupil count report and summer school membership report may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

SECTION 13. PI 35.045 (1) (intro.), (c), (e) (intro.) and 3. and the note following, (4) (b) and (5) are amended to read:

PI 35.045 (1) (intro.) Annually, by September 1 following a school year of operation under this program, a private school participating in the ~~private school~~ Milwaukee parental choice program shall submit, on a form provided by the department, a financial audit report accompanied by the auditor's opinion required under s. PI 35.046 (1) (a) containing the following information for the previous school year:

(c) Enrollment and full-time equivalent membership for all pupils and for pupils participating in the ~~private school~~ Milwaukee parental choice program.

(e) (intro.) The payment adjustment amount resulting from the private school's participation in the ~~private school~~ Milwaukee parental choice program during the previous school year. The payment adjustment amount shall be determined as follows:

3. The private school's membership of pupils participating in the ~~private school~~ Milwaukee parental choice program shall be multiplied by the lesser of the amount determined under s. 119.23 (4) (b) 2., Stats., or the private school's per pupil cost under s. 119.23 (4) (b) 1., Stats. If the result is greater than the amount of the ~~private school~~ choice program payments retained by the school, an adjustment payment shall be made to the private school within 60 days of the financial audit report certified by the department. If the result is less than the amount of the ~~private school~~ choice program

payments retained by the private school, the private school shall refund the amount of any overpayment to the department within 60 days of notification.

Note: The Financial Reporting Form may be obtained at no charge from the Department of Public Instruction, Milwaukee Parental ~~Private School~~ Choice Program, P.O. Box 7841, Madison, WI 53707-7841.

(4) (b) Capital outlay items previously included in cost computations may not again be included as a cost by successor ownership of the school, nor upon purchase by or transfer to other private schools participating in the ~~private school~~ Milwaukee parental choice program.

(5) A private school participating in the ~~private school~~ Milwaukee parental choice program for the first time may include in cost calculations start-up costs incurred prior to the start of the fiscal period.

SECTION 14. PI 35.046 (1) (b), (2) (b) 2., 3., 4., and 6. are amended to read:

PI 35.046 (1) (b) Provide the auditor with a listing of all kindergarten through grade 12 pupils enrolled in the school by grade level and classroom. The listing provided under this paragraph shall identify pupils participating in the ~~private school~~ Milwaukee parental choice program.

(2) (b) 2. Verify enrollment reported on the membership report under s. PI 35.04 for all ~~private school~~ Milwaukee parental choice program pupils against the private school's official attendance records.

3. Select a sample of at least 60 ~~private school~~ choice program pupils included on the private school's official enrollment records and verification against classroom records. The sample shall include records from each classroom. If the private school has a ~~private school~~ Milwaukee parental choice program enrollment of less than 60 pupils, all such pupil records shall be tested. If an exception is identified the auditor shall extend the sample test in increments of 60 records until no additional exceptions are found or the official enrollment records for all ~~private school~~ choice program pupils have been verified against classroom records.

4. Select a sample of at least 60 other pupils identified as not participating in the ~~private school~~ Milwaukee parental choice program from classroom records and determine that selected pupils were included in reported membership enrollments under s. PI 35.04. The sample shall include records from each classroom. If an exception is identified the auditor shall extend the sample test in increments of 60 records until no additional exceptions are found or all classroom records have been verified as properly included in reported enrollments.

6. Reconcile tuition revenues and tuition waiver pupils against listings of pupils identified as not participating in the ~~private school~~ Milwaukee parental choice program.

SECTION 15. PI 35.05 (3) (a) and (b) 1. are amended to read:

PI 35.05 (3) (a) The number of pupils for which the private school shall receive payment shall be determined by ~~s. 121.004 (7) and (8), Stats. ss. PI 35.02 (8) and PI 35.043 (1) (c).~~

(b) 1. The September payment shall be based on the number of pupils receiving instruction at the beginning of the school year as indicated on the class list preliminary membership report and the accepted, eligible applications for those pupils submitted under s. PI 35.04 (5) and the amount per pupil determined under s. 119.23 (4), Stats., multiplied by 25%.

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

In the past, private schools that intended to participate in the Milwaukee parental choice program were required to submit to the state superintendent a notice of intent to participate by May 1. 2001 Wisconsin Act 16 changed the submission date of the notice from May 1 to February 1. The rules allow a private school to choose from a variety of student application periods. The student application period chosen by the private school must be indicated on its notice. Because the notice is due at the department by February 1, emergency rules must be in place as soon as possible.

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this 28th day of January, 2002

S. Burmaster (use)

Elizabeth Burmaster
State Superintendent

FISCAL ESTIMATE FORM

2001 Session

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB #
Introduction #
Admin. Rule # Chapter PI 35

Subject
Milwaukee Parental Private School Choice Program

Fiscal Effect (See below)
 State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs (See below)

1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG
 SEG-S

Affected Ch. 20 Appropriations
 s. 20.255 (2) (ac) and (fu)

Assumptions Used in Arriving at Fiscal Estimate:

Local and State

The rules make several modifications to the Milwaukee Parental Choice Program (MPCP). It is assumed the only rule modification that will have a fiscal effect is the reduction in the MPCP summer school payment made as a result of 2001 Wisconsin Act 16.

In FY02, prior to the enactment of Act 16, the MPCP summer school payment was calculated by multiplying the FTE summer school choice membership (158 FTE) by the per pupil payment of \$5,553 totaling approximately \$877,400. Act 16 requires the per pupil payment amount for summer school to be multiplied by 40%, reducing the summer school payment by 60%. For example, if the new calculation under Act 16, were applied to the FY02 summer school payment, \$350,900 (\$5,553 X 40% X 158 FTE) would have been paid. This amount is \$526,500 (60%) less than what was paid using the previous formula (\$877,400).

Under current law, 45% of the MPCP's cost is funded from a reduction in general equalization to Milwaukee Public Schools (MPS) and 55% from state general purpose revenue. MPS can replace the reduction in state aid with an increase in its property tax levy. Therefore, this provision:

- Could allow MPS to reduce its levy by \$236,925 (\$526,500 X 45%).
- Would allow the state to provide \$289,575 less in funding (\$526,500 X 55%).

Private Schools

As described above, Act 16 will reduce payments made to private schools offering MPCP summer school by 60%.

Agency

These rules will not have a fiscal effect on agency revenues or costs.

Long-Range Fiscal Implications:

<p>Prepared By: Lori Slauson 267-9127 Department of Public Instruction</p>	<p>Authorized Signature/ Telephone No.  Michael Bormett (608) 266-2804</p>	<p>Date 1/29/03</p>
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those religious institutions to return these funds to the public treasury.

Thank you for your consideration.

Sincerely,

A Vernon Jensen

A. Vernon Jensen
Attorney at Law

MILWAUKEE JOURNAL SENTINEL WEDNESDAY, OCTOBER 13, 1999

Non-rulings leave states with different school choice laws

Religious school vouchers legal here, banned in Maine for lack of high court action

By ALAN J. BORSUK
of the Journal Sentinel staff

The nation's highest court has been sending decidedly mixed signals about its current views on the height and thickness of the wall between church and state. But again Tuesday it seemed to be sending clear signals that it's not in much of a hurry to change that.

To illustrate: Tuesday, the U.S. Supreme Court says it won't consider an appeal of lower courts' rulings limiting a voucher program covering expenses at private schools in Maine in effect prohibiting the state from providing direct support to religious schools.

Nov. 9, 1998: The Supreme Court says it won't consider an appeal of a Wisconsin Supreme Court ruling on Milwaukee's private school choice program in effect allowing the state to provide direct support to religious schools.

ANALYSIS

Tuesday: The Supreme Court says it won't consider an appeal of lower court rulings involving a Pennsylvania law effect prohibiting the state from giving a tax break specifically for religious publications.

Oct. 4: The Supreme Court says it won't consider an appeal of lower court rulings involving an Arizona law in effect permitting a tax-break plan that directly and strongly benefits religious schools.

Pressure surrounding the whole issue has been rising. On the one hand, voucher plans have moved forward in several states and been proposed in many others. Vouchers have become a hot issue at a time when education as a whole is a hot subject.

On the other hand, the prevailing view is not clear in terms of both its immediate and its long-term picture. Please see VOUCHERS page 1. Nichols' appeal in Oklahoma City bombing rejected by Supreme Court.

12A MONDAY, OCTOBER 25, 1999 MILWAUKEE JOURNAL SENTINEL

School choice

No, it lets freedom be trampled

In The Morning Mail, William Lénsmire asked, "Just why are these parents using these school choice vouchers to send their kids to religious schools?" ("Report on reasons for school choices," Oct. 17).

They do, so to indoctrinate their children in certain religious dogmas. To force me to pay taxes for such indoctrination is to trample on my religious freedom. I bitterly resent it.

Scott L. Klitsley
Shorewood



THE MILWAUKEE SENTINEL

SOLOMON JUNEAU
FOUNDER 1837

TUESDAY, AUGUST 31, 1999

EDITORIAL PAGE EDITOR

KENNETH P. ROESSLEIN

DEPUTY EDITORIAL PAGE EDITOR

SUE RYON

High court must review school choice

Last week's zigzag by a U.S. district judge in Cleveland illustrates the confusion and inconsistency that surround the use of parochial schools in school choice programs. Such uncertainty is unacceptable to children, their parents, educators and others, and for this reason is something the U.S. Supreme Court should, and probably will be forced to, clarify.

Last Tuesday, the day before classes resumed, the judge blocked Cleveland's 4-year-old school voucher program, preventing several thousand students from attending private non-sectarian and sectarian schools at taxpayer expense. He said there was probable cause to believe the program violated the constitutional separation of church and state.

The ruling created enormous turmoil — no surprise — so on Fri-

day the judge said the program could, after all, continue until the end of the semester or until a final judgment on it is made. But no one should feel confident that the judge will endorse the program after taking a longer look at it; last Tuesday he warned, in fact, that there was "no substantial possibility" he would do that.

Milwaukee has engaged in the same sort of program for two years now. More than 8,000 children attend almost 100 private schools, most of them religious, that are supported by public money.

But the courts have not shut down Milwaukee's school choice program; on the contrary, in June 1998, the Wisconsin Supreme Court found it constitutional, and the U.S. Supreme Court refused a few months later to review that finding.

In other words, what's constitutional in Wisconsin may not be constitutional in Ohio. Contradictory rulings on religious school choice also have been made in Florida and Maine. Even in Ohio, the state Supreme Court — while holding the Cleveland program unconstitutional on procedural grounds — said it didn't violate the church-state doctrine.

So there is really no final verdict on whether the U.S. Constitution forbids the Milwaukee program, the Cleveland initiative or religious school experiments in other cities. In this legal limbo, where nobody knows what's constitutional, it is very difficult for parents, teachers and others to make plans.

We are all Americans, no matter what state or city we live in, and we all need to abide by the same interpretation of the U.S. Constitution. It's the U.S. Supreme Court's job to make that interpretation for us.

Clarity needed:

in other words, what's

constitutional in Wisconsin

may not be constitutional

in Ohio.

Saturday, September 4, 1999

Vouchers for religious schools unconstitutional

A federal district court in Ohio last Tuesday issued an injunction blocking a Cleveland voucher program that gave low-income families up to \$2,250 per child in public money to pay for tuition at private and parochial schools. To minimize turmoil, on Friday Judge Solomon Oliver Jr. allowed students who participated in the program last year to receive the vouchers for one more semester or until a final judgment in the case is issued. But no new children will be allowed into the program. The injunction is the most recent in a spate of litigation on the constitutionality of using taxpayer-financed vouchers for parochial schools. The legal confusion surrounding these important cases should compel the Supreme Court to resolve this national controversy.

Oliver, in issuing the injunction, said it is likely that the Cleveland program violates the constitutional mandate of separation of church and state. He noted that the schools participating in the Cleveland program, which provides vouchers to about 4,000 students, were overwhelmingly religious, some with pervasive religious missions. The judge found that the program has the primary effect of advancing religion. The ruling is of broad national interest because many cities, including New York, are debating similar voucher proposals that will face the same constitutional challenge.

Oliver denied an opportunity last year to clarify the constitutional question in a case in Milwaukee. The Milwaukee voucher program, which also finances students in religious schools, was upheld by the Wisconsin Supreme Court. The court's refusal to review that case means that parochial schools in Milwaukee continue to benefit from public tuition vouchers. By contrast, a federal appeals court ruled in May that Maine families are not entitled to public subsidies for religious school tuition.

Until the Supreme Court reasserts itself in this arena, conflicting rulings among various courts will continue. The law has grown more complicated as the Supreme Court, in recent decades, has allowed limited types of public aid to religious educational institutions. But the court has never overruled its 1973 decision that a New York program giving tuition reimbursement grants to low-income parochial school students violates the establishment clause of the First Amendment. The Cleveland program in effect is practically indistinguishable from the banned New York scheme.

Oliver's injunction properly relied on that 1973 decision. The Supreme Court should reaffirm its earlier ruling and declare voucher plans supporting religious education unconstitutional.

- The New York Times

Judge strikes down one of nation's oldest school voucher efforts

Cleveland public schools brace for onslaught of parochial students

CLEVELAND (AP) - A federal judge has struck down one of the nation's oldest school voucher programs, one that allowed Cleveland students to attend private or parochial schools at taxpayer expense.

With many city schools opening today, district officials braced for the possibility of having to absorb thousands of children cut off from private schools.

"We're recommending that students call their voucher program schools to find out how their institution wants to handle things now," said William Wendling, spokesman for the 77,000-student Cleveland public schools.

Supporters plan to appeal Tuesday's ruling by U.S. District Judge Solomon Oliver Jr., whose injunction halted the voucher program until a trial determines whether it violates the constitutional separation of church and state.

The state-funded program covers up to \$2,500 in tuition costs per child for poor families so they can attend private schools. It is being conducted on an experimental basis in Cleveland, the state's second-largest city.

This year, 4,003 students from kindergarten through fifth grade have signed up.

However, the judge said the program appeared to have the "primary effect of advancing religion," because most of the 56 participating schools are religious institutions.

Sister Carol Anne Smith, superintendent of schools in the Cleveland Catholic Diocese, urged parents to keep their children in voucher schools pending the appeal.

Johnnietta McGrady, whose two children enrolled at St. Thomas Aquinas School with the help of



Associated Press

Dave Zanotti, president of the Ohio Roundtable and chairman of the School Choice Committee, talks to reporters outside U.S. District Court in Cleveland, holding a copy of the ruling U.S. District Judge Solomon Oliver Jr. issued that says the tax-supported school voucher program cannot resume this year.

vouchers, said she was "terrified" by the ruling.

"I really can't afford the private school now," she said. "The kids will have to go to public school this year. There's no other way."

Oliver said that allowing the program to go forward could "cause an even greater harm to the children by setting them up for greater disruption at a later time."

Gov. Bob Taft, who supports the program, said the ruling "disrupts at the 11th hour the plans of those who utilize Cleveland's school choice program."

"What possible harm would result from allowing these children to attend school where they have been enrolled pending the resolution of this court case?" he asked.

GARY MACKEN
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THE MILWAUKEE SENTINEL

SOLOMON JUNEAU
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SUNDAY, JANUARY 3, 1998

DEPUTY EDITORIAL PAGE EDITOR

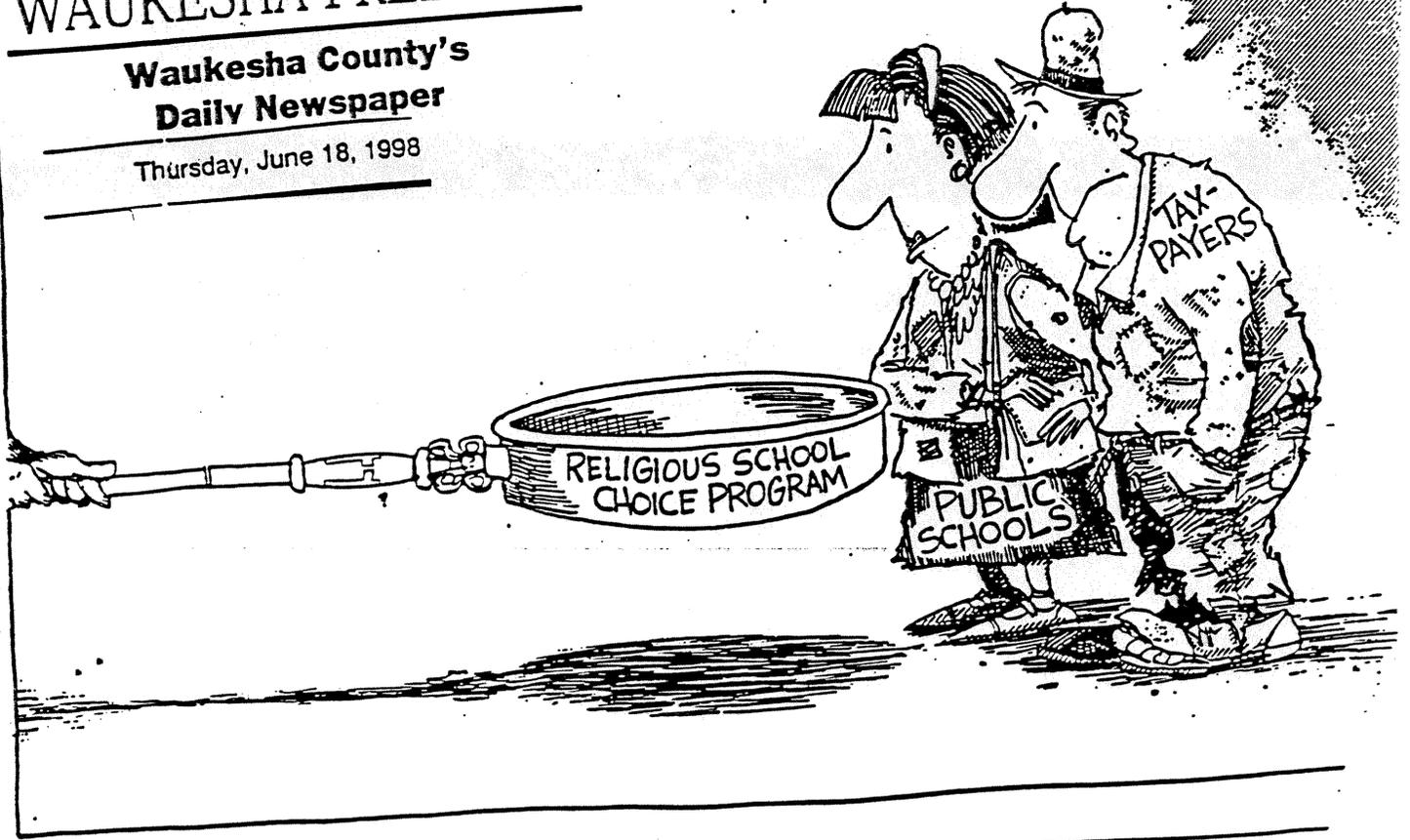
SUE RYON
Thursday, June 18, 1998



WAUKESHA FREEMAN

Waukesha County's
Daily Newspaper

Thursday, June 18, 1998



quietly lives with choice

Milwaukee's second year in national education spotlight marked by little fanfare

Choice

From page 1

The Florida effort is slated to be statewide, it is just beginning and involves only a handful of students and payments up to \$389 this year. The Maine program involved a few students in more areas.

But if Milwaukee merits the national spotlight on school vouchers, it hasn't been doing much to put razzle-dazzle in the arguments of either side of the heated debate over public funding of private education.

A Cautious Approach

By ALAN J. BORSUK
of the Journal Sentinel staff

More than 8,000 Milwaukee children are doing one of the most controversial things in America this week and next, and no one's going to stop them.

In Cleveland, a federal judge has halted conduct like this.

In Florida, it's just starting to occur on a small scale, but court challenges are under way.

In Maine, a federal court decision put a brake on years of this kind of activity.

The urge has popped up in New York, California, Texas, Michigan, Pennsylvania and other states. But so far, it's been talk and not action.

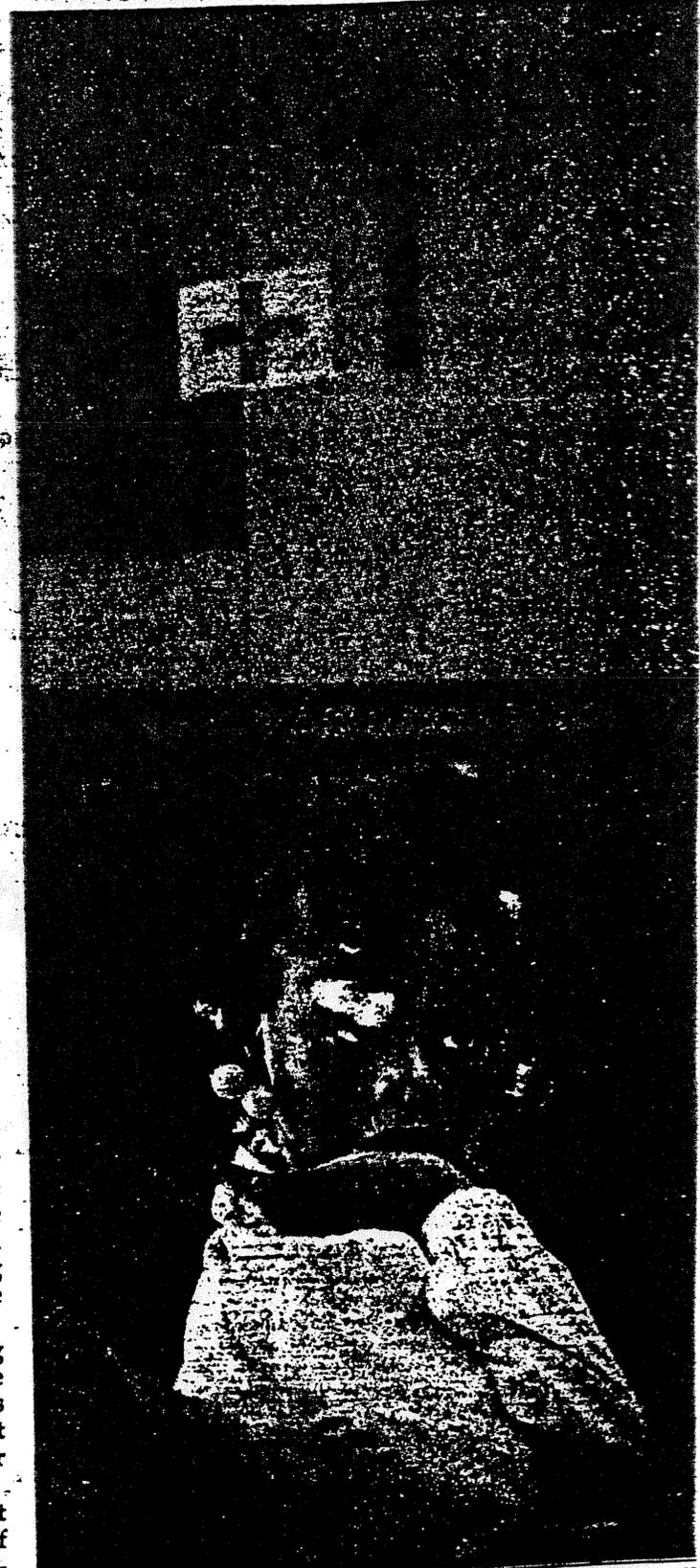
However, in Milwaukee, there's action — action that, in many ways, seems to have become pretty routine.

Almost 100 private schools, the large majority of them religious, are welcoming for a new school year children who will have the costs of their education — up to about \$5,100 per child — paid for by the state.

It will be the second year of the expanded Milwaukee Parental Choice Program, expanded so that children can attend schools run to teach not only secular subjects but a wide range of religious knowledge and tradition. The expected 8,000 to 8,500 students receiving choice benefits will be up more than 2,000 from last year.

Even before Tuesday's ruling in Cleveland, the Milwaukee program stood out nationally as the most comprehensive effort to implement a school voucher program.

Unlike any other program, it has survived the full gamut of legal challenges to its basic existence. It is bigger and more generous (in terms of the amount schools receive) than any other program. Although



JIM GEHRZ/STAFF

Jasmine Moore, 6, listens Wednesday to instructions from grade teacher during class at St. Rose Catholic Academy in Milwaukee. Almost 100 private schools, the large majority of them religious, are welcoming children for a new school year who will have costs up to about \$5,100 per child paid by the state.

Send letters to: The Morning Mail, Milwaukee Journal Sentinel, P.O. Box 371, Milwaukee, WI 53201

Founding fathers very specific about religion in new nation

Once again religious conservatives claim erroneously that America was founded on Christian principles. Todd Hesselberg's June 7 letter stating that "the Constitution is biblically based" is another attempt to rewrite history.

Thomas Jefferson, James Madison, Benjamin Franklin and Thomas Paine considered themselves deists, not Christians, and were integral in the founding of this country. The intellectual climate in which the Constitution was written was Enlightenment Deism, which emphasized rationality, not faith.

Thomas Paine, author of "The Rights of Man," penned a lengthy tirade titled "The Age of Reason" against the Bible as a source of laws or public policy. He called it "such a book of lies and contradictions there is no knowing which part to believe."

Jefferson wanted his authorship of the Statute of Religious Freedom listed on his tombstone, even though his presidency is not mentioned there. He wrote, "No man shall be

compelled to frequent or support any religious worship... all men shall be free to profess... their opinions in matters of religion."

We should also not need a reminder of the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

Does this, as Gregory Forster claimed in his June 7 letter, prove "beyond any shadow of doubt that the United States was founded as a Christian nation"? I disagree. Several of the founding fathers would also.

Lindsay King
Waukesha

People in United States free to believe or not

Gregory Forster argued that "... the United States was founded as a Christian nation!" (The Morning Mail, June 7). Nothing could be further from the truth.

Many of our founding fathers were not even Christian them-

selves. James Madison, the father of the Constitution, Thomas Jefferson and Chief Justice James Wilson considered themselves deists.

Another flaw in Forster's assessment is that we must look at the Constitution in relation to the Declaration of Independence. Not so. The Constitution is the only governing document.

The First Amendment states that the government "should not establish a religion and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience" — James Madison, Annals of Congress, 1789. Madison often reworded the religious clause to say, "Congress shall make no law respecting a religious establishment," which dictates that the United States government would not respect any religious institution in any way.

The U.S. is a free nation, in which people can follow their own consciences and believe or not believe in any god they desire.

Brian Matthews
Waukesha

MILWAUKEE JOURNAL SENTINEL MONDAY, JUNE 15,

WISCONSIN

Democrats call for separation of church, state

Convention addition to state party platform comes despite school choice ruling

Associated Press

Madison — Democrats should push to keep church and state separate, despite a court ruling that allows poor children to attend religious schools at taxpayer expense, state party members decided during their

tution's ban against government involvement in religion was included in the party's platform, which delegates approved at the state Democratic Party convention on Saturday.

The separation of church and state was a statewide issue last week when the state Supreme Court ruled that a Milwaukee program to use taxpayer money to send poor children to religious schools was constitutional.

"What the Supreme Court did this week was an abomination," said Sen. Joe Wineke, a Verona

Many candidates during the two-day convention expressed disapproval of the ruling, and their stance drew applause from hundreds of delegates.

Ed Garvey, a Democrat running against three-term Republican Gov. Tommy Thompson, said the Milwaukee program takes needed money from public schools.

Garvey, who attended parochial school, criticized Thompson for backing the plan, which he called the governor's attempt

ing some kids to parochial schools will solve the problem of education haven't thought it through," he told delegates.

Delegate Joe Gruber, of Fond du Lac, said a minority of party delegates disagree with the platform issue.

"Many are active in their church, but the state party believes it's unconstitutional," Gruber said.

A more controversial issue was a party initiative to legalize marijuana. Party members tabled the measure because they

down the middle," Mark Cummings, of Racine, said.

Many delegates said they couldn't support the legalization of marijuana because of strong convictions against drug abuse.

Delegate Scott Wood successfully tried to persuade delegates to support a state jail terms for drug offenses.

"It's insane to put drugs in jail," Woods said. "People should have the right to

An appalling expansion of school choice

In blessing the use of public funds for religious schools, the Wisconsin Supreme Court smashed a gaping hole in the fire wall that's supposed to separate church and state in America. This horrible ruling must be appealed to the federal judiciary.

The court's novel interpretation of the U.S. and Wisconsin constitutions takes the nation and the state into uncharted terrain, where danger lurks. The ruling discards the important principle that taxpayers — of any religious stripe or of none — must not be compelled to support a religious institution. This tenet has served the state and the nation well, enabling the United States to avoid the sort of sectarian strife that has divided many other countries.

Appallingly, the court put its imprimatur on the money-laundering scheme at the heart of the state law that expanded Milwaukee's school choice program to sectarian schools. Crafty lawmakers counted on getting around the church-state wall by passing the money to religious schools through parents.

Lower courts had recognized this scheme for what it was: a ruse. But the high court bought it. It's no sham, the court declared straightforwardly.

The Wisconsin Constitution seems more adamant about the separation of church and state than does the federal document, which nonetheless is clear about the matter. The relevant Wisconsin clause: "... nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries."

That clause used to carry more weight than what the present high court accorded it. Lower



choice expansion on it. But with much fancy footwork, the present Supreme Court danced around the proscription.

The primary intent and effect of the program are not to benefit a religious organization, so the expansion's OK, the majority ruled, playing word games. The truth is, many religious

public funds through choice expansion so they can remain solvent.

And pray, as well as proselytize, is what religious schools do a lot of — which is fine, so long as government doesn't support that activity. Thanks to the state Supreme Court, government is poised to back such religious activity in Wisconsin.

Chris GMB
MILWAUKEE JOURNAL SENTINEL

Send letters to: The Morning News

Public schools need support from officials

On Sept. 1, the Journal Sentinel ran a picture of Gov. Tommy Thompson and Mayor John Norquist, whooping it up for a parochial school funded by me and a lot of other people who feel that their religious liberty has been trodden upon.

I wonder: When will we see their support of public education, which is owned, operated and controlled by the American people?

Scott L. Kittsley
Shorewood

Families shouldn't have to pay twice for private schools

The way I see it, private schools are no longer private with the new school choice program.

Our son has attended private schools since third grade, and we've always paid our own way. Through hard work and sacrifices, we've paid for tuitions, registration and book fees, fund-raising and for whatever else that came along, without help from any outside organizations. And, of course, no breaks from the tax man.

And now we're also paying for other people's children? Yes, we're mad, and we feel we don't

have a choice anymore. Give us hard-working, tuition-paying families a break!

Oh yeah, tuition went up again this year.

Anita Truitt
Milwaukee

School choice may cost us our religious freedom

The once-progressive state of Wisconsin has the only state Supreme Court voting for religious school vouchers. Our state Supreme Court is packed with judges of Gov. Tommy Thompson's religion, which has the

largest parochial school system in the state, plus one Methodist judge who is a close friend of the governor. A conflict of interest?

Parochial school parents enrolled in the choice program use a government check at the school. Is this money laundering? What can't be done directly, for makes a mockery of our state and U.S. constitutions.

Our nation was founded by people who fled here for political and religious freedom. We lose this priceless freedom!

June Pearson
Neenah

Send letters to: The Morning Mail, Milwaukee Journal Sentinel

Money should be spent on public schools

Milwaukee County has spent more than a billion dollars on Chapter 220 since its inception, and the number of students who were bused was minuscule compared to the number that will be bused to charter and choice schools. Therefore, the billion dollars wasted on busing, Chapter 220 students will be multiplied by untold numbers. Gov. Thompson, after this tax boondoggle, please don't tell us how you are using the taxpayers money.

The idea, we are told, is to get more parents involved in their kids' schools. After choice and charter schools are fully in operation, the same kids will walk out of the same doors, of the same houses, from the same dysfunctional families, skipping school by changing corners on the same street corners. Furthermore, the same parents, of the same students, will care not whether their children go to school.

So what will we have accom-

plished except spending more of our tax dollars for another expensive wasted effort? There's an old saying that goes, "You can lead a horse to water but you can't make him drink." In this instance, you can offer an education to students, but if they don't want to learn, they won't.

We should put all this choice and charter money back into public schools, where it belongs, and use the money to build new schools. Then, we should install

modern equipment in the schools, so all of our kids can have an equal education offered to them, "offered" being the operative word. I, hope, the U.S. Supreme Court does the taxpayers a favor and rules choice and charter schools unconstitutional. And our elected officials should be ashamed of themselves for offering to spend our tax money foolishly.

Casper T. Green
Franklin

EDITORIAL

11-11-98
NYT

Vouchers for Parochial Schools

The United States Supreme Court's decision not to review a Milwaukee case involving taxpayer-paid vouchers for religious schools sidesteps one of the most contentious political issues of the day. The Court's refusal to take up the case does not signal approval of the Milwaukee scheme. But the Court's silence leaves in place a plan that will directly harm the vast majority of the city's schoolchildren, namely those left in Milwaukee's public schools while others flee to the voucher program. The Court's denial of review will also embolden voucher supporters elsewhere to adopt similar plans that would funnel public money into religious and private education.

The question of what kinds of public support for parochial education violate the Establishment Clause of the First Amendment remains a murky area of constitutional law. Some recent Supreme Court cases have upheld limited types of public aid to students in church-run schools, but the Court has never overturned its 1973 decision that banned publicly financed tuition rebates to religious-school students. That decision remains a bulwark against religious-school vouchers. The Court could have done the nation an important service by reaffirming that ruling and striking down the Milwaukee voucher scheme as unconstitutional.

The Supreme Court will not be able to dodge the question for long. Other voucher cases are pending in several states, including Ohio, Vermont and Arizona. This summer a Federal judge in Maine rejected the public financing of religious-school vouchers. The high court will have to reconcile these conflicting rulings eventually.

Even aside from the First Amendment problem, the Milwaukee plan is deeply flawed. Many city schools are doing a poor job, but the voucher plan will do little to improve them. Indeed, it transfers

funds out of desperate public schools for the benefit of private education. This year 5,800 low-income students out of 100,000 students in Milwaukee got vouchers worth \$4,900 per student to attend private and parochial schools. That money came from funds that would have gone to the public system. Worse, more than a third of the students getting vouchers were already enrolled in private or parochial schools. The vouchers merely gave them a subsidy at the expense of public schools.

The vouchers may well help some students, but at the expense of the majority. The Milwaukee program is capped at roughly 15,000 students, or about 15 percent of the public school enrollment. That means that even if parochial and private schools could expand to take the maximum number of voucher-bearing students, 85,000 students would still be left in a troubled and even weaker public system. The potential loss to Milwaukee public schools in money siphoned off by vouchers could be more than \$70 million a year. It would be far better to increase public school funding to improve education for all the students.

Vouchers are passionately defended by many who do not support or have given up on the ideals of public education. But the fact remains that public schools will continue to educate most Americans well into the next generation and probably beyond. It is absurd to argue that public education can be improved by diverting huge amounts of tax revenue into parochial and private schools. A voucher plan, such as Milwaukee's, does not reform anything. It is a funding mechanism that forces taxpayers to underwrite religious and private education. Improving education for all students, not just the few who manage to get vouchers, requires sustained community commitment and leadership. Vouchers are a convenient political diversion from that task.

page 31

In My Opinion

Aid to Parochial Schools Runs Contrary to America's Constitutional Ideals

IN HIS syndicated column, on Oct. 18, 1974, James Kilpatrick made another attempt to get tax money for the authoritarian church by advocating tax money for parochial schools. He proposed this even though the majority of the people in our democratic society have consistently indicated that they do not wish to be taxed to support the institutions of indoctrination of a militant minority.

Hundreds of pieces of parochial aid legislation have been defeated by our State Legislatures and Congress.

A. Vernon Jensen, who lives in New Berlin, is a lawyer and a member of Americans United for Separation of Church and State.

The few pieces that have been permitted to pass through religiously biased legislatures have been set aside by the courts because they were unconstitutional.

The majority of voters in many states have repeatedly voted against aid to parochial schools by the democratic process of the referendum. Still, Kilpatrick and his friends are demanding a share of the pie, which he calls the education fund.

It is neither a pie nor a grab bag of goodies that everyone can take at will. It constitutes a fund that the general taxpayer has been forced to pay by the taxing authority of the federal, state and local governments. These governments have no constitutional authority to turn this money over to private interests to finance their business enterprises or institutions. They can use these public funds for public institutions only.

Wealthiest Church Has Own Schools

The largest and wealthiest church has insisted on maintaining its own schools so its children can be indoctrinated in church oriented institutions. Materials, books and teaching methods are church oriented and give the

The church has maintained that all of its children should be educated in these church schools. They participated in the attempts to ban prayers and Bible reading in public schools which were generally considered to be influenced by the religious views of the majority. This effort was finally culminated in the early 1960s with the Engle and Schempp-Murray cases.

After these decisions, by the United States Supreme Court, the hierarchy and clergy criticized the public schools as being Godless. This has been used as a basis, by the church, for withdrawing its children from the public schools. However, this drive has never been completely successful because many parents preferred to send their children to public schools.

In the 1860s attempts were made to merge the parochial schools with the public schools in Cincinnati, Ohio, but the church vetoed the idea of civil control over its schools.

William Safire

After building a large, expensive, denominational school system, neither the church nor its members now want to maintain the cost of operation and are now demanding public funds to defray the costs. Canon Law 1374 has not been practical, in the United States, since parents have not chosen the high costs of sending their children to denominational schools. Consequently, they are now seeking tax monies to maintain and support these religiously oriented schools.

Costs of operation have increased and there are fewer teaching nuns available, since many of them are shedding their habit and are going into the public schools and other endeavors. As a result, pressure for tax money has been gradually increasing.

More Pressure for Federal Aid

During the 1960s and 1970s a drive has been made for extensive federal aid to education that would include parochial schools. In addition to pressure for federal aid, the church has also been exerting constant pressure at the state and local levels



Jensen
—Journal Sketch

demanding money for tuition grants, books, special services and other benefits, even though the courts have consistently held that such aid is unconstitutional.

The courts have ruled consistently that aid to parochial schools is unconstitutional and the majority of the voters have registered their opposition to it. Our state and federal legislators have taken oaths of office to uphold our state and federal constitutions. Let's hope that they do this by refusing to consider any more parochial aid legislation in any form. Their decisions should be based on their better judgment, not their religious bias.

A. V. JENSEN

child a slanted view.

magic happen

Choice law's shortcomings

When parents send their children to school — any school — they have an absolute right to expect that the youngsters will be in the hands of loving, caring teachers and administrators. Unfortunately, the law governing Wisconsin's school choice program makes it difficult to guarantee that right.

The consequences of the law's shortcomings were demonstrated Wednesday in Milwaukee County Circuit Court, where James A. Mitchell, the chief executive officer of a Milwaukee choice school, was sentenced to six months in jail for tax fraud. What was brought out in court was that Mitchell had been convicted of rape in 1971.

The principal of the school, Alex's Academic of Excellence, said he had no idea that Mitchell's criminal record included a rape conviction. Indeed, the likelihood that the principal might know of such a record is slight; the state statute governing school choice contains no requirement for background checks of private school operators or employees. That omission is out-

rageous and unacceptable.

Judge Elsa Lamelas, noting that she had "concerns about some aspects of the school choice program," said, "It seems that it is easy pickings for some people who are not inclined to be honest."

The Wisconsin Department of Public Instruction has supported such background checks in the past, and Mitchell's case is a good illustration of the reason they are needed. At a time when so much information is readily available electronically, even a superficial records check would probably have revealed Mitchell's 1971 conviction.

The Milwaukee school choice program is under a national spotlight; it is the largest and most far-reaching voucher initiative in the country.

That is just another reason that people connected with choice schools — especially those who come in contact with children — should be men and women of good character. Wisconsin law needs to be changed so that those chosen for choice are the best.

A. VERNON JENSEN
ATTORNEY AT LAW

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Why are we giving our tax money

Why are we giving our tax money to the parochial and private schools when they are so badly needed by our public schools? They are being forced to eliminate essential programs, increase class sizes and to get rid of needed teachers?

Please ^{introduce} ~~introduce~~ legislation to correct this serious problem.

Sincerely yours,
A. Vernon Jensen
A. Vernon Jensen

Report: \$322 billion needed to fix, build nation's schoolhouses

WASHINGTON (AP) — More than 9 million school children nationwide attend schools that are falling part or ill-equipped for classroom computers, the nation's largest teachers union says in a report calling on states to pony up their budget surpluses.

Right now, states need \$322 billion for school construction — roughly 10 times what they currently spend and nearly three times what the federal government estimated they need, the National Education Association said in a report to be released today.

The General Accounting Office, an investigative arm of Congress, estimated that the nation's schools need \$112 billion for repaired and updated buildings, 74 percent of which were built before 1970, the Association of School Administrators says.

President Clinton and congressional Democrats are pushing increased federal funds for school repair and construction. But states bear most of the responsibility for the costs, and they have been spending more than ever, the union says.

The crisis is eclipsing their efforts, said Bob Chase, president of the union, which analyzed recent finance data for the report, often fail to recognize that

where our students learn can have a dramatic effect on what they learn."

Individual state needs, the union's report said, vary widely because some states are more populated or have higher costs for land and building materials. New York tops the list, needing \$51 billion. Vermont is a much smaller state, needs about \$333 million.

Meanwhile, the report said, states had a \$31 billion surplus in fiscal 1999. States such as Alaska, Indiana and Delaware have the highest portion of budget surpluses, the report said.

The union's estimates are based on 1998 and 1999 data that include school enrollments, age and condition of existing buildings, and construction costs, spokesman Steve Wollmer said.

Since 1995, Pennsylvania has spent \$1.2 billion on reimbursements for building and repair in its 501 school districts, said Al Bowman, spokesman for the state's Education Department.

"There hasn't been a great call from school districts for more assistance because we have provided an adequate level," Bowman noted. "School districts make the decision to go through with a construction project. It's locally controlled and locally decided."

Taxpayers need to see more accountability

A May 4 Journal Sentinel article told how the CEO of one of the schools that participate in Milwaukee's school choice program, James Mitchell of Alex's Academic of Excellence, was convicted of a brutal knife-wielding rape. He has now been convicted and sentenced for tax fraud as well (Judge sentences choice school's CEO, a convicted rapist, for tax fraud).

Previous reports have told how numerous choice schools, including Marquette High and St. Joan Archdiocese, isolated choice program rules, and how no other choice school has a principal who was fired by Milwaukee Public Schools for possessing drug paraphernalia.

When will there finally be some public accountability at these schools? Our income and property tax money is being handed to them without the most lenient standards of public oversight and accountability. This is intolerable.

It amounts to taxation, for those schools, without representation, as to the use of the funds. If these schools cannot abide public accountability in such basic matters as criminal background checks and the application of the program's rules, they should not be part of a public program.

The governor and Legislature must take action to amend the choice program to provide for basic accountability.

Thomas Mueller
Milwaukee

Non-choice schools have troubles, too

The May 5 anti-choice editorial cited the criminality of a private school administrator ("Choice law" shortcoming).

Guess from the editorial we are to believe that public schools never have wrongdoers in their employ.

Steve Case
Brown Deer

Latest case can be held up as example

As a Milwaukee Public Schools teacher of 26 years and a parent of two MPS children, I was appalled and angered to read the May 4 article about James A. Mitchell, the convicted rapist and CEO of Alex's Academic of Excellence. Here is just one example of what can happen

Look more closely at choice schools

SUNDAY SYMPOSIUM



over our schools. I have worked in schools that are considered to be in the most economically depressed areas of the city with the highest crime rates. Last school year, two of our teachers who had stayed late were robbed at gunpoint, and our school security was grazed by a bullet trying to defend several others from the same fate. I was fortunate not to have been faced with this frightening experience. I was in my classroom vacuuuming the floor because we were having difficulty finding regular cleaning staff to work in our school. I am well aware of the difficult lives people have in these areas. I can also well aware of the challenges facing the teachers.

Contrary to public opinion, some of the most dedicated, caring and professional teachers in our system work in these troubled areas. And they do so because they love what they do and are striving to guide their students to reach their potential and find their way out of the poverty and devastation that is their lives now. And these teachers do this in spite of the overwhelming odds, including had public opinion, lack of funding and constant scrutiny by the public and

Ask tough questions about participants

Choice school programs definitely need a great deal more in-depth and prompt spot checking in order to be sure that the children and we taxpayers are protected from those individuals who are first looking to profit themselves.

The front-page article on May 4 is the second example I have heard about this spring of very serious allegations of

I love my students, and I am proud of my school system and my colleagues. I am also completely happy with the excellent education my children are receiving in MPS.

I believe that our public schools will continue to serve our children better than schools in the private sector. But only if the governor, the mayor and Milwaukee residents wake up and support the efforts our public schools are making to create a better future for those children.

Fred Klipp
Milwaukee

We must understand that the advertising that these schools do is not substantiated by impartial people. The advertising is created by specialists paid to make the schools look as good as possible. However, if one speaks with teachers within the buildings, a slightly different picture develops. I heard that in one school, on a regular basis, there is no paper towel or soap available; K-5 children work at tables and folding chairs meant for adults; cardboard boxes are used to separate rooms — while the proprietors drive expensive cars, wear designer watches, come to school proudly bearing the latest in computer laptop equipment.

What are school officials' personal salaries? Can officials count every adult in the building, even the person who comes in to unlock the room where the computer is kept and then leaves in their school's teacher-student ratio? These are questions we need to ask before sending our most precious people and our tax money to them.

Rebecca Hugh-

A. VERNON JENSEN
ATTORNEY AT LAW

1501 Sunnycrest Dr.
New Berlin, WI 53151
1-414-650-9889

December 18, 1998

Representative Gerald Kleczka
2301 Rayburn Office Building
Washington, DC 20515

Dear Sirs:

Recently our religiously biased Governor and his puppet legislature enacted parochial legislation entitled "School Choice". This voucher bill enabled church schools to collect public funds to operate their institutes of religious indoctrination. Our religiously biased Supreme Court let it stand even though it was patently unconstitutional and our District Court and Circuit Court of Appeals had so ruled. Then the Federal Supreme Court refused to assume jurisdiction and rule on it's unjust consequences. Consequently, Wisconsin taxpayers are now taxed to support religious desemenation of religious doctrine and dogma.

We hope that our representatives in Congress will remedy this injustice by passing legislation to outlaw appropriations of public funds to finance religion that would include parochial schools and other religious institutions, since our State government has forced our taxpayers to pay for religious indoctrination , and have done it without impunity. This legislation should provide for a penalty and compel



WISCONSIN CHARTER SCHOOLS ASSOCIATION

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Marquette University, Milwaukee

WCSA

P.O. Box 628243
Middleton, WI 53562-8243
Tel: 608-238-7491
Email: sennb@chorus.net

To: SENATE COMMITTEE ON EDUCATION

From: *Senn Brown*, WCSA Secretary (3/28/01)

Wisconsin's charter school law was enacted in 1993. Now, 36 states have joined this reform movement. While there are 92 charter schools in Wisconsin, educating nearly 11,000 students, and over 2,000 throughout the country, few people outside education are clear about what a charter school is. They are public schools of choice open to all students, says Jim Kilkenny, WCSA's President and director of Lucas Charter School in Menomonie. In exchange for freedom from most state regulations applicable to non-charter public schools, they are held accountable by contract for results. Boosting student achievement and driving educational innovation are key goals of the WCSA.

The Wisconsin Charter Schools Association was launched in January 2001 by the WCSA's 12 member founding board of directors. In addition to Kilkenny, the WCSA's founding directors include: Al Pieper, Vice President and director of TEAMS Charter School, Stevens Point; Michelle Molzahn, Treasurer, CPA, Verona; Senn Brown, Secretary, Madison; Greg Anderegg, Program Manager for Education & Youth, SC Johnson, Racine; Karin Borgh, Executive Director, BioPharmaceutical Technology Center Institute, Madison; Marie Crockett, President, YW Global Career Academy, Milwaukee; AnneMarie Fiorenza, Educational Technology Consultant, Learning Connections, Brown Deer; Paul Haubrich, Director, Center for Charter Schools, U.W. – Milwaukee; Judi Ingison, Director of Chrysalis Family Charter School, Antigo; Michael Johnson, Superintendent, Kenosha Unified School District; and Cindy Zautcke, Assistant Director, Institute for the Transformation of Learning, Marquette University.

It's not surprising that the public charter schools initiative started in the Upper Midwest, says Jon Schroeder, Executive Director of Charter Friends National Network. Minnesota was the first state to enact a charter law in 1991. Wisconsin was among the first ten states with its legislation in 1993. The charter schools movement builds on the traditions of local leadership and public involvement that underpin the public school systems in the Upper Midwest, Schroeder said. The WCSA joins a growing number of statewide charter school associations that are leading efforts to renew public education in America.

Friends of charter schools will gather at Oshkosh on May 3 & 4, during National Charter Schools Week, for the WCSA's first annual conference at the Experimental Aircraft Association Museum. A new charter school is scheduled to open at the EAA. Join the WCSA at EAA where imagination takes flight.

WISCONSIN CHARTER SCHOOLS CONFERENCE

Join The WCSA At EAA Where Imagination Takes Flight

May 3 & 4, 2001 (Thursday & Friday)
Oshkosh - EAA AirVenture Museum

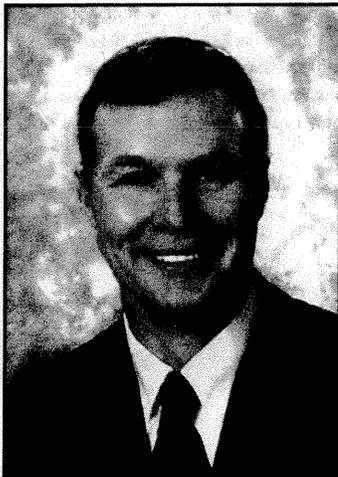
Sponsor: Wisconsin Charter Schools Association (WCSA)

Co-Sponsors: Wisconsin Department of Public Instruction;
Charter Friends National Network; EAA Aviation Foundation; &
Institute for the Transformation of Learning at Marquette University



Joe Nathan
Center For School Change

Parents, Educators, Students, School Officials And Community Leaders Are Invited To Attend The WCSA Conference With Charter School Leaders Including:



Governor Scott McCallum
(Invited)

Marie Crockett, YW Global Career Academy
Robert Pavlik, School Design & Development Center
Lee Siudzinski, EAA Aviation Foundation
Christine Faltz, Central City Cyberschool of Milwaukee
Dennis Wicklund, DPI Charter Schools Consultant
Michael Ostermeyer, Quarles & Brady, LLP
Julie F. Mead, U.W. - Madison
Michael Bakalis, American Quality Schools
June Perry, Enrichment Institute
Ed Holmes, James Wright Middle School
Frank Martinelli, Center for Public Skills Training
Michael Johnson, Kenosha Public Schools
Judi Ingison, Chrysalis Charter School
Rajiv Vinnakota, The SEED Foundation
MaryKay Zimbrick, Core Knowledge Charter School
Tony Evers, CESA #6
Tarry Hall, SOTA Charter School
John Gardner, Milwaukee Board of School Directors
Rep. Terri McCormick, State Assembly
Paul Haubrich, U.W. - Milwaukee Center for Charter Schools
.....and Many Other Presenters and Discussion Leaders



Tom Jandris
Education World

Charting New Courses In Wisconsin



June Perry
Enrichment Institute



Jim Kilkenny
WCSA President



Judi Ingison
Chrysalis Charter School



Doug Thomas
Gates-EdVisions Project



WISCONSIN CHARTER SCHOOLS ASSOCIATION

WCSA Conference Program*

May 3 (Thursday) - EAA-Oshkosh

- 2:00 - 4:15 pm - Pre-Conference (Registration Required - No Additional Fee)
Gates-EdVisions Project & Minnesota New Country School
Doug Thomas, Director
- 4:30 - 6:30 pm - WCSA Kick-Off Reception With Exhibitors

May 4 (Friday) - EAA-Oshkosh

- 8:00 am - Check-In & Registration - Exhibits Open (Coffee & Rolls)
- 9:00 am - Opening General Session - **Jim Kilkenny**, WCSA President (Chr)
Dennis Wicklund, DPI Charter Schools Consultant
Wisconsin Governor **Scott McCallum** (Invited)
Joe Nathan, Director, Center for School Change
Hubert H. Humphrey Institute of Public Affairs, University of Minnesota
- 10:30 am - Concurrent Discussion Session
- Accountability of Charter School Authorizers
 - School-Site Finance and Governance Reforms
 - Wisconsin's Charter School Law
 - Lessons Learned by Charter School Operators
 - Charter Schools Designed for Exceptional Students
 - Designing Your School's Website
- 11:45 am - Lunch & Program
Tom Jandris, President of Education World and former Director of State Services, Education Commission of the States
- 1:15 pm - Concurrent Discussion Sessions
- Building School Culture and Avoiding Mission Drift
 - Exploring Website Resources for Charter Schools
 - Incubating New Charter Schools (Session 1 of 2)
 - Innovations in Education
 - Preparing for Charter Renewal
 - Charters, Choices & Changes in Milwaukee
- 2:45 pm - Concurrent Discussion sessions
- Charter Cyberschools
 - State Budget Bill & Charter Schools
 - Private/Public Partners Operating Charter Schools
 - Testing & Accountability for Student Learning
 - Incubating New Charter Schools (Session 2 of 2)
 - Management Reporting Standards for Charter Schools
- 3:45 pm - Conference Concludes

*Preliminary Program Subject to Change

Registration

The registration fee for current WCSA members is \$100. The fee for non-members is \$125. The fee includes admissions to the EAA AirVenture Museum, conference materials, luncheon, coffee/soda breaks, WCSA membership (7/2001 to 7/2002), Thursday evening reception and the pre-conference program.

Pre-Conference

Doug Thomas, Director of the Gates-EdVisions Project, will lead a discussion about the Minnesota New Country (Charter) School (www.mncs.k12.mn.us). The Bill and Melinda Gates Foundation recently awarded a \$4.5 million grant to EdVisions Cooperative (www.edvisions.com) to replicate the MNCS design in 15 sites in Minnesota and Wisconsin. Your registration entitles you to attend this pre-conference session from 2:00 - 4:15 pm on Thursday, May 3.

EAA-Oshkosh

The EAA AirVenture Museum is located at 3000 Poberenzky Road, just off Highways 41 & 44 in Oshkosh. Check out the EAA website at: www.eaa.org. Telephone 920-426-4818.

Motels

A block of overnight rooms for Thursday, May 3, has been reserved at a special rate of \$55.90, until April 10, at the Americinn Motel, 1495 West South Park Ave., Oshkosh. Call the Americinn Motel at 920-232-0300 to reserve your room. Other motels nearby the EAA include: Holiday Inn Express (920-303-1300); Oshkosh Fairfield Inn (920-233-8504); and Oshkosh Lodge (920-233-4300). The Park Plaza (800-365-4458) and Pioneer Resort (800-683-19800) are located downtown.



P.O. Box 628243,
Middleton, WI 53562-8243
Tel: 608.238.7491
Email: sennb@chorus.net

**Program
Information
Contact
Senn Brown
WCSA Secretary**

(Clip And Return)

Registration Form

Send Form And Check To: WCSA, P.O. Box 628243, Middleton, WI 53562-8243

Registration Fee - \$100 (Current WCSA Member) Or \$125 (Non-Member). Check To WCSA

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Email: _____

Included In Registration Fee If You Check "YES"

_____ YES, I Plan To Attend The Pre-Conference Beginning At 2:00pm On Thursday, May 3.

_____ YES, Subscribe Me To WCSA's Email Listserv - Wis. Charter Schools Discussion Group



WISCONSIN CATHOLIC CONFERENCE

TO: State Senator Richard Grobschmidt, Chair
Members, Senate Education Committee

FROM: 
M. Colleen Wilson, Associate Director

RE: 2001-03 State Budget

DATE: March 28, 2001

Good morning. I appreciate the opportunity to provide testimony this morning on some of the education budget initiatives pertaining to the Milwaukee Parental Choice Program.

Catholic tradition has long recognized the important role of parents as the primary educators of their children. Our Catholic faith also speaks to the importance of a preferential option for the poor, and this option must extend to the educational experience. A child's economic status should not prevent him/her from the educational choices that those of more ample resources enjoy, especially when the school districts in which the economically disadvantaged live fail to provide an adequate education.

Currently, 33 Catholic elementary and middle schools of the Archdiocese of Milwaukee are responsible for educating 3,2335 Choice students and five Catholic high schools are educating 590 Choice students. A sixth Archdiocesan high school is eager to participate in the program, but due to a technicality, the Department of Public Instruction has determined that Thomas More High School is not an option to Choice participants because its property straddles the city line between Milwaukee and St. Francis. While most of the buildings on the Thomas More campus are in St. Francis, a portion of the school's property is in the city of Milwaukee.

Thomas More wants to participate in the Choice program, and more importantly, lots of low-income families on Milwaukee's south side, many of whom are Hispanic, want an educational alternative to the public schools. Thomas More is the only religious or independent high school remaining on the south side of Milwaukee. Thomas More receives 6-8 telephone calls per week from families who want their child/children to attend the school and who meet the financial criteria for participation in the Choice program. These calls are from families whose children attend one of the six feeder schools (both Catholic and public) that are located within the city of Milwaukee. We respectfully urge the Legislature to support the narrowly drafted budget language that allows Thomas More to participate in the Milwaukee Parental Choice Program.

The Catholic Conference also appreciates the opportunity to offer comments with regard to other budget provisions related to the Parental Choice Program. The Conference supports budget language that proposes to raise the income threshold from 175% of the federal poverty level to 185%. Eligibility for several other programs for the disadvantaged supported by the Catholic Conference, including Healthy Start and BadgerCare, are available to persons whose income is up to or at 185% of the federal poverty level. The Conference has regularly advocated for

raising income limits in Healthy Start and BadgerCare, as have others. No one has suggested that an increase in income eligibility has transformed those programs into something other than programs for the needy. Certainly, this modest increase in income does not change the Choice Program's mission of providing choices in education to low-income families.

The Catholic Conference also supports continuity in education for students participating in the Choice program. Students should not be forced to leave the school of their choice when parents succeed in improving their economic status. Our public policies should not discourage or punish people who receive overtime pay or pay increases for their hard work by completely stripping them of state and federal benefits, including the Parental Choice Program, food stamps, BadgerCare and Wisconsin Shares, that are helping families move to self-sufficiency.

Finally, with regard to the issue of assessment instruments, several schools within the Archdiocese of Milwaukee are using the standardized tests used by public schools to measure basic competencies. Those that do not require that students take the Iowa Basics test in grades 3, 5 and 7. Rather than assuming that the state-mandated test is the best gauge of educational outcomes, the Catholic Conference believes that the determination about what test to use in which schools needs to be an educational judgment, not a political judgment. The Conference believes that the method of assessment used by a school is but one factor that parents should consider as they make decisions about their child's education.

Again, the Catholic Conference appreciates the opportunity to share these comments with you.