



~~30011~~  
3/11/0  
DN

PG: jf  
King

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Due Friday, 11/21

LPS: Proof all amended  
state. w/folio.

and providing  
a penalty

generate

1 AN ACT ~~...; relating to: requirements for private schools and authorizing the~~  
 2 ~~department of public instruction to determine whether a school is a private~~  
 3 ~~school for purposes of the Milwaukee parental choice program, the requirement~~  
 4 ~~to exempt pupils attending a private school under the Milwaukee parental~~  
 5 ~~choice program from religious activities; prohibiting charter schools, and~~  
 6 ~~private schools that participate in the Milwaukee parental choice program,~~  
 7 ~~from discriminating against pupils, and requiring such schools to disclose~~  
 certain information

No score  
Sub-sub

The changes include the following:  
Private school requirements

changes

Analysis by the Legislative Reference Bureau

\*\*\* ANALYSIS FROM -3034/1 \*\*\*

~~Currently~~ under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions. ~~In~~ order to qualify as a private school under the law, an institution's educational program must provide at least 875 hours of instruction each school year.

(w/ A) This bill provides that if the program offers kindergarten, it must provide at least 437 hours of instruction in kindergarten each school year.

The bill also provides that upon request of the department of public instruction, which administers the MPCP, a private school must demonstrate to the department's

(DPI)

DPI's

This bill makes a number of changes in the laws governing

Compulsory

satisfaction that the private school's educational program meets all of the statutory criteria to be a private school. In addition to offering a specified number of hours of instruction each school year (as mentioned above), current law requires all of the following:

- 1. ~~The~~ <sup>That</sup> primary purpose of the educational program ~~must~~ be to provide private or religious based instruction.
- 2. ~~The~~ <sup>That</sup> program ~~must~~ be privately controlled.
- 3. ~~The~~ <sup>That</sup> program ~~must~~ provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science, and health.
- 4. ~~The~~ <sup>That</sup> program ~~cannot~~ be operated for the purpose of circumventing the ~~compensatory~~ school attendance law.
- 5. ~~The~~ <sup>That</sup> pupils in the program ~~must~~ return annually to the homes of their parents or guardians for at least two months of summer vacation, or ~~the~~ <sup>that</sup> institution ~~must~~ be licensed as a child welfare agency by the department of health and family services.

~~This is a preliminary draft. An analysis will be included in a later version.~~

Religious activities \*\*\* ANALYSIS FROM 3035/2 \*\*\*  
Current law prohibits a private school that is participating in the ~~Milwaukee Parental Choice Program (MPCP)~~ from requiring a pupil attending the private school under the program to participate in any religious activity if the pupil's parent or guardian requests that the pupil be exempt from the activity.

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

The bill directs each MPCP school to ensure that a pupil who is exempt from participating in a religious activity is not present in the room in which the activity occurs. The bill also directs each MPCP school to provide a pupil who is exempt from religious activities with a sufficient number of hours of instruction to meet the statutory requirement for all private schools (at least 875 hours of instruction each school year) and to enable the pupil to advance from grade to grade.

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

~~This is a preliminary draft. An analysis will be included in a later version.~~

Non-discrimination \*\*\* ANALYSIS FROM 3054/1 \*\*\*  
Current law prohibits public schools ~~and charter schools~~ from discriminating against pupils on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,

INS. A

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emotional, or learning disability. In addition, each school board must adopt policies and procedures implementing this nondiscrimination requirement.

This bill extends the nondiscrimination requirement to schools participating in the ~~Milwaukee parental choice program (MPCP), under which state funds are used to pay for the cost of children from low income families to attend, at no charge, private school located in the city of Milwaukee.~~ The bill also requires each MPCP school ~~and charter school~~ to develop written policies and procedures to implement the nondiscrimination requirement and to provide each applicant to a school with all of the following: (1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; (2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; (3) a copy of the appeals process used if the school rejects an applicant for admission; (4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; and (5) a copy of the school's nondiscrimination policies and procedures. In addition, upon request of any person, the school must provide the information above, as well as the number of pupils enrolled in the previous school year, pupil scores on standardized tests administered in the previous school year, and the number of pupils who were expelled or who failed to graduate in the previous school year.

INS.  
B →

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

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

*LPS: Suppress atty. Numbers*

1            **\*-3054/1.1\* SECTION 1.** 118.13 (1m) of the statutes is created to read:

2            118.13 (1m) No person who wishes to attend a private school under s. 119.23

3            ~~or a charter school~~ may be denied admission to that school and no pupil who is

4            attending a private school under s. 119.23 ~~or a charter school~~ may be denied

5            participation in, be denied the benefits of, or be discriminated against in any

6            curricular, extracurricular, pupil services, recreational, or other program or activity

7            of that school because of the person's sex, race, religion, national origin, ancestry,

1 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,  
2 emotional, or learning disability.

3 **\*-3054/1.2\* SECTION 2.** 118.13 (2) (am) of the statutes is created to read:

4 118.13 (2) (am) Each private school participating in the program under s.  
5 119.23 ~~and each charter school~~ shall develop written policies and procedures to  
6 implement this section and submit them to the state superintendent. The policies  
7 and procedures shall provide for receiving and investigating complaints regarding  
8 possible violations of this section, for making determinations as to whether this  
9 section has been violated, and for ensuring compliance with this section.

10 **\*-3054/1.3\* SECTION 3.** 118.13 (2) (b) of the statutes is amended to read:

11 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
12 or (am) may appeal the determination to the state superintendent.

13 **\*-3054/1.4\* SECTION 4.** 118.13 (3) (a) 3. of the statutes is amended to read:

14 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
15 (d) information on the ~~status of school district compliance~~ of school districts ~~charter~~  
16 ~~schools~~ and private schools with this section and ~~school district~~ the progress made  
17 toward providing reasonable equality of educational opportunity for all pupils in this  
18 state.

19 **\*-3054/1.5\* SECTION 5.** 118.13 (3) (b) 1. of the statutes is amended to read:

20 118.13 (3) (b) 1. Periodically review school district, ~~charter school~~ and private  
21 school programs, activities and services to determine whether the school boards  
22 ~~charter schools~~ and private schools are complying with this section.

23 **\*-3054/1.6\* SECTION 6.** 118.13 (3) (b) 2. of the statutes is amended to read:

1

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

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\*-3054/1.7\* SECTION 7. 118.13 (4) of the statutes is amended to read:

5

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

9

\*-3034/1.1\* SECTION 8. 118.165 (1) (c) of the statutes is renumbered 118.165

10

(1) (c) 1. ~~amended to read:~~ *and*

11

118.165 (1) (c) 1. ~~The~~ Except as provided in subd. 2., the program provides at least 875 hours of instruction each school year.

13

\*-3034/1.2\* SECTION 9. 118.165 (1) (c) 2. of the statutes is created to read:

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118.165 (1) (c) 2. If the program offers kindergarten, it provides at least 437

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hours of instruction in kindergarten each school year.

5-15

16

\*-3054/1.8\* SECTION 10. 118.40 (4) (a) 3. and 4. of the statutes are created to read:

17

read:

18

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

19

20

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

21

22

b. A notice stating whether the charter school is an organization operated for profit or not for profit. If the charter school is a nonprofit organization, the charter school shall also provide each applicant with a copy of the certificate issued under

23

24

1 section 501 (c) (3) of the Internal Revenue Code verifying that the charter school is  
2 a nonprofit organization that is exempt from federal income tax.

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

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

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

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

15 4. Upon request by any person, provide the material specified in subd. 3. and  
16 the number of pupils enrolled in the charter school in the previous school year, pupil  
17 scores on standardized tests administered in the previous school year, and the  
18 number of pupils who were expelled or who failed to graduate in the previous school  
19 year.

20 \*-3054/1.9\* SECTION 11. 118.40 (4) (b) (intro.) and 1. of the statutes are  
21 consolidated, renumbered 118.40 (4) (b) and amended to read:

22 118.40 (4) (b) *Restrictions*. A charter school may not do any of the following:

- 23 1. ~~Charge~~ charge tuition.

24 \*-3054/1.10\* SECTION 12. 118.40 (4) (b) 2. of the statutes is repealed

25 \*-3054/1.11\* SECTION 13. 119.23 (6m) of the statutes is created to read:

6-24

1           119.23 (6m) Each private school participating in the program under this  
2 section shall do all of the following:

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

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

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

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

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

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

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

23           (b) Upon request by any person, provide the material specified in par. (a) and  
24 the number of pupils enrolled in the private school in the previous school year, pupil  
25 scores on standardized tests administered in the previous school year, and the

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

8-2

**\*-3035/2.1\* SECTION 14.** 119.23 (7) (c) of the statutes is renumbered 119.23 (7m) (a) and amended to read:

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

~~**\*-3054/1.12\* SECTION 15.** 119.23 (7) (c) of the statutes is amended to read:~~

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

8-18

**\*-3035/2.2\* SECTION 16.** 119.23 (7m) (b) to (d) of the statutes are created to read:

119.23 (7m) (b) Each private school participating in the program under this section shall adopt a policy implementing par. (a) and provide a copy of the policy to each person who expresses an interest in attending the private school under this section and annually to the department with the notice under sub. (2) (a) 3. The private school shall include in the policy a list of the school activities that it has

1 determined are religious activities for the purpose of par. (a). The list shall include  
2 religious worship, religious instruction, and any school activity that the private  
3 school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

4 (c) Each private school participating in the program under this section shall  
5 provide a pupil who is exempt from one or more religious activities under par. (a) with  
6 a sufficient number of hours of instruction to meet the requirement under s. 118.165  
7 (1) (c) and to enable the pupil to advance from grade to grade in the private school.

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

11 **\*-3034/1.3\* SECTION 17.** 119.23 (10) of the statutes is created to read:

12 119.23 (10) Upon the department's request, a private school that has notified  
13 the department of its intent to participate, or that is participating, in the program  
14 under this section shall demonstrate to the department's satisfaction that its  
15 educational program meets all of the criteria under s. 118.165 (1). The department  
16 may require the private school to submit documents for that purpose, including a  
17 school calendar, a daily schedule indicating the school's hours of instruction, and  
18 evidence showing that the school's educational program provides a sequentially  
19 progressive curriculum of fundamental instruction in the subjects specified in s.  
20 118.165 (1) (d).

*Exempt as provided in subsection (2), auto ref. "2"*

21 **\*-3035/2.3\* SECTION 18. Initial applicability.**

22 (1) This act first applies to pupils who ~~express an intention~~ attending a private  
23 school under section 119.23 of the statutes, and to pupils who attend a private school  
24 under section 119.23 of the statutes, in the ~~2002-03~~ <sup>2004-05</sup> school year.

25 **\*-3035/2.4\* SECTION 19. Effective date.**

*Private schools participating in the program*

*(2) ...*

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

3 # ← auto ref. "2"  
 (2)

The treatment of sections 118.13 (1m) and  
 119.23 (6m) (a) and (7m) (b) first applies to persons  
 who apply to attend a private school under section  
 119.23 of the statutes in the 2004-05 school year.

(End)

of the statutes

LPS: Don't score any  
of these titles.

(A) = 1

sub-sub

→ Licensure of instructional staff

Under current law, each school board and the governing body of each independent charter school (a school established by ~~law~~ or under contract with the city of Milwaukee, the University of Wisconsin - Milwaukee, the University of Wisconsin - Parkside, or the Milwaukee Area Technical College) must ensure that ~~each~~ all teachers hold a license or permit issued by the ~~Department of Public Instruction~~ <sup>EDPI</sup>. This bill extends this requirement to private schools participating in the MPCP. (S)

sub-sub → standards and <sup>school</sup> requirements

Current law requires each private school participating in the MPCP to meet at least one of the following standards:

1020 (A): 2 percent

1. At least 70% of the pupils in the program must advance one grade level each year.

2. The private school's average attendance rate for pupils in the program <sup>must be</sup> is at least 90% percent.

3. At least 80% <sup>percent</sup> of the pupils in the program <sup>MUST</sup> demonstrate significant academic progress.

4. At least 70% <sup>Percent</sup> of the families of pupils in the program <sup>MUST</sup> meet parent-involvement criteria established by the private school.

This bill requires each private school participating in the program to meet at least 3 of the above standards.

Three

The bill also requires each private school participating in the program to submit a business plan to DPI and annually to submit to DPI a certificate of occupancy for the school. The bill provides that the required annual independent financial audit of the private school must be conducted by a certified public accountant.

Relic

audit

(A): 3

Under the current Milwaukee Parental Choice Program (MPCP), certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

This bill makes a number of changes in the laws governing charter schools and the MPCP, including the following:

### ***Pupil assessments***

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998, and to administer fourth, eighth, and tenth grade examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than independent charter schools) located in the school district. Identical provisions exist under current law for independent charter schools.

Under current law, the fourth, eighth, and tenth grade examinations are not required to be administered to pupils participating in the MPCP.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer fourth, eighth, and tenth grade examinations to pupils enrolled in the private school. The governing body may either adopt ~~the Department of Public Instruction (DPI)~~ <sup>the</sup> examinations or develop its own.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

### ***High school diplomas; grade promotion***

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria.

This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

### ***Open meetings; public records***

This bill subjects the meetings of the governing bodies of charter schools and private schools that are participating in the MPCP to the state's open meetings law. The bill also requires charter schools, and private schools that are participating in the MPCP, to comply with the state's public records law.

(B)

sub-sub → Limitations, withholding payment

The bill provides that no more than  
PERCENT  
65% of a private school's enrollment may consist  
of MPCP  
of pupils.

The bill authorizes DPI to withhold <sup>state</sup> payment  
from the parents <sup>of an MPCP</sup> of a pupil attending a private  
~~school under the M of H~~ (and thus <sup>thus</sup> from the  
private school) if the school ~~with~~ fails to  
~~comply~~ violates any of the <sup>laws relating to the</sup> MPCP ~~provisions~~.

5-15 ✓ : 1

~~**University of Wisconsin-Parkside charter school**~~

~~Current law limits the enrollment of the University of Wisconsin-Parkside charter school to 400 pupils. This bill increases the limit to 480 pupils beginning in the 2004-05 school year.~~

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

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

1           **SECTION 1.** 118.30 (1g) (a) 1. of the statutes is amended to read:

2           118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
3 academic standards in mathematics, science, reading and writing, geography, and  
4 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
5 standards issued by the governor as an executive order under s. 14.23, the school  
6 board may adopt those standards no. 326, dated January 13, 1998.

7           **SECTION 2.** 118.30 (1g) (a) 3. of the statutes is created to read:

8           118.30 (1g) (a) 3. The governing body of each private school participating in the  
9 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
10 science, reading and writing, geography, and history. The governing body of the  
11 private school may adopt the pupil academic standards issued by the governor as  
12 executive order no. 326, dated January 13, 1998.

13           **SECTION 3.** 118.30 (1g) (c) of the statutes is amended to read:

14           118.30 (1g) (c) Each school board operating elementary grades and, each  
15 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and  
16 the governing body of each private school participating in the program under s.  
17 119.23 that operates elementary grades may develop or adopt its own examination  
18 designed to measure pupil attainment of knowledge and concepts in the 4th grade  
19 and may develop or adopt its own examination designed to measure pupil attainment

5-15:2

1 of knowledge and concepts in the 8th grade. If the school board or operator of the  
2 charter school, or governing body of the private school develops or adopts an  
3 examination under this paragraph, it shall notify the department.

4 **SECTION 4.** 118.30 (1s) of the statutes is created to read:

5 118.30 (1s) Annually the governing body of each private school participating  
6 in the program under s. 119.23 shall do all of the following:

7 (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
8 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
9 attending the 4th grade in the private school under s. 119.23.

10 2. If the governing body of the private school has developed or adopted its own  
11 4th grade examination, administer that examination to all pupils attending the 4th  
12 grade in the private school under s. 119.23.

13 (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
14 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
15 attending the 8th grade in the private school under s. 119.23.

16 2. If the governing body of the private school has developed or adopted its own  
17 8th grade examination, administer that examination to all pupils attending the 8th  
18 grade in the private school under s. 119.23.

19 (b) Administer the 10th grade examination to all pupils attending the 10th  
20 grade in the private school under s. 119.23.

21 **SECTION 5.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

22 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
23 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40  
24 (2r), or governing body of the private school participating in the program under s.  
25 119.23 shall comply with s. 115.77 (1m) (bg).

5 - 15 : 3

1           2. According to criteria established by the state superintendent by rule, the  
2 school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body  
3 of the private school participating in the program under s. 119.23 may determine not  
4 to administer an examination under this section to a limited-English speaking  
5 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
6 her native language or may modify the format and administration of an examination  
7 for such pupils.

8           **SECTION 6.** 118.30 (2) (b) 5. of the statutes is created to read:

9           118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
10 body of a private school participating in the program under s. 119.23 shall excuse the  
11 pupil from taking an examination administered under sub. (1s).

12           **SECTION 7.** 118.30 (6) of the statutes is amended to read:

13           118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40  
14 (2r), and the governing body of a private school participating in the program under  
15 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted  
16 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the  
17 operator of the charter school, or the governing body of the private school administers  
18 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter  
19 school, or governing body of the private school provides the state superintendent  
20 with statistical correlations of those examinations with the examinations adopted or  
21 approved by the state superintendent under sub. (1), and the federal department of  
22 education approves.

23           **SECTION 8.** 118.33 (1) (f) 2m. of the statutes is created to read:

24           118.33 (1) (f) 2m. The governing body of each private school participating in the  
25 program under s. 119.23 shall develop a policy specifying criteria for granting a high

-7-  
5-15:4

1 school diploma to pupils attending the private school under s. 119.23. The criteria  
2 shall include the pupil's academic performance and the recommendations of  
3 teachers.

4 **SECTION 9.** 118.33 (1) (f) 3. of the statutes is amended to read:

5 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
6 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
7 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
8 charter school's policy under subd. 1. or 2. Beginning on September 1, 2005, the  
9 governing body of a private school participating in the program under s. 119.23 may  
10 not grant a high school diploma to any pupil attending the private school under s.  
11 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
12 policy under subd. 2m.

13 **SECTION 10.** 118.33 (6) (c) of the statutes is created to read:

14 118.33 (6) (c) 1. The governing body of each private school participating in the  
15 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
16 a pupil who is attending the private school under s. 119.23 from the 4th grade to the  
17 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
18 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless  
19 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the  
20 pupil's academic performance; the recommendations of teachers, which shall be  
21 based solely on the pupil's academic performance; and any other academic criteria  
22 specified by the governing body of the private school.

23 2. Beginning on September 1, 2005, the governing body of a private school  
24 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
25 is attending the private school under s. 119.23 to the 5th grade, and may not promote

5-15:5 ✓

1 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
2 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
3 body's policy under subd. 1.

4 **SECTION 11.** 118.40 (2r) (c) 1. of the statutes is amended to read:

5 118.40 (2r) (c) 1. ~~Only pupils~~ Pupils who reside ~~in~~ outside the school district  
6 in which a charter school established under this subsection is located may attend the  
7 charter school only if there is space available after pupils who are residents of the  
8 school district and pupils described under subd. 2. are accommodated.

9 **SECTION 12.** 118.40 (2r) (c) 2. of the statutes is repealed and recreated to read:

10 118.40 (2r) (c) 2. If a private school participating in the program under s. 119.23  
11 is converted to a charter school under this subsection, a pupil who attended the  
12 private school and the pupil's siblings may attend the converted charter school even  
13 though the pupil or the sibling resides outside the school district in which the charter  
14 school is located.

15 **SECTION 13.** 118.40 (2r) (cm) of the statutes is amended to read:

16 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may  
17 establish or enter into a contract for the establishment of only one charter school  
18 under this subsection, which may not operate high school grades and which may not  
19 accommodate more than ~~400~~ 480 pupils.

20 **SECTION 14.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

21 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined  
22 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject  
23 to the same terms and enforcement provisions that apply to, an authority under  
24 subch. II of ch. 19.

6-24:1

SEC. RN. 119.23 (1) (a); 119.23 (1) (ar)

SEC. CR. 119.23 (1) (ag)

119.23 (1) (ag) "Instructional staff" has

the meaning given in the rule promulgated  
by the department under s. 121.02 (1) (a) 2.

G-24:2

~~Donna P. P. 6-1766~~

~~Norm Kenney~~

~~with Kenney group~~

~~sch to make program~~

SEC. CR. 119.23 (2)(a) 6.

119.23 (2)(a) 6: All instructional staff of the private school hold a license or permit to teach issued by the department.

SEC. CR. 119.23 (2)(a) 7.

119.23 (2)(a) 7. The private school has submitted a business plan to the state superintendent.

SEC. CR. 119.23 (4v)

119.23 (4v) The department may withhold payment under subs. (4) and (4m) if a private school fails to comply with any of the requirements <sup>of</sup> this section.

6-24:3

SEC. RN. 119.23 (2)(b); 119.23(2)(b)1.

SEC. CR; 119.23 (2)(b)2.

119.23 (2)(b)2. No more than 50 percent of a private school's enrollment may consist of pupils attending the private school under this section.

(4v)

SEC. CR; 119.23 (4v)

119.23 (4v) The department may withhold payment under subs. (4) or (4m) if a private school fails to comply with any of the <sup>violates</sup> requirements of this section.

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Section #. 119.23 (7) (a) (intro.) of the statutes is amended to read:

119.23 (7) (a) (intro.) Each private school participating in the program under this section shall meet at least ~~one~~<sup>3</sup> of the following standards:

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33.

and annually submit to the department a report describing the school's status with respect to the 4th standard

section ceases to attend a private school under this section, the lower income limit under this paragraph applies unless the pupil is a sibling of a pupil attending a private school under this section.

**SECTION 17.** 119.23 (2) (a) 2. of the statutes is repealed.

**SECTION 18.** 119.23 (2) (a) 3. of the statutes is renumbered 119.23 (2) (c).

**SECTION 19.** 119.23 (2) (a) 4. of the statutes is renumbered 119.23 (2) (d).

**SECTION 20.** 119.23 (2) (a) 5. of the statutes is renumbered 119.23 (2) (e).

**SECTION 21.** 119.23 (2) (b) of the statutes is repealed.

**SECTION 22.** 119.23 (2) (f) of the statutes is created to read:

119.23 (2) (f) The private school has submitted a business plan to the state superintendent.

**SECTION 23.** 119.23 (4r) of the statutes is created to read:

119.23 (4r) The department may withhold payment under subs. (4) and (4m) if a private school fails to comply with any of the requirements under this section.

**SECTION 24.** 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (d) 4. and amended to read:

119.23 (7) (d) 4. ~~Each private school participating in the program under this section is subject to~~ Comply with uniform financial accounting standards established by the department and annually shall submit to the department an independent financial audit of the private school conducted by a certified public accountant.

**SECTION 25.** 119.23 (7) (d) of the statutes is created to read:

119.23 (7) (d) The governing body of each private school participating in the program under this section shall do all of the following:

1. Permit public inspection and copying of any record, as defined in s. 19.32 (2), of the private school to the same extent as is required of, and subject to the same

8-2:3

Section #. 119.23 (7) (b) of the statutes is amended to read:

119.23 (7) (b) The state superintendent shall monitor the performance of the pupils attending private schools under this section. If the state superintendent determines in any school year that the private school is not meeting at least ~~one~~<sup>3</sup> of the standards under par. (a), that private school may not participate in the program under this section in the following school year.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33.

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1 section ceases to attend a private school under this section, the lower income limit  
 2 under this paragraph applies unless the pupil is a sibling of a pupil attending a  
 3 private school under this section.

4 SECTION 17. 119.23 (2) (a) 2. of the statutes is repealed.

5 SECTION 18. 119.23 (2) (a) 3. of the statutes is renumbered 119.23 (2) (c).

6 SECTION 19. 119.23 (2) (a) 4. of the statutes is renumbered 119.23 (2) (d).

7 SECTION 20. 119.23 (2) (a) 5. of the statutes is renumbered 119.23 (2) (e).

8 SECTION 21. 119.23 (2) (b) of the statutes is repealed.

9 SECTION 22. 119.23 (2) (f) of the statutes is created to read:

10 119.23 (2) (f) The private school has submitted a business plan to the state  
 11 superintendent.

12 SECTION 23. 119.23 (4r) of the statutes is created to read:

13 119.23 (4r) The department may withhold payment under subs. (4) and (4m)  
 14 if a private school fails to comply with any of the requirements under this section.

15 SECTION 24. 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (d) 4. and  
 16 amended to read:

17 119.23 (7) (d) 4. ~~Each private school participating in the program under this~~  
 18 ~~section is subject to~~ Comply with uniform financial accounting standards established  
 19 by the department and annually shall submit to the department an independent  
 20 financial audit of the private school conducted by a certified public accountant.

21 SECTION 25. 119.23 (7) (d) of the statutes is created to read:

22 119.23 (7) (d) The governing body of each private school participating in the  
 23 program under this section shall do all of the following:

- 24 1. Permit public inspection and copying of any record, as defined in s. 19.32 (2),  
 25 of the private school to the same extent as is required of, and subject to the same

8-18:2

1 terms and enforcement provisions that apply to, an authority under subch. II of ch.  
2 19.

3 2. Provide public access to its meetings to the same extent as is required of, and  
4 subject to the same terms and enforcement provisions that apply to, a governmental  
5 body under subch. V of ch. 19.

6 3. Administer to the pupils attending the 3rd grade in the private school under  
7 this section a standardized reading test developed by the department.

8 5. Annually by August 1, provide the department with a copy of a certificate  
9 of occupancy for the school obtained from an inspector approved by the department  
10 of commerce.

11 **SECTION 26.** 119.23 (10) and (11) of the statutes are created to read:

12 119.23 (10) (a) No person may be employed in a private school participating in  
13 the program under this section if the person would be required to hold a license or  
14 permit issued by the department if he or she were employed in a public school and  
15 the person, within the immediately preceding 6 years, has been convicted of any  
16 Class A, B, C, or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of  
17 an equivalent crime in another state or country, for a violation that occurs on or after  
18 the effective date of this paragraph .... [revisor inserts date], or any Class E, F, G, or  
19 H felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that  
20 occurs on or after the effective date of this paragraph .... [revisor inserts date]. The  
21 person may be employed only if the person establishes by clear and convincing  
22 evidence that he or she is entitled to be employed.

23 (b) Notwithstanding par. (a), a person convicted of a crime described under par.  
24 (a) may be employed prior to the expiration of the 6-year period following the  
25 conviction if the conviction is reversed, set aside, or vacated.

:KMG:

(DN)

The assessment ~~are~~ provisions of  
This draft ~~includes the~~ <sup>from</sup> ~~request~~ federal  
Instead of ~~applying~~ making the No Child

left Behind Act applicable to the choice  
schools, this draft requires the choice  
schools to administer the same assessments

that public and charter schools are currently  
required to administer <sup>under state law.</sup> See. ~~ss. 118.30~~

the change to ss. 118.30. Similarly, the draft  
requires choice schools to employ licensed teachers, so I did

I did not include several other

provisions ~~or~~ from the No Child Left Behind Act

~~as requested~~, because I could not determine

how to make them applicable to the

choice schools. For example, the federal act  
requires <sup>that</sup> various ~~corrective~~ corrective actions be taken  
if a public school

(insert  
DN1)

fails to make "adequate yearly progress."

Some of these corrective actions (e.g., reopening as a charter school, replacing all or most school staff, or would be extremely to apply ~~to apply~~ to private schools.

difficult, if not impossible,

turning<sup>r</sup> operation of the school over to the state education agency)

If you have questions or need more information please let me know.

PE

DN1 ✓

not require them ~~to~~ to employ only  
"highly qualified" teachers, <sup>which</sup> ~~of~~ the federal act  
requires of public schools.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3574/1dn  
PG:kmg:rs

November 20, 2003

Instead of making the assessment provisions of the federal No Child Left Behind Act applicable to the choice schools, this draft requires the choice schools to administer the same assessments that public and charter schools are currently required to administer under state law. See the changes to s. 118.30. Similarly, the draft requires choice schools to employ licensed teachers, so I did not require them to employ only "highly qualified" teachers, which the federal act requires of public schools.

I did not include several other provisions from the No Child Left Behind Act because I could not determine how to make them applicable to the choice schools. For example, the federal act requires that various corrective actions be taken if a public school fails to make "adequate yearly progress."

Some of these corrective actions (e.g., reopening as a charter school, replacing all or most school staff, or turning operation of the school over to the state education agency) would be extremely difficult, if not impossible, to apply to private schools.

If you have questions or need more information please let me know.

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

ijf

Today

2003 BILL

reger

1 AN ACT *to renumber* 119.23 (1) (a) and 119.23 (2) (b); *to renumber and amend*  
 2 118.165 (1) (c), 119.23 (7) (am) and 119.23 (7) (c); *to amend* 118.13 (2) (b), 118.13  
 3 (3) (a) 3., 118.13 (3) (b) 1., 118.13 (3) (b) 2., 118.13 (4), 118.30 (1g) (a) 1., 118.30  
 4 (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6), 118.33 (1) (f) 3., 119.23 (7) (a) (intro.)  
 5 and 119.23 (7) (b); and *to create* 118.13 (1m), 118.13 (2) (am), 118.165 (1) (c) 2.,  
 6 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b) 5., 118.33 (1) (f) 2m., 118.33 (6) (c),  
 7 119.23 (1) (ag), 119.23 (2) (a) 6., 119.23 (2) (a) 7., 119.23 (2) (b) 2., 119.23 (4v),  
 8 119.23 (6m), 119.23 (7) (d), 119.23 (7m) (b) to (d) and 119.23 (10) of the statutes;  
 9 **relating to:** the Milwaukee Parental Choice Program and providing a penalty.

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

This bill makes a number of changes in the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions. The changes include the following:

***Private school requirements***

Currently, in order to qualify as a private school under the law, an institution's educational program must provide at least 875 hours of instruction each school year.

**BILL**

This bill provides that if the program offers kindergarten it must provide at least 437 hours of instruction in kindergarten each school year.

The bill also provides that upon request of the Department of Public Instruction (DPI), which administers the MPCP, a private school must demonstrate to DPI's satisfaction that the private school's educational program meets all of the statutory criteria to be a private school. In addition to offering a specified number of hours of instruction each school year (as mentioned above), current law requires all of the following:

1. That the primary purpose of the educational program be to provide private or religious based instruction.
2. That the program be privately controlled.
3. That the program provide a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science, and health.
4. That the program not be operated for the purpose of circumventing the compulsory school attendance law.
5. That the pupils in the program return annually to the homes of their parents or guardians for at least two months of summer vacation, or that the institution be licensed as a child welfare agency by the Department of Health and Family Services.

***Licensure of instructional staff***

Under current law, each school board and the governing body of each independent charter school (a charter school established by or under contract with the city of Milwaukee, the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, or the Milwaukee Area Technical College) must ensure that all teachers hold a license or permit issued by DPI. This bill extends this requirement to private schools participating in the MPCP.

***Standards and school requirements***

Current law requires each private school participating in the MPCP to meet at least one of the following standards:

1. At least 70 percent of the pupils in the program must advance one grade level each year.
2. The private school's average attendance rate for pupils in the program must be at least 90 percent.
3. At least 80 percent of the pupils in the program must demonstrate significant academic progress.
4. At least 70 percent of the families of pupils in the program must meet parent-involvement criteria established by the private school.

This bill requires each private school participating in the program to meet at least three of the above standards.

The bill also requires each private school participating in the program to submit a business plan to DPI and annually to submit to DPI a certificate of occupancy for the school. The bill provides that the required annual independent financial audit of the private school must be conducted by a certified public accountant.

and to annually submit to <sup>DPI</sup> DPI a report describing the school's status with respect to the fourth standard

**BILL*****Pupil assessments***

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998, and to administer fourth, eighth, and tenth grade examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than independent charter schools) located in the school district. Identical provisions exist under current law for independent charter schools.

Under current law, the fourth, eighth, and tenth grade examinations are not required to be administered to pupils participating in the MPCP.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer fourth, eighth, and tenth grade examinations to pupils enrolled in the private school. The governing body may either adopt the DPI examinations or develop its own.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

***High school diplomas; grade promotion***

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria.

This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

***Religious activities***

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

This bill requires each private school participating in the MPCP to adopt a policy implementing the requirement described above. The private school must include in the policy a list of the school activities that it has determined are religious activities for the purpose of the exemption requirement. The list must include religious worship, religious instruction, and any school activity that the private school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

**BILL**

The bill requires each MPCP school to provide a copy of its policy to each person who expresses an interest in attending the private school under the program and annually to DPI.

The bill directs each MPCP school to ensure that a pupil who is exempt from participating in a religious activity is not present in the room in which the activity occurs. The bill also directs each MPCP school to provide a pupil who is exempt from religious activities with a sufficient number of hours of instruction to meet the statutory requirement for all private schools (at least 875 hours of instruction each school year) and to enable the pupil to advance from grade to grade.

***Nondiscrimination***

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

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

***Limitation ~~withholding payment~~ on enrollment*** (b)

The bill provides that no more than 65 percent of a private school's enrollment may consist of MPCP pupils.

The bill authorizes DPI to withhold state payment from the parents of an MPCP pupil (and thus from the private school) if the school violates any of the laws relating to the MPCP.

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

1

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

**BILL**

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

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

9           118.13 (2) (am) Each private school participating in the program under s.  
10 119.23 shall develop written policies and procedures to implement this section and  
11 submit them to the state superintendent. The policies and procedures shall provide  
12 for receiving and investigating complaints regarding possible violations of this  
13 section, for making determinations as to whether this section has been violated, and  
14 for ensuring compliance with this section.

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

16           118.13 (2) (b) Any person who receives a negative determination under par. (a)  
17 or (am) may appeal the determination to the state superintendent.

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

19           118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
20 (d) information on the ~~status of school district~~ compliance of school districts and  
21 private schools with this section and ~~school district~~ the progress made toward  
22 providing reasonable equality of educational opportunity for all pupils in this state.

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

**BILL**

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

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

5           118.13 (3) (b) 2. Assist school boards and private schools to comply with this  
6 section by providing information and technical assistance upon request.

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

8           118.13 (4) Any public school or private school official, employee or teacher who  
9 intentionally engages in conduct which discriminates against a person or causes a  
10 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may  
11 be required to forfeit not more than \$1,000.

12           **SECTION 8.** 118.165 (1) (c) of the statutes is renumbered 118.165 (1) (c) 1. and  
13 amended to read:

14           118.165 (1) (c) 1. ~~The~~ Except as provided in subd. 2., the program provides at  
15 least 875 hours of instruction each school year.

16           **SECTION 9.** 118.165 (1) (c) 2. of the statutes is created to read:

17           118.165 (1) (c) 2. If the program offers kindergarten, it provides at least 437  
18 hours of instruction in kindergarten each school year.

19           **SECTION 10.** 118.30 (1g) (a) 1. of the statutes is amended to read:

20           118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
21 academic standards in mathematics, science, reading and writing, geography, and  
22 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
23 standards issued by the governor as an executive order under s. 14.23, ~~the school~~  
24 ~~board may adopt these standards no. 326, dated January 13, 1998.~~

25           **SECTION 11.** 118.30 (1g) (a) 3. of the statutes is created to read:

**BILL**

1           118.30 (1g) (a) 3. The governing body of each private school participating in the  
2 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
3 science, reading and writing, geography, and history. The governing body of the  
4 private school may adopt the pupil academic standards issued by the governor as  
5 executive order no. 326, dated January 13, 1998.

6           **SECTION 12.** 118.30 (1g) (c) of the statutes is amended to read:

7           118.30 (1g) (c) Each school board operating elementary grades ~~and~~, each  
8 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and  
9 the governing body of each private school participating in the program under s.  
10 119.23 that operates elementary grades may develop or adopt its own examination  
11 designed to measure pupil attainment of knowledge and concepts in the 4th grade  
12 and may develop or adopt its own examination designed to measure pupil attainment  
13 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the  
14 charter school, or governing body of the private school develops or adopts an  
15 examination under this paragraph, it shall notify the department.

16           **SECTION 13.** 118.30 (1s) of the statutes is created to read:

17           118.30 (1s) Annually the governing body of each private school participating  
18 in the program under s. 119.23 shall do all of the following:

19           (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
20 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
21 attending the 4th grade in the private school under s. 119.23.

22           2. If the governing body of the private school has developed or adopted its own  
23 4th grade examination, administer that examination to all pupils attending the 4th  
24 grade in the private school under s. 119.23.

**BILL**

1 (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
2 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
3 attending the 8th grade in the private school under s. 119.23.

4 2. If the governing body of the private school has developed or adopted its own  
5 8th grade examination, administer that examination to all pupils attending the 8th  
6 grade in the private school under s. 119.23.

7 (b) Administer the 10th grade examination to all pupils attending the 10th  
8 grade in the private school under s. 119.23.

9 **SECTION 14.** 118.30 (2) (b) <sup>✓</sup>1. and 2. of the statutes are amended to read:

10 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
11 subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40  
12 (2r), or governing body of the private school participating in the program under s.  
13 119.23 shall comply with s. 115.77 (1m) (bg).

14 2. According to criteria established by the state superintendent by rule, the  
15 school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body  
16 of the private school participating in the program under s. 119.23 may determine not  
17 to administer an examination under this section to a limited-English speaking  
18 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
19 her native language or may modify the format and administration of an examination  
20 for such pupils.

21 **SECTION 15.** 118.30 (2) (b) <sup>✓</sup>5. of the statutes is created to read:

22 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
23 body of a private school participating in the program under s. 119.23 shall excuse the  
24 pupil from taking an examination administered under sub. (1s).

25 **SECTION 16.** 118.30 (6) <sup>✓</sup> of the statutes is amended to read:

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1           118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40  
2           (2r), and the governing body of a private school participating in the program under  
3           s. 119.23 is not required to administer the 4th and 8th grade examinations adopted  
4           or approved by the state superintendent under sub. (1) if the school board ~~or~~, the  
5           operator of the charter school, or the governing body of the private school administers  
6           its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter  
7           school, or governing body of the private school provides the state superintendent  
8           with statistical correlations of those examinations with the examinations adopted or  
9           approved by the state superintendent under sub. (1), and the federal department of  
10          education approves.

11           **SECTION 17.** 118.33 (1) (f) <sup>✓</sup>2m. of the statutes is created to read:

12           118.33 (1) (f) 2m. The governing body of each private school participating in the  
13           program under s. 119.23 shall develop a policy specifying criteria for granting a high  
14           school diploma to pupils attending the private school under s. 119.23. The criteria  
15           shall include the pupil's academic performance and the recommendations of  
16           teachers.

17           **SECTION 18.** 118.33 (1) (f) <sup>✓</sup>3. of the statutes is amended to read:

18           118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
19           operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
20           any pupil unless the pupil has satisfied the criteria specified in the school board's or  
21           charter school's policy under subd. 1. or 2. Beginning on September 1, 2005, the  
22           governing body of a private school participating in the program under s. 119.23 may  
23           not grant a high school diploma to any pupil attending the private school under s.  
24           119.23 unless the pupil has satisfied the criteria specified in the governing body's  
25           policy under subd. 2m.

**BILL****SECTION 19**

1           **SECTION 19.** 118.33 (6) (c)<sup>✓</sup> of the statutes is created to read:

2           118.33 (6) (c) 1. The governing body of each private school participating in the  
3 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
4 a pupil who is attending the private school under s. 119.23 from the 4th grade to the  
5 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
6 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless  
7 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the  
8 pupil's academic performance; the recommendations of teachers, which shall be  
9 based solely on the pupil's academic performance; and any other academic criteria  
10 specified by the governing body of the private school.

11           2. Beginning on September 1, 2005, the governing body of a private school  
12 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
13 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
14 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
15 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
16 body's policy under subd. 1.

17           ~~**SECTION 20.** 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ar).~~

18           ~~**SECTION 21.** 119.23 (1) (ag) of the statutes is created to read:~~

19           ~~119.23 (1) (ag) "Instructional staff" has the meaning given in the rules  
20 promulgated by the department under s. 121.02 (1) (a) 2.~~

21           ~~**SECTION 22.** 119.23 (2) (a) 6. of the statutes is created to read:~~

22           ~~119.23 (2) (a) 6. All instructional staff of the private school hold a license or  
23 permit to teach issued by the department.~~

24           ~~**SECTION 23.** 119.23 (2) (a) 7. of the statutes is created to read:~~

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1 ~~119.23 (2) (a) 7. The private school has submitted a business plan to the state~~  
2 ~~superintendent.~~

3 SECTION ~~24~~<sup>#</sup>. 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) 1.

4 SECTION ~~25~~<sup>#</sup>. 119.23 (2) (b) 2. of the statutes is created to read:

5 119.23 (2) (b) 2. No more than 65 percent of a private school's enrollment may  
6 consist of pupils attending the private school under this section.

7 SECTION 26. ~~119.23 (4v)~~ of the statutes is created to read:

8 119.23 (4v) The department may withhold payment under subs. (4) and (4m)  
9 if a private school violates this section.

10 SECTION ~~27~~<sup>#</sup>. 119.23 (6m) of the statutes is created to read:

11 119.23 (6m) Each private school participating in the program under this  
12 section shall do all of the following:

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

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

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

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

23 4. A statement that the private school agrees to permit public inspection and  
24 copying of any record, as defined in s. 19.32 (2), of the private school to the same

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1 extent as required of, and subject to the same terms and enforcement provisions that  
2 apply to, an authority under subch. II of ch. 19.

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

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

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

14 SECTION ~~28~~<sup>#</sup> 119.23 (7) (a) (intro.) of the statutes is amended to read:

15 119.23 (7) (a) (intro.) Each private school participating in the program under  
16 this section shall meet at least ~~one~~ 3 of the following standards and annually submit  
17 to the department a report describing the school's status with respect to the 4th  
18 standard:

19 SECTION ~~29~~<sup>#</sup> 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (d) 4. and  
20 amended to read:

21 119.23 (7) (d) 4. ~~Each private school participating in the program under this~~  
22 ~~section is subject to~~ Comply with uniform financial accounting standards established  
23 by the department and annually ~~shall~~ submit to the department an independent  
24 financial audit of the private school ~~conducted by a certified public accountant.~~

25 SECTION ~~30~~<sup>#</sup> 119.23 (7) (b) of the statutes is amended to read:

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1           119.23 (7) (b) The state superintendent shall monitor the performance of the  
2 pupils attending private schools under this section. If the state superintendent  
3 determines in any school year that the private school is not meeting at least ~~one~~ 3  
4 of the standards under par. (a), that private school may not participate in the  
5 program under this section in the following school year.

6           ~~SECTION 31.~~ 119.23 (7) (c) <sup>✓</sup> of the statutes is renumbered 119.23 (7m) (a) and  
7 amended to read:

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

14           ~~SECTION 32.~~ 119.23 (7) (d) <sup>✓</sup> of the statutes is created to read:

15           119.23 (7) (d) The governing body of each private school participating in the  
16 program under this section shall do all of the following:

17           1. Permit public inspection and copying of any record, as defined in s. 19.32 (2),  
18 of the private school to the same extent as is required of, and subject to the same  
19 terms and enforcement provisions that apply to, an authority under subch. II of ch.  
20 19.

21           2. Provide public access to its meetings to the same extent as is required of, and  
22 subject to the same terms and enforcement provisions that apply to, a governmental  
23 body under subch. V of ch. 19.

24           3. Administer to the pupils attending the 3rd grade in the private school under  
25 this section a standardized reading test developed by the department.

**BILL****SECTION 32**

1 5. Annually by August 1, provide the department with a copy of a certificate  
2 of occupancy for the school obtained from an inspector approved by the department  
3 of commerce.

4 SECTION ~~33~~<sup>33</sup>. 119.23 (7m) (b) to (d) of the statutes are created to read:

5 119.23 (7m) (b) Each private school participating in the program under this  
6 section shall adopt a policy implementing par. (a) and provide a copy of the policy to  
7 each person who expresses an interest in attending the private school under this  
8 section and annually to the department with the notice under sub. (2) (a) 3. The  
9 private school shall include in the policy a list of the school activities that it has  
10 determined are religious activities for the purpose of par. (a). The list shall include  
11 religious worship, religious instruction, and any school activity that the private  
12 school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

13 (c) Each private school participating in the program under this section shall  
14 provide a pupil who is exempt from one or more religious activities under par. (a) with  
15 a sufficient number of hours of instruction to meet the requirement under s. 118.165  
16 (1) (c) and to enable the pupil to advance from grade to grade in the private school.

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

20 SECTION ~~34~~<sup>34</sup>. 119.23 (10) <sup>✓</sup> of the statutes is created to read:

21 119.23 (10) Upon the department's request, a private school that has notified  
22 the department of its intent to participate, or that is participating, in the program  
23 under this section shall demonstrate to the department's satisfaction that its  
24 educational program meets all of the criteria under s. 118.165 (1). The department  
25 may require the private school to submit documents for that purpose, including a

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1 school calendar, a daily schedule indicating the school's hours of instruction, and  
2 evidence showing that the school's educational program provides a sequentially  
3 progressive curriculum of fundamental instruction in the subjects specified in s.  
4 118.165 (1) (d).

5 **SECTION 35. Initial applicability.**

6 (1) Except as provided in subsection (2), this act first applies to private schools  
7 participating in the program under section 119.23 of the statutes, and to pupils who  
8 attend a private school under section 119.23 of the statutes, in the 2004-05 school  
9 year.

10 (2) The treatment of sections 118.13 (1m) and 119.23 (6m) (a) and (7m) (b) of  
11 the statutes first applies to persons who apply to attend a private school under  
12 section 119.23 of the statutes in the 2004-05 school year.

13 (END)

**Emery, Lynn**

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**From:** George, Mary Beth  
**Sent:** Friday, February 13, 2004 4:36 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-3574/2 Topic: MPCP: testing, licensing, accountability, etc.

*It has been requested by <George, Mary Beth> that the following draft be jacketed for the ASSEMBLY:*

*Draft review: LRB 03-3574/2 Topic: MPCP: testing, licensing, accountability, etc.*