

2003 DRAFTING REQUEST

Bill

Received: 02/24/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Administration

By/Representing: Paul Ziegler

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters: dkennedy

Subject: Health - public health
Education - MPS
Education - school boards
Education - charter schools
Education - state superintendent

Extra Copies: MJL

Submit via email: YES

Requester's email: paul.ziegler@doa.state.wi.us

Carbon copy (CC:) to: bob.hanle@doa.state.wi.us
steve.milioto@doa.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Public Schools package

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	pgrant						S&L

For Sen. Moore

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/27/2004			_____			
/P2	pgrant 03/02/2004	csicilia 03/03/2004	chaugen 03/01/2004	_____			S&L
/1	pgrant 03/04/2004	csicilia 03/05/2004	rschluet 03/03/2004	_____	sbasford 03/03/2004		S&L
/2	pgrant 03/05/2004	chanaman 03/07/2004	jfrantze 03/05/2004	_____	sbasford 03/05/2004		S&L
/3			jfrantze 03/08/2004	_____	Inorthro 03/08/2004	Inorthro 03/08/2004	

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/P1	pgrant			_____		<i>Jacket for Sen Moore per PG</i>	S&L

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/P1	pgrant			<i>JZ</i>			S&L

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/P1	pgrant						S&L

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Pre Topic:

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Topic:

Milwaukee Public Schools package

Instructions:

See Attached *Compile -0289/2, 20030/en, -3979/2, -2953/en, and -3125/en*

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1?	pgrant	1 gjs 3/3 04	<i>Manually Compiled 2-5 en</i>	<i>OK 2-1 pb</i>			

FE Sent For:

Typed 3-1 en
<END>
3 3 4



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

JAMES E. DOYLE
GOVERNOR

MARC J. MAROTTA
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: February 24, 2004

To: Peter Grant, Managing Attorney
Legislative Reference Bureau

From: Paul Ziegler, Policy and Budget Analyst
State Budget Office, DOA

Subject: Drafting request

Please have the attached Milwaukee Schools Package drafted as separate legislation for this floor period.

Please contact me at 266-5468 or at paul.ziegler@doa.state.wi.us with any questions.

For items 1, 2 and 7 of the package, regarding SAGE and "No Child Left Behind", Steve Milioto may be contacted at 266-1103 (steve.milioto@doa.state.wi.us).

Thank you.

**MILWAUKEE SCHOOLS PACKAGE
DRAFTING REQUEST
FEBRUARY 24, 2004**

1. Increase SAGE funding by 25%, and \$500 per pupil.

Beginning in FY05, increase payments under the SAGE program from \$2,000 to \$2,500 per student. Also, increase the appropriation under s.20.255(2)(cu) by \$23,757,400 in FY05 (increasing the appropriation from \$90,260,600 to \$114,048,000) to provide a 25% increase in the total funds available under the sum of the SAGE and SAGE supplement appropriations.

2. Allow districts to administer SAGE on a district-wide basis, rather than a school-by-school basis. (This will allow districts like MPS to recoup, through their Central Office, any unexpended funds within a school and redistribute them by need, rather than allowing individual schools to retain the unexpended monies. This may permit districts like MPS to fund shortfalls, or, if none exist, to hire additional teaching staff where needed.)
3. Amend the Neighborhood Schools statute that requires MPS to meet 100% compliance with a voluntary parental signature form stipulating that, if they are busing their child, they are doing so voluntarily. The compliance rate was initially set at a lower level, and has been incrementally increased in the years following the adoption of the NSI plan. MPS states that it is statistically impossible to reach the 100% compliance standard, and the consequences of failing to meet this standard are a loss in state aid. MPS requests that the statutory compliance level be set at its current level of 95%.
4. Incorporate provisions of AB 772, Representative Richard's bill to extend free liability coverage for those health care professionals who volunteer their services in public elementary and secondary schools. -0289 ✓
5. Incorporate the provisions of 2003 AB 126, but require mandatory testing of all students, rather than permissive. -2047 ✓
50033 ✓

AB 126 directs the LAB to conduct a study of the Choice Program. Include the enrolled version of 2003 AB 126 amended as follows:

- Require that the study use the results of the tests to be required by all Choice students, (as required in item #6 below), and
- Explicitly require the study to cover all students at all Choice schools.

6. Incorporate the provisions of the Sinicki/Grobschmidt choice accountability bill, 1999 SB 475. Representative Sinicki's proposal would require the testing of MPCP students using the Wisconsin Knowledge and Concepts Exams (WKCE) in 4th, 8th, and 10th grades, the 3rd grade reading test, and any tests given to MPS students under the No Child Left Behind law. (These tests will begin in the 2005-06 school year and are required for all students in grades 3-8.) Further, Rep. Sinicki's bill would require MPCP schools to operate under the same non-discrimination standards as public schools, would prohibit automatic graduation 2005 ✓

and promotion, and would require MPCP schools to comply with open meetings and public records laws, as public schools must.

7. Require all MPCP schools to abide by the accountability standards included in No Child Left Behind.
8. Incorporate provisions Senate Bill 363.

Analysis of SB 363 by the Legislative Reference Bureau

This bill makes a number of changes to the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in the city at state expense. The changes include the following:

1. The bill requires a private school participating in the MPCP annually to conduct a criminal background check on all persons employed as instructional staff.
2. With certain exceptions, the bill prohibits a private school participating in the MPCP from employing a person who has been convicted of any of the specified felonies for six years following the conviction.
3. The bill requires a private school to submit to the Department of Public Instruction (DPI), before the school begins participating in the MPCP, a copy of the school's certificate of occupancy issued by the city of Milwaukee, evidence of financial viability, and proof that the administrator of the school participated in a fiscal management training program approved by DPI. Annually, a private school participating in the MPCP must submit to DPI evidence of sound fiscal practices.
4. The bill authorizes DPI to issue an order banning a private school from participating in the MPCP in the succeeding school year if DPI determines that the private school misrepresented information provided to DPI, failed to provide certain information to DPI by the date or within the period required, failed to refund overpayments to the state by the date required, or failed to meet at least one of the currently required academic or other standards by the required date.
5. The bill authorizes DPI to issue an order immediately terminating a private school's participation in the MPCP if DPI determines that conditions at the private school present an imminent danger to the health or safety of pupils or that the private school failed to provide certain information to DPI by the date or within the period required.
6. Finally, the bill authorizes DPI to withhold payment from a private school participating in the MPCP if the private school violates any law or administrative rule governing the MPCP.

9. Incorporate the provisions of enrolled 2003 AB 472.

Under current law, a pupil's family income must not exceed 175% of the federal poverty level for the pupil to participate in the Milwaukee Parental Choice Program. Under enrolled AB472, a pupil who met this income standard for initial entry to the program may continue in the Choice Program so long as the income of the pupil's family does not exceed 220% of the federal poverty level (FPL). Enrolled AB472 also allows a pupil to enter the Choice Program if the income of the pupil's family is over 175% but below 220% of the FPL if the pupil has a sibling participating in the program. If a pupil leaves the program under the bill, the initial 175% threshold applies for reentry unless the pupil has a sibling in the program. The bill first applies to the 2004-05 school year.

10. Eliminate all prior-year enrollment requirements for MPCP schools. The requirement that a student must reside within the MPS district is not affected by this change.

Under current law, a pupil may participate in the Choice Program only if in the prior year, the pupil was enrolled in MPS, attended a private school under the Choice Program,

- 3779

- 2953 en

enrolled in grades K-3 in a private school in the City of Milwaukee or was not enrolled in school.

11. Raise the cap on Choice students from 15% to 15.5% of MPS enrollment.
12. Eliminate all prior year enrollment requirements for 2(r) charter schools. The requirement that a student must live in the MPS/Racine districts is not affected by this change.

Eliminate the current law requirement that pupils attending Milwaukee charter schools under this program must in the previous school year have been: (a) enrolled in MPS; (b) attending a Milwaukee choice school; (c) enrolled in a non-choice private school in the City of Milwaukee in grades kindergarten to three; (d) not enrolled in school; or (e) enrolled in school under Milwaukee and Racine charter school program.

13. Incorporate provisions of 2003 AB 503, which would raise the statutory cap to 480 students to allow for growth through eighth grade.

Current law limits the enrollment at the UW – Parkside charter school to 400 students. AB503 increases the enrollment limit to 480 students beginning in the 2004-05 school year.

14. Grandfather children who attend an MPCP school that converts to a charter school and their siblings. (Woodlands, Marva Collins, and D.L. Hines would be included in this provision.)
15. Place a moratorium on the expansion of charter schools under the 2r law. UWM, the City of Milwaukee, and MATC would maintain the schools that they have already chartered, but would be precluded from establishing new schools at this time.

-3125 ch ✓✓

Grant, Peter

From: Ziegler, Paul
Sent: Wednesday, February 25, 2004 4:14 PM
To: Grant, Peter
Subject: Milwaukee Schools draft

Peter -- Please add the nondiscrimination portion of Rep. Sinicki's new bill (AB855) to the Milwaukee Schools draft.

Thank you.

Paul

~~5. AB 126 as enrolled~~
~~revised by go.~~
~~ABA1 as enrolled~~
~~ABA2 adopted as A~~
~~5630~~

~~5631 adopted~~

included in compile

14. AB 772 w/ analysis

5. AB 126 as enrolled NO analysis

8. SB 363 w/ analysis.

9. AB 472 as enrolled NO analysis.

13. AB 503 as enrolled NO analysis.

2003 ASSEMBLY BILL 772

January 28, 2004 - Introduced by Representatives RICHARDS, UNDERHEIM, SINICKI, BERCEAU, GIELOW, HINES, JESKEWITZ, KRUG, J. LEHMAN, MILLER, PLOUFF, POPE-ROBERTS, SHILLING, STASKUNAS, TAYLOR and TURNER, cosponsored by Senators PLALE, CARPENTER and MOORE. Referred to Committee on Education Reform.

1 **AN ACT** *to renumber* 895.48 (1m); *to renumber and amend* 146.89 (1); *to*
2 *amend* 146.89 (2) (a), 146.89 (2) (c), 146.89 (2) (d), 146.89 (3) (b) (intro.), 146.89
3 (3) (c) and 146.89 (3) (d) (intro.); and *to create* 146.89 (1) (d), 146.89 (1) (g),
4 146.89 (1) (h), 146.89 (3m) and 895.48 (1m) (b) of the statutes; **relating to:**
5 expanding the Volunteer Health Care Provider Program to include provision of
6 services to students from 4-year-old kindergarten to grade 6 in public
7 elementary schools, charter schools, and private schools that participate in the
8 Milwaukee Parental Choice Program.

Analysis by the Legislative Reference Bureau

Under current law, if the Department of Administration (DOA) has approved a joint application of a health care provider and a nonprofit agency, the health care provider acting within the scope of his or her licensure or certification may provide, without charge to low-income, uninsured persons at the agency, diagnostic tests, health education, office visits, patient advocacy, prescriptions, information about available health care resources, referrals to health care specialists, and, for dentists, simple tooth extractions and necessary related suturing. The health care provider, for the provision of these services, is a state agent of the Department of Health and Family Services; as such, for a civil action arising out of an act committed in the

ASSEMBLY BILL 772

lawful course of the health care provider's duties, certain time limitations for filing the action apply, legal counsel is provided to the health care provider, judgments against the health care provider are paid by the state, and amounts recoverable are capped at \$250,000.

This bill expands the Volunteer Health Care Provider Program to authorize provision of services, without charge, from four-year-old kindergarten to grade six in a public elementary school, a charter school, or a private school participating in the Milwaukee Parental Choice Program (MPCP), if DOA approves the joint application of a health care provider and a school board or the governing body of a charter school or a private school participating in MPCP. After providing to the school board or relevant governing body proof of satisfactory completion of any relevant competency requirements, the volunteer health care provider may provide without charge to students from four-year-old kindergarten to grade six of the school, regardless of income, diagnostic tests; health education; information about available health care resources; office visits; patient advocacy; referrals to health care specialists; first aid for illness or injury; in compliance with the written instructions of a pupil's parent or guardian, the administration of any drug, other than a contraceptive drug, that may lawfully be sold over the counter; health screenings; any other health care services designated by the Department of Public Instruction (DPI); and, for dentists, simple tooth extractions and necessary related suturing. However, the volunteer health care provider may not provide emergency medical services, hospitalization, or surgery, except as designated by DPI by rule, and may not provide abortion referrals, contraceptives, or pregnancy tests.

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.** 146.89 (1) of the statutes is renumbered 146.89 (1) (intro.) and
2 amended to read:

3 146.89 (1) (intro.) In this section, ~~“volunteer;~~

4 (r) “Volunteer health care provider” means an individual who is licensed as a
5 physician under ch. 448, dentist under ch. 447, registered nurse, practical nurse, or
6 nurse-midwife under ch. 441, optometrist under ch. 449, or physician assistant
7 under ch. 448 or certified as a dietitian under subch. V of ch. 448 and who receives
8 no income from the practice of that health care profession or who receives no income

ASSEMBLY BILL 772

1 from the practice of that health care profession when providing services at the
2 nonprofit agency or school specified under sub. (3).

3 **SECTION 2.** 146.89 (1) (d) of the statutes is created to read:

4 146.89 (1) (d) "Governing body" means the governing body of any of the
5 following:

6 1. A charter school, as defined in s. 115.001 (1).

7 2. A private school, as defined in s. 115.001 (3r), that participates in the
8 Milwaukee Parental Choice Program under s. 119.23.

9 **SECTION 3.** 146.89 (1) (g) of the statutes is created to read:

10 146.89 (1) (g) "School" means any of the following:

11 1. A public elementary school.

12 2. A charter school, as defined in s. 115.001 (1).

13 3. A private school, as defined in s. 115.001 (3r), that participates in the
14 Milwaukee Parental Choice Program under s. 119.23

15 **SECTION 4.** 146.89 (1) (h) of the statutes is created to read:

16 146.89 (1) (h) "School board" has the meaning given in s. 115.001 (7).

17 **SECTION 5.** 146.89 (2) (a) of the statutes is amended to read:

18 146.89 (2) (a) A volunteer health care provider may participate under this
19 section only if he or she submits a joint application with a nonprofit agency, school
20 board, or governing body to the department of administration and that department
21 approves the application. If the volunteer health care provider submits a joint
22 application with a school board or governing body, the application shall include a
23 statement by the school board or governing body that certifies that the volunteer
24 health care provider has received materials that specify school board or governing
25 body policies concerning the provision of health care services to students and has

ASSEMBLY BILL 772

1 agreed to comply with the policies. The department of administration shall provide
2 application forms for use under this paragraph.

3 **SECTION 6.** 146.89 (2) (c) of the statutes is amended to read:

4 146.89 (2) (c) The department of administration shall notify the volunteer
5 health care provider and the nonprofit agency, school board, or governing body of the
6 department's decision to approve or disapprove the application.

7 **SECTION 7.** 146.89 (2) (d) of the statutes is amended to read:

8 146.89 (2) (d) Approval of an application of a volunteer health care provider is
9 valid for one year. If a volunteer health care provider wishes to renew approval, he
10 or she shall submit a joint renewal application with a nonprofit agency, school board,
11 or governing body to the department of administration. The department of
12 administration shall provide renewal application forms that are developed by the
13 department of health and family services and that include questions about the
14 activities that the individual has undertaken as a volunteer health care provider in
15 the previous 12 months.

16 **SECTION 8.** 146.89 (3) (b) (intro.) of the statutes is amended to read:

17 146.89 (3) (b) (intro.) The Under this section, the nonprofit agency may provide
18 the following health care services:

19 **SECTION 9.** 146.89 (3) (c) of the statutes is amended to read:

20 146.89 (3) (c) The Under this section, the nonprofit agency may not provide
21 emergency medical services, hospitalization, or surgery, except as provided in par.
22 (b) 8.

23 **SECTION 10.** 146.89 (3) (d) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 772

1 146.89 (3) (d) (intro.) ~~The~~ Under this section, the nonprofit agency shall provide
2 health care services primarily to low-income persons who are uninsured and who are
3 not recipients of any of the following:

4 **SECTION 11.** 146.89 (3m) of the statutes is created to read:

5 146.89 (3m) All of the following apply to a volunteer health care provider whose
6 joint application with a school board or relevant governing body is approved under
7 sub. (2):

8 (a) Before providing health care services in a school, the volunteer health care
9 provider shall provide to the school board or relevant governing body proof of
10 satisfactory completion of any competency requirements that are relevant to the
11 volunteer health care provider, as specified by the department of public instruction
12 by rule.

13 (b) Under this section, the volunteer health care provider may provide only to
14 students from 4-year-old kindergarten to grade 6 the following health care services:

15 1. Except as specified in par. (c), the health care services specified in sub. (3)

16 (b) 1. to 5., 7., and 8.

17 2. First aid for illness or injury.

18 3. Except as specified in par. (c), the administration of drugs, as specified in s.
19 118.29 (2) (a) 1. to 3.

20 4. Health screenings.

21 5. Any other health care services designated by the department of public
22 instruction by rule.

23 (c) Under this section, the volunteer health care provider may not provide any
24 of the following:

25 1. Emergency medical services.

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 126**

1 **AN ACT** *to create* 119.23 (9) of the statutes; **relating to:** directing the Legislative
2 Audit Bureau to conduct a study of the Milwaukee Parental Choice Program.

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

3 **SECTION 1.** 119.23 (9) of the statutes is created to read:

4 119.23 (9) The legislative audit bureau shall conduct a longitudinal study, of
5 up to 12 years in length, of the program under this section if the bureau receives
6 sufficient moneys, other than general purpose revenue, for the study. The study shall
7 use standardized examinations used by the school district operating under this
8 chapter, and shall review graduation rates and other indicators of academic
9 achievement. The results of the study shall be submitted to the joint legislative audit
10 committee and to the appropriate standing committees of the legislature annually
11 over the 12-year period in the manner provided under s. 13.172 (3), with the first

1 report due by October 1, 2005, and with a comprehensive review and interim report
2 due by October 1, 2010.

3 **SECTION 2. Nonstatutory provisions.**

4 (1) LEGISLATIVE AUDIT BUREAU POSITIONS. The authorized FTE positions for the
5 legislative audit bureau, funded from the appropriation under section 20.765 (3) (g)
6 of the statutes, are increased by 3.0 PR positions to conduct the study under section
7 119.23 (9) of the statutes, as created by this act.

8 (END)

2003 SENATE BILL 363

December 30, 2003 - Introduced by Senators MOORE, JAUCH, CARPENTER, COGGS, ERPENBACH, HANSEN, ROBSON, CHVALA, DECKER, WIRCH, BRESKE, M. MEYER and PLALE, cosponsored by Representatives JESKEWITZ, HINES, SINICKI, MORRIS, COLON, TAYLOR, TURNER, CULLEN, J. LEHMAN, RICHARDS, ZEPNICK, POCAN, BERCEAU and MILLER. Referred to Committee on Education, Ethics and Elections.

1 **AN ACT to repeal** 119.23 (7) (b); **to renumber** 119.23 (1) (a); **to renumber and**
2 **amend** 119.23 (7) (am); and **to create** 119.23 (1) (am), 119.23 (7) (am) 2. and
3 3., 119.23 (7) (d), 119.23 (7) (e), 119.23 (10) and 119.23 (11) of the statutes;
4 **relating to:** the Milwaukee Parental Choice Program and granting
5 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in the city at state expense. The changes include the following:

1. The bill requires a private school participating in the MPCP annually to conduct a criminal background check on all persons employed as instructional staff.
2. With certain exceptions, the bill prohibits a private school participating in the MPCP from employing a person who has been convicted of any of the specified felonies for six years following the conviction.
3. The bill requires a private school to submit to the Department of Public Instruction (DPI), before the school begins participating in the MPCP, a copy of the school's certificate of occupancy issued by the city of Milwaukee, evidence of financial viability, and proof that the administrator of the school participated in a fiscal management training program approved by DPI. Annually, a private school participating in the MPCP must submit to DPI evidence of sound fiscal practices.

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4. The bill authorizes DPI to issue an order banning a private school from participating in the MPCP in the succeeding school year if DPI determines that the private school misrepresented information provided to DPI, failed to provide certain information to DPI by the date or within the period required, failed to refund overpayments to the state by the date required, or failed to meet at least one of the currently required academic or other standards by the required date.

5. The bill authorizes DPI to issue an order immediately terminating a private school's participation in the MPCP if DPI determines that conditions at the private school present an imminent danger to the health or safety of pupils or that the private school failed to provide certain information to DPI by the date or within the period required.

6. Finally, the bill authorizes DPI to withhold payment from a private school participating in the MPCP if the private school violates any law or administrative rule governing the MPCP.

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

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

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

2 **SECTION 2.** 119.23 (1) (am) of the statutes is created to read:

3 119.23 (1) (am) "Instructional staff" means professional employees who have
4 as part of their responsibilities direct contact with pupils or with the instructional
5 program of the private school, and employees who supervise such employees.

6 **SECTION 3.** 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (am) (intro.)
7 and amended to read:

8 119.23 (7) (am) (intro.) Each private school participating in the program under
9 this section is subject to uniform financial accounting standards established by the
10 department ~~and annually.~~ Annually by September 1 following a school year in which
11 a private school participated in the program under this section, the private school
12 shall submit to the department ~~an~~ all of the following:

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1 1. An independent financial audit of the private school conducted by a certified
2 public accountant, accompanied by the auditor's statement that the report is free of
3 material misstatements and fairly presents pupil costs under sub. (4) (b) 1.

4 **SECTION 4.** 119.23 (7) (am) 2. and 3. of the statutes are created to read:

5 119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the
6 department by rule.

7 3. Certification by the auditor under subd. 1. that criminal background checks
8 of all instructional staff were conducted as specified under par. (d) 2.

9 **SECTION 5.** 119.23 (7) (b) of the statutes is repealed.

10 **SECTION 6.** 119.23 (7) (d) of the statutes is created to read:

11 119.23 (7) (d) Each private school participating in the program under this
12 section shall submit to the department all of the following:

13 1. By August 1 before the first school term of participation in the program, or
14 by May 1 if the private school begins participating in the program during summer
15 school, all of the following:

16 a. A copy of the school's current certificate of occupancy issued by the city. If
17 the private school moves to a new location, the private school shall submit a copy of
18 the new certificate of occupancy issued by the city to the department before the
19 attendance of pupils at the new location and before the next succeeding date specified
20 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the
21 requirement of this subd. 1. a.

22 b. Evidence of financial viability, as prescribed by the department by rule.

23 c. Proof that the private school's administrator has participated in a fiscal
24 management training program approved by the department.

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1 2. Annually by February 1, a notarized statement by a person legally
2 authorized to act on behalf of the private school that the private school will conduct
3 a criminal background check through the department of justice on each individual
4 who will be employed as instructional staff by the private school in the following
5 school year. If the individual is a nonresident, the department of justice may provide
6 for the submission of information to the federal bureau of investigation for the
7 purposes of verifying the identity of the individual and obtaining records of his or her
8 criminal arrest and conviction.

9 **SECTION 7.** 119.23 (7) (e) of the statutes is created to read:

10 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
11 subd. 2. a private school participating in the program under this section may not
12 employ as instructional staff an individual convicted of any Class A, B, C, D, E, F, G,
13 or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of any Class BC
14 felony under ch. 940 or 948, 1999 stats., for 6 years following the date of the
15 conviction, and may employ as instructional staff such an individual after 6 years
16 only if the individual establishes by clear and convincing evidence that he or she is
17 entitled to be employed.

18 2. A private school participating in the program under this section may employ
19 as instructional staff an individual convicted of a crime enumerated in subd. 1., prior
20 to the expiration of the 6-year period following the conviction, if the private school
21 receives from the court in which the conviction occurred a certificate stating that the
22 conviction has been reversed, set aside, or vacated.

23 **SECTION 8.** 119.23 (10) of the statutes is created to read:

24 119.23 (10) (a) The state superintendent may issue an order barring a private
25 school from participating in the program under this section in the succeeding school

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1 year if the state superintendent determines that the private school has done any of
2 the following:

- 3 1. Misrepresented information required under sub. (7) (d).
- 4 2. Failed to provide the notice required under sub. (2) (a) 3., or the information
5 required under sub. (7) (am), by the date or within the period specified.
- 6 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
7 by the date specified by department rule.
- 8 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
9 specified by department rule.

10 (b) The state superintendent may issue an order immediately terminating a
11 private school's participation in the program under this section if he or she
12 determines that conditions at the private school present an imminent threat to the
13 health or safety of pupils or that the private school has failed to provide the
14 information required under sub. (7) (d) by the date or within the period specified.

15 (c) Whenever the state superintendent issues an order under par. (a) or (b), he
16 or she shall immediately notify the parent or guardian of each pupil attending the
17 private school under this section.

18 (d) The state superintendent may withhold payment from a parent or guardian
19 under subs. (4) and (4m) if the private school attended by the child of the parent or
20 guardian violates this section.

21 **SECTION 9.** 119.23 (11) of the statutes is created to read:

22 119.23 (11) The department shall promulgate rules to implement and
23 administer this section.

24 **SECTION 10. Nonstatutory provisions.**

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1 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this
2 act, if this subsection takes effect on or after January 1, 2004, the first notarized
3 statement required under that subdivision is due within 60 days after the effective
4 date of this subsection.

5 **SECTION 11. Initial applicability.**

6 (1) This act first applies to private schools that participate in the Milwaukee
7 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school
8 year, except that the treatment of section 119.23 (7) (am) 3. of the statutes first
9 applies to certifications under that subdivision that are due by September 1, 2005.

10 **(END)**

2003 ASSEMBLY BILL 472

AN ACT *to amend* 119.23 (2) (a) 1. of the statutes; **relating to:** the Milwaukee Parental Choice Program income limit.

Analysis by the Legislative Reference Bureau

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

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

2 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
3 that does not exceed an amount equal to 1.75 times the poverty level determined in
4 accordance with criteria established by the director of the federal office of
5 management and budget. A pupil attending a private school under this section
6 whose family income increases may continue to attend a private school under this
7 section if the pupil is a member of a family that has a total family income that does
8 not exceed an amount equal to 2.2 times the poverty level determined in accordance

ASSEMBLY BILL 472

SECTION 1

1 with criteria established by the director of the federal office of management and
2 budget. For purposes of admission to a private school under this section, siblings of
3 pupils attending a private school under this section are subject to the higher income
4 limit. If a pupil attending a private school under this section ceases to attend a
5 private school under this section, the lower income limit applies unless the pupil is
6 a sibling of a pupil attending a private school under this section.

7 **SECTION 2. Initial applicability.**

8 (1) This act first applies to pupils participating in the Milwaukee Parental
9 Choice Program in the 2004-05 school year.

10 (END)

2003 ASSEMBLY BILL 503

AN ACT *to amend* 118.40 (2r) (cm) of the statutes; **relating to:** the enrollment of the charter school established by the University of Wisconsin-Parkside.

Analysis by the Legislative Reference Bureau

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

1 **SECTION 1.** 118.40 (2r) (cm) of the statutes is amended to read:
2 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may
3 establish or enter into a contract for the establishment of only one charter school
4 under this subsection, which may not operate high school grades and which may not
5 accommodate more than 400 ~~480~~ pupils.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies in the 2004-05 school year.

8

(END)

1999 SENATE BILL 475

March 16, 2000 - Introduced by Senator GROBSCHMIDT, cosponsored by Representative SINICKI. Referred to Committee on Education.

1 **AN ACT to renumber and amend** 118.30 (1g) (a) 1.; **to amend** 118.30 (1g) (b),
2 118.30 (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6) and 118.33 (1) (f) 3.; and **to**
3 **create** 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b) 5., 118.33 (1) (f) 2m., 118.33
4 (6) (c), 118.40 (4) (a) 3. and 4., 119.23 (2) (a) 6. and 7. and 119.23 (10) of the
5 statutes; **relating to:** pupil assessments and to private schools participating
6 in the Milwaukee parental choice program.

Analysis by the Legislative Reference Bureau

Under current law, a charter school is exempt from most laws governing public schools. A charter school may be established by petitioning a school board to enter into a contract with a person to establish and operate a charter school or by a school-board initiated contract. In addition, the city of Milwaukee, the University of Wisconsin-Milwaukee and Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

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.

Current law requires each school board and each Milwaukee charter school to adopt either its own academic standards or the academic standards contained in the governor's executive order issued January 13, 1998, and to administer fourth, eighth

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and tenth grade examinations to fourth, eighth and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002-03 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt examinations developed by the department of public instruction (DPI) or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools.

Under current law, the fourth, eighth and tenth grade examinations and the high school graduation examination 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, tenth and high school graduation examinations to pupils enrolled in the private school. The governing body may either adopt DPI's examinations or develop its own.

Under current law, by September 1, 2002, each school board and the operator of each Milwaukee charter school must develop written policies specifying criteria for granting a high school diploma. Beginning September 1, 2003, neither a school board nor the operator of a Milwaukee charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each Milwaukee 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. Beginning September 1, 2002, 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 Milwaukee charter schools.

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 Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee 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.

Finally, 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.

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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, as affected by 1999 Wisconsin Act
2 9, is amended to read:

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

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

9 118.30 (1g) (a) 3. By January 1, 2000, or by January 1 of the 1st school year in
10 which the private school participates in the program under s. 119.23, whichever is
11 later, the governing body of each private school participating in the program under
12 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
13 writing, geography and history. The governing body of the private school may adopt
14 the pupil academic standards issued by the governor as executive order no. 326,
15 dated January 13, 1998.

16 **SECTION 3.** 118.30 (1g) (b) of the statutes, as affected by 1999 Wisconsin Act 9,
17 is amended to read:

18 118.30 (1g) (b) Each school board operating high school grades and, each
19 operator of a charter school under s. 118.40 (2r) that operates high school grades and
20 the governing body of each private school participating in the program under s.
21 119.23 that operates high school grades shall adopt a high school graduation

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1 examination that is designed to measure whether pupils meet the pupil academic
2 standards adopted by the school board ~~or~~, operator of the charter school or governing
3 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
4 school or governing body of the private school has adopted the pupil academic
5 standards issued as executive order no. 326, dated January 13, 1998, the school
6 board ~~or~~, operator of the charter school or governing body of the private school may
7 adopt the high school graduation examination developed by the department under
8 sub. (1) (b). If a school board ~~or~~, operator of a charter school or governing body of a
9 private school develops and adopts its own high school graduation examination, it
10 shall notify the department annually by October 1 that it intends to administer the
11 examination in the following school year.

12 **SECTION 4.** 118.30 (1g) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
13 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
20 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the
21 charter school or governing body of the private school develops or adopts an
22 examination under this paragraph, it shall notify the department.

23 **SECTION 5.** 118.30 (1s) of the statutes is created to read:

24 118.30 (1s) Annually the governing body of each private school participating
25 in the program under s. 119.23 shall do all of the following:

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1 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
2 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
3 attending the 4th grade in the private school under s. 119.23. Beginning on July 1,
4 2002, if the governing body of the private school has not developed or adopted its own
5 4th grade examination, the governing body of the private school shall provide a pupil
6 with at least 2 opportunities to take the examination administered under this
7 subdivision.

8 2. Beginning on July 1, 2002, if the governing body of the private school has
9 developed or adopted its own 4th grade examination, administer that examination
10 to all pupils attending the 4th grade in the private school under s. 119.23. The
11 governing body of the private school shall provide a pupil with at least 2
12 opportunities to take the examination administered under this subdivision.

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. Beginning on
16 July 1, 2002, if the governing body of the private school has not developed and
17 adopted its own 8th grade examination, the governing body of the private school shall
18 provide a pupil with at least 2 opportunities to take the examination administered
19 under this subdivision.

20 2. Beginning on July 1, 2002, if the governing body of the private school has
21 developed or adopted its own 8th grade examination, administer that examination
22 to all pupils attending the 8th grade in the private school under s. 119.23. The
23 governing body of the private school shall provide a pupil with at least 2
24 opportunities to take the examination administered under this subdivision.

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

3 (d) If the private school operates high school grades, beginning in the 2002–03
4 school year administer the high school graduation examination adopted by the
5 governing body of the private school under sub. (1g) (b) to all pupils attending the
6 11th and 12th grades at the private school under s. 119.23. The governing body of
7 the private school shall administer the examination at least twice each school year
8 and may administer the examination only to pupils attending the 11th and 12th
9 grades.

10 **SECTION 6.** 118.30 (2) (b) 1. and 2. of the statutes, as affected by 1999 Wisconsin
11 Act 9, are amended to read:

12 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
13 subch. V of ch. 115, the school board ~~or~~ operator of the charter school under s. 118.40
14 (2r) or governing body of the private school shall comply with s. 115.77 (1m) (bg).

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

21 **SECTION 7.** 118.30 (2) (b) 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 shall excuse the pupil from taking an examination
24 administered under sub. (1s).

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1 **SECTION 8.** 118.30 (6) of the statutes, as affected by 1999 Wisconsin Act 9, is
2 amended to read:

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

13 **SECTION 9.** 118.33 (1) (f) 2m. of the statutes is created to read:

14 118.33 (1) (f) 2m. By September 1, 2002, the governing body of each private
15 school participating in the program under s. 119.23 shall develop a policy specifying
16 criteria for granting a high school diploma to pupils attending the private school
17 under s. 119.23. The criteria shall include the pupil's score on the examination
18 administered under s. 118.30 (1s) (d), the pupil's academic performance and the
19 recommendations of teachers.

20 **SECTION 10.** 118.33 (1) (f) 3. of the statutes, as created by 1999 Wisconsin Act
21 9, is amended to read:

22 118.33 (1) (f) 3. Beginning September 1, 2003, neither a school board nor an
23 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
24 any pupil unless the pupil has satisfied the criteria specified in the school board's or
25 charter school's policy under subd. 1. or 2. Beginning September 1, 2003, the

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1 governing body of a private school participating in the program under s. 119.23 may
2 not grant a high school diploma to any pupil attending the private school under s.
3 119.23 unless the pupil has satisfied the criteria specified in the governing body's
4 policy under subd. 2m.

5 **SECTION 11.** 118.33 (6) (c) of the statutes is created to read:

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

15 2. Beginning on September 1, 2002, the governing body of a private school
16 participating in the program under s. 119.23 may not promote a 4th grade pupil who
17 is attending the private school under s. 119.23 to the 5th grade, and may not promote
18 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
19 grade, unless the pupil satisfies the criteria for promotion specified in the governing
20 body's policy under subd. 1.

21 **SECTION 12.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

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

**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.

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