



State of Wisconsin
2003 - 2004 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT to repeal 119.23 (7) (b); to renumber 119.23 (1) (a) and 895.48 (1m); to
 2 renumber and amend 119.23 (7) (am) and 146.89 (1); to amend 118.40 (2r)
 3 (cm), 119.23 (2) (a) 1., 146.89 (2) (a), 146.89 (2) (c), 146.89 (2) (d), 146.89 (3) (b)
 4 (intro.), 146.89 (3) (c) and 146.89 (3) (d) (intro.); and to create 119.23 (1) (am),
 5 119.23 (7) (am) 2. and 3., 119.23 (7) (d), 119.23 (7) (e), 119.23 (9), 119.23 (10),
 6 119.23 (11), 146.89 (1) (d), 146.89 (1) (g), 146.89 (1) (h), 146.89 (3m) and 895.48
 7 (1m) (b) of the statutes; relating to: expanding the Volunteer Health Care
 8 Provider Program to include provision of services to students from 4 year-old
 9 kindergarten to grade 6 in public elementary schools, charter schools, and
 10 private schools that participate in the Milwaukee Parental Choice Program;
 11 the enrollment of the independent charter school established by the University of
 12 Wisconsin Parkside; the Milwaukee Parental Choice Program in ~~the district~~
 13 directing the Legislative Audit Bureau to conduct a study of the Milwaukee

the Student Achievement Guarantee in Education Program; Intradistrict transfer aid;

1 ~~Parental Choice Program; the Milwaukee Parental Choice Program and~~
2 granting rule-making authority. *joint making an appropriation*

Volunteer Health Care Provider Program (sub sub)
Analysis by the Legislative Reference Bureau

***** ANALYSIS FROM -0289/2 *****

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 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.

***** ANALYSIS FROM -3779/2 *****

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:

Milwaukee Parental Choice Program (sub sub)

Independent charter schools
subsub

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.

***** ANALYSIS FROM -3125/1 (-3125/en) *****

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools.

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

***** ANALYSIS FROM -2953/1 (-2953/en) *****

7. Under current law, in order to participate in the Milwaukee Parental Choice Program, which allows certain pupils to attend participating private schools in Milwaukee at state expense, the pupil must be a member of a family with a total family income of no more than 1.75 times the federal poverty level. This bill raises that limit to 2.2 times the federal poverty level. The bill also provides that siblings of

***** ANALYSIS FROM -2047/1 (s0030/en) *****

8. This bill directs the Legislative Audit Bureau (LAB) to administer a 12-year longitudinal study of the Milwaukee Parental Choice Program, which allows certain

allows a pupil to continue to attend an MPCP school if the pupil's family income does not exceed

move up here then insert 3A

pupils attending an MPCP school are subject to the higher limit

MPCP, a

if LAB receives sufficient moneys, other than general purpose revenue, for the study

pupils who reside in the city of Milwaukee to attend a participating private school at no charge. The LAB must seek private sources of funding for the study. The bill directs the LAB to report the results of the study to the legislature ~~periodically~~; the first report is due by October 1, 2005.

annually

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

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

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-3125/en SECTION 1. 118.40 (2r) (cm) of the statutes is amended to read:

renumbered 118.40 (2r) (cm) 1 and

118.40 (2r) (cm) ^{1.} The chancellor of the University of Wisconsin-Parkside may establish or enter into a contract for the establishment of only one charter school under this subsection, which may not operate high school grades and which may not accommodate more than 400 480 pupils.

fix component

4-6

-3779/2.1 SECTION 2. 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ar).

-3779/2.2 SECTION 3. 119.23 (1) (am) of the statutes is created to read:
119.23 (1) (am) "Instructional staff" means professional employees who have as part of their responsibilities direct contact with pupils or with the instructional program of the private school, and employees who supervise such employees.

-2953/en SECTION 4. 119.23 (2) (a) 1. of the statutes is amended to read:
119.23 (2) (a) 1. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance

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 ***-3779/2.3* SECTION 5.** 119.23 (7) (am) of the statutes is renumbered 119.23
8 (7) (am) (intro.) and amended to read:

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

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

17 ***-3779/2.4* SECTION 6.** 119.23 (7) (am) 2. and 3. of the statutes are created to
18 read:

19 119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the
20 department by rule.

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

23 ***-3779/2.5* SECTION 7.** 119.23 (7) (b) of the statutes is repealed.

24 ***-3779/2.6* SECTION 8.** 119.23 (7) (d) of the statutes is created to read:

1 119.23 (7) (d) Each private school participating in the program under this
2 section shall submit to the department all of the following:

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

6 a. A copy of the school's current certificate of occupancy issued by the city. If
7 the private school moves to a new location, the private school shall submit a copy of
8 the new certificate of occupancy issued by the city to the department before the
9 attendance of pupils at the new location and before the next succeeding date specified
10 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the
11 requirement of this subd. 1. a.

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

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

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

23 *~~3779/2.7~~* SECTION 9. 119.23 (7) (e) of the statutes is created to read:

24 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
25 subd. 2. a private school participating in the program under this section may not

1 employ as instructional staff an individual convicted of any Class A, B, C, D, E, F, G,
2 or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of any Class BC
3 felony under ch. 940 or 948, 1999 stats., for 6 years following the date of the
4 conviction, and may employ as instructional staff such an individual after 6 years
5 only if the individual establishes by clear and convincing evidence that he or she is
6 entitled to be employed.

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

12 ***s0030/en* SECTION 10.** 119.23 (9) of the statutes is created to read:

13 119.23 (9) The legislative audit bureau shall conduct a longitudinal study, of
14 up to 12 years in length, of the program under this section if the bureau receives
15 sufficient moneys, other than general purpose revenue, for the study. The study shall
16 use standardized examinations used by the school district operating under this
17 chapter, and shall review graduation rates and other indicators of academic
18 achievement. The results of the study shall be submitted to the joint legislative audit
19 committee and to the appropriate standing committees of the legislature annually
20 over the 12-year period in the manner provided under s. 13.172 (3), with the first
21 report due by October 1, 2005, and with a comprehensive review and interim report
22 due by October 1, 2010.

23 ***-3779/2.8* SECTION 11.** 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

of all ^{of the} pupils attending
the private schools

SECTION 11

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 ***-3779/2.9*** SECTION 12. 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.

as affected by 2003 Wisconsin Act 92

24 ***-0289/2.1*** SECTION 13. 146.89 (1) of the statutes is renumbered 146.89 (1)
25 (intro.) and amended to read:

INS.
8-23 →

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

2 (r) “Volunteer health care provider” means an individual who is licensed as a
3 physician under ch. 448, dentist ^{or dental hygienist} under ch. 447, registered nurse, practical nurse, or
4 nurse-midwife under ch. 441, optometrist under ch. 449 ^{or} physician assistant ^{plain}
5 under ch. 448 ^{who is} or certified as a dietitian under subch. V of ch. 448 and who receives
6 no income from the practice of that health care profession or who receives no income
7 from the practice of that health care profession when providing services at the
8 nonprofit agency or school specified under sub. (3).

9 *-0289/2.2* SECTION 14. 146.89 (1) (d) of the statutes is created to read:

10 146.89 (1) (d) “Governing body” means the governing body of any of the
11 following:

- 12 1. A charter school, as defined in s. 115.001 (1).
- 13 2. A private school, as defined in s. 115.001 (3r), that participates in the
- 14 Milwaukee Parental Choice Program under s. 119.23.

15 *-0289/2.3* SECTION 15. 146.89 (1) (g) of the statutes is created to read:

16 146.89 (1) (g) “School” means any of the following:

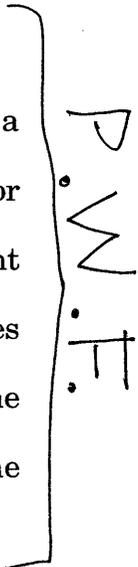
- 17 1. A public elementary school.
- 18 2. A charter school, as defined in s. 115.001 (1).
- 19 3. A private school, as defined in s. 115.001 (3r), that participates in the
- 20 Milwaukee Parental Choice Program under s. 119.23

21 *-0289/2.4* SECTION 16. 146.89 (1) (h) of the statutes is created to read:

22 146.89 (1) (h) “School board” has the meaning given in s. 115.001 (7).

23 *-0289/2.5* SECTION 17. 146.89 (2) (a) of the statutes is amended to read:

24 146.89 (2) (a) A volunteer health care provider may participate under this
25 section only if he or she submits a joint application with a nonprofit agency, school



1 board, or governing body to the department of administration and that department
2 approves the application. If the volunteer health care provider submits a joint
3 application with a school board or governing body, the application shall include a
4 statement by the school board or governing body that certifies that the volunteer
5 health care provider has received materials that specify school board or governing
6 body policies concerning the provision of health care services to students and has
7 agreed to comply with the policies. The department of administration shall provide
8 application forms for use under this paragraph.

9 ***-0289/2.6*** SECTION 18. 146.89 (2) (c) of the statutes is amended to read:

10 146.89 (2) (c) The department of administration shall notify the volunteer
11 health care provider and the nonprofit agency, school board, or governing body of the
12 department's decision to approve or disapprove the application.

13 ***-0289/2.7*** SECTION 19. 146.89 (2) (d) of the statutes is amended to read:

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

22 ***-0289/2.8*** SECTION 20. 146.89 (3) (b) (intro.) of the statutes is amended to
23 read:

24 146.89 (3) (b) (intro.) The Under this section, the nonprofit agency may provide
25 the following health care services:

1 *~~0289/2.9~~* SECTION 21. 146.89 (3) (c) of the statutes is amended to read:

2 146.89 (3) (c) ~~The~~ Under this section, the nonprofit agency may not provide
3 emergency medical services, hospitalization, or surgery, except as provided in par.
4 (b) 8.

5 *~~0289/2.10~~* SECTION 22. 146.89 (3) (d) (intro.) of the statutes is amended to
6 read:

7 146.89 (3) (d) (intro.) ~~The~~ Under this section, the nonprofit agency shall provide
8 health care services primarily to low-income persons who are uninsured and who are
9 not recipients of any of the following:

X
10 *~~0289/2.11~~* SECTION 23. 146.89 (~~(3m)~~^(3s)) of the statutes is created to read:

11 146.89 (~~(3m)~~^(3s)) All of the following apply to a volunteer health care provider whose
12 joint application with a school board or relevant governing body is approved under
13 sub. (2):

14 (a) Before providing health care services in a school, the volunteer health care
15 provider shall provide to the school board or relevant governing body proof of
16 satisfactory completion of any competency requirements that are relevant to the
17 volunteer health care provider, as specified by the department of public instruction
18 by rule.

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

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

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

23 2. First aid for illness or injury.

24 3. Except as specified in par. (c), the administration of drugs, as specified in s.

25 118.29 (2) (a) 1. to 3.

1 4. Health screenings.

2 5. Any other health care services designated by the department of public
3 instruction by rule.

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

6 1. Emergency medical services.

7 2. Hospitalization.

8 3. Surgery, except as provided in par. (b) 2. and 5.

9 4. A referral for abortion, as defined in s. 48.375.

10 5. A contraceptive article, as defined in s. 450.155 (1) (a).

11 6. A pregnancy test.

12 (d) Any health care services provided under par. (b) shall be provided without
13 charge at the school and shall be available to all students from 4-year-old
14 kindergarten to grade 6 regardless of income.

15 *-0289/2.12* SECTION 24. 895.48 (1m) of the statutes, as affected by 2003
16 Wisconsin Act 33, is renumbered 895.48 (1m) (a). ✓

17 *-0289/2.13* SECTION 25. 895.48 (1m) (b) of the statutes is created to read:
18 895.48 (1m) (b) This subsection does not apply to health care services provided
19 by a volunteer health care provider under s. 146.89. ✓

20 SECTION 26. Nonstatutory provisions.

21 *-3779/2.10* (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as
22 created by this act, ~~if this subsection takes effect on or after January 1, 2004,~~ the first
23 notarized statement required under that subdivision is due within 60 days after the
24 effective date of this subsection.

1 *s0030/en* (2) LEGISLATIVE AUDIT BUREAU POSITIONS. The authorized FTE
2 positions for the legislative audit bureau, funded from the appropriation under
3 section 20.765 (3) (g) of the statutes, are increased by 3.0 PR positions to conduct the
4 study under section 119.23 (9) of the statutes, as created by this act.

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5 SECTION 27. Initial applicability.

MILWAUKEE PARENTAL CHOICE PROGRAM.

6 *-3779/2.11* (1) ~~This act~~ ^{apply} first ~~applies~~ to private schools that participate in the
7 Milwaukee Parental Choice Program under section 119.23 of the statutes ^{in the}
8 2004-05 school year. ~~Except that~~ ^{¶ (b)} the treatment of section 119.23 (7) (am) 3. of the
9 statutes first applies to certifications under that subdivision that are due by
10 September 1, 2005. ^{¶ (c)} The treatment of sections 118.13 (1m) and 119.23
11 ^{(2) (b) 1. and 2. of the statutes first applies to persons who}

12 *-0289/2.14* (2) VOLUNTEER HEALTH CARE PROVIDER PROGRAM. ^{apply} ~~This act~~ first
13 ~~applies~~ to applications submitted under section 146.89 (2) (a) of the statutes, as
14 affected by this act, on the effective date of this subsection.

15 *-3125/en* (3) ~~This act~~ ^{the treatment of section 118.40 (2) (cm) of the statutes} first applies in the 2004-05 school year.

16 *-2953/en* (4) This act first applies to pupils participating in the Milwaukee
17 Parental Choice Program in the 2004-05 school year.

(END)

Stays

statutes in the 2004-05 school year.

, and to pupils who attend a private school under section 119.23 of the statutes,

¶ (a) The treatment of sections 119.23 (2) (b),
(7) (am) ~~(am) (1) and (2)~~ ^{and} (b), (d) and
(e), (10), and (11) of the statutes,
the renumbering of section 119.23 (7)
(am) ~~of~~ of the statutes, and
the creation of section 119.23 (7) (am) 2.
of the statutes

ASSEMBLY BILL 855

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.

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 and to annually submit to DPI, a report describing the school's status with respect to the fourth standard.

Pupil assessments

9. 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

operated by the University of Wisconsin - Milwaukee, the University of Wisconsin - Parkside, the Milwaukee Area Technical College, and the city of Milwaukee

ASSEMBLY BILL 855

3A-2

grade examinations to pupils enrolled in the private school. The governing body may either adopt the DPI examinations or develop its own.

10. 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

11. 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. 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

12. Current law prohibits public schools from discriminating against pupils on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or

ASSEMBLY BILL 855

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. ↑

(H) 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. ←

Pls. Finally
the bill
subjects the
MPCP schools

that are

s.c.m.

Limitation on enrollment

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

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

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

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



3A-4

2003 ASSEMBLY BILL 259

April 8, 2003 - Introduced by Representatives JENSEN, ZIEGELBAUER, VUKMIR, GROTHMAN, HAHN, McCORMICK, J. WOOD, NISCHKE, HINES, VAN ROY, OTT, NASS, VRAKAS, ALBERS, OWENS and TOWNS, cosponsored by Senators DARLING, WELCH, REYNOLDS, KANAVAS and STEPP. Referred to Committee on Education Reform.

1 AN ACT *to repeal* 119.23 (2) (a) 2. and 119.23 (2) (b); *to amend* 119.23 (2) (a)
2 (intro.); and *to create* 119.23 (2) (e) of the statutes; **relating to:** eligibility for
3 participation in the Milwaukee Parental Choice Program.

Analysis by the Legislative Reference Bureau

Under current law, a pupil is eligible to participate in the Milwaukee Parental Choice Program (MPCP) if he or she is a member of a family that has a total family income that does not exceed 175% of the federal poverty level. This bill provides that a pupil who participates in the MPCP may continue to participate in subsequent years even if the pupil's family income rises above the threshold.

13. Under current law, a pupil may participate in the MPCP only if, in the previous school year, the pupil was enrolled in the Milwaukee Public Schools, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, or was not enrolled in school. This bill eliminates this eligibility requirement.

14. Under current law, no more than 15% of a school district's enrollment may attend private schools under the MPCP. This bill ~~eliminates this restriction.~~

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:

increases this limit to 15.5%

4A-1

2003 ASSEMBLY BILL 747

January 9, 2004 - Introduced by Representatives SINICKI, JENSEN, COLON, ZEPNICK, JESKEWITZ, TAYLOR, HONADEL, RICHARDS, KRUG, CULLEN and KRUSICK, cosponsored by Senators DARLING, PLALE, REYNOLDS, MOORE, CARPENTER, COGGS, STEPP and LAZICH. Referred to Committee on Education Reform.

1 **AN ACT to amend** 118.40 (2r) (c) 1. and 118.40 (2r) (c) 2. (intro.); and **to create**
 2 118.40 (2r) (c) 3. of the statutes; **relating to:** eligibility to attend Woodlands
 3 School, a charter school located in a 1st class city school district.

Analysis by the Legislative Reference Bureau

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (~~independent charter schools~~) directly or to ~~contract for the operation of charter schools.~~ Only pupils who reside in the school district in which an independent charter school is located may attend the charter school. In order to be eligible to attend an independent charter school located in the Milwaukee school district, a pupil must also fall into one of the following categories:

Currently,

1. In the previous school year, the pupil must have been enrolled in the Milwaukee Public Schools.
2. In the previous school year, the pupil must have attended a private school under the Milwaukee Parental Choice Program (MPCP).
3. In the previous school year, the pupil must have been enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP.
4. In the previous school year, the pupil must not have been enrolled in school.

4A-2

ASSEMBLY BILL 747

eliminates all of these requirements for attending an independent charter school located in the Milwaukee school district.

5. In the previous school year, the pupil must have been enrolled in an independent charter school.

The bill also

This bill allows a pupil who resides outside of the Milwaukee school district, ~~or who does not satisfy the requirement in Item 3, above,~~ to continue to attend Woodlands School (an independent charter school located in the city of Milwaukee), if the pupil attended Woodlands School during the 2003-04 school year and during the previous school year. ~~The bill also allows a pupil to attend Woodlands School if the pupil's sibling attended Woodlands School in the 2003-04 school year and in the school year of the pupil's initial attendance.~~

or

~~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.** 118.40 (2r) (c) 1. of the statutes is amended to read:
2 118.40 (2r) (c) 1. ~~Only~~ Except as provided in subd. 3, only pupils who reside
3 in the school district in which a charter school established under this subsection is
4 located may attend the charter school.

5 **SECTION 2.** 118.40 (2r) (c) 2. (intro.) of the statutes is amended to read:
6 118.40 (2r) (c) 2. (intro.) A pupil may attend a charter school established in the
7 school district operating under ch. 119 under this subsection only if one of the
8 following applies or, for the Woodlands School, only if one of the following or subd.
9 3. applies:

10 **SECTION 3.** 118.40 (2r) (c) 3. of the statutes is created to read:
11 118.40 (2r) (c) 3. A pupil may attend Woodlands School, a charter school
12 established in the school district operating under ch. 119 under this subsection,
13 regardless of the pupil's school district of residence, if any of the following applies:
14 a. The pupil attended Woodlands School in the 2003-04 school year and,
15 beginning in the 2005-06 school year, in the previous school year.

4A-3

¶ The bill also allows a pupil who resides outside of the Milwaukee school district to ^{or} continue to attend ^{Marva Collins Preparatory School of Wisconsin or D.L. Hines Academy} ~~Marva Collins Preparatory School of Wisconsin~~ or ^{or} ~~D.L. Hines Academy~~ ^{attends} if the pupil ^{attends} the school before the ²⁰⁰²⁻⁰³ ~~2002-03~~ school year, or if the pupil's sibling ²⁰⁰²⁻⁰³ attended the school before the ²⁰⁰²⁻⁰³ school year and in the school year of the pupil's initial attendance.

¶ The bill prohibits the city of Milwaukee, the University of Wisconsin - Milwaukee, or ~~the~~ the Milwaukee Area Technical College from establishing a new charter school after this bill's effective date. Current law limits the University of Wisconsin - ^{Parkside} to only one charter school.

HA-4

2003 BILL

Student Achievement Guarantee in Education Program

Sub sub

1 AN ACT to amend 118.43 (6) (b) 8. and 118.43 (6) (c) of the statutes, relating to:
2 increasing per pupil payments for the student achievement guarantee
3 program.

*2,500 beginning in the

Analysis by the Legislative Reference Bureau

Under the current Student Achievement Guarantee in Education (SAGE) program, ~~the Department of Public Instruction~~ pays participating school districts \$2,000 for each low-income pupil, in exchange for the school district's meeting certain performance criteria and reducing class size in grades kindergarten to three. This bill increases the payment to ~~\$2,000 for~~ ^{\$2,500} the 2003-04 and 2004-05 school years.

DPI

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:

4 SECTION 1. 118.43 (6) (b) 8. of the statutes is amended to read:
5 118.43 (6) (b) 8. In the 2003-04 and 2004-05 school years, ~~\$2,000~~ \$2,100
6 multiplied by the number of low-income pupils enrolled in grades eligible for funding

4A-5

1997 BILL

Intradistrict transfer aid

sub sub

1 AN ACT to create 121.85 (6) (h) of the statutes; relating to: the use of
2 intradistrict transfer aid to build or lease public schools.

Analysis by the Legislative Reference Bureau

Under current law, a school district that participates in the intradistrict special transfer program, which allows pupils to attend public school outside their attendance area in order to reduce racial imbalance in the school district, receives additional state aid.

This bill provides that, beginning in the 1998-99 school year, the Milwaukee public school district must use at least 10% of the intradistrict aid that it receives in each school year to build or lease neighborhood schools.

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

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

3 SECTION 1. 121.85 (6) (h) of the statutes is created to read:

is eligible for

4A-6

(no 7) Beginning in the 2004-05 school year, a school district will ~~receive~~ ^{suffer a loss in such} aid ~~only~~ ^{less than} if ~~100%~~ ^{the} ~~of~~ ^{percent} ~~those pupils whose~~ ~~parents or~~ ~~guardians~~ ^{of transferred pupils} have given written consent for the ~~right~~ ^{the} to transfer. This bill maintains the ^{currently} ~~level~~ ^{95% percent} of compliance required, i.e., the school district will receive aid for all pupils transferred if at least 95% percent of the parents or guardians have provided written consent.

4-1:1

ASSEMBLY BILL 855

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 on enrollment

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

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

SAL

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

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

ASSEMBLY BILL 855

1 118.13 (2) (am) Each private school participating in the program under s.
2 119.23 shall develop written policies and procedures to implement this section and
3 submit them to the state superintendent. The policies and procedures shall provide
4 for receiving and investigating complaints regarding possible violations of this
5 section, for making determinations as to whether this section has been violated, and
6 for ensuring compliance with this section.

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

8 118.13 (2) (b) Any person who receives a negative determination under par. (a)
9 or (am) may appeal the determination to the state superintendent.

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

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

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

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

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

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

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

23 118.13 (4) Any public school or private school official, employee or teacher who
24 intentionally engages in conduct which discriminates against a person or causes a

1 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may
2 be required to forfeit not more than \$1,000.

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

5 118.165 (1) (c) 1. ~~The~~ Except as provided in subd. 2., the program provides at
6 least 875 hours of instruction each school year.

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

8 118.165 (1) (c) 2. If the program offers kindergarten, it provides at least 437
9 hours of instruction in kindergarten each school year.

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

11 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
12 academic standards in mathematics, science, reading and writing, geography, and
13 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
14 standards issued by the governor as an executive order under s. 14.23, the school
15 board may adopt those standards no. 326, dated January 13, 1998.

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

17 118.30 (1g) (a) 3. The governing body of each private school participating in the
18 program under s. 119.23 shall adopt pupil academic standards in mathematics,
19 science, reading and writing, geography, and history. The governing body of the
20 private school may adopt the pupil academic standards issued by the governor as
21 executive order no. 326, dated January 13, 1998.

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

23 118.30 (1g) (c) Each school board operating elementary grades and, each
24 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
25 the governing body of each private school participating in the program under s.

ASSEMBLY BILL 855

4-1:4

1 119.23 that operates elementary grades may develop or adopt its own examination
2 designed to measure pupil attainment of knowledge and concepts in the 4th grade
3 and may develop or adopt its own examination designed to measure pupil attainment
4 of knowledge and concepts in the 8th grade. If the school board ~~or~~ operator of the
5 charter school, or governing body of the private school develops or adopts an
6 examination under this paragraph, it shall notify the department.

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

8 118.30 (1s) Annually the governing body of each private school participating
9 in the program under s. 119.23 shall do all of the following:

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

13 2. If the governing body of the private school has developed or adopted its own
14 4th grade examination, administer that examination to all pupils attending the 4th
15 grade in the private school under s. 119.23.

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

19 2. If the governing body of the private school has developed or adopted its own
20 8th grade examination, administer that examination to all pupils attending the 8th
21 grade in the private school under s. 119.23.

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

24 **SECTION 14.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

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1 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
2 subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40
3 (2r), or governing body of the private school participating in the program under s.
4 119.23 shall comply with s. 115.77 (1m) (bg).

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

12 **SECTION 15.** 118.30 (2) (b) 5. of the statutes is created to read:

13 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
14 body of a private school participating in the program under s. 119.23 shall excuse the
15 pupil from taking an examination administered under sub. (1s).

16 **SECTION 16.** 118.30 (6) of the statutes is amended to read:

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

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1 approved by the state superintendent under sub. (1), and the federal department of
2 education approves.

3 **SECTION 17.** 118.33 (1) (f) 2m. of the statutes is created to read:

4 118.33 (1) (f) 2m. The governing body of each private school participating in the
5 program under s. 119.23 shall develop a policy specifying criteria for granting a high
6 school diploma to pupils attending the private school under s. 119.23. The criteria
7 shall include the pupil's academic performance and the recommendations of
8 teachers.

9 **SECTION 18.** 118.33 (1) (f) 3. of the statutes is amended to read:

10 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an
11 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
12 any pupil unless the pupil has satisfied the criteria specified in the school board's or
13 charter school's policy under subd. 1. or 2. Beginning on September 1, 2005, the
14 governing body of a private school participating in the program under s. 119.23 may
15 not grant a high school diploma to any pupil attending the private school under s.
16 119.23 unless the pupil has satisfied the criteria specified in the governing body's
17 policy under subd. 2m.

18 **SECTION 19.** 118.33 (6) (c) of the statutes is created to read:

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

4-1:7

1 based solely on the pupil's academic performance; and any other academic criteria
2 specified by the governing body of the private school.

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

9 ~~SECTION 20. 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) 1.~~

10 ~~SECTION 21. 119.23 (2) (b) 2. of the statutes is created to read:~~

11 ~~119.23 (2) (b) 2. No more than 65 percent of a private school's enrollment may~~
12 ~~consist of pupils attending the private school under this section.~~

13 ~~SECTION 22. 119.23 (6m) of the statutes is ^{are} created to read:~~

14 ~~119.23 (6m) Each private school participating in the program under this~~
15 ~~section shall do all of the following:~~

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

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

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

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

4-1:8

Items
12
14

ASSEMBLY BILL 747

5. In the previous school year, the pupil must have been enrolled in an independent charter school.

This bill allows a pupil who resides outside of the Milwaukee school district, or who does not satisfy the requirement in Item 3., above, to continue to attend Woodlands School (an independent charter school located in the city of Milwaukee) if the pupil attended Woodlands School during the 2003-04 school year and during the previous school year. The bill also allows a pupil to attend Woodlands School if the pupil's sibling attended Woodlands School in the 2003-04 school year and in the school year of the pupil's initial attendance.

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. 118.40 (2r) (c) 1. of the statutes is amended to read:
2 118.40 (2r) (c) 1. ~~Only~~ Except as provided in subd. 3., ^{subds. 4, and 5.} only pupils who reside
3 in the school district in which a charter school established under this subsection is
4 located may attend the charter school.

Fix component

5 SECTION 2. 118.40 (2r) (c) 2. ~~(intro.)~~ ^X of the statutes is amended to read: ^{repealed.}
6 118.40 (2r) (c) 2. (intro.) A pupil may attend a charter school established in the
7 school district operating under ch. 119 under this subsection only if one of the
8 following applies or, for the Woodlands School, only if one of the following or subd.
9 3. applies: ^{4, or 5.} Marva Collins Preparatory School of Wisconsin, and D.L. Hines Academy,

10 SECTION 3. 118.40 (2r) (c) 3. of the statutes is created to read:
11 118.40 (2r) (c) 3. A pupil may attend Woodlands School, a charter school
12 established in the school district operating under ch. 119 under this subsection,
13 regardless of the pupil's school district of residence, if any of the following applies:
14 a. The pupil attended Woodlands School in the 2003-04 school year and,
15 beginning in the 2005-06 school year, in the previous school year.

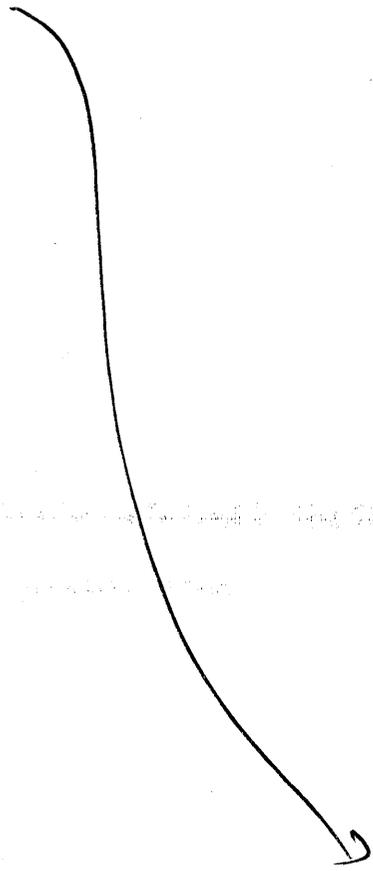
4-1:9

ASSEMBLY BILL 747

1 b. The pupil's sibling attended Woodlands School in the 2003-04 school year
2 and in the school year of the pupil's initial attendance.

3

~~(END)~~



4-1:W)

SA ✓

**SENATE AMENDMENT,
TO 2003 ASSEMBLY BILL 747**

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12

At the locations indicated, amend the bill as follows:

- 1. Page 1, line 3: delete "a charter school" and substitute "Marva Collins Preparatory School of Wisconsin, and D.L. Hines Academy, charter schools".
- 2. Page 2, line 8: after "School," insert "Marva Collins Preparatory School of Wisconsin, and D.L. Hines Academy,".
- 3. Page 2, line 9: after "3." insert ", 4., or 5.".
- 4. Page 3, line 2: after that line insert:

SECTION 4m. 118.40 (2r) (c) 4. of the statutes is created to read:

118.40 (2r) (c) 4. A pupil may attend Marva Collins Preparatory School of Wisconsin, a charter school established in the school district operating under ch. 119 under this subsection, regardless of the pupil's school district of residence, if any of the following applies:

4-1-11

1 a. The pupil attended Marva Collins Preparatory School of Wisconsin before
2 the 2002-03 school year.

3 b. ~~A member of the pupil's family who resides in the same household as the~~
4 ^{sibling} ~~pupil~~ attended Marva Collins Preparatory School of Wisconsin before the 2002-03
5 school year ^{and in the school year of the pupil's initial attendance}

6 SECTION 5m. 118.40 (2r) (c) 5. of the statutes is created to read:

7 118.40 (2r) (c) 5. A pupil may attend D.L. Hines Academy, a charter school
8 established in the school district operating under ch. 119 under this subsection,
9 regardless of the pupil's school district of residence, if any of the following applies:

10 a. The pupil attended D.L. Hines Academy before the 2002-03 school year.

11 b. ~~A member of the pupil's family who resides in the same household as the~~
12 ^{sibling} ~~pupil~~ attended D.L. Hines Academy before the 2002-03 school year.

~~(END)~~

and in the school
year of the pupil's
initial attendance

✓

4-8:1

item 15

Section #. 118.40 (2r) (cm) of the statutes is amended to read:

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

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33.

SEC. CR; 118.40 (2r) (cm) 2.

4. 118.40 (2r) (cm) 2. None of the entities under par. (b) 1. a., b., c. or d. may establish or enter into a contract for the establishment of a new charter school after the effective date of this subdivision. [revised]

revisor inserts date

4-6:2

Section #. 118.43 (6) (b) (intro.) of the statutes is amended to read:

118.43 (6) (b) (intro.) From the appropriations under s. 20.255 (2) (cu) and (cv), ~~subject to par-~~
~~(e)~~, the department shall pay to each school district that has entered into a contract with the depart-
ment under this section an amount determined as follows:

History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16.

4-6:3!

Section #. 118.43 (6) (b) 8. of the statutes is amended to read:

118.43 (6) (b) 8. In the 2003-04 and 2004-05 school ~~years~~^{year}, \$2,000 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by contracts under sub. (3) (ar) and by renewals of contracts under sub. (2) (g).

History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16.

¶ SEC. RE; 118.43 (6) (b) 9.

¶ 118.43 (6) (b) 9. In the 2004-05 school year and in each school year thereafter, \$2,500 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by renewals of contracts under sub. (2) (g) or by contracts under sub. (3) (ar) and

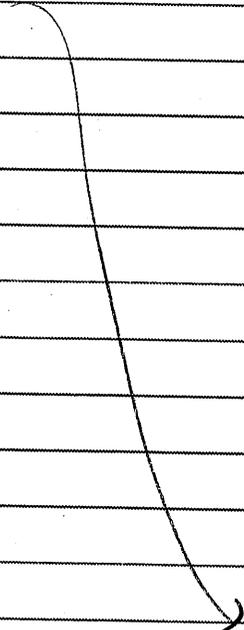
¶ SEC. RE; 118.43 (6) (c) x

5-6:1

item 10

X

SEC. REP. 119.23 (2)(a)2.



5-6:2

item 11

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

↓ 15.5%

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

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

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ASSEMBLY BILL 855

1 by the department and annually shall submit to the department an independent
2 financial audit of the private school.

3 SECTION 25. 119.23 (7) (b) of the statutes is amended to read:

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

9 SECTION 26. 119.23 (7) (c) of the statutes is renumbered 119.23 (7m) (a) and
10 amended to read:

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

17 SECTION 27. 119.23 ^(7m) ~~(7)(d)~~ of the statutes is created to read:

18 119.23 ^(7m) ~~(7)(d)~~ The governing body of each private school participating in the
19 program under this section shall do all of the following:

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

7-11:2

ASSEMBLY BILL 855

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

4 (c) Administer to the pupils attending the 3rd grade in the private school under
5 this section a standardized reading test developed by the department.

6 **SECTION 28.** 119.23 (7m) (b) to (d) of the statutes are created to read:

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

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

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

22 **SECTION 29.** 119.23 (10) of the statutes is created to read:

23 119.23 (10) Upon the department's request, a private school that has notified
24 the department of its intent to participate, or that is participating, in the program
25 under this section shall demonstrate to the department's satisfaction that its

(intro:)

Section #. 121.85 (6) (am) 4. of the statutes is amended to read: ✓

121.85 (6) (am) 4. In the 2003-04 school year:

one in each school year thereafter

a. Subtract from 95% the percentage of pupils whose parents or guardians have provided the board of school directors with written consent to a pupil transfer to another attendance area.

b. Multiply the result under subd. 4. a. by the total number of transfer pupils under par. (a) in the current school year.

History: 1975 c. 220; 1977 c. 29, 418; 1979 c. 34 ss. 966m, 2102 (43) (a); 1979 c. 221; 1981 c. 20, 385; 1983 a. 27 s. 2202 (42); 1983 a. 189; 1985 a. 29; 1987 a. 399; 1989 a. 31, 259, 336; 1991 a. 39, 48; 1993 a. 16; 1995 a. 27 ss. 4095m to 4098, 9145 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 30, 105.

SEC. RP. 121.85 (6)(am) 5. ✓

2003

13-4

Nonstat File Sequence: **DDD**

LRB _____ / _____

_____ : _____ : _____

\$\$\$ CHANGE

1. In the component bar:

For the action phrase, execute: create → action: → *NS: → \$change

For the budget action phrase, execute: create → action: → *NS: → 92XX

For the text, execute: create → text: → *NS: → \$change

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9200 department code.

SECTION # [92]

Appropriation changes;

public instruction

(#1) ()

In the schedule under section

20.005 (3) of the statutes for the appropriation to the *department*

of public instruction

under section 20.255... (2) (*CU*) of the statutes, as affected by the acts of

2003, the dollar amount is *increased* by \$ for fis

cal year 2003-04 and the dollar amount is *increased*

by \$... *23,757,400* for fiscal year 2004-05 to *increase* funding

for the ~~(purpose)~~ ~~(purposes)~~ for which the appropriation is made ~~to~~ ~~increase fund-~~
~~ing for~~

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

13-11

The treatment of sections 146.89 ~~(1) (intro.)~~ and
~~(d), (g), (h)~~ ^(intro.), (2) (a), (c), and (d),
(3) (b) (intro.), (c), and (d) (intro.), and
~~(3) (a)~~ ^{3s}, ~~and 895.48 (1m) (intro.) (b)~~

→ The renumbering of sections 146.89 (1) and
895.48 (1m) of the statutes, and the
creation of sections 146.89 (1) (d), (g),
and (h) ^{and 895.48 (1m) (b)} of the statutes

Grant, Peter

From: Ziegler, Paul
Sent: Wednesday, March 03, 2004 10:10 AM
To: Grant, Peter
Subject: Milwaukee Schools Initiative

Peter -- Item #1 on the initial drafting request for the Milwaukee Schools Initiative said to increase SAGE payments per pupil to \$2500 beginning in FY05 and to increase the appropriation under s.20.255(2)(cu) by \$23,757,400.

Please revise the SAGE component as follows:

For FY05, increase the per pupil payment to \$2,500 for pupils in MPS and to \$2,250 for all other pupils. Increase the appropriation for FY05 by \$15,824,400. For FY06 and beyond, the payment for all pupils is to be set at \$2,500.

Also, when ready, please share the draft with Bob Hanle and Steve Milioto.

Thank you.