



State of Wisconsin
2003 - 2004 LEGISLATURE

Wednesday
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

3/6/04

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1 AN ACT *to repeal* 118.40 (2r) (c) 2., 118.43 (6) (c), 119.23 (2) (a) 2., 119.23 (7) (b)
2 and 121.85 (6) (am) 5.; *to renumber* 119.23 (1) (a) and 895.48 (1m); *to*
3 *renumber and amend* 118.40 (2r) (cm), 119.23 (7) (am) and 146.89 (1); *to*
4 *amend* 118.13 (2) (b), 118.13 (3) (a) 3., 118.13 (3) (b) 1., 118.13 (3) (b) 2., 118.13
5 (4), 118.30 (1g) (a) 1., 118.30 (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6), 118.33
6 (1) (f) 3., 118.40 (2r) (c) 1., 118.43 (6) (b) (intro.), 118.43 (6) (b) 8., 119.23 (2) (a)
7 1., 119.23 (2) (b), 121.85 (6) (am) 4. (intro.), 146.89 (2) (a), 146.89 (2) (c), 146.89
8 (2) (d), 146.89 (3) (b) (intro.), 146.89 (3) (c) and 146.89 (3) (d) (intro.); and *to*
9 *create* 118.13 (1m), 118.13 (2) (am), 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b)
10 5., 118.33 (1) (f) 2m., 118.33 (6) (c), 118.40 (2r) (c) 3., 118.40 (2r) (c) 4., 118.40 (2r)
11 (c) 5., 118.40 (2r) (cm) 2., 118.43 (6) (b) 9., 119.23 (1) (am), 119.23 (7) (am) 2. and
12 3., 119.23 (7) (d), 119.23 (7) (e), 119.23 (7m), 119.23 (9), 119.23 (10), 119.23 (11),
13 146.89 (1) (d), 146.89 (1) (g), 146.89 (1) (h), 146.89 (3s) and 895.48 (1m) (b) of the
14 statutes; **relating to:** the Volunteer Health Care Provider Program;
15 independent charter schools; the Milwaukee Parental Choice Program; the



Student Achievement Guarantee in Education program; intradistrict transfer aid; granting rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau

Volunteer Health Care Provider Program

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.

Milwaukee Parental Choice Program

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 certain 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. 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.

7. Under current law, in order to participate in the MPCP, a 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 allows a pupil to continue to attend an MPCP school if the pupil's family income does not exceed 2.2 times the federal poverty level. The bill also provides that siblings of pupils attending an MPCP school are subject to the higher limit.

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 pupils who reside in the city of Milwaukee to attend a participating private school at no charge~~ if LAB receives sufficient moneys, other than general purpose revenue, for the study. 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 annually; the first report is due by October 1, 2005.

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

MPCP

located in the school district

Milwaukee) ~~located in the school district~~. Identical provisions exist under current law for independent charter schools.

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

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

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.

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.

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

13. ~~Finally~~ the bill subjects the MPCP schools to the same open meetings and open records requirements that are applicable to public bodies.

14. 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.

15. Under current law, no more than 15% of a school district's enrollment may attend private schools under the MPCP. This bill increases this limit to 15.5%.

Independent charter schools

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.

Currently, 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:

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

This bill eliminates all of these requirements for attending an independent charter school located in the Milwaukee school district. The bill also allows a pupil who resides outside of the Milwaukee school district 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, or 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.

(w A) The bill also allows a pupil who resides outside of the Milwaukee school district to continue to attend Marva Collins Preparatory School of Wisconsin or D.L. Hines Academy if the pupil ~~attends~~ attended the school before the 2002-03 school year, or if the pupil's sibling 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 or Wisconsin-Milwaukee, or 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.

Student Achievement Guarantee in Education program

Under the current Student Achievement Guarantee in Education (SAGE) ~~program~~, DPI 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 \$2,500 beginning in the 2004-05 school year.~~

attended

Program

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ms. SA

this bill increases the payment to \$2,500 per pupil for the Milwaukee Public Schools and \$2,250 for all other school districts. Beginning in the 2005-06 school year, the bill increases the payment to \$2,500 per pupil for all school districts

Intradistrict transfer aid

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, is eligible for additional state aid. Beginning in the 2004–05 school year, a school district will suffer a loss in such aid if less than 100% of the parents or guardians of transferred pupils have given written consent for the transfer. This bill maintains the 95 percent level of compliance currently required; i.e., the school district will receive aid for all pupils transferred if at least 95% of the parents or guardians have provided written consent.

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.** 118.13 (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:

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

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

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

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

5 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
6 (d) information on the ~~status of school district~~ compliance of school districts and
7 private schools with this section and ~~school district~~ the progress made toward
8 providing reasonable equality of educational opportunity for all pupils in this state.

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

10 118.13 (3) (b) 1. Periodically review school district and private school programs,
11 activities and services to determine whether the school boards and private schools
12 are complying with this section.

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

14 118.13 (3) (b) 2. Assist school boards and private schools to comply with this
15 section by providing information and technical assistance upon request.

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

17 118.13 (4) Any public school or private school official, employee or teacher who
18 intentionally engages in conduct which discriminates against a person or causes a
19 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may
20 be required to forfeit not more than \$1,000.

21 **SECTION 8.** 118.30 (1g) (a) 1. of the statutes is amended to read:

22 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
23 academic standards in mathematics, science, reading and writing, geography, and
24 history. ~~If the governor has issued~~ The school board may adopt the pupil academic

1 standards issued by the governor as an executive order under s. 14.23, the school
2 board may adopt those standards no. 326, dated January 13, 1998.

3 **SECTION 9.** 118.30 (1g) (a) 3. of the statutes is created to read:

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

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

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

19 **SECTION 11.** 118.30 (1s) of the statutes is created to read:

20 118.30 (1s) Annually the governing body of each private school participating
21 in the program under s. 119.23 shall do all of the following:

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

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

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

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

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

12 **SECTION 12.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

13 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
14 subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40
15 (2r), or governing body of the private school participating in the program under s.
16 119.23 shall comply with s. 115.77 (1m) (bg).

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

24 **SECTION 13.** 118.30 (2) (b) 5. of the statutes is created to read:

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

4 **SECTION 14.** 118.30 (6) of the statutes is amended to read:

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

15 **SECTION 15.** 118.33 (1) (f) 2m. of the statutes is created to read:

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

21 **SECTION 16.** 118.33 (1) (f) 3. of the statutes is amended to read:

22 118.33 (1) (f) 3. Beginning on September 1, 2005, 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 on September 1, 2005, the

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

15 2. Beginning on September 1, 2005, 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 18.** 118.40 (2r) (c) 1. of the statutes is amended to read:

22 118.40 (2r) (c) 1. Only Except as provided in subds. 3., 4., and 5., only pupils
23 who reside in the school district in which a charter school established under this
24 subsection is located may attend the charter school.

25 **SECTION 19.** 118.40 (2r) (c) 2. of the statutes is repealed.

1 **SECTION 20.** 118.40 (2r) (c) 3. of the statutes is created to read:

2 118.40 (2r) (c) 3. A pupil may attend Woodlands School, a charter school
3 established in the school district operating under ch. 119 under this subsection,
4 regardless of the pupil's school district of residence, if any of the following applies:

5 a. The pupil attended Woodlands School in the 2003–04 school year and,
6 beginning in the 2005–06 school year, in the previous school year.

7 b. The pupil's sibling attended Woodlands School in the 2003–04 school year
8 and in the school year of the pupil's initial attendance.

9 **SECTION 21.** 118.40 (2r) (c) 4. of the statutes is created to read:

10 118.40 (2r) (c) 4. A pupil may attend Marva Collins Preparatory School of
11 Wisconsin, a charter school established in the school district operating under ch. 119
12 under this subsection, regardless of the pupil's school district of residence, if any of
13 the following applies:

14 a. The pupil attended Marva Collins Preparatory School of Wisconsin before
15 the 2002–03 school year.

16 b. The pupil's sibling attended Marva Collins Preparatory School of Wisconsin
17 before the 2002–03 school year and in the school year of the pupil's initial attendance.

18 **SECTION 22.** 118.40 (2r) (c) 5. of the statutes is created to read:

19 118.40 (2r) (c) 5. A pupil may attend D.L. Hines Academy, a charter school
20 established in the school district operating under ch. 119 under this subsection,
21 regardless of the pupil's school district of residence, if any of the following applies:

22 a. The pupil attended D.L. Hines Academy before the 2002–03 school year.

23 b. The pupil's sibling attended D.L. Hines Academy before the 2002–03 school
24 year and in the school year of the pupil's initial attendance.

1 **SECTION 23.** 118.40 (2r) (cm) of the statutes is renumbered 118.40 (2r) (cm) 1.
2 and amended to read:

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

7 **SECTION 24.** 118.40 (2r) (cm) 2. of the statutes is created to read:

8 118.40 (2r) (cm) 2. None of the entities under par. (b) 1. a., b., or d. may
9 establish, or enter into a contract for the establishment of, a new charter school after
10 the effective date of this subdivision [revisor inserts date].

11 **SECTION 25.** 118.43 (6) (b) (intro.) of the statutes is amended to read:

12 118.43 (6) (b) (intro.) From the appropriations under s. 20.255 (2) (cu) and (cv),
13 ~~subject to par. (e)~~, the department shall pay to each school district that has entered
14 into a contract with the department under this section an amount determined as
15 follows:

16 **SECTION 26.** 118.43 (6) (b) 8. of the statutes is amended to read:

17 118.43 (6) (b) 8. In the 2003-04 ~~and 2004-05~~ school years year, \$2,000
18 multiplied by the number of low-income pupils enrolled in grades eligible for funding
19 in each school in the school district covered by contracts under sub. (3) (ar) and by
20 renewals of contracts under sub. (2) (g).

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SECTION 27. 118.43 (6) (b) ~~9~~¹⁰ of the statutes is created to read:

22

118.43 (6) (b) ~~9~~¹⁰. In the ~~2004-05~~²⁰⁰⁵⁻⁰⁶ school year and in each school year thereafter,
23 \$2,500 multiplied by the number of low-income pupils enrolled in grades eligible for
24 funding in each school in the school district covered by contracts under sub. (3) (ar)
25 and by renewals of contracts under sub. (2) (g).

1 **SECTION 28.** 118.43 (6) (c) of the statutes is repealed.

2 **SECTION 29.** 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ar).

3 **SECTION 30.** 119.23 (1) (am) of the statutes is created to read:

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

7 **SECTION 31.** 119.23 (2) (a) 1. of the statutes is amended to read:

8 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income
9 that does not exceed an amount equal to 1.75 times the poverty level determined in
10 accordance with criteria established by the director of the federal office of
11 management and budget. A pupil attending a private school under this section
12 whose family income increases may continue to attend a private school under this
13 section if the pupil is a member of a family that has a total family income that does
14 not exceed an amount equal to 2.2 times the poverty level determined in accordance
15 with criteria established by the director of the federal office of management and
16 budget. For purposes of admission to a private school under this section, siblings of
17 pupils attending a private school under this section are subject to the higher income
18 limit. If a pupil attending a private school under this section ceases to attend a
19 private school under this section, the lower income limit applies unless the pupil is
20 a sibling of a pupil attending a private school under this section.

21 **SECTION 32.** 119.23 (2) (a) 2. of the statutes is repealed.

22 **SECTION 33.** 119.23 (2) (b) of the statutes is amended to read:

23 119.23 (2) (b) No more than ~~15%~~ 15.5 percent of the school district's
24 membership may attend private schools under this section. If in any school year
25 there are more spaces available in the participating private schools than the

1 maximum number of pupils allowed to participate, the department shall prorate the
2 number of spaces available at each participating private school.

3 **SECTION 34.** 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (am)
4 (intro.) and amended to read:

5 119.23 (7) (am) (intro.) Each private school participating in the program under
6 this section is subject to uniform financial accounting standards established by the
7 department ~~and annually.~~ Annually by September 1 following a school year in which
8 a private school participated in the program under this section, the private school
9 shall submit to the department ~~an~~ all of the following:

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

13 **SECTION 35.** 119.23 (7) (am) 2. and 3. of the statutes are created to read:

14 119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the
15 department by rule.

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

18 **SECTION 36.** 119.23 (7) (b) of the statutes is repealed.

19 **SECTION 37.** 119.23 (7) (d) of the statutes is created to read:

20 119.23 (7) (d) Each private school participating in the program under this
21 section shall submit to the department all of the following:

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

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

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

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

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

18 **SECTION 38.** 119.23 (7) (e) of the statutes is created to read:

19 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
20 subd. 2. a private school participating in the program under this section may not
21 employ as instructional staff an individual convicted of any Class A, B, C, D, E, F, G,
22 or H felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of any Class BC
23 felony under ch. 940 or 948, 1999 stats., for 6 years following the date of the
24 conviction, and may employ as instructional staff such an individual after 6 years

1 only if the individual establishes by clear and convincing evidence that he or she is
2 entitled to be employed.

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

8 **SECTION 39.** 119.23 (7m) of the statutes is created to read:

9 119.23 (7m) The governing body of each private school participating in the
10 program under this section shall do all of the following:

11 (a) Permit public inspection and copying of any record, as defined in s. 19.32
12 (2), of the private school to the same extent as is required of, and subject to the same
13 terms and enforcement provisions that apply to, an authority under subch. II of ch.
14 19.

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

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

20 **SECTION 40.** 119.23 (9) of the statutes is created to read:

21 119.23 (9) The legislative audit bureau shall conduct a longitudinal study, of
22 up to 12 years in length, of the program under this section if the bureau receives
23 sufficient moneys, other than general purpose revenue, for the study. The study shall
24 use standardized examinations used by the school district operating under this
25 chapter, and shall review graduation rates and other indicators of academic

1 achievement of all of the pupils attending the private schools. The results of the
2 study shall be submitted to the joint legislative audit committee and to the
3 appropriate standing committees of the legislature annually over the 12-year period
4 in the manner provided under s. 13.172 (3), with the first report due by October 1,
5 2005, and with a comprehensive review and interim report due by October 1, 2010.

6 **SECTION 41.** 119.23 (10) of the statutes is created to read:

7 119.23 (10) (a) The state superintendent may issue an order barring a private
8 school from participating in the program under this section in the succeeding school
9 year if the state superintendent determines that the private school has done any of
10 the following:

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

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

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

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

4 **SECTION 42.** 119.23 (11) of the statutes is created to read:

5 119.23 (11) The department shall promulgate rules to implement and
6 administer this section.

7 **SECTION 43.** 121.85 (6) (am) 4. (intro.) of the statutes is amended to read:

8 121.85 (6) (am) 4. (intro.) In the 2003–04 school year and in each school year
9 thereafter:

10 **SECTION 44.** 121.85 (6) (am) 5. of the statutes is repealed.

11 **SECTION 45.** 146.89 (1) of the statutes, as affected by 2003 Wisconsin Act 92,
12 is renumbered 146.89 (1) (intro.) and amended to read:

13 146.89 (1) (intro.) In this section, ~~“volunteer;~~

14 (r) “Volunteer health care provider” means an individual who is licensed as a
15 physician under ch. 448, dentist or dental hygienist under ch. 447, registered nurse,
16 practical nurse, or nurse–midwife under ch. 441, optometrist under ch. 449, or
17 physician assistant under ch. 448 or who is certified as a dietitian under subch. V of
18 ch. 448 and who receives no income from the practice of that health care profession
19 or who receives no income from the practice of that health care profession when
20 providing services at the nonprofit agency or school specified under sub. (3).

21 **SECTION 46.** 146.89 (1) (d) of the statutes is created to read:

22 146.89 (1) (d) “Governing body” means the governing body of any of the
23 following:

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

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

3 **SECTION 47.** 146.89 (1) (g) of the statutes is created to read:

4 146.89 (1) (g) “School” means any of the following:

5 1. A public elementary school.

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

7 3. 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 48.** 146.89 (1) (h) of the statutes is created to read:

10 146.89 (1) (h) “School board” has the meaning given in s. 115.001 (7).

11 **SECTION 49.** 146.89 (2) (a) of the statutes is amended to read:

12 146.89 (2) (a) A volunteer health care provider may participate under this
13 section only if he or she submits a joint application with a nonprofit agency, school
14 board, or governing body to the department of administration and that department
15 approves the application. If the volunteer health care provider submits a joint
16 application with a school board or governing body, the application shall include a
17 statement by the school board or governing body that certifies that the volunteer
18 health care provider has received materials that specify school board or governing
19 body policies concerning the provision of health care services to students and has
20 agreed to comply with the policies. The department of administration shall provide
21 application forms for use under this paragraph.

22 **SECTION 50.** 146.89 (2) (c) of the statutes is amended to read:

23 146.89 (2) (c) The department of administration shall notify the volunteer
24 health care provider and the nonprofit agency, school board, or governing body of the
25 department’s decision to approve or disapprove the application.

1 **SECTION 51.** 146.89 (2) (d) of the statutes is amended to read:

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

10 **SECTION 52.** 146.89 (3) (b) (intro.) of the statutes is amended to read:

11 146.89 (3) (b) (intro.) ~~The~~ Under this section, the nonprofit agency may provide
12 the following health care services:

13 **SECTION 53.** 146.89 (3) (c) of the statutes is amended to read:

14 146.89 (3) (c) ~~The~~ Under this section, the nonprofit agency may not provide
15 emergency medical services, hospitalization, or surgery, except as provided in par.
16 (b) 8.

17 **SECTION 54.** 146.89 (3) (d) (intro.) of the statutes is amended to read:

18 146.89 (3) (d) (intro.) ~~The~~ Under this section, the nonprofit agency shall provide
19 health care services primarily to low-income persons who are uninsured and who are
20 not recipients of any of the following:

21 **SECTION 55.** 146.89 (3s) of the statutes is created to read:

22 146.89 (3s) All of the following apply to a volunteer health care provider whose
23 joint application with a school board or relevant governing body is approved under
24 sub. (2):

1 (a) Before providing health care services in a school, the volunteer health care
2 provider shall provide to the school board or relevant governing body proof of
3 satisfactory completion of any competency requirements that are relevant to the
4 volunteer health care provider, as specified by the department of public instruction
5 by rule.

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

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

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

10 2. First aid for illness or injury.

11 3. Except as specified in par. (c), the administration of drugs, as specified in s.
12 118.29 (2) (a) 1. to 3.

13 4. Health screenings.

14 5. Any other health care services designated by the department of public
15 instruction by rule.

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

18 1. Emergency medical services.

19 2. Hospitalization.

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

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

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

23 6. A pregnancy test.

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

4 **SECTION 56.** 895.48 (1m) of the statutes, as affected by 2003 Wisconsin Act 33,
5 is renumbered 895.48 (1m) (a).

6 **SECTION 57.** 895.48 (1m) (b) of the statutes is created to read:

7 895.48 (1m) (b) This subsection does not apply to health care services provided
8 by a volunteer health care provider under s. 146.89.

9 **SECTION 58. Nonstatutory provisions.** ^(CS) ✓

10 CRIMINAL BACKGROUND CHECKS.
(1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this
11 act, the first notarized statement required under that subdivision is due within 60
12 days after the effective date of this subsection.

13 (2) LEGISLATIVE AUDIT BUREAU POSITIONS. The authorized FTE positions for the
14 legislative audit bureau, funded from the appropriation under section 20.765 (3) (g)
15 of the statutes, are increased by 3.0 PR positions to conduct the study under section
16 119.23 (9) of the statutes, as created by this act.

17 **SECTION 59. Appropriation changes; public instruction.** ✓

18 ACHIEVEMENT GUARANTEE CONTRACTS. ^(CS)
(1) In the schedule under section 20.005 (3) of the statutes for the appropriation
19 to the department of public instruction under section 20.255 (2) (cu) of the statutes,
20 as affected by the acts of 2003, the dollar amount is increased by ~~\$23,757,400~~
21 fiscal year 2004–05 to increase funding for the purpose for which the appropriation
22 is made.

23 **SECTION 60. Initial applicability.**

24 (1) MILWAUKEE PARENTAL CHOICE PROGRAM.

\$15,824,400

1 (a) The treatment of sections 119.23 (2) (b), (7) (b), (d) and (e), (10), and (11) of
2 the statutes, the renumbering of section 119.23 (7) (am) of the statutes, and the
3 creation of section 119.23 (7) (am) 2. of the statutes first apply to private schools that
4 participate in the Milwaukee Parental Choice Program under section 119.23 of the
5 statutes, and to pupils who attend a private school under section 119.23 of the
6 statutes, in the 2004–05 school year.

7 (b) The treatment of section 119.23 (7) (am) 3. of the statutes first applies to
8 certifications under that subdivision that are due by September 1, 2005.

9 (c) The treatment of section 118.13 (1m) and 119.23 (2) (a) 1. and 2. of the
10 statutes first applies to persons who apply to attend a private school under section
11 119.23 of the statutes in the 2004–05 school year.

12 (2) VOLUNTEER HEALTH CARE PROVIDER PROGRAM. The treatment of sections
13 146.89 (2) (a), (c), and (d), (3) (b) (intro.), (c), and (d) (intro.), and (3s), the renumbering
14 of sections 146.89 (1) and 895.48 (1m) of the statutes, and the creation of sections
15 146.89 (1) (d), (g), and (h) and 895.48 (1m) (b) of the statutes first apply to
16 applications submitted under section 146.89 (2) (a) of the statutes, as affected by this
17 act, on the effective date of this subsection. (CS) ✓

18 (3) ^{UNIVERSITY OF WISCONSIN - PARKSIDE.} The treatment of section 118.40 (2r) (cm) 1. of the statutes first applies in
19 the 2004–05 school year.

20 (END)

DN

Ziegler:
Paul Ziegler:

This draft includes all ^{of} the items in your
instructions except item no. 7. I spoke to
Steve Milioto about the accountability standards of the
Steve Milioto about the No Child Left
Behind Act and am awaiting further
instructions.

PL

SA

If The bill also allows a school board
to use unexpended moneys under a SAGE contract
to use unexpended moneys under a SAGE contract

~~to satisfy the terms of a contract~~ to
assist

assist other schools ~~to~~ in satisfying the
SAGE covering
terms of a contract covering the other
schools.

13-201

§ SEC. CR. 118.43 (6)(b) 9.

§ 118.43 (6)(b) 9. In the 2004-05 school year,
\$2,500 multiplied by the number of low-income
enrolled pupils enrolled in grades eligible for funding
in each school in the school district operating
under ch. 119 covered by contracts under sub.
or
(3)(a) and by renewals of contracts under
sub. (2)(g), and \$2,250 multiplied by
the number of low-income pupils enrolled in
each school in grades eligible for funding in a school district
other than the school district operating under
ch. 119 covered by contracts under sub. (3)(a)
and by renewals of contracts under sub. (2)(g).

14-1

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

118.43 (6) (d) The school board shall use the aid under this section to satisfy the terms of the con-

tract.

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



~~except that~~

~~the school board may use any unexpended~~
~~use any unexpended~~

~~money~~ ^{moneys} that are not necessary to satisfy the

~~terms~~ ^{terms} of the contract to assist other

~~schools to satisfy the terms of a~~

~~contract covering the other schools~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4358/1dn
PG:cs:rs

March 3, 2004

Paul Ziegler:

This draft includes all of the items in your instructions except item 7. I spoke to Steve Milioto about the accountability standards of the No Child Left Behind Act and am awaiting further instructions.

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

Grant, Peter

From: Hanle, Bob
Sent: Thursday, March 04, 2004 1:34 PM
To: Grant, Peter
Cc: Ziegler, Paul
Subject: FW:

The change is to LRB4358/1, effective in 04-05. Peter, thanks much.

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

From: Clark, Jessica - Office of Governor Jim Doyle
Sent: Thursday, March 04, 2004 1:21 PM
To: Hanle, Bob
Subject:

Bob,

Please have Peter draft the change back to \$500 for all SAGE students. We can hold off on all of the other changes for now if we could possibly get the one change done ASAP. Thanks!

Jess

& go back to # 23, 782, 70

Jessica L. Clark
Policy Advisor
Office of Governor Jim Doyle
23 East State Capitol
P.O. Box 7863
Madison, WI 53707
(608) 266-1212 (phone)
(608) 261-6804 (fax)

Grant, Peter

From: Ziegler, Paul
Sent: Thursday, March 04, 2004 1:49 PM
To: Grant, Peter
Cc: Hanle, Bob; Milioto, Steve
Subject: draft LRB 4358/1

Peter -- As I mentioned in my voice mail, in addition to reverting to the initial instructions to increase the SAGE per pupil payment to \$2500 for ALL SAGE students beginning in FY05, we need to increase the appropriation by \$23,782,700. Please note that this amount is slightly different from my initial request.

Thank you.

Paul

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Jessica L. Clark

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