

2003 Assembly Bill 847

Date of enactment: **March 16, 2004**
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2003 WISCONSIN ACT 155

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

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

SECTION 1. 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (am) (intro.) and amended to read:

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

1. An independent financial audit of the private school conducted by a certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those records that are necessary for the department to make payments under subs. (4) and (4m).

SECTION 2. 119.23 (7) (am) 2. of the statutes is created to read:

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

SECTION 3. 119.23 (7) (b) of the statutes is repealed.

SECTION 4. 119.23 (7) (d) of the statutes is created to read:

119.23 (7) (d) By August 1 before the first school term of participation in the program, or by May 1 if the private school begins participating in the program during summer school, each private school participating in the program under this section shall submit to the department all of the following:

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

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

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

SECTION 5. 119.23 (10) of the statutes is created to read:

119.23 (10) (a) The state superintendent may issue an order barring a private school from participating in the program under this section in the current school year if

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

the state superintendent determines that the private school has done any of the following:

1. Misrepresented information required under sub. (7) (d).
 2. Failed to provide the notice required under sub. (2) (a) 3., or the information required under sub. (7) (am) or (d), by the date or within the period specified.
 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m) by the date specified by department rule.
 4. Failed to meet at least one of the standards under sub. (7) (a) by the date specified by department rule.
- (b) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that conditions at the private school present an imminent threat to the health or safety of pupils.

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

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

SECTION 6. 119.23 (11) of the statutes is created to read:

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

SECTION 7. Initial applicability.

(1) This act first applies to private schools that participate in the Milwaukee Parental Choice Program under section 119.23 of the statutes in the 2004–05 school year.
