

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 847**

March 2, 2004 – Offered by Representatives SINICKI and JENSEN.

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

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

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

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

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

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

9 **SECTION 3.** 119.23 (7) (b) of the statutes is repealed.

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

11 119.23 (7) (d) By August 1 before the first school term of participation in the
12 program, or by May 1 if the private school begins participating in the program during
13 summer school, each private school participating in the program under this section
14 shall submit to the department all of the following:

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

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

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

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

1 119.23 **(10)** (a) The state superintendent may issue an order barring a private
2 school from participating in the program under this section in the current school year
3 if the state superintendent determines that the private school has done any of the
4 following:

5 1. Misrepresented information required under sub. (7) (d).

6 2. Failed to provide the notice required under sub. (2) (a) 3., or the information
7 required under sub. (7) (am) or (d), by the date or within the period specified.

8 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
9 by the date specified by department rule.

10 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
11 specified by department rule.

12 (b) The state superintendent may issue an order immediately terminating a
13 private school's participation in the program under this section if he or she
14 determines that conditions at the private school present an imminent threat to the
15 health or safety of pupils.

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

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

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

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

25 **SECTION 7. Initial applicability.**

