

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB847)

Received: 02/27/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Steve Knudson

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Parental Choice Program; accountability provisions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 02/27/2004	kgilfoy 02/27/2004		_____			
/1	pgrant 03/01/2004	jdyer 03/01/2004	jfrantze 03/01/2004	_____	lemery 03/01/2004	lemery 03/01/2004	
/2			pgreensl	_____	lemery	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/01/2004 _____		03/01/2004	03/01/2004	
			pgreensl _____		sbasford		
			03/01/2004 _____		03/01/2004		

FE Sent For:

<END>

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1?	pgrant	1-2/27 Kmg	[Signature]	[Signature]			

FE Sent For:

<END>

2/27/09

Steve Knudson

Jensen

2 - 46970

~~SH to AB 836~~

~~delete account provisions~~

↳ ~~7th~~ ins of to AB 847

incl. all accounts - prov. removed
from AB 836

+ nothing else

except :

clarity re audit -
into the to info

dpi needs to make
whether payments

MONDAY

LRB 50405/1
PG:kmg:

A. SUBST. AMDT. —
TO 2003 ASSEMBLY BILL 836

847

February 11, 2004 - Introduced by Representatives JENSEN, NISCHKE, LADWIG, KRAWCZYK, HUNDERTMARK, HONADEL, AINSWORTH, OWENS, NASS, STONE, JESKEWITZ and MCCORMICK, cosponsored by Senators PLALE, DARLING, STEFF, KANAVAS, WELCH and LEIBHAM. Referred to Committee on Education Reform.

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. and 3., 119.23 (7) (d), 119.23 (7) (e), 119.23 (7) (f),
3 119.23 (10) and 119.23 (11) of the statutes; **relating to:** the Milwaukee Parental
4 Choice Program and granting rule-making authority.

reflect

Analysis by the Legislative Reference Bureau

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

1. The bill requires a private school participating in the MPCP annually to conduct a criminal background check on each new employee. The bill also requires the private school to conduct a background check of all existing employees within 120 days after this bill's effective date.

2. With certain exceptions, the bill prohibits a private school that is participating in the MPCP from employing a person who has been convicted of any of the specified felonies for six years following the conviction. The bill also permits the private school to refuse to employ, or to terminate the employment of, any person convicted of a felony or misdemeanor.

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

ASSEMBLY BILL 836

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 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.

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

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

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

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

3 119.23 (7) (am) (intro.) Each private school participating in the program under
4 this section is subject to uniform financial accounting standards established by the
5 department and annually. Annually by September 1 following a school year in which
6 a private school participated in the program under this section, the private school
7 shall submit to the department an all of the following:

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

11 SECTION 2. 119.23 (7) (am) 2. ~~amended~~ ^{is} created to read:

12 119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the
13 department by rule.

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).

ASSEMBLY BILL 836

~~3. Certification by the auditor under subd. 1. that criminal background checks of all newly hired school employees were conducted as specified under par. (d) 2.~~

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) Each private school participating in the program under this section shall submit to the department all of the following:

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, 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 ~~subd. 1.~~ 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.

~~2. Annually by February 1, a notarized statement by a person legally authorized to act on behalf of the private school that the private school will conduct a criminal background check through the department of justice on each person who will be employed by the private school for the first time in the following school year. If the person is a nonresident, the department of justice may provide for the submission of information to the federal bureau of investigation for the purposes of~~

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1 verifying the identity of the person and obtaining records of his or her criminal arrest
2 and conviction.

3 **SECTION 5.** 119.23 (7) (e) of the statutes is created to read:

4 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
5 subd. 2. a private school participating in the program under this section may not
6 employ a person convicted of any Class A, B, C, D, E, F, G, or H felony under ch. 940
7 or 948, except ss. 940.08 and 940.205, for 6 years following the date of the conviction,
8 and may employ such a person after 6 years only if the person establishes by clear
9 and convincing evidence that he or she is entitled to be employed.

10 2. A private school participating in the program under this section may employ
11 a person convicted of a crime enumerated in subd. 1., prior to the expiration of the
12 6-year period following the conviction, if the private school receives from the court
13 in which the conviction occurred a certificate stating that the conviction has been
14 reversed, set aside, or vacated.

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

16 119.23 (7) (f) Notwithstanding subch. II of ch. 111, a private school
17 participating in the program under this section may refuse to employ or may
18 terminate the employment of any person who has been convicted of a felony or
19 misdemeanor unless the private school receives from the court in which the
20 conviction occurred a certificate stating that the conviction has been reversed, set
21 aside, or vacated.

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

23 119.23 (10) (a) The state superintendent may issue an order barring a private
24 school from participating in the program under this section in the succeeding school

ASSEMBLY BILL 836

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) or (d), by the date or within the period specified. 4

6 3. Failed to refund to the state any overpayment made under sub. (4) (b) or ~~(am)~~
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.

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

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

20 **SECTION 8.** 119.23 (11) of the statutes is created to read:

21 119.23 (11) The department shall promulgate rules to implement and
22 administer this section.

23 **SECTION 9. Nonstatutory provisions.**

ASSEMBLY BILL 836

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

4 (2) Within 120 days after the effective date of this subsection, a private school
5 participating in the program under section 119.23 of the statutes shall conduct a
6 criminal background check through the department of justice on each person
7 employed by the private school. If the person is a nonresident, the department of
8 justice may provide for the submission of information to the federal bureau of
9 investigation for the purposes of verifying the identity of the person and obtaining
10 records of his or her criminal arrest and conviction.

SECTION 10. Initial applicability.

11
12 (1) This act first applies to private schools that participate in the Milwaukee
13 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school
14 year, except as provided in SECTION 9 of this act and except that the treatment of
15 section 119.23 (7) (am) 3. of the statutes first applies to reports under that
16 subdivision that are due by September 1, 2005.

17 (END)

now

P.3

↑ +jd

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

Regen

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} ~~succeeding~~ school
3 year if the state superintendent determines that the private school has done any of
4 the 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.**

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

4 (END)