



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBs0015/2
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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 3**

February 8, 2005 – Offered by Senators TAYLOR, JAUCH, ROBSON, MILLER and COGGS.

1 **AN ACT** *to amend* 119.23 (2) (b); *to repeal and recreate* 119.23 (3); and *to*
2 *create* 119.23 (3m) of the statutes; **relating to:** the application process for
3 pupils eligible to participate in the Milwaukee Parental Choice Program.

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

4 **SECTION 1.** 119.23 (2) (b) of the statutes is amended to read:

5 119.23 (2) (b) No more than 15% of the school district's membership may attend
6 private schools under this section. ~~If in any school year there are more spaces~~
7 ~~available in the participating private schools than the maximum number of pupils~~
8 ~~allowed to participate, the department shall prorate the number of spaces available~~
9 ~~at each participating private school.~~

10 **SECTION 2.** 119.23 (3) of the statutes is repealed and recreated to read:

11 119.23 (3) (a) Between the first weekday in February and the last weekday in
12 March, the parent or guardian of a pupil who wishes to attend a private school under

1 this section in the following school year shall request a private school that has
2 notified the department of its intent to participate in the program under this section
3 in the following school year under sub. (2) (a) 3. to determine whether the pupil is
4 eligible to attend the private school under this section in the following school year.

5 (b) The private school shall notify the parent or guardian, in writing, of the
6 child's eligibility within 14 days of receiving the request but no later than April 5.
7 If the private school determines that the child is eligible, it shall simultaneously
8 submit a copy of the notice to the department.

9 (c) Based on information received under par. (b), the department shall
10 determine the number of pupils who are eligible to attend a private school under this
11 section in the following school year. If the number is equal to or fewer than the
12 number allowed under sub. (2) (b), by May 1 the department shall notify the parent
13 or guardian of each eligible pupil that he or she may apply to attend a private school
14 under this section. If the number exceeds the number allowed under sub. (2) (b), the
15 department shall randomly select the pupils who will be allowed to apply to attend
16 a private school under this section after giving preference first to pupils currently
17 attending a private school under this section and 2nd to siblings of such pupils

18 (d) By May 1, the department shall notify the parent or guardian of each eligible
19 pupil whether the pupil has been selected.

20 (e) Between May 1 and May 20, the parent or guardian of a pupil who wishes
21 to attend a private school under this section in the following school term and who has
22 been notified by the department that he or she may apply shall submit an
23 application, on a form provided by the state superintendent, to the participating
24 private school that the pupil wishes to attend.

1 (f) By the 3rd weekday after May 20, the private school shall notify the
2 applicant, in writing, whether the application has been accepted. The state
3 superintendent shall ensure that the private school determines which pupils to
4 accept on a random basis after giving preference first to pupils currently attending
5 a private school under this section and 2nd to siblings of such pupils.

6 (g) If the private school accepts an applicant, within 10 days of the mailing of
7 the notice of acceptance the pupil's parent or guardian shall notify the private school
8 of the pupil's intent to attend the private school in the following school year. If a
9 parent or guardian fails to notify the private school within 10 days, the private school
10 may fill the pupil's space with another pupil from the waiting list created by the
11 private school during the same application period.

12 **SECTION 3.** 119.23 (3m) of the statutes is created to read:

13 119.23 (3m) A private school participating in the program under this section
14 may choose to accept pupils in the fall for initial attendance at the private school in
15 the spring session. If it does so, sub. (3) applies except as follows:

16 (a) The period for determining pupil eligibility is the first weekday in August
17 to the last weekday in September.

18 (b) The private school shall notify the pupil's parent or guardian of eligibility
19 by October 5.

20 (c) The department shall notify the pupil's parent or guardian of selection by
21 November 1. In conducting its selection, the department shall give first preference
22 to any pupils determined eligible in the previous April selection who is not currently
23 attending a private school under this section if the pupil's parent or guardian notified
24 a private school participating in the program under this section, during the period

1 specified in par. (a), that the pupil was determined eligible in the previous April
2 selection.

3 (d) The period for the parent or guardian of a pupil selected under par. (c) to
4 apply to attend a private school under this section is November 1 to November 20.

5 (e) The private school shall notify an applicant whether his or her application
6 has been accepted by the 3rd weekday after November 20.

7 **SECTION 4. Initial applicability.**

8 (1) MILWAUKEE PARENTAL CHOICE PROGRAM.

9 (a) If this act takes effect before March 2, 2005, it first applies to the spring 2005
10 application process for attendance at a private school in the fall of 2005.

11 (b) If this act takes effect after March 1, 2005, and before September 2, 2005,
12 it first applies to the fall 2005 application process for attendance at a private school
13 in the spring of 2006.

14 (c) If this act takes effect after September 1, 2005, it first applies to the spring
15 2006 application process for attendance at a private school in the fall of 2006.

16 (END)