

2005 DRAFTING REQUEST

Assembly Amendment (AA-AB3)

Received: 01/25/2005

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Christine Sinicki (608) 266-8588

By/Representing:

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.Sinicki@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

MPCP; nondiscrimination, etc.

Instructions:

From 2003 AB 855

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 01/25/2005	wjackson 01/25/2005		_____			
/1			pgreensl 01/25/2005	_____	lemery 01/25/2005	lemery 01/25/2005	

FE Sent For:

<END>

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/?	pgrant	Y25 v9	Y25 p8	Y25 p8/gkc			

FE Sent For:

<END>

2005

Date (time) needed

now

LRBa 0078 / 1

AMENDMENT

PG : WJ : WJ

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

~~TO S A AMENDMENT~~ _____ (LRBa _____ / _____),

~~TO S A SUBSTITUTE AMENDMENT~~ _____ (LRBs _____ / _____),

TO 2005 SB SJR SR (AB) AJR AR 3 (LRB- _____ / _____)

At the locations indicated, amend the bill as follows:
(fill ONLY if "engrossed" or "as shown by")

- ✓ #. Page 1, line 1: delete ✓ the number of pupils ✓ ⊙
- ✓ #. Page 1, line 2: delete ✓ eligible to participate in ✓ ⊙
- ✓ #. Page 1, line 3: before that line insert ⊙
- ~~#. Page _____, line _____:~~
- ~~#. Page _____, line _____:~~

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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. The bill also requires each MPCP school to develop written policies and procedures to implement the nondiscrimination requirement and to provide each applicant to a school with all of the following: 1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; 2) a notice stating whether the school is an organization run for profit or not for profit, and, if the school is run not for profit, proof of its federal tax-exempt status; 3) a copy of the appeals process used if the school rejects an applicant for admission; 4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; and 5) a copy of the school's nondiscrimination policies and procedures. ~~In addition, upon request of any person, the school must provide the information above, as well as the number of pupils enrolled in the previous school year, pupil scores on standardized tests administered in the previous school year, and the number of pupils who were expelled or who failed to graduate in the previous school year.~~

Limitation on enrollment

The bill provides that no more than 65 percent of a private school's enrollment may consist of MPCP pupils.

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

✓ 1 ^W ^{(B) b} 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 ^{(B) f} SECTION 2. 118.13 (2) (am) of the statutes is created to read:

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1 118.13 (2) (am) Each private school participating in the program under s.
2 119.23 shall develop written policies and procedures to implement this section and
3 submit them to the state superintendent. The policies and procedures shall provide
4 for receiving and investigating complaints regarding possible violations of this
5 section, for making determinations as to whether this section has been violated, and
6 for ensuring compliance with this section.

7 [ⓑ] [Ⓚ] SECTION 3. 118.13 (2) (b) of the statutes is amended to read:

8 118.13 (2) (b) Any person who receives a negative determination under par. (a)
9 or (am) may appeal the determination to the state superintendent.

10 [ⓑ] [Ⓟ] SECTION 4. 118.13 (3) (a) 3. of the statutes is amended to read:

11 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
12 (d) information on the ~~status of school district~~ compliance of school districts and
13 private schools with this section and ~~school district~~ the progress made toward
14 providing reasonable equality of educational opportunity for all pupils in this state.

15 [ⓑ] [Ⓢ] SECTION 5. 118.13 (3) (b) 1. of the statutes is amended to read:

16 118.13 (3) (b) 1. Periodically review school district and private school programs,
17 activities and services to determine whether the school boards and private schools
18 are complying with this section.

19 [ⓑ] [Ⓝ] SECTION 6. 118.13 (3) (b) 2. of the statutes is amended to read:

20 118.13 (3) (b) 2. Assist school boards and private schools to comply with this
21 section by providing information and technical assistance upon request.

22 [ⓑ] [Ⓨ] SECTION 7. 118.13 (4) of the statutes is amended to read:

23 118.13 (4) Any public school or private school official, employee or teacher who
24 intentionally engages in conduct which discriminates against a person or causes a

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SECTION 7

1 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may
2 be required to forfeit not more than \$1,000. ✓

3 **SECTION 8.** 118.165 (1) (c) of the statutes is renumbered 118.165 (1) (c) 1. and
4 amended to read:

5 118.165 (1) (c) 1. The Except as provided in subd. 2., the program provides at
6 least 875 hours of instruction each school year.

7 **SECTION 9.** 118.165 (1) (c) 2. of the statutes is created to read:

8 118.165 (1) (c) 2. If the program offers kindergarten, it provides at least 437
9 hours of instruction in kindergarten each school year.

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

11 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
12 academic standards in mathematics, science, reading and writing, geography, and
13 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
14 standards issued by the governor as an executive order under s. 14.23, the school
15 board may adopt those standards no. 326, dated January 13, 1998.

16 **SECTION 11.** 118.30 (1g) (a) 3. of the statutes is created to read:

17 118.30 (1g) (a) 3. The governing body of each private school participating in the
18 program under s. 119.23 shall adopt pupil academic standards in mathematics,
19 science, reading and writing, geography, and history. The governing body of the
20 private school may adopt the pupil academic standards issued by the governor as
21 executive order no. 326, dated January 13, 1998.

22 **SECTION 12.** 118.30 (1g) (c) of the statutes is amended to read:

23 118.30 (1g) (c) Each school board operating elementary grades and, each
24 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
25 the governing body of each private school participating in the program under s.

✓ # Page 2, line 8: after that line insert (B)
Page 1, line 3: delete "100" and substitute "8m" (B)

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1 based solely on the pupil's academic performance; and any other academic criteria
2 specified by the governing body of the private school.

3 2. Beginning on September 1, 2005, the governing body of a private school
4 participating in the program under s. 119.23 may not promote a 4th grade pupil who
5 is attending the private school under s. 119.23 to the 5th grade, and may not promote
6 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
7 grade, unless the pupil satisfies the criteria for promotion specified in the governing
8 body's policy under subd. 1.

9 **SECTION 20.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) 1.

10 **SECTION 21.** 119.23 (2) (b) 2. of the statutes is created to read:

11 119.23 (2) (b) 2. No more than 65 percent of a private school's enrollment may
12 consist of pupils attending the private school under this section.

13 ^g
^g **SECTION 22.** 119.23 (6m) of the statutes is created to read:

14 119.23 (6m) Each private school participating in the program under this
15 section shall ~~do all of the following:~~

16 ^{NA} (a) Provide to each person who applies to attend the private school all of the
17 following:

18 (a) ~~1~~ A list of the names, addresses, and telephone numbers of the members of the
19 private school's governing body and of the private school's shareholders, if any.

20 (b) ~~2~~ A notice stating whether the private school is an organization operated for
21 profit or not for profit. If the private school is a nonprofit organization, the private
22 school shall also provide the applicant with a copy of the certificate issued under
23 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is
24 a nonprofit organization that is exempt from federal income tax.

25 (c) ~~3~~ A copy of the appeals process used if the private school rejects the applicant.

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1 (d) 4 A statement that the private school agrees to permit public inspection and
2 copying of any record, as defined in s. 19.32 (2), of the private school to the same
3 extent as required of, and subject to the same terms and enforcement provisions that
4 apply to, an authority under subch. II of ch. 19.

5 (e) 5 A statement that the private school agrees to provide public access to
6 meetings of the governing body of the private school to the same extent as is required
7 of, and subject to the same terms and enforcement provisions that apply to, a
8 governmental body under subch. V of ch. 19.

9 (f) 6 A copy of the private school's policies and procedures on nondiscrimination
10 adopted under s. 118.13 (2) (am).

11 (b) Upon request by any person, provide the material specified in par. (a) and
12 the number of pupils enrolled in the private school in the previous school year, pupil
13 scores on standardized tests administered in the previous school year, and the
14 number of pupils who were expelled or who failed to graduate in the previous school
15 year.

16 **SECTION 23.** 119.23 (7) (a) (intro.) of the statutes is amended to read:

17 119.23 (7) (a) (intro.) Each private school participating in the program under
18 this section shall meet at least ~~one~~ 3 of the following standards and annually submit
19 to the department a report describing the school's status with respect to the 4th
20 standard:

21 **SECTION 24.** 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (d) 4. and
22 amended to read:

23 119.23 (7) (d) 4. ~~Each private school participating in the program under this~~
24 ~~section is subject to~~ Comply with uniform financial accounting standards established

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SECTION 24

1 by the department and annually shall submit to the department an independent
2 financial audit of the private school.

3 **SECTION 25.** 119.23 (7) (b) of the statutes is amended to read:

4 119.23 (7) (b) The state superintendent shall monitor the performance of the
5 pupils attending private schools under this section. If the state superintendent
6 determines in any school year that the private school is not meeting at least one 3
7 of the standards under par. (a), that private school may not participate in the
8 program under this section in the following school year.

9 **SECTION 26.** 119.23 (7) (c) of the statutes is renumbered 119.23 (7m) (a) and
10 amended to read:

11 119.23 (7m) (a) A private school may not require a pupil attending the private
12 school under this section to participate in any religious activity if the pupil's parent
13 or guardian submits to the pupil's teacher or the private school's principal a written
14 request that the pupil be exempt from such activities the activity. The private school
15 shall ensure that a pupil who is exempt from participating in a religious activity
16 under this paragraph is not present in the room in which the religious activity occurs.

17 **SECTION 27.** 119.23 (7) ^(e) ~~(d)~~ of the statutes is created to read:

18 119.23 (7) ^(e) ~~(d)~~ The governing body of each private school participating in the
19 program under this section shall do all of the following:

20 1. Permit public inspection and copying of any record, as defined in s. 19.32 (2),
21 of the private school to the same extent as is required of, and subject to the same
22 terms and enforcement provisions that apply to, an authority under subch. II of ch.
23 19.

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1 2. Provide public access to its meetings to the same extent as is required of, and
2 subject to the same terms and enforcement provisions that apply to, a governmental
3 body under subch. V of ch. 19.

4 3. Administer to the pupils attending the 3rd grade in the private school under
5 this section a standardized reading test developed by the department.

6 ~~SECTION 28. 119.23 (7m) (b) to (d) of the statutes are created to read:~~

7 ~~119.23 (7m) (b) Each private school participating in the program under this~~
8 ~~section shall~~ ³⁰ adopt a policy implementing par. ^(c) (a) and provide a copy of the policy to
9 each person who expresses an interest in attending the private school under this
10 section and annually to the department with the notice under sub. (2) (a) 3. The
11 private school shall include in the policy a list of the school activities that it has
12 determined are religious activities for the purpose of par. ^(c) (a). The list shall include
13 religious worship, religious instruction, and any school activity that the private
14 school has determined is sectarian, proselytizing, or religiously doctrinal in nature.

15 ~~(c) Each private school participating in the program under this section shall~~
16 ⁴⁰ provide a pupil who is exempt from one or more religious activities under par. ^(c) (a) with
17 a sufficient number of hours of instruction to meet the requirement under s. 118.165
18 (1) (c) and to enable the pupil to advance from grade to grade in the private school.

19 ~~(d) The department shall promulgate rules to implement and administer this~~
20 ~~subsection, including rules specifying the supervision required for pupils who are~~
21 ~~exempt from religious activities under par. (a).~~

22 ~~SECTION 29. 119.23 (10) of the statutes is created to read:~~

23 ~~119.23 (10) Upon the department's request, a private school that has notified~~
24 ~~the department of its intent to participate, or that is participating, in the program~~
25 ~~under this section shall demonstrate to the department's satisfaction that its~~

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SECTION 29

1 educational program meets all of the criteria under s. 118.165 (1). The department
 2 may require the private school to submit documents for that purpose, including a
 3 school calendar, a daily schedule indicating the school's hours of instruction, and
 4 evidence showing that the school's educational program provides a sequentially
 5 progressive curriculum of fundamental instruction in the subjects specified in s.
 6 118.165 (1) (d).

7 **SECTION 30. Initial applicability.**

8 (1) Except as provided in subsection (2), this act first applies to private schools
 9 participating in the program under section 119.23 of the statutes, and to pupils who
 10 attend a private school under section 119.23 of the statutes, in the ~~2004-05~~²⁰⁰⁵⁻⁰⁶ school
 11 year.

12 (2) The treatment of sections 118.13 (1m) and 119.23 (6m) ~~(a)~~^{9 (7)(e)} and ~~(7m) (b)~~^(b) of
 13 the statutes first applies to persons who apply to attend a private school under
 14 section 119.23 of the statutes in the ~~2004-05~~²⁰⁰⁶⁻⁰⁷ school year. ✓ (c)

(END)