

2007 SENATE BILL 349

December 7, 2007 – Introduced by Senators TAYLOR, LEHMAN, MILLER and ERPENBACH, cosponsored by Representatives POPE-ROBERTS, RICHARDS, SHERMAN, BLACK, GRIGSBY, VAN AKKEREN, SHERIDAN, POCAN, BERCEAU, TOWNSEND, GOTTLIEB, CULLEN, HIXSON, JORGENSEN, SCHNEIDER, TOLES, FIELDS, A. OTT, KRUSICK, SINICKI, MASON and SOLETSKI. Referred to Committee on Education.

1 **AN ACT to amend** 118.125 (4), 119.23 (7) (am) 1. and 119.23 (10) (d); and **to create**
2 119.23 (1) (am), 119.23 (7) (b) and 119.23 (10) (a) 5. of the statutes; **relating to:**
3 records of pupils attending a private school participating in the Milwaukee
4 Parental Choice Program.

Analysis by the Legislative Reference Bureau

This bill requires a private school participating in the Milwaukee Parental Choice Program (MPCP) to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. Progress records include the courses a pupil took, the pupil's grades, the pupil's attendance record, the pupil's immunization record, and records of the pupil's extracurricular activities. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school

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or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

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

1 **SECTION 1.** 118.125 (4) of the statutes is amended to read:

2 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and
3 a private school participating in the program under s. 119.23 shall transfer to
4 another school or school district all pupil records relating to a specific pupil if the
5 transferring school district or private school has received written notice from the
6 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor
7 that the pupil intends to enroll in the other school or school district or written notice
8 from the other school or school district that the pupil has enrolled or from a court that
9 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02
10 (10p), or a secured residential care center for children and youth, as defined in s.
11 938.02 (15g). In this subsection, “school” and “school district” include any juvenile
12 correctional facility, secured residential care center for children and youth, adult
13 correctional institution, mental health institute, or center for the developmentally
14 disabled, that provides an educational program for its residents instead of or in
15 addition to that which is provided by public and private schools.

16 **SECTION 2.** 119.23 (1) (am) of the statutes is created to read:

17 119.23 (1) (am) “Progress records” has the meaning given in s. 118.125 (1) (c).

18 **SECTION 3.** 119.23 (7) (am) 1. of the statutes is amended to read:

19 119.23 (7) (am) 1. An independent financial audit of the private school
20 conducted by a certified public accountant, accompanied by the auditor’s statement
21 that the report is free of material misstatements and fairly presents pupil costs

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1 under sub. (4) (b) 1. ~~The Except as provided in par. (b) 2., the~~ audit under this
2 subdivision shall be limited in scope to those records that are necessary for the
3 department to make payments under subs. (4) and (4m).

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

5 119.23 (7) (b) 1. Each private school participating in the program under this
6 section shall do all of the following:

7 a. Maintain progress records for each pupil attending the private school under
8 this section while the pupil attends the school and, except as provided under subd.
9 1. d., for at least 5 years after the pupil ceases to attend the school.

10 b. Upon request, provide a pupil or the parent or guardian of a minor pupil who
11 is attending the private school under this section with a copy of the pupil's progress
12 records.

13 c. Issue a high school diploma or certificate to each pupil who attends the
14 private school under this section and satisfactorily completes the course of
15 instruction and any other requirements necessary for high school graduation.

16 d. If the private school ceases operating as a private school, immediately
17 transfer all of the progress records of the pupils who attended the school under this
18 section to the board.

19 2. The certified public accountant conducting the independent financial audit
20 required under par. (am) 1. shall include in the audit a report on the private school's
21 compliance with subd. 1. a. and c. The certified public accountant may determine
22 compliance by examining an appropriate sample of pupil records.

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

24 119.23 (10) (a) 5. Violated sub. (7) (b) 1. a., b., or c.

25 **SECTION 6.** 119.23 (10) (d) of the statutes is amended to read:

