

## 2007 DRAFTING REQUEST

### Bill

Received: 12/19/2006

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 266-5468

By/Representing: Fath

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: PG

Submit via email: NO

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### Pre Topic:

DOA:.....Fath, BB0245 -

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### Topic:

Milwaukee Parental Choice Program - Fees

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### Instructions:

See Attached

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### 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>
/?	tkuczens 12/28/2006	jdyer 01/02/2007		_____			S&L
/1	tkuczens 01/04/2007	jdyer 01/04/2007	nnatzke 01/02/2007	_____	mbarman 01/02/2007		S&L
/2	tkuczens 02/05/2007	jdyer 02/06/2007	pgreensl 01/04/2007	_____	mbarman 01/04/2007		S&L
/3			rschluet 02/06/2007	_____	sbasford 02/06/2007		

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/2		<i>1/2 2/5 jd</i>	pgreensl 01/04/2007	_____	mbarman 01/04/2007		

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*2-54*  
<END>

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/?	tkuczens	1 1/2 jld	nwn 1/2	nwn/sb 1/2			

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Milwaukee Parental Choice Program – Fees
- Tracking Code: BB0245
- SBO team: Education
- SBO analyst: Erin Fath
  - Phone: 266-5468
  - Email: [erin.fath@wisconsin.gov](mailto:erin.fath@wisconsin.gov)
- Agency acronym: DPI
- Agency number: 255
- Priority (Low, Medium, High): High

**Date:** December 19, 2006  
**To:** Steve Miller  
**From:** Erin Fath  
**Subject:** Statutory Language Request

Milwaukee Parental Choice Program (MPCP) – Fees

Under the relevant section of Wisconsin statutes:

- Give the Department of Public Instruction (DPI) the authority to assess a fee on any school that applies to participate in the Milwaukee Parental Choice Program.
- Give DPI the authority to capture the fee by either charging the fee to the school at the time the school applies for participation in the MPCP or by withholding the fee from a participating school's payment under the MPCP.
- Create a new program revenue, <sup>annual</sup> ~~continuing~~ appropriation in which these fees would be deposited.
- Direct DPI to use any collected fees for the purpose of auditing schools that participate in the MPCP.
- Direct DPI to promulgate administrative rules to implement the fee and give DPI the authority to set the fee amount by administrative rule.

If you have any questions, please call me at 6-5468, or send me an email at [erin.fath@wisconsin.gov](mailto:erin.fath@wisconsin.gov)

Thank you.

**Kuczenski, Tracy**

**From:** Fath, Erin - DOA  
**Sent:** Tuesday, December 19, 2006 11:19 AM  
**To:** Grant, Peter; Kuczenski, Tracy  
**Subject:** incoming drafting request - MPCP

Hi,

I'm not sure which of you will be handling this incoming request, but one of you will see a new drafting request related to the Milwaukee Parental Choice Program. Under this draft request, DPI would be given the authority to assess a fee on schools that apply to the MPCP. The drafting instructions I sent over request that a new appropriation be created to receive the fees, and my instructions indicate that it should be created as a program revenue, continuing appropriation. I meant to indicate program revenue *annual* appropriation. Just thought I'd nip this one in the bud so it doesn't have to go back and forth over the chapter 20 language.

Thanks,

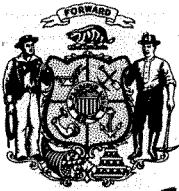
**Erin K. Fath**

Wisconsin State Budget Office  
 (608) 266-5468  
 erin.fath@wisconsin.gov

T. conf. w/Erin 12/20/06

- fees will be <sup>required</sup> annually for continuing school
- rather than deduct fee from \$ DPI pay to school, require continuing school to pay fee ~~annually~~ ~~before~~ ~~into~~ prior to school year
  - have new applicants to the program submit in FEL when they give notice of intent to participate

financial ability required by 2003 WI Act 155



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1193/4

TKK: A:...

LPS - Fix request sheet in 12/28/06

RMNR JLD  
D-N

DOA:.....Fath, BB0245 - Milwaukee Parental Choice Program ✓ Fees

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

LPS - check auto refs

don't gen

1

AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau

EDUCATION ✓

PRIMARY AND SECONDARY EDUCATION ✓

Under the Milwaukee Parental Choice Program (MPCP) ✓, the state pays for certain pupils to attend private schools located in the city of Milwaukee. ✓ To continue in the MPCP, a private school must submit an independent financial audit and evidence of sound fiscal practices to the Department of Public Instruction, DPI ✓ by September 1 ✓ following a year in which the private school participated in the MPCP. \*

This bill requires each private school participating in the MPCP to pay to DPI an annual, nonrefundable ✓ fee in an amount to be determined by DPI. DPI must use all fees collected under this bill to evaluate the financial audits and evidence of sound fiscal practices submitted to DPI by participating private schools.

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:*

2

SECTION 1. 20.255 (2) (g) ✓ of the statutes is created to read:



1           20.255 (2) (g) *Milwaukee Parental Choice Program* fees. All moneys received  
2 under s. 119.23 (2) (a) 8. to be used to evaluate the financial information submitted  
3 under s. 119.23 (7) (am) by private schools participating in the Milwaukee Parental  
4 Choice Program.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125.

5           **SECTION 2.** 119.23 (2) (a) 8. of the statutes is created to read:

6           119.23 (2) (a) 8. Annually, the private school pays a nonrefundable fee to the  
7 department. A private school that is not participating in the program under this  
8 section in the current school year shall pay a fee, determined by the department by  
9 rule, with its notice of intent to participate under subd. 3. A private school that is  
10 required to comply with sub. (7) (am) shall pay a fee, determined by the department  
11 by rule, with the information required by sub. (7) (am). The department shall use  
12 all fees collected under this paragraph to evaluate the financial information  
13 submitted under sub. (7) (am).

14           **SECTION 3.** 119.23 (10) (a) 2. of the statutes is amended to read:

15           119.23 (10) (a) 2. Failed to provide the notice required under sub. (2) (a) 3., or  
16 the information required under sub. (7) (am) or (d), or the fee required under sub. (2)  
17 (a) 8. by the date or within the period specified.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125.

18           **SECTION 9137. Nonstatutory provisions; Public Instruction.**

19           (1) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; RULES. By the first day of the 3rd  
20 month beginning after the effective date of this subsection, the department of public  
21 instruction shall, using the procedure under section 227.24 of the statutes,  
22 promulgate the rule required under section 119.23 (2) (a) 8. of the statutes, as created  
23 by this act, for the period before the effective date of the permanent rule promulgated

1 under section 119.23 (2) (a) 8. of the statutes, as created by this act, but not to exceed  
 2 the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
 3 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
 4 of public instruction is not required to provide evidence that promulgating a rule  
 5 under this subsection as an emergency rule is necessary for the preservation of the  
 6 public peace, health, safety, or welfare and is not required to provide a finding of  
 7 emergency for a rule promulgated under this subsection.

8 (2) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; FEES FOR THE 2007-2008 SCHOOL  
 9 YEAR. Notwithstanding section 119.23 (2) (a) 8. of the statutes, as created by this act,  
 10 each private school participating in the program under section 119.23 of the statutes  
 11 in the 2007-08 school year shall pay the fee required under section 119.23 (2) (a) 8.  
 12 of the statutes, as created by this act, no later than 30 days after the effective date  
 13 of the rule promulgated under subsection (1).

14

(END)

← a.r.

d-note  
↓

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1193/dn  
TKK:.....

date

Jld

Erin:

\* As we discussed, schools seeking to participate in the MPCP for the first time are required under this bill to remit the fee to the department of public instruction (~~D~~epartment) at the time the school notifies the ~~D~~epartment of its intent to participate in the MPCP (no later than February 1 of the previous school year). \*

Schools continuing in the MPCP will be required to remit the fee by September 1 of each year, at the time these schools submit their financial audit and evidence of sound fiscal practices. \*

For the 2007-08 school year, all private schools submitting a notice of intent to participate in the program by February 1, 2007, must remit the fee by October 1, 2007. ✓

Are you comfortable with this structure? Alternatively, all schools could be required to submit the fee at the time they submit their notice of intent to participate in the MPCP (February 1). \*

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-8967  
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1193/1dn  
TKK:jld:nwn

January 2, 2007

Erin:

As we discussed, schools seeking to participate in the MPCP for the first time are required under this bill to remit the fee to the Department of Public Instruction (department) at the time the school notifies the department of its intent to participate in the MPCP (no later than February 1 of the previous school year).

Schools continuing in the MPCP will be required to remit the fee by September 1 of each year, at the time these schools submit their financial audits and evidence of sound fiscal practices.

For the 2007-08 school year, all private schools submitting a notice of intent to participate in the program by February 1, 2007, must remit the fee by October 1, 2007.

Are you comfortable with this structure? Alternatively, all schools could be required to submit the fee at the time they submit their notices of intent to participate in the MPCP (February 1).

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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1193/1  
TKK:jld:nwn

in 1/4/07

RMNR  
d-note

DOA:.....Fath, BB0245 - Milwaukee Parental Choice Program - Fees

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Under the Milwaukee Parental Choice Program (MPCP), the state pays for certain pupils to attend private schools located in the city of Milwaukee. To continue in the MPCP, a private school must submit an independent financial audit and evidence of sound fiscal practices to DPI by September 1 following a year in which the private school participated in the MPCP.

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

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SECTION 1. 20.255 (1)(j) of the statutes is created to read:

OVER ->

⑧ - (1)(j)

1 20.255 ~~(am)~~ Milwaukee Parental Choice Program fees. All moneys received  
2 under s. 119.23 (2) (a) 8. to be used to evaluate the financial information submitted  
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\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 119.23 (2) (a) 8. of the statutes is created to read:

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7 department. A private school that is not participating in the program under this  
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12 all fees collected under this paragraph to evaluate the financial information  
13 submitted under sub. (7) (am).

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← 2507

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14 (END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1193/1dn<sup>a</sup>  
TKK:jld:nwn

date

Hi Erin:

As requested, I changed the appropriation from 20.255 (2) (g) to 20.255 (1) (j).<sup>✓</sup> Let me know if you need to make any additional modifications.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-8967  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



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State of Wisconsin  
2007 - 2008 LEGISLATURE

3  
LRB-1193/2  
TKK:jld:pg  
d-note

in 1/5/07

DOA:.....Fath, BB0245 - Milwaukee Parental Choice Program - Fees  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

don't gen

1

AN ACT ...; relating to: the budget. ✓

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*Analysis by the Legislative Reference Bureau*

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14 (END)


as affected by this act,

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1193/2dn  
TKK:jld:pg

date

Erin;

This draft corrects  Section 9137 (2) ✓ of the bill to conform with LRB drafting conventions. No substantive changes were made. Please contact me with any questions.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-8967  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1193/3dn  
TKK:jld:rs

February 6, 2007

Erin;

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Legislative Attorney  
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E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-1193/3  
TKK:jld:rs

DOA:.....Fath, BB0245 - Milwaukee Parental Choice Program - Fees  
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

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**PRIMARY AND SECONDARY EDUCATION**

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5           **SECTION 2.** 119.23 (2) (a) 8. of the statutes is created to read:

6           119.23 (2) (a) 8. Annually, the private school pays a nonrefundable fee to the  
7 department. A private school that is not participating in the program under this  
8 section in the current school year shall pay a fee, determined by the department by  
9 rule, with its notice of intent to participate under subd. 3. A private school that is  
10 required to comply with sub. (7) (am) shall pay a fee, determined by the department  
11 by rule, with the information required by sub. (7) (am). The department shall use  
12 all fees collected under this paragraph to evaluate the financial information  
13 submitted under sub. (7) (am).

14           **SECTION 3.** 119.23 (10) (a) 2. of the statutes is amended to read:

15           119.23 (10) (a) 2. Failed to provide the notice required under sub. (2) (a) 3., or  
16 the information required under sub. (7) (am) or (d), or the fee required under sub. (2)  
17 (a) 8. by the date or within the period specified.

18           **SECTION 9137. Nonstatutory provisions; Public Instruction.**

19           (1) **MILWAUKEE PARENTAL CHOICE PROGRAM FEES; RULES.** By the first day of the  
20 3rd month beginning after the effective date of this subsection, the department of  
21 public instruction shall, using the procedure under section 227.24 of the statutes,  
22 promulgate the rule required under section 119.23 (2) (a) 8. of the statutes, as created  
23 by this act, for the period before the effective date of the permanent rule promulgated



1 under section 119.23 (2) (a) 8. of the statutes, as created by this act, but not to exceed  
2 the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
3 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department  
4 of public instruction is not required to provide evidence that promulgating a rule  
5 under this subsection as an emergency rule is necessary for the preservation of the  
6 public peace, health, safety, or welfare and is not required to provide a finding of  
7 emergency for a rule promulgated under this subsection.

8 (2) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; FEES FOR THE 2007-08 SCHOOL  
9 YEAR. Notwithstanding section 119.23 (2) (a) 8. of the statutes, as created by this act,  
10 each private school participating in the program under section 119.23 of the statutes,  
11 as affected by this act, in the 2007-08 school year shall pay the fee required under  
12 section 119.23 (2) (a) 8. of the statutes, as created by this act, no later than 30 days  
13 after the effective date of the rule promulgated under subsection (1).

14 (END)