

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 1-19-2010
By 1-20-2010 p.m.

Regen

✓ 1 AN ACT to renumber and amend 118.51 (6); to amend 62.51 (1) (a); and to
2 create 20.255 (1) (jd) and 119.03 of the statutes; relating to: creating an Office
3 of School Inspection and Licensure in the city of Milwaukee Standards Insert 1-3

Insert analysis

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
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:

4 SECTION 1. 20.255 (1) (jd) of the statutes is created to read: Standards
5 20.255 (1) (jd) Milwaukee office of school inspection and licensure;
6 administrative fees. All moneys received under s. 119.03 (4) from fees related to inspection of and related to the issuance of operating licenses to public schools operating under ch. 119;
7 related to the issuance of operating licenses to public schools operating under ch. 119;
8 charter schools, as defined in s. 115.001 (1), operating in a 1st class city, and private
9 schools participating in the program under s. 119.23, to be used for the review of

SECTION 1

1 ~~applications for operating licenses, the inspection of schools for which an application~~
 2 ~~has been submitted or an operating license issued, and the administration of the~~
 3 ~~inspection and licensure program under s. 119.031.~~

4 SECTION 2. 62.51 (1) (a) of the statutes is amended to read:

5 62.51 (1) (a) "Public office" means the following positions or their equivalent:

- 6 city engineer; city purchasing agent; commissioner of building inspection, of city
- 7 development, of health or of public works; director of administration, of budget and
- 8 management, of community development agency, of employee relations, of office of
- 9 school inspection ^{standards} and licensure, of telecommunications, or of safety; emergency
- 10 management coordinator; employee benefits administrator; executive director of the
- 11 commission on community relations; municipal port director; commissioner of
- 12 assessments; director of liaison; city personnel director; executive director of the
- 13 retirement board; executive director of the city board of election commissioners; city
- 14 librarian; city labor negotiator; executive secretary of the board of fire and police
- 15 commissioners; and supervisor of the central electronics board.

INSERT 2-16

16 SECTION 3. 118.51 (6) of the statutes is renumbered 118.51 (6) (a) and amended

17 to read:

18 118.51 (6) (a) ~~A school board may~~ Beginning in the 2010-11 school year, the
 19 school district operating under ch. 119 shall limit the number of its resident pupils
 20 attending public school in other school districts under this section in the 1998-99
 21 school year to 3% of its membership. In each of the 7 succeeding school years, a school
 22 board may limit to the number of its resident pupils attending public school in other
 23 school districts ~~to an additional 1% of its membership~~ under this section in the
 24 2009-10 school year.

1 (b) If more than the maximum allowable number of resident pupils apply to
2 attend public school in other school districts in any school year under this section,
3 the ~~school~~ board of school directors shall determine which pupils will be allowed to
4 attend public school in other school districts on a random basis, except that the ~~school~~
5 board of school directors shall give preference to pupils who are already attending
6 public school in the school district to which they are applying under this section and
7 to siblings of such pupils.

→ INSERT 3-7 ←

8 SECTION 4. 119.03 of the statutes is created to read:

9 **119.03 Office of school inspection and licensure.** (1) DEFINITIONS. In this
10 section:

(B) Standards ✓

11 (a) "Administrator" means all of the following:

12 1. The superintendent, supervising principal, executive director, or other
13 person who acts as the administrative head of the school district operating under this
14 chapter. ✓
e of schools ✓

15 2. The superintendent, supervising principal, executive director, or other
16 person who acts as the administrative head of any school required to be licensed
17 under this section.

18 (b) "Applicant" means any of the following:

- 19 1. The board.
- 20 2. The operator of a charter school operating in the city.
- 21 3. The governing body of a private school participating in the program under
22 s. 119.23.

23 (c) "Child with a disability" has the meaning given in s. 115.76 (5).

24 (d) "Director" means the director of the office.

25 (e) "Office" means the office of school inspection and licensure.
Standards ✓

(f) "School" means a public school operated by the board, a charter school operating in the city, and a private school participating in the program under s. 119.23.

(2) OPERATING LICENSE REQUIRED; CLASSES ² EXPIRATION AND RENEWAL OF OPERATING LICENSES. (a) ^{Beginning in the 2011-12 school year} No person may operate a school without a valid operating license issued by the office for that school.

(b) The office may issue the following licenses:

1. A provisional operating license. A provisional operating license issued under this section shall expire on the 3rd July 1 following the date on which the license was issued or on the date on which a permanent license is issued for the school under sub. (4), whichever comes first. A provisional operating license may not be renewed.

****NOTE: What happens if the office denies an applicant's application for a permanent operating license; may the applicant continue to operate under an unexpired provisional operating license?

****NOTE: What happens if the provisional operating license expires at the time the office denies the permanent operating license; may the applicant reapply for a permanent operating license? Or must the school be closed? If so, may the applicant with a closed school work to bring the school into compliance? In either case, should there be a limit on the period of time by which the applicant must demonstrate compliance with the provisions in the bill?

Or is the closure permanent?

2. A permanent operating license. A permanent operating license issued under this section shall expire on the 3rd July 1 following the date on which the license was issued or on the date on which a renewal of that license is issued under sub. (5), whichever comes first. A permanent operating license may be renewed as provided under sub. (5).

(3) ^{PROVISIONAL} OPERATING LICENSES. (a) The office shall issue a provisional operating license to operate a school if ^{the office determines that} all of the following apply:

1. The applicant operated a school on the effective date of this subdivision ... [LRB inserts date] during the school year in effect

1. ¹ (1) The applicant submits an application for a provisional operating license for
 2 the school to the office, together with the information required under par. (c) and any
 3 supporting documentation required by the office and the administrative fee required
 4 under sub. (6). ~~An application under this subdivision shall be received by the office~~
 5 ~~no later than the first day of the 13th month beginning after the effective date of this~~
 6 ~~subdivision ... [LRB inserts date].~~

2. ² (2) The applicant satisfies the requirements under par. (c).

~~(b) The office shall issue a provisional operating license to operate a school if
 all of the following apply:
 1. The applicant did not operate a school during the school year in effect on the
 effective date of this subdivision ... [LRB inserts date].
 2. The applicant submits an application for a provisional operating license for
 the school to the office, together with the information required under par. (c) and any
 supporting documentation required by the office and the administrative fee required
 under sub. (6). An application under this subdivision shall be received by the office
 at least 180 days before the applicant intends to operate the school.
 3. The applicant satisfies the requirements under par. (c).~~

(b) ³ (c) An applicant under this subsection shall submit clear and convincing
 evidence to the office that all of the following are satisfied:

1. The applicant has established a budget development and approval process,
 a system of fiscal management, an organizational structure, a management system,
 and a process for receiving, depositing, investing, managing, spending, accounting
 for, and auditing resources for the school that meets the standards established by the
 office by rule.

INSERT 5-8

NON-APPLICABLE

****NOTE: Under current law, private schools participating in the Milwaukee Parental Choice Program must annually submit financial audits and evidence of sound financial practices to DPI (see s. 119.23 (7) (am)). To the extent that the requirements under this bill and current law are duplicative, did you want to modify or eliminate the requirement under current law?

1 2. The applicant will operate the school in a building that meets the safety
2 standards established by the office by rule and will utilize facilities and equipment,
3 including vehicles, that meet the safety standards established by the office by rule.

4 3. The applicant has developed a curriculum that meets the standards of
5 educational success established by the office by rule.

6 4. a. For an applicant under par. (a) and an applicant under par. (b) that has
7 applied for a permanent operating license under sub. (4) or for the renewal of a
8 permanent operating license under sub. (5), the applicant has selected and employs
9 administrators, teachers, and staff for the school that meet the standards of
10 excellence established by the office by rule.

INSERT 6-14

11 b. For an (initial) applicant under par. (b), the applicant has selected and will
12 employ administrators, teachers, and staff for the school that meet the standards of
13 excellence established by the office by rule.

14 (4) PERMANENT OPERATING LICENSE. The office shall issue a permanent operating
15 license to operate a school if all of the following apply:

16 (a) The applicant holds a valid provisional operating license for the school and
17 one of the following applies:

18 1. For a provisional operating license issued under sub. (3) (a), the applicant
19 has been operating the school under the license for at least 12 months but not more
20 than 36 months.

to an applicant who operated a school during the 2009-10 school year

✓ to an applicant who
did not operate a school in the
2009-10 school year

1 2. For a provisional operating license issued under sub. (3) (b), the applicant
2 has been operating the school under the license for at least 12 months but not more
3 than 24 months.
e 36

****NOTE: Why must schools that obtained a provisional license under sub. (3) (b) (i.e., schools that were not operating before the enactment of the bill) apply for a permanent license before more established schools?

4 (b) The applicant submits an application for a permanent operating license for
5 the school to the office, together with the information required under par. (c) and any
6 supporting documentation required by the office and the administrative fee required
7 under sub. (6).
e (7)

INSERT 7-11

8 (c) The applicant submits clear and convincing evidence to the office that all
9 of the following are satisfied:

NOT a0 Except as provided in subdo 1060

10 1. The applicant continues to satisfy the requirements under sub. (3) (c)
11 2. At least 90 percent of the pupils who have attended the school for more than
12 one school year have advanced at least one grade level for every year of the pupil's
13 enrollment in the school. To determine whether the requirement under this
14 subdivision has been satisfied, the office shall review the educational performance
15 of the pupils on the examinations administered as required under s. 118.30 and on
16 other measures established by the office by rule.

****NOTE: If the school has only been operating for only one year, the school will not be able to satisfy the requirement of this subdivision. Is that your intent? Do you want to impose a different requirement on these schools, or change the requirement?

17 3. The applicant has implemented a policy governing the admission to the
18 school of children with disabilities that satisfies the standards established by the
19 office by rule.

INSERT 7-22A UUUUU (move fr. page 10)

20 4. The applicant enrolls the number of children with disabilities required under
21 sub. (7) (c).
at least ✓
determined as follows:

INSERT 7-22B

1 (5) RENEWAL; NOTICE. (a) The office shall renew a permanent operating license
2 issued under sub. (4) if ^{the office determines that} all of the following apply:

3 1. The applicant submits an application for a renewal of the permanent
4 operating license, together with any supporting documentation required by the office
5 and the administrative fee required under sub. (6). ^{(7) to the office no later than 180} days before the expiration of the ^{operating} license

****NOTE: The drafting instructions direct me to require a school to renew an operating license "no sooner than two years but no later than three years after it has been granted either a permanent or a renewal license." Are there specific circumstances under which a school could have an extra year before it needs to renew its permanent operating license? For now, as drafted, each school that holds a permanent operating license or the renewal of a permanent operating license must renew the license before the end of the third school year.

6 2. The applicant continues to satisfy the requirements under sub. (4) (c).

7 (b) A renewal of a permanent operating license ^{issued under this subsection} shall expire on the 3rd July 1
8 following the date of issuance ^{renewal} on which the license was issued

9 (c) The office shall give a notice of renewal to each holder of a permanent
10 operating license or a renewal of a permanent operating license issued under this
11 subsection at least 30 days prior to the ^{expiration} renewal date of the operating license. Notice
12 may be mailed to the last address provided to the office by the holder of the operating
13 license or may be given by electronic transmission. Failure to receive a notice of
14 renewal is not a defense in any proceeding against the holder for operating a school
15 without an operating license.

16 (6) ADMINISTRATIVE FEE. The office shall charge a fee, to be determined by the
17 office by rule, to each applicant for an operating license for a school or the renewal
18 of an operating license for a school. The fee shall be based upon the costs to provide
19 the review and conduct the inspections required under sub. (7) (a), conduct the
20 inspections required under sub. (7) (b) and (c), and administer the program under
21 this section, and upon the number of pupils enrolled in the school in the preceding

shall take into account

INSERT 8-16

plain period

1 school year but shall not exceed \$__ [amount to be determined]. All fees shall be
2 credited to the appropriation account under s. 20.255 (1) (jd).

****NOTE: Is it possible for the fee to be based upon the number of pupils at the school and upon the costs to administer the program?

3 (7) DUTIES OF THE OFFICE. The office shall do all of the following:

4 (a) Upon receipt of an application under subs. (3) to (5):
5 1. Submit a written notice of the application to the state superintendent, the
6 common council, the mayor, and, if applicable, parents of pupils enrolled in the
7 school, and publish the written notice as a class 1 notice under ch. 985. *the applicant is operating the school at the time the application is received*

8 2. Provide access to information submitted by the applicant in connection with
9 the application for licensure to the parties identified under subd. 1 on the Internet
10 Web site maintained by the office and, upon request of the party, in writing.

11 3. Request an evaluation by the city comptroller of the applicant's compliance
12 with or likelihood of compliance with the financial and budgetary standards
13 established by rule under par. (d) 1.

****NOTE: Is it possible for the city comptroller to offer an opinion as to the applicant's likelihood of compliance with the financial and budgetary standards?

14 4. Undertake any inspections of the school premises and of records maintained
15 by the applicant for the school necessary to evaluate the application for licensure.

16 5. Hold a public hearing on the application for an operating license and provide
17 an opportunity for persons attending the hearing to present testimony on the
18 applicant, the school, and the application for licensure.

19 6. Submit to the applicant, in writing, the decision of the office to grant or deny
20 the operating license. The office shall provide a copy of the decision to the state
21 superintendent, the common council, and the mayor, and shall make the written

1 decision available on the Internet Web site maintained by the office and, upon
2 request, in writing.

****NOTE: Will an applicant whose application for an operating license is denied have a right to appeal the determination? If so, to whom?

7-22A (move top 7-22A)

3 (b) Require each applicant that applies for and holds ^{an initial or renewed} a permanent operating
4 license ^{Ensure that} under sub. (4) or that applies for and holds a renewal of a permanent
5 operating license under sub. (5) to enroll ^{e enrolls} in the school at least the number of children
6 with disabilities determined as follows: ^{e determined for the school under sub. (4)(c) 4.}

- 7 ~~a~~ ^a 1 Determine the number of pupils enrolled in the school in each grade in the
- 8 previous school year.
- 9 ~~b~~ ^b 2 Determine the number of pupils enrolled in all schools licensed under this
- 10 section in each grade in the previous school year.
- 11 ~~c~~ ^c 3 For each grade in all schools licensed under this section, determine the
- 12 number of pupils identified in subd. ^{e 4.b.} (2) that are children with disabilities.
- 13 ~~d~~ ^d 4 For each grade operated by the school, multiply the number of pupils
- 14 identified in subd. ^{e 4.a.} (1) by the ratio of the number of pupils in that grade identified
- 15 under ^{e 4.c.} subd. (3) to the number of pupils in that grade identified under ^{e 4.b.} subd. (2).
- 16 ~~e~~ ^e 5 Add the numbers of pupils determined under ^{d.} subd. 4 in each grade operated
- 17 by the school.
- 18 ~~f~~ ^f 6 Multiply the sum determined under ^{e 4.e.} subd. (5) by 50 percent. (end ins 7-22A)

19 (c) Suspend, revoke, or deny an applicant's operating license for a school if the
20 office determines, based upon clear and convincing evidence, that the applicant has
21 committed a severe or substantial violation of the standards upon which an
22 operating license ^{was} issued ^{and the applicant fails to correct the violation or make substantial progress towards correcting}

****NOTE: May an applicant whose operating license is revoked or suspended appeal the revocation or suspension? If so, to whom?

correcting the violation in 60 days

1 (d) Promulgate rules for the administration of the inspection and licensure
2 program under this section, including all of the following:

3 1. Standards for a budget development and approval process, a system of fiscal
4 management, an organizational structure, a management system, and a process for
5 receiving, depositing, investing, managing, spending, accounting for, and auditing
6 resources to be implemented and maintained by an applicant seeking an operating
7 license under this section. The office shall collaborate with the city comptroller to
8 establish the standards required under this subdivision.

9 2. Standards of educational success to be incorporated into the curriculum of
10 an applicant's school.

11 3. Standards of excellence for teachers, administrators, and staff at the school.
12 The office shall collaborate with the deans and faculty of education at the University
13 of Wisconsin-Milwaukee, Marquette University, and Alverno College, and with
14 other educational experts to establish the standards required under this subdivision.
15 The standards under this subdivision shall require each administrator to hold, at
16 minimum, a bachelor's degree.

le ****NOTE: Who determines whether a person is an "educational expert"?

17 4. Educational performance measures applicable to whether a pupil has
18 advanced to the next grade level.

19 5. Standards governing the admission of children with disabilities to a school
20 licensed under this section. The standards shall prohibit an applicant from refusing
21 to enroll a child with a disability or to provide a free appropriate public education,
22 as defined in s. 115.76 (7), for the child with a disability.

23 6. Conditions under which an operating license issued under this section may
24 be suspended or revoked, the duration of a suspension or revocation, and the

1 conditions that must be satisfied by an applicant for the reinstatement of the
2 operating license.

3 7. A definition of a substantial violation of the standards upon which an
4 operating license ~~was~~ ^{is} issued. ✓

5 8. A definition of a severe violation of the standards upon which an operating
6 license ~~was~~ ^{is} issued. ✓

7 (e) Establish a schedule for ^{the} periodic inspections ^g of each school for which an
8 operating license ^{may be or} has been issued under this section. ✓

9 (f) Periodically conduct unscheduled inspections of each school for which an
10 operating license has been issued under this section. The office may establish
11 criteria governing the rationale for conducting an unscheduled inspection.

12 (g) Annually submit a comprehensive written report detailing the policies,
13 operations, revenues, and expenses of the office and summarizing the ^g decisions

14 regarding licensure of schools to all of the following: ^{licensing} ✓

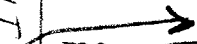
- 15 1. The governor. ^{the office}
- 16 2. The appropriate standing committees of the legislature.
- 17 3. The state superintendent.
- 18 4. The common council.
- 19 5. The mayor.

20 **SECTION 5. Nonstatutory provisions.**

21 (1) (a) In this subsection:

22 1. "Nonresident school district" means a school district, other than the school
23 district operating under chapter 119 of the statutes, that a pupil is attending or has
24 applied to attend under section 118.51 of the statutes.

INSERT 12-20



Handwritten flourish or mark at the bottom left of the page.

1 2. "Resident pupil" means a pupil who resides in the school district operating
2 under chapter 119 of the statutes.

3 (b) The legislative council staff shall conduct a study of the racial, ethnic, and
4 socioeconomic characteristics of resident pupils who enroll in a nonresident school
5 district. The study shall include an analysis and discussion of the academic
6 outcomes of resident pupils who enroll in a nonresident school district.

 ***NOTE: Do you want the study to be completed at any particular time? Do you
 want Legislative Council Staff to report on the results of the study to any particular
 persons or entities? Do you want this to be an ongoing or longitudinal study? Or to be
 limited to a particular school year or series of school years? How should Legislative
 Council Staff report on the academic outcomes of the pupils who are subject to the study?

7

(END) ✓

1 **Insert 1-3**
2 ~~and~~ requiring all public schools and certain private schools in the city of Milwaukee
3 to obtain a license in order to operate and making an appropriation

4 **Insert analysis**
subsub → **NO #**
City of Milwaukee Office of School Standards and Licensure

* This bill establishes an Office of School Standards and Licensure (office) in the City of Milwaukee (city) and directs the office to issue operating licenses to qualified schools in the city. Under the bill, no school may be operated in the city unless an operating license has been issued for the school. The bill defines "school" as a public school operated by the board of school directors of Milwaukee Public Schools (board or MPS), a charter school operating in the city, and a private school participating in the Milwaukee Parental Choice Program (MPCP).

* Under the bill, the board, the governing body of each private school participating in the MPCP, and the operator of each charter school located in the city must apply to the office for an operating license. The bill establishes two classes of operating licenses which must be obtained from the office in the following order:

- 1. A provisional operating license. A provisional operating license may not be renewed.
- 2. A permanent operating license. A permanent license may be renewed.

* Each operating license issued by the office, including a renewal of a permanent operating license, expires on the 30 July 1 following the date on which the license was issued.

* Provisional operating licenses:
To obtain a provisional operating license, the applicant must submit a timely application and application fee to the office and demonstrate that it satisfies all of the following:

- 1. It has established a budget development and approval process and a system of fiscal management that meets standards established by the office.
- 2. It will operate the school in a building that meets the safety standards established by the office by rule.
- 3. It has developed a curriculum that meets standards of educational success established by the office by rule.
- 4. It has employees that meet standards of excellence established by the office by rule.

* Permanent operating licenses:
To obtain a permanent operating license, the applicant must submit a timely application and application fee to the office and demonstrate that it satisfies all of the following:

- 1. It holds a valid provisional operating license and continues to satisfy all of the requirements for the provisional operating license.



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Analysis cont

2. At least 90 percent of the pupils who have attended the school for more than one school year have advanced at least one grade level for every year of enrollment.

3. It has implemented a policy governing the admission to the school of children with disabilities.

4. It enrolls at least the number of children with disabilities at the school as is required under the formula established in the bill. The formula takes into account the number of pupils enrolled in the school in each grade, the number of pupils enrolled in all schools licensed under the bill in each grade, and the number of children with disabilities enrolled in all schools licensed under the bill in each grade.

*

Duties of office

The bill requires the office to do all of the following:

1. Make rules governing the implementation of the inspection and licensure program, including standards for budgeting and fiscal management of the school and the educational success of pupils enrolled in the school.

2. Upon receipt of an application for an operating license do all of the following:

a. Notify the state superintendent, the city common council, and the city mayor and make information provided by the applicant available for public inspection.

b. Inspect the school and records maintained by the applicant for the school.

c. Hold a public hearing on the application and provide an opportunity for public testimony.

d. Submit a written decision to the applicant and provide a copy to the state superintendent, common council and mayor.

*

3. Revoke, suspend, or deny an applicant's operating license if, after 60 days, the applicant has not corrected a severe or substantial violation of the standards upon which an operating license is issued.

4. Conduct scheduled and unscheduled inspections of each school for which an operating license may be or has been issued.

5. Annually submit a comprehensive written report detailing the policies, operations, revenues, and expenditures of the office and summarizing the licensing decisions of the office to the governor, the appropriate standing committees of the legislature, the state superintendent, the city common council, and the mayor of the city.

Changes to Full-time Open Enrollment Program

subsub

Under the Open Enrollment Program, a pupil may apply to attend a school in a school district other than the pupil's resident school district. Current law establishes permissible criteria for a nonresident school district to accept or reject applications from nonresident pupils, including the availability of space, classes, and programs in the nonresident district. Current law also permits a nonresident school district to determine whether to accept or reject a nonresident pupil based upon whether the special education and related services needs described in the individualized education program of a nonresident pupil who is a child with a disability are available for the pupil in the nonresident school district and also whether the nonresident pupil has been referred for evaluation but not yet evaluated by an individualized education program team to determine whether the child has a disability.



INS ANALYSIS CONT

The bill eliminates the two criteria related to the special educational needs of children with disabilities from the list of permissible criteria for the acceptance or rejection of a nonresident pupil whose resident school district is MPS. The bill also requires MPS to limit the number of its resident pupils attending public school in other school districts under the Open Enrollment Program to the number of resident pupils attending public school in other school districts in the 2009-10 school year.

1 **Insert 2-16**

2 **SECTION 1.** 115.881 (1) of the statutes is amended to read:

3 115.881 (1) A school board, board of control of a cooperative educational service
4 agency, county children with disabilities education board, governing body of a
5 private school participating in the program under s. 119.23, or operator of a charter
6 school established under s. 118.40 (2r) may apply to the department for aid under this
7 section if the applicant incurred, in the previous school year, more than \$30,000 of
8 nonadministrative costs for providing special education and related services to a
9 child and those costs were not eligible for reimbursement under s. 115.88, 115.93, or
10 118.255, 20 USC 1400 et seq., or federal medicaid.

History: 2005 a. 25; 2007 a. 20.

11 **SECTION 2.** 118.51 (5) (a) 4. of the statutes is renumbered 118.51 (5) (a) 4. a. and
12 amended to read:

13 118.51 (5) (a) 4. a. Whether Except as provided in subd. 4. b., whether the
14 special education or related services described in the child's individualized education
15 program, under s. 115.787 (2), of an applicant who is a child with a disability are
16 available in the nonresident school district or whether there is space available to
17 provide the special education or related services identified in the child's
18 individualized education program, including any class size limits, pupil-teacher
19 ratios or enrollment projections established by the nonresident school board.

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55, 2005 a. 258; 2007 a. 222.

20 **SECTION 3.** 118.51 (5) (a) 4. b. of the statutes is created to read:



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2-16 cont

1 118.51 (5) (a) 4. b. A nonresident school board[✓] may not consider the criteria
2 under subd. 4. a.[✓] if the application to the nonresident school district[✓] is received from
3 a pupil[✓] who is a child with a disability[✓] and whose resident school district is the school
4 district operating under ch. 119.[✓]

5 SECTION 4. 118.51 (5) (a) 6.^x of the statutes is renumbered 118.51 (5) (a) 6. a. and
6 amended to read:

7 118.51 (5) (a) 6. a. ~~Whether~~ Except as provided in subd. 6. b.,[✓] whether the child
8 pupil[✓] has been referred to his or her resident school board under s. 115.777 (1) or
9 identified by his or her resident school board under s. 115.77 (1m) (a) but not yet
10 evaluated by an individualized education program team appointed by his or her
11 resident school board under s. 115.78 (1).

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 55^x; 2005 a. 258; 2007 a. 222.

12 SECTION 5. 118.51 (5) (a) 6. b. of the statutes is created to read:

13 118.51 (5) (a) 6. b. A nonresident school board[✓] may not consider the criteria
14 under subd. 6. a.[✓] if the application to the nonresident school district[✓] is received from
15 a pupil whose resident school district is the school district operating under ch. 119.

end
INS
2-16

16 SECTION 6. 118.51 (12) (a)^x of the statutes is renumbered 118.51 (12) (a) 1.[✓] and
17 amended to read:

18 118.51 (12) (a) 1.[✓] If[✓] Except as provided in sub. 2.,[✓] if the individualized education
19 program for a pupil, developed or revised under s. 115.787 after ~~a child~~ the pupil[✓]
20 begins attending public school in a nonresident school district under this section,
21 requires special education or related services that are not available in the
22 nonresident school district or if there is no space available to provide the special
23 education or related services identified in the child's pupil's[✓] individualized education
24 program, including any class size limits, pupil-teacher ratios or enrollment

INSERT
3-7



3-7 cont

1 projections established by the nonresident school board, the nonresident school
2 board may notify the child's pupil's parent and the child's pupil's resident school
3 board that the special education or related service is not available in the nonresident
4 school district. If such notice is provided, the child pupil shall be transferred to his
5 or her resident school district, which shall provide an educational placement for the
6 child pupil under s. 115.79 (1) (b).

History: 1997 a. 27, 41, 164; 1999 a. 117, 118; 2001 a. 16, 104; 2003 a. 53; 2005 a. 258; 2007 a. 222.

7 **SECTION 7.** 118.51 (12) (a) 2. of the statutes is created to read:

8 118.51 (12) (a) 2. Subdivision 1. does not apply to a pupil attending school in
9 a nonresident school district whose resident school district is the school district
10 operating under ch. 119. (end ins 3-7)

11 **Insert 5-8**

12 3. If the applicant operated a school during the 2009-10 school year, the
13 applicant submits the application to the office no later than the first day of the 13th
14 month beginning after the effective date of this subdivision [LRB inserts date].

15 4. If the applicant did not operate a school during the 2009-10 school year, the
16 applicant submits the application to the office at least 180 days before the applicant
17 intends to operate the school.

18 **Insert 6-14**

19 (c) A provisional operating license issued under this subsection expires on the
20 3rd July following the date on which the license was issued or on the date on which
21 a permanent operating license is issued for the school under sub. (4), whichever
22 occurs first.

23 **Insert 7-11**



1 b. For an applicant that did not operate a school in the 2009-2010 school year,
 2 the applicant continues to satisfy the requirements under sub. (3) (b) 1. to 3. and
 3 satisfies the requirements under sub. (3) (b) 4. a.

Insert 7-22B

4
 5 (d) A permanent operating license issued under this subsection expires on the
 6 3rd July 1 following the date on which the license was issued or on the date on which
 7 a renewal of that license is issued under sub. (5), whichever comes first.

Insert 8-16

8
 9 (6) EFFECT OF DENIAL, SUSPENSION, REVOCATION, OR NONRENEWAL OF AN OPERATING
 10 LICENSE. (a) An applicant whose application for an operating license for a school or
 11 whose application for renewal of a permanent operating license for a school is denied
 12 may reapply to the office for a provisional operating license under sub. (3).

13 (b) If any operating license held by an applicant has expired before the
 14 applicant has obtained a permanent operating license or the renewal of that license,
 15 the applicant may not operate the school until the applicant has obtained an
 16 operating license for the school.

17 (c) An applicant whose operating license has been denied, suspended, revoked,
 18 or has not been renewed shall work with the office, the board, and the department
 19 to provide for the temporary or permanent transfer of pupils to other schools that
 20 hold a valid license issued by the office or to schools not required to be licensed under
 21 this section.

Insert 12-20

22
 23 SECTION 8. 119.23 (7) (am) (intro.) 1. and 2. of the statutes are consolidated,
 24 renumbered 119.23 (7) (am) and amended to read:

INSERT
12-20 CONT

1

119.23 (7) (am) ~~(intro.)~~ Each private school participating in the program under

2

this section is subject to uniform financial accounting standards established by the

3

department. [✓] Annually by September 1 following a school year in which a private

4

school participated in the program under this section, the private school shall submit

5

to the department all of the following: 1. An [✓]an independent financial audit of the

6

private school conducted by a certified public accountant, accompanied by the

7

auditor's statement that the report is free of material misstatements and fairly

8

presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be

9

limited in scope to those records that are necessary for the department to make

10

payments under subs. (4) and (4m). ~~2. Evidence of sound fiscal practices, as~~

11

~~prescribed by the department by rule.~~

SECTION # RP; 119.23 (7)(am) 2. [✓]

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; 2009 a. 28, 96.

12

SECTION 9. 121.84 (4) (b) [✓]of the statutes is amended to read:

13

121.84 (4) (b) If a pupil attends school in a school district outside the pupil's

14

school district of residence under par. (a), s. 118.51 (12), (14), (16) and (17) apply to

15

the pupil as if the pupil were attending school in a nonresident school district under

16

s. 118.51. If the pupil is ~~rejected as a result of s. 118.51 (12) (a)~~, [✓]prohibited from

17

attending as a result of s. 118.51 (12) (b) 1. or transferred as a result of s. 118.51 (12)

18

(b) 2., s. 118.51 (9) applies.

History: 1973 c. 90; 1977 c. 29, 78; 1985 a. 29, 218; 1989 a. 31, 114; 1997 a. 27, 286; 1999 a. 117.

(end ins 12-20)

2/1/10

re from Andy / Kessler etc. :

re office of school standards & licensure :

remove city council confirmations



TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

X

1 AN ACT *to repeal* 119.23 (7) (am) 2.; *to renumber and amend* 118.51 (5) (a) 4.,
 2 118.51 (5) (a) 6., 118.51 (6) and 118.51 (12) (a); *to consolidate, renumber and*
 3 *amend* 119.23 (7) (am) (intro.) and 1.; *to amend* 62.51 (1) (a), 115.881 (1) and
 4 121.84 (4) (b); and *to create* 118.51 (5) (a) 4. b., 118.51 (5) (a) 6. b., 118.51 (12)
 5 (a) 2. and 119.03 of the statutes; **relating to:** creating an Office of School
 6 Standards and Licensure in the city of Milwaukee and requiring all public
 7 schools and certain private schools in the city of Milwaukee to obtain a license
 8 in order to operate.

regrn.

by the office ✓

***Analysis by the Legislative Reference Bureau
 City of Milwaukee Office of School Standards and Licensure***

This bill establishes an Office of School Standards and Licensure (office) in the city of Milwaukee (city) ~~and directs the office to issue operating licenses to qualified schools in the city.~~ Under the bill, no school may be operated in the city unless an operating license has been issued for the school. The bill defines "school" as a public school operated by the Board of School Directors of Milwaukee Public Schools (board or MPS), a charter school operating in the city, and a private school participating in the Milwaukee Parental Choice Program (MPCP).

Under the bill, the board, the governing body of each private school participating in the MPCP, and the operator of each charter school located in the city

headed by a person appointed by the mayor to serve at his or her pleasure

must apply to the office for an operating license. The bill establishes two classes of operating licenses that must be obtained from the office in the following order:

1. A provisional operating license. A provisional operating license may not be renewed.

2. A permanent operating license. A permanent license may be renewed.

Each operating license issued by the office, including a renewal of a permanent operating license, expires on the third July 1 following the date on which the license was issued.

Provisional operating licenses:

To obtain a provisional operating license, the applicant must submit a timely application and application fee to the office and demonstrate that it satisfies all of the following:

1. It has established a budget development and approval process and a system of fiscal management that meets standards established by the office.

2. It will operate the school in a building that meets the safety standards established by the office by rule.

3. It has developed a curriculum that meets standards of educational success established by the office by rule.

4. It has employees that meet standards of excellence established by the office by rule.

Permanent operating licenses:

To obtain a permanent operating license, the applicant must submit a timely application and application fee to the office and demonstrate that it satisfies all of the following:

1. It holds a valid provisional operating license and continues to satisfy all of the requirements for the provisional operating license.

2. At least 90 percent of the pupils who have attended the school for more than one school year have advanced at least one grade level for every year of enrollment.

3. It has implemented a policy governing the admission to the school of children with disabilities.

4. It enrolls at least the number of children with disabilities at the school as is required under the formula established in the bill. The formula takes into account the number of pupils enrolled in the school in each grade, the number of pupils enrolled in all schools licensed under the bill in each grade, and the number of children with disabilities enrolled in all schools licensed under the bill in each grade.

Duties of office:

The bill requires the office to do all of the following:

1. Make rules governing the implementation of the inspection and licensure program, including standards for budgeting and fiscal management of the school and the educational success of pupils enrolled in the school.

2. Upon receipt of an application for an operating license do all of the following:

a. Notify the state superintendent, the city common council, and the city mayor and make information provided by the applicant available for public inspection.

b. Inspect the school and records maintained by the applicant for the school.

c. Hold a public hearing on the application and provide an opportunity for public testimony.

d. Submit a written decision to the applicant and provide a copy to the state superintendent, common council, and mayor.

3. Revoke, suspend, or deny an applicant's operating license if, after 60 days, the applicant has not corrected a severe or substantial violation of the standards upon which an operating license is issued.

4. Conduct scheduled and unscheduled inspections of each school for which an operating license may be or has been issued.

5. Annually submit a comprehensive written report detailing the policies, operations, revenues, and expenditures of the office and summarizing the licensing decisions of the office to the governor, the appropriate standing committees of the legislature, the state superintendent, the city common council, and the mayor of the city.

Changes to Full-time Open Enrollment Program

Under the Open Enrollment Program, a pupil may apply to attend a school in a school district other than the pupil's resident school district. Current law establishes permissible criteria for a nonresident school district to accept or reject applications from nonresident pupils, including the availability of space, classes, and programs in the nonresident district. Current law also permits a nonresident school district to determine whether to accept or reject a nonresident pupil based upon whether the special education and related services needs described in the individualized education program of a nonresident pupil who is a child with a disability are available for the pupil in the nonresident school district and also whether the nonresident pupil has been referred for evaluation but not yet evaluated by an individualized education program team to determine whether the child has a disability.

The bill eliminates the two criteria related to the special educational needs of children with disabilities from the list of permissible criteria for the acceptance or rejection of a nonresident pupil whose resident school district is MPS. The bill also requires MPS to limit the number of its resident pupils attending public school in other school districts under the Open Enrollment Program to the number of resident pupils attending public school in other school districts in the 2009–10 school year.

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.** 62.51 (1) (a) of the statutes is amended to read:

2 62.51 (1) (a) "Public office" means the following positions or their equivalent:

3 city engineer; city purchasing agent; commissioner of building inspection, of city

1 development, of health or of public works; director of administration, of budget and
 2 management, of community development agency, of employee relations, of office of
 3 school standards and licensure, of telecommunications, or of safety; emergency
 4 management coordinator; employee benefits administrator; executive director of the
 5 commission on community relations; municipal port director; commissioner of
 6 assessments; director of liaison; city personnel director; executive director of the
 7 retirement board; executive director of the city board of election commissioners; city
 8 librarian; city labor negotiator; executive secretary of the board of fire and police
 9 commissioners; and supervisor of the central electronics board.

✓
 INS.
 4-9 →

10 SECTION 2. 115.881 (1) of the statutes is amended to read:

11 115.881 (1) A school board, board of control of a cooperative educational service
 12 agency, county children with disabilities education board, governing body of a
 13 private school that holds an operating license issued under s. 119.03, or operator of
 14 a charter school established under s. 118.40 (2r) may apply to the department for aid
 15 under this section if the applicant incurred, in the previous school year, more than
 16 \$30,000 of nonadministrative costs for providing special education and related
 17 services to a child and those costs were not eligible for reimbursement under s.
 18 115.88, 115.93, or 118.255, 20 USC 1400 et seq., or federal medicaid.

19 SECTION 3. 118.51 (5) (a) 4. of the statutes is renumbered 118.51 (5) (a) 4. a. and
 20 amended to read:

21 118.51 (5) (a) 4. a. ~~Whether~~ Except as provided in subd. 4. b., whether the
 22 special education or related services described in the ~~child's~~ individualized education
 23 program, under s. 115.787 (2), of an applicant who is a child with a disability are
 24 available in the nonresident school district or whether there is space available to
 25 provide the special education or related services identified in the child's

1 individualized education program, including any class size limits, pupil-teacher
2 ratios or enrollment projections established by the nonresident school board.

3 **SECTION 4.** 118.51 (5) (a) 4. b. of the statutes is created to read:

4 118.51 (5) (a) 4. b. A nonresident school board may not consider the criteria
5 under subd. 4. a. if the application to the nonresident school district is received from
6 a pupil who is a child with a disability and whose resident school district is the school
7 district operating under ch. 119.

8 **SECTION 5.** 118.51 (5) (a) 6. of the statutes is renumbered 118.51 (5) (a) 6. a. and
9 amended to read:

10 118.51 (5) (a) 6. a. ~~Whether~~ Except as provided in subd. 6. b., whether the child
11 pupil has been referred to his or her resident school board under s. 115.777 (1) or
12 identified by his or her resident school board under s. 115.77 (1m) (a) but not yet
13 evaluated by an individualized education program team appointed by his or her
14 resident school board under s. 115.78 (1).

15 **SECTION 6.** 118.51 (5) (a) 6. b. of the statutes is created to read:

16 118.51 (5) (a) 6. b. A nonresident school board may not consider the criteria
17 under subd. 6. a. if the application to the nonresident school district is received from
18 a pupil whose resident school district is the school district operating under ch. 119.

19 **SECTION 7.** 118.51 (6) of the statutes is renumbered 118.51 (6) (a) and amended
20 to read:

21 118.51 (6) (a) ~~A school board may~~ Beginning in the 2010-11 school year, the
22 school district operating under ch. 119 shall limit the number of its resident pupils
23 attending public school in other school districts under this section ~~in the 1998-99~~
24 ~~school year to 3% of its membership. In each of the 7 succeeding school years, a school~~
25 ~~board may limit~~ to the number of its resident pupils attending public school in other

1 school districts ~~to an additional 1% of its membership~~ under this section in the
2 2009–10 school year.

3 (b) If more than the maximum allowable number of resident pupils apply to
4 attend public school in other school districts in any school year under this section,
5 the ~~school~~ board of school directors shall determine which pupils will be allowed to
6 attend public school in other school districts on a random basis, except that the ~~school~~
7 board of school directors shall give preference to pupils who are already attending
8 public school in the school district to which they are applying under this section and
9 to siblings of such pupils.

10 SECTION 8. 118.51 (12) (a) of the statutes is renumbered 118.51 (12) (a) 1. and
11 amended to read:

12 118.51 (12) (a) 1. ~~If~~ Except as provided in subd. 2., if the individualized
13 education program for a pupil, developed or revised under s. 115.787 after ~~a child~~
14 the pupil begins attending public school in a nonresident school district under this
15 section, requires special education or related services that are not available in the
16 nonresident school district or if there is no space available to provide the special
17 education or related services identified in the ~~child's~~ pupil's individualized education
18 program, including any class size limits, pupil–teacher ratios or enrollment
19 projections established by the nonresident school board, the nonresident school
20 board may notify the ~~child's~~ pupil's parent and the ~~child's~~ pupil's resident school
21 board that the special education or related service is not available in the nonresident
22 school district. If such notice is provided, the ~~child~~ pupil shall be transferred to his
23 or her resident school district, which shall provide an educational placement for the
24 ~~child~~ pupil under s. 115.79 (1) (b).

25 SECTION 9. 118.51 (12) (a) 2. of the statutes is created to read:

1 118.51 (12) (a) 2. Subdivision 1. does not apply to a pupil attending school in
2 a nonresident school district whose resident school district is the school district
3 operating under ch. 119.

4 **SECTION 10.** 119.03 of the statutes is created to read:

5 **119.03 Office of school standards and licensure. (1) DEFINITIONS.** In this
6 section:

7 (a) “Administrator” means all of the following:

- 8 1. The superintendent of schools.
- 9 2. The superintendent, supervising principal, executive director, or other
10 person who acts as the administrative head of any school required to be licensed
11 under this section.

12 (b) “Applicant” means any of the following:

- 13 1. The board.
- 14 2. The operator of a charter school operating in the city.
- 15 3. The governing body of a private school participating in the program under
16 s. 119.23.

17 (c) “Child with a disability” has the meaning given in s. 115.76 (5).

18 (d) “Director” means the director of the office.

19 (e) “Office” means the office of school standards and licensure.

20 (f) “School” means a public school operated by the board, a charter school
21 operating in the city, and a private school participating in the program under s.
22 119.23.

23 **(2) OPERATING LICENSE REQUIRED; CLASSES AND RENEWAL OF OPERATING LICENSES.**

24 (a) Beginning in the 2011–12 school year, no person may operate a school without
25 a valid operating license issued by the office for that school.

1 (b) The office may issue the following licenses:

2 1. A provisional operating license. A provisional operating license may not be
3 renewed.

4 2. A permanent operating license. A permanent operating license may be
5 renewed as provided under sub. (5).

6 **(3) PROVISIONAL OPERATING LICENSES.** (a) The office shall issue a provisional
7 operating license to operate a school if the office determines that all of the following
8 apply:

9 1. The applicant submits an application for a provisional operating license for
10 the school to the office, together with the information required under par. (b) and any
11 supporting documentation required by the office and the administrative fee required
12 under sub. (7).

13 2. The applicant satisfies the requirements under par. (b).

14 3. If the applicant operated a school during the 2009–10 school year, the
15 applicant submits the application to the office no later than the first day of the 13th
16 month beginning after the effective date of this subdivision [LRB inserts date].

17 4. If the applicant did not operate a school during the 2009–10 school year, the
18 applicant submits the application to the office at least 180 days before the applicant
19 intends to operate the school.

20 (b) An applicant under this subsection shall submit clear and convincing
21 evidence to the office that all of the following are satisfied:

22 1. The applicant has established a budget development and approval process,
23 a system of fiscal management, an organizational structure, a management system,
24 and a process for receiving, depositing, investing, managing, spending, accounting

1 for, and auditing resources for the school that meets the standards established by the
2 office by rule.

3 2. The applicant will operate the school in a building that meets the safety
4 standards established by the office by rule and will utilize facilities and equipment,
5 including vehicles, that meet the safety standards established by the office by rule.

6 3. The applicant has developed a curriculum that meets the standards of
7 educational success established by the office by rule.

8 4. a. For an applicant under par. (a) 3., the applicant has selected and employs
9 administrators, teachers, and staff for the school that meet the standards of
10 excellence established by the office by rule.

11 b. For an applicant under par. (a) 4., the applicant has selected and will employ
12 administrators, teachers, and staff for the school that meet the standards of
13 excellence established by the office by rule.

14 (c) A provisional operating license issued under this subsection expires on the
15 3rd July 1 following the date on which the license was issued or on the date on which
16 a permanent operating license is issued for the school under sub. (4), whichever
17 occurs first.

18 **(4) PERMANENT OPERATING LICENSE.** The office shall issue a permanent operating
19 license to operate a school if the office determines that all of the following apply:

20 (a) The applicant holds a valid provisional operating license for the school and
21 one of the following applies:

22 1. For a provisional operating license issued to an applicant who operated a
23 school during the 2009–10 school year, the applicant has been operating the school
24 under the license for at least 12 months but not more than 36 months.

1 2. For a provisional operating license issued to an applicant who did not operate
2 a school in the 2009–10 school year, the applicant has been operating the school
3 under the license for at least 24 months but not more than 36 months.

4 (b) The applicant submits an application for a permanent operating license for
5 the school to the office, together with the information required under par. (c) and any
6 supporting documentation required by the office and the administrative fee required
7 under sub. (7).

8 (c) The applicant submits clear and convincing evidence to the office that all
9 of the following are satisfied:

10 1. a. Except as provided in subd. 1. b., the applicant continues to satisfy the
11 requirements under sub. (3) (b).

12 b. For an applicant that did not operate a school in the 2009–10 school year, the
13 applicant continues to satisfy the requirements under sub. (3) (b) 1. to 3. and satisfies
14 the requirements under sub. (3) (b) 4. a.

15 2. At least 90 percent of the pupils who have attended the school for more than
16 one school year have advanced at least one grade level for every year of the pupil's
17 enrollment in the school. To determine whether the requirement under this
18 subdivision has been satisfied, the office shall review the educational performance
19 of the pupils on the examinations administered as required under s. 118.30 and on
20 other measures established by the office by rule.

21 3. The applicant has implemented a policy governing the admission to the
22 school of children with disabilities that satisfies the standards established by the
23 office by rule.

24 4. The applicant enrolls at least the number of children with disabilities
25 determined as follows:

1 a. Determine the number of pupils enrolled in the school in each grade in the
2 previous school year.

3 b. Determine the number of pupils enrolled in all schools licensed under this
4 section in each grade in the previous school year.

5 c. For each grade in all schools licensed under this section, determine the
6 number of pupils identified in subd. 4. b. that are children with disabilities.

7 d. For each grade operated by the school, multiply the number of pupils
8 identified in subd. 4. a. by the ratio of the number of pupils in that grade identified
9 under subd. 4. c. to the number of pupils in that grade identified under subd. 4. b.

10 e. Add the numbers of pupils determined under subd. 4. d. in each grade
11 operated by the school.

12 f. Multiply the sum determined under subd. 4. e. by 50 percent.

13 (d) A permanent operating license issued under this subsection expires on the
14 3rd July 1 following the date on which the license was issued or on the date on which
15 a renewal of that license is issued under sub. (5), whichever comes first.

16 **(5) RENEWAL; NOTICE.** (a) The office shall renew a permanent operating license
17 issued under sub. (4) if the office determines that all of the following apply:

18 1. The applicant submits an application for a renewal of the permanent
19 operating license, together with any supporting documentation required by the office
20 and the administrative fee required under sub. (7) to the office no later than 180 days
21 before the expiration of the operating license.

22 2. The applicant continues to satisfy the requirements under sub. (4) (c).

23 (b) A renewal of a permanent operating license issued under this subsection
24 expires on the 3rd July 1 following the date on which the renewal license was issued.

1 (c) The office shall give a notice of renewal to each holder of a permanent
2 operating license at least 30 days prior to the expiration date of the operating license.
3 Notice may be mailed to the last address provided to the office by the holder of the
4 operating license or may be given by electronic transmission. Failure to receive a
5 notice of renewal is not a defense in any proceeding against the holder for operating
6 a school without an operating license.

7 **(6) EFFECT OF DENIAL, SUSPENSION, REVOCATION, OR NONRENEWAL OF AN OPERATING**
8 **LICENSE.** (a) An applicant whose application for an operating license for a school or
9 whose application for renewal of a permanent operating license for a school is denied
10 may reapply to the office for a provisional operating license under sub. (3).

11 (b) If any operating license held by an applicant has expired before the
12 applicant has obtained a permanent operating license or the renewal of that license,
13 the applicant may not operate the school until the applicant has obtained an
14 operating license for the school.

15 (c) An applicant whose operating license has been denied, suspended, revoked,
16 or has not been renewed shall work with the office, the board, and the department
17 to provide for the temporary or permanent transfer of pupils to other schools that
18 hold a valid license issued by the office or to schools not required to be licensed under
19 this section.

20 **(7) ADMINISTRATIVE FEE.** The office shall charge a fee, to be determined by the
21 office by rule, to each applicant for an operating license for a school or the renewal
22 of an operating license for a school. The fee shall be based upon the costs to provide
23 the review and conduct the inspections required under sub. (8) (a), conduct the
24 inspections required under sub. (8) (e) and (f), and administer the program under this

1 section, and shall take into account the number of pupils enrolled in the school in the
2 preceding school year.

3 **(8) DUTIES OF THE OFFICE.** The office shall do all of the following:

4 (a) Upon receipt of an application under subs. (3) to (5):

5 1. Submit a written notice of the application to the state superintendent, the
6 common council, the mayor, and, if the applicant is operating the school at the time
7 the application is received, parents of pupils enrolled in the school. The office shall
8 publish the written notice as a class 1 notice under ch. 985.

9 2. Provide access to information submitted by the applicant in connection with
10 the application for licensure on the Internet Web site maintained by the office and,
11 upon request of a party, in writing.

12 3. Request an evaluation by the city comptroller of the applicant's compliance
13 with or likelihood of compliance with the financial and budgetary standards
14 established by rule under par. (d) 1.

15 4. Undertake any inspections of the school premises and of records maintained
16 by the applicant for the school necessary to evaluate the application for licensure.

17 5. Hold a public hearing on the application for an operating license and provide
18 an opportunity for persons attending the hearing to present testimony on the
19 applicant, the school, and the application for licensure.

20 6. Submit to the applicant, in writing, the decision of the office to grant or deny
21 the operating license. The office shall provide a copy of the decision to the state
22 superintendent, the common council, and the mayor, and shall make the written
23 decision available on the Internet Web site maintained by the office and, upon
24 request, in writing.

1 (b) Ensure that each applicant that applies for and holds an initial or renewed
2 permanent operating license enrolls in the school at least the number of children
3 with disabilities determined for the school under sub. (4) (c) 4.

4 (c) Suspend, revoke, or deny an applicant's operating license for a school if the
5 office determines, based upon clear and convincing evidence, that the applicant has
6 committed a severe or substantial violation of the standards upon which an
7 operating license is issued and the applicant fails to correct the violation or make
8 substantial progress towards correcting the violation in 60 days.

9 (d) Promulgate rules for the administration of the inspection and licensure
10 program under this section, including all of the following:

11 1. Standards for a budget development and approval process, a system of fiscal
12 management, an organizational structure, a management system, and a process for
13 receiving, depositing, investing, managing, spending, accounting for, and auditing
14 resources to be implemented and maintained by an applicant seeking an operating
15 license under this section. The office shall collaborate with the city comptroller to
16 establish the standards required under this subdivision.

17 2. Standards of educational success to be incorporated into the curriculum of
18 an applicant's school.

19 3. Standards of excellence for teachers, administrators, and staff at the school.
20 The office shall collaborate with the deans and faculty of education at the University
21 of Wisconsin–Milwaukee, Marquette University, and Alverno College, and with
22 other educational experts to establish the standards required under this subdivision.
23 The standards under this subdivision shall require each administrator to hold, at
24 minimum, a bachelor's degree.

1 4. Educational performance measures applicable to whether a pupil has
2 advanced to the next grade level.

3 5. Standards governing the admission of children with disabilities to a school
4 licensed under this section. The standards shall prohibit an applicant from refusing
5 to enroll a child with a disability or to provide a free appropriate public education,
6 as defined in s. 115.76 (7), for the child with a disability.

7 6. Conditions under which an operating license issued under this section may
8 be suspended or revoked, the duration of a suspension or revocation, and the
9 conditions that must be satisfied by an applicant for the reinstatement of the
10 operating license.

11 7. A definition of a substantial violation of the standards upon which an
12 operating license is issued.

13 8. A definition of a severe violation of the standards upon which an operating
14 license is issued.

15 (e) Establish a schedule for the inspection of each school for which an operating
16 license may be or has been issued under this section.

17 (f) Periodically conduct unscheduled inspections of each school for which an
18 operating license has been issued under this section. The office may establish
19 criteria governing the rationale for conducting an unscheduled inspection.

20 (g) Annually submit a comprehensive written report detailing the policies,
21 operations, revenues, and expenses of the office and summarizing the licensing
22 decisions of the office to all of the following:

- 23 1. The governor.
- 24 2. The appropriate standing committees of the legislature.
- 25 3. The state superintendent.

1 4. The common council.

2 5. The mayor.

3 **SECTION 11.** 119.23 (7) (am) (intro.) and 1. of the statutes are consolidated,
4 renumbered 119.23 (7) (am) and amended to read:

5 119.23 **(7)** (am) ~~Each private school participating in the program under this~~
6 ~~section is subject to uniform financial accounting standards established by the~~
7 ~~department.~~ Annually by September 1 following a school year in which a private
8 school participated in the program under this section, the private school shall submit
9 to the department ~~all of the following:~~ 1. ~~An~~ an independent financial audit of the
10 private school conducted by a certified public accountant, accompanied by the
11 auditor's statement that the report is free of material misstatements and fairly
12 presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be
13 limited in scope to those records that are necessary for the department to make
14 payments under subs. (4) and (4m).

15 **SECTION 12.** 119.23 (7) (am) 2. of the statutes is repealed.

16 **SECTION 13.** 121.84 (4) (b) of the statutes is amended to read:

17 121.84 **(4)** (b) If a pupil attends school in a school district outside the pupil's
18 school district of residence under par. (a), s. 118.51 (12), (14), (16) and (17) apply to
19 the pupil as if the pupil were attending school in a nonresident school district under
20 s. 118.51. If the pupil is ~~rejected as a result of s. 118.51 (12) (a),~~ prohibited from
21 attending as a result of s. 118.51 (12) (b) 1. or transferred as a result of s. 118.51 (12)
22 (b) 2., s. 118.51 (9) applies.

23 (END)

INSERT
4-9

Section #. 62.51 (2) of the statutes is renumbered 62.51(2)(a) and amended to read:

62.51 (2) (a) In any 1st class city, the mayor shall appoint, subject to confirmation of the common council, a person to serve in the unclassified service in each public office. A public official serves at the pleasure of the mayor until the end of the mayoral term of office during which the public official is appointed unless reappointed and reconfirmed or until a successor is appointed and confirmed, whichever is later. The mayor shall make appointments under this ^{paragraph} subsection within 90 days after taking office or within 90 days after a vacancy in the public office occurs, whichever is later. The common council shall vote on confirmation of any appointment under this ^{paragraph} subsection within 45 days after that appointment.

History: 1987 a. 289, 382; 1989 a. 31; 1991 a. 156; 1995 a. 247; 1999 a. 150 s. 302; Stats. 1999 s. 62.51.

SEC. #. CR. 62.51
62.51 (2)(b) ✓

of 62.51 (2)(b) ^{by the mayor} ~~appointment of~~ person ^{appointed} to serve in the ^{unclassified service} office of school standards and licensure shall be appointed by the mayor without confirmation of the common council.

(end ins 4-9)

Basford, Sarah

From: Hinkel, Andy
Sent: Tuesday, February 09, 2010 2:49 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-4078/1 Topic: Creating a City of Milwaukee Department of School Inspection

Please Jacket LRB 09-4078/1 for the ASSEMBLY.