

1 and shall be in the same form as reports of other physicians for admission of patients  
2 to such hospital.

3 **SECTION 2460.** 115.53 (4) (b) of the statutes is repealed.

4 **SECTION 2472.** 118.07 (2) (b) of the statutes is amended to read:

5 118.07 (2) (b) In each community having a recognized fire department, the  
6 person having direct charge of any public or private school shall annually file a report  
7 pertaining to such drills, on a form furnished by the department of ~~commerce~~ safety  
8 and professional services, with the chief of the fire department. When no fire drill  
9 is held during any month, or when only one or no tornado or other hazard drill is held  
10 in a year, the person having direct charge of the school shall state the reasons in the  
11 report.

12 **SECTION 2473.** 118.075 (2) (a) 2. of the statutes is amended to read:

13 118.075 (2) (a) 2. The secretary of ~~commerce~~ safety and professional services  
14 or his or her designee.

15 **SECTION 2476m.** 118.125 (4) of the statutes is amended to read:

16 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and  
17 a private school participating in the program under s. 118.60 or in the program under  
18 s. 119.23 shall transfer to another school, including a private or tribal school, or  
19 school district all pupil records relating to a specific pupil if the transferring school  
20 district or private school has received written notice from the pupil if he or she is an  
21 adult or his or her parent or guardian if the pupil is a minor that the pupil intends  
22 to enroll in the other school or school district or written notice from the other school  
23 or school district that the pupil has enrolled or from a court that the pupil has been  
24 placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured  
25 residential care center for children and youth, as defined in s. 938.02 (15g). In this

1 subsection, "school" and "school district" include any juvenile correctional facility,  
2 secured residential care center for children and youth, adult correctional institution,  
3 mental health institute, or center for the developmentally disabled that provides an  
4 educational program for its residents instead of or in addition to that which is  
5 provided by public, private, and tribal schools.

6 **SECTION 2476p.** 118.134 (3) (a) of the statutes is amended to read:

7 118.134 (3) (a) The state superintendent shall issue a decision and order within  
8 45 days after the hearing. If the state superintendent finds that the use of the  
9 race-based nickname, logo, mascot, or team name does not promote discrimination,  
10 pupil harassment, or stereotyping, the state superintendent shall dismiss the  
11 complaint. Except as provided in ~~par.~~ pars. (b) and (d), if the state superintendent  
12 finds that the use of the race-based nickname, logo, mascot, or team name promotes  
13 discrimination, pupil harassment, or stereotyping, the state superintendent shall  
14 order the school board to terminate its use of the race-based nickname, logo, mascot,  
15 or team name within 12 months after issuance of the order.

16 **SECTION 2476r.** 118.134 (3) (d) of the statutes is created to read:

17 118.134 (3) (d) No school district required by a decision and order issued under  
18 this subsection on or before the effective date of this paragraph .... [LRB inserts date],  
19 to terminate the use of a race-based nickname, logo, mascot, or team name shall be  
20 required to comply with the terms of that decision and order until January 15, 2013.

21 **SECTION 2477.** 118.135 (2) of the statutes is amended to read:

22 118.135 (2) A pupil who complies with a request under sub. (1) shall provide  
23 evidence of an eye examination or evaluation by December 31 following the pupil's  
24 enrollment in kindergarten. The school board or charter school shall provide pupils

1 with the form distributed by the department of ~~regulation and licensing~~ safety and  
2 professional services under s. 440.03 (16) for that purpose.

3 **SECTION 2482m.** 118.153 (3) (c) 2. of the statutes is amended to read:

4 118.153 (3) (c) 2. The school board may contract with the agencies identified  
5 under subd. 1. for ~~not more than 30%~~ of the children at risk enrolled in the school  
6 district if the school board determines that the agencies can adequately serve such  
7 children.

8 **SECTION 2488b.** 118.30 (1g) (a) 4. of the statutes is created to read:

9 118.30 (1g) (a) 4. The governing body of each private school participating in the  
10 program under s. 118.60 shall adopt pupil academic standards in mathematics,  
11 science, reading and writing, geography, and history. The governing body of the  
12 private school may adopt the pupil academic standards issued by the governor as  
13 executive order no. 326, dated January 13, 1998.

14 **SECTION 2488e.** 118.30 (1t) of the statutes is created to read:

15 118.30 (1t) Annually, the governing body of each private school participating  
16 in the program under s. 118.60 shall do all of the following:

17 (a) Administer the 4th grade examination adopted or approved by the state  
18 superintendent under sub. (1) to all pupils attending the 4th grade in the private  
19 school under s. 118.60.

20 (b) Administer the 8th grade examination adopted or approved by the state  
21 superintendent under sub. (1) to all pupils attending the 8th grade in the private  
22 school under s. 118.60.

23 (c) Administer the 10th grade examination adopted or approved by the state  
24 superintendent under sub. (1) to all pupils attending the 10th grade in the private  
25 school under s. 118.60.



1 (d) Administer to pupils attending the private school under s. 118.60 all other  
2 examinations in reading, mathematics, and science that are required to be  
3 administered to public school pupils under 20 USC 6311 (b) (3).

4 **SECTION 2488h.** 118.30 (2) (b) 1. of the statutes is amended to read:

5 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
6 subch. V of ch. 115, the school board, operator of the charter school under s. 118.40  
7 (2r), governing body of the private school participating in the program under s.  
8 118.60, ~~or~~ governing body of the private school participating in the program under  
9 s. 119.23 shall comply with s. 115.77 (1m) (bg).

10 **SECTION 2488L.** 118.30 (2) (b) 2. of the statutes is amended to read:

11 118.30 (2) (b) 2. According to criteria established by the state superintendent  
12 by rule, the school board, operator of the charter school under s. 118.40 (2r),  
13 governing body of the private school participating in the program under s. 118.60,  
14 governing body of the private school participating in the program under s. 119.23  
15 may determine not to administer an examination under this section to a  
16 limited-English speaking pupil, as defined under s. 115.955 (7), may permit the  
17 pupil to be examined in his or her native language, or may modify the format and  
18 administration of an examination for such pupils.

19 **SECTION 2488p.** 118.30 (2) (b) 6. of the statutes is created to read:

20 118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing  
21 body of a private school participating in the program under s. 118.60 shall excuse the  
22 pupil from taking an examination administered under sub. (1t) (a) to (c).

23  
24 **SECTION 2488pq.** 118.30 (5) of the statutes is created to read:

Plain  
See  
49-10 in  
6/95/11.

1           118.30 (5) Beginning in the 2014-15 school year, the department shall ensure  
2 that benchmark assessments are administered to pupils annually under this section  
3 prior to the administration of summative assessments under this section.

4           **SECTION 2488pt.** 118.30 (5m) of the statutes is created to read:

5           118.30 (5m) When determining the percentage of pupils participating in the  
6 program under s. 119.23 who performed at designated proficiency levels on the  
7 examinations administered as required under sub. (1s), the department shall  
8 consider only the pupils participating in the program under s. 119.23 to whom the  
9 examinations were administered at each grade level, and shall exclude from  
10 consideration those pupils participating in the program under s. 119.23 who were  
11 excused from taking the examinations under sub. (2) (b) 5.

12           **SECTION 2488r.** 118.33 (1) (f) 2r. of the statutes is created to read:

13           118.33 (1) (f) 2r. The governing body of each private school participating in the  
14 program under s. 118.60 shall develop a policy specifying criteria for granting a high  
15 school diploma to pupils attending the private school under s. 118.60. The criteria  
16 shall include the pupil's academic performance and the recommendations of  
17 teachers.

18           **SECTION 2488u.** 118.33 (1) (f) 3. of the statutes is amended to read:

19           118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
20 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
21 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
22 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the  
23 governing body of a private school participating in the program under s. 119.23 may  
24 not grant a high school diploma to any pupil attending the private school under s.  
25 119.23 unless the pupil has satisfied the criteria specified in the governing body's

1 policy under subd. 2m. The governing body of a private school participating in the  
2 program under s. 118.60 may not grant a high school diploma to any pupil attending  
3 the private school under s. 118.60 unless the pupil has satisfied the criteria specified  
4 in the governing body's policy under subd. 2r.

5 **SECTION 2488y.** 118.33 (6) (cr) of the statutes is created to read:

6 118.33 (6) (cr) 1. The governing body of each private school participating in the  
7 program under s. 118.60 shall adopt a written policy specifying criteria for promoting  
8 a pupil who is attending the private school under s. 118.60 from the 4th grade to the  
9 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
10 pupil's score on the examination administered under s. 118.30 (1t) (a) or (b), unless  
11 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the  
12 pupil's academic performance; the recommendations of teachers, which shall be  
13 based solely on the pupil's academic performance; and any other academic criteria  
14 specified by the governing body of the private school.

15 2. The governing body of a private school participating in the program under  
16 s. 118.60 may not promote a 4th grade pupil who is attending the private school  
17 under s. 118.60 to the 5th grade, and may not promote an 8th grade pupil who is  
18 attending the private school under s. 118.60 to the 9th grade, unless the pupil  
19 satisfies the criteria for promotion specified in the governing body's policy under  
20 subd. 1.

21 **SECTION 2489.** 118.35 (4) of the statutes is amended to read:

22 118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall  
23 award grants to nonprofit organizations, cooperative educational service agencies,  
24 institutions within the University of Wisconsin System, and the school district  
25 operating under ch. 119 for the purpose of providing ~~advanced curriculum and~~

1 ~~assessments for~~ to gifted and talented pupils ~~those services and activities not~~  
2 ~~ordinarily provided in a regular school program that allow such pupils to fully~~  
3 ~~develop their capabilities.~~

4 **SECTION 2499.** 118.40 (2r) (e) 1. a. of the statutes is renumbered 118.40 (2r) (e)  
5 1m. and amended to read:

6 118.40 (2r) (e) 1m. In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years,  
7 from the appropriation under s. 20.255 (2) (fm), the department shall pay to the  
8 operator of the charter school an amount equal to the sum of the amount paid per  
9 pupil under this ~~subdivision~~ paragraph in the previous school year and the increase  
10 in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the  
11 current school year as compared to the previous school year, multiplied by the  
12 number of pupils attending the charter school.

13 **SECTION 2500.** 118.40 (2r) (e) 1. b. of the statutes is renumbered 118.40 (2r) (e)  
14 2m. and amended to read:

15 118.40 (2r) (e) 2m. In the ~~2011-12~~ 2013-14 school year and in each school year  
16 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay  
17 to the operator of the charter school an amount equal to the sum of the amount paid  
18 per pupil under this ~~subdivision~~ paragraph in the previous school year and the per  
19 pupil revenue limit adjustment under s. 121.91 (2m) in the current school year,  
20 multiplied by the number of pupils attending the charter school.

21 **SECTION 2501.** 118.40 (2r) (e) 1. c. of the statutes is renumbered 118.40 (2r) (e)  
22 3m. and amended to read:

23 118.40 (2r) (e) 3m. The amount paid per pupil under this ~~subdivision~~  
24 paragraph may not be less than the amount paid per pupil under this ~~subdivision~~  
25 paragraph in the previous school year. The department shall pay 25% of the total

1 amount in September, 25% in December, 25% in February, and 25% in June. The  
2 department shall send the check to the operator of the charter school.

3 **SECTION 2502m.** 118.40 (2r) (e) 2. of the statutes is renumbered 118.40 (2r) (e)  
4 4. and amended to read:

5 118.40 (2r) (e) 4. If the chancellor of the University of Wisconsin-Parkside  
6 establishes or contracts for the establishment of a charter school under this  
7 subsection, in March the department shall pay to the unified school district in which  
8 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an  
9 amount equal to the amount of school aid per pupil to which the unified school district  
10 is eligible in the current school year multiplied by the number of pupils attending the  
11 charter school who were previously enrolled in the unified school district, except that  
12 the payment may not exceed \$1,000,000 in the 2011-12 school year and may not  
13 exceed \$750,000 in the 2012-13 school year. No aid may be paid under this  
14 subdivision after the 2012-13 school year.

15 **SECTION 2503.** 118.40 (2r) (f) of the statutes is repealed.

16 **SECTION 2507.** 118.40 (8) (h) of the statutes is repealed.

17 **SECTION 2507b.** 118.43 (2) (b) 2. of the statutes is amended to read:

18 118.43 (2) (b) 2. The school board is not receiving a grant under the preschool  
19 to grade 5 program on behalf of the school under s. 115.45, 2009 stats.

20 **SECTION 2507e.** 118.43 (2) (bg) 2. of the statutes is amended to read:

21 118.43 (2) (bg) 2. The school board is not receiving a grant under the preschool  
22 to grade 5 program on behalf of the school under s. 115.45, 2009 stats.

23 **SECTION 2507h.** 118.43 (2) (br) 2. of the statutes is amended to read:

24 118.43 (2) (br) 2. The school board is not receiving a grant under the preschool  
25 to grade 5 program on behalf of any of the schools under s. 115.45, 2009 stats.



1           **SECTION 2507j.** 118.43 (2) (bt) 2. of the statutes is amended to read:

2           118.43 (2) (bt) 2. The school board is not receiving a grant under the preschool  
3 to grade 5 program on behalf of any of the schools under s. 115.45, 2009 stats.

4           **SECTION 2507L.** 118.43 (2) (bv) of the statutes is created to read:

5           118.43 (2) (bv) In the 2011-12 school year, the school board of an eligible school  
6 district may enter into a 5-year achievement guarantee contract with the  
7 department on behalf of one or more schools in the school district if, in the 2010-11  
8 school year, the school board received a grant under the preschool to grade 5 program  
9 on behalf of the schools under s. 115.45, 2009 stats.

10          **SECTION 2507n.** 118.43 (2) (g) of the statutes is amended to read:

11          118.43 (2) (g) The department may renew an achievement guarantee contract  
12 under pars. (b), (bg), (br), ~~and (bt)~~, and (bv) for one or more terms of 5 school years.  
13 Except as provided in sub. (3m), as a condition of receiving payments under a  
14 renewal of an achievement guarantee contract, a school board shall maintain the  
15 reduction of class size achieved during the last school year of the original  
16 achievement guarantee contract for the grades specified for the last school year of the  
17 contract.

18          **SECTION 2507p.** 118.43 (3) (intro.) of the statutes is amended to read:

19          118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),  
20 (ar), ~~and (at)~~, and (av), an achievement guarantee contract shall require the school  
21 board to do all of the following in each participating school:

22          **SECTION 2507r.** 118.43 (3) (av) of the statutes is created to read:

23          118.43 (3) (av) *Class size; additional contracts.* For contracts that begin in the  
24 2011-12 school year, reduce each class size to 18 in the following manner:

25          1. In the 2011-12 school year, in at least grades kindergarten and one.

1           2. In the 2012-13 school year, in at least grades kindergarten to 2.

2           3. In the 2013-14 to 2015-16 school years, in at least grades kindergarten to

3           3.

4           **SECTION 2507u.** 118.43 (3m) (b) of the statutes is amended to read:

5           118.43 **(3m)** (b) A school board operating under an achievement guarantee  
6 contract entered into under sub. (3) (at) or (av) may combine 2 classes subject to the  
7 class size limitation in any school covered by the contract having at least 2 regular  
8 classroom teachers when the classes are combined if the combined class size is not  
9 greater than 30.

10          **SECTION 2507y.** 118.43 (6) (b) 10. of the statutes is amended to read:

11          118.43 **(6)** (b) 10. In the 2010-11 school year and any subsequent school year,  
12 \$2,250 multiplied by the number of low-income pupils enrolled in grades eligible for  
13 funding in each school in the school district covered by contracts under sub. (3) (at)  
14 and (av) and by renewals of contracts under sub. (2) (g).

15          **SECTION 2513b.** 118.51 (3) (a) 6. of the statutes is amended to read:

16          118.51 **(3)** (a) 6. If an application is accepted, on or before the first Friday  
17 following the first Monday in June following receipt of a notice of acceptance, ~~or~~  
18 ~~within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting~~  
19 ~~list under s. 118.40 (8) (h) 5.,~~ the pupil's parent shall notify the nonresident school  
20 board of the pupil's intent to attend school in that school district in the following  
21 school year.

22          **SECTION 2514.** 118.51 (3) (a) 7. of the statutes is repealed.

23          **SECTION 2515.** 118.51 (3) (b) of the statutes is amended to read:

24          118.51 **(3)** (b) *Notice to resident school district.* Annually by June 30, each  
25 nonresident school board that has accepted a pupil under this section for attendance

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1 in the following school year shall report the name of the pupil to the pupil's resident  
2 school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the~~  
3 ~~nonresident school board shall report the name of the pupil to the pupil's resident~~  
4 ~~school board within 10 days of receiving notice of the pupil's selection from the~~  
5 ~~department.~~

6 **SECTION 2532m.** 118.60 of the statutes is created to read:

7 **118.60 Parental choice programs for eligible school districts.** (1) In ?  
8 this section:

9 (a) "Administrator" means the superintendent, supervising principal,  
10 executive director, or other person who acts as the administrative head of a private  
11 school participating in the program under this section.

12 (am) "Eligible school district" means a school district that satisfies all of the  
13 following:

14 1. The school district's equalized value per member, as determined in  
15 accordance with s. 121.15 (4) on October 15 of the 2nd fiscal year of the current fiscal  
16 biennium for the distribution of equalization aid in that year, is no more than 80  
17 percent of the statewide average.

18 2. The school district's shared cost per member, as determined in accordance  
19 with s. 121.07 on October 15 of the 2nd fiscal year of the current fiscal biennium, for  
20 the distribution of aid in that year is no more than 91 percent of the statewide  
21 average.

22 3. The school district is eligible, in the 2nd fiscal year of the current fiscal  
23 biennium, to receive aid under s. 121.136.

24 4. The school district is located in whole or in part in a city of the 2nd class.

25 (b) "Membership" has the meaning given in s. 121.004 (5).

1 (c) "Preaccreditation" means the review and approval of an educational plan.  
2 Review of an education plan includes consideration of whether the school submitting  
3 the plan meets the requirements under s. 118.165 (1). The fact that a private school  
4 has obtained preaccreditation does not require an accreditation organization to  
5 accredit the private school.

6 (d) "Progress records" has the meaning given in s. 118.125 (1) (c).

7 (e) "Summer average daily membership equivalent" has the meaning given in  
8 s. 121.004 (8).

9 (f) "Summer choice average daily membership equivalent" means the summer  
10 average daily membership equivalent of pupils who were attending a private school  
11 under this section on the 2nd Friday of January of the school term immediately  
12 preceding that summer or whose applications have been accepted under sub. (3) for  
13 attendance at the private school in the school term immediately following that  
14 summer.

15 (g) "Teacher" means a person who has primary responsibility for the academic  
16 instruction of pupils.

17 (1m) By November 15 of the 2nd fiscal year of each fiscal biennium, the  
18 department shall prepare a list that identifies eligible school districts. The  
19 department shall post the list on the department's Internet site and shall notify in  
20 writing the school district clerk of each eligible school district. A school district that  
21 qualifies as an eligible school district under this section remains an eligible school  
22 district.

23 (2) (a) Subject to par. (b), any pupil in grades kindergarten to 12 who resides  
24 within an eligible school district may attend any private school if all of the following  
25 apply:

1           1. a. The pupil is a member of a family that has a total family income that does  
2 not exceed an amount equal to 3.0 times the poverty level determined in accordance  
3 with criteria established by the director of the federal office of management and  
4 budget. In this subdivision and sub. (3m), family income includes income of the  
5 pupil's parents or legal guardians. The family income of the pupil shall be  
6 determined as provided in subd. 1. b. A pupil attending a private school under this  
7 section whose family income increases may continue to attend a private school under  
8 this section.

9           b. The private school submits to the department of revenue the names,  
10 addresses, social security numbers, and other state and federal tax identification  
11 numbers, if any, of the pupil's parents or legal guardians. The department of revenue  
12 shall review the information submitted under this subd. 1. b. and shall determine  
13 whether the pupil is eligible to participate in the program under this section on the  
14 basis of family income. Family income for a family in which the pupil's parents are  
15 married or in which the pupil's legal guardians are married shall be reduced by  
16 \$7,000 before the determination is made under this subd. 1. b. The department of  
17 revenue may take no other action on the basis of the information submitted under  
18 this subd. 1. b. The department of public instruction may not request any additional  
19 verification of income from the family of a pupil once the department of revenue has  
20 determined whether the pupil is eligible to participate in the program under this  
21 section on the basis of family income. The department of public instruction shall  
22 establish a procedure for determining family income eligibility for those pupils for  
23 whom no social security number or state or federal tax identification number has  
24 been provided.

25           2. The pupil satisfies one or more of the following:

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1 CCC a. The pupil was enrolled in a public school in the an eligible school district in  
2 the previous school year.

3 b. The pupil was not enrolled in school in the previous school year.

4 c. The pupil attended a private school under this section in the previous school  
5 year.

6 d. The pupil is applying to attend kindergarten, first grade, or 9th grade in a  
7 private school participating in the program under this section.

8 3. a. Except as provided in subd. 3. b., the private school notified the state  
9 superintendent of its intent to participate in the program under this section, and  
10 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)  
11 3., by February 1 of the previous school year. The notice shall specify the number of  
12 pupils participating in the program under this section for which the school has space.

13 b. For a private school that intends to participate in the program under this  
14 section in an eligible school district identified under 2011 Wisconsin Act ... (this act),  
15 section 9137 (3u), the private school notified the state superintendent of its intent  
16 to participate, and paid the nonrefundable fee set by the department under subd. 3.  
17 a. by August 1, 2011. The notice shall specify the number of pupils participating in  
18 the program under this section for which the school has space.

19 4. The private school complies with 42 USC 2000d.

20 5. The private school meets all health and safety laws or codes that apply to  
21 public schools.

22 6. a. Except as provided in subd. 6. c., all of the private school's teachers have  
23 a bachelor's degree from an accredited institution of higher education.

24 b. All of the private school's administrators have at least a bachelor's degree  
25 from an accredited institution of higher education.

1           c. Any teacher employed by the private school on July 1 of the first school year  
2 that begins after a school district is identified as an eligible school district under sub.  
3 (1m) or 2011 Wisconsin Act .... (this act), section 9137 (3u), who has been teaching  
4 for at least the 5 consecutive years immediately preceding that July 1, and who does  
5 not satisfy the requirements under subd. 6. a. on that July 1, applies to the  
6 department on a form prepared by the department for a temporary, nonrenewable  
7 waiver from the requirements under subd. 6. a. The department shall promulgate  
8 rules to implement this subd. 6. c., including the form of the application and the  
9 process by which the waiver application will be reviewed. The application form shall  
10 require the applicant to submit a plan for satisfying the requirements under subd.  
11 6. a., including the name of the accredited institution of higher education at which  
12 the teacher is pursuing or will pursue the bachelor's degree and the anticipated date  
13 on which the teacher expects to complete the bachelor's degree. No waiver granted  
14 under this subd. 6. c. is valid after July 31 of the 5th school year that begins after a  
15 school district is identified as an eligible school district under sub. (1m) or 2011  
16 Wisconsin Act .... (this act), section 9137 (3u).

17           7. For a private school that is a first-time participant in the program under this  
18 section, and that is not accredited by the Wisconsin North Central Association, the  
19 Wisconsin Religious and Independent School Accreditation, the Independent  
20 Schools Association of the Central States, the archdiocese within which the private  
21 school is located, or by any other organization recognized by the National Council for  
22 Private Schools Accreditation, the private school obtains preaccreditation by the  
23 Institute for the Transformation of Learning at Marquette University, the Wisconsin  
24 North Central Association, the Wisconsin Religious and Independent Schools  
25 Accreditation, the Independent Schools Association of the Central States, the

1 archdiocese within which the private school is located, or any other organization  
2 recognized by the National Council for Private School Accreditation by September  
3 1 before the first school term of participation in the program under this section that  
4 begins after August 31, 2011; by August 1 before the first school term of participation  
5 in the program under this section that begins in the first school year that begins after  
6 a school district is identified as an eligible school district under sub. (1m) or by May  
7 1 if the private school begins participation in the program under this section during  
8 summer school. The private school shall achieve accreditation by the Wisconsin  
9 North Central Association, the Wisconsin Religious and Independent Schools  
10 Accreditation, the Independent Schools Association of the Central States, the  
11 archdiocese within which the private school is located, or any other organization  
12 recognized by the National Council for Private School Accreditation, by December 31  
13 of the 3rd school year following the first school year in which the private school begins  
14 participation in the program under this section. If the private school is accredited  
15 under this subdivision, the private school is not required to obtain preaccreditation  
16 as a prerequisite to providing instruction under this section in additional grades or  
17 in an additional or new school.

18 8. Notwithstanding s. 118.165 (1) (c), the private school annually provides at  
19 least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours  
20 of direct pupil instruction in grades 7 to 12. Hours provided under this subdivision  
21 include recess and time for pupils to transfer between classes but do not include the  
22 lunch periods.

23 (b) 1. In the first school year that begins after a school district is identified as  
24 an eligible school district under sub. (1m) or 2011 Wisconsin Act .... (this act), section  
25 9137 (3u), no more than 250 pupils, as counted under s. 121.004 (7), may attend



1 private schools under this section. Priority shall be given to pupils who were eligible  
2 for a free or reduced-price lunch in the federal school lunch program under 42 USC  
3 1758 (b) in the immediately preceding school year.

4 2. In the 2nd school year that begins after a school district is identified as an  
5 eligible school district under sub. (1m) or 2011 Wisconsin Act ... (this act), section  
6 9137 (3u), no more than 500 pupils, as counted under s. 121.004 (7), may attend  
7 private schools under this section. Priority shall be given to pupils who attended a  
8 private school under this section in the immediately preceding school year.

9 3. Whenever the state superintendent determines that the limit is reached  
10 under subd. 1. or 2., he or she shall issue an order prohibiting the participating  
11 private schools from accepting additional pupils until he or she determines that the  
12 number of pupils attending private schools under this section has fallen below the  
13 limit. If the number of pupils attending private schools under this section falls below  
14 the limit under this paragraph, the state superintendent shall issue an order  
15 notifying participating private schools that they may begin accepting additional  
16 pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to  
17 accept additional pupils under this section shall accept pupils as follows:

18 a. The private school shall give first priority to pupils who are attending a  
19 private school under this section.

20 b. The private school shall give 2nd priority to the siblings of pupils who are  
21 attending a private school under this section.

22 c. The private school shall give 3rd priority to pupils selected at random under  
23 a procedure established by the department by rule.

1 (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school  
2 participating in the program under this section who teaches only courses in  
3 rabbinical studies is not required to have a bachelor's degree.

4 2. Notwithstanding par. (a) 6., an administrator of a private school  
5 participating in the program under this section that prepares and trains pupils  
6 attending the school in rabbinical studies is not required to have a bachelor's degree.

7 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application,  
8 on a form provided by the state superintendent, to the participating private school  
9 that the pupil wishes to attend. If more than one pupil from the same family applies  
10 to attend the same private school, the pupils may use a single application. Within  
11 60 days after receiving the application, the private school shall notify each applicant,  
12 in writing, whether his or her application has been accepted. If the private school  
13 rejects an application, the notice shall include the reason. A private school may reject  
14 an applicant only if it has reached its maximum general capacity or seating capacity.  
15 The state superintendent shall ensure that the private school determines which  
16 pupils to accept on a random basis, except that the private school may give preference  
17 in accepting applications to siblings of pupils accepted on a random basis.

18 (b) If the private school rejects an applicant because it has too few available  
19 spaces, the pupil may transfer his or her application to a participating private school  
20 that has space available.

21 **(3m)** (a) A private school participating in the program under this section may  
22 not charge or receive any additional payment for a pupil participating in the program  
23 under this section other than the payment the school receives under sub. (4) and, if  
24 applicable, sub. (4m), if either of the following applies:

25 1. The pupil is enrolled in a grade from kindergarten to 8.

1           2. The pupil is enrolled in a grade from 9 to 12 and the family income of the  
2 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2  
3 times the poverty level determined in accordance with criteria established by the  
4 director of the federal office of management and budget.

5           (b) A private school participating in the program under this section may, in  
6 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.  
7 (4m), charge the pupil tuition and fees in an amount determined by the school if both  
8 of the following apply:

9           1. The pupil is enrolled in a grade from 9 to 12.

10           2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds  
11 an amount equal to 2.2 times the poverty level determined in accordance with  
12 criteria established by the director of the federal office of management and budget.

13           (c) A private school participating in the program under this section shall  
14 determine whether the private school may charge additional tuition and fees to a  
15 pupil on the basis of the pupil's family income as permitted under par. (b). The  
16 private school shall establish a process for accepting an appeal to the governing body  
17 of the private school of the determination made under this paragraph.

18           (4) (a) Annually, on or before October 15, a private school participating in the  
19 program under this section shall file with the department a report stating its  
20 summer average daily membership equivalent and its summer choice average daily  
21 membership equivalent for the purpose of sub. (4m).

22           (b) Except as provided in par. (bg), upon receipt from the pupil's parent or  
23 guardian of proof of the pupil's enrollment in the private school during a school term,  
24 the state superintendent shall pay to the private school in which the pupil is enrolled

1 on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255  
2 (2) (fr), an amount equal to the lesser of the following:

3 1. The amount equal to the private school's operating and debt service cost per  
4 pupil that is related to educational programming, as determined by the department.

5 2. The amount paid per pupil under this subsection in the previous school year  
6 multiplied by the sum of 1.0 plus the percentage change from the previous school  
7 year to the current school year in the total amount appropriated under s. 20.255 (2)  
8 (ac) expressed as a decimal, but not less than zero.

9 (bg) In the 2011-12 and 2012-13 school years, upon receipt from the pupil's  
10 parent or guardian of proof of the pupil's enrollment in the private school during a  
11 school term, the state superintendent shall pay to the private school in which the  
12 pupil is enrolled on behalf of the pupil's parent or guardian, from the appropriation  
13 under s. 20.255 (2) (fr), an amount equal to the private school's operating and debt  
14 service cost per pupil that is related to educational programming, as determined by  
15 the department, or \$6,442, whichever is less.

16 (c) The state superintendent shall pay 25 percent of the total amount under this  
17 subsection in September, 25 percent in November, 25 percent in February, and 25  
18 percent in May. Each installment may consist of a single check for all pupils  
19 attending the private school under this section. The state superintendent shall  
20 include the entire amount under sub. (4m) in the November installment, but the  
21 payment shall be made in a separate check from the payment under this subsection.

22 (d) In determining a private school's operating and debt service cost per pupil  
23 under par. (b) 1. and (4m) (a), the department shall do all of the following:

24 1. Subtract only the following, up to the actual cost of the service or material  
25 related to each item:

- 1 a. Fees charged pupils for books and supplies used in classes and programs.
- 2 b. Rentals for school buildings.
- 3 c. Food service revenues.
- 4 d. Governmental financial assistance.
- 5 e. Interest and other income resulting from the investment of debt proceeds.

6 2. If legal title to the private school's buildings and premises is held in the name  
7 of the private school's parent organization or other related party, there is no other  
8 mechanism to include the private school's facilities costs in the calculation of its  
9 operating and debt service cost, and the private school requests that the department  
10 do so, include an amount equal to 10.5 percent of the fair market value of the school  
11 and its premises. A request made by a private school under this subdivision remains  
12 effective in subsequent school years and may not be withdrawn by the private school.

13 3. If immediately prior to the effective date of this subdivision .... [LRB inserts  
14 date], a private school's operating and debt service costs, as determined by the  
15 department, included the amount described in subd. 2., continue to include the  
16 amount described in subd. 2. in subsequent school years.

17 **(4m)** In addition to the payment under sub. (4) the state superintendent shall  
18 pay to each private school participating in the program under this section, on behalf  
19 of the parent or guardian of each pupil attending the private school under this  
20 section, in the manner described in sub. (4) (c), the amount determined as follows:

21 (a) Determine the private school's operating and debt service cost per pupil in  
22 summer school that is related to educational programming.

23 (b) Multiply the amount under par. (a) by 0.40.

1 (c) Multiply the product under par. (b) by the quotient determined by dividing  
2 the summer choice average daily membership equivalent of the private school by the  
3 total number of pupils for whom payments are being made under sub. (4).

4 (4r) If, after the 3rd Friday in September in any school year, a private school  
5 participating in the program under this section closes, for each installment under  
6 sub. (4) (c) that was not paid to the private school in that school year, the state  
7 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),  
8 the amount determined, for each pupil who had been attending the private school  
9 under this section in that school year and who enrolls in the school district operating  
10 under this chapter in that school year, as follows:

11 (a) Multiply the amount determined under sub. (4) (b) or (bg) by 0.616.

12 (b) Multiply the product under par. (a) by 0.25.

13 (5) The state superintendent shall ensure that pupils and parents and  
14 guardians of pupils who reside in an eligible school district are informed annually  
15 of the private schools participating in the program under this section.

16 (6) The school board of an eligible school district shall provide transportation  
17 to pupils attending a private school under this section if required under s. 121.54 and  
18 may claim transportation aid under s. 121.58 for pupils so transported.

19 (6m) Each private school participating in the program under this section shall  
20 do all of the following:

21 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who  
22 applies to attend the private school all of the following:

23 1. The name, address, and telephone number of the private school and the  
24 name of one or more contact persons at the school.

1           2. A list of the names of the members of the private school's governing body and  
2 of the private school's shareholders, if any.

3           3. A notice stating whether the private school is an organization operated for  
4 profit or not for profit. If the private school is a nonprofit organization, the private  
5 school shall also provide the applicant with a copy of the certificate issued under  
6 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
7 a nonprofit organization that is exempt from federal income tax.

8           4. A copy of the appeals process used if the private school rejects the applicant.

9           5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2r.

10          6. A copy of the nonharassment policy used by the private school, together with  
11 the procedures for reporting and obtaining relief from harassment.

12          7. A copy of the suspension and expulsion policies and procedures, including  
13 procedures for appealing a suspension or expulsion, used by the private school.

14          8. A copy of the policy used by the private school for accepting or denying the  
15 transfer of credits earned by a pupil attending the private school under this section  
16 for the satisfactory completion of coursework at another school.

17          9. A copy of the policy governing visitors and visits to the private school,  
18 developed as required under sub. (7) (b) 2m.

19           (b) Annually, by August 1st, provide to the department the material specified  
20 in par. (a) and all of the following information:

21           1. The number of pupils attending the private school under this section in the  
22 previous school year.

23           2. The number of pupils attending the private school other than under this  
24 section in the previous school year.

1           3. For each of the previous 5 school years in which the private school has  
2 participated in the program under this section, all of the following information:

3           a. The number of pupils who attended the private school under this section and  
4 other than under this section in the 12th grade and the number of those pupils who  
5 graduated from the private school.

6           b. The number of pupils who attended the private school under this section and  
7 other than under this section in the 8th grade and the number of those pupils who  
8 advanced from grade 8 to grade 9.

9           c. The number of pupils who attended the private school under this section and  
10 other than under this section in the 4th grade and the number of those pupils who  
11 advanced from grade 4 to grade 5.

12           d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil  
13 scores on all standardized tests administered under sub. (7) (e).

14           4. A copy of the academic standards adopted under sub. (7) (b) 2.

15           (c) Provide to the department a signed statement from each individual who is  
16 a member of the private school's governing body verifying that the individual is a  
17 member of the governing body.

18           (d) Upon request by any pupil, or the parent or guardian of any minor pupil,  
19 who is attending or who applies to attend the private school, provide the material  
20 specified in pars. (a) and (b).

21           **(7) (a)** Each private school participating in the program under this section shall  
22 meet at least one of the following standards:

23           1. At least 70 percent of the pupils in the program advance one grade level each  
24 year.



1           2. The private school's average attendance rate for the pupils in the program  
2 is at least 90 percent.

3           3. At least 80 percent of the pupils in the program demonstrate significant  
4 academic progress.

5           4. At least 70 percent of the families of pupils in the program meet parent  
6 involvement criteria established by the private school.

7           (am) Each private school participating in the program under this section is  
8 subject to uniform financial accounting standards established by the department.  
9 Annually by September 1 following a school year in which a private school  
10 participated in the program under this section, the private school shall submit to the  
11 department all of the following:

12           1. An independent financial audit of the private school conducted by an  
13 independent certified public accountant, accompanied by the auditor's statement  
14 that the report is free of material misstatements and fairly presents pupil costs  
15 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those  
16 records that are necessary for the department to make payments under subs. (4) and  
17 (4m). The auditor shall conduct his or her audit, including determining sample sizes  
18 and evaluating financial viability, in accordance with the auditing standards  
19 established by the American Institute of Certified Public Accountants. The  
20 department may not require an auditor to comply with standards that exceed the  
21 scope of the standards established by the American Institute of Certified Public  
22 Accountants.

23           2. Evidence of sound fiscal and internal control practices, as prescribed by the  
24 department by rule. An auditor engaged to evaluate the private school's fiscal and  
25 internal control practices shall conduct his or her evaluation, including determining

1 sample sizes, in accordance with attestation standards established by the American  
2 Institute of Certified Public Accountants.

3 (b) Each private school participating in the program under this section shall  
4 do all of the following:

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

7 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 4.

8 2m. Develop a written policy governing visitors and visits to the private school.

9 3. Ensure that any teacher's aide employed by the private school has graduated  
10 from high school, been granted a declaration of equivalency of high school  
11 graduation, or been issued a general educational development certificate of high  
12 school equivalency.

13 3m. Annually, schedule 2 meetings at which members of the governing body of  
14 the private school will be present and at which pupils, and the parents or guardians  
15 of pupils, applying to attend the private school or attending the private school may  
16 meet and communicate with the members of the governing body. The private school  
17 shall, within 30 days after the start of the school term, notify the department in  
18 writing of the scheduled meeting dates and shall, at least 30 days before the  
19 scheduled meeting date, notify in writing each pupil, or the parent or guardian of  
20 each minor pupil, applying to attend the private school or attending the private  
21 school of the meeting date, time, and place.

22 4. Maintain progress records for each pupil attending the private school under  
23 this section while the pupil attends the school and, except as provided under subd.  
24 7., for at least 5 years after the pupil ceases to attend the school.

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1           5. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
2 is attending the private school under this section with a copy of the pupil's progress  
3 records.

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

7           7. a. Except as provided in subd. 7. b., if the private school ceases operating as  
8 a private school, immediately transfer all of the progress records of the pupils who  
9 attended the school under this section to the school board of the eligible school  
10 district within which the pupils reside. The private school shall send written notice  
11 to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress  
12 records under this subd. 7. a.

13           b. If the private school is affiliated with an organization that will maintain the  
14 progress records of each pupil who attended the school under this section for at least  
15 5 years after the private school ceases operation as a private school, the private  
16 school may transfer a pupil's records to the organization if the pupil, or the parent  
17 or guardian of a minor pupil, consents in writing to the release of the progress records  
18 to the affiliated organization. The private school shall send to the department a copy  
19 of the consent form for each pupil who consents to the transfer of progress records  
20 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent  
21 or guardian of a minor pupil, and shall include the name, phone number, mailing  
22 address, and other relevant contact information of the organization that will  
23 maintain the progress records, and a declaration by the affiliated organization that  
24 the organization agrees to maintain the progress records for at least 5 years after the  
25 private school ceases operation as a private school.

1           (c) A private school may not require a pupil attending the private school under  
2 this section to participate in any religious activity if the pupil's parent or guardian  
3 submits to the pupil's teacher or the private school's principal a written request that  
4 the pupil be exempt from such activities.

5           (d) By September 1 before the first school term of participation in the program  
6 that begins in the 2011-12 school year, by August 1 before the first school term of  
7 participation in the program that begins in the 2012-13 school year or any school  
8 year thereafter, or by May 1 if the private school begins participating in the program  
9 during summer school, each private school participating in the program under this  
10 section shall submit to the department all of the following:

11           1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

12           b. A copy of the school's current certificate of occupancy issued by the  
13 municipality within which the school is located. If the private school moves to a new  
14 location, the private school shall submit a copy of the new certificate of occupancy  
15 issued by the municipality within which the school is located to the department  
16 before the attendance of pupils at the new location and before the next succeeding  
17 date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet  
18 the requirement of this subdivision.

19           2. Evidence of financial viability, as prescribed by the department by rule.

20           3. Proof that the private school's administrator has participated in a fiscal  
21 management training program approved by the department.

22           (e) Each private school participating in the program under this section shall  
23 administer the examinations required under s. 118.30 (1t) to pupils attending the  
24 school under the program. The private school may administer additional  
25 standardized tests to such pupils.

1 (g) 1. By the first day of the 3rd month beginning after the month in which the  
2 department establishes the model management plan and practices for maintaining  
3 indoor environmental quality in public and private schools under s. 118.075 (3), or  
4 by October 1 of a private school's first school year of participation in the program  
5 under this section, whichever is later, the private school shall provide for the  
6 development of a plan for maintaining indoor environmental quality in the private  
7 school.

8 2. By the first day of the 12th month beginning after the month in which the  
9 department establishes the model management plan and practices for maintaining  
10 indoor environmental quality in public and private schools under s. 118.075 (3), or  
11 by the beginning of the 2nd school year of participation in the program under this  
12 section, whichever is later, the private school shall implement a plan for maintaining  
13 indoor environmental quality in the private school.

14 3. Each private school participating in the program under this section shall  
15 provide a copy of the plan implemented under subd. 2. to any person upon request.

16 (8) There is created a pupil assignment council composed of one representative  
17 from each private school participating in the program under this section. Annually  
18 by June 30, the council shall make recommendations to the participating private  
19 schools to achieve, to the extent possible, a balanced representation of pupils  
20 participating in the program under this section.

21 (9) If any accrediting agency specified under sub. (2) (a) 7. determines during  
22 the accrediting or preaccrediting process that a private school does not meet all of the  
23 requirements under s. 118.165 (1), it shall report that failure to the department.

24 (10) (a) The state superintendent may issue an order barring a private school  
25 from participating in the program under this section in the current school year if the

1 state superintendent determines that the private school has done any of the  
2 following:

3 1. Misrepresented information required under sub. (7) (d).

4 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or  
5 provide the information required under sub. (7) (am) or (d), by the date or within the  
6 period specified.

7 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (bg)  
8 or (4m) by the date specified by department rule.

9 4. Failed to meet at least one of the standards under sub. (7) (a) by the date  
10 specified by department rule.

11 5. Failed to provide the information required under sub. (6m).

12 6. Failed to comply with the requirements under sub. (7) (b) or (c).

13 7. Violated sub. (7) (b) 4., 5., or 6.

14 (am) If the state superintendent determines that any of the following have  
15 occurred, he or she may issue an order barring the private school from participating  
16 in the program under this section in the following school year:

17 2. The private school's application for accreditation has been denied by the  
18 accrediting organization.

19 3. The private school has not achieved accreditation within the period allowed  
20 under sub. (2) (a) 7.

21 (b) The state superintendent may issue an order immediately terminating a  
22 private school's participation in the program under this section if he or she  
23 determines that conditions at the private school present an imminent threat to the  
24 health or safety of pupils.

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1 (c) Whenever the state superintendent issues an order under par. (a), (am), or  
2 (b), he or she shall immediately notify the parent or guardian of each pupil attending  
3 the private school under this section.

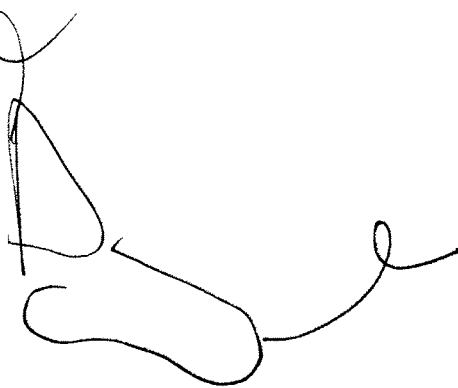
4 (d) The state superintendent may withhold payment from a private school  
5 under subs. (4) and (4m) if the private school violates this section.

6 (11) The department shall do all of the following:

7 (a) Promulgate rules to implement and administer this section. The  
8 department may not by rule establish standards under sub. (7) (am) that exceed the  
9 standards established by the American Institute of Certified Public Accountants.

10 (b) Notify each private school participating in the program under this section  
11 of any proposed changes to the program or to administrative rules governing the  
12 program, including changes to application or filing deadlines but not including  
13 changes to provisions governing health or safety, prior to the beginning of the school  
14 year in which the change takes effect.

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21 **SECTION 2533.** 119.04 (1) of the statutes is amended to read:

22 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
23 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
24 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045,  
25 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),

1 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,  
2 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,  
3 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b)  
4 to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),  
5 and 120.25 are applicable to a 1st class city school district and board.

6 **SECTION 2536.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

7 119.23 (2) (a) (intro.) ~~Subject to par. (b), any~~ Any pupil in grades kindergarten  
8 to 12 who resides within the city may attend, ~~at no charge,~~ any private school located  
9 ~~in the city~~ if all of the following apply:

10 **SECTION 2536c.** 119.23 (2) (a) 1. of the statutes is renumbered 119.23 (2) (a) 1.  
11 a. and amended to read:

12 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family  
13 income that does not exceed an amount equal to ~~1.75~~ 3.0 times the poverty level  
14 determined in accordance with criteria established by the director of the federal  
15 office of management and budget. In this subdivision and sub. (3m), family income  
16 includes income of the pupil's parents or legal guardians. The family income of the  
17 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school  
18 under this section whose family income increases may continue to attend a private  
19 school under this section if the pupil is a member of a family that has a total family  
20 ~~income that does not exceed an amount equal to 2.2 times the poverty level~~  
21 ~~determined in accordance with criteria established by the director of the federal~~  
22 ~~office of management and budget. For purposes of admission to a private school~~  
23 ~~under this section, siblings of pupils attending a private school under this section are~~  
24 ~~subject to the higher income limit. If a pupil attending a private school under this~~  
25 ~~section ceases to attend a private school under this section, the lower income limit~~



1 ~~applies unless the pupil is a sibling of a pupil attending a private school under this~~  
2 ~~section.~~

3 **SECTION 2536g.** 119.23 (2) (a) 1. b. of the statutes is created to read:

4 119.23 (2) (a) 1. b. The private school submits to the department of revenue the  
5 names, addresses, social security numbers, and other state and federal tax  
6 identification numbers, if any, of the pupil's parents or legal guardians. The  
7 department of revenue shall review the information submitted under this subd. 1.  
8 b. and shall determine whether the pupil is eligible to participate in the program  
9 under this section on the basis of family income. Family income for a family in which  
10 the pupil's parents are married or in which the pupil's legal guardians are married  
11 shall be reduced by \$7,000 before the determination is made under this subd. 1. b.  
12 The department of revenue may take no other action on the basis of the information  
13 submitted under this subd. 1. b. The department of public instruction may not  
14 request any additional verification of income from the family of a pupil once the  
15 department of revenue has determined whether the pupil is eligible to participate  
16 in the program under this section on the basis of family income. The department of  
17 public instruction shall establish a procedure for determining family income  
18 eligibility for those pupils for whom no social security number or state or federal tax  
19 identification number has been provided.

20 **SECTION 2536h.** 119.23 (2) (a) 3. of the statutes is amended to read:

21 119.23 (2) (a) 3. The Except as provided in subd. 3m. b., the private school  
22 notified the state superintendent of its intent to participate in the program under  
23 this section, and paid a nonrefundable fee set by the department, by February 1 of  
24 the previous school year. The notice shall specify the number of pupils participating  
25 in the program under this section for which the school has space. The department

*o/c*

*CC*

1 shall by rule set the fee charged under this subdivision at an amount such that the  
2 total fee revenue covers the costs of employing one full-time auditor to evaluate the  
3 financial information submitted by the private schools under sub. (7) (am) and (d) 2.

4 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

*and ← PLAIN*

5 **SECTION 2536p.** 119.23 (2) (a) 3m. of the statutes is created to read:

*no score*

6 119.23 (2) (a) 3m. a. In this subdivision, "municipality" has the meaning given  
7 in s. 5.02 (11).

8 b. For a private school located in a municipality other than the city that intends  
9 to participate in the program under this section in the 2011-12 school year, the  
10 private school notified the state superintendent of its intent to participate, and paid  
11 the nonrefundable fee set by the department under subd. 3. by August 1, 2011. The  
12 notice shall specify the number of pupils participating in the program under this  
13 section for which the school has space.

14 **SECTION 2536t.** 119.23 (2) (a) 7. a. of the statutes is amended to read:

15 119.23 (2) (a) 7. a. Subject to subd. 7. c., for a private school participating in the  
16 program under this section on July 1, 2009, the private school achieves accreditation  
17 by the Wisconsin North Central Association, the Wisconsin Religious and  
18 Independent Schools Accreditation, the Independent Schools Association of the  
19 Central States, the Archdiocese of Milwaukee, or any other organization recognized  
20 by the National Council for Private School Accreditation, by December 31 of the 3rd  
21 school year following the first school year that begins after June 30, 2006, in which  
22 it participates in the program under this section, or the private school was approved  
23 for scholarship funding for the 2005-06 school year by Partners Advancing Values  
24 in Education. If the private school is accredited as provided under this subd. 7. a.,  
25 the private school is not required to obtain preaccreditation from the Institute for the

1 ~~Transformation of Learning at Marquette University~~ under subd. 7. b. as a  
2 prerequisite to providing instruction under this section in additional grades or in an  
3 additional or new school.

4 **SECTION 2536x.** 119.23 (2) (a) 7. b. of the statutes is amended to read:

5 119.23 (2) (a) 7. b. Subject to subd. 7. c., for a private school that is a first-time  
6 participant in the program under this section on or after July 1, 2009, and that is not  
7 accredited as provided under subd. 7. a., the private school obtains preaccreditation  
8 ~~from~~ by the Institute for the Transformation of Learning at Marquette University,  
9 the Wisconsin North Central Association, the Wisconsin Religious and Independent  
10 Schools Accreditation, the Independent Schools Association of the Central States,  
11 the Archdiocese of Milwaukee, or any other organization recognized by the National  
12 Council for Private School Accreditation by August 1 before the first school term of  
13 participation in the program under this section that begins after July 1, 2009, or by  
14 May 1 if the private school begins participating in the program during summer  
15 school, and achieves accreditation by the Wisconsin North Central Association, the  
16 Wisconsin Religious and Independent Schools Accreditation, the Independent  
17 Schools Association of the Central States, the Archdiocese of Milwaukee, or any  
18 other organization recognized by the National Council for Private School  
19 Accreditation, by December 31 of the 3rd school year following the first school year  
20 that begins after July 1, 2009, in which it participates in the program under this  
21 section. If the private school is accredited under this subd. 7. b., the private school  
22 is not required to obtain preaccreditation ~~from the Institute for the Transformation~~  
23 ~~of Learning at Marquette University~~ as a prerequisite to providing instruction under  
24 this section in additional grades or in an additional or new school.

25 **SECTION 2539.** 119.23 (2) (b) of the statutes is repealed.

1           **SECTION 2540b.** 119.23 (3) (a) of the statutes is amended to read:

2           119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an  
3 application, on a form provided by the state superintendent, to the participating  
4 private school that the pupil wishes to attend. If more than one pupil from the same  
5 family applies to attend the same private school, the pupils may use a single  
6 application. Within 60 days after receiving the application, the private school shall  
7 notify ~~the~~ each applicant, in writing, whether ~~the~~ his or her application has been  
8 accepted. If the private school rejects an application, the notice shall include the  
9 reason. A private school may reject an applicant only if it has reached its maximum  
10 general capacity or seating capacity. The state superintendent shall ensure that the  
11 private school determines which pupils to accept on a random basis, except that the  
12 private school may give preference in accepting applications to siblings of pupils  
13 accepted on a random basis.

14           **SECTION 2540m.** 119.23 (3m) of the statutes is created to read:

15           119.23 (3m) (a) A private school participating in the program under this section  
16 may not charge or receive any additional payment for a pupil participating in the  
17 program under this section other than the payment the school receives under sub.  
18 (4) and, if applicable, sub. (4m), if either of the following applies:

- 19           1. The pupil is enrolled in a grade from kindergarten to 8.  
20           2. The pupil is enrolled in a grade from 9 to 12 and the family income of the  
21 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2  
22 times the poverty level determined in accordance with criteria established by the  
23 director of the federal office of management and budget.

24           (b) A private school participating in the program under this section may, in  
25 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.

1 (4m), charge the pupil tuition and fees in an amount determined by the school if both  
2 of the following apply:

3 1. The pupil is enrolled in a grade from 9 to 12.

4 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds  
5 an amount equal to 2.2 times the poverty level determined in accordance with  
6 criteria established by the director of the federal office of management and budget.

7 (c) A private school participating in the program under this section shall  
8 determine whether the private school may charge additional tuition and fees to a  
9 pupil on the basis of the pupil's family income as permitted under par. (b). The  
10 private school shall establish a process for accepting an appeal to the governing body  
11 of the private school of the determination made under this paragraph.

12 **SECTION 2541m.** 119.23 (4) (b) (intro.) of the statutes is amended to read:

13 119.23 (4) (b) (intro.) Except as provided in par. (bg), upon receipt from the  
14 pupil's parent or guardian of proof of the pupil's enrollment in the private school  
15 during a school term, the state superintendent shall pay to the ~~parent or guardian~~  
16 private school in which the pupil is enrolled on behalf of the pupil's parent or  
17 guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the  
18 lesser of the following:

19 **SECTION 2542.** 119.23 (4) (bg) of the statutes is amended to read:

20 119.23 (4) (bg) In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years,  
21 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in  
22 the private school during a school term, the state superintendent shall pay to the  
23 private school in which the pupil is enrolled on behalf of the pupil's parent or  
24 guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the  
25 private school's operating and debt service cost per pupil that is related to

1 educational programming, as determined by the department, or \$6,442, whichever  
2 is less.

3 **SECTION 2542c.** 119.23 (4) (c) of the statutes is amended to read:

4 119.23 (4) (c) The state superintendent shall pay 25% of the total amount under  
5 this subsection in September, 25% in November, 25% in February, and 25% in May.  
6 Each installment may consist of a single check for all pupils attending the private  
7 school under this section. The state superintendent ~~may~~ shall include the entire  
8 amount under sub. (4m) in ~~one of those installments or apportion the entire amount~~  
9 ~~among one or more of those installments.~~ ~~Except as provided in sub. (4r), the~~  
10 ~~department shall send the check to the private school.~~ ~~Except as provided in sub.~~  
11 ~~(4r), the parent or guardian shall restrictively endorse the check for the use of the~~  
12 ~~private school~~ the November installment, but the payment shall be made in a  
13 separate check from the payment under this subsection.

14 **SECTION 2542g.** 119.23 (4) (d) of the statutes is created to read:

15 119.23 (4) (d) In determining a private school's operating and debt service cost  
16 per pupil under par. (b) 1. and (4m) (a), the department shall do all of the following:

17 1. Subtract only the following, up to the actual cost of the service or material  
18 related to each item:

19 a. Fees charged pupils for books and supplies used in classes and programs.

20 b. Rentals for school buildings.

21 c. Food service revenues.

22 d. Governmental financial assistance.

23 e. Interest and other income resulting from the investment of debt proceeds.

24 2. If legal title to the private school's buildings and premises is held in the name  
25 of the private school's parent organization or other related party, there is no other

1 mechanism to include the private school's facilities costs in the calculation of its  
2 operating and debt service cost, and the private school requests that the department  
3 do so, include an amount equal to 10.5 percent of the fair market value of the school  
4 and its premises. A request made by a private school under this subdivision remains  
5 effective in subsequent school years and may not be withdrawn by the private school.

6 3. If immediately prior to the effective date of this subdivision ... [LRB inserts  
7 date], a private school's operating and debt service costs, as determined by the  
8 department, included the amount described in subd. 2., continue to include the  
9 amount described in subd. 2. in subsequent school years.

10 **SECTION 2542n.** 119.23 (4m) of the statutes is renumbered 119.23 (4m) (intro.)  
11 and amended to read:

12 119.23 (4m) (intro.) In addition to the payment under sub. (4) the state  
13 superintendent shall pay to ~~the parent or guardian of each pupil enrolled in a private~~  
14 school participating in the program under this section, on behalf of the parent or  
15 guardian of each pupil attending the private school under this section, in the manner  
16 described in sub. (4) (c), ~~an~~ the amount determined by ~~multiplying 40% of the~~  
17 ~~payment under sub. (4) as follows:~~

18 (c) Multiply the product under par. (b) by the quotient determined by dividing  
19 the summer choice average daily membership equivalent of the private school by the  
20 total number of pupils for whom payments are being made under sub. (4).

21 **SECTION 2542r.** 119.23 (4m) (a) and (b) of the statutes are created to read:

22 119.23 (4m) (a) Determine the private school's operating and debt service cost  
23 per pupil in summer school that is related to educational programming.

24 (b) Multiply the amount under par. (a) by 0.40.

25 **SECTION 2544w.** 119.23 (7) (am) 1. and 2. of the statutes are amended to read:

1           119.23 (7) (am) 1. An independent financial audit of the private school  
2 conducted by an independent certified public accountant, accompanied by the  
3 auditor's statement that the report is free of material misstatements and fairly  
4 presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be  
5 limited in scope to those records that are necessary for the department to make  
6 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
7 including determining sample sizes and evaluating financial viability, in accordance  
8 with the auditing standards established by the American Institute of Certified  
9 Public Accountants. The department may not require an auditor to comply with  
10 standards that exceed the scope of the standards established by the American  
11 Institute of Certified Public Accountants.

12           2. Evidence of sound fiscal and internal control practices, as prescribed by the  
13 department by rule. An auditor engaged to evaluate the private school's fiscal and  
14 internal control practices shall conduct his or her evaluation, including determining  
15 sample sizes, in accordance with attestation standards established by the American  
16 Institute of Certified Public Accountants.

17           **SECTION 2544x.** 119.23 (7) (b) 8. of the statutes is repealed.

18           **SECTION 2545.** 119.23 (7) (d) 1. of the statutes is renumbered 119.23 (7) (d) 1.

19           b. and amended to read:

20           119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued  
21 by the city municipality within which the school is located. If the private school  
22 moves to a new location, the private school shall submit a copy of the new certificate  
23 of occupancy issued by the city municipality within which the school is located to the  
24 department before the attendance of pupils at the new location and before the next



1 succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy  
2 does not meet the requirement of this subdivision.

3 **SECTION 2546.** 119.23 (7) (d) 1. a. of the statutes is created to read:

4 119.23 (7) (d) 1. a. In this subdivision, "municipality" has the meaning given  
5 in s. 5.02 (11).

6 **SECTION 2549e.** 119.23 (9) (a) of the statutes is renumbered 119.23 (9) and  
7 amended to read:

8 119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. a. or b.  
9 determines during the accrediting or preaccrediting process that a private school  
10 does not meet all of the requirements under s. 118.165 (1), ~~or if the Institute for the~~  
11 ~~Transformation of Learning at Marquette University determines during the~~  
12 ~~preaccreditation process that a private school does not meet all of the requirements~~  
13 ~~under s. 118.165 (1),~~ it shall report that failure to the department.

14 **SECTION 2549m.** 119.23 (9) (b) of the statutes is repealed.

15 **SECTION 2549s.** 119.23 (10) (a) 2. of the statutes is amended to read:

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

19 **SECTION 2549u.** 119.23 (10) (d) of the statutes is amended to read:

20 119.23 (10) (d) The state superintendent may withhold payment from a parent  
21 or guardian private school under subs. (4) and (4m) if the private school attended by  
22 ~~the child of the parent or guardian~~ violates this section.

23 **SECTION 2550.** 119.23 (11) of the statutes is renumbered 119.23 (11) (intro.) and  
24 amended to read:

25 119.23 (11) The department shall ~~promulgate~~ do all of the following:

1           (a) Promulgate rules to implement and administer this section. The  
2 department may not by rule establish standards under sub. (7) (am) that exceed the  
3 standards established by the American Institute of Certified Public Accountants.

4           **SECTION 2551.** 119.23 (11) (b) of the statutes is created to read:

5           119.23 (11) (b) Notify each private school participating in the program under  
6 this section of any proposed changes to the program or to administrative rules  
7 governing the program, including changes to application or filing deadlines but not  
8 including changes to provisions governing health or safety, prior to the beginning of  
9 the school year in which the change takes effect.

10          **SECTION 2552.** 119.245 of the statutes is repealed.

11          **SECTION 2553.** 119.495 (2) of the statutes is amended to read:

12          119.495 (2) The board shall include in its budget transmitted to the common  
13 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing  
14 to be authorized in the budget for the ensuing year. The common council shall issue  
15 the notes and levy a direct annual irrepealable tax sufficient to pay the principal and  
16 interest on the notes as they become due. The common council may issue the notes  
17 by private sale. The common council shall make every effort to involve a minority  
18 investment firm certified under s. ~~560.036~~ 16.287 as managing underwriter of the  
19 notes or to engage a minority financial adviser certified under s. ~~560.036~~ 16.287 to  
20 advise the city regarding any public sale of the notes.

21          **SECTION 2554.** 119.496 (2) of the statutes is amended to read:

22          119.496 (2) The board shall include in its budget transmitted to the common  
23 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing  
24 to be authorized in the budget for the ensuing year. The common council shall issue  
25 the notes and levy a direct annual irrepealable tax sufficient to pay the principal and

1 interest on the notes as they become due. The common council may issue the notes  
2 by private sale. The common council shall establish goals of involving minority  
3 investment firms certified under s. ~~560.036~~ 16.287 as managing underwriters for at  
4 least 50% of the total amount financed by the notes and of engaging a minority  
5 financial adviser certified under s. ~~560.036~~ 16.287 to advise the city regarding any  
6 public sale of the notes.

7 **SECTION 2571.** 121.08 (4) (a) 1. of the statutes is amended to read:

8 121.08 (4) (a) 1. ~~In the 2009-10 and 2010-11 school year, add~~ Add the amounts  
9 paid under s. 118.40 (2r) in the current school year, ~~and in the 2011-12 school year~~  
10 ~~and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the~~  
11 ~~2010-11 school year.~~

12 **SECTION 2571d.** 121.08 (4) (a) 2. of the statutes is amended to read:

13 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid  
14 that all school districts are eligible to be paid from the appropriation under s. 20.255  
15 (2) (ac), calculated as if the reduction under par. (b) or (br) had not occurred.

16 **SECTION 2571h.** 121.08 (4) (a) 3. of the statutes is amended to read: *check*

17 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is  
18 eligible to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the  
19 reduction under par. (b) or (br) had not occurred, by the quotient under subd. 2. *check*

20 **SECTION 2571q.** 121.08 (4) (br) of the statutes is created to read:

21 121.08 (4) (br) The amount of state aid that an eligible school district is eligible  
22 to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the  
23 amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in  
24 the first school year that begins after a school district is identified as an eligible

1 school district under s. 118.60 (1m) or 2011 Wisconsin Act .... (this act), section 9137  
2 (3u), and in each school year thereafter by 38.4 percent.

3 **SECTION 2571t.** 121.08 (4) (d) of the statutes is amended to read:

4 121.08 (4) (d) The state superintendent shall ensure that the total amount of  
5 aid reduction under pars. (a) ~~and~~, (b), ~~and~~ (br) lapses to the general fund.

6 **SECTION 2573g.** 121.90 (2) (am) 5. of the statutes is created to read:

7 121.90 (2) (am) 5. Amounts received in the 2011-12 school year under 2011  
8 Wisconsin Act .... (this act), section 9137 (3q).

9 **SECTION 2574a.** 121.905 (1) of the statutes is amended to read:

10 121.905 (1) In this section, "revenue ceiling" means \$9,000 in the ~~2009-10~~  
11 2011-12 school year and in the ~~2010-11~~ 2012-13 school year and ~~\$9,800~~ \$9,100 in  
12 the 2013-14 school year and in any subsequent school year.

13 **SECTION 2575b.** 121.905 (3) (c) 3r. of the statutes is amended to read:

14 121.905 (3) (c) 3r. For the limit for the 2011-12 school year, ~~add \$275 to~~ multiply  
15 the result under par. (b) by 0.945.

16 **SECTION 2576b.** 121.905 (3) (c) 4. of the statutes is amended to read:

17 121.905 (3) (c) 4. For the limit for the 2012-13 school year ~~or for any school year~~  
18 ~~thereafter, add the result under s. 121.91 (2m) (h) 2. \$50~~ to the result under par. (b).

19 **SECTION 2576c.** 121.905 (3) (c) 5. of the statutes is created to read:

20 121.905 (3) (c) 5. For the limit for the 2013-14 school year and any school year  
21 thereafter, make no adjustment to the result under par. (b).

22 **SECTION 2580.** 121.91 (2m) (g) 2. of the statutes is repealed.

23 **SECTION 2581.** 121.91 (2m) (g) 3. of the statutes is amended to read:

24 121.91 (2m) (g) 3. Multiply the result under subd. 2. 1. by the average of the  
25 number of pupils enrolled in the current and the 2 preceding school years.

OF

1           **SECTION 2582.** 121.91 (2m) (g) 4. of the statutes is created to read:

2           121.91 (2m) (g) 4. Multiply the result under subd. 3. by 0.055.

3           **SECTION 2583.** 121.91 (2m) (g) 5. of the statutes is created to read:

4           121.91 (2m) (g) 5. Subtract the product under subd. 4. from the result under  
5 subd. 3.

6           **SECTION 2584.** 121.91 (2m) (h) (intro.) of the statutes is amended to read:

7           121.91 (2m) (h) (intro.) Except as provided in subs. (3)(3), (4), and (8), no school  
8 district may increase its revenues for the 2012-13 school year ~~or for any school year~~  
9 thereafter to an amount that exceeds the amount calculated as follows:

10           **SECTION 2585.** 121.91 (2m) (h) 2. of the statutes is repealed.

11           **SECTION 2586g.** 121.91 (2m) (h) 3. of the statutes is amended to read:

12           121.91 (2m) (h) 3. Add \$50 to the result under subd. 1. ~~to the result under subd.~~  
13 ~~2.~~

14           **SECTION 2586r.** 121.91 (2m) (i) of the statutes is created to read:

15           121.91 (2m) (i) Except as provided in subs. (3), (4), and (8), no school district  
16 may increase its revenues for the 2013-14 school year or for any school year  
17 thereafter to an amount that exceeds the amount calculated as follows:

18           1. Divide the sum of the amount of state aid received in the previous school year  
19 and property taxes levied for the previous school year, excluding property taxes  
20 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)  
21 (c), by the average of the number of pupils enrolled in the 3 previous school years.

22           2. Multiply the result under subd. 1. by the average of the number of pupils  
23 enrolled in the current and the 2 preceding school years.

24           **SECTION 2587g.** 121.91 (2m) (r) 1. b. of the statutes is amended to read:

1           121.91 (2m) (r) 1. b. Add an amount equal to the amount of revenue increase  
2 per pupil allowed under this subsection for the previous school year multiplied by the  
3 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal  
4 to the result under subd. 1. a., except that in calculating the limit for the 2009-10  
5 ~~or 2010-11 school year, add \$200 to the result under subd. 1. a., and in calculating~~  
6 ~~the limit for the 2011-12 school year, add \$275 to~~ multiply the result under subd. 1.  
7 a. by 0.945, in calculating the limit for the 2012-13 school year, add \$50 to the result  
8 under subd. 1. a., and in calculating the limit for the 2013-14 school year and any  
9 school year thereafter, make no adjustment to the result under subd. 1. a.

10           **SECTION 2587r.** 121.91 (2m) (s) 1. b. of the statutes is amended to read:

11           121.91 (2m) (s) 1. b. Add an amount equal to the amount of revenue increase  
12 per pupil allowed under this subsection for the previous school year multiplied by the  
13 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal  
14 to the result under subd. 1. a., except that in calculating the limit for the 2009-10  
15 ~~or 2010-11 school year, add \$200 to the result under subd. 1. a., and in calculating~~  
16 ~~the limit for the 2011-12 school year, add \$275 to~~ multiply the result under subd. 1.  
17 a. by 0.945, in calculating the limit for the 2012-13 school year, add \$50 to the result  
18 under subd. 1. a., and in calculating the limit for the 2013-14 school year and any  
19 school year thereafter, make no adjustment to the result under subd. 1. a.

20           **SECTION 2596.** 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

21           121.91 (2m) (t) 1. (intro.) If 2 or more school districts are consolidated under  
22 s. 117.08 or 117.09, except as follows, in the 2011-12 school year, the consolidated  
23 school district's revenue limit shall be determined as provided under par. (e) except  
24 as follows (g), in the 2012-13 school year, the consolidated school district's revenue  
25 limit shall be determined as provided under par. (h), and in the 2013-14 school year

1 and in each school year thereafter, the consolidated school district's revenue limit  
2 shall be determined as provided under par. (i):

3 **SECTION 2598.** 121.91 (4) (L) of the statutes is repealed.

4 **SECTION 2599.** 121.91 (4) (m) of the statutes is repealed.

5 **SECTION 2600.** 121.91 (4) (n) of the statutes is repealed.

6 **SECTION 2600m.** 121.91 (4) (o) 1. of the statutes is amended to read:

7 121.91 (4) (o) 1. If a school board adopts a resolution to do so, the limit otherwise  
8 applicable to a school district under sub. (2m) in any school year is increased by the  
9 amount spent by the school district in that school year on a project to implement  
10 energy efficiency measures, and renewable or to purchase energy efficiency products,  
11 that result including the payment of debt service on bonds or notes issued to finance  
12 the project, if the project results in the avoidance of, or reduction in, energy costs.  
13 ~~The department shall promulgate rules to implement this subdivision, including~~  
14 ~~eligibility standards for school districts or operational costs, the project is governed~~  
15 by a performance contract entered into under s. 66.0133, and the bonds or notes  
16 issued to finance the project, if any, are issued for periods not exceeding 20 years.  
17 If a school board issues bonds or notes to finance a project described in this  
18 subdivision, a resolution adopted by a school board under this subdivision is valid for  
19 each school year in which the school board pays debt service on the bonds or notes.

20 **SECTION 2601m.** 121.91 (4) (q) of the statutes is created to read:

21 121.91 (4) (q) 1. The limit otherwise applicable to a school district under sub.  
22 (2m) is increased by an amount equal to the amount of any refunded or rescinded  
23 property taxes paid by the school board in the year of the levy if the valuation  
24 represented by the refunded or rescinded property taxes result in a redetermination

1 of the school district's equalized valuation by the department of revenue under s.  
2 74.41.

3 2. Any additional revenue received by a school district under this paragraph  
4 shall not be included in the base for determining the school district's limit under sub.  
5 (2m) for the following school year.

6 **SECTION 2602.** 121.91 (7) of the statutes is amended to read:

7 121.91 (7) Except as provided in sub. (4) (f) 2. ~~and (L) to, (o), and (q) and~~ (8),  
8 if an excess revenue is approved under sub. (3) for a recurring purpose or allowed  
9 under sub. (4), the excess revenue shall be included in the base for determining the  
10 limit for the next school year for purposes of this section. If an excess revenue is  
11 approved under sub. (3) for a nonrecurring purpose, the excess revenue shall not be  
12 included in the base for determining the limit for the next school year for purposes  
13 of this section.

14 **SECTION 2603g.** 121.91 (8) of the statutes is amended to read:

15 121.91 (8) If a school district's initial revenue limit for the current school year,  
16 as calculated under s. 121.905 or sub. (2m), whichever is appropriate, before making  
17 any adjustments under sub. (3) or (4), is less than the amount determined by  
18 multiplying the amount under sub. (2m) ~~(g) 1. or (h) 1.~~ (i) 1. by the average of the  
19 number of pupils enrolled in the 3 preceding school years, the school district's initial  
20 revenue limit for the current school year, before making any adjustments under sub.  
21 (3) or (4), is the amount determined by multiplying the amount under sub. (2m) ~~(g)~~  
22 ~~1. or (h) 1.~~ (i) 1. by the average of the number of pupils enrolled in the 3 preceding  
23 school years. Any additional revenue received by a school district as a result of this  
24 subsection shall not be included in the base for determining the school district's limit



1 under sub. (2m) for the following school year. This subsection does not apply to a  
2 school district's revenue limit calculated for the 2011-12 and 2012-13 school years.

3 **SECTION 2603m.** 125.01 of the statutes is amended to read:

4 **125.01 Legislative intent.** This chapter shall be construed as an enactment  
5 of the legislature's support for the 3-tier system for alcohol beverages production,  
6 distribution, and sale that, through uniform statewide regulation, provides this  
7 state regulatory authority over the production, storage, distribution, transportation,  
8 sale, and consumption of alcohol beverages by and to its citizens, for the benefit of  
9 the public health and welfare and this state's economic stability. Without the 3-tier  
10 system, the effective statewide regulation and collection of state taxes on alcohol  
11 beverages sales would be seriously jeopardized. It is further the intent of the  
12 legislature that without a specific statutory exception, all sales of alcohol beverages  
13 shall occur through the 3-tier system, from manufacturers to licensed wholesalers  
14 holding a permit to retailers to consumers. Face-to-face retail sales at licensed  
15 premises directly advance the state's interest in preventing alcohol sales to underage  
16 or intoxicated persons and the state's interest in efficient and effective collection of  
17 tax.

18 **SECTION 2604bc.** 125.02 (15) of the statutes is renumbered 125.02 (15) (intro.)  
19 and amended to read:

20 125.02 (15) (intro.) "Primary source of supply" means any of the following:

21 (b) With respect to intoxicating liquor, the manufacturer, the rectifier, or the  
22 exclusive agent designated by the manufacturer or rectifier.

23 **SECTION 2604be.** 125.02 (15) (a) of the statutes is created to read:

1           125.02 (15) (a) With respect to fermented malt beverages, the brewer or  
2           brewpub that manufactured the fermented malt beverages or the exclusive agent  
3           designated by this brewer or brewpub.

4           **SECTION 2604bg.** 125.02 (21) of the statutes is amended to read:

5           125.02 (21) “Wholesaler” means a person, other than a brewer, brewpub,  
6           manufacturer, or rectifier, who sells alcohol beverages to a licensed retailer or to  
7           another person who holds a permit ~~or license~~ to sell alcohol beverages at wholesale.

8           **SECTION 2604bi.** 125.04 (12) (a) of the statutes is amended to read:

9           125.04 (12) (a) *From place to place.* Every alcohol beverage license or permit  
10          may be transferred to another place or premises within the same municipality. An  
11          alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53  
12          or an intoxicating liquor wholesaler’s permit under s. 125.54 may be transferred to  
13          another premises within this state. ~~A Class “A” license and a wholesaler’s license~~  
14          ~~identified in s. 125.25 (2) (b) 2. may be transferred together as provided in s. 125.25~~  
15          ~~(2) (b) 4. if the receiving municipality approves the transfer.~~ Transfers shall be made  
16          by the issuing authority upon payment of a fee of \$10 to the issuing authority and,  
17          ~~for transfers as provided in s. 125.25 (2) (b) 4., transfers shall be received and the~~  
18          ~~validity of the transferred licenses recognized by the receiving municipality upon~~  
19          ~~approval of the transfer by the receiving municipality and payment to the receiving~~  
20          ~~municipality of an additional fee of \$10 for each transferred license.~~ No retail  
21          licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or  
22          winery permit is entitled to more than one transfer during the license or permit year.  
23          This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve  
24          “Class B” license, as defined in s. 125.51 (4) (a).

25          **SECTION 2604bk.** 125.05 (1) (d) of the statutes is amended to read: