



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3117/en
SRM:wlj:...

2011 SENATE BILL 234

1 **AN ACT** *to amend* 118.60 (2) (a) 1. a., 118.60 (2) (a) 1. b., 118.60 (2) (a) 7., 118.60
2 (3) (b), 118.60 (3m) (a) (intro.), 118.60 (3m) (b) (intro.), 118.60 (3m) (c), 118.60
3 (7) (d) 1. b., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. b., 119.23 (2)
4 (a) 7. a., 119.23 (2) (a) 7. b., 119.23 (3) (b), 119.23 (3m) (a) (intro.), 119.23 (3m)
5 (b) (intro.), 119.23 (3m) (c), 119.23 (7) (d) 1. b. and 119.23 (9); and **to create**
6 118.60 (1) (ag), 118.60 (3m) (am), 118.60 (10) (a) 8., 119.23 (1) (ag), 119.23 (2) (a)
7 7. d., 119.23 (3m) (am) and 119.23 (10) (a) 8. of the statutes; **relating to:**
8 preaccreditation and accreditation of private schools participating in the
9 Milwaukee Parental Choice Program and the choice program for eligible school
10 districts, certificates of occupancy for participating private school buildings,
11 verification of income eligibility for pupils to participate in the programs, fees

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1 and tuition charged to pupils attending participating private schools, and
2 standards of conduct for administrators of participating private schools.

Analysis by the Legislative Reference Bureau

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

3 **SECTION 1.** 118.60 (1) (ag) of the statutes is created to read:

4 118.60 (1) (ag) “Disqualified person” means a person who, when a private
5 school was barred or terminated from participation in the program under this section
6 by an order issued under sub. (10), satisfied at least one of the following:

7 1. Had a controlling ownership interest in, or was the administrator or an
8 officer, director, or trustee of, the private school.

9 2. Was a person designated by the administrator of the private school to assist
10 in processing pupil applications.

11 3. Was responsible for an action or circumstance that led to the private school
12 being barred or terminated from participation in the program under this section.

13 **SECTION 2.** 118.60 (2) (a) 1. a. of the statutes, as created by 2011 Wisconsin Act
14 32, is amended to read:

15 118.60 (2) (a) 1. a. The pupil is a member of a family that has a total family
16 income that does not exceed an amount equal to 3.0 times the poverty level
17 determined in accordance with criteria established by the director of the federal
18 office of management and budget. In this subdivision and sub. (3m), family income
19 includes income of the pupil’s parents or legal guardians. The family income of the
20 pupil shall be ~~determined~~ verified as provided in subd. 1. b. A pupil attending a

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1 private school under this section whose family income increases may continue to
2 attend a private school under this section.

3 **SECTION 3.** 118.60 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act
4 32, is amended to read:

5 118.60 (2) (a) 1. b. The private school submits to the department of public
6 instruction the names, addresses, social security numbers, and other state and
7 federal tax identification numbers, if any, of the pupil's parents or legal guardians
8 that reside in the same household as the pupil, whether and to whom the parents or
9 legal guardians are married, the names of all of the other members of the pupil's
10 family residing in the same household as the pupil, and the school year for which
11 family income is being verified under this subd. 1. b. 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~~ verify the eligibility or ineligibility of the pupil to participate
15 in the program under this section on the basis of family income. In this subdivision,
16 "family income" means federal adjusted gross income of the parents or legal
17 guardians residing in the same household as the pupil for the tax year preceding the
18 school year for which family income is being verified under this subd. 1. b. or, if not
19 available, for the tax year preceding the tax year preceding the school year for which
20 family income is being verified under this subd. 1. b. Family income for a family in
21 which the pupil's parents are married or in which the pupil's legal guardians are
22 married shall be reduced by \$7,000 before the ~~determination~~ verification is made
23 under this subd. 1. b. The department of revenue may take no other action on the
24 basis of the information submitted under this subd. 1. b. If the department of
25 revenue is unable to verify family income or to verify whether the pupil is eligible or

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1 ineligible to participate in the program under this section on the basis of family
2 income, the department of revenue shall notify the department of public instruction
3 of this fact and the department of public instruction shall utilize an alternative
4 process, to be established by the department of public instruction, to determine
5 whether the pupil is eligible to participate in the program under this section on the
6 basis of family income. The department of public instruction may not request any
7 additional verification of income from the family of a pupil once the department of
8 revenue has ~~determined whether~~ verified that the pupil is eligible to participate in
9 the program under this section on the basis of family income. The department of of
10 public instruction shall establish a procedure for determining family income
11 eligibility for those pupils for whom no social security number or state or federal tax
12 identification number has been provided.

13 **SECTION 4.** 118.60 (2) (a) 7. of the statutes, as created by 2011 Wisconsin Act
14 32, is amended to read:

15 118.60 **(2)** (a) 7. For a private school that is a first-time participant in the
16 program under this section, and that is not accredited by the Wisconsin North
17 Central Association, the Wisconsin Religious and Independent School Accreditation,
18 the Independent Schools Association of the Central States, Wisconsin Evangelical
19 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
20 diocese or archdiocese within which the private school is located, or by any other
21 organization recognized by the National Council for Private Schools Accreditation,
22 the private school obtains preaccreditation by the Institute for the Transformation
23 of Learning at Marquette University, the Wisconsin North Central Association, the
24 Wisconsin Religious and Independent Schools Accreditation, the Independent
25 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod

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

SENATE BILL 234**SECTION 5**

1 **SECTION 5.** 118.60 (3) (b) of the statutes, as created by 2011 Wisconsin Act 32,
2 is amended to read:

3 118.60 **(3)** (b) If the private school rejects an applicant because it has too few
4 available spaces, the ~~pupil~~ applicant may transfer his or her application to a
5 participating private school that has space available. An applicant rejected under
6 this paragraph may be admitted to a private school participating in the program
7 under this section for the following school year, provided that the applicant continues
8 to reside within an eligible school district. The department may not require, in that
9 following school year, the private school to submit financial information regarding
10 the applicant or to verify the eligibility of the applicant to participate in the program
11 under this section on the basis of family income.

12 **SECTION 6.** 118.60 (3m) (a) (intro.) of the statutes, as created by 2011 Wisconsin
13 Act 32, is amended to read:

14 118.60 **(3m)** (a) (intro.) A private school participating in the program under this
15 section may not charge or receive any additional tuition payment for a pupil
16 participating in the program under this section other than the payment the school
17 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

18 **SECTION 7.** 118.60 (3m) (am) of the statutes is created to read:

19 118.60 **(3m)** (am) 1. Beginning in the 2011–12 school year, a private school
20 participating in the program under this section may recover the cost of providing the
21 following to a pupil participating in the program under this section through
22 reasonable fees in an amount determined by the private school and charged to the
23 pupil, except that no participating private school may retroactively recover any
24 uncollected costs incurred prior to the effective date of this subdivision [LRB
25 inserts date]:

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- 1 a. Personal use items, such as uniforms, gym clothes, and towels.
- 2 b. Social and extracurricular activities if not necessary to the private school's
- 3 curriculum.
- 4 c. Musical instruments.
- 5 d. Meals consumed by pupils of the private school.
- 6 e. High school classes that are not required for graduation and for which no
- 7 credits toward graduation are given.
- 8 f. Transportation.
- 9 g. Before-school and after-school child care.

10 2. A private school may not prohibit an eligible pupil from attending the private
11 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's
12 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid
13 fees charged under subd. 1.

14 **SECTION 8.** 118.60 (3m) (b) (intro.) of the statutes, as created by 2011 Wisconsin
15 Act 32, is amended to read:

16 118.60 **(3m)** (b) (intro.) ~~A~~ Beginning in the 2011-12 school year, a private
17 school participating in the program under this section may, in addition to the
18 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the
19 pupil tuition ~~and fees~~ in an amount determined by the school if both of the following
20 apply:

21 **SECTION 9.** 118.60 (3m) (c) of the statutes, as created by 2011 Wisconsin Act 32,
22 is amended to read:

23 118.60 **(3m)** (c) A private school participating in the program under this section
24 shall determine whether the private school may charge additional tuition ~~and fees~~
25 to a pupil on the basis of the pupil's family income as permitted under par. (b). The

SENATE BILL 234**SECTION 9**

1 private school shall establish a process for accepting an appeal to the governing body
2 of the private school of the determination made under this paragraph.

3 **SECTION 10.** 118.60 (7) (d) 1. b. of the statutes, as created by 2011 Wisconsin
4 Act 32, is amended to read:

5 118.60 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued
6 by the municipality within which the school is located. If the private school moves
7 to a new location, the private school shall submit a copy of the new certificate of
8 occupancy issued by the municipality within which the school is located to the
9 department before the attendance of pupils at the new location and before the next
10 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the
11 private school is located does not issue certificates of occupancy, the private school
12 may submit a certificate of occupancy issued by the local or regional governmental
13 unit with authority to issue certificates of occupancy. A temporary certificate of
14 occupancy does not meet the requirement of this subdivision.

15 **SECTION 11.** 118.60 (10) (a) 8. of the statutes is created to read:

16 118.60 (10) (a) 8. Before the end of a 7-year period beginning on the date of an
17 order issued by the state superintendent under this subsection, retained a
18 disqualified person, for compensation or as a volunteer, as an owner, officer, director,
19 trustee, administrator, person designated by the administrator to assist in
20 processing pupil applications, or person responsible for administrative, financial, or
21 pupil health and safety matters.

22 **SECTION 12.** 119.23 (1) (ag) of the statutes is created to read:

23 119.23 (1) (ag) "Disqualified person" means a person who, when a private
24 school was barred or terminated from participation in the program under this section
25 by an order issued under sub. (10), satisfied at least one of the following:

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1 1. Had a controlling ownership interest in, or was the administrator or an
2 officer, director, or trustee of, the private school.

3 2. Was a person designated by the administrator of the private school to assist
4 in processing pupil applications.

5 3. Was responsible for an action or circumstance that led to the private school
6 being barred or terminated from participation in the program under this section.

7 **SECTION 13.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin
8 Act 32, is amended to read:

9 119.23 **(2)** (a) 1. a. The pupil is a member of a family that has a total family
10 income that does not exceed an amount equal to 3.0 times the poverty level
11 determined in accordance with criteria established by the director of the federal
12 office of management and budget. In this subdivision and sub. (3m), family income
13 includes income of the pupil's parents or legal guardians. The family income of the
14 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school
15 under this section whose family income increases, including a pupil who attended a
16 private school under this section in the 2010–11 school year and whose family income
17 has increased, may continue to attend a private school under this section.

18 **SECTION 14.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin
19 Act 32, is amended to read:

20 119.23 **(2)** (a) 1. a. The pupil is a member of a family that has a total family
21 income that does not exceed an amount equal to 3.0 times the poverty level
22 determined in accordance with criteria established by the director of the federal
23 office of management and budget. In this subdivision and sub. (3m), family income
24 includes income of the pupil's parents or legal guardians. The family income of the
25 pupil shall be ~~determined~~ verified as provided in subd. 1. b. A pupil attending a

SENATE BILL 234**SECTION 14**

1 private school under this section whose family income increases may continue to
2 attend a private school under this section.

3 **SECTION 15.** 119.23 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin
4 Act 32, is amended to read:

5 119.23 (2) (a) 1. b. The private school submits to the department of public
6 instruction the names, addresses, social security numbers, and other state and
7 federal tax identification numbers, if any, of the pupil's parents or legal guardians
8 that reside in the same household as the pupil, whether and to whom the parents or
9 legal guardians are married, the names of all of the other members of the pupil's
10 family residing in the same household as the pupil, and the school year for which
11 family income is being verified under this subd. 1. b. 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~~ verify the eligibility or ineligibility of the pupil to participate
15 in the program under this section on the basis of family income. In this subdivision,
16 “family income” means federal adjusted gross income of the parents or legal
17 guardians residing in the same household as the pupil for the tax year preceding the
18 school year for which family income is being verified under this subd. 1. b. or, if not
19 available, for the tax year preceding the tax year preceding the school year for which
20 family income is being verified under this subd. 1. b. Family income for a family in
21 which the pupil's parents are married or in which the pupil's legal guardians are
22 married shall be reduced by \$7,000 before the ~~determination~~ verification is made
23 under this subd. 1. b. The department of revenue may take no other action on the
24 basis of the information submitted under this subd. 1. b. If the department of
25 revenue is unable to verify family income or to verify whether the pupil is eligible or

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1 ineligible to participate in the program under this section on the basis of family
2 income, the department of revenue shall notify the department of public instruction
3 of this fact and the department of public instruction shall utilize an alternative
4 process, to be established by the department of public instruction, to determine
5 whether the pupil is eligible to participate in the program under this section on the
6 basis of family income. The department of public instruction may not request any
7 additional verification of income from the family of a pupil once the department of
8 revenue has ~~determined whether~~ verified that the pupil is eligible to participate in
9 the program under this section on the basis of family income. The department of
10 public instruction shall establish a procedure for determining family income
11 eligibility for those pupils for whom no social security number or state or federal tax
12 identification number has been provided.

13 **SECTION 16.** 119.23 (2) (a) 7. a. of the statutes, as affected by 2011 Wisconsin
14 Act 32, is amended to read:

15 119.23 **(2)** (a) 7. a. Subject to subd. 7. c. and d., for a private school participating
16 in the program under this section on July 1, 2009, the private school achieves
17 accreditation by the Wisconsin North Central Association, the Wisconsin Religious
18 and Independent Schools Accreditation, the Independent Schools Association of the
19 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,
20 National Lutheran School Accreditation, the Archdiocese of Milwaukee diocese or
21 archdiocese within which the private school is located, or any other organization
22 recognized by the National Council for Private School Accreditation, by December 31
23 of the 3rd school year following the first school year that begins after June 30, 2006,
24 in which it participates in the program under this section, ~~or the private school was~~
25 ~~approved for scholarship funding for the 2005–06 school year by Partners Advancing~~

SENATE BILL 234**SECTION 16**

1 ~~Values in Education.~~ If the private school is accredited as provided under this subd.
2 7. a., the private school is not required to obtain preaccreditation under subd. 7. b.
3 as a prerequisite to providing instruction under this section in additional grades or
4 in an additional or new school.

5 **SECTION 17.** 119.23 (2) (a) 7. b. of the statutes, as affected by 2011 Wisconsin
6 Act 32, is amended to read:

7 119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that is a
8 first-time participant in the program under this section on or after July 1, 2009, and
9 that is not accredited as provided under subd. 7. a., the private school obtains
10 preaccreditation by the Institute for the Transformation of Learning at Marquette
11 University, ~~the~~ Wisconsin North Central Association, ~~the~~ Wisconsin Religious and
12 Independent Schools Accreditation, ~~the~~ Independent Schools Association of the
13 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,
14 National Lutheran School Accreditation, ~~or the Archdiocese of Milwaukee, or any~~
15 ~~other organization recognized by the National Council for Private School~~
16 ~~Accreditation~~ diocese or archdiocese within which the private school is located by
17 August 1 before the first school term of participation in the program under this
18 section that begins after July 1, 2009, or by May 1 if the private school begins
19 participating in the program during summer school, ~~and achieves.~~ In any school
20 year, a private school may apply for and seek to obtain preaccreditation from only one
21 of the entities enumerated in this subd. 7. b. A private school that fails to obtain
22 accreditation in a school year may apply for and seek to obtain preaccreditation from
23 one of the entities enumerated in this subd. 7. b. in the following school year. The
24 private school shall achieve accreditation by ~~the~~ Wisconsin North Central
25 Association, ~~the~~ Wisconsin Religious and Independent Schools Accreditation, ~~the~~

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1 Independent Schools Association of the Central States, Wisconsin Evangelical
2 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
3 Archdiocese of Milwaukee diocese or archdiocese within which the private school is
4 located, or any other organization recognized by the National Council for Private
5 School Accreditation, by December 31 of the 3rd school year following the first school
6 year that begins after July 1, 2009, in which it participates in the program under this
7 section. If the private school is accredited under this subd. 7. b., the private school
8 is not required to obtain preaccreditation as a prerequisite to providing instruction
9 under this section in additional grades or in an additional or new school.

10 **SECTION 18.** 119.23 (2) (a) 7. d. of the statutes is created to read:

11 119.23 **(2)** (a) 7. d. For a private school that was approved for scholarship
12 funding for the 2005–06 school year by Partners Advancing Values in Education and
13 is participating in the program under this section on the effective date of this subd.
14 7. d. [LRB inserts date], the private school achieves accreditation by Wisconsin
15 North Central Association, Wisconsin Religious and Independent Schools
16 Accreditation, Independent Schools Association of the Central States, Wisconsin
17 Evangelical Lutheran Synod School Accreditation, National Lutheran School
18 Accreditation, the diocese or archdiocese within which the private school is located,
19 or any other organization recognized by the National Council for Private School
20 Accreditation, by December 31, 2015. If the private school is accredited as provided
21 under this subd. 7. d., the private school is not required to obtain preaccreditation
22 under subd. 7. b. as a prerequisite to providing instruction under this section in
23 additional grades or in an additional or new school.

24 **SECTION 19.** 119.23 (3) (b) of the statutes is amended to read:

SENATE BILL 234**SECTION 19**

1 119.23 (3) (b) If the private school rejects an applicant because it has too few
2 available spaces, the pupil applicant may transfer his or her application to a
3 participating private school that has space available. An applicant rejected under
4 this paragraph may be admitted to a private school participating in the program
5 under this section for the following school year, provided that the applicant continues
6 to reside within the city. The department may not require, in that following school
7 year, the private school to submit financial information regarding the applicant or
8 to verify the eligibility of the applicant to participate in the program under this
9 section on the basis of family income.

10 **SECTION 20.** 119.23 (3m) (a) (intro.) of the statutes, as created by 2011
11 Wisconsin Act 32, is amended to read:

12 119.23 (3m) (a) (intro.) A private school participating in the program under this
13 section may not charge or receive any additional tuition payment for a pupil
14 participating in the program under this section other than the payment the school
15 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

16 **SECTION 21.** 119.23 (3m) (am) of the statutes is created to read:

17 119.23 (3m) (am) 1. Beginning in the 2011–12 school year, a private school
18 participating in the program under this section may recover the cost of providing the
19 following to a pupil participating in the program under this section through
20 reasonable fees in an amount determined by the private school and charged to the
21 pupil, except that no participating private school may retroactively recover any
22 uncollected costs incurred prior to the effective date of this subdivision [LRB
23 inserts date]:

24 a. Personal use items, such as uniforms, gym clothes, and towels.

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1 b. Social and extracurricular activities if not necessary to the private school's
2 curriculum.

3 c. Musical instruments.

4 d. Meals consumed by pupils of the private school.

5 e. High school classes that are not required for graduation and for which no
6 credits toward graduation are given.

7 f. Transportation.

8 g. Before-school and after-school child care.

9 2. A private school may not prohibit an eligible pupil from attending the private
10 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's
11 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid
12 fees charged under subd. 1.

13 **SECTION 22.** 119.23 (3m) (b) (intro.) of the statutes, as created by 2011
14 Wisconsin Act 32, is amended to read:

15 119.23 **(3m)** (b) (intro.) ~~A~~ Beginning in the 2011-12 school year, a private
16 school participating in the program under this section may, in addition to the
17 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the
18 pupil tuition ~~and fees~~ in an amount determined by the school if both of the following
19 apply:

20 **SECTION 23.** 119.23 (3m) (c) of the statutes, as created by 2011 Wisconsin Act
21 32, is amended to read:

22 119.23 **(3m)** (c) A private school participating in the program under this section
23 shall determine whether the private school may charge additional tuition ~~and fees~~
24 to a pupil on the basis of the pupil's family income as permitted under par. (b). The

SENATE BILL 234**SECTION 23**

1 private school shall establish a process for accepting an appeal to the governing body
2 of the private school of the determination made under this paragraph.

3 **SECTION 24.** 119.23 (7) (d) 1. b. of the statutes, as affected by 2011 Wisconsin
4 Act 32, is amended to read:

5 119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued
6 by the municipality within which the school is located. If the private school moves
7 to a new location, the private school shall submit a copy of the new certificate of
8 occupancy issued by the municipality within which the school is located to the
9 department before the attendance of pupils at the new location and before the next
10 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the
11 private school is located does not issue certificates of occupancy, the private school
12 may submit a certificate of occupancy issued by the local or regional governmental
13 unit with authority to issue certificates of occupancy. A temporary certificate of
14 occupancy does not meet the requirement of this subdivision.

15 **SECTION 25.** 119.23 (9) of the statutes, as affected by 2011 Wisconsin Act 32,
16 is amended to read:

17 119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. a. ~~or~~, or
18 d. determines during the accrediting or preaccrediting process that a private school
19 does not meet all of the requirements under s. 118.165 (1), it shall report that failure
20 to the department.

21 **SECTION 26.** 119.23 (10) (a) 8. of the statutes is created to read:

22 119.23 (10) (a) 8. Before the end of a 7-year period beginning on the date of an
23 order issued by the state superintendent under this subsection, retained a
24 disqualified person, for compensation or as a volunteer, as an owner, officer, director,
25 trustee, administrator, person designated by the administrator to assist in

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SECTION 26

1 processing pupil applications, or person responsible for administrative, financial, or
2 pupil health and safety matters.

3 (END)