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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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**2011 Wisconsin Act 47**  
[2011 Senate Bill 234]

**Changes to the Milwaukee Parental  
Choice Program and the Choice  
Program for Eligible School  
Districts**

Current law permits private schools that meet certain conditions to participate in the Milwaukee Parental Choice Program (MPCP). Under the MPCP, the state pays all or a portion of the costs for an eligible pupil who resides within the City of Milwaukee to attend a participating private school. In addition, under 2011 Wisconsin Act 32, the Biennial Budget Act, private schools may participate in a parental choice program (“the program”) in an eligible school district. Under the program, the state pays all or a portion of the costs for an eligible pupil who resides within the eligible school district to attend a participating private school.

Act 47 makes various changes to both parental choice programs, as follows:

- Requires a private school participating in either program to provide the names of the parents or legal guardians residing in the same household as the pupil and whether the parents or legal guardians are married. The Act defines family income as federal adjusted gross income of the parents or legal guardians residing in the same household as the pupil for the tax year preceding the school year for which family income is being verified or, if not available, for the tax year preceding the tax year preceding the school year for which family income is being verified.
- Clarifies that the Department of Revenue (DOR) does not make a determination about the pupil’s eligibility to participate in either program on the basis of family income, but verifies whether the pupil is eligible to participate on the basis of family income. If DOR is unable to verify the pupil’s eligibility, DOR must notify DPI, which must utilize an alternative process to determine whether the pupil is eligible.
- Provides that a pupil whose eligibility to participate in either program on the basis of family income has been verified by DOR or by DPI but who is rejected because there are too few

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

spaces may be admitted to a participating private school in the following school year as long as the pupil continues to reside in the City of Milwaukee or an eligible school district. The Act also provides that DPI may not require verification in the following school year of the pupil's eligibility to participate on the basis of family income.

- Specifies that a private school participating in the MPCP that was approved for scholarship funding for the 2005-06 school year by Partners Advancing Values in Education (PAVE) and that is participating in the MPCP on the Act's effective date must achieve accreditation by December 31, 2015.
- Adds to the list of entities from which a private school may obtain accreditation or preaccreditation the Wisconsin Evangelical Lutheran Synod School Accreditation, the National Lutheran School Accreditation, and the diocese within which the private school is located. However, the Act also provides that a private school may only obtain preaccreditation from an organization listed in the statute, not from any other organization recognized by the National Council for Private School Accreditation. The Act further provides that, in any school year, a private school may apply for and seek to obtain preaccreditation from only one of the entities listed in the statute. A private school that fails to obtain preaccreditation in a school year may apply for and seek to obtain accreditation from one of the approved entities in the following school year.
- Requires the state superintendent to terminate the participation of a private school in either program if the private school retains, whether for compensation or on a voluntary basis, a disqualified person before the end of a seven-year period following the issuance of an order barring a private school from participating in the MPCP.
- Permits a private school, beginning in the 2011-12 school year, that participates in either program to recover the cost of providing the following to a pupil participating in the program under this section through reasonable fees in an amount determined by the private school and charged to the pupil, regardless of the family income of the pupil: (a) personal use items such as uniforms and gym clothes; (b) social and extracurricular activities that are not necessary to the private school's curriculum; (c) musical instruments; (d) meals; (e) high school classes that are not required for graduation and for which no credits toward graduation are given; (f) transportation; and (g) before-school and after-school child care. The act prohibits the private school from recovering uncollected costs incurred prior to the effective date of the Act. The Act also prohibits the private school from expelling or preventing the pupil from attending the school or otherwise disciplining a pupil attending the school under the program, or withholding or reducing the pupil's grades because the pupil cannot pay any such fee imposed upon the pupil.
- Provides that, if a municipality within which a private school participating in either program is located does not issue certificates of occupancy, the private school may submit a certificate of occupancy issued by the local or regional governmental unit with authority to issue certificates of occupancy.

**Effective date:** Act 47 took effect on November 19, 2011.

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November 29, 2011