



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2785/P1  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to repeal** 118.60 (2) (bm), 118.60 (4) (bg) 1., 118.60 (4) (bg) 2., 118.60 (4)  
2             (bg) 3., 118.60 (4) (bg) 4., 118.60 (4) (bg) 5., 118.60 (11) (d), 119.23 (4) (bg) 1.,  
3             119.23 (4) (bg) 2., 119.23 (4) (bg) 3., 119.23 (4) (bg) 4., 119.23 (4) (bg) 5. and 119.23  
4             (11) (d); **to renumber and amend** 118.31 (1); **to amend** 115.28 (7) (b), 115.385  
5             (2), 118.016 (1), 118.016 (1g), (1r) and (2), 118.19 (1), 118.30 (5m), 118.305 (1)  
6             (h), 118.305 (3) (e), 118.31 (2), 118.31 (3) (intro.), 118.31 (4), 118.31 (5), 118.31  
7             (6), 118.60 (2) (a) (intro.), 118.60 (2) (a) 1. a., 118.60 (2) (c), 118.60 (3) (c), 118.60  
8             (4) (d) (intro.), 118.60 (4) (d) 2., 118.60 (4r) (a), 118.60 (7) (am) 1., 118.60 (7) (b)  
9             3m., 118.60 (7) (d) 1. b., 118.60 (10) (a) 3., 118.60 (10) (a) 7., 118.60 (10) (c), 119.23  
10            (2) (a) 1. a., 119.23 (2) (c), 119.23 (4) (d) (intro.), 119.23 (4) (d) 2., 119.23 (4r) (a),  
11            119.23 (7) (am) 1., 119.23 (7) (b) 3m., 119.23 (7) (d) 1. b., 119.23 (10) (a) 3., 119.23  
12            (10) (a) 7. and 119.23 (10) (c); **to repeal and recreate** 118.60 (4m) and 119.23  
13            (4m); and **to create** 115.385 (3), 118.305 (1) (gm), 118.31 (1) (b), 118.33 (1) (f)  
14            5., 118.60 (2) (a) 1. am., 118.60 (2) (a) 6m., 118.60 (2) (a) 9., 118.60 (2) (a) 10.,  
15            118.60 (2) (d), 118.60 (4) (bd) (intro.), 118.60 (4) (bd) 1., 118.60 (4) (bd) 2. and 3.,

1 118.60 (7) (b) 9., 118.60 (7) (d) 1. d., 118.60 (7) (h), 118.60 (7) (i), 118.60 (10) (a)  
2 9., 118.60 (10) (a) 10., 118.60 (10) (bg), 118.60 (10) (br), 118.60 (10) (bu), 119.23  
3 (2) (a) 1. am., 119.23 (2) (a) 6m., 119.23 (2) (a) 9., 119.23 (2) (a) 10., 119.23 (2)  
4 (d), 119.23 (4) (bd) (intro.), 119.23 (4) (bd) 1., 119.23 (4) (bd) 2. and 3., 119.23 (7)  
5 (b) 9., 119.23 (7) (d) 1. d., 119.23 (7) (h), 119.23 (7) (i), 119.23 (10) (a) 9., 119.23  
6 (10) (a) 10., 119.23 (10) (bg), 119.23 (10) (br), 119.23 (10) (bu) and 120.13 (1) (i)  
7 of the statutes; **relating to:** accountability provisions for private schools  
8 participating in a parental choice program and requiring the exercise of  
9 rule-making authority.

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

This bill makes a number of changes to the law governing the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the statewide parental choice program (parental choice programs).

***Family income for pupil eligibility***

Current law permits a pupil to attend a participating private school under the Racine Parental Choice Program or the Milwaukee Parental Choice Program if the pupil resides in the Racine Unified School District (RUSD) or the Milwaukee Public School District (MPS), respectively, and the family income of the pupil does not exceed three times the federal poverty level. 2013 Wisconsin Act 20 (the biennial budget bill) (Act 20) established a new parental choice program under which a pupil who resides in a school district other than RUSD or MPS may, beginning in the 2013–14 school year, attend a participating private school if the family income of the pupil does not exceed 1.85 times the federal poverty level. Under each parental choice program, if the family income of a pupil who is attending a private school under the program increases, the pupil may continue to attend a private school under the program.

Under this bill, beginning in the 2013–14 school year, no pupil whose family income exceeds 1.85 times the federal poverty level may attend a participating private school under any of the parental choice programs. The bill makes no changes to the provisions governing a pupil who is attending a private school under the program and whose family income increases.

***Per pupil payments***

Under current law, in the 2013–14 school year, for each pupil enrolled in a private school under a parental choice program, the department must pay to the private school an amount equal to the private school's per pupil operating and debt service cost that is related to educational programming (educational costs) or \$6,442

(the maximum payment per pupil), whichever is less. Also under current law, in the 2014–15 school year, the maximum payment per pupil increases to \$7,210 for a pupil enrolled in a grade from kindergarten to 8 and to \$7,856 for a pupil enrolled in a grade from 9 to 12.

Beginning in the 2014–15 school year, if a private school enrolls pupils under a parental choice program in any grade from K to 8 and also in any grade from 9 to 12, current law prohibits the department from determining separate educational costs for pupils enrolled in grades K-8 and for pupils enrolled in grades 9-12. Instead, the maximum payment per pupil for that school would be an amount determined by: (a) multiplying the number of pupils enrolled in the school under a choice program in any grade from K to 8 by the maximum payment amount for those grades; (b) multiplying the number of pupils enrolled in the school under a choice program in any grade from 9 to 12 by the maximum payment amount for those grades; (c) adding those two amounts together; and (d) dividing that sum by the total number of pupils enrolled in the school under a parental choice program.

Finally, under current law, beginning in the 2015–16 school year, the maximum per pupil payment in any given school year is equal to the maximum per pupil payment in the previous school year plus the revenue limit per pupil adjustment, if positive, provided to school districts in the current year plus the change in total categorical aid funding per pupil, if positive, from the prior year to the current year.

This bill eliminates these methods for determining per pupil payments to participating private schools. Under this bill, for each pupil enrolled in a private school under a parental choice program, the department must pay the lesser of the following: a) the private school's per pupil educational costs; b) a rolling average of the tuition paid by a pupil attending the private school, but not under a parental choice program, in the current and two preceding school years; or c) \$6,442.

### ***Teacher licensure***

With certain exceptions, current law requires that the teachers and administrators employed by a private school participating in a parental choice program have at least a bachelor's degree from an accredited institution of higher education. The teachers and administrators are not required to be licensed by the department.

With certain exceptions, this bill requires that all instructional staff of private schools participating in a parental choice program hold a license or permit issued by the department. "Instructional staff" means all professional employees who have as part of their responsibility direct contact with pupils or with the private school's instructional program.

### ***Reporting of participating pupil data in the statewide student information system and annual reporting of the performance of participating private schools in the statewide school accountability reports***

Prior to the enactment of Act 20, the department was required to establish a student information system (SIS) to be used beginning in the 2012–13 school year. The SIS would be used to collect information about pupils enrolled in public schools, including their academic performance and demographic information, aggregated by school district, school, and teacher. Act 20 requires the department to develop,

instead, a proposal for a multiple-vendor SIS and to submit the multiple-vendor SIS proposal for approval, disapproval, or modification to the Joint Committee on Finance. If the multiple-vendor SIS proposal is approved, the department must ensure that information about pupils enrolled in private schools participating in a parental choice program (participating private schools) and in charter schools is included in the SIS.

Act 20 also requires the department to annually publish a school and school district accountability report in which the department places each school in one of five performance categories based on certain measures, including pupil achievement and college and career readiness. Under Act 20, the department must include independent charter schools and participating private schools in the accountability report beginning one year after those schools begin using the multiple-vendor SIS, if the multiple-vendor SIS is established.

ple accountability This bill requires the department to include participating private schools in the accountability report beginning in the 2014-15 school year, regardless of whether the multi-vendor SIS is established. The bill also requires a participating private school that is placed in either of the two lowest performance categories for two consecutive years to contract with a public or private entity to develop a corrective action plan, to implement the corrective action plan, and to make, at minimum, the following level of progress under the action plan:

1. Within three school years, increase the numeric score used as the basis for the school's performance category placement by six points over the score received in the year in which the corrective action plan requirement was triggered.

2. Within five school years, improve by one performance category over the performance category received in the year in which the corrective action plan requirement was triggered.

3. Within seven school years, improve the numeric score used as the basis for performance category placement to the extent that the school is placed in one of the top three performance categories.

The state superintendent must bar a private school that develops a corrective action plan but fails to make the progress required under the bill from participating in a parental choice program.

### ***Reading readiness assessments of participating pupils***

Under current law, in the 2013-14 school year, each school board and the governing body of each independent charter school must assess each pupil enrolled in four-year-old kindergarten to first grade for reading readiness. Beginning in the 2014-15 school year, each school board and charter school governing board must annually assess each pupil enrolled in four-year-old kindergarten to second grade for reading readiness.

This bill extends these requirements to private schools participating in a parental choice program. The requirements apply only to those pupils attending the private school under the program. The bill also authorizes the state superintendent of public instruction to issue an order barring a private school from participating in a parental choice program if it violates the requirement described above.

***Criteria for awarding a high school diploma to participating pupils***

Current law requires the governing body of each private school participating in a parental choice program to develop a policy specifying criteria for granting a high school diploma to pupils attending the school under the program. The criteria must include the pupil's academic performance and the recommendations of teachers. The private school may not grant a high school diploma to any pupil attending the school under the program unless the pupil satisfies the criteria specified in the policy.

Beginning in the 2015-16 school year, this bill requires a private school participating in a parental choice program to include in its policy the requirements for granting a high school diploma to public school pupils. These requirements include earning a specified minimum number of credits in certain subjects and, in grades 9 to 12, being enrolled in a class or participating in an activity approved by the school board during each class period of each school day.

The bill also authorizes the state superintendent of public instruction to issue an order barring a private school from participating in a parental choice program if the private school fails to include these new requirements in its high school graduation policy.

***Corporal punishment of pupils enrolled in a participating private school***

Under current law, no official, employee, or agent of a school district (school employee) may subject a pupil enrolled in the school district to corporal punishment. Current law defines corporal punishment to mean "the intentional infliction of physical pain which is used as a means of discipline." Current law permits a school employee to use reasonable and necessary force under certain circumstances, including to obtain possession of a weapon from a pupil, protect the safety of others, or quell a disturbance. Each school board must establish a policy to outline the circumstances in which a school employee may use reasonable and necessary force.

This bill extends these provisions regarding corporal punishment to private schools participating in a parental choice program, and permits the state superintendent to issue an order barring the private school from participating in a parental choice program for the current school year if the private school fails to comply with these provisions.

***Expulsion of pupils from participating private schools***

Under current law, a pupil may be expelled from a public school for repeatedly violating school rules; making a bomb threat; or endangering or threatening to endanger the property, health, or safety of others. A pupil who has a firearm at school must be expelled for at least one year. Before expelling a pupil, the school board must provide a hearing at which the pupil or his or her parent may be represented by an attorney. After the hearing, the school board must issue a written decision, which may be appealed to the state superintendent of public instruction.

This bill directs the department to promulgate rules establishing a procedure for the expulsion of pupils attending a private school under a parental choice program by the governing body of the private school. The rules must adhere as closely as feasible to the statutory provisions governing the expulsion of pupils from public schools.

The bill also authorizes the state superintendent to issue an order barring a private school from participating in a parental choice program for the current school year if the private school violates the rules described above.

### ***Regular building inspection of certain participating private schools***

Under current law, before a private school may participate in a parental choice program, the private school must submit to the department a copy of the certificate of occupancy (certificate) issued for the private school building by the municipality within which the private school is located. If the municipality does not issue certificates, the private school may submit either a certificate issued by a local or regional governmental unit with authority to issue such a certificate or a letter or form from the municipality that explains that the municipality does not issue certificates.

This bill requires a private school located in a municipality that does not issue certificates to annually obtain a building inspection of the school building.

### ***Miscellaneous other provisions***

Under current law, the department may only release data related to enrollment of, standardized test results for, and other information related to pupils participating in a parental choice program all at the same time, uniformly, and completely. This bill eliminates this requirement.

This bill requires a private school participating in a parental choice program to permit public inspection and copying of any record of the private school that relates to pupils attending the private school under the program to the same extent as required of, and subject to the same terms and enforcement provisions that apply to, a school board. The bill authorizes the department to issue an order barring the private school from participating in the parental choice program for the current school year if the private school violates this requirement.

This bill requires that a private school be located in this state in order to participate in a parental choice program.

This bill provides that a private school may participate in a parental choice program only if it has been in operation for the attendance of pupils for at least two school years. The bill also provides that no more than 49 percent of a private school's enrollment may consist of pupils attending the private school under a parental choice program. These provisions are effective July 1, 2015.

Currently, a private school participating in a parental choice program must schedule two meetings each year at which members of the school's governing board will be present and at which pupils and prospective pupils and their parents may meet and communicate with the members of the governing board.

This bill requires a private school participating in a parental choice program to hold at least one such meeting each month. The bill requires that the meetings be open to the public and that the private school provide public notice of the meetings in the same manner as notice of meetings of governmental bodies is required to be provided. Finally, the bill authorizes the department to issue an order barring the private school from participating in the parental choice program for the current school year if the private school violates these requirements.

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

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

1           **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

2           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
3 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the  
4 state superintendent shall grant ~~certificates and~~ licenses to teachers in private  
5 schools and tribal schools, except that teaching experience requirements for such  
6 ~~certificates and~~ licenses may be fulfilled by teaching experience in public, private,  
7 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the  
8 state superintendent finds that the private school or tribal school in which the  
9 applicant taught offered an adequate educational program during the period of the  
10 applicant's teaching therein. ~~Private~~ Except as provided in ss. 118.60 (2) (a) 6m. and  
11 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed or  
12 certified teachers.

13           **SECTION 2.** 115.385 (2) of the statutes, as created by 2013 Wisconsin Act 20, is  
14 amended to read:

15           115.385 (2) Beginning one year after a charter school established under s.  
16 118.40 (2r) ~~or a private school participating in a parental choice program under s.~~  
17 ~~118.60 or 119.23~~ begins using the student information system under s. 115.28 (12)  
18 (b), or begins using a system that is interoperable with that system, the department  
19 shall include the school in its annual school accountability report under sub. (1).

20           **SECTION 3.** 115.385 (3) of the statutes is created to read:

1           115.385 (3) Beginning in the 2014–15 school year, the department shall include  
2 in its annual school accountability report under sub. (1) each private school  
3 participating in a parental choice program under s. 118.60 or 119.23.

4           **SECTION 4.** 118.016 (1) of the statutes, as affected by 2013 Wisconsin Act 20,  
5 is amended to read:

6           118.016 (1) In the 2013–14 school year, each school board and the governing  
7 body of each charter school established under s. 118.40 (2r) and of each private school  
8 participating in a parental choice program under s. 118.60 or 119.23 shall, using the  
9 appropriate, valid, and reliable assessment of literacy fundamentals selected by the  
10 department, annually assess each pupil enrolled in 4–year–old kindergarten to first  
11 grade in the school district or in the charter or private school for reading readiness.  
12 Beginning in the 2014–15 school year, each school board and the governing body of  
13 each charter school established under s. 118.40 (2r) and of each private school  
14 participating in a parental choice program under s. 118.60 or 119.23 shall, using the  
15 appropriate, valid, and reliable assessment of literacy fundamentals selected by the  
16 department, annually assess each pupil enrolled in 4–year–old kindergarten to  
17 second grade in the school district or in the charter or private school for reading  
18 readiness. For a private school, this subsection applies only to pupils attending the  
19 school under s. 118.60 or 119.23. The department shall ensure that the assessment  
20 evaluates whether a pupil possesses phonemic awareness and letter sound  
21 knowledge.

22           **SECTION 5.** 118.016 (1g), (1r) and (2) of the statutes are amended to read:

23           118.016 (1g) If a pupil is enrolled in a special education program under subch.  
24 V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r)  
25 or private school under s. 118.60 or 119.23 shall comply with s. 115.77 (1m) (bg).



1           (1r) The school board or governing body of the charter or private school shall  
2 report the results of a pupil's assessment under sub. (1) to the pupil's parent or  
3 guardian.

4           (2) The school board of the school district or governing body of the charter or  
5 private school in which the pupil is enrolled shall provide a pupil whose assessment  
6 under sub. (1) indicates that he or she is at risk of reading difficulty with  
7 interventions or remedial reading services, as described under s. 121.02 (1) (c).

8           **SECTION 6.** 118.19 (1) of the statutes is amended to read:

9           118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach  
10 in a public school, including a charter school, in a private school participating in a  
11 parental choice program under s. 118.60 or 119.23, or in a school or institution  
12 operated by a county or the state shall first procure a license or permit from the  
13 department.

14           **SECTION 7.** 118.30 (5m) of the statutes is amended to read:

15           118.30 (5m) When determining the percentage of pupils participating in the  
16 program under s. 119.23 who performed at designated proficiency levels on the  
17 examinations administered as required under sub. (1s), the department shall  
18 ~~consider only the pupils participating in the program under s. 119.23 to whom the~~  
19 ~~examinations were administered at each grade level, and shall not exclude from~~  
20 consideration those pupils participating in the program under s. 119.23 who were  
21 excused from taking the examinations under sub. (2) (b) 5.

22           **SECTION 8.** 118.305 (1) (gm) of the statutes is created to read:

23           118.305 (1) (gm) "Pupil" excludes pupils who are attending a private school  
24 participating in a parental choice program under s. 118.60 or 119.23 but not under  
25 the parental choice program.

**SECTION 9**

1           **SECTION 9.** 118.305 (1) (h) of the statutes is amended to read:

2           118.305 (1) (h) "School" means a public school, including a charter school, and  
3           a private school participating in a parental choice program under s. 118.60 or 119.23.

4           **SECTION 10.** 118.305 (3) (e) of the statutes is amended to read:

5           118.305 (3) (e) It does not constitute corporal punishment, as defined in s.  
6           118.31 (1) (a).

7           **SECTION 11.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and  
8           amended to read:

9           118.31 (1) (intro.) In this section, ~~"corporal:~~

10           (a) "Corporal punishment" means the intentional infliction of physical pain  
11           which is used as a means of discipline. "Corporal punishment" includes, but is not  
12           limited to, paddling, slapping or prolonged maintenance of physically painful  
13           positions, when used as a means of discipline. "Corporal punishment" does not  
14           include actions consistent with an individualized education program developed  
15           under s. 115.787 or reasonable physical activities associated with athletic training.

16           **SECTION 12.** 118.31 (1) (b) of the statutes is created to read:

17           118.31 (1) (b) "Private school" means a private school, as defined in s. 115.001  
18           (3r), that is participating in any parental choice program under ss. 118.60 and  
19           119.23.

20           **SECTION 13.** 118.31 (2) of the statutes is amended to read:

21           118.31 (2) Except as provided in sub. (3), no official, employee, or agent of a  
22           school board or of a private school may subject a pupil enrolled in the school district  
23           or in the private school to corporal punishment.

24           **SECTION 14.** 118.31 (3) (intro.) of the statutes is amended to read:

1           118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or  
2 agent of a school board or of a private school from:

3           **SECTION 15.** 118.31 (4) of the statutes is amended to read:

4           118.31 (4) Each school board and each private school shall adopt a policy that  
5 allows any official, employee, or agent of the school board or private school to use  
6 reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining  
7 whether or not a ~~person~~ an official, employee, or agent of a school board or of a private  
8 school was acting within the exceptions in sub. (3), deference shall be given to  
9 reasonable, good faith judgments made by an the official, employee, or agent of a  
10 school board.

11           **SECTION 16.** 118.31 (5) of the statutes is amended to read:

12           118.31 (5) Except as provided in s. 939.61 (1), this section does not create a  
13 separate basis for civil liability of a school board or of a private school or ~~their~~  
14 ~~officials, employees or agents~~ of an official, employee, or agent of the school board or  
15 private school for damages arising out of claims involving allegations of improper or  
16 unnecessary use of force by a school employees official, employee, or agent against  
17 ~~students~~ a pupil.

18           **SECTION 17.** 118.31 (6) of the statutes is amended to read:

19           118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect any  
20 action taken by an official, employee, or agent of a school board or private school with  
21 regard to a person who is not a pupil enrolled in the school district or in the private  
22 school.

23           **SECTION 18.** 118.33 (1) (f) 5. of the statutes is created to read:

24           118.33 (1) (f) 5. Beginning in the 2015–16 school year, the governing body of  
25 each private school participating in a parental choice program under s. 118.60 or

1 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting  
2 a high school diploma specified in pars. (a) and (b), with the exceptions provided in  
3 pars. (d) and (e).

4 **SECTION 19.** 118.60 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin  
5 Act 20, is amended to read:

6 118.60 (2) (a) (intro.) Any pupil in grades kindergarten to 12 who resides within  
7 an eligible school district may attend any private school under this section and,  
8 subject to pars. (be), ~~(bm)~~, and (bs), any pupil in grades kindergarten to 12 who  
9 resides in a school district, other than an eligible school district or a 1st class city  
10 school district, may attend any private school under this section if all of the following  
11 apply:

12 **SECTION 20.** 118.60 (2) (a) 1. a. of the statutes, as affected by 2013 Wisconsin  
13 Act 20, is amended to read:

14 118.60 (2) (a) 1. a. Except as provided in ~~par. (bm)~~ subd. 1. am., the pupil is a  
15 member of a family that has a total family income that does not exceed an amount  
16 equal to 3.0 times the poverty level determined in accordance with criteria  
17 established by the director of the federal office of management and budget. In this  
18 subdivision and sub. (3m), family income includes income of the pupil's parents or  
19 legal guardians. The family income of the pupil shall be verified as provided in subd.  
20 1. b. A pupil attending a private school under this section whose family income  
21 increases may continue to attend a private school under this section.

22 **SECTION 21.** 118.60 (2) (a) 1. am. of the statutes is created to read:

23 118.60 (2) (a) 1. am. Beginning in the 2013-14 school year, the pupil is a  
24 member of a family that has a total family income that does not exceed an amount  
25 equal to 1.85 times the poverty level determined in accordance with criteria

1 established by the director of the federal office of management and budget. In this  
2 subdivision and sub. (3m), family income includes income of the pupil's parents or  
3 legal guardians. The family income of the pupil shall be verified as provided in subd.  
4 1. b. A pupil attending a private school under this section whose family income  
5 increases above the income level in this subd. 1. am. may continue to attend a private  
6 school under this section.

7 **SECTION 22.** 118.60 (2) (a) 6m. of the statutes is created to read:

8 118.60 (2) (a) 6m. All instructional staff employed by the private school hold  
9 a license or permit to teach issued by the department. For purposes of this  
10 subdivision, "instructional staff" has the meaning given in the rules promulgated by  
11 the department under s. 121.02 (1) (a) 2.

12 **SECTION 23.** 118.60 (2) (a) 9. of the statutes is created to read:

13 118.60 (2) (a) 9. The private school has been in operation for the attendance of  
14 pupils for at least 2 school years.

15 **SECTION 24.** 118.60 (2) (a) 10. of the statutes is created to read:

16 118.60 (2) (a) 10. The private school is located in this state.

17 **SECTION 25.** 118.60 (2) (bm) of the statutes, as created by 2013 Wisconsin Act  
18 20, is repealed.

19 **SECTION 26.** 118.60 (2) (c) of the statutes is amended to read:

20 118.60 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a  
21 private school participating in the program under this section who teaches only  
22 courses in rabbinical studies is not required to have a bachelor's degree or hold a  
23 license or permit to teach issued by the department.

24 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school  
25 participating in the program under this section that prepares and trains pupils

1 attending the school in rabbinical studies is not required to have a bachelor's degree  
2 or hold a license or permit to teach issued by the department.

3 **SECTION 27.** 118.60 (2) (d) of the statutes is created to read:

4 118.60 (2) (d) No more than 49 percent of a private school's enrollment may  
5 consist of pupils attending the private school under this section.

6 **SECTION 28.** 118.60 (3) (c) of the statutes, as created by 2013 Wisconsin Act 20,  
7 is amended to read:

8 118.60 (3) (c) If a participating private school rejects an applicant who resides  
9 in a school district, other than an eligible school district or a 1st class city school  
10 district, because the private school has too few available spaces, the applicant may  
11 transfer his or her application to a participating private school that has space  
12 available. An applicant rejected under this paragraph may, subject to sub. (2) (a) 1.  
13 am. and (be) ~~and (bm)~~, be admitted to a private school participating in the program  
14 under this section for the following school year.

15 **SECTION 29.** 118.60 (4) (bd) (intro.) of the statutes is created to read:

16 118.60 (4) (bd) (intro.) Upon receipt from the pupil's parent or guardian of proof  
17 of the pupil's enrollment in the private school during a school term, the state  
18 superintendent shall pay to the private school in which the pupil is enrolled on behalf  
19 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an  
20 amount equal to the lesser of the following:

21 **SECTION 30.** 118.60 (4) (bd) 1. of the statutes is created to read:

22 118.60 (4) (bd) 1. The amount equal to the private school's operating and debt  
23 service cost per pupil that is related to educational programming, as determined by  
24 the department.

25 **SECTION 31.** 118.60 (4) (bd) 2. and 3. of the statutes are created to read:

1           118.60 (4) (bd) 2. The average of the tuition paid by a pupil attending the  
2 private school, but not under the program under this section or the program under  
3 s. 119.23, in the current and 2 preceding school years.

4           3. \$6,442.

5           **SECTION 32.** 118.60 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act  
6 20, is repealed.

7           **SECTION 33.** 118.60 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act  
8 20, is repealed.

9           **SECTION 34.** 118.60 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act  
10 20, is repealed.

11           **SECTION 35.** 118.60 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act  
12 20, is repealed.

13           **SECTION 36.** 118.60 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act  
14 20, is repealed.

15           **SECTION 37.** 118.60 (4) (d) (intro.) of the statutes, as affected by 2013 Wisconsin  
16 Act 20, is amended to read:

17           118.60 (4) (d) (intro.) In determining a private school's operating and debt  
18 service cost per pupil under par. ~~(bg)~~ (bd) 1., the department shall do all of the  
19 following, but may not determine separate costs for pupils enrolled in grades  
20 kindergarten to 8 and for pupils enrolled in grades 9 to 12:

21           **SECTION 38.** 118.60 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act  
22 20, is amended to read:

23           118.60 (4) (d) 2. If legal title to the private school's buildings and premises is  
24 held in the name of the private school's parent organization or other related party,  
25 there is no other mechanism to include the private school's facilities costs in the

1 ~~calculation of its operating and debt service cost, and the private school requests that~~  
2 ~~the department do so, include an amount equal to 10.5 percent of the fair market~~  
3 ~~value of the school and its premises. If legal title to the private school's buildings and~~  
4 ~~premises is held in the name of the private school's parent organization or other~~  
5 ~~related party but the private school was not permitted to include an amount equal~~  
6 ~~to 10.5 percent of the fair market value of the school and its premises in the 2012-13~~  
7 ~~school year, the private school may, beginning on July 2, 2013, request the~~  
8 ~~department to include that amount.~~ A request made by a private school under this  
9 subdivision remains effective in subsequent school years and may not be withdrawn  
10 by the private school.

11 **SECTION 39.** 118.60 (4m) of the statutes, as affected by 2013 Wisconsin Act 20,  
12 is repealed and recreated to read:

13 118.60 (4m) In addition to the payment under sub. (4), the state  
14 superintendent shall pay to each private school participating in the program under  
15 this section, on behalf of the parent or guardian of each pupil attending the private  
16 school under this section, in the manner described in sub. (4) (c), the amount  
17 determined as follows:

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

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

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

24 **SECTION 40.** 118.60 (4r) (a) of the statutes, as affected by 2013 Wisconsin Act  
25 20, is amended to read:



1           118.60 (4r) (a) Multiply the amount determined under sub. (4) (~~bg~~) (bd) by  
2           0.616.

3           **SECTION 41.** 118.60 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin  
4           Act 20, is amended to read:

5           118.60 (7) (am) 1. An independent financial audit of the private school  
6           conducted by an independent certified public accountant, accompanied by the  
7           auditor's statement that the report is free of material misstatements and fairly  
8           presents pupil costs under sub. (4) (~~bg~~) (bd) 1. The audit under this subdivision shall  
9           be limited in scope to those records that are necessary for the department to make  
10          payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
11          including determining sample sizes and evaluating financial viability, in accordance  
12          with the auditing standards established by the American Institute of Certified  
13          Public Accountants. The department may not require an auditor to comply with  
14          standards that exceed the scope of the standards established by the American  
15          Institute of Certified Public Accountants. If a private school participating in the  
16          program under this section also accepts pupils under s. 119.23, the private school  
17          may submit one comprehensive financial audit to satisfy the requirements of this  
18          subdivision and s. 119.23 (7) (am) 1. The private school shall include in the  
19          comprehensive financial audit the information specified under s. 119.23 (7) (am) 1.

20          **SECTION 42.** 118.60 (7) (b) 3m. of the statutes is amended to read:

21          118.60 (7) (b) 3m. Annually, schedule ~~2 meetings~~ at least one meeting each  
22          month at which members of the governing body of the private school will be present  
23          and at which pupils, and the parents or guardians of pupils, applying to attend the  
24          private school or attending the private school may meet and communicate with the  
25          members of the governing body. The meetings shall be open to the public. The

1 private school shall, within 30 days after the start of the school term, notify the  
2 department in writing of the scheduled meeting dates and shall, at least 30 days  
3 before the scheduled meeting date, notify in writing each pupil, or the parent or  
4 guardian of each minor pupil, applying to attend the private school or attending the  
5 private school of the meeting date, time, and place. The private school shall provide  
6 notice of the meetings in the manner provided in s. 19.84.

7 **SECTION 43.** 118.60 (7) (b) 9. of the statutes is created to read:

8 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined  
9 in s. 19.32 (2), of the private school to the same extent as required of, and subject to  
10 the same terms and enforcement provisions that apply to, a school board under  
11 subch. II of ch. 19. This subdivision applies only to records that relate to pupils  
12 attending the private school under this section.

13 **SECTION 44.** 118.60 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin  
14 Act 20, is amended to read:

15 118.60 (7) (d) 1. b. A Except as provided in subd. 1. c., a copy of the school's  
16 current certificate of occupancy issued by the municipality within which the school  
17 is located. If the private school moves to a new location, the private school shall  
18 submit a copy of the new certificate of occupancy issued by the municipality within  
19 which the school is located to the department before the attendance of pupils at the  
20 new location and before the next succeeding date specified in s. 121.05 (1) (a).

21 c. If the municipality within which the private school is located does not issue  
22 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy  
23 issued by the local or regional governmental unit with authority to issue certificates  
24 of occupancy or a letter or form from the municipality within which the private school  
25 is located that explains that the municipality does not issue certificates of occupancy.

1 ~~A temporary certificate of occupancy does not meet the requirement of this~~  
2 ~~subdivision private school to which this subd. 1. c. applies shall annually obtain a~~  
3 ~~building inspection of the school building.~~

4 **SECTION 45.** 118.60 (7) (d) 1. d. of the statutes is created to read:

5 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
6 requirements of this subdivision.

7 **SECTION 46.** 118.60 (7) (h) of the statutes is created to read:

8 118.60 (7) (h) A participating private school that is placed in either of the 2  
9 lowest performance categories on the accountability report issued for the private  
10 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public  
11 or private entity to develop a corrective action plan and shall implement the  
12 corrective action plan for the next school year. The private school shall, at minimum,  
13 make the following progress under the corrective action plan:

14 1. Within 3 school years, the private school shall increase the numeric score  
15 used as the basis for the performance categories established under s. 115.385 (1) (b)  
16 by 6 points over the numeric score received on the accountability report in the school  
17 year in which the requirement to undertake a corrective action plan was triggered.

18 2. Within 5 school years, the private school shall improve by one performance  
19 category over the performance category received on the accountability report in the  
20 school year in which the requirement to undertake a corrective action plan was  
21 triggered.

22 3. Within 7 school years, the private school shall have improved its numeric  
23 scores to the extent that the private school falls within one of the top 3 performance  
24 categories established under s. 115.385 (1) (b).

25 **SECTION 47.** 118.60 (7) (i) of the statutes is created to read:

1           118.60 (7) (i) 1. Each private school participating in the program under this  
2 section shall annually conduct state and federal background checks of all teachers  
3 and administrators employed by the private school on the effective date of this  
4 subdivision .... [LRB inserts date].

5           2. Beginning on the effective date of this subdivision .... [LRB inserts date],  
6 each private school participating in the program under this section shall annually  
7 conduct state and federal background checks of each individual who applies to teach  
8 in or serve as an administrator of the private school prior to extending an offer of  
9 employment to that individual.

10          3. A participating private school may not employ a person as a teacher or  
11 administrator or contract with the person to serve as a teacher or administrator if  
12 the person would not be eligible to be employed, licensed, or permitted for any of the  
13 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

14          **SECTION 48.** 118.60 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act  
15 20, is amended to read:

16          118.60 (10) (a) 3. Failed to refund to the state any overpayment made under  
17 s. 118.60 (4) (b), 2011 stats., or s. 118.60 (4) (bg), 2011 stats., or under sub. (4) (~~bg~~) (bd)  
18 or (4m) by the date specified by department rule.

19          **SECTION 49.** 118.60 (10) (a) 7. of the statutes is amended to read:

20          118.60 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

21          **SECTION 50.** 118.60 (10) (a) 9. of the statutes is created to read:

22          118.60 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, 118.31, or 118.33 (1)  
23 (f) 5.

24          **SECTION 51.** 118.60 (10) (a) 10. of the statutes is created to read:

25          118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

1           **SECTION 52.** 118.60 (10) (bg) of the statutes is created to read:

2           118.60 (10) (bg) The state superintendent may issue an order immediately  
3 terminating a private school's participation in the program under this section if he  
4 or she determines that the owner of the private school would not be eligible or  
5 permitted to be employed, licensed, or permitted for any of the reasons specified  
6 under s. 115.31 (2g) or (6m) or 115.315.

7           **SECTION 53.** 118.60 (10) (br) of the statutes is created to read:

8           118.60 (10) (br) The state superintendent may issue an order immediately  
9 terminating a private school's participation in the program under this section if he  
10 or she determines that the private school has failed to comply with the requirements  
11 under sub. (7) (i) 1. or 2. or if the private school employs an individual in  
12 contravention of the prohibitions under sub. (7) (i) 3.

13           **SECTION 54.** 118.60 (10) (bu) of the statutes is created to read:

14           118.60 (10) (bu) The state superintendent shall issue an order barring a private  
15 school from participating in the program under this section if the private school fails  
16 to make progress as required under sub. (7) (h) 1., 2., or 3.

17           **SECTION 55.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act  
18 20, is amended to read:

19           118.60 (10) (c) Whenever the state superintendent issues an order under par.  
20 (a), (am), (ar), ~~or~~ (b), (bg), (br), or (bu), he or she shall immediately notify the parent  
21 or guardian of each pupil attending the private school under this section.

22           **SECTION 56.** 118.60 (11) (d) of the statutes, as created by 2013 Wisconsin Act  
23 20, is repealed.

24           **SECTION 57.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

1           119.23 (2) (a) 1. a. ~~The~~ Except as provided in subd. 1. am., the pupil is a member  
2 of a family that has a total family income that does not exceed an amount equal to  
3 3.0 times the poverty level determined in accordance with criteria established by the  
4 director of the federal office of management and budget. In this subdivision and sub.  
5 (3m), family income includes income of the pupil's parents or legal guardians. The  
6 family income of the pupil shall be verified as provided in subd. 1. b. A pupil  
7 attending a private school under this section whose family income increases,  
8 including a pupil who attended a private school under this section in the 2010–11  
9 school year and whose family income has increased, may continue to attend a private  
10 school under this section.

11           **SECTION 58.** 119.23 (2) (a) 1. am. of the statutes is created to read:

12           119.23 (2) (a) 1. am. Beginning in the 2013–14 school year, the pupil is a  
13 member of a family that has a total family income that does not exceed an amount  
14 equal to 1.85 times the poverty level determined in accordance with criteria  
15 established by the director of the federal office of management and budget. In this  
16 subdivision and sub. (3m), family income includes income of the pupil's parents or  
17 legal guardians. The family income of the pupil shall be verified as provided in subd.  
18 1. b. A pupil attending a private school under this section whose family income  
19 increases above the income level in this subd. 1. am. may continue to attend a private  
20 school under this section.

21           **SECTION 59.** 119.23 (2) (a) 6m. of the statutes is created to read:

22           119.23 (2) (a) 6m. All instructional staff employed by the private school hold  
23 a license or permit to teach issued by the department. For purposes of this  
24 subdivision, "instructional staff" has the meaning given in the rules promulgated by  
25 the department under s. 121.02 (1) (a) 2.

1           **SECTION 60.** 119.23 (2) (a) 9. of the statutes is created to read:

2           119.23 (2) (a) 9. The private school has been in operation for the attendance of  
3 pupils for at least 2 school years.

4           **SECTION 61.** 119.23 (2) (a) 10. of the statutes is created to read:

5           119.23 (2) (a) 10. The private school is located in this state.

6           **SECTION 62.** 119.23 (2) (c) of the statutes is amended to read:

7           119.23 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a  
8 private school participating in the program under this section who teaches only  
9 courses in rabbinical studies is not required to have a bachelor's degree or hold a  
10 license or permit to teach issued by the department.

11           2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school  
12 participating in the program under this section that prepares and trains pupils  
13 attending the school in rabbinical studies is not required to have a bachelor's degree  
14 or hold a license or permit to teach issued by the department.

15           **SECTION 63.** 119.23 (2) (d) of the statutes is created to read:

16           119.23 (2) (d) No more than 49 percent of a private school's enrollment may  
17 consist of pupils attending the private school under this section.

18           **SECTION 64.** 119.23 (4) (bd) (intro.) of the statutes is created to read:

19           119.23 (4) (bd) (intro.) Upon receipt from the pupil's parent or guardian of proof  
20 of the pupil's enrollment in the private school during a school term, the state  
21 superintendent shall pay to the private school in which the pupil is enrolled on behalf  
22 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an  
23 amount equal to the lesser of the following:

24           **SECTION 65.** 119.23 (4) (bd) 1. of the statutes is created to read:

1           119.23 (4) (bd) 1. The amount equal to the private school's operating and debt  
2           service cost per pupil that is related to educational programming, as determined by  
3           the department.

4           **SECTION 66.** 119.23 (4) (bd) 2. and 3. of the statutes are created to read:

5           119.23 (4) (bd) 2. The average of the tuition paid by a pupil attending the  
6           private school, but not under the program under this section or the program under  
7           s. 118.60, in the current and 2 preceding school years.

8           3. \$6,442.

9           **SECTION 67.** 119.23 (4) (bg) 1. of the statutes, as affected by 2013 Wisconsin Act  
10          20, is repealed.

11          **SECTION 68.** 119.23 (4) (bg) 2. of the statutes, as created by 2013 Wisconsin Act  
12          20, is repealed.

13          **SECTION 69.** 119.23 (4) (bg) 3. of the statutes, as created by 2013 Wisconsin Act  
14          20, is repealed.

15          **SECTION 70.** 119.23 (4) (bg) 4. of the statutes, as created by 2013 Wisconsin Act  
16          20, is repealed.

17          **SECTION 71.** 119.23 (4) (bg) 5. of the statutes, as created by 2013 Wisconsin Act  
18          20, is repealed.

19          **SECTION 72.** 119.23 (4) (d) (intro.) of the statutes, as affected by 2013 Wisconsin  
20          Act 20, is amended to read:

21               119.23 (4) (d) (intro.) In determining a private school's operating and debt  
22               service cost per pupil under par. ~~(bg)~~ (bd) 1., the department shall do all of the  
23               following, but may not determine separate costs for pupils enrolled in grades  
24               kindergarten to 8 and for pupils enrolled in grades 9 to 12:



1           **SECTION 73.** 119.23 (4) (d) 2. of the statutes, as affected by 2013 Wisconsin Act  
2 20, is amended to read:

3           119.23 (4) (d) 2. If legal title to the private school's buildings and premises is  
4 held in the name of the private school's parent organization or other related party,  
5 there is no other mechanism to include the private school's facilities costs in the  
6 calculation of its operating and debt service cost, and the private school requests that  
7 the department do so, include an amount equal to 10.5 percent of the fair market  
8 value of the school and its premises. ~~If legal title to the private school's buildings and~~  
9 ~~premises is held in the name of the private school's parent organization or other~~  
10 ~~related party but the private school was not permitted to include an amount equal~~  
11 ~~to 10.5 percent of the fair market value of the school and its premises in the 2012-13~~  
12 ~~school year, the private school may, beginning on July 2, 2013, request the~~  
13 ~~department to include that amount.~~ A request made by a private school under this  
14 subdivision remains effective in subsequent school years and may not be withdrawn  
15 by the private school.

16           **SECTION 74.** 119.23 (4m) of the statutes, as affected by 2013 Wisconsin Act 20,  
17 is repealed and recreated to read:

18           119.23 (4m) In addition to the payment under sub. (4), the state  
19 superintendent shall pay to each private school participating in the program under  
20 this section, on behalf of the parent or guardian of each pupil attending the private  
21 school under this section, in the manner described in sub. (4) (c), the amount  
22 determined as follows:

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

25           (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 **SECTION 75.** 119.23 (4r) (a) of the statutes, as affected by 2013 Wisconsin Act  
5 20, is amended to read:

6 119.23 (4r) (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by  
7 0.616.

8 **SECTION 76.** 119.23 (7) (am) 1. of the statutes, as affected by 2013 Wisconsin  
9 Act 20, is amended to read:

10 119.23 (7) (am) 1. An independent financial audit of the private school  
11 conducted by an independent certified public accountant, accompanied by the  
12 auditor's statement that the report is free of material misstatements and fairly  
13 presents pupil costs under sub. (4) ~~(bg)~~ (bd) 1. The audit under this subdivision shall  
14 be limited in scope to those records that are necessary for the department to make  
15 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,  
16 including determining sample sizes and evaluating financial viability, in accordance  
17 with the auditing standards established by the American Institute of Certified  
18 Public Accountants. The department may not require an auditor to comply with  
19 standards that exceed the scope of the standards established by the American  
20 Institute of Certified Public Accountants. If a private school participating in the  
21 program under this section also accepts pupils under s. 118.60, the private school  
22 may submit one comprehensive financial audit to satisfy the requirements of this  
23 subdivision and s. 118.60 (7) (am) 1. The private school shall include in the  
24 comprehensive financial audit the information specified under s. 118.60 (7) (am) 1.

25 **SECTION 77.** 119.23 (7) (b) 3m. of the statutes is amended to read:

1           119.23 (7) (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each  
2 month at which members of the governing body of the private school will be present  
3 and at which pupils, and the parents or guardians of pupils, applying to attend the  
4 private school or attending the private school may meet and communicate with the  
5 members of the governing body. The meetings shall be open to the public. The  
6 private school shall, within 30 days after the start of the school term, notify the  
7 department in writing of the scheduled meeting dates and shall, at least 30 days  
8 before the scheduled meeting date, notify in writing each pupil, or the parent or  
9 guardian of each minor pupil, applying to attend the private school or attending the  
10 private school of the meeting date, time, and place. The private school shall provide  
11 notice of the meetings in the manner provided in s. 19.84.

12           **SECTION 78.** 119.23 (7) (b) 9. of the statutes is created to read:

13           119.23 (7) (b) 9. Permit public inspection and copying of any record, as defined  
14 in s. 19.32 (2), of the private school to the same extent as required of, and subject to  
15 the same terms and enforcement provisions that apply to, a school board under  
16 subch. II of ch. 19. This subdivision applies only to records that relate to pupils  
17 attending the private school under this section.

18           **SECTION 79.** 119.23 (7) (d) 1. b. of the statutes, as affected by 2013 Wisconsin  
19 Act 20, is amended to read:

20           119.23 (7) (d) 1. b. ~~-A-~~ Except as provided in subd. 1. c., a copy of the school's  
21 current certificate of occupancy issued by the municipality within which the school  
22 is located. If the private school moves to a new location, the private school shall  
23 submit a copy of the new certificate of occupancy issued by the municipality within  
24 which the school is located to the department before the attendance of pupils at the  
25 new location and before the next succeeding date specified in s. 121.05 (1) (a).

**SECTION 79**

1           c. If the municipality within which the private school is located does not issue  
2 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy  
3 issued by the local or regional governmental unit with authority to issue certificates  
4 of occupancy or a letter or form from the municipality within which the private school  
5 is located that explains that the municipality does not issue certificates of occupancy.  
6 ~~A temporary certificate of occupancy does not meet the requirement of this~~  
7 ~~subdivision private school to which this subd. 1. c. applies shall annually obtain a~~  
8 building inspection of the school building.

9           **SECTION 80.** 119.23 (7) (d) 1. d. of the statutes is created to read:

10           119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the  
11 requirements of this subdivision.

12           **SECTION 81.** 119.23 (7) (h) of the statutes is created to read:

13           119.23 (7) (h) A participating private school that is placed in either of the 2  
14 lowest performance categories on the accountability report issued for the private  
15 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public  
16 or private entity to develop a corrective action plan and shall implement the  
17 corrective action plan for the next school year. The private school shall, at minimum,  
18 make the following progress under the corrective action plan:

19           1. Within 3 school years, the private school shall increase the numeric score  
20 used as the basis for the performance categories established under s. 115.385 (1) (b)  
21 by 6 points over the numeric score received on the accountability report in the school  
22 year in which the requirement to undertake a corrective action plan was triggered.

23           2. Within 5 school years, the private school shall improve by one performance  
24 category over the performance category received on the accountability report in the

1 school year in which the requirement to undertake a corrective action plan was  
2 triggered.

3 3. Within 7 school years, the private school shall have improved its numeric  
4 scores to the extent that the private school falls within one of the top 3 performance  
5 categories established under s. 115.385 (1) (b).

6 **SECTION 82.** 119.23 (7) (i) of the statutes is created to read:

7 119.23 (7) (i) 1. Each private school participating in the program under this  
8 section shall annually conduct state and federal background checks of all teachers  
9 and administrators employed by the private school on the effective date of this  
10 subdivision .... [LRB inserts date].

11 2. Beginning on the effective date of this subdivision .... [LRB inserts date],  
12 each private school participating in the program under this section shall annually  
13 conduct state and federal background checks of each individual who applies to teach  
14 in or serve as an administrator of the private school prior to extending an offer of  
15 employment to that individual.

16 3. A participating private school may not employ a person as a teacher or  
17 administrator or contract with the person to serve as a teacher or administrator if  
18 the person would not be eligible to be employed, licensed, or permitted for any of the  
19 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

20 **SECTION 83.** 119.23 (10) (a) 3. of the statutes, as affected by 2013 Wisconsin Act  
21 20, is amended to read:

22 119.23 (10) (a) 3. Failed to refund to the state any overpayment made under  
23 s. 119.23 (4) (b), 2001 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) (~~bg~~)  
24 (~~bd~~) or (4m) by the date specified by department rule.

25 **SECTION 84.** 119.23 (10) (a) 7. of the statutes is amended to read:

1 119.23 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or (9).

2 **SECTION 85.** 119.23 (10) (a) 9. of the statutes is created to read:

3 119.23 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, 118.31, or 118.33 (1)  
4 (f) 5.

5 **SECTION 86.** 119.23 (10) (a) 10. of the statutes is created to read:

6 119.23 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

7 **SECTION 87.** 119.23 (10) (bg) of the statutes is created to read:

8 119.23 (10) (bg) The state superintendent may issue an order immediately  
9 terminating a private school's participation in the program under this section if he  
10 or she determines that the owner of the private school would not be eligible or  
11 permitted to be employed, licensed, or permitted for any of the reasons specified  
12 under s. 115.31 (2g) or (6m) or 115.315.

13 **SECTION 88.** 119.23 (10) (br) of the statutes is created to read:

14 119.23 (10) (br) The state superintendent may issue an order immediately  
15 terminating a private school's participation in the program under this section if he  
16 or she determines that the private school has failed to comply with the requirements  
17 under sub. (7) (i) 1. or 2. or if the private school employs an individual in  
18 contravention of the prohibitions under sub. (7) (i) 3.

19 **SECTION 89.** 119.23 (10) (bu) of the statutes is created to read:

20 119.23 (10) (bu) The state superintendent shall issue an order barring a private  
21 school from participating in the program under this section if the private school fails  
22 to make progress as required under sub. (7) (h) 1., 2., or 3.

23 **SECTION 90.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act  
24 20, is amended to read:



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

LRB-2785/P1dn  
TKK:eev:ph

August 14, 2013

Senator Lehman:

Please carefully review this bill to ensure that it accomplishes your intent. If you are comfortable with the bill as drafted, we will prepare it for introduction.

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)



## Kuczenski, Tracy

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**From:** McCarthy, Tom  
**Sent:** Thursday, August 22, 2013 2:59 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Major Choice Accountability Package

Excellent! Thanks Tracy,

-tom

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**From:** Kuczenski, Tracy  
**Sent:** Thursday, August 22, 2013 2:59 PM  
**To:** McCarthy, Tom  
**Subject:** RE: Major Choice Accountability Package

Yes, will do. Rep. Pope's version is in editing...

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
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(608) 266-9867

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**From:** McCarthy, Tom  
**Sent:** Thursday, August 22, 2013 2:58 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Major Choice Accountability Package

When this is all processed, can you also have an identical Senate version created for Sen. Lehman's office if you aren't already doing that? Thanks,

-tom

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**From:** McCarthy, Tom  
**Sent:** Wednesday, August 21, 2013 9:41 AM  
**To:** Kuczenski, Tracy  
**Subject:** RE: Major Choice Accountability Package

Thank you very much Tracy!

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**From:** Kuczenski, Tracy  
**Sent:** Wednesday, August 21, 2013 9:41 AM  
**To:** McCarthy, Tom  
**Subject:** RE: Major Choice Accountability Package

Hi Tom --

I will make these changes.

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** McCarthy, Tom  
**Sent:** Tuesday, August 20, 2013 3:35 PM  
**To:** Kuczenski, Tracy  
**Subject:** Major Choice Accountability Package

Tracy,

A couple small tweaks and could we have it jacketed for introduction:

- 1) remove section 46 and all language related to the performance of voucher schools (we will be shooting to include this in a different package)
- 2) apply all of the changes listed in the bill to the 14-15 school year

Thanks, and let me know if you have any questions,

-tom

**Tom McCarthy**  
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