

**2013 DRAFTING REQUEST**

**Bill**

Received: **6/5/2013** Received By: **pgrant**  
Wanted: **As time permits** Same as LRB:  
For: **Leah Vukmir (608) 266-2512** By/Representing: **Jason Rostan**  
May Contact: Drafter: **pgrant**  
Subject: **Education - handicapped ed.** Addl. Drafters:  
**Education - school boards** Extra Copies: **TKK**  
**FFK**

Submit via email: **YES**  
Requester's email: **Sen.Vukmir@legis.wisconsin.gov**  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Special Needs Scholarship Program

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**Instructions:**

See attached

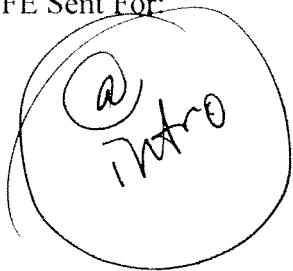
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@  
Intro

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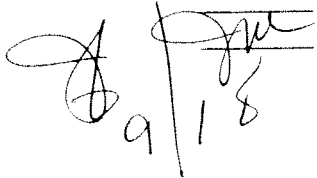
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lparisi  
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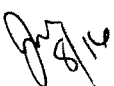
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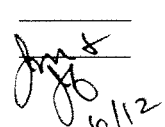
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1?	pgrant	1 SAC 6/12/2013	 6/12	 6/12			

FE Sent For:

<END>

## Grant, Peter

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**From:** Rostan, Jason  
**Sent:** Wednesday, June 05, 2013 11:39 AM  
**To:** Grant, Peter  
**Subject:** Special Needs Scholarship: SB 486

Hi Peter,

I know your busy, but I don't think this will take too long to fix. I'm sure you'll need a break from all that boring budget stuff.

We would like to redraft SB 486 with the following changes:

Section 5, Line 13: This is a list of scholarship requirements. Leah would like to add a new requirement and should be given the (a) subsection. All other requirements will need to be bumped down a letter.

New Requirement:

✓ **(a) The student must apply for the open enrollment program and be denied by either the resident or nonresident school district.**

Also, we will need to eliminate Sections 8, 9, & 10.

Replace with:

- ✓ 1. The new program will be funded through GPR with an identical lapse from general school aids to GPR. (So, instead of reducing state aid to an individual school district, we want the reduction on the overall general school aids amount)
- ✓ 2. Resident school district will no longer be able to count the kid under their enrollment numbers
3. If the child chooses a public school, the amount of the scholarship would be outside the revenue caps.

Let me know if you have any questions or concerns regarding these changes.

Jason Rostan  
Sen. Vukmir's Office

## Grant, Peter

---

**From:** Rostan, Jason  
**Sent:** Monday, June 10, 2013 4:08 PM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

Go with the 2014-15 school year.

Could we exclude the truancy denial from opening it up for the scholarship? If you could craft something that would not allow them to be eligible, that would work.

Thanks.

Jason

---

**From:** Grant, Peter  
**Sent:** Monday, June 10, 2013 3:56 PM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Okay, I'll go with SB 486 and not include that amendment.

In which school year should the program first apply? The 2013-14 school year seems too soon; should I make it the 2014-15 school year?

Currently, if a pupil attends a nonresident school district under the Open Enrollment Program, but is habitually truant, the nonresident school board may prohibit the pupil from attending that school district under the OEP in the succeeding semester or school year. Would that make the pupil eligible for the Special Needs Scholarship Program in the succeeding school year on the same basis as a pupil who applies to the nonresident school district but is rejected?

Thanks –

Peter

---

**From:** Rostan, Jason  
**Sent:** Monday, June 10, 2013 1:38 PM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Peter,

I suppose you can include the 5% cap. I don't think it is really needed with us limiting the scholarship to only students that are denied open enrollment. I haven't looked at the statutory language of what was in the budget, so I don't know if the changes are needed or not.

At this point, I think we would be more comfortable working off of SB 486.



Thanks.

Jason

---

**From:** Grant, Peter  
**Sent:** Monday, June 10, 2013 1:33 PM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Jason,

I know you requested last session's SB 486, but are you really asking for the version of that bill that appears in this session's budget bill, as introduced? I believe there are some slight differences between the two. For example, the version that appears in the budget bill includes SA 1 to 2011 SB 486, which was introduced by Senator Vukmir.

Peter

---

**From:** Rostan, Jason  
**Sent:** Wednesday, June 05, 2013 11:39 AM  
**To:** Grant, Peter  
**Subject:** Special Needs Scholarship: SB 486

Hi Peter,

I know your busy, but I don't think this will take too long to fix. I'm sure you'll need a break from all that boring budget stuff.

We would like to redraft SB 486 with the following changes:

Section 5, Line 13: This is a list of scholarship requirements. Leah would like to add a new requirement and should be given the (a) subsection. All other requirements will need to be bumped down a letter.

New Requirement:

**(a) The student must apply for the open enrollment program and be denied by either the resident or nonresident school district.**

Also, we will need to eliminate Sections 8, 9, & 10.

Replace with:

1. The new program will be funded through GPR with an identical lapse from general school aids to GPR. (So, instead of reducing state aid to an individual school district, we want the reduction on the overall general school aids amount)
2. Resident school district will no longer be able to count the kid under their enrollment numbers
3. If the child chooses a public school, the amount of the scholarship would be outside the revenue caps.

Let me know if you have any questions or concerns regarding these changes.

6/11/13

note ccc on last session's bills

p. 6, l. 18 : (ac) → (ac)



Monday  
6/17



LRB-2515/1  
PG: sac

**2011 SENATE BILL 486**

LPS: please delete any hidden notes.

February 16, 2012 - Introduced by Senators VUKMIR, MOULTON, GALLOWAY and DARLING, cosponsored by Representatives LITJENS, FIELDS, WYNN, BERNIER, BIES, BROOKS, ENDSLEY, FARROW, HONADEL, JACQUE, KLEEFISCH, KNILANS, KNUDSON, KOOYENGA, KRAMER, KRUG and KUGLITSCH. Referred to Committee on Education.

regen.

- 1 AN ACT *to amend* 20.255 (2) (cy), 115.77 (1), 115.791 (4), 121.08 (4) (c), 121.08 (4)
- 2 (d) and 121.54 (3); and *to create* 20.255 (2) (az), 115.7915, 118.60 (4s), 119.23
- 3 (4s), 121.05 (1) (a) 4. and 121.08 (4) (am) of the statutes; **relating to:** creating
- 4 <sup>e a</sup> the Special Needs Scholarship Program for disabled pupils, granting
- 5 rule-making authority, and making an appropriation.

**Analysis by the Legislative Reference Bureau**

This bill establishes a Special Needs Scholarship Program. Under the program, a child with a disability may receive a scholarship to attend a public school located outside the pupil's school district of residence, or a private school, if all of the following conditions are met:

A →

- 2. ~~1.~~ The school has notified the Department of Public Instruction (DPI) of its intent to participate in the program and the child has been accepted by the school.
- 3. ~~2.~~ If the school is a private school, it is approved as a private school by DPI or is accredited.
- 4. ~~3.~~ An individualized education program (IEP) has been completed for the child.
- 5. ~~4.~~ In the previous school year, the child attended a public school, attended a private school under a parental choice program (PCP), or did not attend school in this state.

The bill directs DPI to develop a document, for inclusion with an application, comparing the rights of a child with a disability and his or her parent under state and federal handicapped education law with the rights of a child with a disability under the program created by this bill and federal handicapped education law.

beginning in the  
2014-15 school year,

**SENATE BILL 486**

A school that accepts a child under the program must notify DPI. Upon receipt of the notice, DPI must notify the school board of the pupil's school district of residence and determine the amount of the child's scholarship. The amount is the lesser of the cost to the school the child is attending under the scholarship of providing regular instruction, instructional and pupil support services, special education and related services, and supplementary aids and services to the child, or an amount equal to the statewide cost per public school pupil plus the state aid per child with a disability. If the child is attending for less than a full school term, DPI must prorate the amount of the scholarship.

DPI pays the scholarship directly to the school or school district that the child will attend. The scholarship continues while the child attends a school eligible to participate in the program until he or she graduates from high school or until the end of the school term in which he or she turns 21, whichever comes first.

(B)

rwT

~~Under the bill, a pupil attending a private school, or a public school outside the pupil's school district of residence, under the program is counted for state aid purposes by the pupil's school district of residence. However, the state aid paid to that school district is reduced by the total amount of scholarships paid by DPI for pupils who reside in that school district.~~

Each private school participating in the program must comply with applicable health and safety laws; hold a valid certificate of occupancy; comply with federal law that prohibits discrimination against any person on the basis of race, color, or national origin; conduct criminal background investigations of its employees and exclude from employment any person not permitted to hold a teaching license as the result of an offense and any person who might reasonably be believed to pose a threat to the safety of others; provide to each applicant a profile of the school's special education program; and implement the child's most recent IEP.

The private school must also annually submit to DPI a school financial report prepared by a certified public accountant. If the private school expects to receive at least \$50,000 in scholarships during a school year, it must either file a surety bond with DPI or provide DPI with information demonstrating that it has the ability to pay an amount equal to the total amount of scholarships that it expects to receive.

The bill provides that if a child attends a private school under the program, his or her school district of residence must provide transportation to and from the school if the school is located at least two miles from the child's residence, the child resides in the private school's attendance area, and the private school is situated within the school district of residence or not more than five miles beyond the boundaries of the school district.

If the child attends a public school under the program, the child's parent is responsible for transporting the child to and from school unless transportation is required in the child's IEP. If the latter applies, the school district that the child attends is responsible for transporting the child. The bill allows a low-income pupil to apply to DPI for reimbursement of transportation costs.

The bill authorizes DPI to bar a school from participating in the program if the school intentionally and substantially misrepresents information required under the bill, routinely fails to comply with financial standards, uses a pupil's scholarship

**SENATE BILL 486**

for any purpose other than educational purposes, or fails to refund any scholarship overpayments to the state.

Finally, the bill directs the Legislative Audit Bureau to contract for a study of the program. The results of the study must be reported to the legislature by January 9, 2015. ~~2015~~ 2017

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

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

3-1 →

1           **SECTION 1.** 20.255 (2) (az) of the statutes is created to read:

2           20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to pay the  
3 special needs scholarships under s. 115.7915.

4           **SECTION 2.** 20.255 (2) (cy) of the statutes is amended to read:

5           20.255 (2) (cy) *Aid for transportation; open enrollment and special needs*  
6 *scholarships.* The amounts in the schedule to reimburse parents for the costs of  
7 transportation of ~~open enrollment~~ pupils under ss. 115.7915, 118.51 (14) (b), and  
8 118.52 (11) (b).

9           **SECTION 3.** 115.77 (1) of the statutes is amended to read:

10           115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
11 2., if a child with a disability is attending a public school in a nonresident school  
12 district under s. 115.7915, 118.51, or 121.84 (1) (a) or (4), "local educational agency"  
13 means the school district that the child is attending.

14           **SECTION 4.** 115.791 (4) of the statutes is amended to read:

15           115.791 (4) Subject to s. 115.77 (1m) (d) and (e), this section does not require  
16 a local educational agency to pay the cost of education, including special education  
17 and related services, of a child with a disability at a private school or facility,  
18 including a child with a disability attending a private school under s. 115.7915, if the

1 local educational agency made a free appropriate public education available to the  
2 child and the child's parents elected to place the child in a private school or facility.

3 SECTION 5. 115.7915<sup>✓</sup> of the statutes is created to read:

4 115.7915 Special Needs Scholarship Program. (1) DEFINITION. In this  
5 section:

6 (a) "Eligible school" means a public school located in this state but outside the  
7 pupil's school district of residence, including a charter school, or a private school  
8 located in this state.

9 (b) "Services plan" has the meaning given in 34 CFR 300.37.

*2014-15*

10 (1m) SCHOLARSHIP REQUIREMENTS. Beginning in the 2012-13 school year, a child  
11 with a disability shall receive a scholarship under this section to attend an eligible  
12 school if all of the following apply:

13 (b) ~~(a)~~ The school district in which the eligible public school is located, the eligible  
14 charter school, or the eligible private school notified the department of its intent to  
15 participate in the program under this section. The notice shall specify the number  
16 of pupils who may participate in the program under this section for whom the school  
17 has space.

18 (c) ~~(b)~~ The school, if a private school, is approved by the state superintendent  
19 under s. 118.165 (2) or is accredited by the Wisconsin North Central Association,<sup>✓</sup>  
20 Wisconsin Religious and Independent Schools Accreditation,<sup>✓</sup> the Independent  
21 Schools Association of the Central States,<sup>✓</sup> Wisconsin Evangelical Lutheran Synod  
22 School Accreditation,<sup>✓</sup> National Lutheran School Accreditation,<sup>✓</sup> the diocese or  
23 archdiocese within which the private school is located, or any other organization  
24 recognized by the National Council for Private School Accreditation<sup>✓</sup> as of the August  
25 1 preceding the school term for which the scholarship is awarded.

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## SENATE BILL 486

1     ~~(d)~~ <sup>(e)</sup> An individualized education program or services plan has been completed  
2 for the child.

3     ~~(e)~~ <sup>(f)</sup> The child attended a public school, attended a private school under s. 118.60  
4 or 119.23, or did not attend school in this state, for the entire school year immediately  
5 preceding the school year for which the child first receives a scholarship under this  
6 section.

7     ~~(f)~~ <sup>(e)</sup> The child, or the child's parent on behalf of the child, has submitted an  
8 application to the eligible school, on a form prepared by the department, for a  
9 scholarship under this section to attend the eligible school. The application shall  
10 include the document developed by the department under sub. (2) (a). An application  
11 may be made, and a child may begin attending an eligible school under this section,  
12 at any time during the school year.

13     ~~(g)~~ <sup>(f)</sup> The child has been accepted by the school district in which the eligible public  
14 school is located, the eligible charter school, or the eligible private school.

15     **(1s) ACCEPTANCE OF PUPILS.** If an eligible school receives more applications  
16 under sub. (1m) <sup>(e)</sup> ~~(e)~~ <sup>(f)</sup> than the number of pupils specified in the notice under sub. (1m)  
17 <sup>(a)</sup> ~~(a)~~ <sup>(b)</sup>, it shall select pupils on a random basis except that it may give preference to  
18 siblings of pupils who are already attending the eligible school.

19     **(2) DEPARTMENT DUTIES.** (a) 1. The department shall develop a document for  
20 inclusion with an application under sub. (1m) <sup>(e)</sup> ~~(e)~~ <sup>(f)</sup>, and revise it as necessary,  
21 comparing the rights of a child with a disability and of his or her parent under this  
22 subchapter, other than this section, and 20 USC 1400 to 1482, with the rights of a  
23 child with a disability and of his or her parent under this section and 20 USC 1400  
24 to 1482.

## SENATE BILL 486

1           2. Receipt by an applicant of the document developed under subd. 1.,  
 2           acknowledged in a format prescribed by the department, constitutes notice that the  
 3           applicant has been informed of his or her rights under this section and 20 USC 1400  
 4           to 1482. Subsequent acceptance of a scholarship under this section constitutes the  
 5           applicant's informed consent to the rights specified in the document. *acknowledgment of*

6           (b) The governing body of an eligible school that accepts a child under sub. (1m)  
 7           <sup>(g)</sup> shall notify the department. Upon being notified, the department shall do all of  
 8           the following:

9           1. Notify the school board of the pupil's school district of residence that the pupil  
 10           has been awarded a scholarship under this section. The school board shall, within  
 11           3 days of receiving the notice, provide the department and the governing body of the  
 12           eligible school that accepted the pupil with a copy of the pupil's individualized  
 13           education program.

14           2. Determine the amount of the pupil's scholarship. The amount shall be the  
 15           lesser of the following:

16           a. Divide the sum of the statewide gross property tax levy for schools in the  
 17           previous year and the total amount of general school aid appropriated under s.  
 18           20.255 (2) <sup>(ae)</sup> <sup>(ac)</sup> (ar), and (bb) in the previous fiscal year by the total statewide  
 19           membership, as defined in s. 121.004 (5), in the previous school year, and add to the  
 20           quotient the result obtained by dividing the amount appropriated under s. 20.255 (2)  
 21           (b) in the previous fiscal year by the total full-time equivalent number of children  
 22           with disabilities enrolled in public schools in the previous school year.

23           b. The cost to the school district in which the eligible public school is located,  
 24           the eligible charter school, or the eligible private school of providing to the pupil  
 25           regular instruction, instructional and pupil support services, special education and



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1 related services, and supplementary aids and services, other than costs under s.  
2 115.88 (3) and (4).

3 3. Prorate the amount determined under subd. 2. for a pupil attending an  
4 eligible school for less than a full school term.

5 4. Notify the parent of the scholarship amount, as determined under subd. 2.  
6 or 3., accompanied by an explanation of how the amount was determined.

7 5. On behalf of the pupil's parent, pay the scholarship to the school district,  
8 charter school, or private school that the pupil attends from the appropriation under  
9 s. 20.255 (2) (az), except that the department may not pay a scholarship to a private  
10 school unless the pupil's parent has acknowledged receiving the private school's  
11 profile under sub. (4) (g) in the manner provided by the department. The scholarship  
12 continues while the pupil attends an eligible school until the pupil graduates from  
13 high school or until the end of the school term in which the pupil attains the age of  
14 21, whichever comes first.

15 (3) SCHOOL BOARD DUTIES. (a) Annually, each school board shall notify the  
16 parents of each child with a disability enrolled in the school district of the program  
17 under this section.

18 (b) Upon the request of a parent of a pupil receiving a scholarship, the pupil's  
19 resident school district shall administer the appropriate examinations under s.  
20 118.30 to the pupil at no cost if the school attended by the pupil does not administer  
21 them.

22 (4) PRIVATE SCHOOL DUTIES. Each private school participating in the program  
23 under this section shall do all of the following:

24 (a) Comply with all health and safety laws or codes that apply to private  
25 schools.

**SENATE BILL 486****SECTION 5**

1 (b) Hold a valid certificate of occupancy, if required by the municipality in which  
2 the school is located or, if the municipality in which the school is located does not  
3 issue certificates of occupancy, obtain a certificate of occupancy issued by the local  
4 or regional governmental unit with authority to issue certificates of occupancy.

5 (c) Comply with 42 USC 2000d.

6 (d) Conduct criminal background investigations of its employees and exclude  
7 from employment any person not permitted to hold a teaching license as the result  
8 of an offense and any person who might reasonably be believed to pose a threat to the  
9 safety of others.

10 (e) Annually submit to the department a school financial information report,  
11 prepared by a certified public accountant, that complies with uniform financial  
12 accounting standards established by the department by rule. The report shall be  
13 accompanied by an auditor's statement that the report is free of material  
14 misstatements and fairly represents pupil costs. The report shall be limited in scope  
15 to those records that are necessary for the department to make payments to the  
16 private school.

17 (f) If the private school expects to receive at least \$50,000 in scholarships under  
18 this section during a school year, do one of the following before the beginning of the  
19 school year:

20 1. File with the department a surety bond payable to the state in an amount  
21 equal to the total amount of scholarships expected to be received by the private school  
22 during the school year under this section.

23 2. File with the department financial information demonstrating that the  
24 private school has the ability to pay an amount equal to the total amount of

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1 scholarships expected to be received by the private school during the school year  
2 under this section.

3 (g) Provide to each applicant under sub. (1m) <sup>(f)</sup> (e) a profile of the private school's  
4 special education program, in a form prescribed by the department, that includes the  
5 methods of instruction that will be used by the school to provide special education  
6 and related services to the child and the qualifications of the teachers and other  
7 persons who will be providing special education and related services to the child.

8 (h) 1. Implement the child's most recent individualized education program or  
9 services plan, as modified by agreement between the private school and the child's  
10 parent, and related services agreed to by the private school and the child's parent  
11 that are not included in the child's individualized education program or services  
12 plan.

13 2. Provide a record of the implementation of the child's individualized  
14 education program or services plan under subd. 1., including an evaluation of the  
15 child's progress, to the school board of the school district in which the child resides  
16 in the form and manner prescribed by the department.

17 (i) Regularly report to the parent of a <sup>child</sup> pupil attending the private school and  
18 receiving a scholarship under this section on the <sup>child</sup> pupil's progress.

19 (5) TRANSPORTATION. (a) *Private school.* Section 121.54 <sup>✓</sup> applies to the  
20 transportation of a pupil to and from the private school he or she is attending under  
21 this section.

22 (b) *Public school.* Section 118.51 (14) <sup>✓</sup> applies to the transportation of a pupil  
23 to and from the public school he or she is attending under this section.

24 (6) PENALTIES. (a) The department may bar a school district, charter school,  
25 or private school from participating in the program under this section if the

1 department determines that the school district, charter school, or private school has  
2 done any of the following:

3 1. Intentionally and substantially misrepresented information required under  
4 sub. (4).

5 2. Routinely failed to comply with the standards under sub. (4) (e) or (f).

6 3. Used a pupil's scholarship for any purpose other than educational purposes  
7 or rebated, refunded, or shared a pupil's scholarship with a parent or pupil.

8 4. Failed to refund to the state, in a timely manner, any scholarship  
9 overpayments.

10 (b) If the department bars a school district, charter school, or private school  
11 from participating in the program under this section, it shall notify all pupils eligible <sup>e children</sup>  
12 to participate in the program and their parents as quickly as possible. A pupil who  
13 is receiving a scholarship and attending a school district, charter school, or private  
14 school barred from the program may attend another participating school district,  
15 charter school, or private school under the scholarship.

16 (7) STUDY. (a) The legislative audit bureau shall contract for a study of the  
17 program under this section with one or more researchers who have experience  
18 evaluating school choice programs. The study shall evaluate all of the following:

19 1. The level of satisfaction with the program expressed by participating pupils  
20 and their parents.

21 2. The percentage of participating pupils who were victimized because of their  
22 special needs at their resident school district and the percentage of such pupils at  
23 their participating school.

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1           3. The percentage of participating pupils who exhibited behavioral problems  
2           at their resident school district and the percentage of such pupils at their  
3           participating school.

4           4. The average class size at participating pupils' resident school districts and  
5           at their participating schools.

6           5. The fiscal impact of the program on the state and on resident school districts.

7           (b) The contract under par. (a) shall require the researchers who conduct the  
8           study to do all of the following:

9           1. Apply appropriate analytical and behavioral science methodologies to  
10          ensure public confidence in the study.

11          2. Protect the identity of participating schools and pupils.

12          (c) The contract under par. (a) shall require that the results of the study be  
13          reported to the appropriate standing committees of the legislature under s. 13.172

14          (3) by January 9, 2015. <sup>e</sup> 2017

15          (8) RULES. The department shall promulgate rules to implement and  
16          administer this section, including rules relating to all of the following:

17          (a) The eligibility and participation of eligible schools, including timelines that  
18          maximize pupil and school participation.

19          (b) The calculation and distribution of scholarships.

20          (c) The application and approval procedures for pupils and eligible schools.

21          SECTION 6. 118.60 (4s) of the statutes is created to read:

22          118.60 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
23          private school participating in the program under this section who is receiving a  
24          scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
25          school under this section under sub. (4), (4m), or (4r).

**SENATE BILL 486****SECTION 7**

1           **SECTION 7.** 119.23 (4s) of the statutes is created to read:

2           119.23 (4s) Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
3 private school participating in the program under this section who is receiving a  
4 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
5 school under this section under sub. (4), (4m), or (4r).

6           **SECTION 8.** 121.05 (1) (a) 4. of the statutes is created to read:

7           121.05 (1) (a) 4. Pupils residing in the school district but attending a public  
8 school in another school district, or a private school, under s. 115.7915.

9           **SECTION 9.** 121.08 (4) (am) of the statutes is created to read:

10           121.08 (4) (am) The amount of state aid that a school district is eligible to be  
11 paid from the appropriation under s. 20.255 (2) (ac) in any school year shall be  
12 reduced by the total amount of scholarships paid by the department under s.  
13 115.7915 in that school year for pupils who reside in the school district.

14           **SECTION 10.** 121.08 (4) (c) of the statutes is amended to read:

15           121.08 (4) (c) The amount of state aid that a school district is eligible to be paid  
16 from the appropriation under s. 20.255 (2) (ac) shall also be reduced by an amount  
17 equal to the amount paid to the Second Chance Partnership under s. 115.28 (54) for  
18 pupils enrolled in the school district. The department shall ensure that the amount  
19 of the aid reduction lapses to the general fund and that it does not affect the amount  
20 determined to be received by a school district as state aid under this section for any  
21 other purpose.

22           **SECTION 11.** 121.08 (4) (d) of the statutes, as affected by 2011 Wisconsin Act 32,  
23 is amended to read:

24           121.08 (4) (d) The state superintendent shall ensure that the total amount of  
25 aid reduction under pars. (a), (b), and (br) this subsection lapses to the general fund.

**SENATE BILL 486**

1           **SECTION 12.** 121.54 (3) of the statutes is amended to read:

2           121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. ~~Every~~ Except as  
3           provided in s. 115.7915 (5), every school board shall provide transportation for  
4           children with disabilities, as defined in s. 115.76 (5), to any public or private  
5           elementary or high school, to the school operated by the Wisconsin Center for the  
6           Blind and Visually Impaired or the school operated by the Wisconsin Educational  
7           Services Program for the Deaf and Hard of Hearing or to any special education  
8           program for children with disabilities sponsored by a state tax-supported institution  
9           of higher education, including a technical college, regardless of distance, if the  
10          request for such transportation is approved by the state superintendent. Approval  
11          shall be based on whether or not the child can walk to school with safety and comfort.  
12          Section 121.53 shall apply to transportation provided under this subsection.

13

(END)

(A)

¶ 1. The child has applied to attend a public school outside of his or her school district of residence under the Open Enrollment Program and <sup>was</sup> ~~has~~ rejected by the <sup>school board of the</sup> nonresident school district <sup>or</sup> was prohibited from attending school in a nonresident school district by the school board of the child's resident school district.



The <sup>total</sup> amount <sup>(B)</sup> of <sup>appropriated</sup> appropriated as  
 is reduced by the <sup>total</sup> amount of  
~~by DPI~~ <sup>DPI</sup> scholarships paid by  
 DPI to schools <sup>and</sup> school districts  
 under the program, as described above.

(no 9) A

3-1

Section #. 20.255 (2) (ac) of the statutes is amended to read:

20.255 (2) (ac) *General equalization aids.* The amounts in the schedule for the payment of educational aids under ss. 121.08, 121.09, 121.095, 121.105, <sup>and</sup> 121.137 and subch. VI of ch. 121.

**History:** 1971 c. 42, 56, 125; 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1971 c. 211 ss. 24, 126; 1971 c. 215; 1973 c. 89 s. 20 (2); 1973 c. 90, 190, 243, 300, 307, 333, 336; 1975 c. 39 ss. 97 to 109, 732 (1); 1975 c. 105, 220, 224, 395; 1977 c. 26 s. 75; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 418 ss. 88m to 90, 929 (55); 1979 c. 34 ss. 164 to 191, 2102 (43) (a); 1979 c. 221 ss. 96e to 97w, 2200 (43); 1979 c. 331; 1979 c. 346 ss. 9, 15; 1981 c. 20, 86, 169; 1981 c. 314 s. 146; 1983 a. 22 s. 6; 1983 a. 27 ss. 158 to 212, 2200 (42), 2202 (42); 1983 a. 192; 1983 a. 333 s. 6; 1983 a. 370; 1985 a. 29, 56, 75, 120; 1987 a. 27, 339, 399; 1989 a. 31, 56, 114, 122, 269, 299, 309, 336, 359; 1991 a. 32, 39, 196, 269; 1993 a. 16, 168, 367, 377, 437, 454, 458, 490, 491; 1995 a. 27 ss. 563, 567 to 599, 622, 623, 9145 (1); 1995 a. 49, 227; 1997 a. 27, 113, 164, 237, 252; 1999 a. 9, 185; 2001 a. 16, 57, 105, 109; 2003 a. 33; 2005 a. 25, 43; 2007 a. 20; 2009 a. 11, 28, 58, 329; 2011 a. 32, 76, 157, 158, 166; s. 13.92 (1) (bm) 2.

less the amount  
appropriated under  
par. (az)

4-12

# (a) The child applied to attend a public school in <sup>one or more</sup> ~~a~~ nonresident school <sup>districts</sup> under s. 118.51 for the same school year ~~that~~ <sup>for which</sup> ~~he or she~~ <sup>is</sup> submitting an application under par. (f), and all of the following occurred:

# 1. The child was rejected by the school boards of all <sup>to which he or she applied</sup> the nonresident school districts <sup>under s. 118.51</sup>

<sup>3</sup> <sup>a</sup> <sup>(3m)</sup> <sup>(a)</sup> <sup>or</sup> <sup>(7)</sup> was prohibited from attending the public school in all nonresident school districts to which he or she applied under s. 118.51 <sup>(3m)</sup> <sup>(d)</sup> ~~or~~ <sup>(7)</sup> <sup>or</sup> <sup>(12)</sup> <sup>(b)</sup> <sup>1.</sup>

s. 118.51  
(3)(a), (3m)(a),  
or (7)

~~or was prohibited from <sup>continuing</sup> to attend the public school in a nonresident school district under s. 118.51 (4).~~

# 2. If the child's <sup>parent</sup> ~~parent~~ appealed any ~~of the~~ school board decision under <sup>subd.</sup> ~~subd.~~ 1, the department affirmed the ~~school board's~~ decision.

## Grant, Peter

---

**From:** Rostan, Jason  
**Sent:** Friday, August 02, 2013 9:18 AM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

Yes, that would be good.

---

**From:** Grant, Peter  
**Sent:** Friday, August 02, 2013 9:15 AM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Okay, I'll change par. (e) so it reads, "The child attended a public school for the entire school year...." Do you want to add "...in this state"?

---

**From:** Rostan, Jason  
**Sent:** Friday, August 02, 2013 9:06 AM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

So, maybe we should just keep in the requirement that they have attended a public school in the prior year. I think that gets to where we want. I just thought it was pretty much cover by the OE requirement, but I guess not.

---

**From:** Grant, Peter  
**Sent:** Friday, August 02, 2013 8:14 AM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Jason,

I'm not sure that's right. I looked at the open enrollment program, and it does not seem to require that the pupil currently attend a public school, or that he or she currently attend *any* school. In fact, it's open to children who are applying to attend 4-year-old kindergarten (if their school district of residence offers 4-year-old kindergarten). It seems to me that the only group who would be excluded by par. (e) would be children who attended a private school, but not under a choice program. If a pupil is attending a private school under a choice program, he or she may still apply for open enrollment. Is that how you read it?

Peter

---

**From:** Rostan, Jason  
**Sent:** Thursday, August 01, 2013 10:30 AM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Peter,

Sorry for the delay on this one.

We want to make one more change on LRB 2515. Looking on pg 5, lines 22-25. We were wondering if it made sense to just completely take these lines out. Do we need to have a requirement that they attended public school if we are already requiring that they had been denied Open Enrollment. And if they have attended the choice program for the year proceeding, then they wouldn't have met the Open Enrollment requirement either.

Let me know your thoughts on this or if I'm missing something. Seems like they would contradict with the Open Enrollment requirement.

Thanks.

Jason

---

**From:** Grant, Peter  
**Sent:** Monday, June 10, 2013 3:56 PM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Okay, I'll go with SB 486 and not include that amendment.

In which school year should the program first apply? The 2013-14 school year seems too soon; should I make it the 2014-15 school year?

Currently, if a pupil attends a nonresident school district under the Open Enrollment Program, but is habitually truant, the nonresident school board may prohibit the pupil from attending that school district under the OEP in the succeeding semester or school year. Would that make the pupil eligible for the Special Needs Scholarship Program in the succeeding school year on the same basis as a pupil who applies to the nonresident school district but is rejected?

Thanks –

Peter

---

**From:** Rostan, Jason  
**Sent:** Monday, June 10, 2013 1:38 PM  
**To:** Grant, Peter  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Peter,

I suppose you can include the 5% cap. I don't think it is really needed with us limiting the scholarship to only students that are denied open enrollment. I haven't looked at the statutory language of what was in the budget, so I don't know if the changes are needed or not.

At this point, I think we would be more comfortable working off of SB 486.

Thanks.

Jason

---

**From:** Grant, Peter  
**Sent:** Monday, June 10, 2013 1:33 PM  
**To:** Rostan, Jason  
**Subject:** RE: Special Needs Scholarship: SB 486

Hi Jason,

I know you requested last session's SB 486, but are you really asking for the version of that bill that appears in this session's budget bill, as introduced? I believe there are some slight differences between the two. For example, the version that appears in the budget bill includes SA 1 to 2011 SB 486, which was introduced by Senator Vukmir.

Peter

---

**From:** Rostan, Jason  
**Sent:** Wednesday, June 05, 2013 11:39 AM  
**To:** Grant, Peter  
**Subject:** Special Needs Scholarship: SB 486

Hi Peter,

I know your busy, but I don't think this will take too long to fix. I'm sure you'll need a break from all that boring budget stuff.

We would like to redraft SB 486 with the following changes:

Section 5, Line 13: This is a list of scholarship requirements. Leah would like to add a new requirement and should be given the (a) subsection. All other requirements will need to be bumped down a letter.

New Requirement:

**(a) The student must apply for the open enrollment program and be denied by either the resident or nonresident school district.**

Also, we will need to eliminate Sections 8, 9, & 10.

Replace with:

1. The new program will be funded through GPR with an identical lapse from general school aids to GPR. (So, instead of reducing state aid to an individual school district, we want the reduction on the overall general school aids amount)
2. Resident school district will no longer be able to count the kid under their enrollment numbers
3. If the child chooses a public school, the amount of the scholarship would be outside the revenue caps.

Let me know if you have any questions or concerns regarding these changes.

Jason Rostan  
Sen. Vukmir's Office



2

2013 BILL

PP 2/05

PWFA Acts  
Jim  
8/2

gen cat

1 AN ACT *to amend* 20.255 (2) (ac), 20.255 (2) (cy), 115.77 (1), 115.791 (4) and  
 2 121.54 (3); and *to create* 20.255 (2) (az), 115.7915, 118.60 (4s) and 119.23 (4s)  
 3 of the statutes; **relating to:** creating a Special Needs Scholarship Program for  
 4 disabled pupils, granting rule-making authority, and making an  
 5 appropriation.

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

This bill establishes a Special Needs Scholarship Program. Under the program, beginning in the 2014-15 school year, a child with a disability may receive a scholarship to attend a public school located outside the pupil's school district of residence, or a private school, if all of the following conditions are met:

1. The child has applied to attend a public school outside of his or her school district of residence under the Open Enrollment Program and was rejected by the school board of the nonresident school district or was prohibited from attending school in a nonresident school district by the school board of the child's resident school district.
2. The school has notified the Department of Public Instruction (DPI) of its intent to participate in the program and the child has been accepted by the school.
3. If the school is a private school, it is approved as a private school by DPI or is accredited.
4. An individualized education program (IEP) has been completed for the child.



**BILL**

5. In the previous school year, the child attended a public school, attended a private school under a parental choice program (PCP), or did not attend school in this state.

in  
this  
state

The bill directs DPI to develop a document, for inclusion with an application, comparing the rights of a child with a disability and his or her parent under state and federal handicapped education law with the rights of a child with a disability under the program created by this bill and federal handicapped education law.

A school that accepts a child under the program must notify DPI. Upon receipt of the notice, DPI must notify the school board of the pupil's school district of residence and determine the amount of the child's scholarship. The amount is the lesser of the cost to the school the child is attending under the scholarship of providing regular instruction, instructional and pupil support services, special education and related services, and supplementary aids and services to the child, or an amount equal to the statewide cost per public school pupil plus the state aid per child with a disability. If the child is attending for less than a full school term, DPI must prorate the amount of the scholarship.

DPI pays the scholarship directly to the school or school district that the child will attend. The scholarship continues while the child attends a school eligible to participate in the program until he or she graduates from high school or until the end of the school term in which he or she turns 21, whichever comes first.

Under the bill, the total amount appropriated as state school aid is reduced by the total amount of scholarships paid by DPI to schools and school districts under the program, as described above. A pupil attending a private school, or a public school outside the pupil's school district of residence, under the program is not counted for state aid purposes by the pupil's school district of residence.

Each private school participating in the program must comply with applicable health and safety laws; hold a valid certificate of occupancy; comply with federal law that prohibits discrimination against any person on the basis of race, color, or national origin; conduct criminal background investigations of its employees and exclude from employment any person not permitted to hold a teaching license as the result of an offense and any person who might reasonably be believed to pose a threat to the safety of others; provide to each applicant a profile of the school's special education program; and implement the child's most recent IEP.

The private school must also annually submit to DPI a school financial report prepared by a certified public accountant. If the private school expects to receive at least \$50,000 in scholarships during a school year, it must either file a surety bond with DPI or provide DPI with information demonstrating that it has the ability to pay an amount equal to the total amount of scholarships that it expects to receive.

The bill provides that if a child attends a private school under the program, his or her school district of residence must provide transportation to and from the school if the school is located at least two miles from the child's residence, the child resides in the private school's attendance area, and the private school is situated within the school district of residence or not more than five miles beyond the boundaries of the school district.



**BILL****SECTION 4**

1           115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
2           2., if a child with a disability is attending a public school in a nonresident school  
3           district under s. 115.7915, 118.51, or 121.84 (1) (a) or (4), “local educational agency”  
4           means the school district that the child is attending.

5           **SECTION 5.** 115.791<sup>x</sup> (4) of the statutes is amended to read:

6           115.791 (4) Subject to s. 115.77 (1m) (d) and (e), this section does not require  
7           a local educational agency to pay the cost of education, including special education  
8           and related services, of a child with a disability at a private school or facility,  
9           including a child with a disability attending a private school under s. 115.7915, if the  
10          local educational agency made a free appropriate public education available to the  
11          child and the child’s parents elected to place the child in a private school or facility.

12          **SECTION 6.** 115.7915<sup>✓</sup> of the statutes is created to read:

13          **115.7915 Special Needs Scholarship Program.** (1) DEFINITION. In this  
14          section:

15          (a) “Eligible school” means a public school located in this state but outside the  
16          pupil’s school district of residence, including a charter school, or a private school  
17          located in this state.

18          (b) “Services plan” has the meaning given in 34 CFR 300.37.

19          **(1m) SCHOLARSHIP REQUIREMENTS.** Beginning in the 2014–15 school year, a child  
20          with a disability shall receive a scholarship under this section to attend an eligible  
21          school if all of the following apply:

22          (a) The child applied to attend a public school in one or more nonresident school  
23          districts under s. 118.51 for the same school year for which he or she is submitting  
24          an application under par. (f), and all of the following occurred:

**BILL**

1           1. The child was rejected by the school boards of all the nonresident school  
2 districts to which he or she applied under s. 118.51 (3) (a), (3m) (a), or (7); or was  
3 prohibited from attending public school in all the nonresident school districts to  
4 which he or she applied under s. 118.51 (3m) (d), (7), or (12) (b) 1.

5           2. If the child's parent appealed any school board decision under subd. 1., the  
6 department affirmed the decision.

7           (b) The school district in which the eligible public school is located, the eligible  
8 charter school, or the eligible private school notified the department of its intent to  
9 participate in the program under this section. The notice shall specify the number  
10 of pupils who may participate in the program under this section for whom the school  
11 has space.

12           (c) The <sup>eligible</sup> school, if a private school, is approved by the state superintendent under  
13 s. 118.165 (2) or is accredited by the Wisconsin North Central Association, Wisconsin  
14 Religious and Independent Schools Accreditation, the Independent Schools  
15 Association of the Central States, Wisconsin Evangelical Lutheran Synod School  
16 Accreditation, National Lutheran School Accreditation, the diocese or archdiocese  
17 within which the private school is located, or any other organization recognized by  
18 the National Council for Private School Accreditation, as of the August 1 preceding  
19 the school term for which the scholarship is awarded.

20           (d) An individualized education program or services plan has been completed  
21 for the child.

22           (e) The child attended a public school, attended a private school under s. 118.60  
23 or 119.23, or did not attend school in this state, for the entire school year immediately  
24 preceding the school year for which the child first receives a scholarship under this  
25 section.

in  
this  
stat.

**BILL****SECTION 6**

1           (f) The child, or the child's parent on behalf of the child, has submitted an  
2 application to the eligible school, on a form prepared by the department, for a  
3 scholarship under this section to attend the eligible school. The application shall  
4 include the document developed by the department under sub. (2) (a). An application  
5 may be made, and a child may begin attending an eligible school under this section,  
6 at any time during the school year.

7           (g) The child has been accepted by the school district in which the eligible public  
8 school is located, the eligible charter school, or the eligible private school.

9           **(1s) ACCEPTANCE OF PUPILS.** If an eligible school receives more applications  
10 under sub. (1m) (f) than the number of pupils specified in the notice under sub. (1m)  
11 (b), it shall select pupils on a random basis except that it may give preference to  
12 siblings of pupils who are already attending the eligible school.

13           **(2) DEPARTMENT DUTIES.** (a) 1. The department shall develop a document for  
14 inclusion with an application under sub. (1m) (f), and revise it as necessary,  
15 comparing the rights of a child with a disability and of his or her parent under this  
16 subchapter, other than this section, and 20 USC 1400 to 1482, with the rights of a  
17 child with a disability and of his or her parent under this section and 20 USC 1400  
18 to 1482.

19           2. Receipt by an applicant of the document developed under subd. 1.,  
20 acknowledged in a format prescribed by the department, constitutes notice that the  
21 applicant has been informed of his or her rights under this section and 20 USC 1400  
22 to 1482. Subsequent acceptance of a scholarship under this section constitutes the  
23 applicant's informed acknowledgment of the rights specified in the document.

**BILL**

1 (b) The governing body of an eligible school that accepts a child under sub. (1m)  
2 (g) shall notify the department. Upon being notified, the department shall do all of  
3 the following:

4 1. Notify the school board of the pupil's school district of residence that the pupil  
5 has been awarded a scholarship under this section. The school board shall, within  
6 3 days of receiving the notice, provide the department and the governing body of the  
7 eligible school that accepted the pupil with a copy of the pupil's individualized  
8 education program.

9 2. Determine the amount of the pupil's scholarship. The amount shall be the  
10 lesser of the following:

11 a. Divide the sum of the statewide gross property tax levy for schools in the  
12 previous year and the total amount of general school aid appropriated under s.  
13 20.255 (2) (ac), (ar), and (bb) in the previous fiscal year by the total statewide  
14 membership, as defined in s. 121.004 (5), in the previous school year, and add to the  
15 quotient the result obtained by dividing the amount appropriated under s. 20.255 (2)  
16 (b) in the previous fiscal year by the total full-time equivalent number of children  
17 with disabilities enrolled in public schools in the previous school year.

18 b. The cost to the school district in which the eligible public school is located,  
19 the eligible charter school, or the eligible private school of providing to the pupil  
20 regular instruction, instructional and pupil support services, special education and  
21 related services, and supplementary aids and services, other than costs under s.  
22 115.88 (3) and (4).

23 3. Prorate the amount determined under subd. 2. for a pupil attending an  
24 eligible school for less than a full school term.

**BILL**

1           4. Notify the parent of the scholarship amount, as determined under subd. 2.  
2 or 3., accompanied by an explanation of how the amount was determined.

3           5. On behalf of the pupil's parent, pay the scholarship to the school district,  
4 charter school, or private school that the pupil attends from the appropriation under  
5 s. 20.255 (2) (az), except that the department may not pay a scholarship to a private  
6 school unless the pupil's parent has acknowledged receiving the private school's  
7 profile under sub. (4) (g) in the manner provided by the department. The scholarship  
8 continues while the pupil attends an eligible school until the pupil graduates from  
9 high school or until the end of the school term in which the pupil attains the age of  
10 21, whichever comes first.

11           **(3) SCHOOL BOARD DUTIES.** (a) Annually, each school board shall notify the  
12 parents of each child with a disability enrolled in the school district of the program  
13 under this section.

14           (b) Upon the request of a parent of a pupil receiving a scholarship, the pupil's  
15 resident school district shall administer the appropriate examinations under s.  
16 118.30 to the pupil at no cost if the school attended by the pupil does not administer  
17 them.

18           **(4) PRIVATE SCHOOL DUTIES.** Each private school participating in the program  
19 under this section shall do all of the following:

20           (a) Comply with all health and safety laws or codes that apply to private  
21 schools.

22           (b) Hold a valid certificate of occupancy, if required by the municipality in which  
23 the school is located or, if the municipality in which the school is located does not  
24 issue certificates of occupancy, obtain a certificate of occupancy issued by the local  
25 or regional governmental unit with authority to issue certificates of occupancy.

**BILL**

1 (c) Comply with 42 USC 2000d.

2 (d) Conduct criminal background investigations of its employees and exclude  
3 from employment any person not permitted to hold a teaching license as the result  
4 of an offense and any person who might reasonably be believed to pose a threat to the  
5 safety of others.

6 (e) Annually submit to the department a school financial information report,  
7 prepared by a certified public accountant, that complies with uniform financial  
8 accounting standards established by the department by rule. The report shall be  
9 accompanied by an auditor's statement that the report is free of material  
10 misstatements and fairly represents pupil costs. The report shall be limited in scope  
11 to those records that are necessary for the department to make payments to the  
12 private school.

13 (f) If the private school expects to receive at least \$50,000 in scholarships under  
14 this section during a school year, do one of the following before the beginning of the  
15 school year:

16 1. File with the department a surety bond payable to the state in an amount  
17 equal to the total amount of scholarships expected to be received by the private school  
18 during the school year under this section.

19 2. File with the department financial information demonstrating that the  
20 private school has the ability to pay an amount equal to the total amount of  
21 scholarships expected to be received by the private school during the school year  
22 under this section.

23 (g) Provide to each applicant under sub. (1m) (f) a profile of the private school's  
24 special education program, in a form prescribed by the department, that includes the  
25 methods of instruction that will be used by the school to provide special education



**BILL**

1 and related services to the child and the qualifications of the teachers and other  
2 persons who will be providing special education and related services to the child.

3 (h) 1. Implement the child's most recent individualized education program or  
4 services plan, as modified by agreement between the private school and the child's  
5 parent, and related services agreed to by the private school and the child's parent  
6 that are not included in the child's individualized education program or services  
7 plan.

8 2. Provide a record of the implementation of the child's individualized  
9 education program or services plan under subd. 1., including an evaluation of the  
10 child's progress, to the school board of the school district in which the child resides  
11 in the form and manner prescribed by the department.

12 (i) Regularly report to the parent of a child attending the private school and  
13 receiving a scholarship under this section on the child's progress.

14 (5) TRANSPORTATION. (a) *Private school*. Section 121.54 applies to the  
15 transportation of a pupil to and from the private school he or she is attending under  
16 this section.

17 (b) *Public school*. Section 118.51 (14) applies to the transportation of a pupil  
18 to and from the public school he or she is attending under this section.

19 (6) PENALTIES. (a) The department may bar a school district, charter school,  
20 or private school from participating in the program under this section if the  
21 department determines that the school district, charter school, or private school has  
22 done any of the following:

23 1. Intentionally and substantially misrepresented information required under  
24 sub. (4).

25 2. Routinely failed to comply with the standards under sub. (4) (e) or (f).

**BILL**

1           3. Used a pupil's scholarship for any purpose other than educational purposes  
2 or rebated, refunded, or shared a pupil's scholarship with a parent or pupil.

3           4. Failed to refund to the state, in a timely manner, any scholarship  
4 overpayments.

5           (b) If the department bars a school district, charter school, or private school  
6 from participating in the program under this section, it shall notify all children  
7 eligible to participate in the program and their parents as quickly as possible. A  
8 pupil who is receiving a scholarship and attending a school district, charter school,  
9 or private school barred from the program may attend another participating school  
10 district, charter school, or private school under the scholarship.

11           (7) STUDY. (a) The legislative audit bureau shall contract for a study of the  
12 program under this section with one or more researchers who have experience  
13 evaluating school choice programs. The study shall evaluate all of the following:

14           1. The level of satisfaction with the program expressed by participating pupils  
15 and their parents.

16           2. The percentage of participating pupils who were victimized because of their  
17 special needs at their resident school district and the percentage of such pupils at  
18 their participating school.

19           3. The percentage of participating pupils who exhibited behavioral problems  
20 at their resident school district and the percentage of such pupils at their  
21 participating school.

22           4. The average class size at participating pupils' resident school districts and  
23 at their participating schools.

24           5. The fiscal impact of the program on the state and on resident school districts.

**BILL****SECTION 6**

1 (b) The contract under par. (a) shall require the researchers who conduct the  
2 study to do all of the following:

3 1. Apply appropriate analytical and behavioral science methodologies to  
4 ensure public confidence in the study.

5 2. Protect the identity of participating schools and pupils.

6 (c) The contract under par. (a) shall require that the results of the study be  
7 reported to the appropriate standing committees of the legislature under s. 13.172  
8 (3) by January 9, 2017.

9 **(8) RULES.** The department shall promulgate rules to implement and  
10 administer this section, including rules relating to all of the following:

11 (a) The eligibility and participation of eligible schools, including timelines that  
12 maximize pupil and school participation.

13 (b) The calculation and distribution of scholarships.

14 (c) The application and approval procedures for pupils and eligible schools.

15 **SECTION 7.** 118.60 (4s) of the statutes is created to read:

16 118.60 **(4s)** Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
17 private school participating in the program under this section who is receiving a  
18 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
19 school under this section under sub. (4), (4m), or (4r).

20 **SECTION 8.** 119.23 (4s) of the statutes is created to read:

21 119.23 **(4s)** Notwithstanding subs. (4), (4m), and (4r), a pupil attending a  
22 private school participating in the program under this section who is receiving a  
23 scholarship under s. 115.7915 shall not be counted as a pupil attending the private  
24 school under this section under sub. (4), (4m), or (4r).

25 **SECTION 9.** 121.54 (3) of the statutes is amended to read:

**BILL**

1           121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. ~~Every~~ Except as  
2 provided in s. 115.7915 (5), every school board shall provide transportation for  
3 children with disabilities, as defined in s. 115.76 (5), to any public or private  
4 elementary or high school, to the school operated by the Wisconsin Center for the  
5 Blind and Visually Impaired or the school operated by the Wisconsin Educational  
6 Services Program for the Deaf and Hard of Hearing or to any special education  
7 program for children with disabilities sponsored by a state tax-supported institution  
8 of higher education, including a technical college, regardless of distance, if the  
9 request for such transportation is approved by the state superintendent. Approval  
10 shall be based on whether or not the child can walk to school with safety and comfort.  
11 Section 121.53 shall apply to transportation provided under this subsection.

12

(END)