

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

LRB-1358/P2dn  
TKK:cjs:jf

April 11, 2013

Senator Olsen:

I have modified this draft to in response to input received from DPI and School Choice Wisconsin at the February 20 meeting and have incorporated LRB-1408 into this LRB-1358/P2. As you review the draft, please note the following changes:

1. I renumber and amend s. 118.60 (2) (a) 7. and substantially restructure s. 119.23 (2) (a) 7. b. to require that all participating private schools apply for accreditation by December 31 of the first year in which the school participates in the program, or reenters the program, and obtain accreditation by December 31 of the 4th school year of participation in the program. I repeal s. 119.23 (7) (f), as the requirement under that paragraph is now incorporated into s. 119.23 (2) (a) 7. bg. and br.

Please note that, in the event his bill passes after July 1, 2013 but before the end of the 2013-14 school year, a private school that is in its first year of participation in the program and/or has not yet applied for accreditation would not be required to apply for accreditation in its first year of participation in the program, but would be required to do so by December 31 of the second school year, and would still be required to obtain accreditation by December 31 of the 4th school year of participation. Okay?

Also, is it possible that a private school would begin participation in or reenter the program at any time during a school year? If, for example, a private school reentered the program on December 20th, it may be difficult for that school to apply for accreditation by December 31 of that school year. Please advise if you believe this is a problem.

2. I create ss. 118.60 (10) (ar) and 119.23 (10) (ar), which require DPI to bar a private school that has failed to continuously maintain accreditation as required under ss. 118.60 (7) (ad) and 119.23 (7) (ad) from participating in the program in the next school year and until the school has obtained accreditation.

3. In the previous draft, DPI was permitted to bar a private school that failed to notify DPI of its accreditation status from participating in the program in the current school year. I removed this provision from ss. 118.60 (10) (a) and 119.23 (10) (a) and instead permit DPI to bar the private school from participating in the program in the next school year under ss. 118.60 (10) (am) and 119.23 (10) (am).

4. This draft requires private schools that are accredited with the Institute for the Transformation of Learning at Marquette University to achieve accreditation from another accrediting entity or organization by December 31, 2016.

In our meeting, representatives of School Choice Wisconsin requested that I create a provision in the statutes that would require a private school accredited by an entity or organization that is “removed from statute” to seek accreditation from another entity or organization within 3 years. I’m not sure how to draft this provision. In part, I am concerned that, without identifying the offending entity or organization in some way, this requirement would fail to provide adequate notice to private schools. The list of accrediting organizations and entities provided in the statutes is intentionally broad and vague (to include umbrella organizations) and includes a catch-all. How does the private school know when an accrediting entity or organization included in a catch-all or under an umbrella organization is no longer acceptable to DPI? And at what point does the 3-year time period for changing the accrediting entity or organization kick in?

I recommend that, if DPI determines that an accrediting entity or organization is no longer acceptable, the statutes be amended to explicitly identify the entity or organization (as PAVE and ITLMU are identified in s. 119.23 (2) (a) 7.). Alternatively, the statutes could require DPI to maintain a list of acceptable accrediting entities or organizations and to notify private schools when an accrediting entity or organization no longer comports with DPI’s standards. Under this latter alternative, the 3-year timeline could be triggered when DPI provides the notice to private schools.

5. Note that I have eliminated the lengthy and duplicative lists of preaccrediting and accrediting entities and organization throughout ss. 118.60 (2) (a) 7. and 119.23 (2) (a) 7., and have inserted in place of the lists a cross-reference to “the entities and organizations identified under s. 119.23 (2) (a) 7. a.” This subdivision paragraph does not include ITLMU, but does include the National Council for Private School Accreditation. Okay?

Let me know if you have any questions or concerns or wish to make any changes to this draft.

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