

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Monday, May 13, 2013 10:38 AM
To: Archibald, Sarah
Cc: Kulow, Chris
Subject: LRB-1358 Questions about use of "Governing body"

Hi Sarah –

Attendees at the meeting last week requested that I eliminate references to “governing body” in connection with “private school.” I have a couple of questions:

1. If I am eliminating this term in ss. 118.60 and 119.23, I believe it is appropriate to, for consistency’s sake, eliminate this term elsewhere in the statutes where the phrase is connected to private school. Do you and the representatives of SCW agree?

Please note that there are more than 45 such references to “governing body of a private school” in the education statutes (chs. 115, 118, 119, and 121, specifically). See, for example, ss. 115.341, 118. 127, 118.29 (4), 118.30 (1g) (a) 3., 118.33 (1) (f) 2m., 121.555 (1) (intro.), and 121.76 (1) (a).

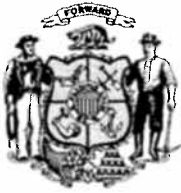
2. Under ss. 118.60 (6m) (a) 2. and 119.23 (6m) (a) 2., the private school must provide “a list of the names of the members of the private school's governing body.” What should I put in the place of “governing body” here?

3. Under ss. 118.60 (6m) (c) and s. 119.23 (6m) (c), the private school must provide “a signed statement from each individual who is a member of the private school's governing body verifying that the individual is a member of the governing body.” What should I put in place of “governing body” here?

4. Under ss. 118.60 (7) (b) 3m., the private school must “schedule 2 meetings at which members of the governing body of the private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the private school or attending the private school may meet and communicate with the members of the governing body.” Who should I identify in place of “governing body” to satisfy the requirement to meet with pupils and their parents under this subdivision?

Thanks,
Tracy

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1358/P2 P3

TKK:cjs:jf

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Stays

MON

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P.W.F.

in 5/27/13

~~wanted 6/10/13~~

Regen

1 AN ACT *to repeal* 118.60 (2) (b), 119.23 (2) (a) 3m. and 119.23 (7) (f); *to renumber*
2 *and amend* 118.60 (2) (a) 7.; *to amend* 20.255 (1) (j) (title), 20.255 (2) (fv)
3 (title), 118.60 (title), 118.60 (2) (a) (intro.), 118.60 (2) (a) 3. a., 118.60 (9), 118.60
4 (10) (c), 119.23 (2) (a) (intro.), 119.23 (2) (a) 3., 119.23 (2) (a) 7. b., 119.23 (2) (a)
5 7. c., 119.23 (2) (a) 7. d., 119.23 (9), 119.23 (10) (a) 2., 119.23 (10) (am) 1. and
6 119.23 (10) (c); and *to create* 118.60 (1) (bn), 118.60 (1) (dm), 118.60 (2) (ag),
7 118.60 (2) (ar), 118.60 (7) (ad), 118.60 (7) (ao), 118.60 (7) (aq), 118.60 (7) (as),
8 118.60 (7) (at), 118.60 (7) (em), 118.60 (10) (am) 1., 118.60 (10) (ar), 118.60 (10)
9 (e), 118.60 (11) (c), 118.60 (11) (d) and (e), 119.23 (1) (ai), 119.23 (1) (au), 119.23
10 (2) (a) 7. bm. and br., 119.23 (2) (a) 7. e., 119.23 (2) (ag), 119.23 (2) (ar), 119.23
11 (7) (ad), 119.23 (7) (ao), 119.23 (7) (aq), 119.23 (7) (as), 119.23 (7) (at), 119.23 (7)
12 (em), 119.23 (10) (ar), 119.23 (10) (e), 119.23 (11) (c) and 119.23 (11) (d) and (e)
13 of the statutes; **relating to:** requirements for new private schools seeking to

1 participate in a parental choice program and requiring a private school
2 participating in a parental choice program to maintain accreditation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** 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:

✓
Insert
2-3

3 SECTION 1. 20.255 (1) (j) (title) of the statutes is amended to read:
4 20.255 (1) (j) (title) *Milwaukee Parental Choice Program and the parental*
5 *choice programs in other program for eligible school districts; financial audits.*

6 SECTION 2. 20.255 (2) (fv) (title) of the statutes is amended to read:
7 20.255 (2) (fv) (title) *Milwaukee Parental Choice Program and the parental*
8 *choice programs in other program for eligible school districts; transfer pupils.*

✓
Insert
2-9

9 SECTION 3. 118.60 (title) of the statutes is amended to read:
10 118.60 (title) **Parental choice programs program for eligible school**
11 **districts.**

✓
Insert
2-12

12 SECTION 4. 118.60 (1) (bn) of the statutes is created to read:

13 118.60 (1) (bn) "New private school" means a school that satisfies either of the
14 following:

15 1. The school qualifies as a private school under s. 115.001 (3r), but has never
16 operated in this state.

17 2. The school satisfies all of the following:

18 a. The school is operating as a private school, as defined under s. 115.001 (3r).

1 b. The school has been in continuous operation for less than 12 consecutive
2 months.

3 c. The school is not participating in the program under this section or under s.
4 119.23.

5 d. The school provides education to a minimum of 40 pupils divided into 2 or
6 ~~more~~ ^{Fewer} grades.

6 **Insert 3-7** ****NOTE: Please carefully review this definition to ensure that it accomplishes your intent.

7 **SECTION 5.** 118.60 (1) (dm) of the statutes is created to read:

8 118.60 (1) (dm) "Qualified organization" means an organization that satisfies
9 at least one of the following:

- 10 1. The organization has been involved in underwriting school loans averaging
11 \$500,000 or more for at least 5 years.
- 12 2. The organization has been involved in auditing schools for at least 5 years.

13 **SECTION 6.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

14 118.60 (2) (a) (intro.) Subject to ~~par.~~ par. (ag) and (ar), any pupil in grades
15 kindergarten to 12 who resides within an eligible school district may attend any
16 private school if all of the following apply:

17 **SECTION 7.** 118.60 (2) (a) 3. a. of the statutes is amended to read:

18 118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and sub. (2) (ag) 1., the
19 private school notified the state superintendent of its intent to participate in the
20 program under this section, and paid the nonrefundable fee set by the department
21 as required under s. 119.23 (2) (a) 3., by February 1 of the previous school year. The
22 notice shall specify the number of pupils participating in the program under this
23 section for which the school has space.

Insert 4-1

1 SECTION 8. 118.60 (2) (a) 7. of the statutes is renumbered 118.60 (2) (a) 7. a. and
2 amended to read:

3 118.60 (2) (a) 7. a. For a private school that is a first-time participant in the
4 program under this section, and that is not accredited by ~~Wisconsin North Central~~

5 ~~Association, Wisconsin Religious and Independent School Accreditation,~~

6 ~~Independent Schools Association of the Central States, Wisconsin Evangelical~~

7 ~~Lutheran Synod School Accreditation, National Lutheran School Accreditation, the~~

8 ~~diocese or archdiocese within which the private school is located, or by any other~~

9 ~~organization recognized by the National Council for Private Schools Accreditation,~~

10 ^{plain} the private school obtains preaccreditation by [↓] the Institute for the Transformation

11 [↓] of Learning at Marquette University, [↓] Wisconsin North Central Association,

12 Wisconsin Religious and Independent Schools Accreditation, Independent Schools

13 Association of the Central States, Wisconsin Evangelical Lutheran Synod School

14 Accreditation, National Lutheran School Accreditation, or the diocese or archdiocese

15 within which the private school is located ^{or by one of the entities or organizations}

16 identified in this subd. 7. a. by September 1 before the first school term of

17 participation in the program under this section that begins after August 31, 2011;

18 by August 1 before the first school term of participation in the program under this

19 section that begins in the first school year that begins after a school district is

20 identified as an eligible school district under sub. (1m); or by May 1 if the private

21 school begins participation in the program under this section during summer school.

22 In any school year, a private school may apply for and seek to obtain preaccreditation

23 from only one ^{of the entities enumerated in this subdivision} subd. 7/a. A private

24 school that fails to obtain accreditation preaccreditation in a school year may apply

plain comma

preaccrediting entity

a preaccrediting entity

1 for and seek to obtain preaccreditation from ~~one of the entities enumerated in this~~
2 subdivision subd. 7. a in the following school year. The

3 b. Beginning on the effective date of this subd. 7. b. [LRB inserts date], each
4 private school shall achieve accreditation by Wisconsin North Central Association,
5 Wisconsin Religious and Independent Schools Accreditation, Independent Schools
6 Association of the Central States, Wisconsin Evangelical Lutheran Synod School
7 Accreditation, National Lutheran School Accreditation, the diocese or archdiocese
8 within which the private school is located, or any other organization recognized by
9 the National Council for Private School Accreditation, participating in the program

INCENT 5-3

10 under this section that is not accredited by one of the entities or organizations

11 identified in s. 119.23 (2) (a) 7. a. shall apply for accreditation by one of those entities

12 or organizations by December 31 of the first school year that begins after the effective

13 date of this subd. 7. 1. [LRB inserts date], in which the private school begins

14 participation in, or reenters, the program under this section, and shall achieve

15 accreditation by one of those entities or organizations by December 31 of the 3rd

16 school year following the first school year in which the private school begins

17 participation in, or reenters, the program under this section. If the private school is

18 accredited under this subdivision subd. 7. b., the private school is not required to

19 obtain preaccreditation under subd. 7. a. as a prerequisite to providing instruction

20 under this section in additional grades or in an additional or new school.

21 SECTION 9. 118.60 (2) (ag) of the statutes is created to read:

22 118.60 (2) (ag) The governing body of a new private school shall comply with

23 all of the following before the new private school may participate in the program

24 under this section:

Insert 6-7

1 1. By August 1 of the school year immediately preceding the school year in
 2 which the new private school intends to participate in the program under this
 3 section, complete and submit to the department the following on forms provided by
 4 the department:

5 a. A notice of intent to participate and agreement to comply with procedural
 6 requirements.

7 b. A financial information report. x

8 2. a. By August 1 of the school year immediately preceding the school year in
 9 which the new private school intends to participate in the program under this
 10 section, submit to the department the information required under sub. (6m)(a) and (c). x

11 b. If, at the time the new private school submits the information required under
 12 subd. 2. a., the new private school does not have a physical property within which the
 13 private school intends to operate, submit a mailing address of an administrator of
 14 the private school.

15 c. If the new private school modifies any document submitted under this x
 16 subdivision, notify the department of any such modification within 30 days after the
 17 modification is made.

18 3. By August 1 of the school year immediately preceding the school year in
 19 which the new private school intends to participate in the program under this
 20 section, submit to the department a statement indicating what criteria the new (7)(a)

21 private school will use to meet the standards under sub. (7)(a). (7)(a)

22 4. By August 1 of the school year immediately preceding the school year in x
 23 which the new private school intends to participate in the program under this
 24 section, submit to the department one of the following:

1 a. A copy of the school's current certificate of occupancy issued by the
2 municipality within which the school is located. In this subd. 4. a., "municipality"
3 has the meaning given in s. 5.02 (11).

4 b. The address of a prospective property identified to be used as the new private
5 school's school building.

6 5. By November 1 of the school year immediately preceding the school year in
7 which the new private school intends to participate in the program under this
8 section, submit to the department an evaluation and financial review of the new
9 private school completed by a qualified organization. The review required under this
10 section shall contain all of the following:

11 a. An evaluation and analysis of the experience level, comprehensiveness, and
12 lines of authority in the school design team, the leadership team, and the board of
13 governance of the new private school, with an emphasis on the appropriateness of
14 the process established to provide for school oversight. To evaluate the new private
15 school under this subd. 5. a., the qualified organization shall review the resumes of
16 the design team, leadership team, and governing body of the new private school
17 together with the bylaws of the new private school and a narrative description of the
18 leadership and governance structure of the new private school.

19 b. An evaluation and analysis of proposed financial plans of the new private
20 school in order to determine overall financial health, consistency of budget
21 projections with the education plan, and consistency of financial projections with
22 typical school operations. To evaluate the new private school under this subd. 5. b.,
23 the qualified organization shall review the proposed 5-year operating budget, the
24 incubation budget, enrollment plans and projections, and a narrative description of
25 financial and operating systems for the new private school.

1 c. An evaluation and analysis of plans for the school building proposed to be
2 used for the new private school, including certainty regarding the opening or
3 operation of the new private school, the apparent viability of the new private school,
4 and whether the budget and education plans for the new private school are
5 consistent with the plans for the proposed school building. To evaluate the new
6 private school under this subd. 5. c., the qualified organization shall review any letter
7 of intent, lease, or purchase agreement for the proposed school building; a written
8 description of the number and types of classrooms and other pupil spaces in the
9 proposed school building; a written description of the existing condition of the
10 proposed school building and school grounds; whether the proposed school building
11 is in compliance with all applicable building and safety codes; a timeline for
12 acquisition, development, or improvement of the proposed school building; a budget
13 and financing plan for any proposed or required renovations to the proposed school
14 building; a list of any team members to be involved in any proposed or required
15 improvements, including the architect, contractor, and owner's representative of the
16 proposed school building; a description of the plan to manage renovations; and
17 whether and how financing will be required and managed.

18 6. By November 15 of the school year immediately preceding the school year
19 in which the new private school intends to participate in the program under this
20 section, submit to the department a proposed budget prepared by the administrator
21 of the new private school for the first fiscal period within which the new private
22 school will participate in the program. The proposed budget required under this
23 subdivision shall show anticipated enrollments for all pupils who will be attending
24 the new private school; anticipated enrollments for pupils who will be attending the
25 new private school under the program under this section; the minimum enrollment

1 threshold required to be met for all pupils who will be attending the new private
 2 school for the new private school to be financially viable; the minimum enrollment
 3 threshold required to be met for pupils attending the new private school under the
 4 program under this section for the new private school to be financially viable;
 5 estimated revenues and costs; and a schedule of anticipated beginning and ending
 6 net choice program assets. The governing body of the new private school shall
 7 identify in the proposed budget contingent funding sources the new private school
 8 will use should actual enrollments be less than expected.

****NOTE: I'm not sure the meaning of "anticipated beginning and ending net choice program assets" is clear.

9 7. By November 15 of the school year immediately preceding the school year
 10 in which the new private school intends to participate in the program under this
 11 section, submit to the department on a form provided by the department monthly
 12 cash flow requirements.

13 40 e (8) Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a)
 14 7. a., by December 15 of the school year immediately preceding the school year in
 15 which the new private school intends to participate in the program under this
 16 section, obtain preaccreditation from ^{a preaccrediting} an entity or organization identified in sub. (2)

17 (a) 7. a.

18 7. a (9) By March 1 of the school year immediately preceding the school year in which
 19 the new private school intends to participate in the program under this section,
 20 submit the name of the audit firm the school will use.

**** NOTE: This draft creates four new instances in which an audit is required of a new private school. These four audits are in addition to the audit required under s. 118.60 (7) (am) 1. or 119.23 (7) (am) 1. Under ss. 118.60 (7) (at) and 119.23 (7) (at), the certified public accountant that prepares the audit must be different than the certified public accountant that prepares the audit under s. 118.60 (7) (am) 1. or 119.23 (7) (am) 1. Which auditor does this subdivision 9. refer to? May this auditor conduct all of the audits required under this bill?

1 10. Obtain written approval from the department as required under par. (ar).

2 SECTION 10. 118.60 (2) (ar) of the statutes is created to read:

3 118.60 (2) (ar) By December 31 of the school year immediately preceding the
 4 school year in which ^{e a} the new private school intends to participate in the program
 5 under this section, the department shall notify the new private school in writing
 6 whether it has satisfied those requirements under par. (ag) that must be satisfied
 7 before December 31. If the department determines that the new private school has
 8 not satisfied those requirements, the new private school may not participate in the
 9 program under this section in the following school year, but may immediately
 10 reinstate the process under par. (ag).

***NOTE: The deadlines established for some of the requirements under ss. 118.60 (2) (ag) and 119.23 (2) (ag) fall after the December 31 deadline by which the department must notify a new private school whether it has satisfied the requirements. For that reason, I modified this paragraph to identify only those subdivisions that fall before the December 31 date.

11 SECTION 11. 118.60 (2) (b) of the statutes is repealed.

12 SECTION 12. 118.60 (7) (ad) of the statutes is created to read:

13 118.60 (7) (ad) The governing body of a participating private school/^{participating in the program under} accredited
 14 as required under sub. (2) (a) 7. shall ensure that the private school continuously
 15 maintains accreditation from an ^{accrediting} entity or organization identified under s. 119.23 (2)

16 (a) 7. a. ^a as long as the private school continues to participate in the program under
 17 this section.

18 SECTION 13. 118.60 (7) (ao) of the statutes is created to read:

19 118.60 (7) (ao) By November 1 of the first school term in which a new private
 20 school participates in the program under this section, the governing body of the
 21 private school shall submit to the department on a form provided by the department
 22 a budget reflecting the enrollments in the new private school on the immediately

1 preceding 3rd Friday in September and any related changes in revenues, costs, and
2 cash flow requirements.

3 **SECTION 14.** 118.60 (7) (aq) of the statutes is created to read:

4 118.60 (7) (aq) By November 15 of the first school term in which the new private
5 school participates in the program under this section, the governing body of that
6 private school shall submit to the department a report prepared by a certified public
7 accountant. The governing body of that private school may request approval from
8 the department to employ the internal audit staff of the private school to complete
9 the report required under this subdivision. The department may only permit the
10 internal audit staff of the private school to complete the report if the internal audit
11 staff meets standards of independence identified in generally accepted government
12 auditing standards. The governing body of that private school shall ensure that the
13 report submitted under this subsection satisfies all of the following requirements:

14 a. The report specifies whether the fiscal and internal control practices of the
15 private school comply with the fiscal and internal control practices required by the
16 department. Any statement by the certified public accountant that is contained in
17 the report and that relates to the private school's compliance may not rely upon oral
18 or written representations of the school's administration or staff.

19 b. The report is prepared in accordance with professional standards and
20 identifies any procedures agreed upon by the auditor and the department.

21 c. If the certified public accountant that prepared the report or, for a new
22 private school authorized by the department to employ internal audit staff, that
23 internal audit staff, determines that the private school is not in compliance, the
24 report contains the response of the governing body of the private school regarding
25 that determination, together with any corrective action the governing body is taking.

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

2 118.60 (7) (as) 1. Obtain and submit to the department an audit of the
3 enrollment of the new private school after the first open application period in which
4 the new private school accepts pupils under this section. The audit shall identify
5 ineligible pupils and additional eligible pupils qualifying for the program.

**** NOTE: When must the new private school prepare and submit the audit
required under this subdivision? That is, do you want to establish a date certain?

**** NOTE: Do you want to specify which auditor must complete this audit?

**** NOTE: How will the auditor identify "additional eligible pupils qualifying for
the program"? Does this phrase refer to pupils who are currently enrolled in the private
school but not under the program, or pupils within a certain municipality who may wish
to attend the private school under the program if they were to be informed that they were
eligible or does it have some other meaning?

6 2. In addition to the audit required under subd. 1, obtain and submit to the
7 department an audit of the enrollment of the private school after the 2nd open
8 application period in which the private school accepts pupils under this section.

9 **SECTION 16.** 118.60 (7) (at) of the statutes is created to read:

10 118.60 (7) (at) By November 15 of the school year immediately following a new
11 private school's first year of participation in the program under this section and by
12 September 1 of the subsequent school year, the governing body of that private school
13 shall submit to the department an audit prepared by an independent certified public
14 accountant, other than the independent certified public accountant engaged for the
15 audit required under par. (am) 1., which separately audits the enrollment in the
16 private school of pupils participating in the program under this section. The audit
17 required under this subdivision shall identify any ineligible pupils for whom the
18 private school received payment under sub. (4) or (4m) and the amount of payment
19 received for each such pupil and any eligible pupils for whom the private school did

1 not receive payment under sub. (4) or (4m) and the amount of payment for which the
2 private school qualifies.

3 **SECTION 17.** 118.60 (7) (em) of the statutes is created to read:

4 118.60 (7) (em) 1. Subject to subd. 2., beginning in the 2013-14 school year, the
5 governing body of each participating private school shall annually, by January 15,
6 provide the department with evidence demonstrating that the private school
7 remains accredited for the current school year as required under par. (ad). The
8 governing body shall include as evidence of accreditation a letter prepared by one of
9 the accrediting entities or organizations identified under s. 119.23 (2) (a) 7. a. that
10 confirms that the private school is accredited by that entity or organization as of the
11 date of the letter.

12 2. A participating private school shall immediately notify the department if its
13 accreditation status with one of the entities or organizations identified under s.
14 119.23 (2) (a) 7. a. changes.

15 **SECTION 18.** 118.60 (9) of the statutes is amended to read:

16 118.60 (9) If any accrediting ~~agency specified under sub. (2) (a) 7. a.~~ ^{preaccrediting} determines
17 during the accrediting or preaccrediting process that a private school does not meet
18 all of the requirements under s. 118.165 (1), it shall report that failure to the
19 department.

20 **SECTION 19.** 118.60 (10) (am) 1. of the statutes is created to read:

21 118.60 (10) (am) 1. The private school has not complied with the requirements
22 under sub. (7) (em).

23 **SECTION 20.** 118.60 (10) (ar) of the statutes is created to read:

24 118.60 (10) (ar) 1. If the state superintendent determines that a private school
25 has failed to continuously maintain accreditation as required under sub. (7) (ad),

following are satisfied: π

④ π Two consecutive school years passed π
⑨ π The

1 that the governing body of the private school has withdrawn the private school from
2 the accreditation process, or that the private school's accreditation has been revoked
3 by ^{denied or terminated} one of the entities or organizations identified in s. 119.23 (2) (a) 7. a, ^{an accrediting entity} the state
4 superintendent shall issue an order barring the private school's participation in the
5 program under this section at the end of the current school year.

6 2. A private school whose participation in the program under this section is
7 barred under subd. 1. may not participate in the program under this section ^{or under SO 119.23} until ^{all of} the
8 governing body of the private school demonstrates to the satisfaction of the
9 department that it has obtained accreditation from an accrediting entity ^{or}
10 organization identified under s. 119.23 (2) (a) 7. a. other than the entity or
11 organization with which the private school failed to continuously maintain
12 accreditation or, if the private school's accreditation was revoked, other than the
13 entity or organization that revoked the private school's accreditation.

Insert 14-14

14 SECTION 21. 118.60 (10) (c) of the statutes is amended to read:

15 118.60 (10) (c) Whenever the state superintendent issues an order under par.
16 (a), (am), (ar), or (b), he or she shall immediately notify the parent or guardian of each
17 pupil attending the private school under this section.

18 SECTION 22. 118.60 (10) (e) of the statutes is created to read:

19 118.60 (10) (e) The state superintendent may, by December 1 immediately
20 following the submission of the report required under sub. (7) (aq), issue an order
21 barring the private school from participating in the program under this section in the
22 following school year if, in the report required under sub. (7) (aq), the certified public
23 accountant that prepared the report or, for a private school authorized by the
24 department to employ internal audit staff, that internal audit staff, questions a going
25 concern.

X

1 SECTION 23. 118.60 (11) (c) of the statutes is created to read:

2 118.60 (11) (c) Within 10 days after receiving the information submitted as
3 required under sub. (7) (em), notify the participating private school of receipt and
4 approval of accreditation status.

Inser
15-5

5 SECTION 24. 118.60 (11) (d) and (e) of the statutes are created to read:

6 118.60 (11) (d) Determine whether an organization is a qualified organization
7 eligible to review the financial, governance, and facility plans of a new private school
8 and approve at least 2 qualified organizations to conduct the reviews required under
9 sub. (2) (ag) 5.

10 (e) Review the audit submitted as required under sub. (7) (at) and notify the
11 private school by the December 1 immediately following submittal of the audit
12 whether or not the audit met the requirements necessary for the school to remain in
13 the program.

14 SECTION 25. 119.23 (1) (ai) of the statutes is created to read:

15 119.23 (1) (ai) "New private school" means a school that satisfies either of the
16 following:

17 1. The school qualifies as a private school under s. 115.001 (3r), but has never
18 operated in this state.

19 2. The school satisfies all of the following:

20 a. The school is operating as a private school, as defined under s. 115.001 (3r).

21 b. The school has been in continuous operation for less than 12 consecutive
22 months.

23 c. The school is not participating in the program under this section or under s.

24 118.60.

Insert 16-3

1 d. The school provides education to a minimum of 40 pupils divided into 2 or
2 ^{a fewer}
3 more grades.

3 **SECTION 26.** 119.23 (1) (au) of the statutes is created to read:

4 119.23 (1) (au) "Qualified organization" means an organization that satisfies
5 at least one of the following:

- 6 1. The organization has been involved in underwriting school loans averaging
- 7 \$500,000 or more for at least 5 years.
- 8 2. The organization has been involved in auditing schools for at least 5 years.

9 **SECTION 27.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

10 119.23 (2) (a) (intro.) Any Subject to pars. (ag) and (ar), any pupil in grades
11 kindergarten to 12 who resides within the city may attend any private school if all
12 of the following apply:

13 **SECTION 28.** 119.23 (2) (a) 3. of the statutes is amended to read:

14 119.23 (2) (a) 3. Except as provided in ~~subd. 3m. b.~~ sub. (2) (ag) 1., the private
15 school notified the state superintendent of its intent to participate in the program
16 under this section, and paid a nonrefundable fee set by the department, by February
17 1 of the previous school year. The notice shall specify the number of pupils
18 participating in the program under this section for which the school has space. The
19 department shall by rule set the fee charged under this subdivision at an amount
20 such that the total fee revenue covers the costs of employing one full-time auditor
21 to evaluate the financial information submitted by private schools under sub. (7)
22 (am) and (d) 2. and 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

23 **SECTION 29.** 119.23 (2) (a) 3m. of the statutes is repealed.

24 **SECTION 30.** 119.23 (2) (a) 7. b. of the statutes is amended to read:

Insert 16-24

1 119.23 (2) (a) 7. b. ~~Subject to subd. 7. c. and d., for~~ For a private school that is
 2 a first-time participant in the program under this section on or after July 1, 2009,
 3 and before the effective date of this subd. 7. b. [LRB inserts date], and that is not
 4 accredited as provided under subd. 7. a., the private school obtains preaccreditation
 5 by ~~the Institute for the Transformation of Learning at Marquette University,~~
 6 ~~Wisconsin North Central Association, Wisconsin Religious and Independent Schools~~
 7 ~~Accreditation, Independent Schools Association of the Central States, Wisconsin~~
 8 ~~Evangelical Lutheran Synod School Accreditation, National Lutheran School~~
 9 ~~Accreditation, or the diocese or archdiocese within which the private school is located~~
 10 or by one of the entities or organizations identified in subd. 7. a) by August 1 before
 11 the first school term of participation in the program under this section that begins
 12 after July 1, 2009, or by May 1 if the private school begins participating in the
 13 program during summer school. In any school year, a private school to which this
 14 subd. 7. b. applies may apply for and seek to obtain preaccreditation from only one
 15 of the entities enumerated ~~or organizations identified~~ in this subd. 7. b. A private
 16 school to which this subd. 7. b. applies that fails to obtain accreditation
 17 preaccreditation in a school year may apply for and seek to obtain preaccreditation
 18 from ~~one of the entities enumerated or organizations identified~~ in this subd. 7. b. in
 19 the following school year. The

plains

~~by the Institute for the Transformation of Learning at Marquette University,
 Wisconsin North Central Association, Wisconsin Religious and Independent Schools
 Accreditation, Independent Schools Association of the Central States, Wisconsin
 Evangelical Lutheran Synod School Accreditation, National Lutheran School
 Accreditation, or the diocese or archdiocese within which the private school is located~~
 or a preaccrediting entity

~~of the entities enumerated or organizations identified~~ in this subd. 7. b. A private
 school to which this subd. 7. b. applies that fails to obtain accreditation
 preaccreditation in a school year may apply for and seek to obtain preaccreditation
 from ~~one of the entities enumerated or organizations identified~~ in this subd. 7. b. in
 the following school year. The

20 bg. Subject to subd. 7. c. and d., a private school to which subd. 7. b. applies shall
 21 achieve accreditation by ~~Wisconsin North Central Association, Wisconsin Religious~~
 22 ~~and Independent Schools Accreditation, Independent Schools Association of the~~
 23 ~~Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~
 24 ~~National Lutheran School Accreditation, the diocese or archdiocese within which the~~
 25 private school is located, or any other organization recognized by the National

preaccrediting
 preaccrediting entity

1 Council for Private School Accreditation, ^{an accrediting entity} one of the entities or organizations
 2 identified in subd. 7. a by December 31 of the 3rd school year following the first
 3 school year that begins after July 1, 2009, in which it the private school participates
 4 in the program under this section. If the private school is accredited under this subd.
 5 7. b. bg., the private school is not required to obtain preaccreditation ^{or additional accreditation by an} as a prerequisite ^{accrediting}
 6 to providing instruction under this section in additional grades or in an additional ^{entity}
 7 or new school.

SECTION 31. 119.23 (2) (a) 7. bm. and br. of the statutes are created to read:

9 119.23 (2) (a) 7. bm. For a private school that begins participation in, or
 10 reenters, the program under this section on or after the effective date of this subd.
 11 7. bm. [LRB inserts date], and that is not accredited by ^{an accrediting entity} one of the entities or
 12 organizations identified in subd. 7. a, the private school obtains preaccreditation by
 13 ~~the Institute for the Transformation of Learning at Marquette University or by one~~ ^{a preaccrediting entity}
 14 ~~of the entities or organizations identified in subd. 7. a~~ by August 1 before the first
 15 school term in which the private school begins participation in, or reenters ^g the
 16 program under this section, or by May 1 if the private school begins participating in,
 17 or ^e reenters, the program during summer school. In any school year, a private school
 18 to which this subd. 7. bm. applies may apply for and seek to obtain preaccreditation
 19 from only one ~~of the entities or organizations identified in this subd. 7. bm.~~ ^{preaccrediting entity} A private
 20 school to which this subd. 7. bm. applies that fails to obtain preaccreditation in a
 21 school year may apply for and seek to obtain preaccreditation from one of the entities
 22 ^{g a preaccrediting entity} enumerated in this subd. 7. bm. in the following school year.

23 br. A private school to which subd. 7. bm. applies shall apply for accreditation
 24 ^{OKAY} by one of the entities or organizations identified in subd. 7. a ^{g an accrediting entity} by December 31 of the
 25 first school year that begins after the effective date of this subd. 7. br. [LRB inserts

1 date], in which the private school begins participation in, or reenters, the program
 2 under this section, and shall achieve accreditation by ^{or an accrediting entity} one of those entities or
 3 organizations by December 31 of the 3rd school year following the school year in
 4 which the private school begins participation in, or reenters, the program under this
 5 section. If the private school is accredited under this subd. 7. br., the private school
 6 is not required to obtain preaccreditation/^{or additional accreditation by an accrediting entity} as a prerequisite to providing instruction
 7 under this section in additional grades or in an additional or new school.

8 **SECTION 32.** 119.23 (2) (a) 7. c. of the statutes is amended to read:

9 119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or
 10 seeking to participate in the program under this section may not apply for
 11 accreditation by the Institute for the Transformation of Learning at Marquette
 12 University, except that a private school that has applied for accreditation to the
 13 Institute for the Transformation of Learning at Marquette University before July 1,
 14 2009, ^{and that is participating in the program under this section on the effective date of this subd. c.} may complete the accreditation process with the Institute for the ^{70 c}
 15 Transformation of Learning at Marquette University, and may, ^{subject to subd. 7. e.} subject to subd. 7. e., ^{LRB}
 16 seek renewal of accreditation from the Institute for the Transformation of Learning ^{insert}
 17 at Marquette University. ^{date}

18 **SECTION 33.** 119.23 (2) (a) 7. d. of the statutes is amended to read:

19 119.23 (2) (a) 7. d. For a private school that was approved for scholarship
 20 funding for the 2005-06 school year by Partners Advancing Values in Education and
 21 is participating in the program under this section on November 19, 2011, the private
 22 school achieves accreditation by ~~Wisconsin North Central Association, Wisconsin~~
 23 ~~Religious and Independent Schools Accreditation, Independent Schools Association~~
 24 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~
 25 ~~National Lutheran School Accreditation, the diocese or archdiocese within which the~~

1 private school is located, or any other organization recognized by the National

2 Council for Private School Accreditation, ^{an accrediting entity} one of the entities or organizations

3 identified under subd. 7. a. by December 31, 2015. If the private school is accredited

4 as provided under this subd. 7. d., the private school is not required to obtain

5 preaccreditation under subd. 7. b. ^{or additional accreditation by an accrediting entity} as a prerequisite to providing instruction under

6 this section in additional grades or in an additional or new school.

7 SECTION 34. 119.23 (2) (a) 7. e. of the statutes is created to read:

8 119.23 (2) (a) 7. e. For a private school that is accredited by the Institute for

9 the Transformation of Learning at Marquette University and that is participating

10 in the program under this section on the effective date of this subd. 7. e. [LRB

11 inserts date], the private school achieves accreditation by one of the entities or

12 ^{an accrediting entity under subd. (1)(ab)1(c)} organizations identified under subd. 7. a. by December 31, 2016. If the private school

13 is accredited as provided under this subd. 7. e., the private school is not required to

14 obtain preaccreditation under subd. 7. b. or bm. ^{or additional accreditation by an accrediting entity} as a prerequisite to providing

15 instruction under this section in additional grades or in an additional or new school.

16 SECTION 35. 119.23 (2) (ag) of the statutes is created to read:

17 119.23 (2) (ag) The governing body of a new private school shall comply with

18 all of the following before the new private school may participate in the program

19 under this section:

20 1. By August 1 of the school year immediately preceding the school year in

21 which the new private school intends to participate in the program under this

22 section, complete and submit to the department the following on forms provided by

23 the department:

24 a. A notice of intent to participate and agreement to comply with procedural

25 requirements.

Insert 21-1

X

1 b. A financial information report.

2 2. a. By August 1 of the school year immediately preceding the school year in
3 which the new private school intends to participate in the program under this
4 section, submit to the department the information required under sub. (6m) ^{(a) and} (c).

5 b. If, at the time the new private school submits the information required under
6 subd. 2. a., the new private school does not have a physical property within which the
7 private school intends to operate, submit a mailing address of an administrator of
8 the private school.

9 c. If the new private school modifies any document submitted under this
10 subdivision, notify the department of any such modification within 30 days after the
11 modification is made.

12 3. By August 1 of the school year immediately preceding the school year in
13 which the new private school intends to participate in the program under this
14 section, submit to the department ^{which of the standards under sub. (7)(a)} a statement indicating ^{what criteria the new}
15 ^{the} private school ^{intends} ^{to use} ^{to meet} ~~the standards under sub. (7)(a)~~

16 4. By August 1 of the school year immediately preceding the school year in
17 which the new private school intends to participate in the program under this
18 section, submit to the department one of the following:

19 a. A copy of the school's current certificate of occupancy issued by the
20 municipality within which the school is located. In this subd. 4. a., "municipality"
21 has the meaning given in s. 5.02 (11).

22 b. The address of a prospective property identified to be used as the new private
23 school's school building.

24 5. By November 1 of the school year immediately preceding the school year in
25 which the new private school intends to participate in the program under this

X

1 section, submit to the department an evaluation and financial review of the new
2 private school completed by a qualified organization. The review required under this
3 section shall contain all of the following:

4 a. An evaluation and analysis of the experience level, comprehensiveness, and
5 lines of authority in the school design team, the leadership team, and the board of
6 governance of the new private school, with an emphasis on the appropriateness of
7 the process established to provide for school oversight. To evaluate the new private
8 school under this subd. 5. a., the qualified organization shall review the resumes of
9 the design team, leadership team, and governing body of the new private school
10 together with the bylaws of the new private school and a narrative description of the
11 leadership and governance structure of the new private school.

12 b. An evaluation and analysis of proposed financial plans of the new private
13 school in order to determine overall financial health, consistency of budget
14 projections with the education plan, and consistency of financial projections with
15 typical school operations. To evaluate the new private school under this subd. 5. b.,
16 the qualified organization shall review the proposed 5-year operating budget, the
17 incubation budget, enrollment plans and projections, and a narrative description of
18 financial and operating systems for the new private school.

19 c. An evaluation and analysis of plans for the school building proposed to be
20 used by the new private school, including certainty regarding the opening or
21 operation of the new private school, the apparent viability of the new private school,
22 and whether the budget and education plans for the new private school are
23 consistent with the plans for the proposed school building. To evaluate the new
24 private school under this subd. 5. c., the qualified organization shall review any letter
25 of intent, lease, or purchase agreement for the proposed school building; a written

1 description of the number and types of classrooms and other pupil spaces in the
2 proposed school building; a written description of the existing condition of the
3 proposed school building and school grounds; whether the proposed school building
4 is in compliance with all applicable building and safety codes; a timeline for
5 acquisition, development, or improvement of the proposed school building; a budget
6 and financing plan for any proposed or required renovations to the proposed school
7 building; a list of any team members to be involved in any proposed or required
8 improvements, including the architect, contractor, and owner's representative of the
9 proposed school building; a description of the plan to manage renovations; and
10 whether and how financing will be required and managed.

11 6. By November 15 of the school year immediately preceding the school year
12 in which the new private school intends to participate in the program under this
13 section, submit to the department a proposed budget (prepared by the administrator)
14 of the new private school for the first fiscal period within which the new private
15 school will participate in the program. The proposed budget required under this
16 subdivision shall show anticipated enrollments for all pupils who will be attending
17 the new private school; anticipated enrollments for pupils who will be attending the
18 new private school under the program under this section; the minimum enrollment
19 threshold required to be met for all pupils who will be attending the new private
20 school for the new private school to be financially viable; the minimum enrollment
21 threshold required to be met for pupils attending the new private school under the
22 program under this section for the new private school to be financially viable;
23 estimated revenues and costs; and a schedule of anticipated beginning and ending
24 net choice program assets. The governing body of the new private school shall

1 identify in the proposed budget contingent funding sources the new private school
2 will use should actual enrollments be less than expected.

3 7. By November 15 of the school year immediately preceding the school year
4 in which the new private school intends to participate in the program under this
5 section, submit to the department on a form provided by the department monthly
6 cash flow requirements.

7 40-8. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a)
8 7. bm., by December 15 of the school year immediately preceding the school year in
9 which the new private school intends to participate in the program under this
10 section, obtain preaccreditation from ^{a preaccrediting} an entity or organization identified in sub. (2)

11 (a) 7. bm.

12 9. By March 1 of the school year immediately preceding the school year in which
13 the new private school intends to participate in the program under this section,
14 submit the name of the audit firm the school will use.

15 10. Obtain written approval from the department as required under par. (ar).

16 SECTION 36. 119.23 (2) (ar) of the statutes is created to read:

17 119.23 (2) (ar) By December 31 of the school year immediately preceding the
18 school year in which ^a the new private school intends to participate in the program
19 under this section, the department shall notify the new private school in writing
20 whether it has satisfied those requirements under par. (ag) that must be satisfied
21 before December 31. If the department determines that the new private school has
22 not satisfied those requirements, the new private school may not participate in the
23 program under this section in the following school year, but may immediately
24 reinstate the process under par. (ag).

25 SECTION 37. 119.23 (7) (ad) of the statutes is created to read:

1 119.23 (7) (ad) The governing body of a ^{participating in the program} ~~participating~~ private school ^{under this section and} accredited
2 as required under sub. (2) (a) 7. shall ensure that the private school continuously
3 maintains accreditation from an ^{accrediting} entity ~~or~~ organization identified under sub. (2) (a)
4 ^{le} 7. a., or, subject to sub. (2) (a) 7. e., for a private school to which sub. (2) (a) 7. c. applies,
5 the Institute for the Transformation of Learning at Marquette University, as long as
6 the private school continues to participate in the program under this section.

7 **SECTION 38.** 119.23 (7) (ao) of the statutes is created to read:

8 119.23 (7) (ao) By November 1 of the first school term in which the new private
9 school participates in the program under this section, the governing body of the
10 private school shall submit to the department on a form provided by the department
11 a budget reflecting the enrollments in the new private school on the immediately
12 preceding 3rd Friday in September and any related changes in revenues, costs, and
13 cash flow requirements.

14 **SECTION 39.** 119.23 (7) (aq) of the statutes is created to read:

15 119.23 (7) (aq) By November 15 of the first school term in which the new private
16 school participates in the program under this section, the governing body of that
17 private school shall submit to the department a report prepared by a certified public
18 accountant. The governing body of that private school may request approval from
19 the department to employ the internal audit staff of the private school to complete
20 the report required under this subdivision. The department may only permit the
21 internal audit staff of the private school to complete the report if the internal audit
22 staff meets standards of independence identified in generally accepted government
23 auditing standards. The governing body of that private school shall ensure that the
24 report submitted under this subsection satisfies all of the following requirements:

1 a. The report specifies whether the fiscal and internal control practices of the
2 private school comply with the fiscal and internal control practices required by the
3 department. Any statement by the certified public accountant that is contained in
4 the report and that relates to the private school's compliance may not rely upon oral
5 or written representations of the school's administration or staff.

6 b. The report is prepared in accordance with professional standards and
7 identifies any procedures agreed upon by the auditor and the department.

8 c. If the certified public accountant that prepared the report or, for a new
9 private school authorized by the department to employ internal audit staff, that
10 internal audit staff, determines that the private school is not in compliance, the
11 report contains the response of the governing body of the private school regarding
12 that determination, together with any corrective action the governing body is taking.

13 **SECTION 40.** 119.23 (7) (as) of the statutes is created to read:

14 119.23 (7) (as) 1. Obtain and submit to the department an audit of the
15 enrollment of the new private school after the first open application period in which
16 the new private school accepts pupils under this section. The audit shall identify
17 ineligible pupils and additional eligible pupils qualifying for the program.

18 2. In addition to the audit required under subd. 1., obtain and submit to the
19 department an audit of the enrollment of the private school after the 2nd open
20 application period in which the private school accepts pupils under this section.

21 **SECTION 41.** 119.23 (7) (at) of the statutes is created to read:

22 119.23 (7) (at) By November 15 of the school year immediately following a new
23 private school's first year of participation in the program under this section and by
24 September 1 of the subsequent school year, the governing body of that private school
25 shall submit to the department an audit prepared by an independent certified public

1 accountant, other than the independent certified public accountant engaged for the
2 audit required under par. (am) 1., which separately audits the enrollment in the
3 private school of pupils participating in the program under this section. The audit
4 required under this subdivision shall identify any ineligible pupils for whom the
5 private school received payment under sub. (4) or (4m) and the amount of payment
6 received for each such pupil and any eligible pupils for whom the private school did
7 not receive payment under sub. (4) or (4m) and the amount of payment for which the
8 private school qualifies.

9 SECTION 42. 119.23 (7) (em) of the statutes is created to read:

10 119.23 (7) (em) 1. Subject to subd. 2., beginning in the 2013-14 school year, the
11 governing body of each participating private school ^{participating in the program under this section} shall annually, by January 15,
12 provide the department with evidence demonstrating that the private school
13 remains accredited for the current school year as required under par. (ad). The
14 governing body shall include as evidence of accreditation a letter prepared by one of^{an}
15 the accrediting entities or organizations identified under sub. (2) (a) 7. a., or, subject^{entity}
16 to sub. (2) (a) 7. e., for a private school to which sub. (2) (a) 7. c. applies, the Institute
17 for the Transformation of Learning at Marquette University, that confirms that the
18 private school is accredited by that entity or organization as of the date of the letter.

19 2. A participating private school^{of the governing body} shall immediately notify the department if its
20 accreditation status with one of the entities or organizations identified under sub.
21 (2) (a) 7. a., or, subject to sub. (2) (a) 7. e., for a private school to which sub. (2) (a) 7.
22 c. applies, the Institute for the Transformation of Learning at Marquette University,
23 changes.

24 SECTION 43. 119.23 (7) (f) of the statutes is repealed.

25 SECTION 44. 119.23 (9) of the statutes is amended to read:

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

6 **SECTION 45.** 119.23 (10) (a) 2. of the statutes is amended to read:

7 119.23 (10) (a) 2. Failed to provide the notice or pay the fee required under sub.
 8 (2) (a) 3. ~~or 3m. b.~~, or provide the information required under sub. (7) (am) or (d), by
 9 the date or within the period specified.

10 **SECTION 46.** 119.23 (10) (am) 1. of the statutes is amended to read:

11 119.23 (10) (am) 1. The private school has not complied with the requirement
 12 requirements under sub. (7) (f) (em).

13 **SECTION 47.** 119.23 (10) (ar) of the statutes is created to read:

14 119.23 (10) (ar) 1. If the state superintendent determines that a private school
 15 has failed to continuously maintain accreditation as required under sub. (7) (ad),
 16 that the governing body of the private school has withdrawn the private school from
 17 the accreditation process, or that the private school's accreditation has been revoked
 18 by one of the entities or organizations identified in sub. (2) (a) 7. a. or, if applicable,
 19 the Institute for the Transformation of Learning at Marquette University, the state
 20 superintendent shall issue an order barring the private school's participation in the
 21 program under this section at the end of the current school year.

22 2. A private school whose participation in the program under this section is

23 barred under subd. 1, may not participate in the program under this section until the
 24 governing body of the private school demonstrates to the satisfaction of the
 25 department that it has obtained accreditation from an accrediting entity or
 26 organization identified under sub. (2) (a) 7. a. other than the entity or organization

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Handwritten notes:
 - "denied, or terminated" with an arrow pointing to "revoked"
 - "an accrediting entity" with an arrow pointing to "accrediting entity"
 - "or under s 118.60" in a circle pointing to "until the"
 - "all of" in a circle pointing to "the"
 - "following are satisfied" in a circle pointing to "barred"
 - "two consecutive school years pass" in a circle pointing to "until the"
 - "The" in a circle pointing to "governing body"
 - "6" at the bottom center

1 with which the private school failed to continuously maintain accreditation or, if the
2 private school's accreditation was revoked, other than the entity or organization that
3 revoked the private school's accreditation.

4 **SECTION 48.** 119.23 (10) (c) of the statutes is amended to read:

5 119.23 (10) (c) Whenever the state superintendent issues an order under par.
6 (a), (am), (ar), or (b), he or she shall immediately notify the parent or guardian of each
7 pupil attending the private school under this section.

8 **SECTION 49.** 119.23 (10) (e) of the statutes is created to read:

9 119.23 (10) (e) The state superintendent may, by December 1 immediately
10 following the submission of the report required under sub. (7) (aq), issue an order
11 barring a new private school from participating in the program under this section in
12 the following school year if, in the report required under sub. (7) (aq), the certified
13 public accountant that prepared the report or, for a private school authorized by the
14 department to employ internal audit staff, that internal audit staff, questions a going
15 concern.

16 **SECTION 50.** 119.23 (11) (c) of the statutes is created to read:

17 119.23 (11) (c) Within 10 days after receiving the information submitted as
18 required under sub. (7) (em), notify the participating private school of receipt and
19 approval of accreditation status.

20 **SECTION 51.** 119.23 (11) (d) and (e) of the statutes are created to read:

21 119.23 (11) (d) Determine whether an organization is a qualified organization
22 eligible to review the financial, governance, and facility plans of new private school
23 and approve at least 2 qualified organizations to conduct the reviews required under
24 sub. (2) (ag) 5.

Insert 30-1

1 (e) Review the audit submitted as required under sub. (7) (at) and notify the
 2 private school by the December 1 immediately following submittal of the audit
 3 whether or not the audit met the requirements necessary for the school to remain in
 4 the program.

SECTION 52. Nonstatutory provisions.

5 (1) Notwithstanding sections 118.60 (7) (em) 1. and 119.23 (7) (em) 1. of the
 6 statutes, as created by this act, within 45 days after the effective date of this
 7 subsection, the governing body of each private school participating in the program
 8 under section 118.60 or 119.23 of the statutes in the 2012-13 school year shall submit
 9 to the department of public instruction evidence demonstrating the accreditation
 10 status of the private school. If applicable, the governing body of the participating
 11 private school shall include as evidence of accreditation a letter prepared by one of
 12 the accrediting entities ^{(118.60(1)(ab) or} ~~or organizations~~ identified under section ^{(1)(ab)} 119.23 ~~(2) (a) 7. a.~~
 13 of the statutes, or, for a private school to which section 119.23 (2) (a) 7. c. of the
 14 statutes applies, the Institute for the Transformation of Learning at Marquette
 15 University, that confirms that the private school is accredited by that entity or
 16 organization as of the date of the letter.
 17

18 (2) If a private school described in subsection (1) fails to comply with the
 19 notification requirement under subsection (1), the state superintendent of ~~the~~
 20 ~~department of~~ public instruction shall issue an order barring the private school's
 21 participation in the programs under sections 118.60 and 119.23 of the statutes
 22 beginning in the 2013-14 school year.

SECTION 53. Effective dates. This act takes effect on the day after publication,

except as follows:

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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SECTION 1. 7.30 (2) (am) of the statutes is amended to read:

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school or in a tribal school, as defined in s. 115.001 (15m), may serve as an inspector at the polling place serving the pupil's residence, with the approval of the pupil's parent or guardian. Any pupil who has at least a 3.0 grade point average or the equivalent may serve. In addition, a school board ~~or~~, governing body of a private school, as defined in s. 115.001 (3d), or tribal school may establish criteria for service by a pupil who does not have at least a 3.0 grade point average or the equivalent. A pupil may serve as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian for the pupil to serve for the election for which he or she is appointed. In addition, if a pupil does not have at least a 3.0 grade point average or the equivalent, the municipal clerk shall obtain written certification from the principal of the school where the pupil is enrolled that the pupil meets any criteria established by the school board or governing body for service as an inspector. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is enrolled of the name of the pupil and the date of the election at which the pupil has been appointed to serve.

118.30History: 1971 c. 242; 1971 c. 304 s. 29 (1), (2); 1971 c. 336; 1973 c. 280, 334; 1975 c. 93, 101; 1977 c. 394, 427, 447; 1979 c. 89, 260, 355; 1983 a. 183, 484, 538; 1985 a. 131 s. 3; 1985 a. 304, 332; 1987 a. 391; 1989 a. 192, 359; 1995 a. 16 s. 2; 1997 a. 127; 1999 a. 182; 2001 a. 16, 109; 2005 a. 27, 149, 451; 2007 a. 96; 2009 a. 302; 2011 a. 260 s. 81.

INSERT 2-9

1 **SECTION 2.** 39.41 (1) (aj) of the statutes is created to read:

2 39.41 (1) (aj) "Governing body of a private school" has the meaning given in s.
3 115.001 (3d).

4 **SECTION 3.** 48.355 (2) (c) of the statutes is amended to read:

5 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,
6 the order shall specify what constitutes a violation of the condition and shall direct
7 the school board of the school district, in which the child is enrolled or the governing
8 body of the private school, as defined in s. 115.001 (3d), in which the child is enrolled,
9 or shall request the governing body of the tribal school in which the child is enrolled,
10 to notify the county department that is responsible for supervising the child or, in a
11 county having a population of 500,000 or more, the department within 5 days after
12 any violation of the condition by the child.

118.30History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

13 **SECTION 4.** 115.001 (3d) of the statutes is created to read:

XX

14 115.001 (3d) **GOVERNING BODY OF A PRIVATE SCHOOL.** "Governing body of a private
15 school" ^{and "governing body of a new private school"} means a board elected or appointed to govern the private school or, if no board
16 is appointed or elected to govern the school, any other person having direct charge
17 of the private school.

****NOTE: Under s. 990.01 (26), "person" includes all partnerships, associations and bodies politic or corporate." Okay? ✓

18 **SECTION 5.** 118.07 (2) (a) of the statutes is amended to read:

19 118.07 (2) (a) Once each month, without previous warning, the person having
20 direct charge of any public or private school shall drill all pupils in the proper method
21 of departure from the building in case of a fire, except when the person having direct
22 charge deems that the health of the pupils may be endangered by inclement weather

1 conditions. At least twice annually, without previous warning, the person having
2 direct charge of any public or private school shall drill all pupils in the proper method
3 of evacuation to a safe location in case of a tornado or other hazard. At least twice
4 annually, without previous warning, the person having direct charge of any public
5 or private school shall drill all pupils in the proper method of evacuation or other
6 appropriate action in case of a school safety incident. The public and private school
7 safety drill shall be based on the school safety plan adopted under s. 118.07 (4). A
8 safety drill may be substituted for any other drill required under this paragraph. The
9 school board or ~~governing body of the person having direct charge of the private~~
10 school shall maintain for at least 7 years a record of each fire drill, tornado or other
11 hazard drill, and school safety drill conducted.

118.30History: 1971 c. 164 s. 85; 1975 c. 39; 1981 c. 373; 1987 a. 27; 1995 a. 27 ss. 3938, 9116 (5); 2005 a. 220, 221; 2007 a. 79, 97; 2009 a. 28 ss. 2258m, 2258n, 2297n; 2009 a. 44, 302; 2009 a. 309 ss. 3, 4, 15; 2011 a. 32, 81; 2011 a. 260 s. 80.

12 **SECTION 6.** 118.07 (3) of the statutes is amended to read:

13 118.07 (3) The department shall make available to school districts, private
14 schools, tribal schools, and charter schools information about meningococcal disease,
15 including the causes and symptoms of the disease, how it is spread, and how to obtain
16 additional information about the disease and the availability, effectiveness, and
17 risks of vaccinations against the disease. The department may do so by posting the
18 information on its Internet site. ~~At the beginning of the 2006-07 to 2011-12 school~~
19 ~~years, each school board and the governing body of each private school and each~~
20 ~~charter school shall provide the parents and guardians of pupils enrolled in grades~~
21 ~~6 to 12 in the school district or school with the information.~~ At the beginning of the
22 2012-13 school year and each school year thereafter, each school board and the
23 governing body of each private school and each charter school shall provide the

Handwritten note on the left margin: "The rest of the text is..."

1 parents and guardians of pupils enrolled in grade 6 in the school district or school
2 with the information.

NOTE: NOTE: Sub. (3) is repealed eff. the day after the revisor of statutes publishes in the Wisconsin Administrative Register a statement that the secretary of health services has promulgated a rule under section 252.04 (2) of the statutes that requires vaccinations against meningitis. NOTE:

118.30History: 1971 c. 164 s. 85; 1975 c. 39; 1981 c. 373; 1987 a. 27; 1995 a. 27 ss. 3938, 9116 (5); 2005 a. 220, 221; 2007 a. 79, 97; 2009 a. 28 ss. 2258m, 2258n, 2297n; 2009 a. 44, 2009 a. 509 ss. 3, 4-15; 2011 a. 33, 81; 2011 a. 266 s. 66.

3 SECTION 7. 118.29 (4) of the statutes is amended to read:

4 118.29 (4) WRITTEN POLICIES. Any school board, county children with
5 disabilities education board, cooperative educational service agency or governing
6 body of a private school whose employees or volunteers may be authorized to
7 administer nonprescription drug products or prescription drugs to pupils under this
8 section shall adopt a written policy governing the administration of nonprescription
9 drug products and prescription drugs to pupils. In developing the policy, the school
10 board, board, agency or governing body of the private school shall seek the assistance
11 of one or more school nurses who are employees of the school board, board, agency
12 or governing body of the private school or are providing services or consultation
13 under s. 121.02 (1) (g). The policy shall include procedures for obtaining and filing
14 in the school or other appropriate facility the written instructions and consent
15 required under sub. (2) (a), for the periodic review of such written instructions by a
16 registered nurse licensed under s. 441.06 or in a party state, as defined in s. 441.50
17 (2) (j), for the storing of nonprescription drug products and prescription drugs, and
18 for record keeping, including documenting the administration of each dose, including
19 errors.

118.30History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83; 2007 a. 130; 2009 a. 160, 302; 2011 a. 86, 260.

20 SECTION 8. 118.30 (1s) (a) (intro.) of the statutes is renumbered 118.30 (1s)

21 (intro.) and amended to read:

Handwritten note in a bubble: "as renumbered, is"

Handwritten note in a bubble: "and 118.30 (1s)"

Handwritten note in a bubble: "Fix Component 19"

Insert to Insert
5-5

1 118.30 (1s) (intro.) ~~Except as provided in par. (b), annually~~ Annually, the
2 governing body of each private school participating in the program under s. 119.23
3 shall do all of the following:

118.30History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237; 1999 a. 9, 19, 32, 185, 186; 2001 a. 16, 109; 2003 a. 33; 2009 a. 28, 60; 2011 a. 32, 105.

4 **SECTION 9.** 118.30 (1s) (b) of the statutes is repealed. X

5 **SECTION 10.** 118.33 (1) (f) 3. of the statutes is amended to read:

6 118.33 (1) (f) 3. ~~Beginning on September 1, 2005, neither~~ Neither a school
7 board nor an operator of a charter school under s. 118.40 (2r) may grant a high school
8 diploma to any pupil unless the pupil has satisfied the criteria specified in the school
9 board's or charter school's policy under subd. 1. or 2. ~~Beginning on September 1,~~
10 ~~2010, the~~ The governing body of a private school participating in the program under
11 s. 119.23 may not grant a high school diploma to any pupil attending the private
12 school under s. 119.23 unless the pupil has satisfied the criteria specified in the
13 governing body's policy under subd. 2m. The governing body of a private school
14 participating in the program under s. 118.60 may not grant a high school diploma to
15 any pupil attending the private school under s. 118.60 unless the pupil has satisfied
16 the criteria specified in the governing body's policy under subd. 2r.

118.30History: 1983 a. 411; 1985 a. 29; 1991 a. 39, 269; 1993 a. 223, 339, 340, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113, 164; 1999 a. 9, 84, 185; 2001 a. 38, 109; 2003 a. 33; 2009 a. 28, 41, 114; 2011 a. 32, 105, 156; 2011 a. 260 s. 80.

17 **SECTION 11.** 118.33 (6) (c) 2. of the statutes is amended to read:

18 118.33 (6) (c) 2. ~~Beginning on September 1, 2010, the~~ The governing body of a
19 private school participating in the program under s. 119.23 may not promote a 4th
20 grade pupil who is attending the private school under s. 119.23 to the 5th grade, and
21 may not promote an 8th grade pupil who is attending the private school under s.

Insert to Insert
5-17

1 119.23 to the 9th grade, unless the pupil satisfies the criteria for promotion specified
2 in the governing body's policy under subd. 1.

118.30History: 1983 a. 411; 1985 a. 29; 1991 a. 39, 269; 1993 a. 223, 339, 340, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113, 164; 1999 a. 9, 84, 185; 2001 a. 38, 109; 2003 a. 33; 2009 a. 28, 41, 114; 2011 a. 32, 105, 156; 2011 a. 260 s. 80.

INSERT 2-12

3 **SECTION 12.** 118.60 (1) (a) of the statutes is renumbered 118.60 (1) (ae) [^] _o

4 **SECTION 13.** 118.60 (1) [^] (ab) of the statutes is created to read:

5 118.60 (1) (ab) "Accrediting entity" means Wisconsin North Central
6 Association, Wisconsin Religious and Independent Schools Accreditation,
7 Independent Schools Association of the Central States, Wisconsin Evangelical
8 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the
9 diocese or archdiocese within which a private school is located, and any other
10 organization recognized by the National Council for Private School Accreditation.

INSERT 3-7

11 e. The school is not operated or managed by a corporate board that currently
12 operates or manages a private school that is participating in the program under this
13 section. ^{or under s. 119.023}

***NOTE: Do you want to specify what "corporate board" means?

14 **SECTION 14.** 118.60 (1) (cm) of the statutes is created to read:

15 118.60 (1) (cm) "Preaccrediting entity" means the Institute for the
16 Transformation of Learning at Marquette University, Wisconsin North Central
17 Association, Wisconsin Religious and Independent Schools Accreditation,
18 Independent Schools Association of the Central States, Wisconsin Evangelical
19 Lutheran Synod School Accreditation, National Lutheran School Accreditation, and
20 the diocese or archdiocese within which a private school is located.

[^] **INSERT 3-7** ⁴⁻¹

21 **SECTION 15.** 118.60 (2) (a) 3g. of the statutes is created to read:

governing body of the

1 118.60 (2) (a) 3g. By May 2 before the first term of participation in the program
 2 under this section, the private school submits to the department on a form provided
 3 by the department an anticipated budget for the first fiscal period of participation
 4 in the program under this section that shows a positive cash flow in each month of
 5 the fiscal period and no operating deficit. The governing body shall include in the
 6 anticipated budget anticipated enrollments for all pupils enrolled in the new private
 7 school and for pupils enrolled in the new private school under this section; estimated
 8 revenues and costs; a schedule of anticipated beginning and ending net choice
 9 program assets; and a schedule of monthly cash flow requirements. The governing
 10 body shall include in the budget contingent funding sources the new private school
 11 will use in the event that actual enrollments are less than expected.

as proposed in the drafting instructions
 *NOTE: As this is a prerequisite to participation, rather than a requirement for private schools that are already participating in the program, I create it under sub. (2) rather than under sub. (7). I match the language under this subdivision with the language proposed for s. 118.60 (2) (ag) 1. b.; that is, I use "anticipated budget" rather than "complete budget" and "first fiscal period" rather than "ensuing fiscal period." Finally, I require the budget to have a positive cash flow in each month and no operating deficit, as these are required of "new private schools." Please let me know if you have any questions or concerns about the changes made in this provision.

one also
 *NOTE: Forgive my ignorance. I understand that this language comes from DPI's administrative rules governing the MPCP; that doesn't necessarily mean that it makes sense to me as a legislative drafter. What does "beginning and ending net choice program assets" mean? And "monthly cash flow requirements"? It would be helpful for me to have this in plain English to make sure that what I am drafting makes sense. Thank you!

INSERT 5-3

12 b. Beginning on the effective date of this subd. 7. b. ... [LRB inserts date], each
 13 ~~private school shall achieve accreditation by Wisconsin North Central Association,~~
 14 ~~Wisconsin Religious and Independent Schools Accreditation, 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~~

on the effective date of this subd. 7. b. ... [LRB inserts date]

1 the National Council for Private School Accreditation, participating in the program
 2 under this section that is not accredited by an accrediting entity shall apply for
 3 accreditation by an accrediting entity by December 31 of the first school year that
 4 begins after the effective date of this subd. 7. b. [LRB inserts date], and shall
 5 achieve accreditation by an accrediting entity by December 31 of the 3rd school year
 6 following the first school year in which the private school begins participation in the
 7 program under this section that begins after the effective date of this subd. 7. b.
 8 [LRB inserts date]. If the private school is accredited under this subdivision subd.
 9 7. b., the private school is not required to obtain preaccreditation under subd. 7. a.
 10 or additional accreditation by an accrediting entity as a prerequisite to providing
 11 instruction under this section in additional grades or in an additional or new school.

→ ****NOTE: Bob Soldner at DPI requested language indicating that, once a private school is accredited, the private school does not need to seek additional accreditation to add grades. I have two questions about this request:

1. Does the language "or additional accreditation by an accrediting entity" satisfy this request? See also ss. 118.60 (2) (a) 7. c. and 119.23 (2) (a) 7. bg., 7. br., 7. d., and 7. e.
2. Is there no difference between the requirements for accreditation for a private school that offers elementary grades and the requirements for accreditation for a private school that offers high school grades?

SECTION 16. 118.60 (2) (a) 7. c. of the statutes is created to read:

118.60 (2) (a) 7. c. Beginning on the effective date of this subd. 7. c. [LRB inserts date], each private school that begins participation in, or reenters, the program under this section and that is not accredited by an accrediting entity shall apply for accreditation by an accrediting entity by December 31 of the first school year that begins after the effective date of this subd. 7. c. [LRB inserts date], in which the private school begins participation in, or reenters, the program under this section, and shall achieve accreditation by an accrediting entity by December 31 of the 3rd school year following the school year in which the private school begins

under subd. 7, a.

1 participation in, or reenters, the program under this section. If the private school is
 2 accredited under this subd. 7. c., the private school is not required to obtain
 3 preaccreditation or additional accreditation by an accrediting entity as a
 4 prerequisite to providing instruction under this section in additional grades or in an
 5 additional or new school.

***NOTE: What does "reenter" mean in this subdivision? When and why would a private school "reenter" the program? Is it possible that a private school could avoid ever becoming accredited by operating for 3 years without satisfying the accreditation requirements, dropping out, "reentering," and simply repeating this cycle?

***NOTE: Must a certain period of time pass between a school dropping out and then seeking to reenter? Must the school satisfy any requirements before being allowed to "reenter"?

INSERT 6-7

6 b. An anticipated budget for the first fiscal period of participation in the
 7 program under this section that shows a positive cash flow in each month of the fiscal
 8 period and no operating deficit. The governing body shall include in the anticipated
 9 budget anticipated enrollments for all pupils enrolled in the new private school and
 10 for pupils enrolled in the new private school under this section; estimated revenues
 11 and costs; a schedule of anticipated beginning and ending net choice program assets;
 12 and a schedule of monthly cash flow requirements. The governing body shall include
 13 in the budget contingent funding sources the new private school will use in the event
 14 that actual enrollments are less than expected.

15 c. The nonrefundable fee established by the department, as required under s.
 16 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school.
 17 If the amount of the fee paid by the new private school under this subd. 1. (b) increases
 18 for the school year in which the new private school will first participate in the
 19 program under this section, the new private school shall pay the difference between
 20 the fee paid and the fee due to the department. If the amount of the fee paid by the

C.

1

new private school under this subd. 1. ^{b.} decreases for the school year in which the
 2 new private school will first participate in the program under this section, the
 3 department shall refund the new private school the difference between the fee paid
 4 and the fee due to the department.

INSERT 14-14

****NOTE: Should a school barred under this paragraph be required to obtain
 preaccreditation before it may participate in or reenter the program? Compare the
 requirements under this subdivision 2. and under s. 119.23 (10) (ar) with the
 requirements under s. 118.60 (2) (a) 7. a. and s. 119.23 (2) (a) 7. b. and 7. bm.

INSERT 15-5

5

SECTION 17. 119.23 (1) (ab) of the statutes is created to read:

6

119.23 (1) (ab) "Accrediting entity" means all of the following:

7

1. Wisconsin North Central Association, Wisconsin Religious and Independent
 8 Schools Accreditation, Independent Schools Association of the Central States,
 9 Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran
 10 School Accreditation, the diocese or archdiocese within which a private school is
 11 located, and any other organization recognized by the National Council for Private
 12 School Accreditation.

13

2. Subject to sub. (2) (a) for a private school to which sub. (2) (a) 7. c. applies,
 14 the Institute for the Transformation of Learning at Marquette University

INSERT 16-3

15

e. The school is not operated or managed by a corporate board that currently
 16 operates or manages a private school that is participating in the program under this
 17 section ^{or under s. 118.60}

18

SECTION 18. 119.23 (1) (ap) of the statutes is created to read:

19

119.23 (1) (ap) "Preaccrediting entity" means the Institute for the
 20 Transformation of Learning at Marquette University, Wisconsin North Central

1 Association, Wisconsin Religious and Independent Schools Accreditation, ✓
2 Independent Schools Association of the Central States, Wisconsin Evangelical ✓
3 Lutheran Synod School Accreditation, National Lutheran School Accreditation, ✓
4 the diocese or archdiocese within which a private school is located. ✓

INSERT 16-24

governing body of the

5 **SECTION 19.** 119.23 (2) (a) 3g. of the statutes is created to read:

6 119.23 (2) (a) 3g. By May 2 before the first term of participation in the program
7 under this section, the private school submits to the department on a form provided
8 by the department an anticipated budget for the first fiscal period of participation
9 in the program under this section that shows a positive cash flow in each month of
10 the fiscal period and no operating deficit. The governing body shall include in the
11 anticipated budget anticipated enrollments for all pupils enrolled in the ^enew private
12 school and for pupils enrolled in the ^enew private school under this section; estimated
13 revenues and costs; a schedule of anticipated beginning and ending net choice
14 program assets; and a schedule of monthly cash flow requirements. The governing
15 body shall include in the budget contingent funding sources the ^enew private school
16 will use in the event that actual enrollments are less than expected.

17 **SECTION 20.** 119.23 (2) (a) 7. a. of the statutes is amended to read:

18 119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating
19 in the program under this section on July 1, 2009, the private school achieves
20 accreditation by ~~Wisconsin North Central Association, Wisconsin Religious and~~
21 ~~Independent Schools Accreditation, Independent Schools Association of the Central~~
22 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~
23 ~~Lutheran School Accreditation, the diocese or archdiocese within which the private~~
24 ~~school is located, or any other organization recognized by the National Council for~~

1 ~~Private School Accreditation~~, an accrediting entity by December 31 of the 3rd school
 2 year following the first school year that begins after June 30, 2006, in which it
 3 participates in the program under this section. If the private school is accredited as
 4 provided under this subd. 7. a., the private school is not required to obtain
 5 preaccreditation under subd. 7. b. or additional accreditation by an accrediting entity
 6 as a prerequisite to providing instruction under this section in additional grades or
 7 in an additional or new school.

118.30History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

INSERT 21-1

8 b. An anticipated budget for the first fiscal period of participation in the
 9 program under this section that shows a positive cash flow in each month of the fiscal
 10 period and no operating deficit. The governing body shall include in the anticipated
 11 budget anticipated enrollments for all pupils enrolled in the new private school and
 12 for pupils enrolled in the new private school under this section; estimated revenues
 13 and costs; a schedule of anticipated beginning and ending net choice program assets;
 14 and a schedule of monthly cash flow requirements. The governing body shall include
 15 in the budget contingent funding sources the new private school will use in the event
 16 that actual enrollments are less than expected.

17 c. The nonrefundable fee established by the department, as required under s.
 18 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school.

19 If the amount of the fee paid by the new private school under this subd. 1. ^{e.c.} b) increases
 20 for the school year in which the new private school will first participate in the
 21 program under this section, the new private school shall pay the difference between
 22 the fee paid and the fee due to the department. If the amount of the fee paid by the
 23 new private school under this subd. 1. ^{c.} b) decreases for the school year in which the

1 new private school will first participate in the program under this section, the
2 department shall refund the new private school the difference between the fee paid
3 and the fee due to the department.

INSERT 30-1

4 **SECTION 21.** 447.06 (2) (a) 2. of the statutes is amended to read:

5 447.06 (2) (a) 2. For a school board ~~or~~, a governing body of a private school, as
6 defined in s. 115.001 (3d), or [✓] of a tribal school, as defined in s. 115.001 (15m).
a governing body

7 118.30History: 1989 a. 349 ss. 13, 16 to 19; 1993 a. 27; 1997 a. 96; 2009 a. 302.

8 **SECTION 22.** 895.035 (1) (a) of the statutes is renumbered 895.035 (1) (a) (intro.)
9 and amended to read:

9 895.035 (1) (a) In this section, ~~“custody”~~:

10 1. “Custody” means either legal custody of a child under a court order under
11 s. 767.225 or 767.41, custody of a child under a stipulation under s. 767.34 or actual
12 physical custody of a child. “Custody” does not include legal custody, as defined
13 under s. 48.02 (12), by an agency or a person other than a child’s birth or adoptive
14 parent.

15 118.30History: 1985 a. 311; 1987 a. 27; 1993 a. 71; 1995 a. 24, 77, 262, 352; 1997 a. 27, 35, 205, 239, 252; 1999 a. 9, 32; 2003 a. 138; 2005 a. 443 s. 265.

16 **SECTION 23.** 895.035 (1) (a) 2. of the statutes is created to read:

17 895.035 (1) (a) 2. “Governing body of a private school” has the meaning given
18 in s. 115.001 (3d).
^

18 **SECTION 24.** 938.02 (6m) of the statutes is created to read:

19 938.02 (6m) “Governing body of a private school” has the meaning given in s.
20 115.001 (3d).
^

21 **SECTION 25.** 950.08 (2w) of the statutes is amended to read:

22 950.08 (2w) INFORMATION TO BE PROVIDED BY DISTRICT ATTORNEYS TO SCHOOLS IN
23 CRIMINAL CASES. If a criminal complaint is issued under s. 968.02 or if a petition for

1 waiver is granted pursuant to s. 938.18, and the district attorney reasonably believes
2 the person charged is a pupil enrolled in a school district, a private school, or a
3 charter school established pursuant to 118.40 (2r), the district attorney shall make
4 a reasonable attempt to notify the school board, governing body of the private school
5 governing body, as defined in s. 115.001¹ (3d), or charter school governing body of the
6 charges pending against the pupil. The district attorney shall also notify the school
7 board, governing body of the private school governing body, or charter school
8 governing body of the final disposition of the charges.

118.30History: 1991 a. 39; 1997 a. 181; 2007 a. 20; 2009 a. 309.

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1 **SECTION 1.** 118.30 (2) (b) 5. of the statutes is amended to read:

2 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
3 body of a private school participating in the program under s. 119.23 shall excuse the
4 pupil from taking an examination administered under sub. (1s) (a) ~~1.~~ to ~~3.~~ ^{↓ ↓} (c).

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237; 1999 a. 9, 19, 32, 185, 186; 2001 a. 16, 109; 2003 a. 33; 2009 a. 28, 60; 2011 a. 32, 105.

INSERT TO INSERT 5-17

5 **SECTION 2.** 118.33 (6) (c) 1. of the statutes is amended to read:

6 118.33 (6) (c) 1. The governing body of each private school participating in the
7 program under s. 119.23 shall adopt a written policy specifying criteria for promoting
8 a pupil who is attending the private school under s. 119.23 from the 4th grade to the
9 5th grade and from the 8th grade to the 9th grade. The criteria shall include the
10 pupil's score on the examination administered under s. 118.30 (1s) (a) ~~1.~~ or ~~2.~~ (b),
11 unless the pupil has been excused from taking the examination under s. 118.30 (2)
12 (b); the pupil's academic performance; the recommendations of teachers, which shall
13 be based solely on the pupil's academic performance; and any other academic criteria
14 specified by the governing body of the private school.

History: 1983 a. 411; 1985 a. 29; 1991 a. 39, 269; 1993 a. 223, 339, 340, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113, 164; 1999 a. 9, 84, 185; 2001 a. 38, 109; 2003 a. 33; 2009 a. 28, 41, 114; 2011 a. 32, 105, 156; 2011 a. 260 s. 80.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1358/P4dn
TKK:cjs:jm

July 16, 2013

Sarah Archibald:

1. Private schools that “reenter” a parental choice program. I’m still not entirely clear about the language related to a private school that seeks to “reenter” the program under s. 118.60 or 119.23. This terminology appears in three subdivisions created in the bill: s. 118.60 (2) (a) 7. c. and s. 119.23 (2) (a) 7. bm. and br. All three of these subdivisions relate to preaccreditation and accreditation requirements.

When we spoke on June 20th, you mentioned that a school that seeks to reenter the program should be required to satisfy the requirements applicable to “new schools”; these requirements are found in s. 118.60 (2) (ag), and enforced under s. 118.60 (2) (ar). If that is your intent, I think I should remove the language about reentering schools from the accreditation sections, where the term is not defined and appears without any explanation or context, and instead include such schools as a separate kind of “new school.”

That said, what are the parameters for identifying such schools? How long must a school have been out of the program before it is considered to be “reentering” the program? Are there any prohibitions applicable to schools that want to reenter the program? For example, if a school was barred from participating in the program under ss. 118.60 (10) (a) 8. or (b) or 119.23 (10) (a) 8. or (b), may it nevertheless reenter the program? And, more generally, if a school is not participating in one of the programs, but has participated in the past (two or more years ago, for example) and is accredited, must the school still satisfy the requirements applicable to new schools?

Let me know how you’d like to proceed on this topic.

2. Accreditation of private schools that seek to offer additional grades. In response to my questions on p. 11 of LRB-1358/P3, you indicated that a private school that offers elementary grades must obtain a separate accreditation in order to offer high school grades; similarly, a private school that offers high school grades must obtain a separate accreditation in order to offer elementary grades. I have added language to this effect under ss. 118.60 (7) (ad) and 119.23 (7) (ad), both of which are created in 2013 Wisconsin Act 20 (the budget bill). Please review the language carefully to ensure that it accurately captures the standards and conventions for accreditation.

Tracy K. Kuczenski
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Kuczenski, Tracy

From: Archibald, Sarah
Sent: Friday, August 16, 2013 4:19 PM
To: Kammerud, Jennifer DPI
Cc: Collins, Tricia DPI; Merdler, Michelle; bender@parentchoice.org; shires@parentchoice.org; Kuczenski, Tracy
Subject: Maintain Accreditation Bill -- LRB 1358/P4

Hi all,

On July 16, we received LRB 1358/P4 from Tracy at the LRB and shared it with you all. It is my understanding, after talking to Jennifer at DPI, that Tricia at DPI and Carol at SCW have talked and worked out some proposed solutions to remaining issues on the bill, most of which are drafting related. I would like to reconvene this group, with Tracy present, as soon as possible to get this worked out.

Are you able to meet on Wednesday August 21 at 10am? Please reply to all with your response as Michelle in our office will be helping us find a time when she returns to the office on Monday.

Thanks!
Sarah

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, August 06, 2013 4:59 PM
To: Archibald, Sarah
Cc: Pertl, Jeff DPI; Collins, Tricia DPI; Justman, Jessica C - DPI
Subject: Accountability and Accreditation Bills

Sarah,

On the accreditation bill, I talked with Tricia Collins about the bill and the changes we would suggest. Tricia also reached out to Carol at School Choice Wisconsin to clear a few things up. There are a number of things that need to be fixed in the draft to make it workable. The way it is drafted now there are outstanding questions that need to be answered, some of which are technical and related solely to drafting, and a few of which are policy questions that need to be answered. I think the best way to make sure we can finish things up here is to have a meeting where Tracy can be present to answer some questions and we can resolve the remaining issues surrounding the drafting. Your thoughts? SCW may want to be there as well.