

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

3           **SECTION 33.** 119.23 (1) (af) of the statutes is created to read:

4           119.23 (1) (af) "Disqualified organization" means an accrediting organization  
5 that is not <sup>an accrediting entity or</sup> a member of or otherwise sanctioned by an accrediting entity.

6           **SECTION 34.** 119.23 (1) (ai) of the statutes is created to read:

7           119.23 (1) (ai) 1. Except as provided in subd. 2., "new private school" means a  
8 school that qualifies as a private school under s. 115.001 (3r) and that satisfies either  
9 of the following:

10           a. The school has been in continuous operation in this state for less than 12  
11 consecutive months.

12           b. The school provides education to fewer than 40 pupils divided into 2 or fewer  
13 grades.

14           2. "New private school" does not include a private school the governing body of  
15 which operates or manages a private school that is participating in the program  
16 under this section or under s. 118.60 if all of the following apply:

17           a. No payment has been withheld from any private school operated or managed  
18 by the governing body under sub. (10) (d) or s. 118.60 (10) (d) <sup>in the 3 immediately</sup> <sub>preceding school</sub> <sup>years</sup> ✓

19           b. No order barring any private school operated or managed by the governing  
20 body from participating in the program under this section or s. 118.60 has been  
21 issued under sub. (10) (a), (am), (ar), or (b) or under s. 118.60 (10) (a), (am), (ar), or  
22 (b) in the 3 immediately preceding school years.

23           **SECTION 35.** 119.23 (1) (am) of the statutes is amended to read:

24           119.23 (1) (am) "Preaccreditation" means the review and approval of an  
25 educational plan. Review of an education plan includes consideration of whether the

1 school submitting the plan meets the requirements under s. 118.165 (1). The fact  
2 that a private school has obtained preaccreditation does not require an ~~accreditation~~  
3 ~~organization~~ accrediting entity to accredit the private school.

4 **SECTION 36.** 119.23 (1) (ap) of the statutes is created to read:

5 119.23 (1) (ap) “Preaccrediting entity” means the Institute for the  
6 Transformation of Learning at Marquette University, Wisconsin North Central  
7 Association, Wisconsin Religious and Independent Schools Accreditation,  
8 Independent Schools Association of the Central States, Wisconsin Evangelical  
9 Lutheran Synod School Accreditation, National Lutheran School Accreditation,  
10 Wisconsin Association of Christian Schools, and the diocese or archdiocese within  
11 which a private school is located.

12 **SECTION 37.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

13 119.23 (2) (a) (intro.) ~~Any~~ Subject to pars. (ag) and (ar), any pupil in grades  
14 kindergarten to 12 who resides within the city may attend any private school if all  
15 of the following apply:

16 **SECTION 38.** 119.23 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act  
17 20, is amended to read:

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

1 financial information submitted by private schools under sub. (7) (am) and (d) 2. and  
2 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

3 **SECTION 39.** 119.23 (2) (a) 3g. of the statutes is created to read:

4 119.23 (2) (a) 3g. By May 1 before the first term of participation in the program  
5 under this section, the private school submits to the department, on a form provided  
6 by the department, a complete anticipated budget for the first fiscal period of  
7 participation in the program under this section. The governing body shall include  
8 on the completed form anticipated enrollments for all pupils enrolled in the private  
9 school and for pupils enrolled in the private school under this section; estimated  
10 revenues and costs; a schedule of anticipated beginning and ending net choice  
11 program assets; and a schedule of monthly cash flow requirements. The governing  
12 body shall include in the budget contingent funding sources the private school will  
13 use in the event that actual enrollments are less than expected.

14 **SECTION 40.** 119.23 (2) (a) 7. a. of the statutes, as affected by 2013 Wisconsin  
15 Act 20, is amended to read:

16 119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating  
17 in the program under this section on July 1, 2009, the private school achieves  
18 accreditation by ~~Wisconsin North Central Association, Wisconsin Religious and~~  
19 ~~Independent Schools Accreditation, Independent Schools Association of the Central~~  
20 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~  
21 ~~Lutheran School Accreditation, Wisconsin Association of Christian Schools, the~~  
22 ~~diocese or archdiocese within which the private school is located, or any other~~  
23 ~~organization recognized by the National Council for Private School Accreditation, an~~  
24 accrediting entity by December 31 of the 3rd school year following the first school  
25 year that begins after June 30, 2006, in which it participates in the program under

1 this section. If the private school is accredited as provided under this subd. 7. a., the  
2 private school is not required to obtain preaccreditation under subd. 7. b. ~~bg.~~ as a  
3 prerequisite to providing instruction under this section in additional grades or in an  
4 additional or new school.

5 **SECTION 41.** 119.23 (2) (a) 7. b. of the statutes, as affected by 2013 Wisconsin  
6 Act 20, is repealed and recreated to read:

7 119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that was a  
8 first-time participant in the program under this section before the effective date of  
9 this subd. 7. b. .... [LRB inserts date], and that is not accredited by an accrediting  
10 entity, the private school obtains accreditation from an accrediting entity by  
11 December 31 of the 3rd school year following the first school year in which the private  
12 school began participating in the program under this section. If the private school  
13 is accredited under this subd. 7. b., the private school is not required to obtain  
14 preaccreditation under subd. 7. bg. as a prerequisite to providing instruction under  
15 this section in additional grades or in an additional or new school.

16 **SECTION 42.** 119.23 (2) (a) 7. bg. and br. of the statutes are created to read:

17 119.23 (2) (a) 7. bg. Each private school that begins participation in the  
18 program under this section on or after the effective date of this subd. 7. bg. .... [LRB  
19 inserts date], and that is not accredited by an accrediting entity, shall obtain  
20 preaccreditation by a preaccrediting entity by August 1 before the first school term  
21 in which the private school begins participation in the program under this section,  
22 or by May 1 if the private school begins participating in the program during summer  
23 school. In any school year, a private school to which this subd. 7. bg. applies may  
24 apply for and seek to obtain preaccreditation from only one preaccrediting entity. A  
25 private school to which this subd. 7. bg. applies that fails to obtain preaccreditation

1 as required under this subd. 7. bg. may not participate in the program under this  
2 section or under s. 118.60 until preaccreditation has been obtained, but the private  
3 school may apply for and seek to obtain preaccreditation from a preaccrediting entity  
4 for the following school year.

5 br. A private school to which subd. 7. bg. applies shall apply for accreditation  
6 by an accrediting entity by December 31 of the first school year that begins after the  
7 effective date of this subd. 7. br. .... [LRB inserts date], in which the private school  
8 begins participation in the program under this section, and shall achieve  
9 accreditation by an accrediting entity by December 31 of the 3rd school year following  
10 the school year in which the private school begins participation in the program under  
11 this section. If the private school is accredited under this subd. 7. br., the private  
12 school is not required to obtain preaccreditation as a prerequisite to providing  
13 instruction under this section in additional grades or in an additional or new school.

14 **SECTION 43.** 119.23 (2) (a) 7. c. of the statutes, as affected by 2013 Wisconsin  
15 Act 20, is amended to read:

16 119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or  
17 seeking to participate in the program under this section or in the program under s.  
18 118.60 may not apply for accreditation by the Institute for the Transformation of  
19 Learning at Marquette University, except that a private school that has applied for  
20 accreditation to the Institute for the Transformation of Learning at Marquette  
21 University before July 1, 2009, and that is participating in the program under this  
22 section on the effective date of this subd. 7. c. .... [LRB inserts date], may, subject to  
23 subd. 7. e., complete the accreditation process with the Institute for the  
24 Transformation of Learning at Marquette University, and may, subject to subd. 7. e.,

1 seek renewal of accreditation from the Institute for the Transformation of Learning  
2 at Marquette University.

3 **SECTION 44.** 119.23 (2) (a) 7. d. of the statutes, as affected by 2013 Wisconsin  
4 Act 20, is amended to read:

5 119.23 (2) (a) 7. d. For a private school that was approved for scholarship  
6 funding for the 2005–06 school year by Partners Advancing Values in Education and  
7 is participating in the program under this section on November 19, 2011, the private  
8 school achieves accreditation by ~~Wisconsin North Central Association, Wisconsin~~  
9 ~~Religious and Independent Schools Accreditation, Independent Schools Association~~  
10 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
11 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
12 ~~Schools, the diocese or archdiocese within which the private school is located, or any~~  
13 ~~other organization recognized by the National Council for Private School~~  
14 ~~Accreditation, an accrediting entity~~ by December 31, 2015. If the private school is  
15 accredited as provided under this subd. 7. d., the private school is not required to  
16 obtain preaccreditation under subd. 7. b. bg. as a prerequisite to providing  
17 instruction under this section in additional grades or in an additional or new school.

18 **SECTION 45.** 119.23 (2) (a) 7. e. of the statutes is created to read:

19 119.23 (2) (a) 7. e. For a private school that is accredited by the Institute for  
20 the Transformation of Learning at Marquette University and that is participating  
21 in the program under this section on the effective date of this subd. 7. e. .... [LRB  
22 inserts date], the private school achieves accreditation by an accrediting entity under  
23 sub. (1) (ab) 1. by December 31, <sup>e 2014</sup> ~~2016~~. If the private school is accredited as provided  
24 under this subd. 7. e., the private school is not required to obtain preaccreditation

1 under subd. 7. bg. as a prerequisite to providing instruction under this section in  
2 additional grades or in an additional or new school.

3 **SECTION 46.** 119.23 (2) (ag) of the statutes is created to read:

4 119.23 (2) (ag) The governing body of a new private school shall comply with  
5 all of the following before the new private school may participate in the program  
6 under this section:

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

11 a. A notice of intent to participate and agreement to comply with procedural  
12 requirements.

*showing that the private school will have a positive cash  
flow in each month of the fiscal period and no operating deficit*

13 b. A complete anticipated budget for the first fiscal period of participation in  
14 the program under this section. The governing body shall include on the completed  
15 form anticipated enrollments for all pupils enrolled in the new private school and for  
16 pupils enrolled in the new private school under this section; estimated revenues and  
17 costs; a schedule of anticipated beginning and ending net choice program assets; and  
18 a schedule of monthly cash flow requirements. The governing body shall include in  
19 the budget contingent funding sources the new private school will use in the event  
20 that actual enrollments are less than expected.

21 c. The nonrefundable fee established by the department, as required under s.  
22 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school.  
23 If the amount of the fee paid by the new private school under this subd. 1. c. increases  
24 for the school year in which the new private school will first participate in the  
25 program under this section, the new private school shall pay the difference between

1 the fee paid and the fee due to the department. If the amount of the fee paid by the  
2 new private school under this subd. 1. c. decreases for the school year in which the  
3 new private school will first participate in the program under this section, the  
4 department shall refund the new private school the difference between the fee paid  
5 and the fee due to the department.

6 2. a. By August 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 the information required under sub. (6m) (a) and  
9 (c).

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

14 3. By August 1 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, submit to the department a statement indicating which of the standards  
17 under sub. (7) (a) the private school intends to meet.

18 4. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a)  
19 7. bg., by December 15 of the school year immediately preceding the school year in  
20 which the new private school intends to participate in the program under this  
21 section, obtain preaccreditation from a preaccrediting entity.

*Insert*  
*24-22* 22 **SECTION 47.** 119.23 (2) (ar) of the statutes is created to read:

23 119.23 (2) (ar) By December 31 of the school year immediately preceding the  
24 school year in which a new private school intends to participate in the program under  
25 this section, the department shall notify the new private school in writing whether



1 it has satisfied those requirements under par. (ag) that must be satisfied before  
2 December 31. If the department determines that the new private school has not  
3 satisfied those requirements, the new private school may not participate in the  
4 program under this section in the following school year, but may reinitiate the  
5 process under par. (ag) for the next following school year.

6 **SECTION 48.** 119.23 (7) (ad) of the statutes, as created by 2013 Wisconsin Act  
7 20, is renumbered 119.23 (7) (ad) 3. and amended to read:

8 119.23 (7) (ad) 3. The governing body of a private school participating in the  
9 program under this section and accredited as required under subds. 1. and 2. and  
10 sub. (2) (a) 7. shall ensure that the private school continuously maintains  
11 accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and~~  
12 ~~Independent School Accreditation, Independent Schools Association of the Central~~  
13 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~  
14 ~~Lutheran School Accreditation, Wisconsin Association of Christian Schools, the~~  
15 ~~diocese or archdiocese within which the private school is located, by any other~~  
16 ~~organization recognized by the National Council for Private Schools Accreditation,~~  
17 ~~or, for a private school to which sub. (2) (a) 7. c. applies, the Institute for the~~  
18 ~~Transformation of Learning at Marquette University, an accrediting entity~~ as long  
19 as the private school continues to participate in the program under this section.

20 **SECTION 49.** 119.23 (7) (ad) 1. and 2. of the statutes <sup>e</sup>are created to read:

21 119.23 (7) (ad) 1. If a private school participating in the program under this  
22 section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any  
23 elementary grade, but not any high school grade, seeks to offer instruction in any  
24 high school grade, the private school shall apply for and achieve accreditation to offer

1 instruction in the additional grades in the manner established under sub. (2) (a) 7.  
2 br.

3 2. If a private school participating in the program under this section or s. 118.60  
4 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but  
5 not any elementary grade, seeks to offer instruction in any elementary grade, the  
6 private school shall apply for and achieve accreditation to offer instruction in the  
7 additional grades in the manner established under sub. (2) (a) 7. br.

8 **SECTION 50.** 119.23 (7) (ag) of the statutes is created to read:

9 119.23 (7) (ag) If a participating private school learns that an accrediting  
10 organization with which the private school is maintaining accreditation, as required  
11 under par. (ad), is a disqualified organization, the private school shall immediately  
12 notify the department in writing of this fact and shall obtain accreditation from an  
13 accrediting entity as follows:

14 1. For a private school whose accreditation from the disqualified organization  
15 would have expired within 3 years from the date on which the private school learned  
16 that the accrediting organization is a disqualified organization, no later than the  
17 date on which the accreditation from the disqualified organization would have  
18 expired.

19 2. For a private school whose accreditation from the disqualified organization  
20 would have expired later than 3 years from the date on which the private school  
21 learned that the accrediting organization is a disqualified organization, no later than  
22 3 years from the date on which the private school learned that the accrediting  
23 organization is a disqualified organization.

24 **SECTION 51.** 119.23 (7) (ao) of the statutes is created to read:

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

6           **SECTION 52.** 119.23 (7) (em) 1. of the statutes, as created by 2013 Wisconsin Act  
7 20, is amended to read:

8           119.23 (7) (em) 1. Beginning in the 2013-14 school year, the governing body of  
9 each private school participating in the program under this section shall, subject to  
10 subd. 2., annually, by January 15, provide the department with evidence  
11 demonstrating that the private school remains accredited for the current school year  
12 as required under par. (ad). The governing body shall include as evidence of  
13 accreditation a letter prepared by ~~Wisconsin North Central Association, Wisconsin~~  
14 ~~Religious and Independent School Accreditation, Independent Schools Association~~  
15 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
16 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
17 ~~Schools, the diocese or archdiocese within which the private school is located, by any~~  
18 ~~other organization recognized by the National Council for Private Schools~~  
19 ~~Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute~~  
20 ~~for the Transformation of Learning at Marquette University, which an accrediting~~  
21 entity that confirms that the private school is accredited by that entity as of the date  
22 of the letter.

23           **SECTION 53.** 119.23 (7) (f) of the statutes is repealed.

24           **SECTION 54.** 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~~ determines during the accrediting or preaccrediting process  
3 that a private school does not meet all of the requirements under s. 118.165 (1), it  
4 shall report that failure to the department.

5           **SECTION 55.** 119.23 (10) (am) 2. of the statutes is amended to read:

6           119.23 (10) (am) 2. The private school's application for accreditation has been  
7 denied by the accrediting ~~organization~~ entity.

8           **SECTION 56.** 119.23 (10) (ar) of the statutes, as created by 2013 Wisconsin Act  
9 20, is amended to read:

10           119.23 (10) (ar) 1. If the state superintendent determines that a private school  
11 has failed to continuously maintain accreditation as required under sub. (7) (ad),  
12 that the governing body of the private school has withdrawn the private school from  
13 the accreditation process, or that the private school's accreditation has been revoked,  
14 denied, or terminated by ~~Wisconsin North Central Association, Wisconsin Religious~~  
15 ~~and Independent School Accreditation, Independent Schools Association of the~~  
16 ~~Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
17 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
18 ~~Schools, the diocese or archdiocese within which the private school is located, by any~~  
19 ~~other organization recognized by the National Council for Private Schools~~  
20 ~~Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute~~  
21 ~~for the Transformation of Learning at Marquette University~~ an accrediting agency,  
22 the state superintendent shall issue an order barring the private school's  
23 participation in the program under this section at the end of the current school year.

24           2. A private school whose participation in the program under this section is  
25 barred under subd. 1. may not participate in the program under this section or under

1 s. 118.60 until the governing body of the private school demonstrates to the  
2 satisfaction of the department that it has obtained accreditation from ~~Wisconsin~~  
3 ~~North Central Association, Wisconsin Religious and Independent School~~  
4 ~~Accreditation, Independent Schools Association of the Central States, Wisconsin~~  
5 ~~Evangelical Lutheran Synod School Accreditation, National Lutheran School~~  
6 ~~Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese~~  
7 ~~within which the private school is located, or by any other organization recognized~~  
8 ~~by the National Council for Private Schools Accreditation~~ an accrediting entity,  
9 provided the accreditation is from an entity other than the entity with which the  
10 private school failed to continuously maintain accreditation or, if the private school's  
11 accreditation was revoked, denied, or terminated, other than the entity that revoked,  
12 denied, or terminated the private school's accreditation.

13 **SECTION 57.** 447.06 (2) (a) 2. of the statutes is amended to read:

14 447.06 (2) (a) 2. For a school board ~~or~~, a governing body of a private school, as  
15 defined in s. 115.001 (3d), or a governing body of a tribal school, as defined in s.  
16 115.001 (15m).

17 **SECTION 58.** 895.035 (1) (a) of the statutes is renumbered 895.035 (1) (a) (intro.)  
18 and amended to read:

19 895.035 (1) (a) In this section, ~~“custody”~~:

20 1. “Custody” means either legal custody of a child under a court order under  
21 s. 767.225 or 767.41, custody of a child under a stipulation under s. 767.34 or actual  
22 physical custody of a child. “Custody” does not include legal custody, as defined  
23 under s. 48.02 (12), by an agency or a person other than a child's birth or adoptive  
24 parent.

25 **SECTION 59.** 895.035 (1) (a) 2. of the statutes is created to read:



§ ← lower-case "s"  
**INSERT ANALYSIS**

This bill makes several changes to the Milwaukee, Racine, and state-wide parental choice programs (PCP), under which an eligible pupil may attend a participating private school with financial assistance from the state. Among these changes are the following:

**Additional requirements for "new private schools"**

Under current law, a private school may participate in one or more PCP if it satisfies certain criteria and fulfills specified requirements by specified deadlines. For example, the private school must notify the Department of Public Instruction (DPI) by February 1 of its intent to participate in a PCP in the upcoming school year.

Under current law, school year is defined to mean the time commencing with July 1 and ending with the next succeeding June 30. Current law also requires a private school be accredited by one in a list of approved accrediting organizations. If, prior to its first year of participation in a PCP, the private school is not accredited, the private school must, with limited exceptions, obtain preaccreditation by August 1 of its first school term of participation in a PCP. Current law defines school term to mean the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes. Private schools seeking to participate in a PCP or continue to participate in a PCP must also provide a minimum number of hours of direct pupil instruction to pupils attending the school and meet all health and safety codes applicable to public schools. A private school that has participated in a PCP in the immediately preceding school year must also submit to DPI an independent financial audit of the private school and evidence of sound fiscal practices.

This bill imposes additional requirements upon a "new private school" seeking to participate in a PCP and defines a "new private school" as a private school that, with certain exceptions, satisfies either of the following: 1) the school has been in continuous operation in the state for less than 12 consecutive months, or 2) the school provides education to fewer than 40 pupils divided into two or fewer grades. A new private school that is operated by a governing body that also operates or manages a participating private school is not considered to be a new private school provided that that governing body has not been barred from participating in a PCP or had any payment withheld by DPI in the three immediately preceding school years. The bill defines "governing body of a private school" and "governing body of a new private school" as a board elected or appointed to govern the private school or, if no board is appointed or elected to govern the school, any other person having direct charge of the private school.

Under the bill, a new private school must comply with the following additional requirements prior to being able to participate in a PCP:

1. By August 1 of the school year preceding the school year in which the school first intends to participate, the private school must: notify DPI of its intent to participate and pay a nonrefundable fee; submit a complete budget for the first fiscal

period of participation in a PCP that shows, among other things, that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit; and provide certain information about the governing body of and policies that will govern the private school.

2. By December 15 of the school year immediately preceding the school year in which the private school intends to participate, the private school must obtain preaccreditation from an approved preaccrediting entity.

3. By August 1 of the school year in which the private school intends to participate, the private school must demonstrate to the satisfaction of DPI that the private school has contracted with a third-party payroll service.

The bill requires DPI to notify a new private school whether it has fulfilled specified requirements by December 31 of the school year immediately preceding the school year in which the private school first intends to participate. A new private school that does not fulfill the requirements may not participate in a PCP in the following school year, but may reinitiate the process for participating for the next following school year.

**Preaccreditation and accreditation requirements**

2013 Wisconsin Act 20 (Act 20, the biennial budget bill) requires a private school participating in a PCP to continuously maintain accreditation with one of a list of approved accrediting organizations for as long as the private school continues to participate in the PCP. Act 20 also requires participating private schools to annually, by January 15, submit evidence to DPI demonstrating that the private school remains accredited for the current school year. Finally, Act 20 requires DPI to bar from the PCP a private school that fails to provide evidence of accreditation at the end of the school year and until the private school satisfies the accreditation requirement.

This bill creates formal definitions for "accrediting entity" and "preaccrediting entity;" these defined terms replace duplicated lists of approved preaccrediting and accrediting organizations to simplify the statutes. The bill clarifies that each private school that begins participation in a PCP after the effective date of the bill and that is not already accredited by an accrediting entity must obtain preaccreditation from a preaccrediting entity by August 1 before the first school term of participation in the PCP. The bill specifies that each private school that participates in a PCP and that is not already accredited by an accrediting entity must apply for accreditation by December 31 of the first school year in which the private school participates in the PCP, and must obtain accreditation by December 31 of its 3rd school year of participation in the PCP. The bill also requires a private school that is accredited to offer instruction in certain specified grades, such as Kindergarten through 8th grade or the high school grades, but intends to offer instruction in additional grades to obtain and continuously maintain accreditation for those additional grades in the same manner as it was required to obtain and maintain accreditation in the original grades. Finally, the bill provides that, if a participating private school learns that the entity with which it is accredited is a "disqualified organization," the private school must obtain accreditation from an accrediting entity no later than three years from the date the private school learned the accrediting organization is a disqualified

first first

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fourth

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organization

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✓  
✓



organization. The bill defines "disqualified organization" as an accrediting organization that is not an accrediting entity nor a member of or otherwise sanctioned by an accrediting entity.

or

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

LPS:  
add  
some space  
between  
the FE tag  
and the preceding  
material

INSERT 12-7

5. By August 1 of the first school year in which the private school intends to participate in the program under this section, demonstrate to the satisfaction of the department that the private school has contracted with a third-party payroll service that will remit federal and state payroll taxes for each employee of the private school for the duration of the school year.

INSERT 24-22

5. By August 1 of the first school year in which the private school intends to participate in the program under this section, demonstrate to the satisfaction of the department that the private school has contracted with a third-party payroll service that will remit federal and state payroll taxes for each employee of the private school for the duration of the school year.

## Kuczenski, Tracy

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**From:** Archibald, Sarah  
**Sent:** Tuesday, November 12, 2013 11:45 AM  
**To:** Kuczenski, Tracy  
**Cc:** Kulow, Chris  
**Subject:** RE: Draft review: LRB -1358/1 Topic: Choice programs -- requirements to maintain accreditation

Let's go with Nycole's suggestion.

Thanks!

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, November 12, 2013 10:52 AM  
**To:** Archibald, Sarah  
**Cc:** Kulow, Chris  
**Subject:** RE: Draft review: LRB -1358/1 Topic: Choice programs -- requirements to maintain accreditation

Hi Sarah --

The bill, as drafted, does not specify an effective date/initial applicability for the new schools requirements, which means it would take effect on the day after publication. Hence, the bill would require a new private school that wants to participate in a choice program to submit the required information by August 1 of the school year immediately preceding the school year in which it intends to participate. School year is defined as July 1 – June 30.

So what does this mean?

If the new school wants to participate in the 2014-15 school year (the school year that begins July 1, 2014), it would have had to submit the required information by August 1, 2013. That date has passed.

This explanation should answer Jennifer's question as well.

With this information, do you have additional drafting instructions for me?

Tracy

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

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**From:** Archibald, Sarah  
**Sent:** Tuesday, November 12, 2013 10:39 AM  
**To:** Kuczenski, Tracy  
**Cc:** Kulow, Chris  
**Subject:** FW: Draft review: LRB -1358/1 Topic: Choice programs -- requirements to maintain accreditation

Hi Tracy,

I have two comments for you on the draft. One is from Nycole (below), and the other is from Jennifer, which I'll forward next.

**Kuczenski, Tracy**

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**From:** Archibald, Sarah  
**Sent:** Tuesday, November 12, 2013 10:40 AM  
**To:** Kuczenski, Tracy  
**Cc:** Kulow, Chris  
**Subject:** FW: Choice bill draft review

Hi again,

If you could just let me know whether you feel either of these issues necessitates a drafting change, that would be awesome!

Thanks!  
Sarah

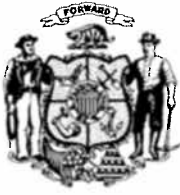
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**From:** Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]  
**Sent:** Monday, November 11, 2013 8:56 AM  
**To:** Archibald, Sarah  
**Subject:** Choice bill draft review

I have one question on the effective date of the new school provisions (s. 118.60(2)(ag) Wis. Stat., for example) Is current law, still in place for the upcoming 2014-15 school year? Or do the new school provisions apply to the 2014-15 school year and therefore it is too late for new schools to participate in 2014-15 because they would have had to start the process by August 2013? The answer to this question may impact the school registration process and forms. Just FYI - we are starting this registration today or Monday.

Jennifer

Sent from my U.S. Cellular® Smartphone



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-135842

TKK:cjs:rs

stays insert  
RMPK

2013 BILL

11/15/13  
Whitford 11/18

Can Cat

§ 1

1 AN ACT *to repeal* 118.30 (1s) (b) and 119.23 (7) (f); *to renumber* 118.60 (1) (a);

2 *to renumber and amend* 118.30 (1s) (a), 118.60 (7) (ad), 119.23 (7) (ad) and

3 895.035 (1) (a); *to amend* 7.30 (2) (am), 48.355 (2) (c), 118.07 (3), 118.30 (2) (b)

4 5., 118.33 (1) (f) 3., 118.33 (6) (c) 1., 118.33 (6) (c) 2., 118.60 (1) (c), 118.60 (2) (a)

5 (intro.), 118.60 (2) (a) 3. a., 118.60 (7) (em) 1., 118.60 (9), 118.60 (10) (am) 2.,

6 118.60 (10) (ar), 119.23 (1) (am), 119.23 (2) (a) (intro.), 119.23 (2) (a) 3., 119.23

7 (2) (a) 7. a., 119.23 (2) (a) 7. c., 119.23 (2) (a) 7. d., 119.23 (7) (em) 1., 119.23 (9),

8 119.23 (10) (am) 2., 119.23 (10) (ar), 447.06 (2) (a) 2. and 950.08 (2w); *to repeal*

9 *and recreate* 118.60 (2) (a) 7. and 119.23 (2) (a) 7. b.; and *to create* 39.41 (1)

10 (aj), 115.001 (3d), 118.60 (1) (ab), 118.60 (1) (af), 118.60 (1) (bn), 118.60 (1) (cm),

11 118.60 (2) (a) 3g., 118.60 (2) (ag), 118.60 (2) (ar), 118.60 (7) (ad) 1. and 2., 118.60

12 (7) (ag), 118.60 (7) (ao), 119.23 (1) (ab), 119.23 (1) (af), 119.23 (1) (ai), 119.23 (1)

13 (ap), 119.23 (2) (a) 3g., 119.23 (2) (a) 7. bg. and br., 119.23 (2) (a) 7. e., 119.23 (2)

14 (ag), 119.23 (2) (ar), 119.23 (7) (ad) 1. and 2., 119.23 (7) (ag), 119.23 (7) (ao),

**BILL**

1           895.035 (1) (a) 2. and 938.02 (6m) of the statutes; **relating to:** requirements for  
2           new private schools seeking to participate in a parental choice program and  
3           requiring a private school participating in a parental choice program to  
4           maintain accreditation.

---

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

This bill makes several changes to the Milwaukee, Racine, and state-wide parental choice programs (PCPs), under which an eligible pupil may attend a participating private school with financial assistance from the state. Among these changes are the following:

***Additional requirements for “new private schools”***

Under current law, a private school may participate in one or more PCPs if it satisfies certain criteria and fulfills specified requirements by specified deadlines. For example, the private school must notify the Department of Public Instruction (DPI) by February 1 of its intent to participate in a PCP in the upcoming school year. Under current law, school year is defined to mean the time commencing with July 1 and ending with the next succeeding June 30. Current law also requires a private school to be accredited by one in a list of approved accrediting organizations. If, prior to its first year of participation in a PCP, the private school is not accredited, the private school must, with limited exceptions, obtain preaccreditation by August 1 of its first school term of participation in a PCP. Current law defines school term to mean the time commencing with the first school day and ending with the last school day that the schools of a school district are in operation for attendance of pupils in a school year, other than for the operation of summer classes. Private schools seeking to participate in — or continue to participate in — a PCP must also provide a minimum number of hours of direct pupil instruction to pupils attending the school and meet all health and safety codes applicable to public schools. A private school that has participated in a PCP in any school year must also submit to DPI by September 1 of the following school year an independent financial audit of the private school and evidence of sound fiscal practices.

This bill imposes additional requirements upon a “new private school” seeking to participate in a PCP and defines a “new private school” as a private school that, with certain exceptions, satisfies either of the following: 1) the private school has been in continuous operation in the state for less than 12 consecutive months, or 2) the private school provides education to fewer than 40 pupils divided into two or fewer grades. A private school that is operated by a governing body that also operates or manages a participating private school is not considered to be a new private school if that governing body has not been barred from participating in a PCP or had any payment withheld by DPI in the three immediately preceding school years. The bill defines “governing body of a private school” and “governing body of a new private school” as a board elected or appointed to govern the private school or, if no board is

**BILL**

appointed or elected to govern the school, any other person having direct charge of the private school.

Under the bill, a new private school must comply with the following additional requirements prior to being able to participate in a PCP:

1. By August 1 of the school year preceding the school year in which the private school first intends to participate, the private school must: notify DPI of its intent to participate and pay a nonrefundable fee; submit a complete budget for the first fiscal period of participation in a PCP that shows, among other things, that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit; and provide certain information about the governing body of and policies that will govern the private school.

2. By December 15 of the school year immediately preceding the school year in which the private school first intends to participate, the private school must obtain preaccreditation from an approved preaccrediting entity.

3. By August 1 of the first school year in which the private school intends to participate, the private school must demonstrate to the satisfaction of DPI that the private school has contracted with a third-party payroll service.

The bill requires DPI to notify a new private school whether it has fulfilled specified requirements by December 31 of the school year immediately preceding the school year in which the private school first intends to participate. A new private school that does not fulfill the requirements may not participate in a PCP in the following school year, but may reinitiate the process for participating for the next following school year.

***Preaccreditation and accreditation requirements***

2013 Wisconsin Act 20 (Act 20, the biennial budget bill) requires a private school participating in a PCP to continuously maintain accreditation with one of a list of approved accrediting organizations for as long as the private school continues to participate in the PCP. Act 20 also requires participating private schools to annually, by January 15, submit evidence to DPI demonstrating that the private school remains accredited for the current school year. Finally, Act 20 requires DPI to bar from the PCP a private school that fails to provide evidence of accreditation, at the end of the school year and until the private school satisfies the accreditation requirement.

This bill creates formal definitions for “accrediting entity” and “preaccrediting entity”; these defined terms replace duplicated lists of approved preaccrediting and accrediting organizations to simplify the statutes. The bill clarifies that each private school that begins participation in a PCP after the effective date of the bill and that is not already accredited by an accrediting entity must obtain preaccreditation from a preaccrediting entity by August 1 before the first school term of participation in the PCP. The bill specifies that each private school that participates in a PCP and that is not already accredited by an accrediting entity must apply for accreditation by December 31 of the first school year in which the private school participates in the PCP, and must obtain accreditation by December 31 of its fourth school year of participation in the PCP. The bill also requires a private school that is accredited to offer instruction in certain specified grades, such as kindergarten through 8th grade

The additional requirements for new private schools first apply to a new private school seeking to participate in a PCP in the 2015-16 school year

**BILL**

or the high school grades, but intends to offer instruction in additional grades to obtain and continuously maintain accreditation for those additional grades in the same manner as it was required to obtain and maintain accreditation in the original grades. Finally, the bill provides that, if a participating private school learns that the organization with which it is accredited is a “disqualified organization,” the private school must obtain accreditation from an accrediting entity no later than three years from the date the private school learned the accrediting organization is a disqualified organization. The bill defines “disqualified organization” as an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

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

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

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

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

**BILL**

1 appointed. In addition, if a pupil does not have at least a 3.0 grade point average or  
2 the equivalent, the municipal clerk shall obtain written certification from the  
3 principal of the school where the pupil is enrolled that the pupil meets any criteria  
4 established by the school board or governing body for service as an inspector. Upon  
5 appointment of a pupil to serve as an inspector, the municipal clerk shall notify the  
6 principal of the school where the pupil is enrolled of the name of the pupil and the  
7 date of the election at which the pupil has been appointed to serve.

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

9 39.41 (1) (aj) “Governing body of a private school” has the meaning given in s.  
10 115.001 (3d).

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

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

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

21 115.001 (3d) GOVERNING BODY OF A PRIVATE SCHOOL. “Governing body of a private  
22 school” and “governing body of a new private school” means a board elected or  
23 appointed to govern the private school or, if no board is appointed or elected to govern  
24 the school, any other person having direct charge of the private school.

25 **SECTION 5.** 118.07 (3) of the statutes is amended to read:



**BILL****SECTION 5**

1           118.07 (3) The department shall make available to school districts, private  
2 schools, tribal schools, and charter schools information about meningococcal disease,  
3 including the causes and symptoms of the disease, how it is spread, and how to obtain  
4 additional information about the disease and the availability, effectiveness, and  
5 risks of vaccinations against the disease. The department may do so by posting the  
6 information on its Internet site. ~~At the beginning of the 2006-07 to 2011-12 school~~  
7 ~~years, each school board and the governing body of each private school and each~~  
8 ~~charter school shall provide the parents and guardians of pupils enrolled in grades~~  
9 ~~6 to 12 in the school district or school with the information.~~ At the beginning of the  
10 2012-13 school year and each school year thereafter, each school board and the  
11 governing body of each private school and each charter school shall provide the  
12 parents and guardians of pupils enrolled in grade 6 in the school district or school  
13 with the information.

14           **SECTION 6.** 118.30 (1s) (a) of the statutes, as affected by 2013 Wisconsin Act 20,  
15 is renumbered 118.30 (1s), and 118.30 (1s) (intro.), as renumbered, is amended to  
16 read:

17           118.30 (1s) (intro.) ~~Except as provided in par. (b), annually~~ Annually, the  
18 governing body of each private school participating in the program under s. 119.23  
19 shall do all of the following:

20           **SECTION 7.** 118.30 (1s) (b) of the statutes is repealed.

21           **SECTION 8.** 118.30 (2) (b) 5. of the statutes, as affected by 2013 Wisconsin Act  
22 20, is amended to read:

23           118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
24 body of a private school participating in the program under s. 119.23 shall excuse the  
25 pupil from taking an examination administered under sub. (1s) (a) ~~1. to 3m~~ (cm).

**BILL**

1           **SECTION 9.** 118.33 (1) (f) 3. of the statutes is amended to read:

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

13           **SECTION 10.** 118.33 (6) (c) 1. of the statutes is amended to read:

14           118.33 (6) (c) 1. The governing body of each private school participating in the  
15 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
16 a pupil who is attending the private school under s. 119.23 from the 4th grade to the  
17 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
18 pupil's score on the examination administered under s. 118.30 (1s) (a) ~~1. or 2.~~ (b),  
19 unless the pupil has been excused from taking the examination under s. 118.30 (2)  
20 (b); the pupil's academic performance; the recommendations of teachers, which shall  
21 be based solely on the pupil's academic performance; and any other academic criteria  
22 specified by the governing body of the private school.

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

24           118.33 (6) (c) 2. ~~Beginning on September 1, 2010, the~~ The governing body of a  
25 private school participating in the program under s. 119.23 may not promote a 4th

**BILL****SECTION 11**

1 grade pupil who is attending the private school under s. 119.23 to the 5th grade, and  
2 may not promote an 8th grade pupil who is attending the private school under s.  
3 119.23 to the 9th grade, unless the pupil satisfies the criteria for promotion specified  
4 in the governing body's policy under subd. 1.

5 **SECTION 12.** 118.60 (1) (a) of the statutes is renumbered 118.60 (1) (ad).

6 **SECTION 13.** 118.60 (1) (ab) of the statutes is created to read:

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

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

15 118.60 (1) (af) "Disqualified organization" means an accrediting organization  
16 that is not an accrediting entity or a member of or otherwise sanctioned by an  
17 accrediting entity.

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

19 118.60 (1) (bn) 1. Except as provided in subd. 2., "new private school" means  
20 a school that qualifies as a private school under s. 115.001 (3r) and that satisfies  
21 either of the following:

22 a. The school has been in continuous operation in this state for less than 12  
23 consecutive months.

24 b. The school provides education to fewer than 40 pupils divided into 2 or fewer  
25 grades.

**BILL**

1           2. “New private school” does not include a private school the governing body of  
2           which operates or manages a private school that is participating in the program  
3           under this section or under s. 119.23 if all of the following apply:

4           a. No payment has been withheld from any private school operated or managed  
5           by the governing body under sub. (10) (d) or s. 119.23 (10) (d) in the 3 immediately  
6           preceding school years.

7           b. No order barring any private school operated or managed by the governing  
8           body from participating in the program under this section or s. 119.23 has been  
9           issued under sub. (10) (a), (am), (ar), or (b) or under s. 119.23 (10) (a), (am), (ar), or  
10          (b) in the 3 immediately preceding school years.

11          **SECTION 16.** 118.60 (1) (c) of the statutes is amended to read:

12          118.60 (1) (c) “Preaccreditation” means the review and approval of an  
13          educational plan. Review of an education plan includes consideration of whether the  
14          school submitting the plan meets the requirements under s. 118.165 (1). The fact  
15          that a private school has obtained preaccreditation does not require an ~~accreditation~~  
16          ~~organization~~ accrediting entity to accredit the private school.

17          **SECTION 17.** 118.60 (1) (cm) of the statutes is created to read:

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

**BILL**

1           **SECTION 18.** 118.60 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin  
2 Act 20, is amended to read:

3           118.60 (2) (a) (intro.) Any Subject to pars. (ag) and (ar), any pupil in grades  
4 kindergarten to 12 who resides within an eligible school district may attend any  
5 private school under this section and, subject to pars. (ag), (ar), (be), (bm), and (bs),  
6 any pupil in grades kindergarten to 12 who resides in a school district, other than  
7 an eligible school district or a 1st class city school district, may attend any private  
8 school under this section if all of the following apply:

9           **SECTION 19.** 118.60 (2) (a) 3. a. of the statutes, as affected by 2013 Wisconsin  
10 Act 20, is amended to read:

11           118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c. and sub. (2) (ag) 1.,  
12 the private school notified the state superintendent of its intent to participate in the  
13 program under this section or in the program under s. 119.23, and paid the  
14 nonrefundable fee, set by the department as required under s. 119.23 (2) (a) 3., by  
15 February 1 of the previous school year. The notice shall specify the number of pupils  
16 participating in the program under this section and in the program under s. 119.23  
17 for which the school has space.

18           **SECTION 20.** 118.60 (2) (a) 3g. of the statutes is created to read:

19           118.60 (2) (a) 3g. By May 1 before the first term of participation in the program  
20 under this section, the private school submits to the department, on a form provided  
21 by the department, a complete anticipated budget for the first fiscal period of  
22 participation in the program under this section. The governing body shall include  
23 on the completed form anticipated enrollments for all pupils enrolled in the private  
24 school and for pupils enrolled in the private school under this section; estimated  
25 revenues and costs; a schedule of anticipated beginning and ending net choice

**BILL**

1 program assets; and a schedule of monthly cash flow requirements. The governing  
2 body shall include in the budget contingent funding sources the private school will  
3 use in the event that actual enrollments are less than expected.

4 **SECTION 21.** 118.60 (2) (a) 7. of the statutes, as affected by 2013 Wisconsin Act  
5 20, is repealed and recreated to read:

6 118.60 (2) (a) 7. a. For a private school that was a first-time participant in the  
7 program under this section before the effective date of this subd. 7. a. .... [LRB inserts  
8 date], and that is not accredited by an accrediting entity, the private school obtains  
9 accreditation from an accrediting entity by December 31 of the 3rd school year  
10 following the first school year in which the private school began participating in the  
11 program under this section. If the private school is accredited under this subd. 7. a.,  
12 the private school is not required to obtain preaccreditation under subd. 7. b. as a  
13 prerequisite to providing instruction under this section in additional grades or in an  
14 additional or new school.

15 b. Each private school that begins participation in the program under this  
16 section on or after the effective date of this subd. 7. b. .... [LRB inserts date], and that  
17 is not accredited by an accrediting entity, shall obtain preaccreditation by a  
18 preaccrediting entity by August 1 before the first school term in which the private  
19 school begins participation in the program under this section, or by May 1 if the  
20 private school begins participating in the program during summer school. In any  
21 school year, a private school to which this subd. 7. b. applies may apply for and seek  
22 to obtain preaccreditation from only one preaccrediting entity. A private school to  
23 which this subd. 7. b. applies that fails to obtain preaccreditation as required under  
24 this subd. 7. b. may not participate in the program under this section or under s.  
25 119.23 until preaccreditation has been obtained, but the private school may apply for

**BILL****SECTION 21**

1 and seek to obtain preaccreditation from a preaccrediting entity for the following  
2 school year.

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

13 **SECTION 22.** 118.60 (2) (ag) of the statutes is created to read:

14 118.60 (2) (ag) The governing body of a new private school shall comply with  
15 all of the following before the new private school may participate in the program  
16 under this section:

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

21 a. A notice of intent to participate and agreement to comply with procedural  
22 requirements.

23 b. A complete anticipated budget for the first fiscal period of participation in  
24 the program under this section showing that the private school will have a positive  
25 cash flow in each month of the fiscal period and no operating deficit. The governing

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1 body shall include on the completed form anticipated enrollments for all pupils  
2 enrolled in the new private school and for pupils enrolled in the new private school  
3 under this section; estimated revenues and costs; a schedule of anticipated beginning  
4 and ending net choice program assets; and a schedule of monthly cash flow  
5 requirements. The governing body shall include in the budget contingent funding  
6 sources the new private school will use in the event that actual enrollments are less  
7 than expected.

8 c. The nonrefundable fee established by the department, as required under s.  
9 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school.  
10 If the amount of the fee paid by the new private school under this subd. 1. c. increases  
11 for the school year in which the new private school will first participate in the  
12 program under this section, the new private school shall pay the difference between  
13 the fee paid and the fee due to the department. If the amount of the fee paid by the  
14 new private school under this subd. 1. c. decreases for the school year in which the  
15 new private school will first participate in the program under this section, the  
16 department shall refund the new private school the difference between the fee paid  
17 and the fee due to the department.

18 2. a. 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 the information required under sub. (6m) (a) and  
21 (c).

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



**BILL**

1           3. 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, submit to the department a statement indicating which of the standards  
4 under sub. (7) (a) the private school intends to meet.


5           4. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a)  
6 7. b., by December 15 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, obtain preaccreditation from a preaccrediting entity.

9           5. By August 1 of the first school year in which the new private school intends  
10 to participate in the program under this section, demonstrate to the satisfaction of  
11 the department that the new private school has contracted with a 3rd-party payroll  
12 service that will remit federal and state payroll taxes for each employee of the new  
13 private school for the duration of the school year.

14           **SECTION 23.** 118.60 (2) (ar) of the statutes is created to read:

15           118.60 (2) (ar) By December 31 of the school year immediately preceding the  
16 school year in which a new private school intends to participate in the program under  
17 this section, the department shall notify the new private school in writing whether  
18 it has satisfied those requirements under par. (ag) that must be satisfied before  
19 December 31. If the department determines that the new private school has not  
20 satisfied those requirements, the new private school may not participate in the  
21 program under this section in the following school year, but may reinstate the  
22 process under par. (ag) for the next following school year.

23           **SECTION 24.** 118.60 (7) (ad) of the statutes, as created by 2013 Wisconsin Act  
24 20, is renumbered 118.60 (7) (ad) 3. and amended to read:



**BILL**

1           118.60 (7) (ad) 3. The governing body of a private school participating in the  
2 program under this section and accredited as required under subds. 1. and 2. and  
3 sub. (2) (a) 7. shall ensure that the private school continuously maintains  
4 accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and~~  
5 ~~Independent School Accreditation, Independent Schools Association of the Central~~  
6 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~  
7 ~~Lutheran School Accreditation, Wisconsin Association of Christian Schools, 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 an accrediting entity as long as the private school continues to participate in the  
11 program under this section.

12           **SECTION 25.** 118.60 (7) (ad) 1. and 2. of the statutes are created to read:

13           118.60 (7) (ad) 1. If a private school participating in the program under this  
14 section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any  
15 elementary grade, but not any high school grade, seeks to offer instruction in any  
16 high school grade, the private school shall apply for and achieve accreditation to offer  
17 instruction in the additional grades in the manner established under sub. (2) (a) 7.

18           c.

19           2. If a private school participating in the program under this section or s. 119.23  
20 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but  
21 not any elementary grade, seeks to offer instruction in any elementary grade, the  
22 private school shall apply for and achieve accreditation to offer instruction in the  
23 additional grades in the manner established under sub. (2) (a) 7. c.

24           **SECTION 26.** 118.60 (7) (ag) of the statutes is created to read:

**BILL****SECTION 26**

1           118.60 (7) (ag) If a participating private school learns that an accrediting  
2 organization with which the private school is maintaining accreditation, as required  
3 under par. (ad), is a disqualified organization, the private school shall immediately  
4 notify the department in writing of this fact and shall obtain accreditation from an  
5 accrediting entity no later than 3 years from the date on which the private school  
6 learned that the accrediting organization is a disqualified organization.

7           **SECTION 27.** 118.60 (7) (ao) of the statutes is created to read:

8           118.60 (7) (ao) By November 1 of the first school term in which a private school  
9 participates in the program under this section, the private school shall submit to the  
10 department on a form provided by the department a budget reflecting the  
11 enrollments in the private school on the immediately preceding 3rd Friday in  
12 September and any related changes in revenues, costs, and cash flow requirements.

13           **SECTION 28.** 118.60 (7) (em) 1. of the statutes, as created by 2013 Wisconsin Act  
14 20, is amended to read:

15           118.60 (7) (em) 1. Beginning in the 2013-14 school year, the governing body of  
16 each private school participating in the program under this section shall, subject to  
17 subd. 2., annually, by January 15, provide the department with evidence  
18 demonstrating that the private school remains accredited for the current school year  
19 as required under par. (ad). The governing body shall include as evidence of  
20 accreditation a letter prepared by ~~Wisconsin North Central Association, Wisconsin~~  
21 ~~Religious and Independent School Accreditation, Independent Schools Association~~  
22 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
23 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
24 ~~Schools, the diocese or archdiocese within which the private school is located, or by~~  
25 ~~any other organization recognized by the National Council for Private Schools~~

**BILL**


1 ~~Accreditation~~ an accrediting entity that confirms that the private school is accredited  
2 by that entity as of the date of the letter.

3 **SECTION 29.** 118.60 (9) of the statutes is amended to read:

4 118.60 (9) If any accrediting agency ~~specified under sub. (2) (a) 7. or~~  
5 preaccrediting entity determines during the accrediting or preaccrediting process  
6 that a private school does not meet all of the requirements under s. 118.165 (1), it  
7 shall report that failure to the department.

8 **SECTION 30.** 118.60 (10) (am) 2. of the statutes is amended to read:

9 118.60 (10) (am) 2. The private school's application for accreditation has been  
10 denied by the accrediting ~~organization~~ entity.

11 **SECTION 31.** 118.60 (10) (ar) of the statutes, as created by 2013 Wisconsin Act  
12 20, is amended to read: 

13 118.60 (10) (ar) 1. If the state superintendent determines that a private school  
14 has failed to continuously maintain accreditation as required under sub. (7) (ad),  
15 that the governing body of the private school has withdrawn the private school from  
16 the accreditation process, or that the private school's accreditation has been revoked,  
17 denied, or terminated by ~~Wisconsin North Central Association, Wisconsin Religious~~  
18 ~~and Independent School Accreditation, Independent Schools Association of the~~  
19 ~~Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
20 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
21 ~~Schools, the diocese or archdiocese within which the private school is located, or by~~  
22 ~~any other organization recognized by the National Council for Private Schools~~  
23 Accreditation an accrediting entity, the state superintendent shall issue an order  
24 barring the private school's participation in the program under this section at the end  
25 of the current school year.

**BILL****SECTION 31**

1           2. A private school whose participation in the program under this section is  
2 barred under subd. 1. may not participate in the program under this section or under  
3 s. 119.23 until the governing body of the private school demonstrates to the  
4 satisfaction of the department that it has obtained accreditation from ~~Wisconsin~~  
5 ~~North Central Association, Wisconsin Religious and Independent School~~  
6 ~~Accreditation, Independent Schools Association of the Central States, Wisconsin~~  
7 ~~Evangelical Lutheran Synod School Accreditation, National Lutheran School~~  
8 ~~Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese~~  
9 ~~within which the private school is located, or by any other organization recognized~~  
10 ~~by the National Council for Private Schools Accreditation~~ an accrediting entity,  
11 provided the accreditation is from an entity other than the entity with which the  
12 private school failed to continuously maintain accreditation or, if the private school's  
13 accreditation was revoked, denied, or terminated, other than the entity that revoked,  
14 denied, or terminated the private school's accreditation.

15           **SECTION 32.** 119.23 (1) (ab) of the statutes is created to read:

16           119.23 (1) (ab) "Accrediting entity" means all of the following:

17           1. Wisconsin North Central Association, Wisconsin Religious and Independent  
18 Schools Accreditation, Independent Schools Association of the Central States,  
19 Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran  
20 School Accreditation, Wisconsin Association of Christian Schools, the diocese or  
21 archdiocese within which a private school is located, and any other organization  
22 recognized by the National Council for Private School Accreditation.

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

25           **SECTION 33.** 119.23 (1) (af) of the statutes is created to read:

**BILL**

1           119.23 (1) (af) “Disqualified organization” means an accrediting organization  
2 that is not an accrediting entity or a member of or otherwise sanctioned by an  
3 accrediting entity.

4           **SECTION 34.** 119.23 (1) (ai) of the statutes is created to read:

5           119.23 (1) (ai) 1. Except as provided in subd. 2., “new private school” means a  
6 school that qualifies as a private school under s. 115.001 (3r) and that satisfies either  
7 of the following:

8           a. The school has been in continuous operation in this state for less than 12  
9 consecutive months.

10           b. The school provides education to fewer than 40 pupils divided into 2 or fewer  
11 grades.

12           2. “New private school” does not include a private school the governing body of  
13 which operates or manages a private school that is participating in the program  
14 under this section or under s. 118.60 if all of the following apply:

15           a. No payment has been withheld from any private school operated or managed  
16 by the governing body under sub. (10) (d) or s. 118.60 (10) (d) in the 3 immediately  
17 preceding school years.

18           b. No order barring any private school operated or managed by the governing  
19 body from participating in the program under this section or s. 118.60 has been  
20 issued under sub. (10) (a), (am), (ar), or (b) or under s. 118.60 (10) (a), (am), (ar), or  
21 (b) in the 3 immediately preceding school years.

22           **SECTION 35.** 119.23 (1) (am) of the statutes is amended to read:

23           119.23 (1) (am) “Preaccreditation” means the review and approval of an  
24 educational plan. Review of an education plan includes consideration of whether the  
25 school submitting the plan meets the requirements under s. 118.165 (1). The fact

**BILL****SECTION 35**

1 that a private school has obtained preaccreditation does not require an ~~accreditation~~  
2 ~~organization accrediting entity~~ to accredit the private school.

3 **SECTION 36.** 119.23 (1) (ap) of the statutes is created to read:

4 119.23 (1) (ap) “Preaccrediting entity” means the Institute for the  
5 Transformation of Learning at Marquette University, 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,  
9 Wisconsin Association of Christian Schools, and the diocese or archdiocese within  
10 which a private school is located.

11 **SECTION 37.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

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

15 **SECTION 38.** 119.23 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act  
16 20, is amended to read:

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

**BILL**

1 financial information submitted by private schools under sub. (7) (am) and (d) 2. and  
2 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

3 **SECTION 39.** 119.23 (2) (a) 3g. of the statutes is created to read:

4 119.23 (2) (a) 3g. By May 1 before the first term of participation in the program  
5 under this section, the private school submits to the department, on a form provided  
6 by the department, a complete anticipated budget for the first fiscal period of  
7 participation in the program under this section. The governing body shall include  
8 on the completed form anticipated enrollments for all pupils enrolled in the private  
9 school and for pupils enrolled in the private school under this section; estimated  
10 revenues and costs; a schedule of anticipated beginning and ending net choice  
11 program assets; and a schedule of monthly cash flow requirements. The governing  
12 body shall include in the budget contingent funding sources the private school will  
13 use in the event that actual enrollments are less than expected.

14 **SECTION 40.** 119.23 (2) (a) 7. a. of the statutes, as affected by 2013 Wisconsin  
15 Act 20, is amended to read: ✓

16 119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating  
17 in the program under this section on July 1, 2009, the private school achieves  
18 accreditation by ~~Wisconsin North Central Association, Wisconsin Religious and~~  
19 ~~Independent Schools Accreditation, Independent Schools Association of the Central~~  
20 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~  
21 ~~Lutheran School Accreditation, Wisconsin Association of Christian Schools, the~~  
22 ~~diocese or archdiocese within which the private school is located, or any other~~  
23 ~~organization recognized by the National Council for Private School Accreditation, an~~  
24 accrediting entity by December 31 of the 3rd school year following the first school  
25 year that begins after June 30, 2006, in which it participates in the program under



**BILL****SECTION 40**

1 this section. If the private school is accredited as provided under this subd. 7. a., the  
2 private school is not required to obtain preaccreditation under subd. 7. ~~b.~~ bg. as a  
3 prerequisite to providing instruction under this section in additional grades or in an  
4 additional or new school.

5 **SECTION 41.** 119.23 (2) (a) 7. b. of the statutes, as affected by 2013 Wisconsin  
6 Act 20, is repealed and recreated to read:

7 119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that was a  
8 first-time participant in the program under this section before the effective date of  
9 this subd. 7. b. .... [LRB inserts date], and that is not accredited by an accrediting  
10 entity, the private school obtains accreditation from an accrediting entity by  
11 December 31 of the 3rd school year following the first school year in which the private  
12 school began participating in the program under this section. If the private school  
13 is accredited under this subd. 7. b., the private school is not required to obtain  
14 preaccreditation under subd. 7. bg. as a prerequisite to providing instruction under  
15 this section in additional grades or in an additional or new school.

16 **SECTION 42.** 119.23 (2) (a) 7. bg. and br. of the statutes are created to read:

17 119.23 (2) (a) 7. bg. Each private school that begins participation in the  
18 program under this section on or after the effective date of this subd. 7. bg. .... [LRB  
19 inserts date], and that is not accredited by an accrediting entity, shall obtain  
20 preaccreditation by a preaccrediting entity by August 1 before the first school term  
21 in which the private school begins participation in the program under this section,  
22 or by May 1 if the private school begins participating in the program during summer  
23 school. In any school year, a private school to which this subd. 7. bg. applies may  
24 apply for and seek to obtain preaccreditation from only one preaccrediting entity. A  
25 private school to which this subd. 7. bg. applies that fails to obtain preaccreditation

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1 as required under this subd. 7. bg. may not participate in the program under this  
2 section or under s. 118.60 until preaccreditation has been obtained, but the private  
3 school may apply for and seek to obtain preaccreditation from a preaccrediting entity  
4 for the following school year.

5 br. A private school to which subd. 7. bg. applies shall apply for accreditation  
6 by an accrediting entity by December 31 of the first school year that begins after the  
7 effective date of this subd. 7. br. .... [LRB inserts date], in which the private school  
8 begins participation in the program under this section, and shall achieve  
9 accreditation by an accrediting entity by December 31 of the 3rd school year following  
10 the school year in which the private school begins participation in the program under  
11 this section. If the private school is accredited under this subd. 7. br., the private  
12 school is not required to obtain preaccreditation as a prerequisite to providing  
13 instruction under this section in additional grades or in an additional or new school.

14 **SECTION 43.** 119.23 (2) (a) 7. c. of the statutes, as affected by 2013 Wisconsin  
15 Act 20, is amended to read:

16 119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or  
17 seeking to participate in the program under this section or in the program under s.  
18 118.60 may not apply for accreditation by the Institute for the Transformation of  
19 Learning at Marquette University, except that a private school that has applied for  
20 accreditation to the Institute for the Transformation of Learning at Marquette  
21 University before July 1, 2009, and that is participating in the program under this  
22 section on the effective date of this subd. 7. c. .... [LRB inserts date], may, subject to  
23 subd. 7. e., complete the accreditation process with the Institute for the  
24 Transformation of Learning at Marquette University, and may, subject to subd. 7. e.,

**BILL****SECTION 43**

1 seek renewal of accreditation from the Institute for the Transformation of Learning  
2 at Marquette University.

3 **SECTION 44.** 119.23 (2) (a) 7. d. of the statutes, as affected by 2013 Wisconsin  
4 Act 20, is amended to read:

5 119.23 (2) (a) 7. d. For a private school that was approved for scholarship  
6 funding for the 2005–06 school year by Partners Advancing Values in Education and  
7 is participating in the program under this section on November 19, 2011, the private  
8 school achieves accreditation by ~~Wisconsin North Central Association, Wisconsin~~  
9 ~~Religious and Independent Schools Accreditation, Independent Schools Association~~  
10 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
11 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
12 ~~Schools, the diocese or archdiocese within which the private school is located, or any~~  
13 ~~other organization recognized by the National Council for Private School~~  
14 ~~Accreditation, an accrediting entity~~ by December 31, 2015. If the private school is  
15 accredited as provided under this subd. 7. d., the private school is not required to  
16 obtain preaccreditation under subd. 7. ~~b.~~ bg. as a prerequisite to providing  
17 instruction under this section in additional grades or in an additional or new school.

18 **SECTION 45.** 119.23 (2) (a) 7. e. of the statutes is created to read:

19 119.23 (2) (a) 7. e. For a private school that is accredited by the Institute for  
20 the Transformation of Learning at Marquette University and that is participating  
21 in the program under this section on the effective date of this subd. 7. e. .... [LRB  
22 inserts date], the private school achieves accreditation by an accrediting entity under  
23 sub. (1) (ab) 1. by December 31, 2014. If the private school is accredited as provided  
24 under this subd. 7. e., the private school is not required to obtain preaccreditation

**BILL**

1 under subd. 7. bg. as a prerequisite to providing instruction under this section in  
2 additional grades or in an additional or new school.

3 **SECTION 46.** 119.23 (2) (ag) of the statutes is created to read:

4 119.23 (2) (ag) The governing body of a new private school shall comply with  
5 all of the following before the new private school may participate in the program  
6 under this section:

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

11 a. A notice of intent to participate and agreement to comply with procedural  
12 requirements.

13 b. A complete anticipated budget for the first fiscal period of participation in  
14 the program under this section showing that the private school will have a positive  
15 cash flow in each month of the fiscal period and no operating deficit. The governing  
16 body shall include on the completed form anticipated enrollments for all pupils  
17 enrolled in the new private school and for pupils enrolled in the new private school  
18 under this section; estimated revenues and costs; a schedule of anticipated beginning  
19 and ending net choice program assets; and a schedule of monthly cash flow  
20 requirements. The governing body shall include in the budget contingent funding  
21 sources the new private school will use in the event that actual enrollments are less  
22 than expected.

23 c. The nonrefundable fee established by the department, as required under s.  
24 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school.  
25 If the amount of the fee paid by the new private school under this subd. 1. c. increases

**BILL****SECTION 46**

1 for the school year in which the new private school will first participate in the  
2 program under this section, the new private school shall pay the difference between  
3 the fee paid and the fee due to the department. If the amount of the fee paid by the  
4 new private school under this subd. 1. c. decreases for the school year in which the  
5 new private school will first participate in the program under this section, the  
6 department shall refund the new private school the difference between the fee paid  
7 and the fee due to the department.

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  
11 (c).

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

16         3. 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 a statement indicating which of the standards  
19 under sub. (7) (a) the private school intends to meet.

20         4. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a)  
21 7. bg., by December 15 of the school year immediately preceding the school year in  
22 which the new private school intends to participate in the program under this  
23 section, obtain preaccreditation from a preaccrediting entity.

24         5. By August 1 of the first school year in which the new private school intends  
25 to participate in the program under this section, demonstrate to the satisfaction of

**BILL**

1 the department that the new private school has contracted with a 3rd-party payroll  
2 service that will remit federal and state payroll taxes for each employee of the new  
3 private school for the duration of the school year.

4 **SECTION 47.** 119.23 (2) (ar) of the statutes is created to read:

5 119.23 (2) (ar) By December 31 of the school year immediately preceding the  
6 school year in which a new private school intends to participate in the program under  
7 this section, the department shall notify the new private school in writing whether  
8 it has satisfied those requirements under par. (ag) that must be satisfied before  
9 December 31. If the department determines that the new private school has not  
10 satisfied those requirements, the new private school may not participate in the  
11 program under this section in the following school year, but may reinitiate the  
12 process under par. (ag) for the next following school year.

13 **SECTION 48.** 119.23 (7) (ad) of the statutes, as created by 2013 Wisconsin Act  
14 20, is renumbered 119.23 (7) (ad) 3. and amended to read:

15 119.23 (7) (ad) 3. The governing body of a private school participating in the  
16 program under this section and accredited as required under subds. 1. and 2. and  
17 sub. (2) (a) 7. shall ensure that the private school continuously maintains  
18 accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and~~  
19 ~~Independent School Accreditation, Independent Schools Association of the Central~~  
20 ~~States, Wisconsin Evangelical Lutheran Synod School Accreditation, National~~  
21 ~~Lutheran School Accreditation, Wisconsin Association of Christian Schools, the~~  
22 ~~diocese or archdiocese within which the private school is located, by any other~~  
23 ~~organization recognized by the National Council for Private Schools Accreditation,~~  
24 ~~or, for a private school to which sub. (2) (a) 7. c. applies, the Institute for the~~

**BILL****SECTION 48**

1 ~~Transformation of Learning at Marquette University, an accrediting entity~~ as long  
2 as the private school continues to participate in the program under this section.

3 **SECTION 49.** 119.23 (7) (ad) 1. and 2. of the statutes are created to read:

4 119.23 (7) (ad) 1. If a private school participating in the program under this  
5 section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any  
6 elementary grade, but not any high school grade, seeks to offer instruction in any  
7 high school grade, the private school shall apply for and achieve accreditation to offer  
8 instruction in the additional grades in the manner established under sub. (2) (a) 7.  
9 br.

10 2. If a private school participating in the program under this section or s. 118.60  
11 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but  
12 not any elementary grade, seeks to offer instruction in any elementary grade, the  
13 private school shall apply for and achieve accreditation to offer instruction in the  
14 additional grades in the manner established under sub. (2) (a) 7. br.

15 **SECTION 50.** 119.23 (7) (ag) of the statutes is created to read:

16 119.23 (7) (ag) If a participating private school learns that an accrediting  
17 organization with which the private school is maintaining accreditation, as required  
18 under par. (ad), is a disqualified organization, the private school shall immediately  
19 notify the department in writing of this fact and shall obtain accreditation from an  
20 accrediting entity no later than 3 years from the date on which the private school  
21 learned that the accrediting organization is a disqualified organization.

22 **SECTION 51.** 119.23 (7) (ao) of the statutes is created to read:

23 119.23 (7) (ao) By November 1 of the first school term in which a private school  
24 participates in the program under this section, the private school shall submit to the  
25 department on a form provided by the department a budget reflecting the

**BILL**

1 enrollments in the private school on the immediately preceding 3rd Friday in  
2 September and any related changes in revenues, costs, and cash flow requirements.

3 **SECTION 52.** 119.23 (7) (em) 1. of the statutes, as created by 2013 Wisconsin Act  
4 20, is amended to read:

5 119.23 (7) (em) 1. Beginning in the 2013–14 school year, the governing body of  
6 each private school participating in the program under this section shall, subject to  
7 subd. 2., annually, by January 15, provide the department with evidence  
8 demonstrating that the private school remains accredited for the current school year  
9 as required under par. (ad). The governing body shall include as evidence of  
10 accreditation a letter prepared by ~~Wisconsin North Central Association, Wisconsin~~  
11 ~~Religious and Independent School Accreditation, Independent Schools Association~~  
12 ~~of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
13 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
14 ~~Schools, the diocese or archdiocese within which the private school is located, by any~~  
15 ~~other organization recognized by the National Council for Private Schools~~  
16 ~~Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute~~  
17 ~~for the Transformation of Learning at Marquette University, which an accrediting~~  
18 ~~entity that confirms that the private school is accredited by that entity as of the date~~  
19 ~~of the letter.~~

20 **SECTION 53.** 119.23 (7) (f) of the statutes is repealed.

21 **SECTION 54.** 119.23 (9) of the statutes is amended to read:

22 119.23 (9) If any accrediting agency ~~specified under sub. (2) (a) 7. a., b., or d.~~  
23 ~~or preaccrediting entity~~ determines during the accrediting or preaccrediting process  
24 that a private school does not meet all of the requirements under s. 118.165 (1), it  
25 shall report that failure to the department.



**BILL****SECTION 55**

1           **SECTION 55.** 119.23 (10) (am) 2. of the statutes is amended to read:

2           119.23 (10) (am) 2. The private school's application for accreditation has been  
3 denied by the accrediting ~~organization~~ entity.

4           **SECTION 56.** 119.23 (10) (ar) of the statutes, as created by 2013 Wisconsin Act  
5 20, is amended to read:

6           119.23 (10) (ar) 1. If the state superintendent determines that a private school  
7 has failed to continuously maintain accreditation as required under sub. (7) (ad),  
8 that the governing body of the private school has withdrawn the private school from  
9 the accreditation process, or that the private school's accreditation has been revoked,  
10 denied, or terminated by ~~Wisconsin North Central Association, Wisconsin Religious~~  
11 ~~and Independent School Accreditation, Independent Schools Association of the~~  
12 ~~Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,~~  
13 ~~National Lutheran School Accreditation, Wisconsin Association of Christian~~  
14 ~~Schools, the diocese or archdiocese within which the private school is located, by any~~  
15 ~~other organization recognized by the National Council for Private Schools~~  
16 ~~Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute~~  
17 ~~for the Transformation of Learning at Marquette University~~ an accrediting agency,  
18 the state superintendent shall issue an order barring the private school's  
19 participation in the program under this section at the end of the current school year.

20           2. A private school whose participation in the program under this section is  
21 barred under subd. 1. may not participate in the program under this section or under  
22 s. 118.60 until the governing body of the private school demonstrates to the  
23 satisfaction of the department that it has obtained accreditation from ~~Wisconsin~~  
24 ~~North Central Association, Wisconsin Religious and Independent School~~  
25 ~~Accreditation, Independent Schools Association of the Central States, Wisconsin~~

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1 ~~Evangelical Lutheran Synod School Accreditation, National Lutheran School~~  
2 ~~Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese~~  
3 ~~within which the private school is located, or by any other organization recognized~~  
4 ~~by the National Council for Private Schools Accreditation~~ an accrediting entity,  
5 provided the accreditation is from an entity other than the entity with which the  
6 private school failed to continuously maintain accreditation or, if the private school's  
7 accreditation was revoked, denied, or terminated, other than the entity that revoked,  
8 denied, or terminated the private school's accreditation.

9 **SECTION 57.** 447.06 (2) (a) 2. of the statutes is amended to read:

10 447.06 (2) (a) 2. For a school board or, a governing body of a private school, as  
11 defined in s. 115.001 (3d), or a governing body of a tribal school, as defined in s.  
12 115.001 (15m).

13 **SECTION 58.** 895.035 (1) (a) of the statutes is renumbered 895.035 (1) (a) (intro.)  
14 and amended to read:

15 895.035 (1) (a) In this section, “custody”:

16 1. “Custody” means either legal custody of a child under a court order under  
17 s. 767.225 or 767.41, custody of a child under a stipulation under s. 767.34 or actual  
18 physical custody of a child. “Custody” does not include legal custody, as defined  
19 under s. 48.02 (12), by an agency or a person other than a child's birth or adoptive  
20 parent.

21 **SECTION 59.** 895.035 (1) (a) 2. of the statutes is created to read:

22 895.035 (1) (a) 2. “Governing body of a private school” has the meaning given  
23 in s. 115.001 (3d).

24 **SECTION 60.** 938.02 (6m) of the statutes is created to read:



2013-2014 DRAFTING INSERT  
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LEGISLATIVE REFERENCE BUREAU

LRB-1358/lins  
TKK:cjs:rs

INSERT 32-15

1           <sup>#</sup>(0) (a) In this subsection, "new private school" has the meaning given in  
2 sections 118.60 (1) (bn) and 119.23 (1) (ai) of the statutes, as created by this act.

3           (b) The treatment of sections 118.60 (2) (ag) and (ar) and 119.23 (2) (ag) and (ar)  
4 of the statutes, as created by this act, first applies to a new private school seeking to  
5 participate in either or both of the programs under section<sup>S</sup> 118.60 and 119.23 of the  
6 statutes, as affected by this act, in the 2015-16 school year.



**Kuczenski, Tracy**

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**From:** Rostan, Jason  
**Sent:** Wednesday, February 05, 2014 2:06 PM  
**To:** Kuczenski, Tracy  
**Subject:** FW: Choice bill  
**Attachments:** 13-1358\_2.pdf

Hey Tracy,

Sen. Olsen's office has given us LRB 1358. Don't know if you need confirmation from them.

We would like to have it jacketed for introduction.

Thanks.

Jason

*Sen. Volkmer  
266-2512*

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**From:** Archibald, Sarah  
**Sent:** Wednesday, January 15, 2014 4:25 PM  
**To:** Rostan, Jason  
**Subject:** Choice bill

*per Jason: fine to change  
requester to Volkmer & resubmit.*

Sarah Archibald, Ph.D.  
Education Policy Advisor  
Office of Senator Luther Olsen  
319 South, State Capitol  
Madison, WI 53707  
(608) 266-0751  
[Senator Olsen on Facebook](#)

**Barman, Mike**

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**From:** Rostan, Jason  
**Sent:** Wednesday, February 05, 2014 5:01 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1358/2 Topic: Choice programs -- requirements to maintain accreditation and requirements for new private schools

Please Jacket LRB -1358/2 for the SENATE.