AN ACT to create 118.60 (7) (h), 118.60 (7) (i), 118.60 (10) (a) 9., 119.23 (7) (h), 119.23 (7) (i) and 119.23 (10) (a) 9. of the statutes; relating to: requiring a private school participating in a parental choice program to employ certain special education staff and to comply with certain provisions of the Americans with Disabilities Act.

Analysis by the Legislative Reference Bureau

This bill requires a private school participating in a parental choice program (PCP) that enrolls a child with a disability to employ a teacher or therapist who is licensed by DPI to provide special education or related services. The bill also requires a private school participating in a PCP to comply with Part A of Title II of the Americans with Disabilities Act. Finally, DPI may prohibit a private school from participating in a PCP if the private school fails to satisfy these requirements.

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

SECTION 1. 118.60 (7) (h) of the statutes is created to read:
118.60 (7) (h) A private school participating in the program under this section that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

**SECTION 2.** 118.60 (7) (i) of the statutes is created to read:

118.60 (7) (i) Each private school participating in the program under this section shall comply with the requirements under 42 USC 12131 to 12134 and 28 CFR part 35.

**SECTION 3.** 118.60 (10) (a) 9. of the statutes is created to read:

118.60 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or (i).

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

119.23 (7) (h) A private school participating in the program under this section that enrolls a pupil who is a child with a disability, as defined in s. 115.76 (5), shall employ a teacher or therapist who is licensed under s. 115.28 (7) (c).

**SECTION 5.** 119.23 (7) (i) of the statutes is created to read:

119.23 (7) (i) Each private school participating in the program under this section shall comply with the requirements under 42 USC 12131 to 12134 and 28 CFR part 35.

**SECTION 6.** 119.23 (10) (a) 9. of the statutes is created to read:

119.23 (10) (a) 9. Failed to comply with the requirements under sub. (7) (h) or (i).

**SECTION 7. Initial applicability.**

(1) This act first applies to a private school participating in a parental choice program under section 118.60 or 119.23 of the statutes in the 2016–17 school year.