# *2019 DRAFTING REQUEST*

## Bill

| | | | |
|---|---|---|---|
| For: | **Sondy Pope (608) 266-3520** | Drafter: | **kpleviak** |
| By: | **Adrian** | Secondary Drafters: | |
| Date: | **8/29/2019** | May Contact: | |

Same as LRB:

Submit via email:          **YES**
Requester's email:          **Rep.Pope@legis.wisconsin.gov**
Carbon copy (CC) to:          **fern.knepp@legis.wisconsin.gov**
                              **krista.pleviak@legis.wisconsin.gov**

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### Pre Topic:

No specific pre topic given

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### Topic:

Limiting enrollment in choice programs

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### Instructions:

See attached

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### Drafting History:

| Vers. | Drafted | Reviewed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|
| /? | kpleviak 9/3/2019 | csicilia 9/4/2019 | | | |
| /P1 | kpleviak 11/25/2019 | | mbarman 9/4/2019 | | State S&L |
| /P2 | kpleviak 12/9/2019 | csicilia 11/25/2019 | lparisi 11/25/2019 | | State S&L |
| /1 | | csicilia 12/9/2019 | mbarman 12/9/2019 | mbarman 12/20/2019 | State S&L |

FE Sent For:

at
intro

**<END>**

| **From:** | Walker, Dan |
| **Sent:** | Thursday, August 29, 2019 10:05 AM |
| **To:** | Pleviak, Krista |
| **Cc:** | Knepp, Fern |
| **Subject:** | FW: Drafting Request |

**From:** Rep.Pope <Rep.Pope@legis.wisconsin.gov>
**Sent:** Thursday, August 29, 2019 10:02 AM
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>
**Subject:** Drafting Request

To Whom It May Concern,

Rep. Pope would like a draft identical to the provision in the Governor's Budget that would freeze choice school enrollment. The budget summary is pasted below:

**3. PRIVATE SCHOOL CHOICE PROGRAMS -- CAP PARTICIPATION AT 2020-21 LEVELS**
Governor: Beginning in the 2020-21 school year, specify that the total number of pupils who can participate in each of the three choice programs could not exceed a program cap defined as the total number of pupils who attended a private school under that program in the 2019-20 school year.

Specify that a private school participating in the program could accept applications from eligible pupils during application periods determined by DPI. For the Racine and Milwaukee programs, require DPI to establish one or more application periods, the first of which may begin no earlier than February 1 of the previous school year and the last of which may end no later than September 14 of the applicable school year. For the statewide program, maintain the application period under current law (February 1 to April 20 of the previous school year).

Require each private school to report to DPI no later than 10 days after each application period the number of pupils who applied to attend the school under each program, and the names of those applicants who have siblings who also applied to attend the school under the program. At the end of each application period, require DPI to determine the sum of all applicants, counting a pupil who has applied to attend more than one private school under a choice program only once. If the sum exceeds the program cap (or, for the statewide program, the district participation limits under current law), require DPI to determine which applications to accept on a random basis, except for pupil preferences established under current law, and establish a waiting list for those pupils whose applications are not accepted in accordance with the current law preferences. Require a private school to notify DPI if an accepted pupil will not attend the school, and require DPI to fill any available slot with a pupil from the waiting list. Allow a pupil on the waiting list to be admitted for the following school year without submitting additional financial information, provided that the applicant continues to meet the residency requirements for the program for which the pupil is applying.

Specify that a pupil would not be counted for a school year in determining whether any choice program exceeds its program cap, or whether the pupil's school district of residence exceeds its pupil participation limit under the statewide program, if the following apply: (a) the pupil resides in one district at the time of their application to one of the choice programs, and accepts a space in a private school participating in that program; (b) the pupil resides in a different district on the third Friday of September; and (c) the private school the pupil is attending accepts applications from pupils residing in the school district the pupil resides in under (b). This provision would apply to the following: (a) a pupil who resides in the City of Milwaukee at the time of his or her application, but resides in Racine or another district on the 3rd Friday of September; (b) a pupil who resides in a district other than Racine or Milwaukee on at the time of his or her application, but resides in Racine or Milwaukee on the third Friday of September; or (c) a pupil who resides in Racine at the time of his or her application, but resides in a district other than Racine or Milwaukee on the third Friday of

September. Specify that these provisions would first apply to program caps and applications or transfer of applications for the 2020-21 school year. [Bill Sections: 1602, 1604, 1611, 1612, 1615 thru 1624, 1630, 1631, 1646, 1654, 1656 thru 1658, 1664, 1665, 9334(4), and 9334(5)]

In addition, Rep. Pope would also like a similar draft from the Governor's budget that would require private school teachers in the voucher program to be licensed. The summary is again pasted below:

**4. PRIVATE SCHOOL CHOICE PROGRAMS -- TEACHER LICENSURE REQUIREMENT**

Governor: Require that beginning on July 1, 2022, all of a participating private school's teachers have a teaching license or permit issued by DPI, except teachers who teach only rabbinical PUBLIC INSTRUCTION -- CHOICE, CHARTER, AND OPEN ENROLLMENT Page 341 studies. This requirement would apply to the Milwaukee, Racine, and statewide choice programs.

Specify that any teacher employed by the school on July 1, 2022, who has been teaching for at least the five consecutive years immediately preceding that date and who does not have a teaching license or permit issued by DPI could apply for a temporary, nonrenewable waiver on a form prepared by DPI. Require DPI to promulgate rules to implement this provision, including the form of the application and the process by which the waiver application would be reviewed. Require that the waiver application require the applicant to submit a plan for satisfying the licensure requirement. Specify that no waiver would be valid after July 1, 2027.

Modify current law teacher licensure requirements to include private schools, including the following: (a) specify that an individual located in another state may teach an online course without a Wisconsin license if he or she is properly licensed in the state from which the course is provided; (b) allow a faculty member of an institution of higher education to teach without a license or permit if the faculty member satisfies certain requirements; (c) specify that an individual certified to teach native American languages and culture cannot teach other courses; (d) allow a private school to employ an individual who teaches a technical or vocational education subject with an experiencebased license if the school fulfills certain requirements; and (e) require that a private school employing a person who holds a professional teaching permit does not fill the position following the removal of a regularly licensed teacher. Specify that these provisions would first take effect on July 1, 2022. [Bill Sections: 1411, 1538 thru 1549, 1605, 1606, 1614, 1648, 1649, 1655, and 9434(6)]

Please let us know if you have any questions or concerns with these requests

Thank you,


**Adrian Catacutan**
**Office of Representative Sondy Pope**
80th Assembly District
(608)266-3520
Adrian.Catacutan@legis.wisconsin.gov

# State of Wisconsin
## 2019 - 2020 LEGISLATURE

*IN: 09/03/19*

*DUE: 09/05/19 (Thurs)*

LRB-4156/?

KRP:.

# PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*a parental choice program*

*Gen Cat*

1    AN ACT ...; **relating to:** limiting enrollment in parental choice programs.

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### *Analysis by the Legislative Reference Bureau*

This bill caps the total number of pupils who may participate in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program (parental choice program) at the number of pupils who attended a private school under the parental choice program in the 2019-20 school year. Under the bill, beginning in the 2020-21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, the Department of Public Instruction must determine which applications to accept on a random basis, subject to certain admission preferences that exist under current law.

Under current law, pupils may submit applications to attend a private school under the statewide parental choice program for the following school year from February 1 to April 20, and a private school that receives applications must, no later than the May 1 immediately following the application period, report the number of applicants to DPI so that DPI may determine whether a pupil participation limitation has been exceeded. The bill provides that, beginning with applications for the 2020-21 school year, DPI must establish one or more application periods during which pupils may submit applications to attend a private school under the MPCP or RPCP. The bill provides that a private school that receives applications during an application period must, no later than 10 days after the application period ends, report the number of applicants to DPI so that DPI may determine whether a program cap has been exceeded. The bill does not change the application period for the statewide parental choice program and requires DPI to use the information required to be reported under current law to determine whether the program cap for the statewide parental choice program has been exceeded.

The bill also requires DPI to establish a waiting list for a parental choice program if the program cap for the parental choice program has been exceeded.
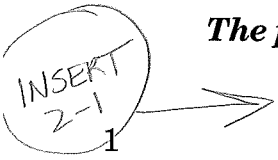
For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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INSERT 2-1

1

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

(END)

DOA:......Kretschmann, BB0187 – Limiting enrollment in choice programs

# FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

INSERT 2-1

1    AN ACT ...; **relating to:** the budget.

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### *Analysis by the Legislative Reference Bureau*

### EDUCATION

#### PRIMARY AND SECONDARY EDUCATION

1. *Parental choice program caps; counting four-year-old kindergarten pupils*

This bill caps the total number of pupils who may participate in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program (parental choice program) at the number of pupils who attended a private school under the parental choice program in the 2019–20 school year. Under the bill, beginning in the 2020–21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, DPI must determine which applications to accept on a random basis.

The bill also changes how a pupil enrolled in a four-year-old kindergarten is counted by a school district for purposes of state aid and revenue limits. Under current law, a pupil enrolled in a four-year-old kindergarten program is counted as 0.5 pupil unless the program provides at least 87.5 additional hours of outreach activities, in which case the pupil is counted as 0.6 pupil. Under the bill, if the four-year-old kindergarten program requires full-day attendance by pupils for five days a week, a pupil enrolled in the program is counted as one pupil.

For further information see the **state and local** 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:**

INSERT

1     **SECTION 1.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

2     118.60 **(2)** (a) (intro.) Subject to pars. (ag) ~~and,~~ (ar), and (bh), any pupil in grades

3     kindergarten to 12 who resides ~~within~~ an eligible school district may attend any

4     private school under this section and, subject to pars. (ag), (ar), (be), (bh), (bm), and

5     (bs), any pupil in grades kindergarten to 12 who resides in a school district, other

6     than an eligible school district or a 1st class city school district, may attend any

7     private school under this section if all of the following apply:

8     **SECTION 2.** 118.60 (2) (a) 2. g. of the statutes is amended to read:

9     118.60 **(2)** (a) 2. g. If the pupil resides in a school district, other than ~~an eligible~~

10     ~~school district or~~ a 1st class city school district, the pupil was on a waiting list under

11     sub. (3) (am) 4. or (ar) 4. in any previous school year.

12     **SECTION 3.** 118.60 (2) (be) 3. of the statutes is amended to read:

13     118.60 **(2)** (be) 3. Beginning with the 2026–27 school year, ~~there is no limit on~~

14     ~~the number of pupils who may attend private schools~~ the limits under this ~~section~~

15     paragraph do not apply.

16     **SECTION 4.** 118.60 (2) (bh) of the statutes is created to read:

17     118.60 **(2)** (bh) 1. In this paragraph, "program cap" means any of the following:

18     a. For an eligible school district, the total number of pupils residing in the

19     eligible school district who attended a private school under this section in the

20     2019–20 school year.

1    b. For all school districts, other than an eligible school district or a 1st class city

2    school district, the total number of pupils residing in those school districts who

3    attended a private school under this section in the 2019-20 school year.

4    2. a. Beginning with the 2020-21 school year, the total number of pupils

5    residing in an eligible school district who may attend a private school under this

6    section during a school year may not exceed the program cap under subd. 1. a.

7    b. Beginning with the 2020-21 school year, the total number of pupils residing

8    in school districts, other than an eligible school district or a 1st class city school

9    district, who may attend a private school under this section during a school year may

10    not exceed the program cap under subd. 1. b.

11    **SECTION 5.** 118.60 (3) (a) (intro.) of the statutes is amended to read:

12    118.60 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit

13    an application, on a form provided by the state superintendent, to the participating

14    private school that the pupil wishes to attend. If more than one pupil from the same

15    family applies to attend the same private school, the pupils may use a single

16    application. No later than 60 days after the end of the application period during

17    which an application is received and subject to ~~par.~~ pars. (am) and (ar), the private

18    school shall notify each applicant, in writing, whether his or her application has been

19    accepted. If the private school rejects an application, the notice shall include the

20    reason. Subject to ~~par.~~ pars. (am) and (ar), a private school may reject an applicant

21    only if ~~it~~ the private school has reached its maximum general capacity or seating

22    capacity. Except as provided in ~~par.~~ pars. (am) and (ar), the state superintendent

23    shall ensure that the private school determines which pupils to accept on a random

24    basis, except that the private school may give preference to the following in accepting

25    applications, in the order of preference listed:

1     **SECTION 6.** 118.60 (3) (am) of the statutes is created to read:

2     118.60 **(3)** (am) All of the following apply to applications to attend a private

3 school under this section submitted by pupils who reside in an eligible school district:

4     1. A private school that has submitted a notice of intent to participate under

5 sub. (2) (a) 3. a. may accept applications for a school year during application periods

6 determined by the department from pupils who reside in an eligible school district.

7 For each school year, the department shall establish one or more application periods

8 under this subdivision, the first of which begins no earlier than February 1 of the

9 school year before the applicable school year, and the last of which ends no later than

10 September 14 of the applicable school year.

11     2. Each private school that received applications under subd. 1. shall report to

12 the department the number of pupils who applied under subd. 1. to attend the private

13 school under this section and the names of those applicants who have siblings who

14 also applied under subd. 1. to attend the private school under this section. The

15 private school shall submit the report no later than 10 days after each application

16 period described under subd. 1. during which the private school received

17 applications.

18     3. After the end of each application period described under subd. 1., upon

19 receipt of the information under subd. 2., the department shall determine the sum

20 of all applicants for pupils residing in an eligible school district. In determining the

21 sum, the department shall count a pupil who has applied to attend more than one

22 private school under the program only once. If, after the end of an application period

23 described under subd. 1., the sum of all applicants for pupils residing in an eligible

24 school district exceeds the program cap under sub. (2) (bh) 2. a., the department shall

25 determine which applications submitted during the application period to accept on

1     a random basis, except that the department shall give preference to the applications

2     of pupils described in par. (a) 1m. to 5., in the order of preference listed in that

3     paragraph.

4          4. If the sum under subd. 3. exceeds the program cap under sub. (2) (bh) 2. a.,

5     the department shall establish a waiting list in accordance with the preferences

6     required under subd. 3.

7          5. A private school that has accepted a pupil who resides in an eligible school

8     district under this paragraph shall notify the department whenever the private

9     school determines that a pupil will not attend the private school under this

10    paragraph.  If, upon receiving notice under this subdivision, the department

11    determines that the number of pupils attending private schools under this section

12    falls below the program cap under sub. (2) (bh) 2. a., the department shall fill any

13    available slot with a pupil selected from the waiting list established under subd. 4.,

14    if such a waiting list exists.

15         **SECTION 7.** 118.60 (3) (ar) (intro.) of the statutes is amended to read:

16         118.60 **(3)** (ar) (intro.)  All of the following apply to applications to attend a

17    private school under this section ~~only if the limitation under sub. (2) (be) applies to~~

18    ~~the school year for which the application is made~~ <u>submitted by pupils who reside in</u>

19    <u>a school district, other than an eligible school district or a 1st class city school district</u>:

20         **SECTION 8.** 118.60 (3) (ar) 3. of the statutes is renumbered 118.60 (3) (ar) 3.

21    (intro.) and amended to read:

22         118.60 **(3)** (ar) 3. (intro.)  ~~Annually~~ <u>After the end of the application period</u>

23    <u>described under subd. 1.</u>, upon receipt of the information under subd. 2., the

24    department shall, for each school district, determine the sum of all applicants for

25    pupils residing in that school district ~~under this paragraph~~ <u>and the sum of all</u>

1 applicants for pupils residing in all school districts, other than an eligible school

2 district or a 1st class city school district. In determining ~~the sum~~ those sums, the

3 department shall count a pupil who has applied to attend more than one private

4 school under the program only once. After determining ~~the sum of all applicants for~~

5 ~~pupils residing in a school district,~~ those sums, if any of the following applies, the

6 department shall determine which applications to accept on a random basis, except

7 that the department shall give preference to the applications of pupils described in

8 s. 118.60 (3) par. (a) 1m. to 5., in the order of preference listed in that paragraph~~.~~:

9 **SECTION 9.** 118.60 (3) (ar) 3. a. and b. of the statutes are created to read:

10 118.60 **(3)** (ar) 3. a. The sum of all applicants for pupils residing in a school

11 district, other than an eligible school district or a 1st class city school district, exceeds

12 the school district's pupil participation limit under sub. (2) (be).

13 b. The sum of all applicants for pupils residing in all school districts, other than

14 an eligible school district or a 1st class city school district, exceeds the program cap

15 under sub. (2) (bh) 2. b.

16 **SECTION 10.** 118.60 (3) (ar) 4. of the statutes is renumbered 118.60 (3) (ar) 4.

17 (intro.) and amended to read:

18 118.60 **(3)** (ar) 4. (intro.) ~~For each school district in which private schools~~

19 ~~received applications under subd. 1. that exceeded the school district's pupil~~

20 ~~participation limit under sub. (2) (be), the~~ The department shall establish a waiting

21 list in accordance with the preferences required under subd. 3. for each of the

22 following:

23 **SECTION 11.** 118.60 (3) (ar) 4. a. and b. of the statutes are created to read:

1    118.60 **(3)** (ar) 4. a.  A school district, other than an eligible school district or a

2    1st class city school district, for which the sum described under subd. 3. a. exceeds

3    the school district's pupil participation limit under sub. (2) (be).

4         b.  All school districts, other than an eligible school district or a 1st class city

5    school district, if the sum described under subd. 3. b. exceeds the program cap under

6    sub. (2) (bh) 2. b.

7         **SECTION 12.**  118.60 (3) (ar) 5. of the statutes is amended to read:

8         118.60 **(3)** (ar) 5.  A private school that has accepted a pupil who resides in a

9    school district, other than an eligible school district or a 1st class city school district,

10   under this paragraph shall notify the department whenever the private school

11   determines that a pupil will not attend the private school under this paragraph.  If,

12   upon receiving notice under this subdivision, the department determines that the

13   number of pupils attending private schools under this section falls below a school

14   district's pupil participation limit under sub. (2) (be), or below the program cap under

15   sub. (2) (bh) 2. b., the department shall fill any available slot in that school district

16   or program with a pupil selected from the ~~school district's~~ applicable waiting list

17   established under subd. 4., if such a waiting list exists.

18        **SECTION 13.**  118.60 (3) (b) of the statutes is amended to read:

19        118.60 **(3)** (b)  If a participating private school rejects an applicant who resides

20   ~~within~~ in an eligible school district because the private school has too few available

21   spaces, the applicant may transfer his or her application to a participating private

22   school that has space available.  An applicant who is rejected under this paragraph or an

23   applicant who is on the waiting list under par. (am) 4. may, subject to sub. (2) (bh)

24   2. a., be admitted to a private school participating in the program under this section

25   for the following school year, provided that the applicant continues to reside ~~within~~ in

1    an eligible school district. The department may not require, in that following school

2    year, the private school to submit financial information regarding the applicant or

3    to verify the eligibility of the applicant to participate in the program under this

4    section on the basis of family income.

5        **SECTION 14.** 118.60 (3) (c) of the statutes is amended to read:

6        118.60 **(3)** (c)  If a participating private school rejects an applicant who resides

7    in a school district, other than an eligible school district or a 1st class city school

8    district, because the private school has too few available spaces, the applicant may

9    transfer his or her application to a participating private school that has space

10   available.  An applicant who is rejected under this paragraph or an applicant who

11   is on ~~the~~ a waiting list under ~~sub. (3)~~ par. (ar) 4. a. or b. may, subject to sub. (2) (be)

12   and (bh) 2. b., be admitted to a private school participating in the program under this

13   section for the following school year, provided that the applicant continues to reside

14   in a school district, other than an eligible school district or a 1st class city school

15   district.  The department may not require, in that following school year, the private

16   school to submit financial information regarding the applicant or to verify the

17   eligibility of the applicant to participate in the program under this section on the

18   basis of family income.

19       **SECTION 15.** 118.60 (4v) (b) of the statutes is amended to read:

20       118.60 **(4v)** (b)  If the department considers a pupil as a resident of an eligible

21   school district under par. (a) for a school year, the department shall ensure that the

22   pupil is not counted for that school year for purposes of determining whether a school

23   district has exceeded its pupil participation limit under sub. (2) (be) and that the

24   pupil is not counted for that school year for purposes of determining whether a

25   program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

1    **SECTION 16.** 118.60 (4v) (c) and (d) of the statutes are created to read:

2    118.60 **(4v)** (c)  The department may consider a pupil enrolled in a private

3    school participating in the program under this section who satisfies all of the

4    following as a resident of a school district, other than an eligible school district or a

5    1st class city school district, who is enrolled in the private school under this section:

6    1. The pupil was a resident of an eligible school district when the pupil applied

7    to participate in the program under this section.

8    2. The pupil accepted a space at a private school participating in the program

9    under this section as a resident of an eligible school district.

10    3. The pupil resides in a school district, other than an eligible school district

11    or a 1st class city school district, on the 3rd Friday in September.

12    4.   The private school the pupil is attending under this section accepts

13    applications under this section from pupils who reside in school districts, other than

14    an eligible school district or a 1st class city school district.

15    (d)  If the department considers a pupil as a resident of a school district, other

16    than an eligible school district or a 1st class city school district, under par. (c) for a

17    school year, the department shall ensure that the pupil is not counted for that school

18    year for purposes of determining whether the school district has exceeded its pupil

19    participation limit under sub. (2) (be) and that the pupil is not counted for that school

20    year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or

21    b. has been exceeded.

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

23    119.23 **(2)** (a) (intro.)  Subject to pars. (ag) ~~and,~~ (ar), <u>and (b),</u> any pupil in grades

24    kindergarten to 12 who resides within the city may attend any private school if all

25    of the following apply:

1    SECTION 18. 119.23 (2) (b) of the statutes is created to read:

2    119.23 **(2)** (b) 1.  In this paragraph, "program cap" means the total number of

3    pupils residing in the city who attended a private school under this section in the

4    2019–20 school year.

5    2. Beginning with the 2020–21 school year, the total number of pupils residing

6    in the city who may attend a private school under this section during a school year

7    may not exceed the program cap.

8    SECTION 19. 119.23 (3) (a) (intro.) of the statutes is amended to read:

9    119.23 **(3)** (a) (intro.)  The pupil or the pupil's parent or guardian shall submit

10    an application, on a form provided by the state superintendent, to the participating

11    private school that the pupil wishes to attend.  If more than one pupil from the same

12    family applies to attend the same private school, the pupils may use a single

13    application.  No later than 60 days after the end of the application period during

14    which an application is received and subject to par. (ar), the private school shall

15    notify each applicant, in writing, whether his or her application has been accepted.

16    If the private school rejects an application, the notice shall include the reason.  ~~A~~

17    Subject to par. (ar), a private school may reject an applicant only if ~~it~~ the private

18    school has reached its maximum general capacity or seating capacity. ~~The~~ Except

19    as provided in par. (ar), the state superintendent shall ensure that the private school

20    determines which pupils to accept on a random basis, except that the private school

21    may give preference to the following in accepting applications, in order of preference

22    listed:

23    SECTION 20. 119.23 (3) (ar) of the statutes is created to read:

24    119.23 **(3)** (ar)  All of the following apply to applications to attend a private

25    school under this section submitted by pupils who reside in the city:

1    1. A private school that has submitted a notice of intent to participate under

2    sub. (2) (a) 3. may accept applications for a school year during application periods

3    determined by the department from pupils who reside in the city. For each school

4    year, the department shall establish one or more application periods under this

5    subdivision, the first of which begins no later than February 1 of the school year

6    before the applicable school year, and the last of which ends no later than September

7    14 of the applicable school year.

8    2. Each private school that received applications under subd. 1. shall report to

9    the department the number of pupils who applied under subd. 1. to attend the private

10    school under this section and the names of those applicants who have siblings who

11    also applied under subd. 1. to attend the private school under this section. The

12    private school shall submit the report no later than 10 days after each application

13    period described under subd. 1. during which the private school received

14    applications.

15    3. After the end of each application period described under subd. 1, upon receipt

16    of the information under subd. 2., the department shall determine the sum of all

17    applicants for pupils residing in the city. In determining the sum, the department

18    shall count a pupil who has applied to attend more than one private school under the

19    program only once. If, after the end of an application period described under subd.

20    1., the sum of all applicants for pupils residing in the city exceeds the program cap

21    under sub. (2) (b), the department shall determine which applications submitted

22    during the application period to accept on a random basis, except that the

23    department shall give preference to the applications of pupils described in par. (a)

24    1. to 5., in the order of preference listed in that paragraph.

1    4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the

2    department shall establish a waiting list in accordance with the preferences required

3    under subd. 3.

4    5. A private school that has accepted a pupil who resides in the city under this

5    paragraph shall notify the department whenever the private school determines that

6    a pupil will not attend the private school under this paragraph. If, upon receiving

7    notice under this subdivision, the department determines that the number of pupils

8    attending private schools under this section falls below the program cap under sub.

9    (2) (b), the department shall fill any available slot with a pupil selected from the

10   waiting list established under subd. 4., if such a waiting list exists.

11   **SECTION 21.** 119.23 (3) (b) of the statutes is amended to read:

12   119.23 **(3)** (b) If the private school rejects an applicant because ~~it~~ the private

13   school has too few available spaces, the applicant may transfer his or her application

14   to a participating private school that has space available. An applicant who is rejected

15   under this paragraph or an applicant who is on the waiting list under par. (ar) 4. may,

16   subject to sub. (2) (b), be admitted to a private school participating in the program

17   under this section for the following school year, provided that the applicant continues

18   to reside within the city. The department may not require, in that following school

19   year, the private school to submit financial information regarding the applicant or

20   to verify the eligibility of the applicant to participate in the program under this

21   section on the basis of family income.

22   **SECTION 22.** 119.23 (4v) (b) of the statutes is amended to read:

23   119.23 **(4v)** (b) If the department considers a pupil as a resident of the city

24   under par. (a) for a school year, the department shall ensure that the pupil is not

25   counted for that school year for purposes of determining whether a school district has

2019 - 2020 Legislature    - 13 -    LRB-1304/P5
KRP:amn/kjf/cjs
**SECTION 22**

1    exceeded its pupil participation limit under s. 118.60 (2) (be) <u>and that the pupil is not</u>

2    <u>counted for that school year for purposes of determining whether a program cap</u>

3    <u>under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded</u>.

4    **SECTION 23.** 119.23 (4v) (c), (d) and (e) of the statutes are created to read:

5    119.23 **(4v)** (c)   The department may consider a pupil enrolled in a private

6    school participating in the program under this section who satisfies all of the

7    following as a resident of a school district, other than a 1st class city school district,

8    who is enrolled in the private school under this section:

9    1. The pupil was a resident of the city when the pupil applied to participate in

10    the program under this section.

11    2. The pupil accepted a space at a private school participating in the program

12    under this section as a resident of the city.

13    3. The pupil resides in a school district, other than a 1st class city school

14    district, on the 3rd Friday in September.

15    4. The private school at which the pupil accepted a space under this section is

16    participating in the program under s. 118.60.

17    (d)   If the department considers a pupil as a resident of an eligible school

18    district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the

19    department shall ensure that the pupil is not counted for that school year for

20    purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh)

21    2. a. has been exceeded.

22    (e)   If the department considers a pupil as a resident of a school district, other

23    than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city

24    school district, under par. (c) for a school year, the department shall ensure that the

25    pupil is not counted for that school year for purposes of determining whether the

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**SECTION 23**

1    school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and

2    that the pupil is not counted for that school year for purposes of determining whether

3    a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

4    SECTION 9334. **Initial applicability; Public Instruction.**

5    (1) PARENTAL CHOICE PROGRAMS; PROGRAM CAPS. The treatment of ss. 118.60 (3)

6    (am) and (ar) (intro.) and 5. and 119.23 (3) (ar), the renumbering and amendment of

7    s. 118.60 (3) (ar) 3. and 4., and the creation of s. 118.60 (3) (ar) 3. a. and b. and 4. a.

8    and b. first apply to an application to attend in a private school under s. 118.60 or

9    119.23 in the 2020-21 school year.

10    (2) PARENTAL CHOICE PROGRAMS; TRANSFERRING APPLICANTS BETWEEN PROGRAMS.

11    The treatment of ss. 118.60 (4v) (b), (c), and (d) and 119.23 (4v) (b), (c), (d), and (e) first

12    applies to counting pupils for the pupil participation limits under s. 118.60 (2) (be)

13    and the program caps under ss. 118.60 (2) (bh) 2. a. and b. and 119.23 (2) (b) for the

14    2020-21 school year.    —END INSERT 2-1—

15    **(END)**

| | |
|---|---|
| **From:** | Catacutan, Adrian |
| **Sent:** | Thursday, November 21, 2019 10:15 AM |
| **To:** | Pleviak, Krista |
| **Subject:** | LRB 4156/P1 Addition |
| **Attachments:** | 19-4156_P1.pdf |

Krista,

Can we add a provision to the attached draft that would sunset the Special Needs Scholarship program. I believe this was in the Governor's budget and we would like it to match that language. Please let me know if you have any questions or concerns.

Thank you,


**Adrian Catacutan**
**Office of Representative Sondy Pope**
80th Assembly District
(608)266-3520
Adrian.Catacutan@legis.wisconsin.gov

State of Wisconsin
2019 - 2020 LEGISLATURE

IN: 11/25/19

DUE: 11/27/19 (Wed.)

P2

LRB-4156/P1
KRP:cjs/amn/kjf

stays
RmR

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Gen

1    AN ACT *to renumber and amend* 118.60 (3) (ar) 3. and 118.60 (3) (ar) 4.; *to*

2    *amend* 118.60 (2) (a) (intro.), 118.60 (2) (a) 2. g., 118.60 (2) (be) 3., 118.60 (3) (a)

3    (intro.), 118.60 (3) (ar) (intro.), 118.60 (3) (ar) 5., 118.60 (3) (b), 118.60 (3) (c),

4    118.60 (4v) (b), 119.23 (2) (a) (intro.), 119.23 (3) (a) (intro.), 119.23 (3) (b) and

5    119.23 (4v) (b); and *to create* 118.60 (2) (bh), 118.60 (3) (am), 118.60 (3) (ar) 3.

6    a. and b., 118.60 (3) (ar) 4. a. and b., 118.60 (4v) (c) and (d), 119.23 (2) (b), 119.23

7    (3) (ar) and 119.23 (4v) (c), (d) and (e) of the statutes; **relating to:** limiting

8    enrollment in parental choice programs.    phasing out the Special Needs
     Scholarship Program and

INSERT
A-1

The

### *Analysis by the Legislative Reference Bureau*

This bill caps the total number of pupils who may participate in a parental choice program — the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program — at the number of pupils who attended a private school under that parental choice program in the 2019–20 school year. Under the bill, beginning in the 2020–21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, the Department of Public Instruction must determine which applications to accept on a random basis, subject to certain admission preferences that exist under current law.

DPI

Under current law, pupils may submit applications to attend a private school under the statewide parental choice program for the following school year from

February 1 to April 20, and a private school that receives applications must, no later than the May 1 immediately following the application period, report the number of applicants to DPI so that DPI may determine whether a pupil participation limitation has been exceeded. The bill provides that, beginning with applications for the 2020-21 school year, DPI must establish one or more application periods during which pupils may submit applications to attend a private school under the MPCP or RPCP. The bill provides that a private school that receives applications during an application period must, no later than 10 days after the application period ends, report the number of applicants to DPI so that DPI may determine whether a program cap has been exceeded. The bill does not change the application period for the statewide parental choice program and requires DPI to use the information required to be reported under current law to determine whether the program cap for the statewide parental choice program has been exceeded.

The bill also requires DPI to establish a waiting list for a parental choice program if the program cap for the parental choice program has been exceeded.

For further information see the **state and local** 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.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

2   118.60 **(2)** (a) (intro.) Subject to pars. (ag) and, (ar), and (bh), any pupil in grades

3   kindergarten to 12 who resides within in an eligible school district may attend any

4   private school under this section and, subject to pars. (ag), (ar), (be), (bh), (bm), and

5   (bs), any pupil in grades kindergarten to 12 who resides in a school district, other

6   than an eligible school district or a 1st class city school district, may attend any

7   private school under this section if all of the following apply:

8   **SECTION 2.** 118.60 (2) (a) 2. g. of the statutes is amended to read:

9   118.60 **(2)** (a) 2. g. If the pupil resides in a school district, other than an eligible

10  school district or a 1st class city school district, the pupil was on a waiting list under

11  sub. (3) (am) 4. or (ar) 4. in any previous school year.

12  **SECTION 3.** 118.60 (2) (be) 3. of the statutes is amended to read:

1    118.60 **(2)** (be) 3. Beginning with the 2026-27 school year, ~~there is no limit on~~

2    ~~the number of pupils who may attend private schools~~ the limits under this ~~section~~

3    paragraph do not apply.

4        **SECTION 4.** 118.60 (2) (bh) of the statutes is created to read:

5        118.60 **(2)** (bh) 1. In this paragraph, "program cap" means any of the following:

6        a.  For an eligible school district, the total number of pupils residing in the

7    eligible school district who attended a private school under this section in the

8    2019-20 school year.

9        b. For all school districts, other than an eligible school district or a 1st class city

10    school district, the total number of pupils residing in those school districts who

11    attended a private school under this section in the 2019-20 school year.

12        2. a.  Beginning with the 2020-21 school year, the total number of pupils

13    residing in an eligible school district who may attend a private school under this

14    section during a school year may not exceed the program cap under subd. 1. a.

15        b. Beginning with the 2020-21 school year, the total number of pupils residing

16    in school districts, other than an eligible school district or a 1st class city school

17    district, who may attend a private school under this section during a school year may

18    not exceed the program cap under subd. 1. b.

19        **SECTION 5.** 118.60 (3) (a) (intro.) of the statutes is amended to read:

20        118.60 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit

21    an application, on a form provided by the state superintendent, to the participating

22    private school that the pupil wishes to attend. If more than one pupil from the same

23    family applies to attend the same private school, the pupils may use a single

24    application. No later than 60 days after the end of the application period during

25    which an application is received and subject to ~~par.~~ pars. (am) and (ar), the private

1   school shall notify each applicant, in writing, whether his or her application has been

2   accepted. If the private school rejects an application, the notice shall include the

3   reason. Subject to ~~par.~~ pars. (am) and (ar), a private school may reject an applicant

4   only if ~~it~~ the private school has reached its maximum general capacity or seating

5   capacity. Except as provided in ~~par.~~ pars. (am) and (ar), the state superintendent

6   shall ensure that the private school determines which pupils to accept on a random

7   basis, except that the private school may give preference to the following in accepting

8   applications, in the order of preference listed:

9       **SECTION 6.** 118.60 (3) (am) of the statutes is created to read:

10      118.60 **(3)** (am) All of the following apply to applications to attend a private

11   school under this section submitted by pupils who reside in an eligible school district:

12      1. A private school that has submitted a notice of intent to participate under

13   sub. (2) (a) 3. a. may accept applications for a school year during application periods

14   determined by the department from pupils who reside in an eligible school district.

15   For each school year, the department shall establish one or more application periods

16   under this subdivision, the first of which begins no earlier than February 1 of the

17   school year before the applicable school year, and the last of which ends no later than

18   September 14 of the applicable school year.

19      2. Each private school that received applications under subd. 1. shall report to

20   the department the number of pupils who applied under subd. 1. to attend the private

21   school under this section and the names of those applicants who have siblings who

22   also applied under subd. 1. to attend the private school under this section. The

23   private school shall submit the report no later than 10 days after each application

24   period described under subd. 1. during which the private school received

25   applications.

1    3. After the end of each application period described under subd. 1., upon

2    receipt of the information under subd. 2., the department shall determine the sum

3    of all applicants for pupils residing in an eligible school district. In determining the

4    sum, the department shall count a pupil who has applied to attend more than one

5    private school under the program only once. If, after the end of an application period

6    described under subd. 1., the sum of all applicants for pupils residing in an eligible

7    school district exceeds the program cap under sub. (2) (bh) 2. a., the department shall

8    determine which applications submitted during the application period to accept on

9    a random basis, except that the department shall give preference to the applications

10   of pupils described in par. (a) 1m. to 5., in the order of preference listed in that

11   paragraph.

12   4. If the sum under subd. 3. exceeds the program cap under sub. (2) (bh) 2. a.,

13   the department shall establish a waiting list in accordance with the preferences

14   required under subd. 3.

15   5. A private school that has accepted a pupil who resides in an eligible school

16   district under this paragraph shall notify the department whenever the private

17   school determines that a pupil will not attend the private school under this

18   paragraph. If, upon receiving notice under this subdivision, the department

19   determines that the number of pupils attending private schools under this section

20   falls below the program cap under sub. (2) (bh) 2. a., the department shall fill any

21   available slot with a pupil selected from the waiting list established under subd. 4.,

22   if such a waiting list exists.

23   SECTION 7. 118.60 (3) (ar) (intro.) of the statutes is amended to read:

24   118.60 **(3)** (ar) (intro.) All of the following apply to applications to attend a

25   private school under this section only if the limitation under sub. (2) (be) applies to

1 ~~the school year for which the application is made~~ submitted by pupils who reside in

2 a school district, other than an eligible school district or a 1st class city school district:

3     SECTION 8. 118.60 (3) (ar) 3. of the statutes is renumbered 118.60 (3) (ar) 3.

4 (intro.) and amended to read:

5     118.60 **(3)** (ar) 3. (intro.) ~~Annually~~ After the end of the application period

6 described under subd. 1., upon receipt of the information under subd. 2., the

7 department shall, for each school district, determine the sum of all applicants for

8 pupils residing in that school district ~~under this paragraph~~ and the sum of all

9 applicants for pupils residing in all school districts, other than an eligible school

10 district or a 1st class city school district. In determining ~~the sum~~ those sums, the

11 department shall count a pupil who has applied to attend more than one private

12 school under the program only once. After determining ~~the sum of all applicants for~~

13 ~~pupils residing in a school district,~~ those sums, if any of the following applies, the

14 department shall determine which applications to accept on a random basis, except

15 that the department shall give preference to the applications of pupils described in

16 par. (a) 1m. to 5., in the order of preference listed in that paragraph~~.~~:

17     SECTION 9. 118.60 (3) (ar) 3. a. and b. of the statutes are created to read:

18     118.60 **(3)** (ar) 3. a. The sum of all applicants for pupils residing in a school

19 district, other than an eligible school district or a 1st class city school district, exceeds

20 the school district's pupil participation limit under sub. (2) (be).

21     b. The sum of all applicants for pupils residing in all school districts, other than

22 an eligible school district or a 1st class city school district, exceeds the program cap

23 under sub. (2) (bh) 2. b.

24     SECTION 10. 118.60 (3) (ar) 4. of the statutes is renumbered 118.60 (3) (ar) 4.

25 (intro.) and amended to read:

1      118.60 **(3)** (ar) 4. (intro.) ~~For each school district in which private schools~~

2      ~~received applications under subd. 1. that exceeded the school district's pupil~~

3      ~~participation limit under sub. (2) (be), the~~ <u>The</u> department shall establish a waiting

4      list in accordance with the preferences required under subd. 3. <u>for each of the</u>

5      <u>following</u>:

6      **SECTION 11.** 118.60 (3) (ar) 4. a. and b. of the statutes are created to read:

7      118.60 **(3)** (ar) 4. a. A school district, other than an eligible school district or a

8      1st class city school district, for which the sum described under subd. 3. a. exceeds

9      the school district's pupil participation limit under sub. (2) (be).

10     b. All school districts, other than an eligible school district or a 1st class city

11     school district, if the sum described under subd. 3. b. exceeds the program cap under

12     sub. (2) (bh) 2. b.

13     **SECTION 12.** 118.60 (3) (ar) 5. of the statutes is amended to read:

14     118.60 **(3)** (ar) 5. A private school that has accepted a pupil who resides in a

15     school district, other than an eligible school district or a 1st class city school district,

16     under this paragraph shall notify the department whenever the private school

17     determines that a pupil will not attend the private school under this paragraph. If,

18     upon receiving notice under this subdivision, the department determines that the

19     number of pupils attending private schools under this section falls below a school

20     district's pupil participation limit under sub. (2) (be), <u>or below the program cap under</u>

21     <u>sub. (2) (bh) 2. b.,</u> the department shall fill any available slot in that school district

22     <u>or program</u> with a pupil selected from the ~~school district's~~ <u>applicable</u> waiting list

23     established under subd. 4., if such a waiting list exists.

24     **SECTION 13.** 118.60 (3) (b) of the statutes is amended to read:

1    118.60 **(3)** (b) If a participating private school rejects an applicant who resides

2    ~~within~~ in an eligible school district because the private school has too few available

3    spaces, the applicant may transfer his or her application to a participating private

4    school that has space available.  An applicant <u>who is</u> rejected under this paragraph

5    <u>or an applicant who is on the waiting list under par. (am) 4.</u> may, <u>subject to sub. (2)</u>

6    <u>(bh) 2. a.,</u> be admitted to a private school participating in the program under this

7    section for the following school year, provided that the applicant continues to reside

8    ~~within~~ in an eligible school district.  The department may not require, in that

9    following school year, the private school to submit financial information regarding

10    the applicant or to verify the eligibility of the applicant to participate in the program

11    under this section on the basis of family income.

12    **SECTION 14.**  118.60 (3) (c) of the statutes is amended to read:

13    118.60 **(3)** (c) If a participating private school rejects an applicant who resides

14    in a school district, other than an eligible school district or a 1st class city school

15    district, because the private school has too few available spaces, the applicant may

16    transfer his or her application to a participating private school that has space

17    available.  An applicant who is rejected under this paragraph or an applicant who

18    is on ~~the~~ a waiting list under ~~sub. (3)~~ par. (ar) 4. <u>a. or b.</u> may, subject to sub. (2) (be)

    *plain = no score*

19    <u>and (bh) 2. b.,</u> be admitted to a private school participating in the program under this

20    section for the following school year, provided that the applicant continues to reside

21    in a school district, other than an eligible school district or a 1st class city school

22    district. The department may not require, in that following school year, the private

23    school to submit financial information regarding the applicant or to verify the

24    eligibility of the applicant to participate in the program under this section on the

25    basis of family income.

1     **Section 15.** 118.60 (4v) (b) of the statutes is amended to read:

2     118.60 **(4v)** (b)  If the department considers a pupil as a resident of an eligible

3     school district under par. (a) <u>for a school year</u>, the department shall ensure that the

4     pupil is not counted <u>for that school year</u> for purposes of determining whether a school

5     district has exceeded its pupil participation limit under sub. (2) (be) <u>and that the</u>

6     <u>pupil is not counted for that school year for purposes of determining whether a</u>

7     <u>program cap under sub. (2) (bh) 2. a. or b. has been exceeded</u>.

8     **Section 16.** 118.60 (4v) (c) and (d) of the statutes are created to read:

9     118.60 **(4v)** (c)  The department may consider a pupil enrolled in a private

10     school participating in the program under this section who satisfies all of the

11     following as a resident of a school district, other than an eligible school district or a

12     1st class city school district, who is enrolled in the private school under this section:

13     1. The pupil was a resident of an eligible school district when the pupil applied

14     to participate in the program under this section.

15     2. The pupil accepted a space at a private school participating in the program

16     under this section as a resident of an eligible school district.

17     3. The pupil resides in a school district, other than an eligible school district

18     or a 1st class city school district, on the 3rd Friday in September.

19     4.  The private school the pupil is attending under this section accepts

20     applications under this section from pupils who reside in school districts, other than

21     an eligible school district or a 1st class city school district.

22     (d)  If the department considers a pupil as a resident of a school district, other

23     than an eligible school district or a 1st class city school district, under par. (c) for a

24     school year, the department shall ensure that the pupil is not counted for that school

25     year for purposes of determining whether the school district has exceeded its pupil

1 participation limit under sub. (2) (be) and that the pupil is not counted for that school

2 year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or

3 b. has been exceeded.

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

5     119.23 **(2)** (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (b), any pupil in grades

6 kindergarten to 12 who resides within the city may attend any private school if all

7 of the following apply:

8     **SECTION 18.** 119.23 (2) (b) of the statutes is created to read:

9     119.23 **(2)** (b) 1. In this paragraph, "program cap" means the total number of

10 pupils residing in the city who attended a private school under this section in the

11 2019-20 school year.

12     2. Beginning with the 2020-21 school year, the total number of pupils residing

13 in the city who may attend a private school under this section during a school year

14 may not exceed the program cap.

15     **SECTION 19.** 119.23 (3) (a) (intro.) of the statutes is amended to read:

16     119.23 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit

17 an application, on a form provided by the state superintendent, to the participating

18 private school that the pupil wishes to attend. If more than one pupil from the same

19 family applies to attend the same private school, the pupils may use a single

20 application. No later than 60 days after the end of the application period during

21 which an application is received and subject to par. (ar), the private school shall

22 notify each applicant, in writing, whether his or her application has been accepted.

23 If the private school rejects an application, the notice shall include the reason. ~~A~~

24 Subject to par. (ar), a private school may reject an applicant only if ~~it~~ the private

25 school has reached its maximum general capacity or seating capacity. ~~The~~ Except

1    <u>as provided in par. (ar), the</u> state superintendent shall ensure that the private school

2    determines which pupils to accept on a random basis, except that the private school

3    may give preference to the following in accepting applications, in order of preference

4    listed:

5    **SECTION 20.** 119.23 (3) (ar) of the statutes is created to read:

6    119.23 **(3)** (ar)  All of the following apply to applications to attend a private

7    school under this section submitted by pupils who reside in the city:

8    1. A private school that has submitted a notice of intent to participate under

9    sub. (2) (a) 3. may accept applications for a school year during application periods

10   determined by the department from pupils who reside in the city.  For each school

11   year, the department shall establish one or more application periods under this

12   subdivision, the first of which begins no later than February 1 of the school year

13   before the applicable school year, and the last of which ends no later than September

14   14 of the applicable school year.

15   2. Each private school that received applications under subd. 1. shall report to

16   the department the number of pupils who applied under subd. 1. to attend the private

17   school under this section and the names of those applicants who have siblings who

18   also applied under subd. 1. to attend the private school under this section.  The

19   private school shall submit the report no later than 10 days after each application

20   period described under subd. 1. during which the private school received

21   applications.

22   3. After the end of each application period described under subd. 1, upon receipt

23   of the information under subd. 2., the department shall determine the sum of all

24   applicants for pupils residing in the city.  In determining the sum, the department

25   shall count a pupil who has applied to attend more than one private school under the

1    program only once. If, after the end of an application period described under subd.

2    1., the sum of all applicants for pupils residing in the city exceeds the program cap

3    under sub. (2) (b), the department shall determine which applications submitted

4    during the application period to accept on a random basis, except that the

5    department shall give preference to the applications of pupils described in par. (a)

6    1. to 5., in the order of preference listed in that paragraph.

7        4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the

8    department shall establish a waiting list in accordance with the preferences required

9    under subd. 3.

10       5. A private school that has accepted a pupil who resides in the city under this

11   paragraph shall notify the department whenever the private school determines that

12   a pupil will not attend the private school under this paragraph. If, upon receiving

13   notice under this subdivision, the department determines that the number of pupils

14   attending private schools under this section falls below the program cap under sub.

15   (2) (b), the department shall fill any available slot with a pupil selected from the

16   waiting list established under subd. 4., if such a waiting list exists.

17       **SECTION 21.** 119.23 (3) (b) of the statutes is amended to read:

18       119.23 **(3)** (b) If the private school rejects an applicant because ~~it~~ the private

19   school has too few available spaces, the applicant may transfer his or her application

20   to a participating private school that has space available. An applicant who is

21   rejected under this paragraph or an applicant who is on the waiting list under par.

22   (ar) 4. may, subject to sub. (2) (b), be admitted to a private school participating in the

23   program under this section for the following school year, provided that the applicant

24   continues to reside ~~within~~ in the city. The department may not require, in that

25   following school year, the private school to submit financial information regarding

1     the applicant or to verify the eligibility of the applicant to participate in the program

2     under this section on the basis of family income.

3          **SECTION 22.** 119.23 (4v) (b) of the statutes is amended to read:

4          119.23 **(4v)** (b)  If the department considers a pupil as a resident of the city

5     under par. (a) <u>for a school year,</u> the department shall ensure that the pupil is not

6     counted <u>for that school year</u> for purposes of determining whether a school district has

7     exceeded its pupil participation limit under s. 118.60 (2) (be) <u>and that the pupil is not</u>

8     <u>counted for that school year for purposes of determining whether a program cap</u>

9     <u>under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded</u>.

10         **SECTION 23.** 119.23 (4v) (c), (d) and (e) of the statutes are created to read:

11         119.23 **(4v)** (c)  The department may consider a pupil enrolled in a private

12    school participating in the program under this section who satisfies all of the

13    following as a resident of a school district, other than a 1st class city school district,

14    who is enrolled in the private school under this section:

15         1. The pupil was a resident of the city when the pupil applied to participate in

16    the program under this section.

17         2. The pupil accepted a space at a private school participating in the program

18    under this section as a resident of the city.

19         3.  The pupil resides in a school district, other than a 1st class city school

20    district, on the 3rd Friday in September.

21         4. The private school at which the pupil accepted a space under this section is

22    participating in the program under s. 118.60.

23         (d)  If the department considers a pupil as a resident of an eligible school

24    district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the

25    department shall ensure that the pupil is not counted for that school year for

1   purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh)

2   2. a. has been exceeded.

3       (e) If the department considers a pupil as a resident of a school district, other

4   than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city

5   school district, under par. (c) for a school year, the department shall ensure that the

6   pupil is not counted for that school year for purposes of determining whether the

7   school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and

8   that the pupil is not counted for that school year for purposes of determining whether

9   a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

10      **SECTION 24. Initial applicability.**

11      (1) PARENTAL CHOICE PROGRAMS; PROGRAM CAPS. The treatment of ss. 118.60 (3)

12  (am) and (ar) (intro.) and 5. and 119.23 (3) (ar), the renumbering and amendment of

13  s. 118.60 (3) (ar) 3. and 4., and the creation of s. 118.60 (3) (ar) 3. a. and b. and 4. a.

14  and b. first apply to an application to attend in a private school under s. 118.60 or

15  119.23 in the 2020-21 school year.

16      (2) PARENTAL CHOICE PROGRAMS; TRANSFERRING APPLICANTS BETWEEN PROGRAMS.

17  The treatment of ss. 118.60 (4v) (b), (c), and (d) and 119.23 (4v) (b), (c), (d), and (e) first

18  applies to counting pupils for the pupil participation limits under s. 118.60 (2) (be)

19  and the program caps under ss. 118.60 (2) (bh) 2. a. and b. and 119.23 (2) (b) for the

20  2020-21 school year.

21                                  **(END)**

### INSERT A-1

This bill phases out the Special Needs Scholarship Program and caps the total number of pupils who may participate in a parental choice program.

Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship to attend a private school participating in the SNSP. The bill provides that, beginning in the 2020-21 school year, the Department of Public Instruction may not provide an SNSP scholarship to a child to attend a private school unless the child was attending a private school under the SNSP in the 2019-20 school year. In addition, if the child does not attend a private school under an SNSP scholarship in any school year after the 2019-20 school year, DPI may not provide an SNSP scholarship to the child for any subsequent school year.

**(END INSERT A-1)**

### INSERT 2-1

1     **SECTION 1.** 115.7915 (2) (intro.) of the statutes is amended to read:

2     115.7915 **(2)** SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17

3     school year, the department shall, subject to sub. (11), provide to a child with a

4     disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the

5     following apply:

History: 2015 a. 55, 289, 297; 2017 a. 36, 59; 2017 a. 364 s. 48.

6     **SECTION 2.** 115.7915 (11) of the statutes is created to read:

7     115.7915 **(11)** SUNSET. Beginning in the 2020-21 school year, the department

8     may not provide a scholarship under this section to a child with a disability to attend

9     a private school unless the child attended a private school under a scholarship under

10     this section in the 2019-20 school year. If the child does not attend a private school

11     under a scholarship under this section in any school year after the 2019-20 school

12     year, the department may not provide a scholarship under this section to the child

13     for any school year after that school year.

**(END INSERT 2-1)**

| | |
|---|---|
| **From:** | Barman, Mike |
| **Sent:** | Monday, December 9, 2019 12:33 PM |
| **To:** | Pleviak, Krista |
| **Subject:** | Re-draft request ... LRB-4156/P2 |

**From:** Rep.Pope <Rep.Pope@legis.wisconsin.gov>
**Sent:** Monday, December 09, 2019 12:32 PM
**To:** LRB.Legal <lrblegal@legis.wisconsin.gov>
**Subject:** RE: Draft review: LRB -4156/P2

Please prepare this bill for introduction.

Thank you,


Adrian Catacutan
**Office of Representative Sondy Pope**
80th Assembly District
(608)266-3520
Adrian.Catacutan@legis.wisconsin.gov


**From:** LRB.Legal <lrblegal@legis.wisconsin.gov>
**Sent:** Monday, November 25, 2019 3:27 PM
**To:** Rep.Pope <Rep.Pope@legis.wisconsin.gov>
**Subject:** Draft review: LRB -4156/P2

**Following is the PDF version of draft LRB -4156/P2.**

1

*TODAY*

## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*No Changes*

1    AN ACT *to renumber and amend* 118.60 (3) (ar) 3. and 118.60 (3) (ar) 4.; *to*

2    *amend* 115.7915 (2) (intro.), 118.60 (2) (a) (intro.), 118.60 (2) (a) 2. g., 118.60 (2)

3    (be) 3., 118.60 (3) (a) (intro.), 118.60 (3) (ar) (intro.), 118.60 (3) (ar) 5., 118.60 (3)

4    (b), 118.60 (3) (c), 118.60 (4v) (b), 119.23 (2) (a) (intro.), 119.23 (3) (a) (intro.),

5    119.23 (3) (b) and 119.23 (4v) (b); and *to create* 115.7915 (11), 118.60 (2) (bh),

6    118.60 (3) (am), 118.60 (3) (ar) 3. a. and b., 118.60 (3) (ar) 4. a. and b., 118.60 (4v)

7    (c) and (d), 119.23 (2) (b), 119.23 (3) (ar) and 119.23 (4v) (c), (d) and (e) of the

8    statutes; **relating to:** phasing out the Special Needs Scholarship Program and

9    limiting enrollment in parental choice programs.

---

### Analysis by the Legislative Reference Bureau

This bill phases out the Special Needs Scholarship Program and caps the total number of pupils who may participate in a parental choice program.

Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship to attend a private school participating in the SNSP. The bill provides that, beginning in the 2020-21 school year, the Department of Public Instruction may not provide an SNSP scholarship to a child to attend a private school unless the child was attending a private school under the SNSP in the 2019-20

school year. In addition, if the child does not attend a private school under an SNSP scholarship in any school year after the 2019-20 school year, DPI may not provide an SNSP scholarship to the child for any subsequent school year.

The bill caps the total number of pupils who may participate in a parental choice program — the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program — at the number of pupils who attended a private school under that parental choice program in the 2019-20 school year. Under the bill, beginning in the 2020-21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, DPI must determine which applications to accept on a random basis, subject to certain admission preferences that exist under current law.

Under current law, pupils may submit applications to attend a private school under the statewide parental choice program for the following school year from February 1 to April 20, and a private school that receives applications must, no later than the May 1 immediately following the application period, report the number of applicants to DPI so that DPI may determine whether a pupil participation limitation has been exceeded. The bill provides that, beginning with applications for the 2020-21 school year, DPI must establish one or more application periods during which pupils may submit applications to attend a private school under the MPCP or RPCP. The bill provides that a private school that receives applications during an application period must, no later than 10 days after the application period ends, report the number of applicants to DPI so that DPI may determine whether a program cap has been exceeded. The bill does not change the application period for the statewide parental choice program and requires DPI to use the information required to be reported under current law to determine whether the program cap for the statewide parental choice program has been exceeded.

The bill also requires DPI to establish a waiting list for a parental choice program if the program cap for the parental choice program has been exceeded.

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

***

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

1    SECTION 1. 115.7915 (2) (intro.) of the statutes is amended to read:

2    115.7915 **(2)** SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17

3    school year, the department shall, subject to sub. (11), provide to a child with a

4    disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the

5    following apply:

6    SECTION 2. 115.7915 (11) of the statutes is created to read:

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KRP:cjs/amn/kjf
SECTION 2

1     115.7915 **(11)** SUNSET. Beginning in the 2020-21 school year, the department

2     may not provide a scholarship under this section to a child with a disability to attend

3     a private school unless the child attended a private school under a scholarship under

4     this section in the 2019-20 school year. If the child does not attend a private school

5     under a scholarship under this section in any school year after the 2019-20 school

6     year, the department may not provide a scholarship under this section to the child

7     for any school year after that school year.

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

9     118.60 **(2)** (a) (intro.) Subject to pars. (ag) ~~and,~~ (ar), and (bh), any pupil in grades

10     kindergarten to 12 who resides ~~within~~ in an eligible school district may attend any

11     private school under this section and, subject to pars. (ag), (ar), (be), (bh), (bm), and

12     (bs), any pupil in grades kindergarten to 12 who resides in a school district, other

13     than an eligible school district or a 1st class city school district, may attend any

14     private school under this section if all of the following apply:

15     **SECTION 4.** 118.60 (2) (a) 2. g. of the statutes is amended to read:

16     118.60 **(2)** (a) 2. g. If the pupil resides in a school district, other than ~~an eligible~~

17     ~~school district or~~ a 1st class city school district, the pupil was on a waiting list under

18     sub. (3) (am) 4. or (ar) 4. in any previous school year.

19     **SECTION 5.** 118.60 (2) (be) 3. of the statutes is amended to read:

20     118.60 **(2)** (be) 3. Beginning with the 2026-27 school year, ~~there is no limit on~~

21     ~~the number of pupils who may attend private schools~~ the limits under this ~~section~~

22     paragraph do not apply.

23     **SECTION 6.** 118.60 (2) (bh) of the statutes is created to read:

24     118.60 **(2)** (bh) 1. In this paragraph, "program cap" means any of the following:

1     a. For an eligible school district, the total number of pupils residing in the

2     eligible school district who attended a private school under this section in the

3     2019-20 school year.

4     b. For all school districts, other than an eligible school district or a 1st class city

5     school district, the total number of pupils residing in those school districts who

6     attended a private school under this section in the 2019-20 school year.

7     2. a. Beginning with the 2020-21 school year, the total number of pupils

8     residing in an eligible school district who may attend a private school under this

9     section during a school year may not exceed the program cap under subd. 1. a.

10     b. Beginning with the 2020-21 school year, the total number of pupils residing

11     in school districts, other than an eligible school district or a 1st class city school

12     district, who may attend a private school under this section during a school year may

13     not exceed the program cap under subd. 1. b.

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

15     118.60 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit

16     an application, on a form provided by the state superintendent, to the participating

17     private school that the pupil wishes to attend. If more than one pupil from the same

18     family applies to attend the same private school, the pupils may use a single

19     application. No later than 60 days after the end of the application period during

20     which an application is received and subject to ~~par.~~ pars. (am) and (ar), the private

21     school shall notify each applicant, in writing, whether his or her application has been

22     accepted. If the private school rejects an application, the notice shall include the

23     reason. Subject to ~~par.~~ pars. (am) and (ar), a private school may reject an applicant

24     only if ~~it~~ the private school has reached its maximum general capacity or seating

25     capacity. Except as provided in ~~par.~~ pars. (am) and (ar), the state superintendent

1   shall ensure that the private school determines which pupils to accept on a random

2   basis, except that the private school may give preference to the following in accepting

3   applications, in the order of preference listed:

4       **SECTION 8.** 118.60 (3) (am) of the statutes is created to read:

5       118.60 **(3)** (am)  All of the following apply to applications to attend a private

6   school under this section submitted by pupils who reside in an eligible school district:

7       1. A private school that has submitted a notice of intent to participate under

8   sub. (2) (a) 3. a. may accept applications for a school year during application periods

9   determined by the department from pupils who reside in an eligible school district.

10  For each school year, the department shall establish one or more application periods

11  under this subdivision, the first of which begins no earlier than February 1 of the

12  school year before the applicable school year, and the last of which ends no later than

13  September 14 of the applicable school year.

14      2. Each private school that received applications under subd. 1. shall report to

15  the department the number of pupils who applied under subd. 1. to attend the private

16  school under this section and the names of those applicants who have siblings who

17  also applied under subd. 1. to attend the private school under this section.  The

18  private school shall submit the report no later than 10 days after each application

19  period described under subd. 1. during which the private school received

20  applications.

21      3. After the end of each application period described under subd. 1., upon

22  receipt of the information under subd. 2., the department shall determine the sum

23  of all applicants for pupils residing in an eligible school district. In determining the

24  sum, the department shall count a pupil who has applied to attend more than one

25  private school under the program only once. If, after the end of an application period

1    described under subd. 1., the sum of all applicants for pupils residing in an eligible

2    school district exceeds the program cap under sub. (2) (bh) 2. a., the department shall

3    determine which applications submitted during the application period to accept on

4    a random basis, except that the department shall give preference to the applications

5    of pupils described in par. (a) 1m. to 5., in the order of preference listed in that

6    paragraph.

7        4. If the sum under subd. 3. exceeds the program cap under sub. (2) (bh) 2. a.,

8    the department shall establish a waiting list in accordance with the preferences

9    required under subd. 3.

10        5. A private school that has accepted a pupil who resides in an eligible school

11    district under this paragraph shall notify the department whenever the private

12    school determines that a pupil will not attend the private school under this

13    paragraph.   If, upon receiving notice under this subdivision, the department

14    determines that the number of pupils attending private schools under this section

15    falls below the program cap under sub. (2) (bh) 2. a., the department shall fill any

16    available slot with a pupil selected from the waiting list established under subd. 4.,

17    if such a waiting list exists.

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

19        118.60 **(3)** (ar) (intro.)  All of the following apply to applications to attend a

20    private school under this section ~~only if the limitation under sub. (2) (be) applies to~~

21    ~~the school year for which the application is made~~ submitted by pupils who reside in

22    a school district, other than an eligible school district or a 1st class city school district:

23        **SECTION 10.** 118.60 (3) (ar) 3. of the statutes is renumbered 118.60 (3) (ar) 3.

24    (intro.) and amended to read:

1     118.60 **(3)** (ar) 3. (intro.) ~~Annually~~ After the end of the application period

2     described under subd. 1., upon receipt of the information under subd. 2., the

3     department shall, for each school district, determine the sum of all applicants for

4     pupils residing in that school district ~~under this paragraph~~ and the sum of all

5     applicants for pupils residing in all school districts, other than an eligible school

6     district or a 1st class city school district. In determining ~~the sum~~ those sums, the

7     department shall count a pupil who has applied to attend more than one private

8     school under the program only once. After determining ~~the sum of all applicants for~~

9     ~~pupils residing in a school district,~~ those sums, if any of the following applies, the

10    department shall determine which applications to accept on a random basis, except

11    that the department shall give preference to the applications of pupils described in

12    par. (a) 1m. to 5., in the order of preference listed in that paragraph~~.~~:

13    **SECTION 11.** 118.60 (3) (ar) 3. a. and b. of the statutes are created to read:

14    118.60 **(3)** (ar) 3. a. The sum of all applicants for pupils residing in a school

15    district, other than an eligible school district or a 1st class city school district, exceeds

16    the school district's pupil participation limit under sub. (2) (be).

17    b. The sum of all applicants for pupils residing in all school districts, other than

18    an eligible school district or a 1st class city school district, exceeds the program cap

19    under sub. (2) (bh) 2. b.

20    **SECTION 12.** 118.60 (3) (ar) 4. of the statutes is renumbered 118.60 (3) (ar) 4.

21    (intro.) and amended to read:

22    118.60 **(3)** (ar) 4. (intro.) ~~For each school district in which private schools~~

23    ~~received applications under subd. 1. that exceeded the school district's pupil~~

24    ~~participation limit under sub. (2) (be), the~~ The department shall establish a waiting

1     list in accordance with the preferences required under subd. 3. <u>for each of the</u>

2     <u>following</u>:

3          **SECTION 13.** 118.60 (3) (ar) 4. a. and b. of the statutes are created to read:

4          118.60 **(3)** (ar) 4. a.  A school district, other than an eligible school district or a

5     1st class city school district, for which the sum described under subd. 3. a. exceeds

6     the school district's pupil participation limit under sub. (2) (be).

7          b.  All school districts, other than an eligible school district or a 1st class city

8     school district, if the sum described under subd. 3. b. exceeds the program cap under

9     sub. (2) (bh) 2. b.

10         **SECTION 14.** 118.60 (3) (ar) 5. of the statutes is amended to read:

11         118.60 **(3)** (ar) 5.  A private school that has accepted a pupil who resides in a

12    school district, other than an eligible school district or a 1st class city school district,

13    under this paragraph shall notify the department whenever the private school

14    determines that a pupil will not attend the private school under this paragraph.  If,

15    upon receiving notice under this subdivision, the department determines that the

16    number of pupils attending private schools under this section falls below a school

17    district's pupil participation limit under sub. (2) (be), <u>or below the program cap under</u>

18    <u>sub. (2) (bh) 2. b.</u>, the department shall fill any available slot in that school district

19    <u>or program</u> with a pupil selected from the ~~school district's~~ <u>applicable</u> waiting list

20    established under subd. 4., if such a waiting list exists.

21         **SECTION 15.** 118.60 (3) (b) of the statutes is amended to read:

22         118.60 **(3)** (b)  If a participating private school rejects an applicant who resides

23    ~~within~~ <u>in</u> an eligible school district because the private school has too few available

24    spaces, the applicant may transfer his or her application to a participating private

25    school that has space available.  An applicant <u>who is</u> rejected under this paragraph

1    or an applicant who is on the waiting list under par. (am) 4. may, subject to sub. (2)

2    (bh) 2. a., be admitted to a private school participating in the program under this

3    section for the following school year, provided that the applicant continues to reside

4    ~~within~~ in an eligible school district.  The department may not require, in that

5    following school year, the private school to submit financial information regarding

6    the applicant or to verify the eligibility of the applicant to participate in the program

7    under this section on the basis of family income.

8    **SECTION 16.** 118.60 (3) (c) of the statutes is amended to read:

9    118.60 **(3)** (c)  If a participating private school rejects an applicant who resides

10   in a school district, other than an eligible school district or a 1st class city school

11   district, because the private school has too few available spaces, the applicant may

12   transfer his or her application to a participating private school that has space

13   available.  An applicant who is rejected under this paragraph or an applicant who

14   is on ~~the~~ a waiting list under par. (ar) 4. a. or b. may, subject to sub. (2) (be) and (bh)

15   2. b., be admitted to a private school participating in the program under this section

16   for the following school year, provided that the applicant continues to reside in a

17   school district, other than an eligible school district or a 1st class city school district.

18   The department may not require, in that following school year, the private school to

19   submit financial information regarding the applicant or to verify the eligibility of the

20   applicant to participate in the program under this section on the basis of family

21   income.

22   **SECTION 17.** 118.60 (4v) (b) of the statutes is amended to read:

23   118.60 **(4v)** (b)  If the department considers a pupil as a resident of an eligible

24   school district under par. (a) for a school year, the department shall ensure that the

25   pupil is not counted for that school year for purposes of determining whether a school

1    district has exceeded its pupil participation limit under sub. (2) (be) <u>and that the</u>

2    <u>pupil is not counted for that school year for purposes of determining whether a</u>

3    <u>program cap under sub. (2) (bh) 2. a. or b. has been exceeded</u>.

4        **SECTION 18.** 118.60 (4v) (c) and (d) of the statutes are created to read:

5        118.60 **(4v)** (c)  The department may consider a pupil enrolled in a private

6    school participating in the program under this section who satisfies all of the

7    following as a resident of a school district, other than an eligible school district or a

8    1st class city school district, who is enrolled in the private school under this section:

9        1. The pupil was a resident of an eligible school district when the pupil applied

10   to participate in the program under this section.

11       2. The pupil accepted a space at a private school participating in the program

12   under this section as a resident of an eligible school district.

13       3. The pupil resides in a school district, other than an eligible school district

14   or a 1st class city school district, on the 3rd Friday in September.

15       4.  The private school the pupil is attending under this section accepts

16   applications under this section from pupils who reside in school districts, other than

17   an eligible school district or a 1st class city school district.

18       (d)  If the department considers a pupil as a resident of a school district, other

19   than an eligible school district or a 1st class city school district, under par. (c) for a

20   school year, the department shall ensure that the pupil is not counted for that school

21   year for purposes of determining whether the school district has exceeded its pupil

22   participation limit under sub. (2) (be) and that the pupil is not counted for that school

23   year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or

24   b. has been exceeded.

25       **SECTION 19.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

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KRP:cjs/amn/kjf
**SECTION 19**

1     119.23 **(2)** (a) (intro.) Subject to pars. (ag) ~~and,~~ (ar), <u>and (b),</u> any pupil in grades

2     kindergarten to 12 who resides within the city may attend any private school if all

3     of the following apply:

4     **SECTION 20.** 119.23 (2) (b) of the statutes is created to read:

5     119.23 **(2)** (b) 1. In this paragraph, "program cap" means the total number of

6     pupils residing in the city who attended a private school under this section in the

7     2019-20 school year.

8     2. Beginning with the 2020-21 school year, the total number of pupils residing

9     in the city who may attend a private school under this section during a school year

10     may not exceed the program cap.

11     **SECTION 21.** 119.23 (3) (a) (intro.) of the statutes is amended to read:

12     119.23 **(3)** (a) (intro.) The pupil or the pupil's parent or guardian shall submit

13     an application, on a form provided by the state superintendent, to the participating

14     private school that the pupil wishes to attend. If more than one pupil from the same

15     family applies to attend the same private school, the pupils may use a single

16     application. No later than 60 days after the end of the application period during

17     which an application is received <u>and subject to par. (ar)</u>, the private school shall

18     notify each applicant, in writing, whether his or her application has been accepted.

19     If the private school rejects an application, the notice shall include the reason. ~~A~~

20     <u>Subject to par. (ar), a</u> private school may reject an applicant only if ~~it~~ <u>the private</u>

21     <u>school</u> has reached its maximum general capacity or seating capacity. ~~The~~ <u>Except</u>

22     <u>as provided in par. (ar), the</u> state superintendent shall ensure that the private school

23     determines which pupils to accept on a random basis, except that the private school

24     may give preference to the following in accepting applications, in order of preference

25     listed:

1    **SECTION 22.** 119.23 (3) (ar) of the statutes is created to read:

2    119.23 **(3)** (ar) All of the following apply to applications to attend a private

3    school under this section submitted by pupils who reside in the city:

4    1. A private school that has submitted a notice of intent to participate under

5    sub. (2) (a) 3. may accept applications for a school year during application periods

6    determined by the department from pupils who reside in the city. For each school

7    year, the department shall establish one or more application periods under this

8    subdivision, the first of which begins no later than February 1 of the school year

9    before the applicable school year, and the last of which ends no later than September

10   14 of the applicable school year.

11   2. Each private school that received applications under subd. 1. shall report to

12   the department the number of pupils who applied under subd. 1. to attend the private

13   school under this section and the names of those applicants who have siblings who

14   also applied under subd. 1. to attend the private school under this section. The

15   private school shall submit the report no later than 10 days after each application

16   period described under subd. 1. during which the private school received

17   applications.

18   3. After the end of each application period described under subd. 1, upon receipt

19   of the information under subd. 2., the department shall determine the sum of all

20   applicants for pupils residing in the city. In determining the sum, the department

21   shall count a pupil who has applied to attend more than one private school under the

22   program only once. If, after the end of an application period described under subd.

23   1., the sum of all applicants for pupils residing in the city exceeds the program cap

24   under sub. (2) (b), the department shall determine which applications submitted

25   during the application period to accept on a random basis, except that the

1    department shall give preference to the applications of pupils described in par. (a)

2    1. to 5., in the order of preference listed in that paragraph.

3    4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the

4    department shall establish a waiting list in accordance with the preferences required

5    under subd. 3.

6    5. A private school that has accepted a pupil who resides in the city under this

7    paragraph shall notify the department whenever the private school determines that

8    a pupil will not attend the private school under this paragraph. If, upon receiving

9    notice under this subdivision, the department determines that the number of pupils

10    attending private schools under this section falls below the program cap under sub.

11    (2) (b), the department shall fill any available slot with a pupil selected from the

12    waiting list established under subd. 4., if such a waiting list exists.

13    **SECTION 23.** 119.23 (3) (b) of the statutes is amended to read:

14    119.23 **(3)** (b) If the private school rejects an applicant because ~~it~~ the private

15    school has too few available spaces, the applicant may transfer his or her application

16    to a participating private school that has space available. An applicant who is

17    rejected under this paragraph or an applicant who is on the waiting list under par.

18    (ar) 4. may, subject to sub. (2) (b), be admitted to a private school participating in the

19    program under this section for the following school year, provided that the applicant

20    continues to reside ~~within~~ in the city. The department may not require, in that

21    following school year, the private school to submit financial information regarding

22    the applicant or to verify the eligibility of the applicant to participate in the program

23    under this section on the basis of family income.

24    **SECTION 24.** 119.23 (4v) (b) of the statutes is amended to read:

1    119.23 **(4v)** (b)  If the department considers a pupil as a resident of the city

2    under par. (a) <u>for a school year</u>, the department shall ensure that the pupil is not

3    counted <u>for that school year</u> for purposes of determining whether a school district has

4    exceeded its pupil participation limit under s. 118.60 (2) (be) <u>and that the pupil is not</u>

5    <u>counted for that school year for purposes of determining whether a program cap</u>

6    <u>under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded</u>.

7    **SECTION 25.**  119.23 (4v) (c), (d) and (e) of the statutes are created to read:

8    119.23 **(4v)** (c)  The department may consider a pupil enrolled in a private

9    school participating in the program under this section who satisfies all of the

10    following as a resident of a school district, other than a 1st class city school district,

11    who is enrolled in the private school under this section:

12    1. The pupil was a resident of the city when the pupil applied to participate in

13    the program under this section.

14    2. The pupil accepted a space at a private school participating in the program

15    under this section as a resident of the city.

16    3.  The pupil resides in a school district, other than a 1st class city school

17    district, on the 3rd Friday in September.

18    4. The private school at which the pupil accepted a space under this section is

19    participating in the program under s. 118.60.

20    (d)  If the department considers a pupil as a resident of an eligible school

21    district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the

22    department shall ensure that the pupil is not counted for that school year for

23    purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh)

24    2. a. has been exceeded.

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1      (e) If the department considers a pupil as a resident of a school district, other

2      than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city

3      school district, under par. (c) for a school year, the department shall ensure that the

4      pupil is not counted for that school year for purposes of determining whether the

5      school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and

6      that the pupil is not counted for that school year for purposes of determining whether

7      a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

8      **SECTION 26. Initial applicability.**

9      (1) PARENTAL CHOICE PROGRAMS; PROGRAM CAPS. The treatment of ss. 118.60 (3)

10      (am) and (ar) (intro.) and 5. and 119.23 (3) (ar), the renumbering and amendment of

11      s. 118.60 (3) (ar) 3. and 4., and the creation of s. 118.60 (3) (ar) 3. a. and b. and 4. a.

12      and b. first apply to an application to attend in a private school under s. 118.60 or

13      119.23 in the 2020-21 school year.

14      (2) PARENTAL CHOICE PROGRAMS; TRANSFERRING APPLICANTS BETWEEN PROGRAMS.

15      The treatment of ss. 118.60 (4v) (b), (c), and (d) and 119.23 (4v) (b), (c), (d), and (e) first

16      applies to counting pupils for the pupil participation limits under s. 118.60 (2) (be)

17      and the program caps under ss. 118.60 (2) (bh) 2. a. and b. and 119.23 (2) (b) for the

18      2020-21 school year.

19                              **(END)**

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| **From:** | Catacutan, Adrian |
| **Sent:** | Friday, December 20, 2019 9:23 AM |
| **To:** | LRB.Legal |
| **Subject:** | Draft Review: LRB -4156/1 |

Please Jacket LRB -4156/1 for the ASSEMBLY.