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

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

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.

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 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.

2019 – 2020 Legislature   - 3 -   LRB-1304/P3
KRP:amn&kjf
SECTION 4

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

2019 – 2020 Legislature   - 5 -   LRB-1304/P3
KRP:amn&kjf
SECTION 6

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~~ submitted by pupils who reside in

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

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~~ After the end of the application period

23   described under subd. 1., 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~~ and the sum of all

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:

2019 – 2020 Legislature   - 7 -   LRB-1304/P3
KRP:amn&kjf
SECTION 11

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 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 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

2019 – 2020 Legislature   – 8 –   LRB-1304/P3
KRP:amn&kjf
SECTION 13

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), and (b), 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 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

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

2019 - 2020 Legislature   - 14 -   LRB-1304/P3
KRP:amn&kjf
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 24.** 121.004 (7) (c) 1. a. of the statutes is amended to read:

5   121.004 **(7)** (c) 1. a. A pupil enrolled in a 5-year-old kindergarten program that

6   requires full-day attendance by the pupil for 5 days a week, but not on any day of

7   the week that pupils enrolled in other grades in the school do not attend school, for

8   an entire school term shall be counted as one pupil.

9   **SECTION 25.** 121.004 (7) (c) 2. of the statutes is amended to read:

10   121.004 **(7)** (c) 2. In subd. 1. a. and b., "full-day" means the length of the school

11   day for pupils in the first grade of the school district operating the <u>4-year-old or</u>

12   5-year-old kindergarten program.

13   **SECTION 26.** 121.004 (7) (cm) of the statutes is amended to read:

14   121.004 **(7)** (cm) A pupil enrolled in a 4-year-old kindergarten program,

15   including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),

16   that provides the required number of hours of direct pupil instruction under s. 121.02

17   (1) (f) <u>but requires less than full-day attendance by the pupil for 5 days a week</u> shall

18   be counted as 0.6 pupil if the program annually provides at least 87.5 additional

19   hours of outreach activities. <u>In this paragraph, "full-day" has the meaning given in</u>

20   <u>par. (c) 2.</u>

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

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

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

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

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

2   119.23 in the 2020-21 school year.

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

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

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

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

7   2020-21 school year.

8   (3) COUNTING FOUR-YEAR-OLD KINDERGARTEN PUPILS. The treatment of s. 121.004

9   (7) (c) 1. a. and 2. and (cm) first applies to the distribution of school aid in, and the

10   calculation of revenue limits for, the 2019-20 school year.   2020-21

****NOTE: The initial applicability provision is a placeholder. Please let me know
to which school year sub. (3) should first apply.

11   **(END)**

IN: 02/21/19

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

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

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.

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 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.

2019 – 2020 Legislature   - 3 -   LRB-1304/P4
KRP:amn&kjf
SECTION 4

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~~ submitted by pupils who reside in

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

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~~ After the end of the application period

23   described under subd. 1., 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~~ and the sum of all

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 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 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

2019 – 2020 Legislature   – 8 –   LRB-1304/P4
KRP:amn&kjf
SECTION 13

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.

2019 - 2020 Legislature   - 9 -   LRB-1304/P4
KRP:amn&kjf
SECTION 16

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), and (b), 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 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

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

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 24.** 121.004 (7) (c) 1. a. of the statutes is amended to read:

5   121.004 **(7)** (c) 1. a. A pupil enrolled in a 5–year–old kindergarten program that

6   requires full-day attendance by the pupil for 5 days a week, but not on any day of

7   the week that pupils enrolled in other grades in the school do not attend school, for

8   an entire school term shall be counted as one pupil.

9   **SECTION 25.** 121.004 (7) (c) 2. of the statutes is amended to read:

10   121.004 **(7)** (c) 2. In subd. 1. a. and b., "full–day" means the length of the school

11   day for pupils in the first grade of the school district operating the 4-year-old or

12   5-year-old kindergarten program.

13   **SECTION 26.** 121.004 (7) (cm) of the statutes is amended to read:

14   121.004 **(7)** (cm) A pupil enrolled in a 4-year-old kindergarten program,

15   including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),

16   that provides the required number of hours of direct pupil instruction under s. 121.02

17   (1) (f) but requires less than full-day attendance by the pupil for 5 days a week shall

18   be counted as 0.6 pupil if the program annually provides at least 87.5 additional

19   hours of outreach activities. In this paragraph, "full-day" has the meaning given in

20   par. (c) 2.

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

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

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

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

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

2   119.23 in the 2020-21 school year.

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

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

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

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

7   2020-21 school year.

8   (3) COUNTING FOUR-YEAR-OLD KINDERGARTEN PUPILS. The treatment of s. 121.004

9   (7) (c) 1. a. and 2. and (cm) first applies to the distribution of school aid in, and the

10   calculation of revenue limits for, the 2020-21 school year.

11   **(END)**

Kyle:

This draft reconciles LRB-0522/P7 and LRB-1304/P4. All of these drafts should continue to appear in the compiled bill.

Krista R. Pleviak
Legislative Attorney
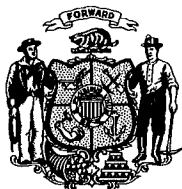(608) 504-5818
krista.pleviak@legis.wisconsin.gov

February 21, 2019

Kyle:

This draft reconciles LRB-0522/P7 and LRB-1304/P4. All of these drafts should continue to appear in the compiled bill.

Krista R. Pleviak
Legislative Attorney
(608) 504-5818
krista.pleviak@legis.wisconsin.gov

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

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

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.

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 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~~ submitted by pupils who reside in

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

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~~ After the end of the application period

23 described under subd. 1., 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~~ and the sum of all

2019 – 2020 Legislature   – 6 –   LRB–1304/P5
KRP:amn/kjf/cjs
SECTION 8

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:

2019 – 2020 Legislature   - 7 -   LRB-1304/P5
KRP:amn/kjf/cjs
SECTION 11

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 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 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

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), and (b), 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:

2019 – 2020 Legislature   – 10 –   LRB-1304/P5
KRP:amn/kjf/cjs
SECTION 18

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 <u>and subject to par. (ar)</u>, 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   <u>Subject to par. (ar), a</u> private school may reject an applicant only if ~~it~~ <u>the private</u>

18   <u>school</u> has reached its maximum general capacity or seating capacity. ~~The~~ <u>Except</u>

19   <u>as provided in par. (ar), the</u> 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 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

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

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.

15 **(END)**