

2019 DRAFTING REQUEST**Bill**

For: **Administration-Budget 266-8593** Drafter: **kpleviak**
 By: **Kretschmann** Secondary Drafters:
 Date: **2/19/2019** May Contact:

Same as LRB:

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

Pre Topic:

DOA:.....Kretschmann, BB0441 -

Topic:

Special Needs Scholarship compile

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpleviak 2/19/2019				
/P1	kpleviak 2/20/2019	csicilia 2/20/2019	dwalker 2/20/2019		State S&L
/P2	fknepp 2/21/2019	aernstr 2/20/2019	dwalker 2/20/2019		State S&L
/P3		ccarmich 2/21/2019	lparisi 2/21/2019		State S&L

FE Sent For:

<END>

Pleviak, Krista

From: Hanaman, Cathlene
Sent: Tuesday, February 19, 2019 3:52 PM
To: Knepp, Fern; Pleviak, Krista
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Kretschmann, Kyle - DOA <Kyle.Kretschmann@wisconsin.gov>
Sent: Tuesday, February 19, 2019 3:50 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Hynek, Sara - DOA <Sara.Hynek@wisconsin.gov>; Kretschmann, Kyle - DOA <Kyle.Kretschmann@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Special Needs Scholarship Changes

Tracking Code: BB0441

SBO Team: EWD

SBO Analyst: Kretschmann, Kyle
Phone: 608-266-8593
E-mail: kyle.kretschmann@wisconsin.gov

Agency Acronym: 255

Agency Number: 255

Priority: High

Intent:

Combine LRB-0918/P2, LRB-0919/P2, LRB-0920/P1, LRB-0921/P2 and LRB-1307/P3 into a single SNSP draft. This may be substantially similar to LRB-832/P4 but without changes to when a pupil may begin attending during a school year.

Attachments: False

Please send completed drafts to SBOStatlanguage@spsmail.enterprise.wistate.us



02/19/19

LRB-2159

Telephone conference with Kyle: In preparing the compile, do all of the following:

* Instead of separately requiring both accreditation and participating in a PCP, only require new participating schools to participate in a PCP. For schools currently participating, require them to ~~obtain~~ ^{obtain} and maintain accreditation, similar to LRB-0832/P4. But, keep the preaccreditation requirement.

* Change the terminology from "poverty level" to "poverty line" as reflected in LRB-0832/P4, SECTIONS 21 (page 6, lines ^{13 to} 15), and 27 to 33.

* Conform the language in s. 115.7915(4t)(c)1., created in the bill with the language in LRB-0832/P4 (page 7, lines 17 to 21).

* Add SECTION 26 from LRB-0832/P4.

-KRP



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2159/P1

W:02/19/19

KRP&FFK
js

DOA:.....Kretschmann, BB0441 - Special Needs Scholarship compile

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

Stat comp
SAW

⊕

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

INSERT
A-1

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0918/P4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Special Needs Scholarship Program; accreditation requirement

This bill provides that, with certain exceptions explained below, a private school may participate in the Special Needs Scholarship Program only if the private school is accredited by August 1 of the school year in which the private school participates and complies with other requirements relating to accreditation, including maintaining accreditation and providing information to DPI regarding the private school's accreditation status. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school is participating in the SNSP in the 2019-20 school year and is not accredited by August 1, 2019, the private school must 1) obtain preaccreditation by August 1, 2020; 2) apply for accreditation by December 31, 2020; and 3) obtain accreditation by December 31, 2023.

*** ANALYSIS FROM -0919/P2 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**✓ **2. *Special Needs Scholarship Program; requirement for schools to participate in parental choice program***

This bill provides that a private school that begins participating in the Special Needs Scholarship Program in the 2020-21 school year or any school year thereafter may participate only if the private school also participates in a parental choice program.

*** ANALYSIS FROM -0920/P1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

✓ This bill provides that a private school participating in the Special Needs Scholarship Program must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

*** ANALYSIS FROM -0921/P2 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**✓ **3. *Special Needs Scholarship Program; tuition charged by participating private schools***

This bill provides that, beginning in the 2020-21 school year, a private school participating in the Special Needs Scholarship Program may not charge a child receiving an SNSP scholarship tuition, in addition to the payments the private school receives under the SNSP, if a) the child is enrolled in a grade from kindergarten to eight; or b) the child's family income does not exceed 220 percent of the federal poverty level. The bill also provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may recover reasonable fees from a child receiving an SNSP scholarship for certain enumerated items and services the school provides to the child but may not expel or discipline a child for failing to pay those fees.

*** ANALYSIS FROM -1307/P3 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

✓ 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 Special Needs Scholarship Program. This bill provides that, beginning in the 2020-21 school year, DPI 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.

~~2017 Wisconsin Act 59, the 2017 Biennial Budget Act, created a process that allows the per pupil payment under the SNSP to be determined based on the actual costs to educate the pupil in the previous school year, as reported by the private school. The first SNSP payments based on the actual costs will be paid in the 2019-20 school year based on the actual costs reported for the 2018-19 school year. The bill repeals the process for determining SNSP per pupil payments based on actual costs and reinstates the per pupil payment amount under the SNSP that existed prior to the 2017 biennial budget. Under the bill, the SNSP per pupil amount is the same for all pupils and is determined by law. For the 2018-19 school year, the amount is \$12,431.~~

~~Under current law, the SNSP per pupil amount is adjusted annually by an amount equal to the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the per member increase in categorical aids between the current school year and the previous school year, if any. Under the bill, beginning in the 2019-20 school year, the annual adjustment to the SNSP per pupil amount is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase in the per member amount of per pupil aid paid to school districts between the current school year and the previous school year, if any.~~

~~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.** 20.255 (2) (az) of the statutes is amended to read:

2 20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to make
3 the payments under s. 115.7915 (4m) (a), ~~(em)~~, and (e) and (4p).

4 **SECTION 2.** 115.7915 (1) (a) of the statutes is renumbered 115.7915 (1) (an).

5 **SECTION 3.** 115.7915 (1) (ac) of the statutes is created to read:

6 115.7915 (1) (ac) "Accrediting entity" has the meaning given in s. 118.60 (1)
7 (ab).

8 **SECTION 4.** 115.7915 (1) (ag) of the statutes is created to read:

9 115.7915 (1) (ag) "Disqualified organization" means an accrediting
10 organization that is not an accrediting entity or a member of or otherwise sanctioned
11 by an accrediting entity.

1 **SECTION 5.** 115.7915 (1) (ar) of the statutes is created to read:

2 115.7915 (1) (ar) "Preaccreditation" has the meaning given in s. 118.60 (1) (c).

3 **SECTION 6.** 115.7915 (1) (aw) of the statutes is created to read:

4 115.7915 (1) (aw) "Preaccrediting entity" has the meaning given in s. 118.60
5 (1) (cm).

6 **SECTION 7.** 115.7915 (2) (intro.) of the statutes is amended to read:

7 115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17
8 school year, the department shall, subject to sub. (11), provide to a child with a
9 disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the
10 following apply:

11 **SECTION 8.** 115.7915 (2) (c) (intro.) of the statutes is created to read:

12 115.7915 (2) (c) (intro.) Any of the following applies to the eligible school:

13 **SECTION 9.** 115.7915 (2) (c) of the statutes is renumbered 115.7915 (2) (c) 2. a.
14 and amended to read:

15 115.7915 (2) (c) 2. a. The For the 2019-20 school year, the eligible school has
16 been either is approved as a private school by the state superintendent under s.
17 118.165 (2) or is accredited by ~~AdvancED, Wisconsin Religious and Independent~~
18 ~~Schools Accreditation, the Independent Schools Association of the Central States,~~
19 ~~Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association~~
20 ~~of Christian Schools, National Lutheran School Accreditation, Christian Schools~~
21 ~~International, Association of Christian Schools International, the diocese or~~
22 ~~archdiocese within which the eligible school is located, or any other organization~~
23 ~~recognized by the National Council for Private School Accreditation, as of the an~~
24 accrediting entity on August 1 preceding the school term for which the scholarship
25 is awarded, 2019.

INSERT
5-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

~~SECTION 10. 115.7915 (2) (c) 1. of the statutes is created to read:
115.7915 (2) (c) 1. The eligible school is accredited by an accrediting entity by
August 1 of the school year for which the scholarship is awarded.~~

SECTION 11. 115.7915 (2) (c) 2. (intro.) of the statutes is created to read:
115.7915 (2) (c) 2. (intro.) If the eligible school participates in the program
under this section in the 2019-20 school year, all of the following apply to the eligible
school:

INSERT
5-8

~~SECTION 12. 115.7915 (2) (c) 2. b., c. and d. of the statutes are created to read:
115.7915 (2) (c) 2. b. If the eligible school is not accredited as provided under
subd. 2. a., the eligible school obtains preaccreditation by a preaccrediting entity by
August 1, 2020. The eligible school may apply for and seek to obtain preaccreditation
from only one preaccrediting entity. If the eligible school fails to obtain
preaccreditation as required under this subd. 2. b., the eligible school may not
participate in the program under this section in the 2020-21 school year or in any
school year thereafter until the eligible school obtains accreditation as provided
under subd. 1.
c. If subd. 2. b. applies to the eligible school, the eligible school applies for
accreditation by an accrediting entity by December 31, 2020, and obtains
accreditation by an accrediting entity by December 31, 2023.
d. This subd. 2. does not apply after the 2023-24 school year.
SECTION 13. 115.7915 (2) (cm) of the statutes is created to read:
115.7915 (2) (cm) For an eligible school that begins participating in the
program under this section in the 2020-21 school year or any school year thereafter,
the eligible school also participates in a parental choice program under s. 118.60 or
119.23 for the school year for which the scholarship is awarded.~~

1 **SECTION 14.** 115.7915 (4c) of the statutes is repealed.

2 **SECTION 15.** 115.7915 (4m) (a) 2. a. of the statutes is renumbered 115.7915 (4m)
3 (a) 2. and amended to read:

4 115.7915 (4m) (a) 2. In the 2017-18 and 2018-19 school year years, the sum
5 of the scholarship amount under this paragraph for the previous school year; the
6 amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
7 current school year, if positive; and the change in the amount of statewide categorical
8 aid per pupil between the previous school year and the current school year, as
9 determined under s. 118.40 (2r) (e) 2p., if positive.

10 **SECTION 16.** 115.7915 (4m) (a) 2. b. of the statutes is repealed.

11 **SECTION 17.** 115.7915 (4m) (a) 3. of the statutes is repealed.

12 **SECTION 18.** 115.7915 (4m) (a) 4. of the statutes is created to read:

13 115.7915 (4m) (a) 4. Beginning in the 2019-20 school year, the sum of the
14 scholarship amount under this subdivision for the previous school year; the amount
15 of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school
16 year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a)
17 between the previous school year and the current school year, if positive.

18 **SECTION 19.** 115.7915 (4m) (cm) of the statutes is repealed.

19 **SECTION 20.** 115.7915 (4m) (f) 1. a. of the statutes is amended to read:

20 115.7915 (4m) (f) 1. a. Determine the ~~sum of the amount paid for each child~~
21 number of pupils residing in the school district for whom a payment is made under
22 par. (a) in that school year.

23 **SECTION 21.** 115.7915 (4m) (f) 1. b. of the statutes is created to read:

24 115.7915 (4m) (f) 1. b. Multiply the number of pupils under subd. 1. a. by the
25 per pupil amount calculated under par. (a) for that school year.

1 SECTION 22. 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

2 115.7915 (4m) (f) 1. e. Sum the amounts calculated under subd. 1. -a, b, d., and
3 dh.

4 SECTION 23. 115.7915 (4t) of the statutes is created to read:

5 115.7915 (4t) TUITION COSTS AND OTHER FEES. (a) Beginning in the 2020-21
6 school year, a private school participating in the program under this section may not
7 charge or receive any additional tuition payment for a child participating in the
8 program under this section, other than the payments the school receives under subs.

9 (4c), (4m) and (4p), if any of the following applies:

10 1. The child is enrolled in a grade from kindergarten to 8.

11 2. The child is enrolled in a grade from 9 to 12 and the family income of the child
12 does not exceed an amount equal to 2.2 times the poverty level determined in
13 accordance with criteria established by the director of the federal office of
14 management and budget. For purposes of this subdivision, the family income of a
15 child is determined using the same methodology used to determine the family income
16 of a pupil under s. 118.60 (2) (a) 1. a.

17 (b) A private school participating in the program under this section shall
18 determine whether the private school is prohibited from charging or receiving
19 additional tuition for a child under par. (a) 2. The private school shall establish a
20 process for accepting an appeal to the governing body of the private school of the
21 determination made under this paragraph.

22 (c) 1. Subject to subd. 2., beginning in the 2020-21 school year, a private school
23 participating in the program under this section may recover the cost of providing any
24 of the following items or services to a child participating in the program under this
25 section through reasonable fees in an amount determined by the private school and

INSERT
7-11

1 charged to the child, except that no participating private school may retroactively
 2 recover any uncollected costs incurred prior to the effective date of this subdivision
 3 [LRB inserts date].

- 4 a. Personal use items, such as uniforms, gym clothes, and towels.
- 5 b. Social and extracurricular activities if not necessary to the private school's
- 6 curriculum.
- 7 c. Musical instruments.
- 8 d. Meals consumed by children of the private school.
- 9 e. High school classes that are not required for graduation and for which no
- 10 credits toward graduation are given.
- 11 f. Transportation.
- 12 g. Before-school and after-school child care.
- 13 h. Room and board at the private school.

14 2. A private school participating in the program under this section may not
 15 prohibit an eligible child from attending the private school, expel or otherwise
 16 discipline the child, or withhold or reduce the child's grades because the child or the
 17 child's parent cannot pay or has not paid fees charged under subd. 1.

18 **SECTION 24.** 115.7915 (6) (L) to (p) of the statutes are created to read:

19 115.7915 (6) (L) If the private school is accredited by an accrediting entity to
 20 offer instruction in any elementary grade, but not any high school grade, and the
 21 private school seeks to offer instruction in any high school grade, apply for
 22 accreditation by an accrediting entity by December 31 of the first school year in which
 23 the private school begins offering instruction in the additional grades and obtain
 24 accreditation by an accrediting entity by December 31 of the 3rd school year following

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the first school year in which the private school begins offering instruction in the additional grades.

(m) If the private school is accredited by an accrediting entity to offer instruction in any high school grade, but not any elementary grade, and the private school seeks to offer instruction in any elementary grade, apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins offering instruction in the additional grades and obtain accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins offering instruction in the additional grades.

(n) Continuously maintain accreditation from an accrediting entity as long as the private school continues to participate in the program under this section.

(o) If the private school learns that an accrediting organization with which the private school is maintaining accreditation, as required under par. (n), is a disqualified organization, immediately notify the department in writing of this fact and obtain accreditation from an accrediting entity no later than 3 years from the date on which the private school learns that the accrediting organization is a disqualified organization.

(p) Annually, by August 1, provide the department with evidence demonstrating that the private school remains accredited for the current school year as required under par. (n) and immediately notify the department if the private school's accreditation status changes.

SECTION 25. 115.7915 (6) (L) of the statutes is created to read:

115.7915 (6) (L) Allow a child attending the private school under this section to refrain from participating in any religious activity if the child's parent submits to

1 the child's teacher or the private school's principal a written request that the child
2 be exempt from such activities.

INSERT
10-3

3 SECTION 26. 115.7915 (6m) of the statutes is created to read:

4 115.7915 (6m) PRIVATE SCHOOL ACCREDITATION. (a) If an accrediting entity
5 determines during the accrediting process that a private school participating in the
6 program under this section does not meet all of the requirements under s. 118.165
7 (1), the accrediting entity shall report that failure to the department.

8 (b) If the state superintendent determines that any of the following occurs, the
9 state superintendent may issue an order barring a private school from participating
10 in the program under this section in the following school year:

11 1. The governing body of the private school does not comply with the
12 requirements under sub. (6) (p).

13 2. An application by the private school for accreditation is denied by the
14 accrediting entity.

15 3. The private school does not obtain accreditation by an accrediting entity
16 within the period allowed under sub. (2) (c) or (6) (l), (m), or (o).

17 (c) 1. If the state superintendent determines that a private school participating
18 in the program under this section has failed to continuously maintain accreditation
19 as required under sub. (6) (n), that the governing body of the private school has
20 withdrawn the private school from the accreditation process, or that the private
21 school's accreditation has been revoked, denied, or terminated by an accrediting
22 entity, the state superintendent shall issue an order barring the private school's
23 participation in the program under this section at the end of the current school year.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

governing body of the private school demonstrates to the satisfaction of the department that the private school has obtained accreditation from any of the following:

a. If the private school failed to continuously maintain accreditation, an accrediting entity other than the entity with which the private school failed to continuously maintain accreditation.

b. If the private school withdrew from the accreditation process, an accrediting entity other than the entity from whose process the private school withdrew.

c. If the private school's accreditation was revoked, denied, or terminated, an accrediting entity other than the entity that revoked, denied, or terminated the private school's accreditation.

SECTION 27. 115.7915 (8) (a) 5. of the statutes is created to read:

115.7915 (8) (a) 5. Failed to comply with the eligibility criteria under sub. (2)

(c).

SECTION 28. 115.7915 (11) of the statutes is created to read:

115.7915 (11) SUNSET. Beginning in the 2020-21 school year, the department may not provide a scholarship under this section to a child with a disability to attend a private school unless the child attended a private school under a scholarship under this section in the 2019-20 school year. If the child does not attend a private school under a scholarship under this section in any school year after the 2019-20 school year, the department may not provide a scholarship under this section to the child for any school year after that school year.

INSERT
11-23

SECTION 9134. Nonstatutory provisions; Public Instruction.

(1) SPECIAL NEEDS SCHOLARSHIP PAYMENTS BASED ON ACTUAL COSTS; 2019-20 SCHOOL YEAR. If before the effective date of this subsection, the department of public

e

✓

SECTION 9134

1 instruction made a scholarship payment to a private school for a child with a
2 disability the amount of which is based on a financial statement submitted to the
3 department under s. 115.7915 (4c), 2017 stats., the department of public instruction
4 shall consider the amount paid to the private school as an installment payment of
5 the amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. The department
6 of public instruction shall adjust the remaining installment payments under s.
7 115.7915 (4m) (b) to ensure that the private school receives the total scholarship
8 amount for the 2019-20 school year under s. 115.7915 (4m) (a) 4. for the child with
9 a disability for whom the private school submitted a financial statement under s.
10 115.7915 (4c), 2017 stats., in the 2018-19 school year.

11

(END)

INSERT A-1

EDUCATION

PRIMARY AND SECONDARY EDUCATION

1. Changes to Special Needs Scholarship 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 Special Needs Scholarship Program. This bill makes the following changes to the SNSP:

1. The bill provides that, beginning in the 2020-21 school year, DPI 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.

2. 2017 Wisconsin Act 59, the 2017 ~~Biennial Budget Act~~, created a process that allows the per pupil payment under the SNSP to be determined based on the actual costs to educate the pupil in the previous school year, as reported by the private school. The first SNSP payments based on the actual costs will be paid in the 2019-20 school year based on the actual costs reported for the 2018-19 school year. The bill repeals the process for determining SNSP per pupil payments based on actual costs and reinstates the per pupil payment amount under the SNSP that existed prior to the 2017 biennial budget. Under the bill, the SNSP per pupil amount is the same for all pupils and is determined by law. For the 2018-19 school year, the amount is \$12,431. *act*

3. Under current law, the SNSP per pupil amount is adjusted annually by an amount equal to the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the per member increase in categorical aids between the current school year and the previous school year, if any. Under the bill, beginning in the 2019-20 school year, the annual adjustment to the SNSP per pupil amount is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase in the per member amount of per pupil aid paid to school districts between the current school year and the previous school year, if any.

4. The bill provides that, with certain exceptions explained below, a private school participating in the SNSP may participate only if the private school also participates in a parental choice program. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school that is participating in the SNSP in the 2019-20 school year does not participate in a parental choice program, the private school must, if the private school is not accredited by August 1, 2019, do all of the following: 1) obtain preaccreditation by August 1, 2020; 2) apply for accreditation by December 31, 2020; and 3) obtain accreditation by December 31, 2023. In addition, a private school that does not participate in a parental choice

program must, after obtaining accreditation, comply with other requirements relating to accreditation, including maintaining accreditation and providing information to DPI regarding the private school's accreditation status. A private school that meets the accreditation participation requirement may continue to participate under that requirement for so long as the private school continuously participates in the SNSP.

5. The bill provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may not charge a child receiving an SNSP scholarship tuition, in addition to the payments the private school receives under the SNSP, if a) the child is enrolled in a grade from kindergarten to eight; or b) the child's family income does not exceed 220 percent of the federal poverty line. The bill also provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may recover reasonable fees from a child receiving an SNSP scholarship for certain enumerated items and services the school provides to the child but may not expel or discipline a child for failing to pay those fees.

6. The bill provides that a private school participating in the SNSP must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

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

(END INSERT A-1)

INSERT 7-11

1 ^{no P} child is a member of a family that has total family income that does not exceed an
2 amount equal to 2.2 times the poverty line, as defined in 42 USC 9902 (2) ^{no P}

(END INSERT 7-11)

INSERT 10-3 A

3 1. Obtain preaccreditation by a preaccrediting entity by August 1, 2020. The
4 eligible school may apply for and seek to obtain preaccreditation from only one
5 preaccrediting entity.

6 2. ^{no P}

(END INSERT 10-3 A)

1 115.7915 (1) (ac) "Accrediting entity" has the meaning given in s. 118.60 (1)
2 (ab).

3 **SECTION 4.** 115.7915 (1) (ag) of the statutes is created to read:

4 115.7915 (1) (ag) "Disqualified organization" means an accrediting
5 organization that is not an accrediting entity or a member of or otherwise sanctioned
6 by an accrediting entity.

7 **SECTION 5.** 115.7915 (2) (c) (intro.) of the statutes is created to read:

8 115.7915 (2) (c) (intro.) Any of the following applies to the eligible school:

9 **SECTION 6.** 115.7915 (2) (c) of the statutes is renumbered 115.7915 (2) (c) 2. a.
10 and amended to read:

11 115.7915 (2) (c) 2. a. ~~The~~ For the 2019-20 school year, the eligible school has
12 ~~been either is~~ approved as a private school by the state superintendent under s.
13 118.165 (2) or is accredited by ~~AdvancED, Wisconsin Religious and Independent~~
14 ~~Schools Accreditation, the Independent Schools Association of the Central States,~~
15 ~~Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association~~
16 ~~of Christian Schools, National Lutheran School Accreditation, Christian Schools~~
17 ~~International, Association of Christian Schools International, the diocese or~~
18 ~~archdiocese within which the eligible school is located, or any other organization~~
19 ~~recognized by the National Council for Private School Accreditation, as of the an~~
20 accrediting entity on August 1 preceding the school term for which the scholarship
21 is awarded, 2019.

22 **SECTION 7.** 115.7915 (2) (c) 1. of the statutes is created to read:

23 115.7915 (2) (c) 1. The eligible school participates in a parental choice program
24 under s. 118.60 or 119.23 for the school year for which the scholarship is awarded.

25 **SECTION 8.** 115.7915 (2) (c) 2. (intro.) of the statutes is created to read:

INSERT
5-1

END INSERT
5-1

SECTION 8

1 115.7915 (2) (c) 2. (intro.) If the eligible school participates in the program
2 under this section in the 2019-20 school year, all of the following apply to the eligible
3 school:

INSERT
5-8

4 **SECTION 9.** 115.7915 (2) (c) 2. b. of the statutes is created to read:

5 115.7915 (2) (c) 2. b. Beginning with the 2020-21 school year and in each school
6 year thereafter, if the eligible school continuously participates in the program under
7 this section, the eligible school complies with the accreditation requirements under
8 sub. (6m). ✓

9 **SECTION 10.** 115.7915 (2) (c) 2. c. of the statutes is created to read:

10 115.7915 (2) (c) 2. c. Beginning in the 2020-21 school year, if the eligible school
11 does not participate in the program under this section in any school year, the eligible
12 school participates in a parental choice program under s. 118.60 or 119.23 for the
13 school year for which the scholarship is awarded. ✓

—END INSERT 5-8—

14 **SECTION 11.** 115.7915 (2) (f) of the statutes is amended to read:

15 115.7915 (2) (f) The child's parent or guardian on behalf of the child, or, for a
16 child with a disability who has reached the age of 18 and has not been adjudicated
17 incompetent, the child, submitted an application for a scholarship under this section
18 on a form prepared by the department that includes the document developed by the
19 department under sub. (4) to the eligible school that the child will attend. A child's
20 parent or guardian or a child with a disability who has reached the age of 18 may
21 apply for a scholarship at any time during a school year and, subject to sub. (3) (b),
22 a child may begin attending an eligible school under this section at any time during
23 the school year.

24 **SECTION 12.** 115.7915 (3) (b) of the statutes is amended to read:

INSERT
10-3

1 **SECTION 24.** 115.7915 (6m) of the statutes is created to read:

2 115.7915 **(6m)** PRIVATE SCHOOL ACCREDITATION REQUIREMENTS. If a private school
3 does not participate in a parental choice program under s. 118.60 or 119.23 as
4 provided under sub. (2) (c) 1. or 2. c., all of the following apply to the private school:

5 (a) If the private school is not accredited by an accrediting entity on August 1,
6 2019, the private school shall do all of the following: (INSERT 10-3A) apply for accreditation by an accrediting entity by
7 December 31, 2020, and obtain accreditation by an accrediting entity by December
8 31, 2023.

9 (b) If the private school is accredited by an accrediting entity to offer instruction
10 in any elementary grade, but not any high school grade, and the private school seeks
11 to offer instruction in any high school grade, the private school shall apply for
12 accreditation by an accrediting entity by December 31 of the first school year in which
13 the private school begins offering instruction in the additional grades and shall
14 obtain accreditation by an accrediting entity by December 31 of the 3rd school year
15 following the first school year in which the private school begins offering instruction
16 in the additional grades.

17 (c) If the private school is accredited by an accrediting entity to offer instruction
18 in any high school grade, but not any elementary grade, and the private school seeks
19 to offer instruction in any elementary grade, the private school shall apply for
20 accreditation by an accrediting entity by December 31 of the first school year in which
21 the private school begins offering instruction in the additional grades and shall
22 obtain accreditation by an accrediting entity by December 31 of the 3rd school year
23 following the first school year in which the private school begins offering instruction
24 in the additional grades.



INSERT
10-3
(Cont.)

1 (d) If the private school is accredited, the governing body of the private school
2 shall ensure that the private school continuously maintains the accreditation from
3 an accrediting entity as long as the private school continues to participate in the
4 program under this section.

5 (e) If the private school learns that an accrediting organization with which the
6 private school is maintaining accreditation, as required under par. (d), is a
7 disqualified organization, the private school shall immediately notify the
8 department in writing of this fact and shall obtain accreditation from an accrediting
9 entity no later than 3 years from the date on which the private school learns that the
10 accrediting organization is a disqualified organization.

11 (f) The governing body of the private school shall annually, by August 1, provide
12 the department with evidence demonstrating that the private school remains
13 accredited for the current school year as required under par. (d), and the governing
14 body of the private school shall immediately notify the department if the private
15 school's accreditation status changes.

16 (g) If ^{a preaccrediting entity or} an accrediting entity determines during the ^{preaccrediting or} accrediting process that the
17 private school does not meet all of the requirements under s. 118.165 (1), the ^{preaccrediting entity or}
18 accrediting entity shall report that failure to the department.

19 (h) If the state superintendent determines that any of the following occurs, the
20 state superintendent may issue an order barring the private school from
21 participating in the program under this section in the following school year:

22 1. The governing body of the private school does not comply with the
23 requirements under par. (f). ^{preaccreditation or}

24 2. An application by the private school for accreditation is denied by the
25 accrediting entity. ^{preaccrediting entity or}



INSERT
10-3
(cont.)

preaccreditation by a preaccrediting entity or

1 3. The private school does not obtain accreditation by an accrediting entity
2 within the period allowed under par. (a), (b), (c), or (e). ✓

3 (i) 1. If the state superintendent determines that the private school has failed
4 to continuously maintain accreditation as required under par. (d), that the governing
5 body of the private school has withdrawn the private school from the accreditation
6 process, or that the private school's accreditation has been revoked, denied, or
7 terminated by an accrediting entity, the state superintendent shall issue an order
8 barring the private school's participation in the program under this section at the end
9 of the current school year. ✓

10 2. A private school whose participation in the program under this section is
11 barred under subd. 1. may not participate in the program under this section until the
12 governing body of the private school demonstrates to the satisfaction of the
13 department that the private school has obtained accreditation from any of the
14 following:

15 a. If the private school failed to continuously maintain accreditation, an
16 accrediting entity other than the entity with which the private school failed to
17 continuously maintain accreditation. ✓

18 b. If the private school withdrew from the accreditation process, an accrediting
19 entity other than the entity from whose process the private school withdrew. ✓

20 c. If the private school's accreditation was revoked, denied, or terminated, an
21 accrediting entity other than the entity that revoked, denied, or terminated the
22 private school's accreditation. ✓

23 **SECTION 25.** 115.7915 (8) (a) 5. of the statutes is created to read:

24 115.7915 (8) (a) 5. Failed to comply with the eligibility criteria under sub. (2)

25 (c).



INSERT
10-3
(cont.)

END INSERT
10-3

1 SECTION 26. 115.7915 (8) (a) 6. of the statutes is created to read:
2 115.7915 (8) (a) 6. Failed to comply with the requirement under sub. (6) (L).

INSERT3
11-23

3 SECTION 27. 118.60 (2) (a) 1. a. of the statutes is amended to read:
4 118.60 (2) (a) 1. a. Except as provided in par. (bm), the pupil is a member of a
5 family that has a total family income that does not exceed an amount equal to 3.0
6 times the poverty level ~~determined in accordance with criteria established by the~~
7 ~~director of the federal office of management and budget line, as defined in 42 USC~~
8 9902 (2). In this subdivision and sub. (3m), family income includes income of the
9 pupil's parents or legal guardians. Except as provided in subd. 1. c. and d., the family
10 income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a
11 private school under this section whose family income increases may continue to
12 attend a private school under this section.

13 SECTION 28. 118.60 (2) (bm) of the statutes is amended to read:
14 118.60 (2) (bm) No pupil who resides in a school district, other than an eligible
15 school district or a 1st class city school district, may attend a participating private
16 school under this section unless the pupil is a member of a family that has a total
17 family income that does not exceed an amount equal to 2.2 times the poverty level,
18 ~~determined in accordance with criteria established by the director of the federal~~
19 ~~office of management and budget line, as defined in 42 USC 9902 (2). In this
20 paragraph and sub. (3m), family income includes income of the pupil's parents or
21 legal guardians. Except as provided in par. (a) 1. c., the family income of the pupil
22 shall be verified as provided in par. (a) 1. b. A pupil attending a private school under
23 this section whose family income increases may continue to attend a private school
24 under this section.~~

25 SECTION 29. 118.60 (3m) (a) 2. of the statutes is amended to read:



INSERT
11-23
(cont.)

1 118.60 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
2 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
3 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~
4 ~~established by the director of the federal office of management and budget line, as~~
5 defined in 42 USC 9902 (2).

6 **SECTION 30.** 118.60 (3m) (b) 2. of the statutes is amended to read:

7 118.60 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
8 (a) 1., exceeds an amount equal to 2.2 times the poverty level ~~determined in~~
9 ~~accordance with criteria established by the director of the federal office of~~
10 ~~management and budget line, as defined in 42 USC 9902 (2).~~

11 **SECTION 31.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

12 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
13 income that does not exceed an amount equal to 3.0 times the poverty level
14 ~~determined in accordance with criteria established by the director of the federal~~
15 ~~office of management and budget line, as defined in 42 USC 9902 (2).~~ In this
16 subdivision and sub. (3m), family income includes income of the pupil's parents or
17 legal guardians. Except as provided in subd. 1. d., the family income of the pupil shall
18 be verified as provided in subd. 1. b. A pupil attending a private school under this
19 section whose family income increases, including a pupil who attended a private
20 school under this section in the 2010-11 school year and whose family income has
21 increased, may continue to attend a private school under this section.

22 **SECTION 32.** 119.23 (3m) (a) 2. of the statutes is amended to read:

23 119.23 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
24 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
25 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~



INSERT
11-23
(cont.)

1 established by the director of the federal office of management and budget line, as
2 defined in 42 USC 9902 (2).

3 SECTION 33. 119.23 (3m) (b) 2. of the statutes is amended to read:

4 119.23 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
5 (a) 1., exceeds an amount equal to 2.2 times the poverty level determined in
6 accordance with criteria established by the director of the federal office of
7 management and budget line, as defined in 42 USC 9902 (2).

—END INSERT 11-23—

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

9 (1) SPECIAL NEEDS SCHOLARSHIP PROGRAM. The treatment of s. 115.7915 (2) (f),
10 (3) (b), and (6) (hm) first applies to a scholarship under s. 115.7915 (4m) (a) to attend
11 a private school in the 2020-21 school year.

12 (END)



LRB-2159

02/20/19 Telephone conference with Kyle: Redraft to use the procedure created in LRB-0832/P4 for determining family income (page 6, line 15 to page 7, line 16).

-KRP



State of Wisconsin
2019 - 2020 LEGISLATURE

P2
LRB-2159 (P1)
KRP&FFK:cjs/lamin/ane
RMK

IN: 02/20/19

DOA:.....Kretschmann, BB0441 - Special Needs Scholarship compile

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. Changes to Special Needs Scholarship 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 Special Needs Scholarship Program. This bill makes the following changes to the SNSP:

1. The bill provides that, beginning in the 2020-21 school year, DPI 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.

2. 2017 Wisconsin Act 59, the 2017 biennial budget act, created a process that allows the per pupil payment under the SNSP to be determined based on the actual costs to educate the pupil in the previous school year, as reported by the private school. The first SNSP payments based on the actual costs will be paid in the 2019-20 school year based on the actual costs reported for the 2018-19 school year. The bill repeals the process for determining SNSP per pupil payments based on actual costs and reinstates the per pupil payment amount under the SNSP that

existed prior to the 2017 biennial budget act. Under the bill, the SNSP per pupil amount is the same for all pupils and is determined by law. For the 2018-19 school year, the amount is \$12,431.

3. Under current law, the SNSP per pupil amount is adjusted annually by an amount equal to the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the per member increase in categorical aids between the current school year and the previous school year, if any. Under the bill, beginning in the 2019-20 school year, the annual adjustment to the SNSP per pupil amount is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase in the per member amount of per pupil aid paid to school districts between the current school year and the previous school year, if any.

4. The bill provides that, with certain exceptions explained below, a private school participating in the SNSP may participate only if the private school also participates in a parental choice program. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school that is participating in the SNSP in the 2019-20 school year does not participate in a parental choice program, the private school must, if the private school is not accredited by August 1, 2019, do all of the following: 1) obtain preaccreditation by August 1, 2020; 2) apply for accreditation by December 31, 2020; and 3) obtain accreditation by December 31, 2023. In addition, a private school that does not participate in a parental choice program must, after obtaining accreditation, comply with other requirements relating to accreditation, including maintaining accreditation and providing information to DPI regarding the private school's accreditation status. A private school that meets the accreditation participation requirement may continue to participate under that requirement for so long as the private school continuously participates in the SNSP.

5. The bill provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may not charge a child receiving an SNSP scholarship tuition, in addition to the payments the private school receives under the SNSP, if a) the child is enrolled in a grade from kindergarten to eight; or b) the child's family income does not exceed 220 percent of the federal poverty line. The bill also provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may recover reasonable fees from a child receiving an SNSP scholarship for certain enumerated items and services the school provides to the child but may not expel or discipline a child for failing to pay those fees.

6. The bill provides that a private school participating in the SNSP must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

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.** 20.255 (2) (az) of the statutes is amended to read:

2 20.255 (2) (az) *Special Needs Scholarship Program.* A sum sufficient to make
3 the payments under s. 115.7915 (4m) (a), ~~(em)~~, and (e) and (4p).

4 **SECTION 2.** 115.7915 (1) (a) of the statutes is renumbered 115.7915 (1) (an).

5 **SECTION 3.** 115.7915 (1) (ac) of the statutes is created to read:

6 115.7915 (1) (ac) “Accrediting entity” has the meaning given in s. 118.60 (1)
7 (ab).

8 **SECTION 4.** 115.7915 (1) (ag) of the statutes is created to read:

9 115.7915 (1) (ag) “Disqualified organization” means an accrediting
10 organization that is not an accrediting entity or a member of or otherwise sanctioned
11 by an accrediting entity.

12 **SECTION 5.** 115.7915 (1) (ar) of the statutes is created to read:

13 115.7915 (1) (ar) “Preaccreditation” has the meaning given in s. 118.60 (1) (c).

14 **SECTION 6.** 115.7915 (1) (aw) of the statutes is created to read:

15 115.7915 (1) (aw) “Preaccrediting entity” has the meaning given in s. 118.60
16 (1) (cm).

17 **SECTION 7.** 115.7915 (2) (intro.) of the statutes is amended to read:

18 115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17
19 school year, the department shall, subject to sub. (11), provide to a child with a
20 disability a scholarship under sub. (4m) (a) to attend an eligible school if all of the
21 following apply:

1 **SECTION 8.** 115.7915 (2) (c) (intro.) of the statutes is created to read:

2 115.7915 (2) (c) (intro.) Any of the following applies to the eligible school:

3 **SECTION 9.** 115.7915 (2) (c) of the statutes is renumbered 115.7915 (2) (c) 2. a.
4 and amended to read:

5 115.7915 (2) (c) 2. a. ~~The~~ For the 2019-20 school year, the eligible school has
6 ~~been either~~ is approved as a private school by the state superintendent under s.
7 118.165 (2) or is accredited by ~~AdvancED, Wisconsin Religious and Independent~~
8 ~~Schools Accreditation, the Independent Schools Association of the Central States,~~
9 ~~Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association~~
10 ~~of Christian Schools, National Lutheran School Accreditation, Christian Schools~~
11 ~~International, Association of Christian Schools International, the diocese or~~
12 ~~archdiocese within which the eligible school is located, or any other organization~~
13 ~~recognized by the National Council for Private School Accreditation, as of the~~ an
14 accrediting entity on August 1 preceding the school term for which the scholarship
15 is awarded, 2019.

16 **SECTION 10.** 115.7915 (2) (c) 1. of the statutes is created to read:

17 115.7915 (2) (c) 1. The eligible school participates in a parental choice program
18 under s. 118.60 or 119.23 for the school year for which the scholarship is awarded.

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

20 115.7915 (2) (c) 2. (intro.) If the eligible school participates in the program
21 under this section in the 2019-20 school year, all of the following apply to the eligible
22 school:

23 **SECTION 12.** 115.7915 (2) (c) 2. b. of the statutes is created to read:

24 115.7915 (2) (c) 2. b. Beginning with the 2020-21 school year and in each school
25 year thereafter, if the eligible school continuously participates in the program under

1 this section, the eligible school complies with the accreditation requirements under
2 sub. (6m).

3 **SECTION 13.** 115.7915 (2) (c) 2. c. of the statutes is created to read:

4 115.7915 (2) (c) 2. c. Beginning in the 2020-21 school year, if the eligible school
5 does not participate in the program under this section in any school year, the eligible
6 school participates in a parental choice program under s. 118.60 or 119.23 for the
7 school year for which the scholarship is awarded.

8 **SECTION 14.** 115.7915 (4c) of the statutes is repealed.

9 **SECTION 15.** 115.7915 (4m) (a) 2. a. of the statutes is renumbered 115.7915 (4m)
10 (a) 2. and amended to read:

11 115.7915 (4m) (a) 2. In the 2017-18 and 2018-19 school year years, the sum
12 of the scholarship amount under this paragraph for the previous school year; the
13 amount of the per pupil revenue limit adjustment under s. 121.91 (2m) for the
14 current school year, if positive; and the change in the amount of statewide categorical
15 aid per pupil between the previous school year and the current school year, as
16 determined under s. 118.40 (2r) (e) 2p., if positive.

17 **SECTION 16.** 115.7915 (4m) (a) 2. b. of the statutes is repealed.

18 **SECTION 17.** 115.7915 (4m) (a) 3. of the statutes is repealed.

19 **SECTION 18.** 115.7915 (4m) (a) 4. of the statutes is created to read:

20 115.7915 (4m) (a) 4. Beginning in the 2019-20 school year, the sum of the
21 scholarship amount under this subdivision for the previous school year; the amount
22 of the per pupil revenue limit adjustment under s. 121.91 (2m) for the current school
23 year, if positive; and the change in the per pupil amount under s. 115.437 (2) (a)
24 between the previous school year and the current school year, if positive.

25 **SECTION 19.** 115.7915 (4m) (cm) of the statutes is repealed.

1 SECTION 20. 115.7915 (4m) (f) 1. a. of the statutes is amended to read:

2 115.7915 (4m) (f) 1. a. Determine the ~~sum of the amount paid for each child~~
3 number of pupils residing in the school district for whom a payment is made under
4 par. (a) in that school year.

5 SECTION 21. 115.7915 (4m) (f) 1. b. of the statutes is created to read:

6 115.7915 (4m) (f) 1. b. Multiply the number of pupils under subd. 1. a. by the
7 per pupil amount calculated under par. (a) for that school year.

8 SECTION 22. 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

9 115.7915 (4m) (f) 1. e. Sum the amounts calculated under subd. 1. ~~a. b., d., and~~
10 dh.

11 SECTION 23. 115.7915 (4t) of the statutes is created to read:

12 115.7915 (4t) TUITION COSTS AND OTHER FEES. (a) Beginning in the 2020-21
13 school year, a private school participating in the program under this section may not
14 charge or receive any additional tuition payment for a child participating in the
15 program under this section, other than the payments the school receives under subs.
16 (4m) and (4p), if any of the following applies:

- 17 1. The child is enrolled in a grade from kindergarten to 8.
 - 18 2. The child is enrolled in a grade from 9 to 12 and the child is a member of a
- 19 family that has total family income that does not exceed an amount equal to 2.2 times

INSERT
6-20-20

20 the poverty line, as defined in 42 USC 9902 (2). For purposes of this subdivision, the
21 family income of a child is determined using the same methodology used to determine
22 the family income of a pupil under s. 118.60 (2) (a) 1. a.

23 (b) A private school participating in the program under this section shall
24 determine whether the private school is prohibited from charging or receiving
25 additional tuition for a child under par. (a) 2. The private school shall establish a

1 process for accepting an appeal to the governing body of the private school of the
2 determination made under this paragraph.

3 (c) 1. Subject to subd. 2., beginning in the 2020-21 school year, a private school
4 participating in the program under this section may recover the cost of providing any
5 of the following items or services to a child participating in the program under this
6 section through reasonable fees in an amount determined by the private school and
7 charged to the child:

8 a. Personal use items, such as uniforms, gym clothes, and towels.

9 b. Social and extracurricular activities if not necessary to the private school's
10 curriculum.

11 c. Musical instruments.

12 d. Meals consumed by children of the private school.

13 e. High school classes that are not required for graduation and for which no
14 credits toward graduation are given.

15 f. Transportation.

16 g. Before-school and after-school child care.

17 h. Room and board at the private school.

18 2. A private school participating in the program under this section may not
19 prohibit an eligible child from attending the private school, expel or otherwise
20 discipline the child, or withhold or reduce the child's grades because the child or the
21 child's parent cannot pay or has not paid fees charged under subd. 1.

22 **SECTION 24.** 115.7915 (6) (L) of the statutes is created to read:

23 115.7915 (6) (L) Allow a child attending the private school under this section
24 to refrain from participating in any religious activity if the child's parent submits to

1 the child's teacher or the private school's principal a written request that the child
2 be exempt from such activities.

3 **SECTION 25.** 115.7915 (6m) of the statutes is created to read:

4 115.7915 **(6m)** PRIVATE SCHOOL ACCREDITATION REQUIREMENTS. If a private school
5 does not participate in a parental choice program under s. 118.60 or 119.23 as
6 provided under sub. (2) (c) 1. or 2. c., all of the following apply to the private school:

7 (a) If the private school is not accredited by an accrediting entity on August 1,
8 2019, the private school shall do all of the following:

9 1. Obtain preaccreditation by a preaccrediting entity by August 1, 2020. The
10 eligible school may apply for and seek to obtain preaccreditation from only one
11 preaccrediting entity.

12 2. Apply for accreditation by an accrediting entity by December 31, 2020, and
13 obtain accreditation by an accrediting entity by December 31, 2023.

14 (b) If the private school is accredited by an accrediting entity to offer instruction
15 in any elementary grade, but not any high school grade, and the private school seeks
16 to offer instruction in any high school grade, the private school shall apply for
17 accreditation by an accrediting entity by December 31 of the first school year in which
18 the private school begins offering instruction in the additional grades and shall
19 obtain accreditation by an accrediting entity by December 31 of the 3rd school year
20 following the first school year in which the private school begins offering instruction
21 in the additional grades.

22 (c) If the private school is accredited by an accrediting entity to offer instruction
23 in any high school grade, but not any elementary grade, and the private school seeks
24 to offer instruction in any elementary grade, the private school shall apply for
25 accreditation by an accrediting entity by December 31 of the first school year in which

1 the private school begins offering instruction in the additional grades and shall
2 obtain accreditation by an accrediting entity by December 31 of the 3rd school year
3 following the first school year in which the private school begins offering instruction
4 in the additional grades.

5 (d) If the private school is accredited, the governing body of the private school
6 shall ensure that the private school continuously maintains the accreditation from
7 an accrediting entity as long as the private school continues to participate in the
8 program under this section.

9 (e) If the private school learns that an accrediting organization with which the
10 private school is maintaining accreditation, as required under par. (d), is a
11 disqualified organization, the private school shall immediately notify the
12 department in writing of this fact and shall obtain accreditation from an accrediting
13 entity no later than 3 years from the date on which the private school learns that the
14 accrediting organization is a disqualified organization.

15 (f) The governing body of the private school shall annually, by August 1, provide
16 the department with evidence demonstrating that the private school remains
17 accredited for the current school year as required under par. (d), and the governing
18 body of the private school shall immediately notify the department if the private
19 school's accreditation status changes.

20 (g) If a preaccrediting entity or accrediting entity determines during the
21 preaccrediting or accrediting process that the private school does not meet all of the
22 requirements under s. 118.165 (1), the preaccrediting entity or accrediting entity
23 shall report that failure to the department.

1 (h) If the state superintendent determines that any of the following occurs, the
2 state superintendent may issue an order barring the private school from
3 participating in the program under this section in the following school year:

4 1. The governing body of the private school does not comply with the
5 requirements under par. (f).

6 2. An application by the private school for preaccreditation or accreditation is
7 denied by the preaccrediting entity or accrediting entity.

8 3. The private school does not obtain preaccreditation by a preaccrediting
9 entity or accreditation by an accrediting entity within the period allowed under par.
10 (a), (b), (c), or (e).

11 (i) 1. If the state superintendent determines that the private school has failed
12 to continuously maintain accreditation as required under par. (d), that the governing
13 body of the private school has withdrawn the private school from the accreditation
14 process, or that the private school's accreditation has been revoked, denied, or
15 terminated by an accrediting entity, the state superintendent shall issue an order
16 barring the private school's participation in the program under this section at the end
17 of the current school year.

18 2. A private school whose participation in the program under this section is
19 barred under subd. 1. may not participate in the program under this section until the
20 governing body of the private school demonstrates to the satisfaction of the
21 department that the private school has obtained accreditation from any of the
22 following:

23 a. If the private school failed to continuously maintain accreditation, an
24 accrediting entity other than the entity with which the private school failed to
25 continuously maintain accreditation.

1 b. If the private school withdrew from the accreditation process, an accrediting
2 entity other than the entity from whose process the private school withdrew.

3 c. If the private school's accreditation was revoked, denied, or terminated, an
4 accrediting entity other than the entity that revoked, denied, or terminated the
5 private school's accreditation.

6 **SECTION 26.** 115.7915 (8) (a) 5. of the statutes is created to read:

7 115.7915 (8) (a) 5. Failed to comply with the eligibility criteria under sub. (2)
8 (c).

9 **SECTION 27.** 115.7915 (8) (a) 6. of the statutes is created to read:

10 115.7915 (8) (a) 6. Failed to comply with the requirement under sub. (6) (L).

11 **SECTION 28.** 115.7915 (11) of the statutes is created to read:

12 115.7915 (11) SUNSET. Beginning in the 2020-21 school year, the department
13 may not provide a scholarship under this section to a child with a disability to attend
14 a private school unless the child attended a private school under a scholarship under
15 this section in the 2019-20 school year. If the child does not attend a private school
16 under a scholarship under this section in any school year after the 2019-20 school
17 year, the department may not provide a scholarship under this section to the child
18 for any school year after that school year.

19 **SECTION 29.** 118.60 (2) (a) 1. a. of the statutes is amended to read:

20 118.60 (2) (a) 1. a. Except as provided in par. (bm), the pupil is a member of a
21 family that has a total family income that does not exceed an amount equal to 3.0
22 times the poverty level ~~determined in accordance with criteria established by the~~
23 ~~director of the federal office of management and budget line, as defined in 42 USC~~
24 9902 (2). In this subdivision and sub. (3m), family income includes income of the
25 pupil's parents or legal guardians. Except as provided in subd. 1. c. and d., the family

1 income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a
2 private school under this section whose family income increases may continue to
3 attend a private school under this section.

4 **SECTION 30.** 118.60 (2) (bm) of the statutes is amended to read:

5 118.60 (2) (bm) No pupil who resides in a school district, other than an eligible
6 school district or a 1st class city school district, may attend a participating private
7 school under this section unless the pupil is a member of a family that has a total
8 family income that does not exceed an amount equal to 2.2 times the poverty level,
9 ~~determined in accordance with criteria established by the director of the federal~~
10 ~~office of management and budget line, as defined in 42 USC 9902 (2).~~ In this
11 paragraph and sub. (3m), family income includes income of the pupil's parents or
12 legal guardians. Except as provided in par. (a) 1. c., the family income of the pupil
13 shall be verified as provided in par. (a) 1. b. A pupil attending a private school under
14 this section whose family income increases may continue to attend a private school
15 under this section.

16 **SECTION 31.** 118.60 (3m) (a) 2. of the statutes is amended to read:

17 118.60 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
18 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
19 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~
20 ~~established by the director of the federal office of management and budget line, as~~
21 ~~defined in 42 USC 9902 (2).~~

22 **SECTION 32.** 118.60 (3m) (b) 2. of the statutes is amended to read:

23 118.60 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
24 (a) 1., exceeds an amount equal to 2.2 times the poverty level ~~determined in~~

1 ~~accordance with criteria established by the director of the federal office of~~
2 ~~management and budget line, as defined in 42 USC 9902 (2).~~

3 **SECTION 33.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

4 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
5 income that does not exceed an amount equal to 3.0 times the poverty level
6 ~~determined in accordance with criteria established by the director of the federal~~
7 ~~office of management and budget line, as defined in 42 USC 9902 (2).~~ In this
8 subdivision and sub. (3m), family income includes income of the pupil's parents or
9 legal guardians. Except as provided in subd. 1. d., the family income of the pupil shall
10 be verified as provided in subd. 1. b. A pupil attending a private school under this
11 section whose family income increases, including a pupil who attended a private
12 school under this section in the 2010-11 school year and whose family income has
13 increased, may continue to attend a private school under this section.

14 **SECTION 34.** 119.23 (3m) (a) 2. of the statutes is amended to read:

15 119.23 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
16 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
17 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~
18 ~~established by the director of the federal office of management and budget line, as~~
19 ~~defined in 42 USC 9902 (2).~~

20 **SECTION 35.** 119.23 (3m) (b) 2. of the statutes is amended to read:

21 119.23 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
22 (a) 1., exceeds an amount equal to 2.2 times the poverty level ~~determined in~~
23 ~~accordance with criteria established by the director of the federal office of~~
24 ~~management and budget line, as defined in 42 USC 9902 (2).~~

25 **SECTION 9134. Nonstatutory provisions; Public Instruction.**

1 115.7915 (4m) (f) 1. b. Multiply the number of pupils under subd. 1. a. by the
2 per pupil amount calculated under par. (a) for that school year.

3 **SECTION 20.** 115.7915 (4m) (f) 1. e. of the statutes is amended to read:

4 115.7915 (4m) (f) 1. e. Sum the amounts calculated under subd. 1. a., b., d., and
5 dh.

6 **SECTION 21.** 115.7915 (4t) of the statutes is created to read:

7 115.7915 (4t) TUITION COSTS AND OTHER FEES. (a) Beginning in the 2020-21
8 school year, a private school participating in the program under this section may not
9 charge or receive any additional tuition payment for a child participating in the
10 program under this section, other than the payments the school receives under subs.
11 (4m) and (4p), if any of the following applies:

12 1. The child is enrolled in a grade from kindergarten to 8.

13 2. The child is enrolled in a grade from 9 to 12 and the child is a member of a
14 family that has total family income that does not exceed an amount equal to 2.2 times

15 the poverty line, as defined in 42 USC 9902 (2). The child's family income shall be
16 determined as provided in par. (b).

INSERT
6-20

The child's family income shall be
determined as provided in par. (b).
(no P)

17 (b) 1. A private school participating in the program under this section shall
18 determine whether the private school is prohibited from charging or receiving
19 additional tuition for a child under par. (a) 2. The private school shall establish a
20 process for accepting an appeal to the governing body of the private school of the
21 determination made under this paragraph.

22 2. A private school participating in the program under this section shall obtain
23 the names of the child's parents that reside in the same household as the child;
24 whether and to whom the parents are married; the names of all of the other members



INSERT
6-20
(cont.)

1 of the child's family residing in the same household as the child; and the school year
2 for which family income is being determined under this paragraph.

3 3. The department shall establish a process for a private school participating
4 in the program under this section to use to determine whether the private school is
5 prohibited from charging or receiving additional tuition for a child under par. (a) 2.

6 4. For purposes of this paragraph and par. (a) 2., all of the following apply:

7 a. "Family income" means federal adjusted gross income of the parents residing
8 in the same household as the child for the tax year preceding the school year for which
9 family income is being determined under this paragraph.

10 b. Family income includes income of the child's parents.

11 c. Family income for a family in which the child's parents are married shall be
12 reduced by \$7,000 before the determination is made under this paragraph.

13 d. A child placed with a kinship care relative under s. 48.57 (3m), with a
14 long-term kinship care relative under s. 48.57 (3n), in a foster home licensed under
15 s. 48.62, or in a subsidized guardianship home under s. 48.623 is considered to have
16 no family income.

~~—END INSERT 6-20—~~

****NOTE: There are other types of out-of-home placements under chs. 48 and 938,
for example, group homes or residential care centers. Is it consistent with your intent to
limit this provision to only kinship care, foster care, and subsidized guardianship?

17 (c) 1. Subject to subd. 2., beginning in the 2020-21 school year, a private school
18 participating in the program under this section may recover the cost of providing any
19 of the following items or services to a child participating in the program under this
20 section through reasonable fees in an amount determined by the private school and
21 charged to the child:

22 a. Personal use items, such as uniforms, gym clothes, and towels.