



**ASSEMBLY AMENDMENT 6,  
TO 2005 ASSEMBLY BILL 3**

January 27, 2005 – Offered by Representative LEHMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 1: delete “the number of pupils”.

3 **2.** Page 1, line 2: delete “eligible to participate in”.

4 **3.** Page 1, line 3: before that line insert:

5 “**SECTION 1b.** 118.13 (1m) of the statutes is created to read:

6 118.13 (1m) No person who wishes to attend a private school under s. 119.23  
7 may be denied admission to that school and no pupil who is attending a private school  
8 under s. 119.23 may be denied participation in, be denied the benefits of, or be  
9 discriminated against in any curricular, extracurricular, pupil services, recreational,  
10 or other program or activity of that school because of the person’s sex, race, religion,  
11 national origin, ancestry, creed, pregnancy, marital or parental status, sexual  
12 orientation, or physical, mental, emotional, or learning disability.

13 **SECTION 2f.** 118.13 (2) (am) of the statutes is created to read:

1           118.13 (2) (am) Each private school participating in the program under s.  
2 119.23 shall develop written policies and procedures to implement this section and  
3 submit them to the state superintendent. The policies and procedures shall provide  
4 for receiving and investigating complaints regarding possible violations of this  
5 section, for making determinations as to whether this section has been violated, and  
6 for ensuring compliance with this section.

7           **SECTION 3k.** 118.13 (2) (b) of the statutes is amended to read:

8           118.13 (2) (b) Any person who receives a negative determination under par. (a)  
9 or (am) may appeal the determination to the state superintendent.

10          **SECTION 4p.** 118.13 (3) (a) 3. of the statutes is amended to read:

11          118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
12 (d) information on the ~~status of school district~~ compliance of school districts and  
13 private schools with this section and ~~school district~~ the progress made toward  
14 providing reasonable equality of educational opportunity for all pupils in this state.

15          **SECTION 5s.** 118.13 (3) (b) 1. of the statutes is amended to read:

16          118.13 (3) (b) 1. Periodically review school district and private school programs,  
17 activities and services to determine whether the school boards and private schools  
18 are complying with this section.

19          **SECTION 6w.** 118.13 (3) (b) 2. of the statutes is amended to read:

20          118.13 (3) (b) 2. Assist school boards and private schools to comply with this  
21 section by providing information and technical assistance upon request.

22          **SECTION 7y.** 118.13 (4) of the statutes is amended to read:

23          118.13 (4) Any public school or private school official, employee or teacher who  
24 intentionally engages in conduct which discriminates against a person or causes a

1 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may  
2 be required to forfeit not more than \$1,000.”.

3 **4.** Page 1, line 3: delete “1” and substitute “8m”.

4 **5.** Page 2, line 8: after that line insert:

5 “SECTION 22g. 119.23 (6m) of the statutes is created to read:

6 119.23 (6m) Each private school participating in the program under this  
7 section shall provide to each person who applies to attend the private school all of the  
8 following:

9 (a) A list of the names, addresses, and telephone numbers of the members of  
10 the private school’s governing body and of the private school’s shareholders, if any.

11 (b) A notice stating whether the private school is an organization operated for  
12 profit or not for profit. If the private school is a nonprofit organization, the private  
13 school shall also provide the applicant with a copy of the certificate issued under  
14 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
15 a nonprofit organization that is exempt from federal income tax.

16 (c) A copy of the appeals process used if the private school rejects the applicant.

17 (d) A statement that the private school agrees to permit public inspection and  
18 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
19 extent as required of, and subject to the same terms and enforcement provisions that  
20 apply to, an authority under subch. II of ch. 19.

21 (e) A statement that the private school agrees to provide public access to  
22 meetings of the governing body of the private school to the same extent as is required  
23 of, and subject to the same terms and enforcement provisions that apply to, a  
24 governmental body under subch. V of ch. 19.

1 (f) A copy of the private school's policies and procedures on nondiscrimination  
2 adopted under s. 118.13 (2) (am).

3 **SECTION 27r.** 119.23 (7) (e) of the statutes is created to read:

4 119.23 (7) (e) The governing body of each private school participating in the  
5 program under this section shall do all of the following:

6 1. Permit public inspection and copying of any record, as defined in s. 19.32 (2),  
7 of the private school to the same extent as is required of, and subject to the same  
8 terms and enforcement provisions that apply to, an authority under subch. II of ch.  
9 19.

10 2. Provide public access to its meetings to the same extent as is required of, and  
11 subject to the same terms and enforcement provisions that apply to, a governmental  
12 body under subch. V of ch. 19.

13 3. Adopt a policy implementing par. (c) and provide a copy of the policy to each  
14 person who expresses an interest in attending the private school under this section  
15 and annually to the department with the notice under sub. (2) (a) 3. The private  
16 school shall include in the policy a list of the school activities that it has determined  
17 are religious activities for the purpose of par. (c). The list shall include religious  
18 worship, religious instruction, and any school activity that the private school has  
19 determined is sectarian, proselytizing, or religiously doctrinal in nature.

20 4. Provide a pupil who is exempt from one or more religious activities under par.  
21 (c) with a sufficient number of hours of instruction to meet the requirement under  
22 s. 118.165 (1) (c) and to enable the pupil to advance from grade to grade in the private  
23 school.

24 **SECTION 30m. Initial applicability.**

