



**SENATE AMENDMENT 8,
TO 2005 SENATE BILL 618**

March 2, 2006 – Offered by Senator CARPENTER.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 5: after “Program” insert “and making an appropriation”.
- 3 **2.** Page 3, line 1: before that line insert:
- 4 “**SECTION 1g.** 20.255 (2) (fu) of the statutes is amended to read:
- 5 20.255 (2) (fu) *Milwaukee parental choice program.* A sum sufficient to make
- 6 the payments to private schools under s. ss. 118.63 (4) and(4m) and 119.23 (4) and
- 7 (4m).”.
- 8 **3.** Page 3, line 1: substitute “**SECTION 1r**” for “**SECTION 1**”.
- 9 **4.** Page 3, line 15: after that line insert:
- 10 “**SECTION 3m.** 118.63 of the statutes is created to read:
- 11 **118.63 Parental choice program. (1)** In this section:
- 12 (a) “Membership” has the meaning given in s. 121.004 (5).

1 (b) “Summer average daily membership equivalent” has the meaning given in
2 s. 121.004 (8).

3 (c) “Summer choice average daily membership equivalent” means the summer
4 average daily membership equivalent of pupils who were attending a private school
5 under this section on the 2nd Friday of January of the school term immediately
6 preceding that summer or whose applications have been accepted under sub. (3) for
7 attendance at the private school in the school term immediately following that
8 summer.

9 (d) “Teacher” means a person who has primary responsibility for the academic
10 instruction of pupils.

11 **(2)** (a) Subject to par. (b), any pupil in grades kindergarten to 12 who resides
12 within a school district located in whole or in part in senate district 8, 21, 28, or 33
13 may attend, at no charge, any private school located in that school district if all of the
14 following apply:

15 1. The pupil is a member of a family that has a total family income that does
16 not exceed an amount equal to 1.75 times the poverty level determined in accordance
17 with criteria established by the director of the federal office of management and
18 budget. A pupil attending a private school under this section whose family income
19 increases may continue to attend a private school under this section if the pupil is
20 a member of a family that has a total family income that does not exceed an amount
21 equal to 2.2 times the poverty level determined in accordance with criteria
22 established by the director of the federal office of management and budget. For
23 purposes of admission to a private school under this section, siblings of pupils
24 attending a private school under this section are subject to the higher income limit.
25 If a pupil attending a private school under this section ceases to attend a private

1 school under this section, the lower income limit applies unless the pupil is a sibling
2 of a pupil attending a private school under this section.

3 2. The private school notified the state superintendent of its intent to
4 participate in the program under this section by February 1 of the previous school
5 year. The notice shall specify the number of pupils participating in the program
6 under this section for which the school has space.

7 3. The private school complies with 42 USC 2000d.

8 4. The private school meets all health and safety laws or codes that apply to
9 public schools.

10 5. All of the private school's teachers have graduated from high school or been
11 granted a declaration of equivalency of high school graduation.

12 6. The private school achieves accreditation by the Wisconsin North Central
13 Association, the Wisconsin Religious and Independent Schools Accreditation, the
14 Independent Schools Association of the Central States, the Archdiocese of
15 Milwaukee, the Institute for the Transformation of Learning at Marquette
16 University, or any other organization recognized by the National Council for Private
17 School Accreditation, by December 31 of the 3rd school year following the first school
18 year that begins after June 30, 2006, in which it participates in the program under
19 this section, or the private school was approved for scholarship funding for the
20 2005–06 school year by Partners Advancing Values in Education.

21 (b) No more than 7,500 pupils, as counted under s. 121.004 (7), may attend
22 private schools in any single school district under this section. Whenever the state
23 superintendent determines that the limit is reached, he or she shall issue an order
24 prohibiting the participating private schools from accepting additional pupils until

1 he or she determines that the number of pupils attending private schools under this
2 section has fallen below the limit.

3 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
4 on a form provided by the state superintendent, to the participating private school
5 that the pupil wishes to attend. Within 60 days after receiving the application, the
6 private school shall notify the applicant, in writing, whether the application has been
7 accepted. The state superintendent shall ensure that the private school determines
8 which pupils to accept on a random basis, except that the private school may give
9 preference in accepting applications to siblings of pupils accepted on a random basis.

10 (b) If the private school rejects an applicant because it has too few available
11 spaces, the pupil may transfer his or her application to a participating private school
12 that has space available.

13 (4) (a) Annually, on or before October 15, a private school participating in the
14 program under this section shall file with the department a report stating its
15 summer average daily membership equivalent and its summer choice average daily
16 membership equivalent for the purpose of sub. (4m).

17 (b) Upon receipt from the pupil's parent or guardian of proof of the pupil's
18 enrollment in the private school during a school term, the state superintendent shall
19 pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an
20 amount equal to the lesser of the following:

21 1. The amount equal to the private school's operating and debt service cost per
22 pupil that is related to educational programming, as determined by the department.

23 2. The amount paid per pupil under s. 119.23 (4) (b) in the previous school year
24 multiplied by the sum of 1.0 plus the percentage change from the previous school

1 year to the current school year in the total amount appropriated under s. 20.255 (2)
2 (ac) expressed as a decimal, but not less than zero.

3 (c) The state superintendent shall pay 25 percent of the total amount under par.
4 (b) in September, 25 percent in November, 25 percent in February, and 25 percent in
5 May. The state superintendent may include the entire amount under sub. (4m) in
6 one of those installments or apportion the entire amount among one or more of those
7 installments. The department shall send the check to the private school. The parent
8 or guardian shall restrictively endorse the check for the use of the private school.

9 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
10 pay to the parent or guardian of each pupil enrolled in a private school under this
11 section, in the manner described in sub. (4) (c), an amount determined by multiplying
12 40 percent of the payment under sub. (4) by the quotient determined by dividing the
13 summer choice average daily membership equivalent of the private school by the
14 total number of pupils for whom payments are being made under sub. (4).

15 **(5)** The state superintendent shall ensure that pupils and parents and
16 guardians of pupils who reside in the school district are informed annually of the
17 private schools participating in the program under this section.

18 **(6)** The board shall provide transportation to pupils attending a private school
19 under this section if required under s. 121.54 and may claim transportation aid
20 under s. 121.58 for pupils so transported.

21 **(7)** (a) Each private school participating in the program under this section
22 shall meet at least one of the following standards:

23 1. At least 70 percent of the pupils in the program advance one grade level each
24 year.

1 2. The private school's average attendance rate for the pupils in the program
2 is at least 90 percent.

3 3. At least 80 percent of the pupils in the program demonstrate significant
4 academic progress.

5 4. At least 70 percent of the families of pupils in the program meet parent
6 involvement criteria established by the private school.

7 (am) Each private school participating in the program under this section is
8 subject to uniform financial accounting standards established by the department.
9 Annually by September 1 following a school year in which a private school
10 participated in the program under this section, the private school shall submit to the
11 department all of the following:

12 1. An independent financial audit of the private school conducted by a certified
13 public accountant, accompanied by the auditor's statement that the report is free of
14 material misstatements and fairly presents pupil costs under sub. (4) (b) 1. The audit
15 under this subdivision shall be limited in scope to those records that are necessary
16 for the department to make payments under subs. (4) and (4m).

17 2. Evidence of sound fiscal practices, as prescribed by the department by rule.

18 (c) A private school may not require a pupil attending the private school under
19 this section to participate in any religious activity if the pupil's parent or guardian
20 submits to the pupil's teacher or the private school's principal a written request that
21 the pupil be exempt from such activities.

22 (d) By August 1 before the first school term of participation in the program, or
23 by May 1 if the private school begins participating in the program during summer
24 school, each private school participating in the program under this section shall
25 submit to the department all of the following:

1 1. A copy of the school's current certificate of occupancy. If the private school
2 moves to a new location, the private school shall submit a copy of the new certificate
3 of occupancy to the department before the attendance of pupils at the new location
4 and before the next succeeding date specified in s. 121.05 (1) (a). A temporary
5 certificate of occupancy does not meet the requirement of this subdivision.

6 2. Evidence of financial viability, as prescribed by the department by rule.

7 3. Proof that the private school's administrator has participated in a fiscal
8 management training program approved by the department.

9 (e) 1. Annually, each private school participating in the program under this
10 section shall administer a nationally normed standardized test in reading,
11 mathematics, and science to pupils attending the school under the program in the
12 4th, 8th, and 10th grades. The private school may administer additional
13 standardized tests to such pupils. Beginning in 2006 and annually thereafter until
14 2011, the private school shall provide the scores of all standardized tests that it
15 administers to the School Choice Demonstration Project.

16 2. The legislative audit bureau shall review and analyze the standardized test
17 score data received from the School Choice Demonstration Project. Based on its
18 review, in 2007 and annually thereafter until 2011, the bureau shall report to the
19 legislature under s. 13.172 (2) the results of the standardized tests administered
20 under subd. 1., the scores of a representative sample of pupils participating in the
21 program on the tests under ss. 118.30 and 121.02 (1) (r), and the scores of a
22 comparable group of pupils enrolled in the school district operating under this
23 chapter on the tests under ss. 118.30 and 121.02 (1) (r).

24 (f) A private school that is neither accredited nor approved under sub. (2) (a)
25 6., and to which either of the following applies, shall apply for accreditation by

1 December 31 of the school year in which it enters or reenters the program under this
2 section:

3 1. The private school did not participate in the program under this section
4 during the 2005–06 school year.

5 2. The private school participated in the program under this section during the
6 2005–06 school year but did not participate in the program during the 2006–07
7 school year.

8 **(8)** There is created a pupil assignment council composed of one representative
9 from each private school participating in the program under this section. Annually
10 by June 30, the council shall make recommendations to the participating private
11 schools to achieve, to the extent possible, a balanced representation of pupils
12 participating in the program under this section.

13 **(9)** If any accrediting agency specified under sub. (2) (a) 6. determines during
14 the accrediting process that a private school does not meet all of the requirements
15 under s. 118.165 (1), it shall report that failure to the department.

16 **(10)** (a) The state superintendent may issue an order barring a private school
17 from participating in the program under this section in the current school year if the
18 state superintendent determines that the private school has done any of the
19 following:

20 1. Misrepresented information required under sub. (7) (d).

21 2. Failed to provide the notice required under sub. (2) (a) 2., or the information
22 required under sub. (7) (am) or (d), by the date or within the period specified.

23 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
24 by the date specified by department rule.

4. Failed to meet at least one of the standards under sub. (7) (a) by the date specified by department rule.

(am) If the state superintendent determines that any of the following have occurred, he or she may issue an order barring the private school from participating in the program under this section in the following school year:

1. The private school has not complied with the requirement under sub. (7) (f).

2. The private school's application for accreditation has been denied by the accrediting organization.

3. The private school has not achieved accreditation within the period allowed under sub. (2) (a) 6.

(b) The state superintendent may issue an order immediately terminating a private school's participation in the program under this section if he or she determines that conditions at the private school present an imminent threat to the health or safety of pupils.

(c) Whenever the state superintendent issues an order under par. (a), (am), or (b), he or she shall immediately notify the parent or guardian of each pupil attending the private school under this section.

(d) The state superintendent may withhold payment from a parent or guardian under subs. (4) and (4m) if the private school attended by the child of the parent or guardian violates this section.

(11) The department shall promulgate rules to implement and administer this section.”.

(END)