



State of Wisconsin
2013 - 2014 LEGISLATURE



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**SENATE AMENDMENT 8,
TO ASSEMBLY BILL 40**

June 20, 2013 – Offered by Senators LEHMAN, WIRCH, RISSER, MILLER, SHILLING,
HARRIS, VINEHOUT, ERPENBACH, HANSEN, LASSA and C. LARSON.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 1, as follows:

3 **1.** Page 961, line 16: after that line insert:

4 “**SECTION 1730m.** 115.28 (7) (b) of the statutes is amended to read:

5 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
6 applicants and granting and revocation of licenses or certificates under par. (a), the
7 state superintendent shall grant certificates and licenses to teachers in private
8 schools and tribal schools, except that teaching experience requirements for such
9 certificates and licenses may be fulfilled by teaching experience in public, private,
10 or tribal schools. An applicant is not eligible for a license or certificate unless the
11 state superintendent finds that the private school or tribal school in which the
12 applicant taught offered an adequate educational program during the period of the
13 applicant’s teaching therein. ~~Private~~ Except for a private school participating in a

1 parental choice program under s. 118.60 or 119.23, private schools are not obligated
2 to employ only licensed or certified teachers.”.

3 **2.** Page 966, line 22: delete that line.

4 **3.** Page 966, line 23: delete “119.23”.

5 **4.** Page 966, line 25: after that line insert:

6 “**(3)** Beginning in the 2014–15 school year, the department shall include in its
7 annual school accountability report under sub. (1) each private school participating
8 in a parental choice program under s. 118.60 or 119.23.”.

9 **5.** Page 968, line 8: after “(2r)” insert “and of each private school participating
10 in a parental choice program under s. 118.60 or 119.23”.

11 **6.** Page 968, line 11: after “charter” insert “or private”.

12 **7.** Page 968, line 13: after “(2r)” insert “and of each private school participating
13 in a parental choice program under s. 118.60 or 119.23”.

14 **8.** Page 968, line 16: after “readiness.” insert “For a private school, this
15 subsection applies only to pupils attending the school under s. 118.60 or 119.23.”.

16 **9.** Page 968, line 18: after that line insert:

17 “**SECTION 1755m.** 118.016 (1g), (1r) and (2) of the statutes are amended to read:
18 118.016 (**1g**) If a pupil is enrolled in a special education program under subch.
19 V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r)
20 or private school under s. 118.60 or 119.23 shall comply with s. 115.77 (1m) (bg).

21 (**1r**) The school board or governing body of the charter or private school shall
22 report the results of a pupil’s assessment under sub. (1) to the pupil’s parent or
23 guardian.

1 **(2)** The school board of the school district or governing body of the charter or
2 private school in which the pupil is enrolled shall provide a pupil whose assessment
3 under sub. (1) indicates that he or she is at risk of reading difficulty with
4 interventions or remedial reading services, as described under s. 121.02 (1) (c).”.

5 **10.** Page 968, line 25: after that line insert:

6 “**SECTION 1756m.** 118.19 (1) of the statutes is amended to read:

7 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach
8 in a public school, including a charter school, in a private school participating in a
9 parental choice program under s. 118.60 or 119.23, or in a school or institution
10 operated by a county or the state shall first procure a license or permit from the
11 department.”.

12 **11.** Page 972, line 3: after that line insert:

13 “**SECTION 1769m.** 118.30 (5m) of the statutes is amended to read:

14 118.30 (5m) When determining the percentage of pupils participating in the
15 program under s. 119.23 who performed at designated proficiency levels on the
16 examinations administered as required under sub. (1s), the department shall
17 ~~consider only the pupils participating in the program under s. 119.23 to whom the~~
18 ~~examinations were administered at each grade level, and shall not exclude from~~
19 consideration those pupils participating in the program under s. 119.23 who were
20 excused from taking the examinations under sub. (2) (b) 5.

21 **SECTION 1778h.** 118.305 (1) (gm) of the statutes is created to read:

22 118.305 (1) (gm) “Pupil” excludes pupils who are attending a private school
23 participating in a parental choice program under s. 118.60 or 119.23 but not under
24 the parental choice program.

1 **SECTION 1778k.** 118.305 (1) (h) of the statutes is amended to read:

2 118.305 (1) (h) “School” means a public school, including a charter school, and
3 a private school participating in a parental choice program under s. 118.60 or 119.23.

4 **SECTION 1778L.** 118.33 (1) (f) 5. of the statutes is created to read:

5 118.33 (1) (f) 5. Beginning in the 2015–16 school year, the governing body of
6 each private school participating in a parental choice program under s. 118.60 or
7 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting
8 a high school diploma specified in pars. (a) and (b), with the exceptions provided in
9 pars. (d) and (e).”.

10 **12.** Page 982, line 6: delete “, (bm).”.

11 **13.** Page 982, line 10: delete “par. (bm)” and substitute “subd. 1. am.”.

12 **14.** Page 982, line 17: after that line insert:

13 “**SECTION 1829o.** 118.60 (2) (a) 1. am. of the statutes is created to read:

14 118.60 (2) (a) 1. am. Beginning in the 2013–14 school year, the pupil is a
15 member of a family that has a total family income that does not exceed an amount
16 equal to 1.85 times the poverty level determined in accordance with criteria
17 established by the director of the federal office of management and budget. In this
18 subdivision and sub. (3m), family income includes income of the pupil’s parents or
19 legal guardians. The family income of the pupil shall be verified as provided in subd.
20 1. b. A pupil attending a private school under this section whose family income
21 increases above the income level in this subd. 1. am. may continue to attend a private
22 school under this section.”.

23 **15.** Page 985, line 22: after that line insert:

24 “**SECTION 1843m.** 118.60 (2) (a) 9. of the statutes is created to read:

1 118.60 (2) (a) 9. The private school has been in operation for the attendance of
2 pupils for at least 2 school years.

3 **SECTION 1843n.** 118.60 (2) (a) 10. of the statutes is created to read:

4 118.60 (2) (a) 10. The private school is located in this state.”.

5 **16.** Page 986, line 12: delete lines 12 to 20, as affected by assembly
6 amendment 3.

7 **17.** Page 986, line 25: after that line insert:

8 **“SECTION 1845m.** 118.60 (2) (d) of the statutes is created to read:

9 118.60 (2) (d) No more than 49 percent of a private school’s enrollment may
10 consist of pupils attending the private school under this section.”.

11 **18.** Page 993, line 11: delete the material beginning with that line and ending
12 with page 996, line 6, as affected by assembly amendment 3, and substitute:

13 **“SECTION 1848td.** 118.60 (4) (b) (intro.) of the statutes is amended to read:

14 118.60 (4) (b) (intro.) ~~Except as provided in par. (bg), upon~~ Upon receipt from
15 the pupil’s parent or guardian of proof of the pupil’s enrollment in the private school
16 during a school term, the state superintendent shall pay to the private school in
17 which the pupil is enrolled on behalf of the pupil’s parent or guardian, from the
18 appropriation under s. 20.255 (2) (fr), an amount equal to the lesser of the following:

19 **SECTION 1848th.** 118.60 (4) (b) 2. of the statutes is repealed.

20 **SECTION 1848tp.** 118.60 (4) (b) 3. and 4. of the statutes are created to read:

21 118.60 (4) (b) 3. The average of the tuition paid by a pupil attending the private
22 school, but not under the program under this section or the program under s. 119.23,
23 in the current and 2 preceding school years.

24 4. \$6,442.

1 **SECTION 1848tt.** 118.60 (4) (bg) of the statutes is repealed.”.

2 **19.** Page 996, line 9: delete “~~(b) 1.~~” and substitute “(b) 1.”.

3 **20.** Page 996, line 9: delete “(bg)”.

4 **21.** Page 996, line 12: delete lines 12 to 25.

5 **22.** Page 997, line 7: delete lines 7 to 25.

6 **23.** Page 997, line 14: delete “(bg)” and substitute “(b)”.

7 **24.** Page 998, line 11: delete “~~(b) or (bg)~~” and substitute “(b) or ~~(bg)~~”.

8 **25.** Page 999, line 13: delete “~~(b) 1~~ (bg)” and substitute “(b) 1”.

9 **26.** Page 1000, line 3: after that line insert:

10 “**SECTION 1855h.** 118.60 (7) (b) 9. of the statutes is created to read:

11 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined
12 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
13 the same terms and enforcement provisions that apply to, a school board under
14 subch. II of ch. 19. This subdivision applied only to records that relate to pupils
15 attending the private school under this section.”.

16 **27.** Page 1000, line 6: after that line insert:

17 “**SECTION 1856f.** 118.60 (7) (b) 3m. of the statutes is amended to read:

18 118.60 (7) (b) 3m. Annually, schedule ~~2 meetings~~ at least one meeting each
19 month at which members of the governing body of the private school will be present
20 and at which pupils, and the parents or guardians of pupils, applying to attend the
21 private school or attending the private school may meet and communicate with the
22 members of the governing body. The meetings shall be open to the public. The
23 private school shall, within 30 days after the start of the school term, notify the

1 department in writing of the scheduled meeting dates and shall, at least 30 days
2 before the scheduled meeting date, notify in writing each pupil, or the parent or
3 guardian of each minor pupil, applying to attend the private school or attending the
4 private school of the meeting date, time, and place. The private school shall provide
5 notice of the meetings in the manner provided in s. 19.84.”.

6 **28.** Page 1001, line 8: after “occupancy” insert “and shall annually obtain a
7 building inspection of the school building”.

8 **29.** Page 1001, line 25: after that line insert:

9 “**SECTION 1856x.** 118.60 (7) (h) of the statutes is created to read:

10 118.60 (7) (h) A participating private school that is placed in either of the 2
11 lowest performance categories on the accountability report issued for the private
12 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public
13 or private entity to develop a corrective action plan and shall implement the
14 corrective action plan for the next school year. The private school shall, at minimum,
15 make the following progress under the corrective action plan:

16 1. Within 3 school years, the private school shall increase the numeric score
17 used as the basis for the performance categories established under s. 115.385 (1) (b)
18 by 6 points over the numeric score received on the accountability report in the school
19 year in which the requirement to undertake a corrective action plan was triggered.

20 2. Within 5 school years, the private school shall improve by one performance
21 category over the performance category received on the accountability report in the
22 school year in which the requirement to undertake a corrective action plan was
23 triggered.

1 3. Within 7 school years, the private school shall have improved its numeric
2 scores to the extent that the private school falls within one of the top 3 performance
3 categories established under s. 115.385 (1) (b).

4 **SECTION 1856xm.** 118.60 (7) (i) of the statutes is created to read:

5 118.60 (7) (i) 1. Each private school participating in the program under this
6 section shall annually conduct state and federal background checks of all teachers
7 and administrators employed by the private school on the effective date of this
8 subdivision [LRB inserts date].

9 2. Beginning on the effective date of this subdivision [LRB inserts date],
10 each private school participating in the program under this section shall annually
11 conduct state and federal background checks of each individual who applies to teach
12 in or serve as an administrator of the private school prior to extending an offer of
13 employment to that individual.

14 3. A participating private school may not employ a person as a teacher or
15 administrator or contract with the person to serve as a teacher or administrator if
16 the person would not be eligible to be employed, licensed, or permitted for any of the
17 reasons specified under s. 115.31 (2g) or (6m) or 115.315.”.

18 **30.** Page 1002, line 3: delete “(b)-or” and substitute “(b) or”.

19 **31.** Page 1002, line 4: delete “(bg) or” and substitute “(bg)-or”.

20 **32.** Page 1002, line 4: after that line insert:

21 “**SECTION 1857c.** 118.60 (10) (a) 7. of the statutes is amended to read:

22 118.60 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

23 **SECTION 1857cc.** 118.60 (10) (a) 9. of the statutes is created to read:

24 118.60 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, or 118.33 (1) (f) 5.”.

1 **SECTION 1857cd.** 118.60 (10) (a) 10. of the statutes is created to read:

2 118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).”.

3 **33.** Page 1003, line 10: delete lines 10 to 13 and substitute:

4 **“SECTION 1857dg.** 118.60 (10) (bg) of the statutes is created to read:

5 118.60 (10) (bg) The state superintendent may issue an order immediately
6 terminating a private school’s participation in the program under this section if he
7 or she determines that the owner of the private school would not be eligible or
8 permitted to be employed, licensed, or permitted for any of the reasons specified
9 under s. 115.31 (2g) or (6m) or 115.315.

10 **SECTION 1857dh.** 118.60 (10) (br) of the statutes is created to read:

11 118.60 (10) (br) The state superintendent may issue an order immediately
12 terminating a private school’s participation in the program under this section if he
13 or she determines that the private school has failed to comply with the requirements
14 under sub. (7) (i) 1. or 2. or if the private school employs an individual in
15 contravention of the prohibitions under sub. (7) (i) 3.

16 **SECTION 1857di.** 118.60 (10) (bu) of the statutes is created to read:

17 118.60 (10) (bu) The state superintendent shall issue an order barring a private
18 school from participating in the program under this section if the private school fails
19 to make progress as required under sub. (7) (h) 1., 2., or 3.

20 **SECTION 1857dj.** 118.60 (10) (c) of the statutes is amended to read:

21 118.60 (10) (c) Whenever the state superintendent issues an order under par.
22 (a), (am), ~~or (ar)~~, (b), ~~(bg)~~, ~~(br)~~, or ~~(bu)~~, he or she shall immediately notify the parent
23 or guardian of each pupil attending the private school under this section.”.

24 **34.** Page 1004, line 3: after that line insert:

1 “**SECTION 1858g.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

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

12 **SECTION 1858m.** 119.23 (2) (a) 1. am. of the statutes is created to read:

13 119.23 (2) (a) 1. am. Beginning in the 2013–14 school year, the pupil is a
14 member of a family that has a total family income that does not exceed an amount
15 equal to 1.85 times the poverty level determined in accordance with criteria
16 established by the director of the federal office of management and budget. In this
17 subdivision and sub. (3m), family income includes income of the pupil’s parents or
18 legal guardians. The family income of the pupil shall be verified as provided in subd.
19 1. b. A pupil attending a private school under this section whose family income
20 increases above the income level in this subd. 1. am. may continue to attend a private
21 school under this section”.

22 **35.** Page 1007, line 16: after that line insert:

23 “**SECTION 1861n.** 119.23 (2) (a) 9. of the statutes is created to read:

1 119.23 (2) (a) 9. The private school has been in operation for the attendance of
2 pupils for at least 2 school years.

3 **SECTION 1861o.** 119.23 (2) (a) 10. of the statutes is created to read:

4 119.23 (2) (a) 10. The private school is located in this state.”.

5 **36.** Page 1008, line 5: after that line insert:

6 “**SECTION 1862m.** 119.23 (2) (d) of the statutes is created to read:

7 119.23 (2) (d) No more than 49 percent of a private school’s enrollment may
8 consist of pupils attending the private school under this section.”.

9 **37.** Page 1008, line 17: delete the material beginning with that line and
10 ending with page 1011, line 13, as affected by assembly amendment 3, and
11 substitute:

12 “**SECTION 1863d.** 119.23 (4) (b) (intro.) of the statutes is amended to read:

13 119.23 (4) (b) (intro.) ~~Except as provided in par. (bg), upon~~ Upon receipt from
14 the pupil’s parent or guardian of proof of the pupil’s enrollment in the private school
15 during a school term, the state superintendent shall pay to the private school in
16 which the pupil is enrolled on behalf of the pupil’s parent or guardian, from the
17 appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

18 **SECTION 1863h.** 119.23 (4) (b) 2. of the statutes is repealed.

19 **SECTION 1863p.** 119.23 (4) (b) 3. and 4. of the statutes are created to read:

20 119.23 (4) (b) 3. The average of the tuition paid by a pupil attending the private
21 school, but not under the program under this section or the program under s. 118.60,
22 in the current and 2 preceding school years.

23 4. \$6,442.

24 **SECTION 1863t.** 119.23 (4) (bg) of the statutes is repealed.”.

1 **38.** Page 1011, line 16: delete “(bg)”.

2 **39.** Page 1011, line 16: delete “~~(b) 1.~~” and substitute “(b) 1.”.

3 **40.** Page 1011, line 19: delete the material beginning with that line and
4 ending on page 1012, line 7.

5 **41.** Page 1012, line 14: delete the material beginning with that line and
6 ending on page 1013, line 7.

7 **42.** Page 1013, line 12: delete “~~(b) or (bg)~~” and substitute “(b) or ~~(bg)~~”.

8 **43.** Page 1014, line 10: delete “~~(b) 1. (bg)~~” and substitute “(b) 1.”.

9 **44.** Page 1015, line 3: after that line insert:

10 “**SECTION 1873n.** 119.23 (7) (b) 3m. of the statutes is amended to read:

11 119.23 (7) (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each
12 month at which members of the governing body of the private school will be present
13 and at which pupils, and the parents or guardians of pupils, applying to attend the
14 private school or attending the private school may meet and communicate with the
15 members of the governing body. The meetings shall be open to the public. The
16 private school shall, within 30 days after the start of the school term, notify the
17 department in writing of the scheduled meeting dates and shall, at least 30 days
18 before the scheduled meeting date, notify in writing each pupil, or the parent or
19 guardian of each minor pupil, applying to attend the private school or attending the
20 private school of the meeting date, time, and place. The private school shall provide
21 notice of the meetings in the manner provided in s. 19.84.

22 **SECTION 1873o.** 119.23 (7) (b) 9. of the statutes is created to read:

1 119.23 (7) (b) 9. Permit public inspection and copying of any record, as defined
2 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
3 the same terms and enforcement provisions that apply to, a school board under
4 subch. II of ch. 19. This subdivision applied only to records that relate to pupils
5 attending the private school under this section.”.

6 **45.** Page 1015, line 15: after “occupancy” insert “, and shall annually obtain
7 a building inspection of the school building”.

8 **46.** Page 1016, line 19: after that line insert:

9 “**SECTION 1875g.** 119.23 (7) (h) of the statutes is created to read:

10 119.23 (7) (h) A participating private school that is placed in either of the 2
11 lowest performance categories on the accountability report issued for the private
12 school under s. 115.385 (3) for 2 consecutive school years shall contract with a public
13 or private entity to develop a corrective action plan and shall implement the
14 corrective action plan for the next school year. The private school shall, at minimum,
15 make the following progress under the corrective action plan:

16 1. Within 3 school years, the private school shall increase the numeric score
17 used as the basis for the performance categories established under s. 115.385 (1) (b)
18 by 6 points over the numeric score received on the accountability report in the school
19 year in which the requirement to undertake a corrective action plan was triggered.

20 2. Within 5 school years, the private school shall improve by one performance
21 category over the performance category received on the accountability report in the
22 school year in which the requirement to undertake a corrective action plan was
23 triggered.

1 3. Within 7 school years, the private school shall have improved its numeric
2 scores to the extent that the private school falls within one of the top 3 performance
3 categories established under s. 115.385 (1) (b).

4 **SECTION 1875h.** 119.23 (7) (i) of the statutes is created to read:

5 119.23 (7) (i) 1. Each private school participating in the program under this
6 section shall annually conduct state and federal background checks of all teachers
7 and administrators employed by the private school on the effective date of this
8 subdivision [LRB inserts date].

9 2. Beginning on the effective date of this subdivision [LRB inserts date],
10 each private school participating in the program under this section shall annually
11 conduct state and federal background checks of each individual who applies to teach
12 in or serve as an administrator of the private school prior to extending an offer of
13 employment to that individual.

14 3. A participating private school may not employ a person as a teacher or
15 administrator or contract with the person to serve as a teacher or administrator if
16 the person would not be eligible to be employed, licensed, or permitted for any of the
17 reasons specified under s. 115.31 (2g) or (6m) or 115.315.”.

18 **47.** Page 1017, line 2: delete “(b)-or” and substitute “(b) or”.

19 **48.** Page 1017, line 3: delete “(bg) or” and substitute “(bg)-or”.

20 **49.** Page 1017, line 3: after that line insert:

21 **“SECTION 1876c.** 119.23 (10) (a) 7. of the statutes is amended to read:

22 119.23 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or (9).

23 **SECTION 1876d.** 119.23 (10) (a) 9. of the statutes is created to read:

24 119.23 (10) (a) 9. Violated s. 118.016, 118.19 (1), 118.305, or 118.33 (1) (f) 5.

1 **SECTION 1876e.** 119.23 (10) (a) 10. of the statutes is created to read:

2 119.23 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).”.

3 **50.** Page 1018, line 10: after that line insert:

4 **“SECTION 1876dh.** 119.23 (10) (bu) of the statutes is created to read:

5 119.23 (10) (bu) The state superintendent shall issue an order barring a private
6 school from participating in the program under this section if the private school fails
7 to make progress as required under sub. (7) (h) 1., 2., or 3.”.

8 **51.** Page 1018, line 11: delete lines 11 to 14 and substitute:

9 **“SECTION 1876di.** 119.23 (10) (bg) of the statutes is created to read:

10 119.23 (10) (bg) The state superintendent may issue an order immediately
11 terminating a private school’s participation in the program under this section if he
12 or she determines that the owner of the private school would not be eligible or
13 permitted to be employed, licensed, or permitted for any of the reasons specified
14 under s. 115.31 (2g) or (6m) or 115.315.

15 **SECTION 1876dig.** 119.23 (10) (br) of the statutes is created to read:

16 119.23 (10) (br) The state superintendent may issue an order immediately
17 terminating a private school’s participation in the program under this section if he
18 or she determines that the private school has failed to comply with the requirements
19 under sub. (7) (i) 1. or 2. or if the private school employs an individual in
20 contravention of the prohibitions under sub. (7) (i) 3.

21 **SECTION 1876dir.** 119.23 (10) (c) of the statutes is amended to read:

22 119.23 (10) (c) Whenever the state superintendent issues an order under par.
23 (a), (am), ~~or (ar)~~, (b), (bg), (br), or (bu), he or she shall immediately notify the parent
24 or guardian of each pupil attending the private school under this section.”.

