



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa2050/1
FFK:emw

**ASSEMBLY AMENDMENT 12,
TO ASSEMBLY BILL 751**

February 9, 2016 - Offered by Representative POPE.

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

2 **1.** Page 1, line 8: after “program” insert “, payments to private schools
3 participating in the statewide or Racine parental choice program, and making an
4 appropriation”.

5 **2.** Page 2, line 1: before that line insert:

6 “**SECTION 1a.** 20.255 (2) (ac) of the statutes is amended to read:

7 20.255 (2) (ac) *General equalization aids and eligible and other school district*
8 *parental choice program payments.* The amounts in the schedule for the payment of
9 educational aids under ss. 121.08, 121.09, 121.095, 121.105, 121.137 and subch. VI
10 of ch. 121 and to make payments to private schools under s. 118.60 (4) (bk), (4m) (am),
11 and (4r) (bm).

12 **SECTION 1c.** 20.255 (2) (fr) of the statutes is amended to read:

1 20.255 (2) (fr) *Parental choice program for eligible school districts and other*
2 *school districts; pupils participating before the 2016-17 school year*. A sum sufficient
3 to make the payments to private schools under s. 118.60 (4) (bg) and (4m) (a).

4 **SECTION 1d.** 20.255 (2) (fv) of the statutes is amended to read:

5 20.255 (2) (fv) *Milwaukee Parental Choice Program and the parental choice*
6 *program for eligible school districts and other school districts; transfer pupils*. A sum
7 sufficient to make the payments under ss. 118.60 (4r) (am) and 119.23 (4r).”.

8 **3.** Page 7, line 15: after that line insert:

9 “**SECTION 19a.** 118.60 (4) (bg) 6. of the statutes is created to read:

10 118.60 (4) (bg) 6. This paragraph applies only to pupils who participated in the
11 program under this section before the 2016-17 school year.

12 **SECTION 19b.** 118.60 (4) (bk) of the statutes is created to read:

13 118.60 (4) (bk) 1. In this paragraph, “incoming choice pupil” means a pupil who
14 begins participating in the program under this section in the 2016-17 school year or
15 any school year thereafter who is enrolled in a private school under this section
16 during the school term.

17 2. For an incoming choice pupil, upon receipt from the pupil’s parent or
18 guardian of proof of the pupil’s enrollment in the private school during a school term,
19 the state superintendent shall pay to the private school in which the pupil is enrolled
20 on behalf of the pupil’s parent or guardian, from the appropriation under s. 20.255
21 (2) (ac), the amount determined by the state superintendent as follows:

22 a. Identify each school district in which an incoming choice pupil resides.

23 b. For each school district identified under subd. 2. a., calculate that school
24 district’s per pupil equalization aid by dividing the total amount of state aid that the

1 school district is eligible to receive under s. 121.08 after making the reduction under
2 s. 121.08 (4) (a) but before making the reduction under s. 121.08 (4) (c) by the school
3 district's membership that was used to calculate the state aid under s. 121.08.

4 c. For each school district identified under subd. 2. a., multiply the school
5 district's per pupil equalization aid calculated under subd. 2. b. by the number of
6 incoming choice pupils residing in the school district.

7 d. Add together all of the amounts determined under subd. 2. c. for school
8 districts identified under subd. 2. a.

9 e. Divide the amount determined under subd. 2. d. by the total number of
10 incoming choice pupils.

11 3. By October 15, using the most accurate data available, the state
12 superintendent shall calculate the per pupil amount under subd. 2. for the current
13 school year. Any adjustments to that calculation shall be made by increasing or
14 decreasing the payment to a participating private school made in September of the
15 following school year. If the private school is not participating in the program under
16 this section in September of the following school year, the department shall make any
17 adjustments to the calculation by making a separate payment to the private school
18 or if the adjustment is a decrease, the private school shall refund the department for
19 any overpayment it received under this subsection or sub. (4m).

20 **SECTION 19c.** 118.60 (4) (c) of the statutes is renumbered 118.60 (4) (c) 1. and
21 amended to read:

22 118.60 (4) (c) 1. The Subject to subd. 2., the state superintendent shall pay 25
23 percent of the total amount under this subsection in September, 25 percent in
24 November, 25 percent in February, and 25 percent in May. Each installment may
25 consist of a single check for all pupils attending the private school under this section.

1 The state superintendent shall include the entire amount under sub. (4m) in the
2 November installment, but the payment shall be made in a separate check from the
3 payment under this subsection.

4 **SECTION 19d.** 118.60 (4) (c) 2. of the statutes is created to read:

5 118.60 (4) (c) 2. Beginning with payments for the 2017-18 school year, the
6 portion of the September payment that is for a pupil under par. (bk) shall be based
7 on the per pupil payment under par. (bk) in the previous school year. Any adjustment
8 to ensure that a participating private school receives the total amount due under this
9 section for pupil payments under par. (bk) shall be made by increasing or decreasing
10 the amount paid in May of the current school year.

11 **SECTION 19e.** 118.60 (4d) of the statutes, as created by 2015 Wisconsin Act 55,
12 is repealed.

13 **SECTION 19f.** 118.60 (4m) (a) (intro.) of the statutes is renumbered 118.60 (4m)
14 (a) 1m. (intro.) and amended to read:

15 118.60 (4m) (a) 1m. (intro.) In addition to the payment under sub. (4), the state
16 superintendent shall, subject to par. (b), pay to each private school participating in
17 the program under this section, on behalf of the parent or guardian of each pupil
18 attending summer school in the private school under this section during a summer
19 and in the manner described in sub. (4) (c), from the appropriation under s. 20.255
20 (2) (fr), an amount determined as follows:

21 **SECTION 19g.** 118.60 (4m) (a) 1. of the statutes is renumbered 118.60 (4m) (a)
22 1m. a.

23 **SECTION 19h.** 118.60 (4m) (a) 2. of the statutes is renumbered 118.60 (4m) (a)
24 1m. b. and amended to read:

25 118.60 (4m) (a) 1m. b. Multiply the amount under subd. ~~1.~~ 1m. a. by 0.05.

1 **SECTION 19i.** 118.60 (4m) (a) 2m. of the statutes is created to read:

2 118.60 **(4m)** (a) 2m. This paragraph applies only to pupils who participated in
3 the program under this section before the 2016-17 school year.

4 **SECTION 19j.** 118.60 (4m) (am) of the statutes is created to read:

5 118.60 **(4m)** (am) For a pupil who begins participating in the program under
6 this section in the 2016-17 school year or any school year thereafter, in addition to
7 the payment under sub. (4) and subject to par. (b), the state superintendent shall pay
8 to the private school participating in the program under this section that the pupil
9 attends during a summer in the manner described in sub. (4) (c), on behalf of the
10 pupil's parent or guardian, from the appropriation under s. 20.255 (2) (ac), an amount
11 determined as follows:

12 1. Determine the amount that would have been paid under sub. (4) (bk) in the
13 immediately preceding school term.

14 2. Multiply the amount under subd. 1. by 0.05.

15 **SECTION 19k.** 118.60 (4m) (b) (intro.) of the statutes is amended to read:

16 118.60 **(4m)** (b) (intro.) A participating private school may receive a per pupil
17 payment under par. (a) or (am) if all of the following are satisfied:

18 **SECTION 19L.** 118.60 (4m) (b) 3. of the statutes is amended to read:

19 118.60 **(4m)** (b) 3. Each pupil for whom the private school seeks a payment
20 under par. (a) or (am) attends no fewer than 15 days of summer instruction at the
21 private school during that summer.

22 **SECTION 19m.** 118.60 (4r) (intro.) of the statutes is renumbered 118.60 (4r) (am)
23 (intro.) and amended to read:

24 118.60 **(4r)** (am) (intro.) If, after the 3rd Friday in September in any school year,
25 a private school participating in the program under this section closes, for each

1 installment under sub. (4) (c) that was not paid to the private school in that school
2 year, the state superintendent shall pay to the board of the school district within
3 which the pupil resides, from the appropriation under s. 20.255 (2) (fv), the amount
4 determined, for each pupil who participated in the program under this section before
5 the 2016-17 school year who had been attending the private school under this section
6 in that school year and who enrolls in the school district within which the pupil
7 resides in that school year, as follows:

8 **SECTION 19n.** 118.60 (4r) (a) of the statutes is renumbered 118.60 (4r) (am) 1.

9 **SECTION 19o.** 118.60 (4r) (b) of the statutes is renumbered 118.60 (4r) (am) 2.

10 and amended to read:

11 118.60 (4r) (am) 2. Multiply the product under ~~par. (a)~~ subd. 1. by 0.25.

12 **SECTION 19p.** 118.60 (4r) (bm) of the statutes is created to read:

13 118.60 (4r) (bm) If, after the 3rd Friday in September in any school year, a
14 private school participating in the program under this section closes, for each
15 installment under sub. (4) (c) that was not paid to the private school in that school
16 year, the state superintendent shall pay to the board of the school district within
17 which the pupil resides, from the appropriation under s. 20.255 (2) (ac), the amount
18 determined, for each pupil who participated in the program under this section
19 beginning in the 2016-17 school year or any school year thereafter who had been
20 attending the private school under this section in that school year and who enrolls
21 in the school district within which the pupil resides in that school year, as follows:

22 1. Multiply the amount determined under sub. (4) (bk) by 0.667.

23 2. Multiply the product under subd. 1. by 0.25.

24 **SECTION 19q.** 118.60 (4s) of the statutes, as created by 2015 Wisconsin Act 55,
25 is amended to read:

1 118.60 **(4s)** Notwithstanding subs. (4), ~~(4d)~~, (4m), and (4r), a pupil attending
2 a private school participating in the program under this section who is receiving a
3 scholarship under s. 115.7915 shall not be counted as a pupil attending the private
4 school under this section under sub. (4), ~~(4d)~~, (4m), or (4r).

5 **SECTION 19r.** 118.60 (6m) (b) 1. of the statutes is amended to read:

6 118.60 **(6m)** (b) 1. The number of pupils attending the private school under this
7 section in the previous school year who began participating in the program under
8 this section in the 2016-17 school year or any school year thereafter and the number
9 of pupils attending the private school under this section in the previous school year
10 who began participating in the program under this section before the 2016-17 school
11 year.

12 **SECTION 19s.** 121.004 (5) of the statutes is amended to read:

13 121.004 **(5)** MEMBERSHIP. ~~“Membership”~~ Except as provided in s. 121.07 (2),
14 “membership” for any school district is the sum of pupils enrolled as reported under
15 s. 121.05 (1) or (2), as appropriate, and the summer average daily membership
16 equivalent for those academic summer classes, interim session classes, and
17 laboratory periods approved for necessary academic purposes under s. 121.14 (1) (a)
18 1. and 2. and those online classes described in s. 121.14 (1) (a) 3.

19 **SECTION 19t.** 121.07 (2) (b) of the statutes, as created by 2015 Wisconsin Act
20 55, is amended to read:

21 121.07 **(2)** (b) The number of pupils residing in the school district in the
22 previous school year who were incoming choice pupils, ~~as defined in s. 118.60 (4d) (a),~~
23 during the 2015-16 school year and for whom a payment was made under s. 118.60
24 (4) (bg) in the previous school year.

25 **SECTION 19u.** 121.07 (2) (g) of the statutes is created to read:

1 121.07 (2) (g) Beginning with state aid paid for the 2017-18 school year, the
2 number of pupils residing in the school district who are attending a private school
3 under s. 118.60 in the current school year and did not participate in the program
4 under s. 118.60 before the 2016-17 school year, as reported under s. 118.60 (3) (d).

5 **SECTION 19v.** 121.08 (4) (c) of the statutes is created to read:

6 121.08 (4) (c) The amount of state aid that a school district is eligible to be paid
7 from the appropriation under s. 20.255 (2) (ac) shall be reduced by an amount
8 determined as follows:

9 1. Divide the amount of state aid that the school district is eligible to be paid
10 from the appropriation under s. 20.255 (2) (ac), calculated after the reduction under
11 par. (a) is made, by the school district's membership.

12 2. Multiply the quotient under subd. 1. by the number of pupils residing in the
13 school district for whom the department is required to make a payment under s.
14 118.60 (4) (bk).

15 3. Add to the product under subd. 2. the total amount paid in the previous school
16 year under s. 118.60 (4m) (am) for pupils who resided in the school district while
17 attending a private school during the summer of the previous year.

18 **SECTION 19w.** 121.085 of the statutes, as created by 2015 Wisconsin Act 55, is
19 amended to read:

20 **121.085 State aid; other reductions.** (1) The department shall make state
21 aid adjustments under s. 118.51 (16) and (17) before making a reduction under s.
22 115.7915 (4m) (f), or 118.40 (2r) (g) or (2x) (f), ~~or 118.60 (4d) (b).~~

23 (2) For purposes of ss. 115.7915 (4m) (f) 2., and 118.40 (2r) (g) 2. and (2x) (f) 2.,
24 ~~and 118.60 (4d) (b) 2.~~, a school district's aid under s. 121.08 is insufficient to cover a
25 reduction if, after making state aid adjustments under s. 118.51 (16) and (17), the

1 amount of the school district's aid under s. 121.08 is insufficient to cover all of the
2 reductions under ss. 115.7915 (4m) (f) 1., and 118.40 (2r) (g) 1. and (2x) (f) 1., and
3 ~~118.60 (4d) (b) 1.~~

4 (3) The state superintendent shall ensure that the aid reductions under ss.
5 115.7915 (4m) (f) 1., and 118.40 (2r) (g) 1. and (2x) (f) 1., and ~~118.60 (4d) (b) 1.~~ lapse
6 to the general fund.

7 **SECTION 19x.** 121.90 (2) (am) 1. of the statutes is amended to read:

8 121.90 (2) (am) 1. Aid under ss. s. 121.08, as if any reduction under s. 121.08
9 (4) (c) had not occurred, and ss. 121.09, 121.105, and 121.136 and subch. VI, as
10 calculated for the current school year on October 15 under s. 121.15 (4) and including
11 adjustments made under s. 121.15 (4).

12 **SECTION 19y.** 121.91 (4) (n) of the statutes, as created by 2015 Wisconsin Act
13 55, is repealed.”.

14 **4.** Page 8, line 1: after that line insert:

15 **“SECTION 21c. Nonstatutory provisions.**

16 (1) SEPTEMBER 2016 PAYMENT FOR INCOMING CHOICE PUPILS IN THE RACINE AND
17 STATEWIDE PARENTAL CHOICE PROGRAMS. The department of public instruction shall
18 base the portion of the September payment under section 118.60 (4) (c) 1. of the
19 statutes made for the 2016-17 school year that is for an incoming choice pupil under
20 section 118.60 (4) (bk) of the statutes, as created by this act, on the amount the
21 department estimates will be paid under section 118.60 (4) (bk) 2. of the statutes, as
22 created by this act, in the 2016-17 school year using the most accurate data
23 available.

24 **SECTION 21f. Initial applicability.**

