



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBb0684/1
FFK/TKK/MES:all

**SENATE AMENDMENT 5,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 21**

July 7, 2015 - Offered by Senators C. LARSON, HARRIS DODD, RINGHAND, BEWLEY, ERPENBACH, VINEHOUT, RISSER, SHILLING, HANSEN, CARPENTER and L. TAYLOR.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** At the appropriate places, insert all of the following:

3 **“SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

4 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
5 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the
6 state superintendent shall grant ~~certificates and~~ licenses to teachers in private
7 schools and tribal schools, except that teaching experience requirements for such
8 ~~certificates and~~ licenses may be fulfilled by teaching experience in public, private,
9 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the
10 state superintendent finds that the private school or tribal school in which the
11 applicant taught offered an adequate educational program during the period of the
12 applicant's teaching therein. ~~Private~~ Except as provided in ss. 118.60 (2) (a) 6m. and

1 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed or
2 certified teachers.

3 **SECTION 2.** 118.016 (1) of the statutes is renumbered 118.016 (1) (a) and
4 amended to read:

5 118.016 (1) (a) In the 2013-14 school year, each school board and the governing
6 ~~body~~ operator of each charter school established under s. 118.40 (2r) shall, using the
7 appropriate, valid, and reliable assessment of literacy fundamentals selected by the
8 department, annually assess each pupil enrolled in 4-year-old kindergarten to first
9 grade in the school district or in the charter school for reading readiness. Beginning
10 in the 2014-15 school year, each school board and the ~~governing body~~ operator of
11 each charter school established under s. 118.40 (2r) shall, using the appropriate,
12 valid, and reliable assessment of literacy fundamentals selected by the department,
13 annually assess each pupil enrolled in 4-year-old kindergarten to second grade in
14 the school district or in the charter school for reading readiness.

15 (c) The department shall ensure that the assessment under this subsection
16 evaluates whether a pupil possesses phonemic awareness and letter sound
17 knowledge.

18 **SECTION 3.** 118.016 (1) (b) of the statutes is created to read:

19 118.016 (1) (b) In the 2015-16 school year, the governing body of each private
20 school participating in a parental choice program under s. 118.60 or 119.23 shall,
21 using the appropriate, valid, and reliable assessment of literacy fundamentals
22 selected by the department, annually assess each pupil enrolled in 4-year-old
23 kindergarten to first grade in the private school for reading readiness. Beginning in
24 the 2016-17 school year, the governing body of each private school participating in
25 a parental choice program under s. 118.60 or 119.23 shall, using the appropriate,

1 valid, and reliable assessment of literacy fundamentals selected by the department,
2 annually assess each pupil enrolled in 4-year-old kindergarten to second grade in
3 the private school for reading readiness. This paragraph applies only to pupils
4 attending the school under s. 118.60 or 119.23.

5 **SECTION 4.** 118.016 (1g), (1r) and (2) of the statutes are amended to read:

6 118.016 **(1g)** If a pupil is enrolled in a special education program under subch.
7 V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40 (2r),
8 or governing body of the private school under s. 118.60 or 119.23 shall comply with
9 s. 115.77 (1m) (bg).

10 **(1r)** The school board, operator of the charter school, or governing body of the
11 ~~charter~~ private school shall report the results of a pupil's assessment under sub. (1)
12 to the pupil's parent or guardian.

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

18 **SECTION 5.** 118.19 (1) of the statutes is amended to read:

19 118.19 **(1)** Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach
20 in a public school, including a charter school, in a private school participating in a
21 parental choice program under s. 118.60 or 119.23, or in a school or institution
22 operated by a county or the state shall first procure a license or permit from the
23 department.

24 **SECTION 6.** 118.30 (5m) of the statutes is amended to read:

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

8 **SECTION 7.** 118.305 (1) (gm) of the statutes is created to read:

9 118.305 (1) (gm) “Pupil” excludes pupils who are attending a private school
10 participating in a parental choice program under s. 118.60 or 119.23 but not under
11 the parental choice program.

12 **SECTION 8.** 118.305 (1) (h) of the statutes is amended to read:

13 118.305 (1) (h) “School” means a public school, including a charter school, and
14 a private school participating in a parental choice program under s. 118.60 or 119.23.

15 **SECTION 9.** 118.305 (3) (e) of the statutes is amended to read:

16 118.305 (3) (e) It does not constitute corporal punishment, as defined in s.
17 118.31 (1) (a).

18 **SECTION 10.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and
19 amended to read:

20 118.31 (1) (intro.) In this section, ~~“corporal:~~

21 (a) “Corporal punishment” means the intentional infliction of physical pain
22 which is used as a means of discipline. “Corporal punishment” includes, but is not
23 limited to, paddling, slapping or prolonged maintenance of physically painful
24 positions, when used as a means of discipline. “Corporal punishment” does not

1 include actions consistent with an individualized education program developed
2 under s. 115.787 or reasonable physical activities associated with athletic training.

3 **SECTION 11.** 118.31 (1) (b) of the statutes is created to read:

4 118.31 (1) (b) "Private school" means a private school, as defined in s. 115.001
5 (3r), that is participating in any parental choice program under ss. 118.60 and
6 119.23.

7 **SECTION 12.** 118.31 (2) of the statutes is amended to read:

8 118.31 (2) Except as provided in sub. (3), no official, employee, or agent of a
9 school board or of a private school may subject a pupil enrolled in the school district
10 or in the private school to corporal punishment.

11 **SECTION 13.** 118.31 (3) (intro.) of the statutes is amended to read:

12 118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or
13 agent of a school board or of a private school from:

14 **SECTION 14.** 118.31 (4) of the statutes is amended to read:

15 118.31 (4) Each school board and each private school shall adopt a policy that
16 allows any official, employee, or agent of the school board or private school to use
17 reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining
18 whether or not ~~a person~~ an official, employee, or agent of a school board or of a private
19 school was acting within the exceptions in sub. (3), deference shall be given to
20 reasonable, good faith judgments made by ~~an~~ the official, employee, or agent of a
21 school board.

22 **SECTION 15.** 118.31 (5) of the statutes is amended to read:

23 118.31 (5) Except as provided in s. 939.61 (1), this section does not create a
24 separate basis for civil liability of a school board or of a private school or their
25 ~~officials, employees or agents~~ of an official, employee, or agent of the school board or

1 private school for damages arising out of claims involving allegations of improper or
2 unnecessary use of force by a school employees official, employee, or agent against
3 students a pupil.

4 **SECTION 16.** 118.31 (6) of the statutes is amended to read:

5 118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect any
6 action taken by an official, employee, or agent of a school board or private school with
7 regard to a person who is not a pupil enrolled in the school district or in the private
8 school.

9 **SECTION 17.** 118.33 (1) (f) 5. of the statutes is created to read:

10 118.33 (1) (f) 5. Beginning in the 2015-16 school year, the governing body of
11 each private school participating in a parental choice program under s. 118.60 or
12 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting
13 a high school diploma specified in pars. (a) and (b), with the exceptions provided in
14 pars. (d) and (e).

15 **SECTION 18.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

16 118.60 (2) (a) (intro.) Subject to pars. (ag) and (ar), any pupil in grades
17 kindergarten to 12 who resides within an eligible school district may attend any
18 private school under this section and, subject to pars. (ag), (ar), (be), ~~(bm)~~, and (bs),
19 any pupil in grades kindergarten to 12 who resides in a school district, other than
20 an eligible school district or a 1st class city school district, may attend any private
21 school under this section if all of the following apply:

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

23 118.60 (2) (a) 1. a. Except as provided in ~~par. (bm)~~ subd. 1. am., the pupil is a
24 member of a family that has a total family income that does not exceed an amount
25 equal to 3.0 times the poverty level determined in accordance with criteria

1 established by the director of the federal office of management and budget. In this
2 subdivision and sub. (3m), family income includes income of the pupil's parents or
3 legal guardians. ~~The, and the~~ family income of the pupil shall be verified as provided
4 in subd. 1. b. A pupil attending a private school under this section whose family
5 income increases above the income level in this subd. 1. a. may continue to attend
6 a private school under this section.

7 **SECTION 20.** 118.60 (2) (a) 1. am. of the statutes is created to read:

8 118.60 (2) (a) 1. am. Beginning in the 2015-16 school year, the pupil is a
9 member of a family that has a total family income that does not exceed an amount
10 equal to 1.85 times the poverty level determined in accordance with criteria
11 established by the director of the federal office of management and budget. The
12 family income of the pupil shall be verified as provided in subd. 1. b. A pupil
13 attending a private school under this section whose family income increases above
14 the income level in this subd. 1. am. may continue to attend a private school under
15 this section.

16 **SECTION 21.** 118.60 (2) (a) 6m. of the statutes is created to read:

17 118.60 (2) (a) 6m. All instructional staff employed by the private school hold
18 a license or permit to teach issued by the department. For purposes of this
19 subdivision, "instructional staff" has the meaning given in the rules promulgated by
20 the department under s. 121.02 (1) (a) 2.

21 **SECTION 22.** 118.60 (2) (a) 9. of the statutes is created to read:

22 118.60 (2) (a) 9. The private school has been in operation for the attendance of
23 pupils for at least 2 school years.

24 **SECTION 23.** 118.60 (2) (a) 10. of the statutes is created to read:

25 118.60 (2) (a) 10. The private school is located in this state.

1 **SECTION 24.** 118.60 (2) (bm) of the statutes is repealed.

2 **SECTION 25.** 118.60 (2) (c) of the statutes is amended to read:

3 118.60 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a
4 private school participating in the program under this section who teaches only
5 courses in rabbinical studies is not required to have a bachelor's degree or hold a
6 license or permit to teach issued by the department.

7 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school
8 participating in the program under this section that prepares and trains pupils
9 attending the school in rabbinical studies is not required to have a bachelor's degree
10 or hold a license or permit to teach issued by the department.

11 **SECTION 26.** 118.60 (2) (d) of the statutes is created to read:

12 118.60 (2) (d) No more than 49 percent of a private school's enrollment may
13 consist of pupils attending the private school under this section and s. 119.23.

14 **SECTION 27.** 118.60 (3) (c) of the statutes is amended to read:

15 118.60 (3) (c) If a participating private school rejects an applicant who resides
16 in a school district, other than an eligible school district or a 1st class city school
17 district, because the private school has too few available spaces, the applicant may
18 transfer his or her application to a participating private school that has space
19 available. An applicant rejected under this paragraph may, subject to sub. (2) (a) 1.
20 am. and (be) and (bm), be admitted to a private school participating in the program
21 under this section for the following school year.

22 **SECTION 28.** 118.60 (4) (bd) of the statutes is created to read:

23 118.60 (4) (bd) Upon receipt from the pupil's parent or guardian of proof of the
24 pupil's enrollment in the private school during a school term, the state
25 superintendent shall pay to the private school in which the pupil is enrolled on behalf

1 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an
2 amount equal to the lesser of the following:

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

5 2. The average of the tuition paid by a pupil attending the private school, but
6 not under the program under this section or the program under s. 119.23, in the
7 current and 2 preceding school years.

8 3. \$6,442.

9 **SECTION 29.** 118.60 (4) (bg) of the statutes is repealed.

10 **SECTION 30.** 118.60 (4) (d) (intro.) of the statutes is amended to read:

11 118.60 (4) (d) (intro.) In determining a private school's operating and debt
12 service cost per pupil under par. (bg) (bd) 1., the department shall do all of the
13 following, but may not determine separate costs for pupils enrolled in grades
14 kindergarten to 8 and for pupils enrolled in grades 9 to 12:

15 **SECTION 31.** 118.60 (4) (d) 2. of the statutes is amended to read:

16 118.60 (4) (d) 2. If legal title to the private school's buildings and premises is
17 held in the name of the private school's parent organization or other related party,
18 there is no other mechanism to include the private school's facilities costs in the
19 calculation of its operating and debt service cost, and the private school requests that
20 the department do so, include an amount equal to 10.5 percent of the fair market
21 value of the school and its premises. ~~If legal title to the private school's buildings and~~
22 ~~premises is held in the name of the private school's parent organization or other~~
23 ~~related party but the private school was not permitted to include an amount equal~~
24 ~~to 10.5 percent of the fair market value of the school and its premises in the 2012-13~~
25 ~~school year, the private school may, beginning on July 2, 2013, request the~~

1 ~~department to include that amount.~~ A request made by a private school under this
2 subdivision remains effective in subsequent school years and may not be withdrawn
3 by the private school.

4 **SECTION 32.** 118.60 (4m) of the statutes is repealed and recreated to read:

5 118.60 (4m) In addition to the payment under sub. (4), the state
6 superintendent shall pay to each private school participating in the program under
7 this section, on behalf of the parent or guardian of each pupil attending the private
8 school under this section, in the manner described in sub. (4) (c), the amount
9 determined as follows:

10 (a) Determine the private school's operating and debt service cost per pupil in
11 summer school that is related to educational programming.

12 (b) Multiply the amount under par. (a) by 0.40.

13 (c) Multiply the product under par. (b) by the quotient determined by dividing
14 the summer choice average daily membership equivalent of the private school by the
15 total number of pupils for whom payments are being made under sub. (4).

16 **SECTION 33.** 118.60 (4r) (a) of the statutes is amended to read:

17 118.60 (4r) (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by
18 0.616.

19 **SECTION 34.** 118.60 (7) (am) 1. of the statutes is amended to read:

20 118.60 (7) (am) 1. An independent financial audit of the private school
21 conducted by an independent certified public accountant, accompanied by the
22 auditor's statement that the report is free of material misstatements and fairly
23 presents pupil costs under sub. (4) ~~(bg)~~ (bd) 1. The audit under this subdivision shall
24 be limited in scope to those records that are necessary for the department to make
25 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,

1 including determining sample sizes and evaluating financial viability, in accordance
2 with the auditing standards established by the American Institute of Certified
3 Public Accountants. The department may not require an auditor to comply with
4 standards that exceed the scope of the standards established by the American
5 Institute of Certified Public Accountants. If a private school participating in the
6 program under this section also accepts pupils under s. 119.23, the private school
7 may submit one comprehensive financial audit to satisfy the requirements of this
8 subdivision and s. 119.23 (7) (am) 1. The private school shall include in the
9 comprehensive financial audit the information specified under s. 119.23 (7) (am) 1.

10 **SECTION 35.** 118.60 (7) (b) 3m. of the statutes is amended to read:

11 118.60 (7) (b) 3m. Annually, schedule ~~2 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 36.** 118.60 (7) (b) 9. of the statutes is created to read:

23 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined
24 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
25 the same terms and enforcement provisions that apply to, a school board under

1 subch. II of ch. 19. This subdivision applies only to records that relate to pupils
2 attending the private school under this section.

3 **SECTION 37.** 118.60 (7) (d) 1. b. of the statutes is amended to read:

4 118.60 (7) (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's
5 current certificate of occupancy issued by the municipality within which the school
6 is located. If the private school moves to a new location, the private school shall
7 submit a copy of the new certificate of occupancy issued by the municipality within
8 which the school is located to the department before the attendance of pupils at the
9 new location and before the next succeeding date specified in s. 121.05 (1) (a).

10 c. If the municipality within which the private school is located does not issue
11 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy
12 issued by the local or regional governmental unit with authority to issue certificates
13 of occupancy or a letter or form from the municipality within which the private school
14 is located that explains that the municipality does not issue certificates of occupancy.
15 ~~A temporary certificate of occupancy does not meet the requirement of this~~
16 ~~subdivision~~ private school to which this subd. 1. c. applies shall annually obtain a
17 building inspection of the school building.

18 **SECTION 38.** 118.60 (7) (d) 1. d. of the statutes is created to read:

19 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
20 requirements of this subdivision.

21 **SECTION 39.** 118.60 (7) (i) of the statutes is created to read:

22 118.60 (7) (i) 1. Each private school participating in the program under this
23 section shall annually conduct state and federal background checks of all teachers
24 and administrators employed by the private school on the effective date of this
25 subdivision [LRB inserts date].

1 2. Beginning on the effective date of this subdivision [LRB inserts date],
2 each private school participating in the program under this section shall conduct
3 state and federal background checks of each individual who applies to teach in or
4 serve as an administrator of the private school prior to extending an offer of
5 employment to that individual. The private school shall annually conduct state and
6 federal background checks of each teacher or administrator investigated under this
7 subdivision who is employed by the private school.

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

12 **SECTION 40.** 118.60 (10) (a) 3. of the statutes is amended to read:

13 118.60 (10) (a) 3. Failed to refund to the state any overpayment made under
14 s. 118.60 (4) (b), 2011 stats., or s. 118.60 (4) (bg), 2011 stats., or under sub. (4) (~~bg~~) (bd)
15 or (4m) by the date specified by department rule.

16 **SECTION 41.** 118.60 (10) (a) 7. of the statutes is amended to read:

17 118.60 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

18 **SECTION 42.** 118.60 (10) (a) 9. of the statutes is created to read:

19 118.60 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19
20 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

21 **SECTION 43.** 118.60 (10) (a) 10. of the statutes is created to read:

22 118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

23 **SECTION 44.** 118.60 (10) (bg) of the statutes is created to read:

24 118.60 (10) (bg) The state superintendent may issue an order immediately
25 terminating a private school's participation in the program under this section if he

1 or she determines that the owner of the private school would not be eligible or
2 permitted to be employed, licensed, or permitted for any of the reasons specified
3 under s. 115.31 (2g) or (6m) or 115.315.

4 **SECTION 45.** 118.60 (10) (br) of the statutes is created to read:

5 118.60 (10) (br) 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 private school has failed to comply with the requirements
8 under sub. (7) (i) 1. or 2. or if the private school employs an individual in
9 contravention of the prohibitions under sub. (7) (i) 3.

10 **SECTION 46.** 118.60 (10) (c) of the statutes is amended to read:

11 118.60 (10) (c) Whenever the state superintendent issues an order under par.
12 (a), (am), (ar), or (b), (bg), or (br), he or she shall immediately notify the parent or
13 guardian of each pupil attending the private school under this section.

14 **SECTION 47.** 118.60 (11) (d) of the statutes is repealed.

15 **SECTION 48.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

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

1 **SECTION 49.** 119.23 (2) (a) 1. am. of the statutes is created to read:

2 119.23 (2) (a) 1. am. Beginning in the 2015-16 school year, the pupil is a
3 member of a family that has a total family income that does not exceed an amount
4 equal to 1.85 times the poverty level determined in accordance with criteria
5 established by the director of the federal office of management and budget. The
6 family income of the pupil shall be verified as provided in subd. 1. b. A pupil
7 attending a private school under this section whose family income increases above
8 the income level in this subd. 1. am. may continue to attend a private school under
9 this section.

10 **SECTION 50.** 119.23 (2) (a) 6m. of the statutes is created to read:

11 119.23 (2) (a) 6m. All instructional staff employed by the private school hold
12 a license or permit to teach issued by the department. For purposes of this
13 subdivision, “instructional staff” has the meaning given in the rules promulgated by
14 the department under s. 121.02 (1) (a) 2.

15 **SECTION 51.** 119.23 (2) (a) 9. of the statutes is created to read:

16 119.23 (2) (a) 9. The private school has been in operation for the attendance of
17 pupils for at least 2 school years.

18 **SECTION 52.** 119.23 (2) (a) 10. of the statutes is created to read:

19 119.23 (2) (a) 10. The private school is located in this state.

20 **SECTION 53.** 119.23 (2) (c) of the statutes is amended to read:

21 119.23 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a
22 private school participating in the program under this section who teaches only
23 courses in rabbinical studies is not required to have a bachelor’s degree or hold a
24 license or permit to teach issued by the department.

1 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school
2 participating in the program under this section that prepares and trains pupils
3 attending the school in rabbinical studies is not required to have a bachelor's degree
4 or hold a license or permit to teach issued by the department.

5 **SECTION 54.** 119.23 (2) (d) of the statutes is created to read:

6 119.23 (2) (d) No more than 49 percent of a private school's enrollment may
7 consist of pupils attending the private school under this section and s. 118.60.

8 **SECTION 55.** 119.23 (4) (bd) of the statutes is created to read:

9 119.23 (4) (bd) Upon receipt from the pupil's parent or guardian of proof of the
10 pupil's enrollment in the private school during a school term, the state
11 superintendent shall pay to the private school in which the pupil is enrolled on behalf
12 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an
13 amount equal to the lesser of the following:

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

16 2. The average of the tuition paid by a pupil attending the private school, but
17 not under the program under this section or the program under s. 118.60, in the
18 current and 2 preceding school years.

19 3. \$6,442.

20 **SECTION 56.** 119.23 (4) (bg) 1. of the statutes is repealed.

21 **SECTION 57.** 119.23 (4) (d) (intro.) of the statutes is amended to read:

22 119.23 (4) (d) (intro.) In determining a private school's operating and debt
23 service cost per pupil under par. ~~(bg)~~ (bd) 1., the department shall do all of the
24 following, but may not determine separate costs for pupils enrolled in grades
25 kindergarten to 8 and for pupils enrolled in grades 9 to 12:

1 **SECTION 58.** 119.23 (4) (d) 2. of the statutes is amended to read:

2 119.23 (4) (d) 2. If legal title to the private school's buildings and premises is
3 held in the name of the private school's parent organization or other related party,
4 there is no other mechanism to include the private school's facilities costs in the
5 calculation of its operating and debt service cost, and the private school requests that
6 the department do so, include an amount equal to 10.5 percent of the fair market
7 value of the school and its premises. ~~If legal title to the private school's buildings and~~
8 ~~premises is held in the name of the private school's parent organization or other~~
9 ~~related party but the private school was not permitted to include an amount equal~~
10 ~~to 10.5 percent of the fair market value of the school and its premises in the 2012-13~~
11 ~~school year, the private school may, beginning on July 2, 2013, request the~~
12 ~~department to include that amount.~~ A request made by a private school under this
13 subdivision remains effective in subsequent school years and may not be withdrawn
14 by the private school.

15 **SECTION 59.** 119.23 (4m) of the statutes is repealed and recreated to read:

16 119.23 (4m) In addition to the payment under sub. (4), the state
17 superintendent shall pay to each private school participating in the program under
18 this section, on behalf of the parent or guardian of each pupil attending the private
19 school under this section, in the manner described in sub. (4) (c), the amount
20 determined as follows:

21 (a) Determine the private school's operating and debt service cost per pupil in
22 summer school that is related to educational programming.

23 (b) Multiply the amount under par. (a) by 0.40.

1 (c) Multiply the product under par. (b) by the quotient determined by dividing
2 the summer choice average daily membership equivalent of the private school by the
3 total number of pupils for whom payments are being made under sub. (4).

4 **SECTION 60.** 119.23 (4r) (a) of the statutes is amended to read:

5 119.23 (4r) (a) Multiply the amount determined under sub. (4) ~~(b)~~ (bd) by
6 0.616.

7 **SECTION 61.** 119.23 (7) (am) 1. of the statutes is amended to read:

8 119.23 (7) (am) 1. An independent financial audit of the private school
9 conducted by an independent certified public accountant, accompanied by the
10 auditor's statement that the report is free of material misstatements and fairly
11 presents pupil costs under sub. (4) ~~(b)~~ (bd) 1. The audit under this subdivision shall
12 be limited in scope to those records that are necessary for the department to make
13 payments under subs. (4) and (4m). The auditor shall conduct his or her audit,
14 including determining sample sizes and evaluating financial viability, in accordance
15 with the auditing standards established by the American Institute of Certified
16 Public Accountants. The department may not require an auditor to comply with
17 standards that exceed the scope of the standards established by the American
18 Institute of Certified Public Accountants. If a private school participating in the
19 program under this section also accepts pupils under s. 118.60, the private school
20 may submit one comprehensive financial audit to satisfy the requirements of this
21 subdivision and s. 118.60 (7) (am) 1. The private school shall include in the
22 comprehensive financial audit the information specified under s. 118.60 (7) (am) 1.

23 **SECTION 62.** 119.23 (7) (b) 3m. of the statutes is amended to read:

24 119.23 (7) (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each
25 month at which members of the governing body of the private school will be present

1 and at which pupils, and the parents or guardians of pupils, applying to attend the
2 private school or attending the private school may meet and communicate with the
3 members of the governing body. The meetings shall be open to the public. The
4 private school shall, within 30 days after the start of the school term, notify the
5 department in writing of the scheduled meeting dates and shall, at least 30 days
6 before the scheduled meeting date, notify in writing each pupil, or the parent or
7 guardian of each minor pupil, applying to attend the private school or attending the
8 private school of the meeting date, time, and place. The private school shall provide
9 notice of the meetings in the manner provided in s. 19.84.

10 **SECTION 63.** 119.23 (7) (b) 9. of the statutes is created to read:

11 119.23 (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 applies only to records that relate to pupils
15 attending the private school under this section.

16 **SECTION 64.** 119.23 (7) (d) 1. b. of the statutes is amended to read:

17 119.23 (7) (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's
18 current certificate of occupancy issued by the municipality within which the school
19 is located. If the private school moves to a new location, the private school shall
20 submit a copy of the new certificate of occupancy issued by the municipality within
21 which the school is located to the department before the attendance of pupils at the
22 new location and before the next succeeding date specified in s. 121.05 (1) (a).

23 c. If the municipality within which the private school is located does not issue
24 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy
25 issued by the local or regional governmental unit with authority to issue certificates

1 of occupancy or a letter or form from the municipality within which the private school
2 is located that explains that the municipality does not issue certificates of occupancy.
3 ~~A temporary certificate of occupancy does not meet the requirement of this~~
4 ~~subdivision~~ private school to which this subd. 1. c. applies shall annually obtain a
5 building inspection of the school building.

6 **SECTION 65.** 119.23 (7) (d) 1. d. of the statutes is created to read:

7 119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
8 requirements of this subdivision.

9 **SECTION 66.** 119.23 (7) (i) of the statutes is created to read:

10 119.23 (7) (i) 1. Each private school participating in the program under this
11 section shall annually conduct state and federal background checks of all teachers
12 and administrators employed by the private school on the effective date of this
13 subdivision [LRB inserts date].

14 2. Beginning on the effective date of this subdivision [LRB inserts date],
15 each private school participating in the program under this section shall conduct
16 state and federal background checks of each individual who applies to teach in or
17 serve as an administrator of the private school prior to extending an offer of
18 employment to that individual. The private school shall annually conduct state and
19 federal background checks of each teacher or administrator investigated under this
20 subdivision who is employed by the private school.

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

25 **SECTION 67.** 119.23 (10) (a) 3. of the statutes is amended to read:

1 119.23 (10) (a) 3. Failed to refund to the state any overpayment made under
2 s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) ~~(bg)~~ (bd)
3 or (4m) by the date specified by department rule.

4 **SECTION 68.** 119.23 (10) (a) 7. of the statutes is amended to read:

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

6 **SECTION 69.** 119.23 (10) (a) 9. of the statutes is created to read:

7 119.23 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19
8 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

9 **SECTION 70.** 119.23 (10) (a) 10. of the statutes is created to read:

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

11 **SECTION 71.** 119.23 (10) (bg) of the statutes is created to read:

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

17 **SECTION 72.** 119.23 (10) (br) of the statutes is created to read:

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

23 **SECTION 73.** 119.23 (10) (c) of the statutes is amended to read:

1 119.23 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), (ar), ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or
3 guardian of each pupil attending the private school under this section.

4 **SECTION 74.** 119.23 (11) (d) of the statutes is repealed.

5 **SECTION 75.** 120.13 (1) (i) of the statutes is created to read:

6 120.13 (1) (i) The department shall promulgate rules establishing a procedure
7 for the expulsion of pupils attending a private school under s. 118.60 or 119.23 by the
8 governing body of the private school. The rules shall adhere as closely as feasible to
9 the provisions applicable to public school pupils under this subsection.”.

10 **2.** Page 68, line 17: delete lines 17 to 19.

11 **3.** Page 116, line 4: delete that line.

12 **4.** Page 118, line 17: delete that line.

13 **5.** Page 120, line 15: delete lines 15 to 16.

14 **6.** Page 295, line 18: delete lines 18 to 21.

15 **7.** Page 295, line 22: delete lines 22 to 25.

16 **8.** Page 296, line 6: delete lines 6 to 8.

17 **9.** Page 296, line 24: delete the material beginning with that line and ending
18 with page 297, line 5.

19 **10.** Page 404, line 14: delete lines 14 to 17.

20 **11.** Page 411, line 23: delete lines 23 to 25.

21 **12.** Page 423, line 23: delete lines 23 to 25.

22 **13.** Page 425, line 24: delete the material beginning with that line and ending
23 with page 427, line 2.

1 **14.** Page 633, line 17: after that line insert:

2 “**SECTION 2124de.** 71.05 (6) (b) 49. a. of the statutes is amended to read:

3 71.05 **(6)** (b) 49. a. Subject to the definitions provided in subd. 49. b. to g. and
4 the limitations specified in subd. 49. h. to j. for taxable years beginning after
5 December 31, 2013, and before January 1, 2015, tuition expenses that are paid by
6 a claimant for tuition for a pupil to attend an eligible institution.”.

7 **15.** Page 938, line 1: delete lines 1 to 5.

8 **16.** Page 938, line 19: delete the material beginning with that line and ending
9 with page 939, line 7.

10 **17.** Page 942, line 16: delete the material beginning with that line and ending
11 with page 943, line 2.

12 **18.** Page 944, line 16: delete the material beginning with that line and ending
13 with page 945, line 2.

14 **19.** Page 945, line 8: delete “or (2x)”.

15 **20.** Page 946, line 7: delete “or (2x)”.

16 **21.** Page 950, line 12: delete “or (2x)”.

17 **22.** Page 952, line 1: delete the material beginning with that line and ending
18 with page 953, line 9.

19 **23.** Page 954, line 24: delete the material beginning with that line and ending
20 with page 955, line 9.

21 **24.** Page 957, line 4: delete the material beginning with that line and ending
22 with page 966, line 23.

1 **25.** Page 967, line 25: delete the material beginning with that line and ending
2 with page 969, line 2.

3 **26.** Page 969, line 13: delete the material beginning with that line and ending
4 with page 970, line 2.

5 **27.** Page 973, line 8: delete lines 8 to 10.

6 **28.** Page 979, line 17: delete “or (2x)”.

7 **29.** Page 979, line 25: delete “or (2x)”.

8 **30.** Page 980, line 14: delete lines 14 to 17.

9 **31.** Page 981, line 3: delete lines 3 to 10.

10 **32.** Page 981, line 10: after that line insert:

11 “**SECTION 76.** 118.125 (2) (j) 1. of the statutes is amended to read:

12 118.125 (2) (j) 1. Except as provided under subds. 2. and 3., directory data may
13 be disclosed to any person, if the school has notified the parent, legal guardian, or
14 guardian ad litem of the categories of information which it has designated as
15 directory data with respect to each pupil,; has informed the parent, legal guardian,
16 or guardian ad litem of that pupil that he or she has 14 days to inform the school that
17 all or any part of the directory data may not be released without the prior consent
18 of the parent, legal guardian or guardian ad litem; and has allowed 14 days for the
19 parent, legal guardian, or guardian ad litem of that pupil to inform the school that
20 all or any part of the directory data may not be released without the prior consent
21 of the parent, legal guardian, or guardian ad litem. A school board may refuse to
22 disclose directory data under this subdivision to maintain the confidentiality of pupil

1 records or to protect the safety of pupils. Each school board shall adopt policies
2 governing the release of directory data under this subdivision.”.

3 **33.** Page 982, line 6: delete the material beginning with that line and ending
4 with page 983, line 5.

5 **34.** Page 983, line 11: delete lines 11 to 16.

6 **35.** Page 993, line 12: delete lines 12 to 18.

7 **36.** Page 994, line 4: delete lines 4 to 11.

8 **37.** Page 994, line 23: delete lines 23 to 25.

9 **38.** Page 996, line 19: delete the material beginning with that line and ending
10 with page 997, line 8.

11 **39.** Page 997, line 9: delete lines 9 to 12.

12 **40.** Page 997, line 15: delete “or (2x)”.

13 **41.** Page 997, line 16: delete “or s. 118.301 (3)”.

14 **42.** Page 997, line 17: delete the material beginning with that line and ending
15 with page 998, line 10.

16 **43.** Page 998, line 11: delete lines 11 to 23.

17 **44.** Page 998, line 24: delete the material beginning with that line and ending
18 with page 1002, line 21.

19 **45.** Page 1002, line 22: delete lines 22 to 24.

20 **46.** Page 1005, line 2: delete “or (2x)”.

21 **47.** Page 1006, line 7: delete “or (2x)”.

22 **48.** Page 1007, line 5: delete “or (2x)”.

- 1 **49.** Page 1007, line 13: delete “or (2x)”.
- 2 **50.** Page 1007, line 18: delete “or (2x)”.
- 3 **51.** Page 1007, line 24: delete “or (2x)”.
- 4 **52.** Page 1008, line 17: delete the material beginning with that line and
5 ending with page 1009, line 2.
- 6 **53.** Page 1009, line 8: delete “or s. 118.301 (3)”.
- 7 **54.** Page 1009, line 12: delete lines 12 to 17.
- 8 **55.** Page 1009, line 18: delete the material beginning with that line and
9 ending with page 1010, line 2.
- 10 **56.** Page 1010, line 3: delete lines 3 to 23.
- 11 **57.** Page 1010, line 24: delete the material beginning with that line and
12 ending with page 1011, line 9.
- 13 **58.** Page 1011, line 10: delete lines 10 to 24.
- 14 **59.** Page 1012, line 4: delete lines 4 to 11.
- 15 **60.** Page 1014, line 13: delete lines 13 to 24.
- 16 **61.** Page 1015, line 1: delete lines 1 to 10.
- 17 **62.** Page 1015, line 11: delete lines 11 to 14.
- 18 **63.** Page 1015, line 22: delete “a. to f.”.
- 19 **64.** Page 1016, line 13: delete the material beginning with that line and
20 ending with page 1017, line 20.
- 21 **65.** Page 1018, line 1: delete the material beginning with that line and ending
22 with page 1021, line 4.

- 1 **66.** Page 1021, line 17: delete that line and substitute:
2 “118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b)”.
- 3 **67.** Page 1021, line 18: delete “the director under sub. (2x)”.
- 4 **68.** Page 1021, line 20: delete lines 20 to 21 and substitute “contract with a
5 school board or an entity under sub. (2r) (b).”.
- 6 **69.** Page 1021, line 24: delete the material beginning with that line and
7 ending with “(2x)” on page 1022, line 1 and substitute “contract with a school board
8 or an entity under sub. (2r) (b)”.
- 9 **70.** Page 1022, line 11: delete “board, an” and substitute “board and an”.
- 10 **71.** Page 1022, line 12: delete “, and the director under sub. (2x)”.
- 11 **72.** Page 1023, line 3: delete that line and substitute:
12 “3. The operating costs the school board or entity under sub. (2r) (b)”.
- 13 **73.** Page 1023, line 4: delete “under sub. (2x)”.
- 14 **74.** Page 1023, line 6: delete that line and substitute:
15 “4. The services the school board or entity under sub. (2r) (b)”.
- 16 **75.** Page 1023, line 7: delete “sub. (2x)”.
- 17 **76.** Page 1024, line 8: delete that line and substitute “~~a contract for,~~ or an
18 entity under sub. (2r) may”.
- 19 **77.** Page 1024, line 11: delete that line and substitute “the school board or
20 entity under sub. (2r) makes”.
- 21 **78.** Page 1025, line 6: delete lines 6 to 23.
- 22 **79.** Page 1030, line 12: delete “or the director under s. 118.40 (2x)”.

- 1 **80.** Page 1039, line 12: delete lines 12 to 17.
- 2 **81.** Page 1040, line 3: delete “or (2x)”.
- 3 **82.** Page 1042, line 8: delete lines 8 to 25.
- 4 **83.** Page 1048, line 11: delete lines 11 to 15.
- 5 **84.** Page 1053, line 10: delete lines 10 to 15.
- 6 **85.** Page 1062, line 16: delete lines 16 to 20.
- 7 **86.** Page 1066, line 20: delete lines 20 to 25.
- 8 **87.** Page 1069, line 24: delete the material beginning with “or” and ending
9 with “(2x)” on page 1069, line 25.
- 10 **88.** Page 1083, line 2: delete “or (2x)”.
- 11 **89.** Page 1083, line 7: delete “or the director under s. 118.40 (2x)”.
- 12 **90.** Page 1094, line 23: delete “or (2x)”.
- 13 **91.** Page 1111, line 7: delete lines 7 to 17.
- 14 **92.** Page 1117, line 16: delete lines 16 to 18.
- 15 **93.** Page 1118, line 6: delete lines 6 to 8.
- 16 **94.** Page 1118, line 9: delete lines 9 to 18.
- 17 **95.** Page 1120, line 1: delete lines 1 to 4.
- 18 **96.** Page 1120, line 8: delete “115.7915 (4m) (f), 118.40 (2r) (g) or (2x) (f), or”.
- 19 **97.** Page 1120, line 9: delete “ss. 115.7915 (4m) (f) 2., 118.40 (2r) (g) 2. and (2x)
20 (f) 2., and” and substitute “s.”.
- 21 **98.** Page 1120, line 13: delete “ss. 115.7915 (4m) (f) 1., 118.40 (2r) (g) 1. and
22 (2x) (f) 1., and” and substitute “s.”.

- 1 **99.** Page 1120, line 15: delete the material beginning with “ss.” and ending
2 with “118.60 (4d) (b) 1.” on line 16 and substitute “s. 118.60 (4d) (b) 1.”.
- 3 **100.** Page 1123, line 12: delete “or (2x)”.
- 4 **101.** Page 1134, line 20: delete the material beginning with that line and
5 ending with page 1135, line 2 and substitute ““number of pupils enrolled” shall
6 include the number of pupils residing in the school district who attend a private
7 school under a scholarship under s. 115.7915 on the 3rd Friday of September of each
8 appropriate school year.”.
- 9 **102.** Page 1134, line 23: delete that line.
- 10 **103.** Page 1368, line 7: delete lines 7 to 10.
- 11 **104.** Page 1513, line 12: delete lines 12 to 24.
- 12 **105.** Page 1530, line 3: delete lines 3 to 6.

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(END)