



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 237
[2013 Senate Bill 584]

**New Choice Schools and Choice
School Accreditation**

2013 Wisconsin Act 237 relates to new private schools seeking to participate in a parental choice program and requires choice schools to maintain accreditation. Current law provides for the Milwaukee and Racine Parental Choice Programs and a statewide parental choice program under which eligible pupils may attend a participating private school (“choice school”) with financial assistance from the state.

Requirements for New Private Schools

Under current law, a private school must meet specified requirements in order to participate in a parental choice program. The Act imposes additional requirements on new private schools seeking to participate in a choice program. The Act defines “new private school” as a private school that has been in continuous operation in Wisconsin for less than 12 consecutive months or that provides education for fewer than 40 pupils divided into two or fewer grades. The Act specifies that “new private school” does not include a private school for which the governing body operates or manages a private school that is participating in a choice program if the governing body has not been barred from participating in the choice program or had any payment withheld by the Department of Public Instruction (DPI) in the three immediately preceding years.

The Act requires a new private school to comply with all of the following in the school year immediately preceding the school year in which the new private school intends to participate in a choice program before it may participate:

- By August 1, complete and submit to DPI the following on forms provided by DPI:
 - A notice of intent to participate and agreement to comply with procedural requirements.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

- A complete anticipated budget for the first fiscal period of participation in the choice program showing that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit. This information must include anticipated enrollments for all pupils enrolled in the new private school and for pupils enrolled in the new private school under the choice program; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The information must also include in the budget contingent funding sources the new private school will use in the event that actual enrollments are less than expected.
- The nonrefundable fee established by DPI.
- By August 1, submit specified information about the private school's policies and governing board.
- By December 15, obtain preaccreditation from a preaccrediting entity.
- By August 1, demonstrate to the satisfaction of DPI that the new private school has contracted with a third-party payroll service that will remit federal and state payroll taxes for each employee of the new private school for the duration of the school year.

By December 31 of the school year immediately preceding the school year in which the new private school intends to participate in a choice program, DPI must notify the school in writing whether it has satisfied the above requirements. If DPI determines that the new private school has not satisfied those requirements, the school may not participate in the choice program in the following school year but may reinstate the process for a new private school for the next following school year.

Accreditation

Current law requires a choice school to continuously maintain accreditation by an accrediting entity. The Act defines "accrediting entity" as one of several specified accrediting organizations.

Under the Act, for a private school that was a first-time participant in a choice program before the effective date of the Act and that is not accredited by an accrediting entity, the private school must obtain accreditation from an accrediting entity by December 31 of the third school year following the first school year in which the private school began participating in the choice program. If the private school becomes accredited under this provision, the private school is not required to obtain preaccreditation as a prerequisite to providing instruction to pupils attending school under a choice program in additional grades or in an additional or new school.

The Act provides that each private school that begins participation in a choice program on or after the effective date of the Act and that is not accredited by an accrediting entity, must obtain preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the choice program, or by May 1 if the private

school begins participating in the choice program during summer school. In any school year, a private school to which this provision applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. In any school year, a private school to which this provision applies that fails to obtain preaccreditation as required in this provision may not participate in a choice program until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation for the following school year.

Each private school that begins participation in a choice program on or after the effective date of the Act and that is not accredited by an accrediting entity must apply for accreditation by December 31 of the first school year that begins after the effective date of the Act, and must achieve accreditation by December 31 of the third school year following the first school year in which the private school begins participation in a choice program. If the private school becomes accredited under this provision, the private school is not required to obtain preaccreditation as a prerequisite to providing instruction to pupils attending school under the choice program in additional grades or in an additional or new school.

Under the Act, if a choice school is accredited to offer instruction in any elementary grade, but not any high school grade, and seeks to offer instruction in any high school grade, the choice school must apply for and achieve accreditation to offer instruction in the additional grades. The same requirement applies to a choice school that is accredited to offer instruction in any high school grade and seeks to offer instruction in any elementary grade.

The Act provides that, if a choice school learns that an accrediting organization with which the school is maintaining accreditation is a disqualified organization, the school must immediately notify DPI in writing of this fact and must obtain accreditation from an accrediting entity no later than three years from the date on which the private school learned that the accrediting organization is a disqualified organization. The Act defines "disqualified organization" as an accrediting organization that is not defined as an accrediting entity under the Act or a member of or otherwise sanctioned by an accrediting entity, as defined under the Act.

Effective date: Act 237 took effect on April 10, 2014. The provisions relating to new private schools first apply in the 2015-16 school year.

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