



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2787/2  
TKK:wlj/cjs/jld:jf

## 2011 ASSEMBLY BILL 324

October 13, 2011 – Introduced by Representatives FIELDS, E. COGGS, YOUNG, VOS and KESTELL, cosponsored by Senators VUKMIR, DARLING and OLSEN. Referred to Committee on Education.

1     **AN ACT** *to amend* 118.60 (2) (a) 1. a., 118.60 (2) (a) 1. b., 118.60 (2) (a) 7., 118.60  
2           (3) (b), 118.60 (3m) (a) (intro.), 118.60 (3m) (b) (intro.), 118.60 (3m) (c), 118.60  
3           (7) (d) 1. b., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. a., 119.23 (2) (a) 1. b., 119.23 (2)  
4           (a) 7. a., 119.23 (2) (a) 7. b., 119.23 (3) (b), 119.23 (3m) (a) (intro.), 119.23 (3m)  
5           (b) (intro.), 119.23 (3m) (c), 119.23 (7) (d) 1. b. and 119.23 (9); and **to create**  
6           118.60 (1) (ag), 118.60 (3m) (am), 118.60 (10) (a) 8., 119.23 (1) (ag), 119.23 (2) (a)  
7           7. d., 119.23 (3m) (am) and 119.23 (10) (a) 8. of the statutes; **relating to:**  
8           preaccreditation and accreditation of private schools participating in the  
9           Milwaukee Parental Choice Program and the choice program for eligible school  
10          districts, certificates of occupancy for participating private school buildings,  
11          verification of income eligibility for pupils to participate in the programs, fees

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- 1 and tuition charged to pupils attending participating private schools, and  
2 standards of conduct for administrators of participating private schools.
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***Analysis by the Legislative Reference Bureau***

Under the Milwaukee Parental Choice Program (MPCP), the state pays all or a portion of the costs for an eligible pupil who resides within the city of Milwaukee to attend a participating private school. A pupil is eligible to participate in the MPCP if, among other requirements, the total family income of the pupil does not exceed 300 percent of the federal poverty level. 2011 Wisconsin Act 32 (the biennial budget act), created a parental choice program for eligible school districts (program). Under the program, the state pays all or a portion of the costs for an eligible pupil who resides within the eligible school district to attend a participating private school. A pupil is eligible to participate in the program if, among other requirements, the total family income of the pupil does not exceed 300 percent of the federal poverty level.

Current law requires a private school participating in the MPCP or the program to submit the names, social security numbers, and addresses of the applicant pupil's parents or legal guardians to the Department of Public Instruction (DPI). DPI must then forward this information to the Department of Revenue (DOR), which must determine whether the pupil is eligible to participate in the MPCP or the program on the basis of family income. This bill requires the private school to provide the names of the parents or legal guardians residing in the same household as the pupil and whether the parents or legal guardians are married. The bill defines family income as federal adjusted gross income of the parents or legal guardians residing in the same household as the pupil for the tax year preceding the school year for which family income is being verified or, if not available, for the tax year preceding the tax year preceding the school year for which family income is being verified. The bill clarifies that DOR does not make a determination about the pupil's eligibility to participate in the program on the basis of family income, but verifies whether the pupil is eligible to participate on the basis of family income. If DOR is unable to verify the pupil's eligibility, DOR must notify DPI, which must utilize an alternative process to determine whether the pupil is eligible.

Under current law, a private school participating in the MPCP or the program may only reject an applicant who is eligible to participate in the MPCP or the program if the school has too few available spaces. This bill provides that a pupil whose eligibility to participate in the program on the basis of family income has been verified by the DOR or by DPI but who is rejected because there are too few spaces may be admitted to a participating private school in the following school year as long as the pupil continues to reside in the city of Milwaukee or an eligible school district. The bill also provides that DPI may not require verification in that following school year of the pupil's eligibility to participate on the basis of family income.

Under current law, a private school located in the city of Milwaukee may participate in the MPCP if it complies with certain requirements; among the requirements, the private school must obtain accreditation from an approved

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accrediting organization by December 31 of the third school year following the first school year in which the private school participated in the MPCP. Similarly, a private school located in an eligible school district may participate in the program if it complies with certain requirements, including the same accreditation requirement. Approved accrediting organizations include the archdiocese within which the private school is located, Independent Schools Association of the Central States, and Wisconsin Religious and Independent Schools Accreditation. A private school that was participating in the MPCP on July 1, 2009, is considered to be accredited if it was approved for scholarship funding for the 2005-06 school year by Partners Advancing Values in Education (PAVE). For a private school that is a first-time participant in the MPCP or the program and that is not yet accredited by an approved accrediting organization, the private school must be preaccredited by an approved accrediting organization, including Independent Schools Association of the Central States, Wisconsin Religious and Independent Schools Accreditation, and any other organization recognized by the National Council for Private School Accreditation by August 1 before the first term of participation in the MPCP or by September 1 before the first term of participation in the program.

Under the bill, a private school participating in the MPCP that was approved for scholarship funding for the 2005-06 school year by PAVE and that is participating in the MPCP on the bill's effective date must achieve accreditation by December 31, 2015. This bill withdraws preaccreditation approval under both the MPCP and the program from organizations recognized by the National Council for Private School Accreditation. The bill identifies Wisconsin Evangelical Lutheran Synod School Accreditation and National Lutheran School Accreditation and the diocese within which the private school is located as approved accrediting and preaccrediting organizations under both the MPCP and the program.

Under current law, the state superintendent of public instruction may bar a private school from participating in the MPCP or in the program for certain specified reasons, including if the private school fails to comply with standards established for participating schools or if conditions at the private school present an imminent threat to the health or safety of pupils.

This bill requires the state superintendent to terminate the participation of a private school in the MPCP or in the program if the private school retains, whether for compensation or on a voluntary basis, a disqualified person before the end of a seven-year period following the issuance of an order barring a private school from participating in the MPCP. The bill defines a "disqualified person" as all of the following: 1) a person who had a controlling ownership interest in, or was the administrator or an officer, director, or trustee, of, a private school at the time that the state superintendent issued an order barring the private school from participating in the MPCP or in the program; 2) a person who was designated by the administrator of the private school to assist in processing applications at the time that the state superintendent issued an order barring the private school from participating in the MPCP or in the program; and 3) a person who was responsible for the action or circumstance leading to a private school being barred from participation in the MPCP or in the program.

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Current law prohibits a private school participating in the MPCP or the program from charging or receiving any additional payment for a pupil attending the school under the MPCP or the program if the pupil is enrolled in grade kindergarten to 8 or if the pupil is enrolled in grade 9 to 12 and the family income of the pupil does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal Office of Management and Budget. Current law permits a participating private school to charge tuition and fees, in an amount to be determined by the private school, to a pupil in grade 9 to 12 provided the family income of the pupil exceeds 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

Beginning in the 2011-12 school year, this bill permits a private school participating in the MPCP or the program to recover the cost of providing the following to a pupil participating in the program under this section through reasonable fees in an amount determined by the private school and charged to the pupil, regardless of the family income of the pupil: a) personal use items such as uniforms and gym clothes; b) social and extracurricular activities that are not necessary to the private school's curriculum; c) musical instruments; d) meals; e) high school classes that are not required for graduation and for which no credits toward graduation are given; f) transportation; g) before-school and after-school child care. The bill prohibits the private school from recovering uncollected costs incurred prior to the effective date of the bill. The bill also prohibits the private school from expelling or preventing the pupil from attending the school or otherwise disciplining a pupil attending the school under the program, or withholding or reducing the pupil's grades because the pupil cannot pay any such fee imposed upon the pupil.

Current law requires a private school participating in the MPCP to submit a copy of the school's current certificate of occupancy, issued by the municipality within which the school is located, to DPI by August 1 before the first term of participation in the MPCP. Current law requires a private school participating in the program to submit a copy of the school's current certificate of occupancy, issued by the municipality within which the school is located, to DPI by September 1 before the first term of participation in the Program. This bill provides that, if a municipality within which the private school is located does not issue certificates of occupancy, the private school may submit a certificate of occupancy issued by the local or regional governmental unit with authority to issue certificates of occupancy.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 118.60 (1) (ag) of the statutes is created to read:

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1           118.60 (1) (ag) “Disqualified person” means a person who, when a private  
2 school was barred or terminated from participation in the program under this section  
3 by an order issued under sub. (10), satisfied at least one of the following:

4           1. Had a controlling ownership interest in, or was the administrator or an  
5 officer, director, or trustee of, the private school.

6           2. Was a person designated by the administrator of the private school to assist  
7 in processing pupil applications.

8           3. Was responsible for an action or circumstance that led to the private school  
9 being barred or terminated from participation in the program under this section.

10          **SECTION 2.** 118.60 (2) (a) 1. a. of the statutes, as created by 2011 Wisconsin Act  
11 32, is amended to read:

12           118.60 (2) (a) 1. a. The pupil is a member of a family that has a total family  
13 income that does not exceed an amount equal to 3.0 times the poverty level  
14 determined in accordance with criteria established by the director of the federal  
15 office of management and budget. In this subdivision and sub. (3m), family income  
16 includes income of the pupil’s parents or legal guardians. The family income of the  
17 pupil shall be ~~determined~~ verified as provided in subd. 1. b. A pupil attending a  
18 private school under this section whose family income increases may continue to  
19 attend a private school under this section.

20          **SECTION 3.** 118.60 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin Act  
21 32, is amended to read:

22           118.60 (2) (a) 1. b. The private school submits to the department the names,  
23 addresses, social security numbers, and other state and federal tax identification  
24 numbers, if any, of the pupil’s parents or legal guardians that reside in the same  
25 household as the pupil, whether and to whom the parents or legal guardians are

**ASSEMBLY BILL 324****SECTION 3**

1 married, the names of all of the other members of the pupil's family residing in the  
2 same household as the pupil, and the school year for which family income is being  
3 verified under this subd. 1. b. The department of revenue shall review the  
4 information submitted under this subd. 1. b. and shall ~~determine whether the pupil~~  
5 ~~is eligible to participate in the program under this section on the basis of family~~  
6 ~~income~~ verify the eligibility or ineligibility of the pupil to participate in the program  
7 under this section on the basis of family income. In this subdivision, "family income"  
8 means federal adjusted gross income of the parents or legal guardians residing in the  
9 same household as the pupil for the tax year preceding the school year for which  
10 family income is being verified under this subd. 1. b. or, if not available, for the tax  
11 year preceding the tax year preceding the school year for which family income is  
12 being ascertain under this subd. 1. b. Family income for a family in which the pupil's  
13 parents are married or in which the pupil's legal guardians are married shall be  
14 reduced by \$7,000 before the ~~determination~~ verification is made under this subd. 1.  
15 b. The department of revenue may take no other action on the basis of the  
16 information submitted under this subd. 1. b. If the department of revenue is unable  
17 to verify family income or to ascertain whether the pupil is eligible or ineligible to  
18 participate in the program under this section on the basis of family income, the  
19 department of revenue shall notify the department of public instruction of this fact  
20 and the department of public instruction shall utilize an alternative process, to be  
21 established by the department of public instruction, to determine whether the pupil  
22 is eligible to participate in the program under this section on the basis of family  
23 income. The department of public instruction may not request any additional  
24 verification of income from the family of a pupil once the department of revenue has  
25 ~~determined whether~~ verified that the pupil is eligible to participate in the program

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1 under this section on the basis of family income. The department of public  
2 instruction shall establish a procedure for determining family income eligibility for  
3 those pupils for whom no social security number or state or federal tax identification  
4 number has been provided.

5 **SECTION 4.** 118.60 (2) (a) 7. of the statutes, as created by 2011 Wisconsin Act  
6 32, is amended to read:

7 118.60 (2) (a) 7. For a private school that is a first-time participant in the  
8 program under this section, and that is not accredited by the Wisconsin North  
9 Central Association, the Wisconsin Religious and Independent School Accreditation,  
10 the Independent Schools Association of the Central States, Wisconsin Evangelical  
11 Lutheran Synod School Accreditation, National Lutheran School Accreditation, the  
12 diocese or archdiocese within which the private school is located, or by any other  
13 organization recognized by the National Council for Private Schools Accreditation,  
14 the private school obtains preaccreditation by the Institute for the Transformation  
15 of Learning at Marquette University, the Wisconsin North Central Association, the  
16 Wisconsin Religious and Independent Schools Accreditation, the Independent  
17 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod  
18 School Accreditation, National Lutheran School Accreditation, or the diocese or  
19 archdiocese within which the private school is located, ~~or any other organization~~  
20 ~~recognized by the National Council for Private School Accreditation~~ by September  
21 1 before the first school term of participation in the program under this section that  
22 begins after August 31, 2011; by August 1 before the first school term of participation  
23 in the program under this section that begins in the first school year that begins after  
24 a school district is identified as an eligible school district under sub. (1m); or by May  
25 1 if the private school begins participation in the program under this section during

**ASSEMBLY BILL 324****SECTION 4**

1 summer school. The private school shall achieve accreditation by the Wisconsin  
2 North Central Association, the Wisconsin Religious and Independent Schools  
3 Accreditation, the Independent Schools Association of the Central States, or  
4 Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran  
5 School Accreditation, the diocese or archdiocese within which the private school is  
6 located, or any other organization recognized by the National Council for Private  
7 School Accreditation, by December 31 of the 3rd school year following the first school  
8 year in which the private school begins participation in the program under this  
9 section. If the private school is accredited under this subdivision, the private school  
10 is not required to obtain preaccreditation as a prerequisite to providing instruction  
11 under this section in additional grades or in an additional or new school.

12 **SECTION 5.** 118.60 (3) (b) of the statutes, as created by 2011 Wisconsin Act 32,  
13 is amended to read:

14 118.60 (3) (b) If the private school rejects an applicant because it has too few  
15 available spaces, the ~~pupil~~ applicant may transfer his or her application to a  
16 participating private school that has space available. An applicant rejected under  
17 this paragraph may be admitted to a private school participating in the program  
18 under this section for the following school year, provided that the applicant continues  
19 to reside within an eligible school district. The department may not require, in that  
20 following school year, the private school to submit financial information regarding  
21 the applicant or to verify the eligibility of the applicant to participate in the program  
22 under this section on the basis of family income.

23 **SECTION 6.** 118.60 (3m) (a) (intro.) of the statutes, as created by 2011 Wisconsin  
24 Act 32, is amended to read:



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1           118.60 (3m) (a) (intro.) A private school participating in the program under this  
2 section may not charge or receive any additional tuition payment for a pupil  
3 participating in the program under this section other than the payment the school  
4 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

5           **SECTION 7.** 118.60 (3m) (am) of the statutes is created to read:

6           118.60 (3m) (am) 1. Beginning in the 2011-12 school year, a private school  
7 participating in the program under this section may recover the cost of providing the  
8 following to a pupil participating in the program under this section through  
9 reasonable fees in an amount determined by the private school and charged to the  
10 pupil, except that no participating private school may retroactively recover any  
11 uncollected costs incurred prior to the effective date of this subdivision .... [LRB  
12 inserts date]:

- 13           a. Personal use items, such as uniforms, gym clothes, and towels.  
14           b. Social and extracurricular activities if not necessary to the private school's  
15 curriculum.  
16           c. Musical instruments.  
17           d. Meals consumed by pupils of the private school.  
18           e. High school classes that are not required for graduation and for which no  
19 credits toward graduation are given.  
20           f. Transportation.  
21           g. Before-school and after-school child care.

22           2. A private school may not prohibit an eligible pupil from attending the private  
23 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's  
24 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid  
25 fees charged under subd. 1.

**ASSEMBLY BILL 324****SECTION 8**

1           **SECTION 8.** 118.60 (3m) (b) (intro.) of the statutes, as created by 2011 Wisconsin  
2 Act 32, is amended to read:

3           118.60 **(3m)** (b) (intro.) ~~A~~ Beginning in the 2011-12 school year, a private  
4 school participating in the program under this section may, in addition to the  
5 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the  
6 pupil tuition and fees in an amount determined by the school if both of the following  
7 apply:

8           **SECTION 9.** 118.60 (3m) (c) of the statutes, as created by 2011 Wisconsin Act 32,  
9 is amended to read:

10           118.60 **(3m)** (c) A private school participating in the program under this section  
11 shall determine whether the private school may charge additional tuition and fees  
12 to a pupil on the basis of the pupil's family income as permitted under par. (b). The  
13 private school shall establish a process for accepting an appeal to the governing body  
14 of the private school of the determination made under this paragraph.

15           **SECTION 10.** 118.60 (7) (d) 1. b. of the statutes, as created by 2011 Wisconsin  
16 Act 32, is amended to read:

17           118.60 **(7)** (d) 1. b. A copy of the school's current certificate of occupancy issued  
18 by the municipality within which the school is located. If the private school moves  
19 to a new location, the private school shall submit a copy of the new certificate of  
20 occupancy issued by the municipality within which the school is located to the  
21 department before the attendance of pupils at the new location and before the next  
22 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the  
23 private school is located does not issue certificates of occupancy, the private school  
24 may submit a certificate of occupancy issued by the local or regional governmental

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1 unit with authority to issue certificates of occupancy. A temporary certificate of  
2 occupancy does not meet the requirement of this subdivision.

3 **SECTION 11.** 118.60 (10) (a) 8. of the statutes is created to read:

4 118.60 (10) (a) 8. Before the end of a 7-year period beginning on the date of an  
5 order issued by the state superintendent under this subsection, retained a  
6 disqualified person, for compensation or as a volunteer, as an owner, officer, director,  
7 trustee, administrator, person designated by the administrator to assist in  
8 processing pupil applications, or person responsible for administrative, financial, or  
9 pupil health and safety matters.

10 **SECTION 12.** 119.23 (1) (ag) of the statutes is created to read:

11 119.23 (1) (ag) "Disqualified person" means a person who, when a private  
12 school was barred or terminated from participation in the program under this section  
13 by an order issued under sub. (10), satisfied at least one of the following:

14 1. Had a controlling ownership interest in, or was the administrator or an  
15 officer, director, or trustee of, the private school.

16 2. Was a person designated by the administrator of the private school to assist  
17 in processing pupil applications.

18 3. Was responsible for an action or circumstance that led to the private school  
19 being barred or terminated from participation in the program under this section.

20 **SECTION 13.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin  
21 Act 32, is amended to read:

22 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family  
23 income that does not exceed an amount equal to 3.0 times the poverty level  
24 determined in accordance with criteria established by the director of the federal  
25 office of management and budget. In this subdivision and sub. (3m), family income

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1 includes income of the pupil's parents or legal guardians. The family income of the  
2 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school  
3 under this section whose family income increases, including a pupil who attended a  
4 private school under this section in the 2010-11 school year and whose family income  
5 has increased, may continue to attend a private school under this section.

6 **SECTION 14.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2011 Wisconsin  
7 Act 32, is amended to read:

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

16 **SECTION 15.** 119.23 (2) (a) 1. b. of the statutes, as created by 2011 Wisconsin  
17 Act 32, is amended to read:

18 119.23 (2) (a) 1. b. The private school submits to the department the names,  
19 addresses, social security numbers, and other state and federal tax identification  
20 numbers, if any, of the pupil's parents or legal guardians that reside in the same  
21 household as the pupil, whether and to whom the parents or legal guardians are  
22 married, the names of all of the other members of the pupil's family residing in the  
23 same household as the pupil, and the school year for which family income is being  
24 verified under this subd. 1. b. The department of revenue shall review the  
25 information submitted under this subd. 1. b. and shall ~~determine whether the pupil~~

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1 is eligible to participate in the program under this section on the basis of family  
2 income verify the eligibility or ineligibility of the pupil to participate in the program  
3 under this section on the basis of family income. In this subdivision, "family income"  
4 means federal adjusted gross income of the parents or legal guardians residing in the  
5 same household as the pupil for the tax year preceding the school year for which  
6 family income is being verified under this subd. 1. b. or, if not available, for the tax  
7 year preceding the tax year preceding the school year for which family income is  
8 being verified under this subd. 1. b. Family income for a family in which the pupil's  
9 parents are married or in which the pupil's legal guardians are married shall be  
10 reduced by \$7,000 before the determination verification is made under this subd. 1.  
11 b. The department of revenue may take no other action on the basis of the  
12 information submitted under this subd. 1. b. If the department of revenue is unable  
13 to ascertain family income or to verify whether the pupil is eligible or ineligible to  
14 participate in the program under this section on the basis of family income, the  
15 department of revenue shall notify the department of public instruction of this fact  
16 and the department of public instruction shall utilize an alternative process, to be  
17 established by the department of public instruction, to determine whether the pupil  
18 is eligible to participate in the program under this section on the basis of family  
19 income. The department of public instruction may not request any additional  
20 verification of income from the family of a pupil once the department of revenue has  
21 determined whether verified that the pupil is eligible to participate in the program  
22 under this section on the basis of family income. The department of public  
23 instruction shall establish a procedure for determining family income eligibility for  
24 those pupils for whom no social security number or state or federal tax identification  
25 number has been provided.

**ASSEMBLY BILL 324****SECTION 16**

1           **SECTION 16.** 119.23 (2) (a) 7. a. of the statutes, as affected by 2011 Wisconsin  
2 Act 32, is amended to read:

3           119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating  
4 in the program under this section on July 1, 2009, the private school achieves  
5 accreditation by the Wisconsin North Central Association, the Wisconsin Religious  
6 and Independent Schools Accreditation, the Independent Schools Association of the  
7 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,  
8 National Lutheran School Accreditation, the ~~Archdiocese of Milwaukee diocese or~~  
9 archdiocese within which the private school is located, or any other organization  
10 recognized by the National Council for Private School Accreditation, by December 31  
11 of the 3rd school year following the first school year that begins after June 30, 2006,  
12 in which it participates in the program under this section, ~~or the private school was~~  
13 ~~approved for scholarship funding for the 2005-06 school year by Partners Advancing~~  
14 ~~Values in Education.~~ If the private school is accredited as provided under this subd.  
15 7. a., the private school is not required to obtain preaccreditation under subd. 7. b.  
16 as a prerequisite to providing instruction under this section in additional grades or  
17 in an additional or new school.

18           **SECTION 17.** 119.23 (2) (a) 7. b. of the statutes, as affected by 2011 Wisconsin  
19 Act 32, is amended to read:

20           119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that is a  
21 first-time participant in the program under this section on or after July 1, 2009, and  
22 that is not accredited as provided under subd. 7. a., the private school obtains  
23 preaccreditation by the Institute for the Transformation of Learning at Marquette  
24 University, the Wisconsin North Central Association, the Wisconsin Religious and  
25 Independent Schools Accreditation, the Independent Schools Association of the

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1 Central States, Wisconsin Evangelical Lutheran Synod School Accreditation,  
2 National Lutheran School Accreditation, or the Archdiocese of Milwaukee, or any  
3 other organization recognized by the National Council for Private School  
4 Accreditation diocese or archdiocese within which the private school is located by  
5 August 1 before the first school term of participation in the program under this  
6 section that begins after July 1, 2009, or by May 1 if the private school begins  
7 participating in the program during summer school, and achieves accreditation by  
8 the Wisconsin North Central Association, the Wisconsin Religious and Independent  
9 Schools Accreditation, the Independent Schools Association of the Central States,  
10 Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran  
11 School Accreditation, the Archdiocese of Milwaukee diocese or archdiocese within  
12 which the private school is located, or any other organization recognized by the  
13 National Council for Private School Accreditation, by December 31 of the 3rd school  
14 year following the first school year that begins after July 1, 2009, in which it  
15 participates in the program under this section. If the private school is accredited  
16 under this subd. 7. b., the private school is not required to obtain preaccreditation  
17 as a prerequisite to providing instruction under this section in additional grades or  
18 in an additional or new school.

19 **SECTION 18.** 119.23 (2) (a) 7. d. of the statutes is created to read:

20 119.23 (2) (a) 7. d. For a private school that was approved for scholarship  
21 funding for the 2005-06 school year by Partners Advancing Values in Education and  
22 is participating in the program under this section on the effective date of this subd.  
23 7. d. .... [LRB inserts date], the private school achieves accreditation by Wisconsin  
24 North Central Association, Wisconsin Religious and Independent Schools  
25 Accreditation, Independent Schools Association of the Central States, Wisconsin

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1 Evangelical Lutheran Synod School Accreditation, National Lutheran School  
2 Accreditation, the diocese or archdiocese within which the private school is located,  
3 or any other organization recognized by the National Council for Private School  
4 Accreditation, by December 31, 2015. If the private school is accredited as provided  
5 under this subd. 7. d., the private school is not required to obtain preaccreditation  
6 under subd. 7. b. as a prerequisite to providing instruction under this section in  
7 additional grades or in an additional or new school.

8 **SECTION 19.** 119.23 (3) (b) of the statutes is amended to read:

9 119.23 (3) (b) If the private school rejects an applicant because it has too few  
10 available spaces, the ~~pupil~~ applicant may transfer his or her application to a  
11 participating private school that has space available. An applicant rejected under  
12 this paragraph may be admitted to a private school participating in the program  
13 under this section for the following school year, provided that the applicant continues  
14 to reside within the city. The department may not require, in that following school  
15 year, the private school to submit financial information regarding the applicant or  
16 to verify the eligibility of the applicant to participate in the program under this  
17 section on the basis of family income.

18 **SECTION 20.** 119.23 (3m) (a) (intro.) of the statutes, as created by 2011  
19 Wisconsin Act 32, is amended to read:

20 119.23 (3m) (a) (intro.) A private school participating in the program under this  
21 section may not charge or receive any additional tuition payment for a pupil  
22 participating in the program under this section other than the payment the school  
23 receives under sub. (4) and, if applicable, sub. (4m), if either of the following applies:

24 **SECTION 21.** 119.23 (3m) (am) of the statutes is created to read:



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1           119.23 (3m) (am) 1. Beginning in the 2011-12 school year, a private school  
2 participating in the program under this section may recover the cost of providing the  
3 following to a pupil participating in the program under this section through  
4 reasonable fees in an amount determined by the private school and charged to the  
5 pupil, except that no participating private school may retroactively recover any  
6 uncollected costs incurred prior to the effective date of this subdivision .... [LRB  
7 inserts date]:

8           a. Personal use items, such as uniforms, gym clothes, and towels.

9           b. Social and extracurricular activities if not necessary to the private school's  
10 curriculum.

11           c. Musical instruments.

12           d. Meals consumed by pupils of the private school.

13           e. High school classes that are not required for graduation and for which no  
14 credits toward graduation are given.

15           f. Transportation.

16           g. Before-school and after-school child care.

17           2. A private school may not prohibit an eligible pupil from attending the private  
18 school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's  
19 grades because the pupil or the pupil's parent or guardian cannot pay or has not paid  
20 fees charged under subd. 1.

21           **SECTION 22.** 119.23 (3m) (b) (intro.) of the statutes, as created by 2011  
22 Wisconsin Act 32, is amended to read:

23           119.23 (3m) (b) (intro.) ~~A~~ Beginning in the 2011-12 school year, a private  
24 school participating in the program under this section may, in addition to the  
25 payment it receives for a pupil under sub. (4) and, if applicable, sub. (4m), charge the

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1 pupil tuition and fees in an amount determined by the school if both of the following  
2 apply:

3 **SECTION 23.** 119.23 (3m) (c) of the statutes, as created by 2011 Wisconsin Act  
4 32, is amended to read:

5 119.23 (3m) (c) A private school participating in the program under this section  
6 shall determine whether the private school may charge additional tuition and fees  
7 to a pupil on the basis of the pupil's family income as permitted under par. (b). The  
8 private school shall establish a process for accepting an appeal to the governing body  
9 of the private school of the determination made under this paragraph.

10 **SECTION 24.** 119.23 (7) (d) 1. b. of the statutes, as affected by 2011 Wisconsin  
11 Act 32, is amended to read:

12 119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued  
13 by the municipality within which the school is located. If the private school moves  
14 to a new location, the private school shall submit a copy of the new certificate of  
15 occupancy issued by the municipality within which the school is located to the  
16 department before the attendance of pupils at the new location and before the next  
17 succeeding date specified in s. 121.05 (1) (a). If the municipality within which the  
18 private school is located does not issue certificates of occupancy, the private school  
19 may submit a certificate of occupancy issued by the local or regional governmental  
20 unit with authority to issue certificates of occupancy. A temporary certificate of  
21 occupancy does not meet the requirement of this subdivision.

22 **SECTION 25.** 119.23 (9) of the statutes, as affected by 2011 Wisconsin Act 32,  
23 is amended to read:

24 119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. a. ~~or~~, b., or  
25 d. determines during the accrediting or preaccrediting process that a private school

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1 does not meet all of the requirements under s. 118.165 (1), it shall report that failure  
2 to the department.

3 **SECTION 26.** 119.23 (10) (a) 8. of the statutes is created to read:

4 119.23 **(10)** (a) 8. Before the end of a 7-year period beginning on the date of an  
5 order issued by the state superintendent under this subsection, retained a  
6 disqualified person, for compensation or as a volunteer, as an owner, officer, director,  
7 trustee, administrator, person designated by the administrator to assist in  
8 processing pupil applications, or person responsible for administrative, financial, or  
9 pupil health and safety matters.

10 (END)