



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-4336/1  
TKK:amn

## 2015 ASSEMBLY BILL 751

January 20, 2016 - Introduced by Representatives JAGLER, E. BROOKS, GANNON, HORLACHER, KATZMA, KNUDSON, KNODL, KREMER, MURPHY, PETERSEN, QUINN, RODRIGUEZ, SANFELIPPO and SPIROS, cosponsored by Senators VUKMIR and KAPENGA. Referred to Committee on Education.

1     **AN ACT to repeal** 115.7915 (1) (a) and 115.7915 (5) (c); **to renumber and amend**  
2           115.7915 (4m) (e) 1.; **to amend** 115.7915 (2) (intro.), 115.7915 (2) (b), 115.7915  
3           (2) (c), 115.7915 (2) (d), 115.7915 (2) (e), 115.7915 (2) (f), 115.7915 (2) (g),  
4           115.7915 (3) (a), 115.7915 (3) (b), 115.7915 (4) (b), 115.7915 (4m) (e) 2., 115.7915  
5           (6) (a) and 115.7915 (6) (h) 2.; **to create** 115.7915 (2) (h), 115.7915 (4m) (e) 1.  
6           a. and 115.7915 (8) (c) of the statutes; and **to affect** 2015 Wisconsin Act 55,  
7           section 9134 (6q) (intro.) and 2015 Wisconsin Act 55, section 9134 (6q) (c);  
8           **relating to:** special needs scholarship program.

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### *Analysis by the Legislative Reference Bureau*

This bill makes several changes to the Special Needs Scholarship Program, created in the 2015-17 Biennial Budget Act. Under the program, beginning in the 2016-17 school year, children with disabilities who are enrolled in a public school in this state may apply to the Department of Public Instruction to annually receive financial assistance from the state to attend a participating private school in this state.

Among other changes, this bill requires a child with a disability who wishes to participate in the program to have an Individualized Education Program or services plan in effect prior to being eligible to participate. Current law requires only that

**ASSEMBLY BILL 751**

the IEP or services plan to be completed for the child. The bill also permits a child with a disability to apply for a scholarship and to attend a private school under the program at any time during a school year. In addition, the bill requires the parent or guardian of a child attending a private school under the program to make the child available no more than once every three years for a reevaluation of the child's IEP and services plan. Finally, the bill requires a participating private school that receives more applications under the program than the number of spaces available at the school to accept applications in the order in which they are received; current law requires the private school to select applicants on a random basis.

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.** 115.7915 (1) (a) of the statutes, as created by 2015 Wisconsin Act  
2 55, is repealed.

3           **SECTION 2.** 115.7915 (2) (intro.) of the statutes, as created by 2015 Wisconsin  
4 Act 55, is amended to read:

5           115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17  
6 school year, the department shall provide to a child with a disability a scholarship  
7 under sub. (4m) (a) to attend ~~an eligible~~ a private school if all of the following apply:

8           **SECTION 3.** 115.7915 (2) (b) of the statutes, as created by 2015 Wisconsin Act  
9 55, is amended to read:

10           115.7915 (2) (b) The governing body of the ~~eligible~~ private school notified the  
11 department of its intent to participate in the program under this section.

12           **SECTION 4.** 115.7915 (2) (c) of the statutes, as created by 2015 Wisconsin Act  
13 55, is amended to read:

14           115.7915 (2) (c) The ~~eligible~~ school has been approved as a private school by the  
15 state superintendent under s. 118.165 (2) or is accredited by the Wisconsin North  
16 Central Association, Wisconsin Religious and Independent Schools Accreditation,

**ASSEMBLY BILL 751**

1 the Independent Schools Association of the Central States, Wisconsin Evangelical  
2 Lutheran Synod School Accreditation, Wisconsin Association of Christian Schools,  
3 National Lutheran School Accreditation, the diocese or archdiocese within which the  
4 private school is located, or any other organization recognized by the National  
5 Council for Private School Accreditation, as of the August 1 preceding the school term  
6 for which the scholarship is awarded.

7 **SECTION 5.** 115.7915 (2) (d) of the statutes, as created by 2015 Wisconsin Act  
8 55, is amended to read:

9 115.7915 (2) (d) An individualized education program or services plan ~~has been~~  
10 ~~completed~~ is in effect for the child.

11 **SECTION 6.** 115.7915 (2) (e) of the statutes, as created by 2015 Wisconsin Act  
12 55, is amended to read:

13 115.7915 (2) (e) The child ~~attended~~ was enrolled in a public school in this state  
14 for the entire school year immediately preceding the school year for which the child  
15 first receives a scholarship under this section.

16 **SECTION 7.** 115.7915 (2) (f) of the statutes, as created by 2015 Wisconsin Act 55,  
17 is amended to read:

18 115.7915 (2) (f) The ~~child, or the child's parent~~ or guardian on behalf of the  
19 child, or, for a child with a disability who has reached the age of 18 and has not been  
20 adjudicated incompetent, the child, submitted an application for a scholarship under  
21 this section, on a form prepared by the department that includes the document  
22 developed by the department under sub. (4) (a) to the eligible school that the child  
23 will attend. A ~~child, or child's parent,~~ or guardian or a child with a disability who has  
24 reached the age of 18 may apply for a scholarship at any time during a school year

**ASSEMBLY BILL 751****SECTION 7**

1 and, subject to sub. (3) (b), a child may begin attending ~~an eligible~~ a private school  
2 under this section at any time during the school year.

3 **SECTION 8.** 115.7915 (2) (g) of the statutes, as created by 2015 Wisconsin Act  
4 55, is amended to read:

5 115.7915 (2) (g) The ~~eligible~~ private school has accepted the child's application  
6 to attend the ~~eligible~~ private school under a scholarship awarded under this section.

7 **SECTION 9.** 115.7915 (2) (h) of the statutes is created to read:

8 115.7915 (2) (h) The child's parent or guardian consents to make the child  
9 available for a reevaluation, by the individualized education program team  
10 appointed for the child by the resident school district, within 60 days following a  
11 request for a reevaluation under this paragraph. Upon the request of the school  
12 board of the child's resident school district, the individualized education program  
13 team shall conduct the reevaluation required under this paragraph in the manner  
14 described under s. 115.782 (4) (a) 2. no more frequently than once every 3 years,  
15 determined from the date of the most recent evaluation or reevaluation conducted  
16 for the child under s. 115.782 or, for a child whose most recent evaluation or  
17 reevaluation was conducted more than 3 years before the child began attending a  
18 private school under this section, the date the child began attending a private school  
19 under this section.

20 **SECTION 10.** 115.7915 (3) (a) of the statutes, as created by 2015 Wisconsin Act  
21 55, is amended to read:

22 115.7915 (3) (a) The governing body of ~~an eligible~~ a private school that intends  
23 to participate in the program under this section shall notify the department of its  
24 intent. The governing body of the ~~eligible~~ private school shall include in the notice

**ASSEMBLY BILL 751**

1 under this paragraph the number of spaces the ~~eligible~~ private school has available  
2 for children receiving a scholarship under this section.

3 **SECTION 11.** 115.7915 (3) (b) of the statutes, as created by 2015 Wisconsin Act  
4 55, is amended to read:

5 115.7915 (3) (b) If a private school participating in the program under this  
6 section receives more applications for scholarships under sub. (2) (f) than the number  
7 of children specified in the notice under par. (a), it shall ~~select children on a random~~  
8 ~~basis~~ accept applicants in the order in which applications are received, except that  
9 ~~it~~ the private school may give preference to siblings of pupils who are already  
10 attending the private school.

11 **SECTION 12.** 115.7915 (4) (b) of the statutes, as created by 2015 Wisconsin Act  
12 55, is amended to read:

13 115.7915 (4) (b) Upon ~~being notified~~ receipt of notice under sub. (3) (c), the  
14 department shall request verification from the child's resident school board that the  
15 child has an individualized education program or services plan in place for the child  
16 and notify the child's resident school board that, pending verification that the  
17 requirements of sub. (2) have been satisfied, the child ~~has been~~ will be awarded a  
18 scholarship under this section. The child's resident school board shall, within 3 days  
19 of receiving ~~the notice~~, a request under this paragraph, provide verification to the  
20 department and provide the governing body of the private school that accepted the  
21 child ~~with~~ a copy of the child's individualized education program.

22 **SECTION 13.** 115.7915 (4m) (e) 1. of the statutes, as created by 2015 Wisconsin  
23 Act 55, is renumbered 115.7915 (4m) (e) 1. (intro.) and amended to read:

24 115.7915 (4m) (e) 1. (intro.) If an individualized education program team, upon  
25 reevaluation of a child as required under sub. ~~(5) (e)~~, ~~unanimously~~ (2) (h), determines

**ASSEMBLY BILL 751****SECTION 13**

1 that a child receiving a scholarship under par. (a) is no longer a child with a disability,  
2 the all of the following apply:

3 b. The child is not eligible to receive a scholarship under par. (a) beginning in  
4 the school term following the determination.

5 **SECTION 14.** 115.7915 (4m) (e) 1. a. of the statutes is created to read:

6 115.7915 (4m) (e) 1. a. The child's resident school district shall notify the parent  
7 or guardian of the child of the procedural safeguards in place for the child under 20  
8 USC 1415.

9 **SECTION 15.** 115.7915 (4m) (e) 2. of the statutes, as created by 2015 Wisconsin  
10 Act 55, is amended to read:

11 115.7915 (4m) (e) 2. If a child who has been determined to be ineligible under  
12 subd. 1. continues to attend the private school he or she attended under a scholarship  
13 awarded under par. (a), for each school year the child attends the private school  
14 beginning with the school year following the determination under subd. 1., the  
15 department shall pay, from the appropriation under s. 20.255 (2) (az), to the private  
16 school, on behalf of the child's parent or guardian, an amount equal to the  
17 appropriate per pupil amount paid to a private school participating in a parental  
18 choice program under s. 118.60 or 119.23 in that school year. The department shall  
19 make scholarship payments under this paragraph in accordance with the payment  
20 schedule specified in s. 119.23 (4) (c).

21 **SECTION 16.** 115.7915 (5) (c) of the statutes, as created by 2015 Wisconsin Act  
22 55, is repealed.

23 **SECTION 17.** 115.7915 (6) (a) of the statutes, as created by 2015 Wisconsin Act  
24 55, is amended to read:

**ASSEMBLY BILL 751**

1           115.7915 (6) (a) Comply with all health and safety laws or codes that apply to  
2 private public schools.

3           **SECTION 18.** 115.7915 (6) (h) 2. of the statutes, as created by 2015 Wisconsin  
4 Act 55, is amended to read:

5           115.7915 (6) (h) 2. ~~Provide a record of~~ Within 5 days of receiving a request from  
6 the resident school board of a child with a disability attending the private school  
7 under this section, provide all records relating to the implementation of the child's  
8 individualized education program or services plan by the private school, as required  
9 under subd. 1., ~~including an evaluation of the child's progress, to the school board of~~  
10 ~~the school district in which the child resides in the form and manner prescribed by~~  
11 ~~the department.~~

12           **SECTION 19.** 115.7915 (8) (c) of the statutes is created to read:

13           115.7915 (8) (c) The state superintendent may withhold payment under sub.  
14 (4m) from a private school participating in the program under this section if the  
15 private school violates this section.

16           **SECTION 20.** 2015 Wisconsin Act 55, section 9134 (6q) (intro.) is amended to  
17 read:

18           [2015 Wisconsin Act 55] Section 9134 (6q) SPECIAL NEEDS SCHOLARSHIP  
19 PROGRAM. (intro.) Notwithstanding section 115.7915 (2) of the statutes, as created  
20 by this act, the department shall award a scholarship to a child to attend ~~an eligible~~  
21 a private school in the 2016-17 school year under section 115.7915 of the statutes,  
22 as created by this act, if the child satisfies the eligibility requirements under section  
23 115.7915 (2) (b) to (d), (h), and (f) of the statutes, as created by this act, and all of the  
24 following conditions are met:

