



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-2226/1  
TKK:jld

## 2017 ASSEMBLY BILL 980

February 26, 2018 - Introduced by Representatives POPE, SUBECK, HEBL, SINICKI, ANDERSON, BERCEAU, SPREITZER, BARCA, SARGENT, VRUWINK, KOLSTE and BILLINGS, cosponsored by Senators BEWLEY, LARSON, WIRCH, RISSER, MILLER and RINGHAND. Referred to Committee on Education.

1     **AN ACT** *to repeal* 118.60 (2) (bs); *to amend* 118.60 (1) (bn) 1. a., 118.60 (2) (a)  
2           (intro.), 118.60 (3) (b), 118.60 (3) (c), 119.23 (1) (ai) 1. a., 119.23 (2) (a) (intro.)  
3           and 119.23 (3) (b); and *to create* 118.60 (2) (a) 9., 118.60 (2) (d), 119.23 (2) (a)  
4           9. and 119.23 (2) (d) of the statutes; **relating to:** the requirements for  
5           participation in a parental choice program and the percentage of pupils who  
6           may attend a private school under such a program.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that a private school may participate in a parental choice program (PCP) only if it has been in operation for the attendance of pupils for at least two school years. This requirement does not apply to any private school participating in or otherwise eligible to participate in a PCP on the effective date of the bill. The bill also provides that no more than 49 percent of a private school's enrollment may consist of pupils attending the private school under a parental choice program. This requirement does not apply to a private school participating in a PCP on the effective date of the bill. These provisions are effective July 1, 2018.

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

**ASSEMBLY BILL 980****SECTION 1**

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

2           118.60 (1) (bn) 1. a. The school has been in continuous operation in this state  
3 for less than ~~12~~ 24 consecutive months.

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

5           118.60 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (d), any pupil in grades  
6 kindergarten to 12 who resides within an eligible school district may attend any  
7 private school under this section and, subject to pars. (ag), (ar), (be), (bm), and ~~(bs)~~  
8 (d), any pupil in grades kindergarten to 12 who resides in a school district, other than  
9 an eligible school district or a 1st class city school district, may attend any private  
10 school under this section if all of the following apply:

11           **SECTION 3.** 118.60 (2) (a) 9. of the statutes is created to read:

12           118.60 (2) (a) 9. The private school has been in operation for the attendance of  
13 pupils for at least 2 school years. This requirement does not apply to a private school  
14 that is participating in the program under this section or under s. 119.23 on the  
15 effective date of this subdivision .... [LRB inserts date], or that, subject to sub. (2) (ar),  
16 has complied with sub. (2) (ag) prior to the effective date of this subdivision .... [LRB  
17 inserts date].

18           **SECTION 4.** 118.60 (2) (bs) of the statutes is repealed.

19           **SECTION 5.** 118.60 (2) (d) of the statutes is created to read:

20           118.60 (2) (d) No more than 49 percent of a private school's enrollment may  
21 consist of pupils attending the private school under this section or s. 119.23. This  
22 requirement does not apply to a private school that is participating in the program  
23 under this section or under s. 119.23 on the effective date of this paragraph .... [LRB  
24 inserts date], so long as the private school continues to participate in one of those  
25 programs.

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1           **SECTION 6.** 118.60 (3) (b) of the statutes is amended to read:

2           118.60 **(3)** (b) If a participating private school rejects an applicant who resides  
3 within an eligible school district because the private school has too few available  
4 spaces, the applicant may, subject to sub. (2) (d), transfer his or her application to a  
5 participating private school that has space available. An applicant rejected under  
6 this paragraph may, subject to sub. (2) (d), be admitted to a private school  
7 participating in the program under this section for the following school year,  
8 provided that the applicant continues to reside within an eligible school district. The  
9 department may not require, in that following school year, the private school to  
10 submit financial information regarding the applicant or to verify the eligibility of the  
11 applicant to participate in the program under this section on the basis of family  
12 income.

13           **SECTION 7.** 118.60 (3) (c) of the statutes is amended to read:

14           118.60 **(3)** (c) If a participating private school rejects an applicant who resides  
15 in a school district, other than an eligible school district or a 1st class city school  
16 district, because the private school has too few available spaces, the applicant may,  
17 subject to sub. (2) (d), transfer his or her application to a participating private school  
18 that has space available. An applicant rejected under this paragraph may, subject  
19 to sub. (2) (be) ~~and~~, (bm), and (d), be admitted to a private school participating in the  
20 program under this section for the following school year.

21           **SECTION 8.** 119.23 (1) (ai) 1. a. of the statutes is amended to read:

22           119.23 **(1)** (ai) 1. a. The school has been in continuous operation in this state  
23 for less than ~~12~~ 24 consecutive months.

24           **SECTION 9.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 980****SECTION 9**

1           119.23 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (d), any pupil in grades  
2 kindergarten to 12 who resides within the city may attend any private school if all  
3 of the following apply:

4           **SECTION 10.** 119.23 (2) (a) 9. of the statutes is created to read:

5           119.23 (2) (a) 9. The private school has been in operation for the attendance of  
6 pupils for at least 2 school years. This requirement does not apply to a private school  
7 that is participating in the program under this section or under s. 118.60 on the  
8 effective date of this subdivision .... [LRB inserts date], or that, subject to sub. (2) (ar),  
9 has complied with sub. (2) (ag) prior to the effective date of this subdivision .... [LRB  
10 inserts date].

11           **SECTION 11.** 119.23 (2) (d) of the statutes is created to read:

12           119.23 (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 or s. 118.60. This  
14 requirement does not apply to a private school that is participating in the program  
15 under this section or under s. 118.60 on the effective date of this paragraph .... [LRB  
16 inserts date], so long as the private school continues to participate in one of those  
17 programs.

18           **SECTION 12.** 119.23 (3) (b) of the statutes is amended to read:

19           119.23 (3) (b) If the private school rejects an applicant because it has too few  
20 available spaces, the applicant may, subject to sub. (2) (d), transfer his or her  
21 application to a participating private school that has space available. An applicant  
22 rejected under this paragraph may, subject to sub. (2) (d), be admitted to a private  
23 school participating in the program under this section for the following school year,  
24 provided that the applicant continues to reside within the city. The department may  
25 not require, in that following school year, the private school to submit financial

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1 information regarding the applicant or to verify the eligibility of the applicant to  
2 participate in the program under this section on the basis of family income.

3 **SECTION 13. Effective date.**

4 (1) This act takes effect on July 1, 2018.

5 (END)