

State of Wisconsin



2013 Senate Bill 584

Date of enactment: **April 8, 2014**
Date of publication*: **April 9, 2014**

2013 WISCONSIN ACT 237

AN ACT *to repeal* 118.30 (1s) (b) and 119.23 (7) (f); *to renumber* 118.60 (1) (a); *to renumber and amend* 118.30 (1s) (a), 118.60 (7) (ad), 119.23 (7) (ad) and 895.035 (1) (a); *to amend* 7.30 (2) (am), 48.355 (2) (c), 118.07 (3), 118.30 (2) (b) 5., 118.33 (1) (f) 3., 118.33 (6) (c) 1., 118.33 (6) (c) 2., 118.60 (1) (c), 118.60 (2) (a) (intro.), 118.60 (2) (a) 3. a., 118.60 (7) (em) 1., 118.60 (9), 118.60 (10) (am) 2., 118.60 (10) (ar), 119.23 (1) (am), 119.23 (2) (a) (intro.), 119.23 (2) (a) 3., 119.23 (2) (a) 7. a., 119.23 (2) (a) 7. c., 119.23 (2) (a) 7. d., 119.23 (7) (em) 1., 119.23 (9), 119.23 (10) (am) 2., 119.23 (10) (ar), 447.06 (2) (a) 2. and 950.08 (2w); *to repeal and recreate* 118.60 (2) (a) 7. and 119.23 (2) (a) 7. b.; and *to create* 39.41 (1) (aj), 115.001 (3d), 118.60 (1) (ab), 118.60 (1) (af), 118.60 (1) (bn), 118.60 (1) (cm), 118.60 (2) (a) 3g., 118.60 (2) (ag), 118.60 (2) (ar), 118.60 (7) (ad) 1. and 2., 118.60 (7) (ag), 118.60 (7) (ao), 119.23 (1) (ab), 119.23 (1) (af), 119.23 (1) (ai), 119.23 (1) (ap), 119.23 (2) (a) 3g., 119.23 (2) (a) 7. bg. and br., 119.23 (2) (a) 7. e., 119.23 (2) (ag), 119.23 (2) (ar), 119.23 (7) (ad) 1. and 2., 119.23 (7) (ag), 119.23 (7) (ao), 895.035 (1) (a) 2. and 938.02 (6m) of the statutes; **relating to**: requirements for new private schools seeking to participate in a parental choice program and requiring a private school participating in a parental choice program to maintain accreditation.

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

SECTION 1. 7.30 (2) (am) of the statutes is amended to read:

7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school or in a tribal school, as defined in s. 115.001 (15m), may serve as an inspector at the polling place serving the pupil's residence, with the approval of the pupil's parent or guardian. Any pupil who has at least a 3.0 grade point average or the equivalent may serve. In addition, a school board or governing body of a private school, as defined in s. 115.001 (3d), or tribal school may establish criteria for service by a pupil who does not have at least a 3.0 grade point average or the equivalent. A pupil may serve

as an inspector at a polling place under this paragraph only if at least one election official at the polling place other than the chief inspector is a qualified elector of this state. No pupil may serve as chief inspector at a polling place under this paragraph. Before appointment by any municipality of a pupil as an inspector under this paragraph, the municipal clerk shall obtain written authorization from the pupil's parent or guardian for the pupil to serve for the election for which he or she is appointed. In addition, if a pupil does not have at least a 3.0 grade point average or the equivalent, the municipal clerk shall obtain written certification from the principal of the school where the pupil is enrolled that the pupil meets any criteria established by the school board or governing body for service as an inspector. Upon appointment of a pupil to serve as an inspector, the municipal clerk shall notify the principal of the school where the pupil is

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

enrolled of the name of the pupil and the date of the election at which the pupil has been appointed to serve.

SECTION 2. 39.41 (1) (aj) of the statutes is created to read:

39.41 (1) (aj) “Governing body of a private school” has the meaning given in s. 115.001 (3d).

SECTION 3. 48.355 (2) (c) of the statutes is amended to read:

48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7., the order shall specify what constitutes a violation of the condition and shall direct the school board of the school district, in which the child is enrolled or the governing body of the private school, as defined in s. 115.001 (3d), in which the child is enrolled, or shall request the governing body of the tribal school in which the child is enrolled, to notify the county department that is responsible for supervising the child or, in a county having a population of 500,000 or more, the department within 5 days after any violation of the condition by the child.

SECTION 4. 115.001 (3d) of the statutes is created to read:

115.001 (3d) GOVERNING BODY OF A PRIVATE SCHOOL. “Governing body of a private school” and “governing body of a new private school” means a board elected or appointed to govern the private school or, if no board is appointed or elected to govern the school, any other person having direct charge of the private school.

SECTION 5. 118.07 (3) of the statutes is amended to read:

118.07 (3) The department shall make available to school districts, private schools, tribal schools, and charter schools information about meningococcal disease, including the causes and symptoms of the disease, how it is spread, and how to obtain additional information about the disease and the availability, effectiveness, and risks of vaccinations against the disease. The department may do so by posting the information on its Internet site. ~~At the beginning of the 2006–07 to 2011–12 school years, each school board and the governing body of each private school and each charter school shall provide the parents and guardians of pupils enrolled in grades 6 to 12 in the school district or school with the information.~~ At the beginning of the 2012–13 school year and each school year thereafter, each school board and the governing body of each private school and each charter school shall provide the parents and guardians of pupils enrolled in grade 6 in the school district or school with the information.

SECTION 6. 118.30 (1s) (a) of the statutes, as affected by 2013 Wisconsin Act 20, is renumbered 118.30 (1s), and 118.30 (1s) (intro.), as renumbered, is amended to read:

118.30 (1s) (intro.) ~~Except as provided in par. (b), annually~~ Annually, the governing body of each private

school participating in the program under s. 119.23 shall do all of the following:

SECTION 7. 118.30 (1s) (b) of the statutes is repealed.

SECTION 8. 118.30 (2) (b) 5. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.30 (2) (b) 5. Upon the request of a pupil’s parent or guardian, the governing body of a private school participating in the program under s. 119.23 shall excuse the pupil from taking an examination administered under sub. (1s) (a) 1. to ~~3m~~ (cm).

SECTION 9. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 (1) (f) 3. ~~Beginning on September 1, 2005, neither~~ Neither a school board nor an operator of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board’s or charter school’s policy under subd. 1. or 2. ~~Beginning on September 1, 2010, the~~ The governing body of a private school participating in the program under s. 119.23 may not grant a high school diploma to any pupil attending the private school under s. 119.23 unless the pupil has satisfied the criteria specified in the governing body’s policy under subd. 2m. The governing body of a private school participating in the program under s. 118.60 may not grant a high school diploma to any pupil attending the private school under s. 118.60 unless the pupil has satisfied the criteria specified in the governing body’s policy under subd. 2r.

SECTION 10. 118.33 (6) (c) 1. of the statutes is amended to read:

118.33 (6) (c) 1. The governing body of each private school participating in the program under s. 119.23 shall adopt a written policy specifying criteria for promoting a pupil who is attending the private school under s. 119.23 from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil’s score on the examination administered under s. 118.30 (1s) (a) 1. or 2. (b), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil’s academic performance; the recommendations of teachers, which shall be based solely on the pupil’s academic performance; and any other academic criteria specified by the governing body of the private school.

SECTION 11. 118.33 (6) (c) 2. of the statutes is amended to read:

118.33 (6) (c) 2. ~~Beginning on September 1, 2010, the~~ The governing body of a private school participating in the program under s. 119.23 may not promote a 4th grade pupil who is attending the private school under s. 119.23 to the 5th grade, and may not promote an 8th grade pupil who is attending the private school under s. 119.23 to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the governing body’s policy under subd. 1.

SECTION 12. 118.60 (1) (a) of the statutes is renumbered 118.60 (1) (ad).

SECTION 13. 118.60 (1) (ab) of the statutes is created to read:

118.60 (1) (ab) “Accrediting entity” means Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which a private school is located, and any other organization recognized by the National Council for Private School Accreditation.

SECTION 14. 118.60 (1) (af) of the statutes is created to read:

118.60 (1) (af) “Disqualified organization” means an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

SECTION 15. 118.60 (1) (bn) of the statutes is created to read:

118.60 (1) (bn) 1. Except as provided in subd. 2., “new private school” means a school that qualifies as a private school under s. 115.001 (3r) and that satisfies either of the following:

- a. The school has been in continuous operation in this state for less than 12 consecutive months.
- b. The school provides education to fewer than 40 pupils divided into 2 or fewer grades.

2. “New private school” does not include a private school the governing body of which operates or manages a private school that is participating in the program under this section or under s. 119.23 if all of the following apply:

a. No payment has been withheld from any private school operated or managed by the governing body under sub. (10) (d) or s. 119.23 (10) (d) in the 3 immediately preceding school years.

b. No order barring any private school operated or managed by the governing body from participating in the program under this section or s. 119.23 has been issued under sub. (10) (a), (am), (ar), or (b) or under s. 119.23 (10) (a), (am), (ar), or (b) in the 3 immediately preceding school years.

SECTION 16. 118.60 (1) (c) of the statutes is amended to read:

118.60 (1) (c) “Preaccreditation” means the review and approval of an educational plan. Review of an educational plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). The fact that a private school has obtained preaccreditation does not require an ~~accreditation organization~~ accrediting entity to accredit the private school.

SECTION 17. 118.60 (1) (cm) of the statutes is created to read:

118.60 (1) (cm) “Preaccrediting entity” means the Institute for the Transformation of Learning at Marquette University, Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, and the diocese or archdiocese within which a private school is located.

SECTION 18. 118.60 (2) (a) (intro.) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 19. 118.60 (2) (a) 3. a. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c. ~~and sub. (2) (ag) 1.,~~ the private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 119.23, and paid the nonrefundable fee, set by the department as required under s. 119.23 (2) (a) 3., by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 119.23 for which the school has space.

SECTION 20. 118.60 (2) (a) 3g. of the statutes is created to read:

118.60 (2) (a) 3g. By May 1 before the first term of participation in the program under this section, the private school submits to the department, on a form provided by the department, a complete anticipated budget for the first fiscal period of participation in the program under this section. The governing body shall include on the completed form anticipated enrollments for all pupils enrolled in the private school and for pupils enrolled in the private school under this section; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The governing body shall include in the budget contingent funding sources the private school will use in the event that actual enrollments are less than expected.

SECTION 21. 118.60 (2) (a) 7. of the statutes, as affected by 2013 Wisconsin Act 20, is repealed and recreated to read:

118.60 (2) (a) 7. a. For a private school that was a first-time participant in the program under this section before the effective date of this subd. 7. a. [LRB inserts

date], and that is not accredited by an accrediting entity, the private school obtains accreditation from an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school began participating in the program under this section. If the private school is accredited under this subd. 7. a., the private school is not required to obtain preaccreditation under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

b. Each private school that begins participation in the program under this section on or after the effective date of this subd. 7. b. [LRB inserts date], and that is not accredited by an accrediting entity, shall obtain preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private school to which this subd. 7. b. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. b. applies that fails to obtain preaccreditation as required under this subd. 7. b. may not participate in the program under this section or under s. 119.23 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

c. A private school to which subd. 7. b. applies shall apply for accreditation by an accrediting entity by December 31 of the first school year that begins after the effective date of this subd. 7. c. [LRB inserts date], in which the private school begins participation in the program under this section, and shall achieve accreditation by an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. c., the private school is not required to obtain preaccreditation under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 22. 118.60 (2) (ag) of the statutes is created to read:

118.60 (2) (ag) The governing body of a new private school shall comply with all of the following before the new private school may participate in the program under this section:

1. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, complete and submit to the department the following on forms provided by the department:

a. A notice of intent to participate and agreement to comply with procedural requirements.

b. A complete anticipated budget for the first fiscal period of participation in the program under this section showing that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit. The governing body shall include on the completed form anticipated enrollments for all pupils enrolled in the new private school and for pupils enrolled in the new private school under this section; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The governing body shall include in the budget contingent funding sources the new private school will use in the event that actual enrollments are less than expected.

c. The nonrefundable fee established by the department, as required under s. 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school. If the amount of the fee paid by the new private school under this subd. 1. c. increases for the school year in which the new private school will first participate in the program under this section, the new private school shall pay the difference between the fee paid and the fee due to the department. If the amount of the fee paid by the new private school under this subd. 1. c. decreases for the school year in which the new private school will first participate in the program under this section, the department shall refund the new private school the difference between the fee paid and the fee due to the department.

2. a. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, submit to the department the information required under sub. (6m) (a) and (c).

b. If, at the time the new private school submits the information required under subd. 2. a., the new private school does not have a physical property within which the private school intends to operate, submit a mailing address of an administrator of the private school.

3. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, submit to the department a statement indicating which of the standards under sub. (7) (a) the private school intends to meet.

4. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a) 7. b., by December 15 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity.

5. By August 1 of the first school year in which the new private school intends to participate in the program under this section, demonstrate to the satisfaction of the department that the new private school has contracted with a 3rd-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.

SECTION 23. 118.60 (2) (ar) of the statutes is created to read:

118.60 (2) (ar) By December 31 of the school year immediately preceding the school year in which a new private school intends to participate in the program under this section, the department shall notify the new private school in writing whether it has satisfied those requirements under par. (ag) that must be satisfied before December 31. If the department determines that the new private school has not satisfied those requirements, the new private school may not participate in the program under this section in the following school year, but may reinstate the process under par. (ag) for the next following school year.

SECTION 24. 118.60 (7) (ad) of the statutes, as created by 2013 Wisconsin Act 20, is renumbered 118.60 (7) (ad) 3. and amended to read:

118.60 (7) (ad) 3. The governing body of a private school participating in the program under this section and accredited as required under ~~subds. 1. and 2. and~~ sub. (2) (a) 7. shall ensure that the private school continuously maintains accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation~~ an accrediting entity as long as the private school continues to participate in the program under this section.

SECTION 25. 118.60 (7) (ad) 1. and 2. of the statutes are created to read:

118.60 (7) (ad) 1. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for and achieve accreditation to offer instruction in the additional grades in the manner established under sub. (2) (a) 7. c.

2. If a private school participating in the program under this section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for and achieve accreditation to offer instruction in the additional grades in the manner established under sub. (2) (a) 7. c.

SECTION 26. 118.60 (7) (ag) of the statutes is created to read:

118.60 (7) (ag) If a participating private school learns that an accrediting organization with which the private school is maintaining accreditation, as required under par. (ad), is a disqualified organization, the private school shall immediately notify the department in writing of this fact and shall obtain accreditation from an accrediting entity no later than 3 years from the date on which the private school learned that the accrediting organization is a disqualified organization.

SECTION 27. 118.60 (7) (ao) of the statutes is created to read:

118.60 (7) (ao) By November 1 of the first school term in which a private school participates in the program under this section, the private school shall submit to the department on a form provided by the department a budget reflecting the enrollments in the private school on the immediately preceding 3rd Friday in September and any related changes in revenues, costs, and cash flow requirements.

SECTION 28. 118.60 (7) (em) 1. of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

118.60 (7) (em) 1. Beginning in the 2013–14 school year, the governing body of each private school participating in the program under this section shall, subject to subd. 2., annually, by January 15, provide the department with evidence demonstrating that the private school remains accredited for the current school year as required under par. (ad). The governing body shall include as evidence of accreditation a letter prepared by ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation~~ an accrediting entity that confirms that the private school is accredited by that entity as of the date of the letter.

SECTION 29. 118.60 (9) of the statutes is amended to read:

118.60 (9) If any accrediting ~~agency specified under sub. (2) (a) 7. or preaccrediting entity~~ determines during the accrediting or preaccrediting process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 30. 118.60 (10) (am) 2. of the statutes is amended to read:

118.60 (10) (am) 2. The private school's application for accreditation has been denied by the accrediting ~~organization~~ entity.

SECTION 31. 118.60 (10) (ar) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

118.60 (10) (ar) 1. If the state superintendent determines that a private school has failed to continuously maintain accreditation as required under sub. (7) (ad), that the governing body of the private school has withdrawn the private school from the accreditation process, or that the private school's accreditation has been revoked, denied, or terminated by ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation~~ an accrediting entity, the state superintendent shall issue an order barring the private school's participation in the program under this section at the end of the current school year.

2. A private school whose participation in the program under this section is barred under subd. 1. may not participate in the program under this section or under s. 119.23 until the governing body of the private school demonstrates to the satisfaction of the department that it has obtained accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation~~ an accrediting entity, provided the accreditation is from an entity other than the entity with which the private school failed to continuously maintain accreditation or, if the private school's accreditation was revoked, denied, or terminated, other than the entity that revoked, denied, or terminated the private school's accreditation.

SECTION 32. 119.23 (1) (ab) of the statutes is created to read:

119.23 (1) (ab) "Accrediting entity" means all of the following:

1. Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which a private school is located, and any other organization recognized by the National Council for Private School Accreditation.

2. Subject to sub. (2) (a) 7. e., for a private school to which sub. (2) (a) 7. c. applies, the Institute for the Transformation of Learning at Marquette University.

SECTION 33. 119.23 (1) (af) of the statutes is created to read:

119.23 (1) (af) "Disqualified organization" means an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

SECTION 34. 119.23 (1) (ai) of the statutes is created to read:

119.23 (1) (ai) 1. Except as provided in subd. 2., "new private school" means a school that qualifies as a private school under s. 115.001 (3r) and that satisfies either of the following:

a. The school has been in continuous operation in this state for less than 12 consecutive months.

b. The school provides education to fewer than 40 pupils divided into 2 or fewer grades.

2. "New private school" does not include a private school the governing body of which operates or manages a private school that is participating in the program under this section or under s. 118.60 if all of the following apply:

a. No payment has been withheld from any private school operated or managed by the governing body under sub. (10) (d) or s. 118.60 (10) (d) in the 3 immediately preceding school years.

b. No order barring any private school operated or managed by the governing body from participating in the program under this section or s. 118.60 has been issued under sub. (10) (a), (am), (ar), or (b) or under s. 118.60 (10) (a), (am), (ar), or (b) in the 3 immediately preceding school years.

SECTION 35. 119.23 (1) (am) of the statutes is amended to read:

119.23 (1) (am) "Preaccreditation" means the review and approval of an educational plan. Review of an education plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). The fact that a private school has obtained preaccreditation does not require an ~~accreditation organization~~ accrediting entity to accredit the private school.

SECTION 36. 119.23 (1) (ap) of the statutes is created to read:

119.23 (1) (ap) "Preaccrediting entity" means the Institute for the Transformation of Learning at Marquette University, Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, and the diocese or archdiocese within which a private school is located.

SECTION 37. 119.23 (2) (a) (intro.) of the statutes is amended to read:

119.23 (2) (a) (intro.) Any Subject to pars. (ag) and (ar), any pupil in grades kindergarten to 12 who resides

within the city may attend any private school if all of the following apply:

SECTION 38. 119.23 (2) (a) 3. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 (2) (a) 3. The Except as provided in sub. (2) (ag) 1., the private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 118.60, and paid the nonrefundable annual fee set by the department, by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 118.60 for which the school has space. The department shall by rule set the fee charged under this subdivision at an amount such that the total fee revenue covers the costs of employing one full-time auditor to evaluate the financial information submitted by private schools under sub. (7) (am) and (d) 2. and 3. and under s. 118.60 (7) (am) and (d) 2. and 3.

SECTION 39. 119.23 (2) (a) 3g. of the statutes is created to read:

119.23 (2) (a) 3g. By May 1 before the first term of participation in the program under this section, the private school submits to the department, on a form provided by the department, a complete anticipated budget for the first fiscal period of participation in the program under this section. The governing body shall include on the completed form anticipated enrollments for all pupils enrolled in the private school and for pupils enrolled in the private school under this section; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The governing body shall include in the budget contingent funding sources the private school will use in the event that actual enrollments are less than expected.

SECTION 40. 119.23 (2) (a) 7. a. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 (2) (a) 7. a. Subject to subd. 7. c. and d., for a private school participating in the program under this section on July 1, 2009, the private school achieves accreditation by ~~Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, an accrediting entity~~ by December 31 of the 3rd school year following the first school year that begins after June 30, 2006, in which it participates in the program under this section. If the private school is accredited as provided under this subd. 7. a., the private school is not required to obtain preaccreditation under subd. 7. b. ~~bg.~~ as a prerequisite to pro-

viding instruction under this section in additional grades or in an additional or new school.

SECTION 41. 119.23 (2) (a) 7. b. of the statutes, as affected by 2013 Wisconsin Act 20, is repealed and recreated to read:

119.23 (2) (a) 7. b. Subject to subd. 7. c. and d., for a private school that was a first-time participant in the program under this section before the effective date of this subd. 7. b. [LRB inserts date], and that is not accredited by an accrediting entity, the private school obtains accreditation from an accrediting entity by December 31 of the 3rd school year following the first school year in which the private school began participating in the program under this section. If the private school is accredited under this subd. 7. b., the private school is not required to obtain preaccreditation under subd. 7. bg. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 42. 119.23 (2) (a) 7. bg. and br. of the statutes are created to read:

119.23 (2) (a) 7. bg. Each private school that begins participation in the program under this section on or after the effective date of this subd. 7. bg. [LRB inserts date], and that is not accredited by an accrediting entity, shall obtain preaccreditation by a preaccrediting entity by August 1 before the first school term in which the private school begins participation in the program under this section, or by May 1 if the private school begins participating in the program during summer school. In any school year, a private school to which this subd. 7. bg. applies may apply for and seek to obtain preaccreditation from only one preaccrediting entity. A private school to which this subd. 7. bg. applies that fails to obtain preaccreditation as required under this subd. 7. bg. may not participate in the program under this section or under s. 118.60 until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for the following school year.

br. A private school to which subd. 7. bg. applies shall apply for accreditation by an accrediting entity by December 31 of the first school year that begins after the effective date of this subd. 7. br. [LRB inserts date], in which the private school begins participation in the program under this section, and shall achieve accreditation by an accrediting entity by December 31 of the 3rd school year following the school year in which the private school begins participation in the program under this section. If the private school is accredited under this subd. 7. br., the private school is not required to obtain preaccreditation as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 43. 119.23 (2) (a) 7. c. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 (2) (a) 7. c. On or after July 1, 2009, a private school participating or seeking to participate in the program under this section or in the program under s. 118.60 may not apply for accreditation by the Institute for the Transformation of Learning at Marquette University, except that a private school that has applied for accreditation to the Institute for the Transformation of Learning at Marquette University before July 1, 2009, and that is participating in the program under this section on the effective date of this subd. 7. c. [LRB inserts date], may, subject to subd. 7. e., complete the accreditation process with the Institute for the Transformation of Learning at Marquette University, and may, subject to subd. 7. e., seek renewal of accreditation from the Institute for the Transformation of Learning at Marquette University.

SECTION 44. 119.23 (2) (a) 7. d. of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.23 (2) (a) 7. d. For a private school that was approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education and is participating in the program under this section on November 19, 2011, the private school achieves accreditation by ~~Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, an accrediting entity~~ by December 31, 2015. If the private school is accredited as provided under this subd. 7. d., the private school is not required to obtain preaccreditation under subd. 7. b. bg. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 45. 119.23 (2) (a) 7. e. of the statutes is created to read:

119.23 (2) (a) 7. e. For a private school that is accredited by the Institute for the Transformation of Learning at Marquette University and that is participating in the program under this section on the effective date of this subd. 7. e. [LRB inserts date], the private school achieves accreditation by an accrediting entity under sub. (1) (ab) 1. by December 31, 2014. If the private school is accredited as provided under this subd. 7. e., the private school is not required to obtain preaccreditation under subd. 7. bg. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 46. 119.23 (2) (ag) of the statutes is created to read:

119.23 (2) (ag) The governing body of a new private school shall comply with all of the following before the

new private school may participate in the program under this section:

1. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, complete and submit to the department the following on forms provided by the department:

a. A notice of intent to participate and agreement to comply with procedural requirements.

b. A complete anticipated budget for the first fiscal period of participation in the program under this section showing that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit. The governing body shall include on the completed form anticipated enrollments for all pupils enrolled in the new private school and for pupils enrolled in the new private school under this section; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The governing body shall include in the budget contingent funding sources the new private school will use in the event that actual enrollments are less than expected.

c. The nonrefundable fee established by the department, as required under s. 119.23 (2) (a) 3., for the school year in which the fee is paid by the new private school. If the amount of the fee paid by the new private school under this subd. 1. c. increases for the school year in which the new private school will first participate in the program under this section, the new private school shall pay the difference between the fee paid and the fee due to the department. If the amount of the fee paid by the new private school under this subd. 1. c. decreases for the school year in which the new private school will first participate in the program under this section, the department shall refund the new private school the difference between the fee paid and the fee due to the department.

2. a. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, submit to the department the information required under sub. (6m) (a) and (c).

b. If, at the time the new private school submits the information required under subd. 2. a., the new private school does not have a physical property within which the private school intends to operate, submit a mailing address of an administrator of the private school.

3. By August 1 of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, submit to the department a statement indicating which of the standards under sub. (7) (a) the private school intends to meet.

4. Notwithstanding the deadline to obtain preaccreditation under sub. (2) (a) 7. bg., by December 15 of the

school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity.

5. By August 1 of the first school year in which the new private school intends to participate in the program under this section, demonstrate to the satisfaction of the department that the new private school has contracted with a 3rd-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.

SECTION 47. 119.23 (2) (ar) of the statutes is created to read:

119.23 (2) (ar) By December 31 of the school year immediately preceding the school year in which a new private school intends to participate in the program under this section, the department shall notify the new private school in writing whether it has satisfied those requirements under par. (ag) that must be satisfied before December 31. If the department determines that the new private school has not satisfied those requirements, the new private school may not participate in the program under this section in the following school year, but may reinitiate the process under par. (ag) for the next following school year.

SECTION 48. 119.23 (7) (ad) of the statutes, as created by 2013 Wisconsin Act 20, is renumbered 119.23 (7) (ad) 3. and amended to read:

119.23 (7) (ad) 3. The governing body of a private school participating in the program under this section and accredited as required under subds. 1. and 2. and sub. (2) (a) 7. shall ensure that the private school continuously maintains accreditation from ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, by any other organization recognized by the National Council for Private Schools Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute for the Transformation of Learning at Marquette University, an accrediting entity~~ as long as the private school continues to participate in the program under this section.

SECTION 49. 119.23 (7) (ad) 1. and 2. of the statutes are created to read:

119.23 (7) (ad) 1. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall apply for and achieve accreditation to offer instruction in the additional grades in the manner established under sub. (2) (a) 7. br.

2. If a private school participating in the program under this section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any high school grade, but not any elementary grade, seeks to offer instruction in any elementary grade, the private school shall apply for and achieve accreditation to offer instruction in the additional grades in the manner established under sub. (2) (a) 7. br.

SECTION 50. 119.23 (7) (ag) of the statutes is created to read:

119.23 (7) (ag) If a participating private school learns that an accrediting organization with which the private school is maintaining accreditation, as required under par. (ad), is a disqualified organization, the private school shall immediately notify the department in writing of this fact and shall obtain accreditation from an accrediting entity no later than 3 years from the date on which the private school learned that the accrediting organization is a disqualified organization.

SECTION 51. 119.23 (7) (ao) of the statutes is created to read:

119.23 (7) (ao) By November 1 of the first school term in which a private school participates in the program under this section, the private school shall submit to the department on a form provided by the department a budget reflecting the enrollments in the private school on the immediately preceding 3rd Friday in September and any related changes in revenues, costs, and cash flow requirements.

SECTION 52. 119.23 (7) (em) 1. of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

119.23 (7) (em) 1. Beginning in the 2013-14 school year, the governing body of each private school participating in the program under this section shall, subject to subd. 2., annually, by January 15, provide the department with evidence demonstrating that the private school remains accredited for the current school year as required under par. (ad). The governing body shall include as evidence of accreditation a letter prepared by ~~Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, by any other organization recognized by the National Council for Private Schools Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute for the Transformation of Learning at Marquette University, which an accrediting entity that~~ confirms that the private school is accredited by that entity as of the date of the letter.

SECTION 53. 119.23 (7) (f) of the statutes is repealed.

SECTION 54. 119.23 (9) of the statutes is amended to read:

119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. a., b., or d. or preaccrediting entity determines during the accrediting or preaccrediting process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 55. 119.23 (10) (am) 2. of the statutes is amended to read:

119.23 (10) (am) 2. The private school's application for accreditation has been denied by the accrediting organization entity.

SECTION 56. 119.23 (10) (ar) of the statutes, as created by 2013 Wisconsin Act 20, is amended to read:

119.23 (10) (ar) 1. If the state superintendent determines that a private school has failed to continuously maintain accreditation as required under sub. (7) (ad), that the governing body of the private school has withdrawn the private school from the accreditation process, or that the private school's accreditation has been revoked, denied, or terminated by Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, by any other organization recognized by the National Council for Private Schools Accreditation, or, for a private school to which sub. (2) (a) 7. c. applies, the Institute for the Transformation of Learning at Marquette University an accrediting agency, the state superintendent shall issue an order barring the private school's participation in the program under this section at the end of the current school year.

2. A private school whose participation in the program under this section is barred under subd. 1. may not participate in the program under this section or under s. 118.60 until the governing body of the private school demonstrates to the satisfaction of the department that it has obtained accreditation from Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation an accrediting entity, provided the accreditation is from an entity other than the entity with which the private school failed to continuously maintain accreditation or, if the private school's accreditation was revoked, denied, or terminated, other than the entity that revoked, denied, or terminated the private school's accreditation.

SECTION 57. 447.06 (2) (a) 2. of the statutes is amended to read:

447.06 (2) (a) 2. For a school board or a governing body of a private school, as defined in s. 115.001 (3d), or a governing body of a tribal school, as defined in s. 115.001 (15m).

SECTION 58. 895.035 (1) (a) of the statutes is renumbered 895.035 (1) (a) (intro.) and amended to read:

895.035 (1) (a) In this section, "custody";

1. "Custody" means either legal custody of a child under a court order under s. 767.225 or 767.41, custody of a child under a stipulation under s. 767.34 or actual physical custody of a child. "Custody" does not include legal custody, as defined under s. 48.02 (12), by an agency or a person other than a child's birth or adoptive parent.

SECTION 59. 895.035 (1) (a) 2. of the statutes is created to read:

895.035 (1) (a) 2. "Governing body of a private school" has the meaning given in s. 115.001 (3d).

SECTION 60. 938.02 (6m) of the statutes is created to read:

938.02 (6m) "Governing body of a private school" has the meaning given in s. 115.001 (3d).

SECTION 61. 950.08 (2w) of the statutes is amended to read:

950.08 (2w) INFORMATION TO BE PROVIDED BY DISTRICT ATTORNEYS TO SCHOOLS IN CRIMINAL CASES. If a criminal complaint is issued under s. 968.02 or if a petition for waiver is granted pursuant to s. 938.18, and the district attorney reasonably believes the person charged is a pupil enrolled in a school district, a private school, or a charter school established pursuant to 118.40 (2r), the district attorney shall make a reasonable attempt to notify the school board, governing body of the private school governing body, as defined in s. 115.001 (3d), or charter school governing body of the charges pending against the pupil. The district attorney shall also notify the school board, governing body of the private school governing body, or charter school governing body of the final disposition of the charges.

SECTION 62. Initial applicability.

(1) (a) In this subsection, "new private school" has the meaning given in sections 118.60 (1) (bn) and 119.23 (1) (ai) of the statutes, as created by this act.

(b) The treatment of sections 118.60 (2) (ag) and (ar) and 119.23 (2) (ag) and (ar) of the statutes, as created by this act, first applies to a new private school seeking to participate in either or both of the programs under sections 118.60 and 119.23 of the statutes, as affected by this act, in the 2015-16 school year.

(2) The treatment of sections 118.60 (7) (ao) and 119.23 (7) (ao) of the statutes first applies to a private school that first participates in the program under section 118.60 or 119.23 of the statutes in the first school year

that begins on or after the effective date of this subsection.
