



## 2005 ASSEMBLY BILL 961

January 31, 2006 - Introduced by Representatives SINICKI, A. WILLIAMS, FIELDS, COLON, GRIGSBY, TOLES, YOUNG, TURNER, RICHARDS, CULLEN, KESSLER, ZEPNICK, LEHMAN, POPE-ROBERTS, SCHNEIDER, BERCEAU, SHERIDAN, TRAVIS, WASSERMAN and KREUSER, cosponsored by Senators TAYLOR, COGGS, CARPENTER, JAUCH, PLALE, MILLER and ERPENBACH. Referred to Committee on Education Reform.

1     **AN ACT** *to repeal* 119.23 (2) (a) 2.; *to amend* 115.38 (3), 118.30 (1g) (a) 1., 118.30  
2           (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6), 118.40 (2r) (cm), 118.43 (6) (b) 9.,  
3           118.43 (6) (c), 119.23 (2) (a) 1. and 119.23 (2) (b); and *to create* 118.30 (1g) (a)  
4           3., 118.30 (1s), 118.30 (2) (b) 5., 119.16 (11), 119.23 (2) (a) 7., 119.23 (7) (b) and  
5           121.05 (1) (a) 14. of the statutes; **relating to:** the Milwaukee Parental Choice  
6           Program; state aid to the Milwaukee Public Schools for Milwaukee Parental  
7           Choice Program pupils; the Student Achievement Guarantee in Education  
8           Program; and independent charter schools.

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### *Analysis by the Legislative Reference Bureau*

#### ***Milwaukee Parental Choice Program***

Under current law, the number of pupils who may attend a private school under the Milwaukee Parental Choice Program (MPCP) is capped at 15 percent of the enrollment of the Milwaukee Public Schools (MPS). If in any school year there are more spaces available in the private schools participating in the MPCP than the maximum number of pupils allowed to attend the private schools under the MPCP, the law directs the Department of Public Instruction (DPI) to prorate the number of spaces available at each participating private school.

This bill provides that the number of pupils who attend private schools under the MPCP in the 2006-07 school year or in any school year thereafter may not exceed

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18 percent of the enrollment of MPS. The bill also includes 45 percent of the number of pupils attending a private school under the MPCP in the enrollment of MPS for state aid purposes. The latter provision is phased in over five years. Under the bill, MPS must use the additional state aid generated by counting MPCP pupils to pay teachers and instructional support staff, provide remedial instruction and after-school instruction, and remedy deficiencies in meeting the statutory school district standards.

Under current law, to participate in the MPCP, a pupil must be a member of a family with a total family income of no more than 1.75 times the federal poverty level. This bill allows a pupil to continue to attend an MPCP school if the pupil's family income does not exceed 2.2 times the federal poverty level. The bill also provides that siblings of pupils attending an MPCP school are subject to the higher limit.

Under current law, a pupil may participate in the MPCP only if, in the previous school year, the pupil was enrolled MPS, was attending a private school under the MPCP, was enrolled in grades kindergarten to three in a private school located in the city of Milwaukee other than under the MPCP, or was not enrolled in school. This bill eliminates this eligibility requirement.

The bill requires that each private school participating in the MPCP achieve accreditation by at least one of a number of specified accrediting agencies within two years.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998, and to administer fourth, eighth, and tenth grade examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than independent charter schools) located in the school district. Identical provisions exist under current law for independent charter schools. Under current law, the fourth, eighth, and tenth grade examinations are not required to be administered to pupils participating in the MPCP.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer fourth, eighth, and tenth grade examinations to pupils enrolled in the private school under the MPCP. The governing body may either adopt the DPI examinations or develop its own. The bill also requires a private school participating in the MPCP to administer to pupils attending the private school under the MPCP the examinations that are required to be administered to public school pupils by the federal No Child Left Behind Act. The federal act requires examinations in mathematics and reading or language arts in grades three to eight and in high school. Beginning in the 2007-08 school year, the federal act requires examinations in science once in grades three to five, once in grades six to nine, and once in grades ten to twelve. Finally, the federal act requires schools to administer an annual assessment of English proficiency to all limited-English proficient pupils.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a

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standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

***SAGE***

Current law allows a school board to enter into a five-year renewable achievement guarantee (SAGE) contract with DPI to reduce class size and improve academic achievement in grades kindergarten to three in exchange for receiving \$2,000 for each low-income pupil enrolled in grades eligible for SAGE funding in the school district. The most recent set of SAGE contracts expires at the end of the 2005-06 school year. Contracts may be renewed for one or more terms of five years.

This bill increases the \$2,000 per pupil payment to \$2,500 in the 2007-08 school year for contract renewals.

***Charter schools***

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools.

For the University of Wisconsin-Parkside charter school, current law limits the enrollment to 400 pupils. This bill increases the limit to 480 pupils beginning in the 2006-07 school year.

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.** 115.38 (3) of the statutes is amended to read:

2           115.38 (3) Annually, the state superintendent shall publish and distribute to  
3 the legislature under s. 13.172 (2) a summary of the reports under sub. (2) and a  
4 summary of the results of the tests administered under ss. 118.30 (1s) (a) to (c) and  
5 119.23 (7) (b) to pupils attending private schools under s. 119.23.

6           **SECTION 2.** 118.30 (1g) (a) 1. of the statutes is amended to read:

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1           118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
2 academic standards in mathematics, science, reading and writing, geography, and  
3 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
4 standards issued by the governor as an executive order under s. 14.23, ~~the school~~  
5 ~~board may adopt those standards~~ no. 326, dated January 13, 1998.

6           **SECTION 3.** 118.30 (1g) (a) 3. of the statutes is created to read:

7           118.30 (1g) (a) 3. The governing body of each private school participating in the  
8 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
9 science, reading and writing, geography, and history. The governing body of the  
10 private school may adopt the pupil academic standards issued by the governor as  
11 executive order no. 326, dated January 13, 1998.

12           **SECTION 4.** 118.30 (1g) (c) of the statutes is amended to read:

13           118.30 (1g) (c) Each school board operating elementary grades ~~and~~, each  
14 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and  
15 the governing body of each private school participating in the program under s.  
16 119.23 that operates elementary grades may develop or adopt its own examination  
17 designed to measure pupil attainment of knowledge and concepts in the 4th grade  
18 and may develop or adopt its own examination designed to measure pupil attainment  
19 of knowledge and concepts in the 8th grade. ~~If the school board or~~, operator of the  
20 charter school, or governing body of the private school develops or adopts an  
21 examination under this paragraph, it shall notify the department.

22           **SECTION 5.** 118.30 (1s) of the statutes is created to read:

23           118.30 (1s) Annually, the governing body of each private school participating  
24 in the program under s. 119.23 shall do all of the following:

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1 (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
2 adopted or approved by the state superintendent under sub. (1) to all pupils  
3 attending the 4th grade in the private school under s. 119.23.

4 2. If the governing body of the private school has developed or adopted its own  
5 4th grade examination, administer that examination to all pupils attending the 4th  
6 grade in the private school under s. 119.23.

7 (b) 1. Except as provided in sub. (6), administer the 8th grade examination  
8 adopted or approved by the state superintendent under sub. (1) to all pupils  
9 attending the 8th grade in the private school under s. 119.23.

10 2. If the governing body of the private school has developed or adopted its own  
11 8th grade examination, administer that examination to all pupils attending the 8th  
12 grade in the private school under s. 119.23.

13 (c) Administer the 10th grade examination to all pupils attending the 10th  
14 grade in the private school under s. 119.23.

15 (d) Administer to pupils attending the private school under s. 119.23 the  
16 examinations that the department requires to be administered to public school  
17 pupils under 20 USC 6311 (b) (3) and (7).

18 **SECTION 6.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

19 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
20 subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40  
21 (2r), or governing body of the private school participating in the program under s.  
22 119.23 shall comply with s. 115.77 (1m) (bg).

23 2. According to criteria established by the state superintendent by rule, the  
24 school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body  
25 of the private school participating in the program under s. 119.23 may determine not

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1 to administer an examination under sub. (1s) (a) to (c) to a limited-English speaking  
2 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
3 her native language, or may modify the format and administration of such an  
4 examination for such pupils.

5 **SECTION 7.** 118.30 (2) (b) 5. of the statutes is created to read:

6 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
7 body of a private school participating in the program under s. 119.23 shall excuse the  
8 pupil from taking an examination administered under sub. (1s) (a) to (c).

9 **SECTION 8.** 118.30 (6) of the statutes is amended to read:

10 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40  
11 (2r) ~~is, and the governing body of a private school participating in the program under~~  
12 s. 119.23 are not required to administer the 4th and 8th grade examinations adopted  
13 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the  
14 operator of the charter school, or the governing body of the private school administers  
15 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter  
16 school, or governing body of the private school provides the state superintendent  
17 with statistical correlations of those examinations with the examinations adopted or  
18 approved by the state superintendent under sub. (1), and the federal department of  
19 education approves.

20 **SECTION 9.** 118.40 (2r) (cm) of the statutes is amended to read:

21 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may  
22 establish or enter into a contract for the establishment of only one charter school  
23 under this subsection, which may not operate high school grades and which may not  
24 accommodate more than 400 ~~400~~ 480 pupils.

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1           **SECTION 10.** 118.43 (6) (b) 9. of the statutes, as affected by 2005 Wisconsin Act  
2           25, is amended to read:

3           118.43 **(6)** (b) 9. In the 2005-06 and ~~any subsequent~~ 2006-07 school year years,  
4           \$2,000 multiplied by the number of low-income pupils enrolled in grades eligible for  
5           funding in each school in the school district covered by renewals of contracts under  
6           sub. (2) (g) and in the 2007-08 and any subsequent school year, \$2,500 multiplied by  
7           the number of low-income pupils enrolled in grades eligible for funding in each  
8           school in the school district covered by renewals of contracts under sub. (2) (g).

9           **SECTION 11.** 118.43 (6) (c) of the statutes is amended to read:

10           118.43 **(6)** (c) The amount paid to a school district in any school year under par.  
11           (b) may not exceed an amount equal to ~~\$2,000~~ \$2,500 multiplied by the number of  
12           low-income pupils enrolled in grades eligible for funding in each school in the school  
13           district covered by contracts under this section.

14           **SECTION 12.** 119.16 (11) of the statutes is created to read:

15           119.16 **(11)** USE OF FUNDS. The board shall ensure that all state aid received  
16           as a result of counting in enrollment the pupils described in s. 121.05 (1) (a) 14. is  
17           used to pay teachers and instructional support staff, provide remedial instruction  
18           and after-school instruction, and remedy deficiencies in meeting the school district  
19           standards under s. 121.02 (1).

20           **SECTION 13.** 119.23 (2) (a) 1. of the statutes is amended to read:

21           119.23 **(2)** (a) 1. The pupil is a member of a family that has a total family income  
22           that does not exceed an amount equal to 1.75 times the poverty level determined in  
23           accordance with criteria established by the director of the federal office of  
24           management and budget. A pupil attending a private school under this section  
25           whose family income increases may continue to attend a private school under this

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1 section if the pupil is a member of a family that has a total family income that does  
2 not exceed an amount equal to 2.2 times the poverty level determined in accordance  
3 with criteria established by the director of the federal office of management and  
4 budget. For purposes of admission to a private school under this section, siblings of  
5 pupils attending a private school under this section are subject to the higher income  
6 limit. If a pupil attending a private school under this section ceases to attend a  
7 private school under this section, the lower income limit applies unless the pupil is  
8 a sibling of a pupil attending a private school under this section.

9 **SECTION 14.** 119.23 (2) (a) 2. of the statutes is repealed.

10 **SECTION 15.** 119.23 (2) (a) 7. of the statutes is created to read:

11 119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin  
12 North Central Association, the Wisconsin Religious and Independent Schools  
13 Accreditation, the Independent Schools Association of the Central States, the  
14 Archdiocese of Milwaukee, or any other organization recognized by the National  
15 Council for Private School Accreditation, or is approved for scholarship funding by  
16 Partners Advancing Values in Education, within 2 years of its initial participation  
17 in the program under this section.

18 **SECTION 16.** 119.23 (2) (b) of the statutes is amended to read:

19 119.23 (2) (b) No Beginning in the 2006-07 school year, no more than 15% 18  
20 percent of the school district's membership may attend private schools under this  
21 section. If in any school year there are more spaces available in the participating  
22 private schools than the maximum number of pupils allowed to participate, the  
23 department shall prorate the number of spaces available at each participating  
24 private school.

25 **SECTION 17.** 119.23 (7) (b) of the statutes is created to read:



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1           119.23 (7) (b) The governing body of each private school participating in the  
2 program under this section shall administer to the pupils attending the 3rd grade  
3 in the private school under this section a standardized reading test developed by the  
4 department.

5           **SECTION 18.** 121.05 (1) (a) 14. of the statutes is created to read:

6           121.05 (1) (a) 14. The following percentage of the number of pupils enrolled in  
7 a private school under s. 119.23:

8           a. For the report submitted in 2006, 10 percent.

9           b. For the report submitted in 2007, 20 percent.

10          c. For the report submitted in 2008, 30 percent.

11          d. For the report submitted in 2009, 40 percent.

12          e. For the report submitted in 2010, and each year thereafter, 45 percent.

13           **SECTION 19. Nonstatutory provisions.**

14          (1) Notwithstanding section 119.23 (2) (a) 7. of the statutes, as created by this  
15 act, any private school that participated in the program under section 119.23 of the  
16 statutes during the 2005-06 school year shall achieve accreditation, as described in  
17 section 119.23 (2) (a) 7. of the statutes, as created by this act, by July 1, 2008.

18           **SECTION 20. Initial applicability.**

19          (1) The treatment of section 119.23 (2) (a) 1. and 2. of the statutes first applies  
20 to pupils and private schools who intend to participate in the Milwaukee Parental  
21 Choice Program in the 2006-07 school year.

22          (2) The treatment of section 121.05 (1) (a) 14. of the statutes first applies to the  
23 distribution of school aid in the 2006-07 school year.

24           **SECTION 21. Effective date.**

