



## 2007 ASSEMBLY BILL 930

March 11, 2008 - Introduced by Representatives KRUSICK, POPE-ROBERTS, STASKUNAS, TURNER and KESSLER, cosponsored by Senators LEHMAN and CARPENTER. Referred to Committee on Education Reform.

1     **AN ACT** *to renumber* 343.12 (9); *to amend* 115.28 (7) (b), 118.125 (4), 118.19 (1),  
2           118.30 (1g) (a) 1., 118.30 (2) (b) 1. and 2., 119.23 (2) (a) 7., 119.23 (7) (am) 1.,  
3           119.23 (7) (e) 1., 119.23 (10) (d), 121.53 (4), 121.53 (6), 121.555 (1) (intro.),  
4           121.555 (1) (b), 121.555 (2) (intro.), 121.555 (2) (cm), 121.555 (6) (a), 340.01 (56)  
5           (a) 1., 341.03 (title), 341.03 (1) and 343.12 (4) (b); ***to repeal and recreate***  
6           119.23 (7) (f); and ***to create*** 20.255 (2) (fv), 115.28 (27), 118.30 (1g) (a) 3., 118.30  
7           (1s), 118.30 (2) (b) 5., 119.16 (11), 119.23 (6m), 119.23 (7) (b), 119.23 (10) (a) 5.  
8           to 7., 119.23 (10) (a) 8., 119.23 (10) (am) 4., 121.555 (2m), 343.12 (1m) and 343.12  
9           (9) (b) of the statutes; **relating to:** the Milwaukee Parental Choice Program;  
10          a school assessment guide; the operation of, and insurance requirements  
11          related to, school buses and alternative methods of pupil transportation;  
12          making an appropriation; and providing a penalty.

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### ***Analysis by the Legislative Reference Bureau***

This bill makes a number of changes in the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of

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Milwaukee may attend a private school at state expense under certain conditions. In addition, the bill makes a number of changes in the laws governing the operation of, and insurance requirements related to, school buses and alternative methods of pupil transportation. The changes include the following:

***Teacher licensure***

Beginning in the 2009–10 school year, this bill directs each private school participating in the MPCP to ensure that every teacher, supervisor, administrator, and professional staff member holds a license or a permit to teach issued by the Department of Public Instruction (DPI). Under current law, a person is not required to be licensed to teach in any private school.

***Pupil assessments***

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and tenth grades. This bill requires each private school participating in the MPCP to administer the fourth, eighth, and tenth grade examinations adopted or approved by DPI to pupils attending the school under the MPCP.

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. Identical provisions exist under current law for independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

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 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 for pupils attending the schools under the MPCP.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades 3 to 8 and at least once in grades 10 to 12; and in science at least once in grades 3 to 5, 6 to 9, and 10 to 12. This bill imposes this requirement on private schools participating in the MPCP for pupils attending the schools under the MPCP.

The bill appropriates to DPI a sum sufficient to pay the costs of acquiring, administering, and scoring the examinations.

***Disclosure requirements***

The bill requires each MPCP school to provide, annually to DPI and upon request to any person, all of the following:

1. The results of all standardized tests administered in the previous school year.
2. Rates of graduation, truancy, attendance, suspension, and expulsion in the previous school year.

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3. The private school's requirements for promotion from grade to grade and for graduation.

4. The number of pupils enrolled in the previous school year who were handicapped.

5. The services provided by the private school to pupils with disabilities.

6. The private school's safety plan.

7. The private school's attrition rate for teachers in the previous school year, as compared to the statewide attrition rate and the Milwaukee Public Schools' (MPS) attrition rate in the previous school year.

8. The private school's budget for the ensuing fiscal year.

9. The private school's academic standards.

***Pupil records***

The bill requires a private school participating in the MPCP to maintain records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to MPS. The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

***Accreditation***

Currently, in order to participate in the MPCP, a private school must be accredited by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University, or any other organization recognized by the National Council for Private School Accreditation, or be approved for scholarship funding for the 2005-06 school year by Partners Advancing Values in Education (PAVE).

Under this bill, approval by PAVE no longer satisfies the accreditation requirement.

***School assessment guide***

The bill directs DPI to develop a guide for parents to use in assessing public and private schools, including charter schools. The guide must include information on how to evaluate the academic performance of pupils enrolled in a school, a school's academic opportunities, a school's expenditures per pupil, the education and experience levels of teachers, and the opportunities for parental involvement in a

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school and classroom. DPI must post the guide on its Internet site and make copies available to schools upon request.

***MPCP cost report***

The bill requires MPS to report annually to the legislature the costs it incurred in the previous school year in connection with the MPCP, including transportation costs and costs of providing special education to pupils attending private schools under the MPCP.

***Transportation of pupils and insurance coverage***

Under current law, every school board must require that a certificate of insurance is filed with the school board and the Department of Transportation (DOT) showing that an insurance policy has been procured and is in effect which covers the owner and operator of the school bus and the school board or the school board must procure an insurance policy and file the certificate with DOT. DOT may not issue registration plates for a school bus unless the certificate is on file with DOT. This insurance policy may not be canceled or terminated prior to its expiration unless notice of cancellation or termination is filed by the insurer with DOT and the school board at least ten days prior to the date of cancellation or termination. DOT must then revoke the registration of any school bus on which the policy has been canceled or terminated.

Under this bill, the same requirements that apply to a school board also apply to the governing body of a charter school and the governing body of a private school. The bill requires that the insurance policy procured by a school board or the governing body of a charter school or the operator of a private school is in effect for the entire school year. The bill requires an insurer to provide 30 days' notice, rather than 10 days' notice, if it cancels or terminates an insurance policy covering a school bus prior to the policy's expiration. The bill also requires an insurer who provides this insurance coverage to a school participating in the MPCP to notify DPI of any change made to the policy. The bill also requires a private school participating in the MPCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

Under current law, a school board or the governing body of a private school may provide pupil transportation services by alternative methods. These alternative methods consist of a motor vehicle transporting nine or fewer passengers in addition to the operator, and a motor vehicle transporting ten or more passengers in addition to the operator when the secretary of transportation determines, at the request of the school board or governing body, that an emergency exists because no regular transportation is available. Current law requires, with certain exceptions, that motor vehicles used for alternative pupil transportation comply with the insurance requirements applicable to school buses.

This bill clarifies that the operator of a charter school may provide pupil transportation services by alternative methods, and subjects the charter school to the same insurance requirements applicable to a school board and the governing body of a private school. In addition, the bill requires that a school board, the governing body of a private school, and the operator of a charter school file with DOT a certificate of insurance showing that the insurance policy applicable to a motor

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vehicle used as an alternative method of pupil transportation is in effect for the entire school year. The bill also requires an insurer to provide 30 days' notice to DOT and the school board, governing body of a private school, or operator of a charter school prior to the cancellation or termination of an insurance policy covering a motor vehicle used as an alternative method of pupil transportation. The bill requires an insurer who provides this insurance coverage to a school participating in the MPCP to notify DPI of any change made to the policy. The bill also requires a private school participating in the MPCP to immediately notify DPI that the school has received a notice of cancellation or termination from the insurer.

***Exclusion of private schools from the MPCP***

Under current law, DPI may bar a private school from participating in the MPCP if DPI determines that the private school has violated certain prohibitions. For example, a private school that fails to submit an independent financial audit of the school that has been conducted by a certified public accountant may be barred from participating in the MPCP. This bill creates the following additional grounds for DPI to bar a school from participating in the MPCP:

1. Failure to comply with the disclosure requirements established in the bill.
2. Failure to comply with the teacher licensure and pupil assessment requirements established in the bill.
3. Failure to develop policies on truancy, excused and unexcused absences, bullying, pupil engagement in learning and emotional development, and promoting parental involvement and volunteerism, as required in the bill.
4. Failure to maintain, provide copies of, and issue pupil records as required in the bill.
5. Failure to procure and maintain insurance as required by DPI and under the bill.

***Fraudulent representations***

Current law prohibits a person, with the intent to sell a product or service to the public or induce the public to enter into a contract, from making any assertion or statement that is untrue, deceptive, or misleading in its advertising or other representations made to the public. This bill authorizes DPI to prohibit a private school from participating in the MPCP in the following school year if the private school has violated this prohibition.

***School buses***

Under current law, a person may not operate a school bus without a school bus endorsement issued by DOT. A person may obtain a school bus endorsement to the person's regular motor vehicle operator's license if the person is to operate a school bus that is not a commercial motor vehicle (CMV) or to the person's commercial driver license (CDL) if the person is to operate a school bus that is a CMV.

Also under current law, an employer may not knowingly allow an employee to operate a CMV during any period of withdrawal of the employee's operating privileges or when the employee does not possess a valid CDL with any required endorsement. The employer also may not knowingly allow an employee to operate a CMV in violation of any law. A person who holds a CDL must report to his or her employer any conviction for a traffic violation within 30 days of the conviction and

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any withdrawal of operating privileges by the end of the day after the withdrawal. DOT maintains an employer notification program to permit an employer to register the name of a CDL-holding employee and be notified by DOT whenever a conviction or withdrawal of operating privileges is recorded on the employee's operating record.

Under this bill, an employer that employs any person as an operator of a school bus is responsible for determining that each such person is qualified to operate a school bus. This employer is also responsible for assuring that only employees so qualified operate the employer's school buses. If the employer employs any person holding a CDL to operate a school bus, the employer must participate in DOT's employer notification program. An employer that violates any of these requirements must forfeit not less than \$20 nor more than \$400.

Under current law, the definition of "school bus" includes a motor vehicle which carries ten or more passengers in addition to the driver or is painted in accordance with specifications established by statute and which is used for the purpose of transporting pupils to or from an elementary or high school supported by public taxation, a private school that meets criteria established by DPI, or, under certain conditions, a technical college. This bill changes the definition of "school bus" to explicitly include a motor vehicle that satisfies the above conditions and that is used for the purpose of transporting pupils to or from a charter school.

Also under current law, if a motor vehicle providing pupil transportation gets into an accident, the accident must be reported to the school board within ten days after its occurrence.

Under this bill, the accident must, if applicable, be reported to the governing body of a charter school or the governing body of a private school.

Under current law, a person may not operate or knowingly permit the operation of a motor vehicle if the registration for that vehicle is suspended, revoked, or canceled. A person who violates this prohibition may be required to forfeit not more than \$200 if the vehicle involved in the violation is an automobile or weighs 10,000 pounds or less and may be required to forfeit not more than \$500 if the vehicle involved is any other vehicle.

This bill specifically prohibits a person from operating or knowingly permitting the operation of a school bus, or motor vehicle used as an alternative method of pupil transportation, required to be covered by liability insurance unless such valid insurance is current on the school bus. A person who violates this prohibition may be required to forfeit not more than \$500.

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:***

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1           20.255 (2) (fv) *Milwaukee parental choice program; pupil assessments.* A sum  
2 sufficient to pay the costs of acquiring, administering, and scoring the  
3 examinations required under ss. 118.30 (1s) and 119.23 (7) (b) 1.

4           **SECTION 2.** 115.28 (7) (b) of the statutes is amended to read:

5           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
6 applicants and granting and revocation of licenses or certificates under par. (a), the  
7 state superintendent shall grant certificates and licenses to teachers in private  
8 schools, except that teaching experience requirements for such certificates and  
9 licenses may be fulfilled by teaching experience in either public or private schools.  
10 An applicant is not eligible for a license or certificate unless the state superintendent  
11 finds that the private school in which the applicant taught offered an adequate  
12 educational program during the period of the applicant's teaching therein. Private  
13 Except as provided in s. 119.23 (7) (b) 2., private schools are not obligated to employ  
14 only licensed or certified teachers.

15           **SECTION 3.** 115.28 (27) of the statutes is created to read:

16           115.28 (27) SCHOOL ASSESSMENT GUIDE. Develop a guide for parents to use in  
17 assessing public and private schools, including charter schools. The guide shall  
18 include information on how to evaluate the academic performance of pupils enrolled  
19 in a school, a school's academic opportunities, a school's expenditures per enrolled  
20 pupil, the education and experience levels of teachers, and the opportunities for  
21 parental involvement in a school and classroom, and may include additional  
22 information. In developing the guide, the department shall consult with the  
23 Wisconsin Association of School Boards, the Wisconsin Association of School District  
24 Administrators, the Wisconsin Charter Schools Association, the Wisconsin Council  
25 of Religious and Independent Schools, the Wisconsin Education Association Council,

**ASSEMBLY BILL 930****SECTION 3**

1 and School Choice Wisconsin, Inc. The department shall post the guide on its  
2 Internet site and make copies of the guide available to schools upon request.

3 **SECTION 4.** 118.125 (4) of the statutes is amended to read:

4 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district and  
5 a private school participating in the program under s. 119.23 shall transfer to  
6 another school or school district all pupil records relating to a specific pupil if the  
7 transferring school district or private school has received written notice from the  
8 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor  
9 that the pupil intends to enroll in the other school or school district or written notice  
10 from the other school or school district that the pupil has enrolled or from a court that  
11 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02  
12 (10p), or a secured residential care center for children and youth, as defined in s.  
13 938.02 (15g). In this subsection, "school" and "school district" include any juvenile  
14 correctional facility, secured residential care center for children and youth, adult  
15 correctional institution, mental health institute, or center for the developmentally  
16 disabled, that provides an educational program for its residents instead of or in  
17 addition to that which is provided by public and private schools.

18 **SECTION 5.** 118.19 (1) of the statutes is amended to read:

19 118.19 (1) Any person seeking to teach in a public school, including a charter  
20 school, in a private school participating in the program under s. 119.23, or in a school  
21 or institution operated by a county or the state shall first procure a license or permit  
22 from the department.

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

24 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil  
25 academic standards in mathematics, science, reading and writing, geography, and



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1 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
2 standards issued by the governor as an executive order under s. 14.23, the school  
3 ~~board may adopt those standards~~ no. 326, dated January 13, 1998.

4 **SECTION 7.** 118.30 (1g) (a) 3. of the statutes is created to read:

5 118.30 (1g) (a) 3. The governing body of each private school participating in the  
6 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
7 science, reading and writing, geography, and history. The governing body of the  
8 private school may adopt the pupil academic standards issued by the governor as  
9 executive order no. 326, dated January 13, 1998.

10 **SECTION 8.** 118.30 (1s) of the statutes is created to read:

11 118.30 (1s) Annually, the governing body of each private school participating  
12 in the program under s. 119.23 shall do all of the following:

13 (a) Administer the 4th grade examination adopted or approved by the state  
14 superintendent under sub. (1) to all pupils attending the 4th grade in the private  
15 school under s. 119.23.

16 (am) Administer the 8th grade examination adopted or approved by the state  
17 superintendent under sub. (1) to all pupils attending the 8th grade in the private  
18 school under s. 119.23.

19 (b) Administer the 10th grade examination adopted or approved by the state  
20 superintendent under sub. (1) to all pupils attending the 10th grade in the private  
21 school under s. 119.23.

22 (c) Administer to pupils attending the private school under s. 119.23 all other  
23 examinations in reading, mathematics, and science that are required to be  
24 administered to public school pupils under 20 USC 6311 (b) (3).

25 **SECTION 9.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

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1           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
2 subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40  
3 (2r), or governing body of the private school participating in the program under s.  
4 119.23 shall comply with s. 115.77 (1m) (bg).

5           2. According to criteria established by the state superintendent by rule, the  
6 school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body  
7 of the private school participating in the program under s. 119.23 may determine not  
8 to administer an examination under this section to a limited-English speaking  
9 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
10 her native language or may modify the format and administration of an examination  
11 for such pupils.

12           **SECTION 10.** 118.30 (2) (b) 5. of the statutes is created to read:

13           118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
14 body of a private school participating in the program under s. 119.23 shall excuse the  
15 pupil from taking an examination administered under sub. (1s).

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

17           119.16 (11) MILWAUKEE PARENTAL CHOICE PROGRAM; REPORT. Annually the board  
18 shall report to the legislature, in the manner provided under s. 13.172 (2), all of the  
19 costs it incurred in the previous school year in connection with the Milwaukee  
20 parental choice program under s. 119.23, including transportation costs and the costs  
21 of providing special education and related services to pupils attending private  
22 schools under s. 119.23.

23           **SECTION 12.** 119.23 (2) (a) 7. of the statutes is amended to read:

24           119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin  
25 North Central Association, the Wisconsin Religious and Independent Schools

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1 Accreditation, the Independent Schools Association of the Central States, the  
2 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at  
3 Marquette University, or any other organization recognized by the National Council  
4 for Private School Accreditation, by December 31 of the 3rd school year following the  
5 first school year that begins after June 30, 2006, in which it participates in the  
6 program under this section, ~~or the private school was approved for scholarship~~  
7 ~~funding for the 2005-06 school year by Partners Advancing Values in Education.~~

8 **SECTION 13.** 119.23 (6m) of the statutes is created to read:

9 119.23 (6m) (a) Each private school participating in the program under this  
10 section shall provide, annually to the department and upon request to any person,  
11 all of the following:

12 1. The results of all examinations administered to pupils under s. 118.30 (1s)  
13 and sub. (7) (b) 1. in the previous school year, categorized by subject area, grade, sex,  
14 race, disability, and economic status, except as provided in par. (b).

15 2. Rates of graduation, truancy, attendance, suspension, and expulsion in the  
16 previous school year, categorized as specified in subd. 1., except as provided in par.  
17 (b).

18 3. The private school's requirements for promotion from grade to grade and for  
19 graduation.

20 4. The number of pupils enrolled in the previous school year who were children  
21 with a disability, as defined s. 115.76 (5), except as provided in par. (b).

22 5. The private school's safety plan.

23 6. The services provided by the private school to pupils who are children with  
24 disabilities, as defined in s. 115.76 (5).

**ASSEMBLY BILL 930****SECTION 13**

1           7. The private school's attrition rate for teachers in the previous school year,  
2 as compared to the statewide attrition rate in the previous school year and the  
3 attrition rate of the school district operating under this chapter in the previous school  
4 year.

5           8. The private school's budget, specifying all existing indebtedness and all  
6 anticipated revenue from all sources during the ensuing fiscal year and all proposed  
7 expenditures during the ensuing fiscal year.

8           9. The private school's academic standards adopted under s. 118.30 (1g) (a) 3.

9           (b) A private school participating in the program under this section is not  
10 required to categorize the information under par. (a) 1. and 2., or disclose the  
11 information under par. (a) 4., if the number of pupils in a category is insufficient to  
12 yield statistically reliable information or the results would reveal personally  
13 identifiable information about an individual pupil.

14           **SECTION 14.** 119.23 (7) (am) 1. of the statutes is amended to read:

15           119.23 (7) (am) 1. An independent financial audit of the private school  
16 conducted by a certified public accountant, accompanied by the auditor's statement  
17 that the report is free of material misstatements and fairly presents pupil costs  
18 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those  
19 records that are necessary for the department to make payments under subs. (4) and  
20 (4m), except that the certified public accountant conducting the audit shall include  
21 a report on the private school's compliance with par. (b) 5. a. and c.

22           **SECTION 15.** 119.23 (7) (b) of the statutes is created to read:

23           119.23 (7) (b) Each private school participating in the program under this  
24 section shall do all of the following:

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1           1. Administer to the pupils attending the 3rd grade in the private school under  
2 this section a standardized reading test developed by the department.

3           2. Ensure that every teacher, supervisor, administrator, and professional staff  
4 member holds a license or permit to teach issued by the department.

5           3. Develop policies on truancy, excused and unexcused absences, bullying,  
6 pupil engagement in learning activities, promoting the emotional development of  
7 pupils, promoting practices designed to provide instruction to each pupil based on  
8 the pupil's abilities, and promoting parental involvement and volunteerism. The  
9 latter policy shall describe the circumstances under which a pupil's parent or  
10 guardian may volunteer, shadow the pupil in school, and observe the pupil in the  
11 pupil's classes.

12           5. a. Maintain records for each pupil attending the private school under this  
13 section while the pupil attends the school and for at least 5 years after the pupil  
14 ceases to attend the school, except that if the private school ceases operating as a  
15 private school, it shall immediately transfer all of the records of the pupils who  
16 attended the school under this section to the board.

17           b. Upon request, provide a pupil or the parent or guardian of a minor pupil who  
18 is attending the private school under this section with a copy of the pupil's records,  
19 except that the private school need not provide a pupil's parent with a copy of the  
20 pupil's records if the pupil's parent has been denied periods of physical placement  
21 with the pupil under s. 767.41 (4).

22           c. Issue a high school diploma or certificate to each pupil who attends the  
23 private school under this section and satisfactorily completes the course of  
24 instruction and any other requirements necessary for high school graduation.

25           **SECTION 16.** 119.23 (7) (e) 1. of the statutes is amended to read:

**ASSEMBLY BILL 930****SECTION 16**

1           119.23 (7) (e) 1. Annually In the 2007-08 school year, each private school  
2 participating in the program under this section shall administer a nationally normed  
3 standardized test examination in reading, mathematics, and science to pupils  
4 attending the school under the program in the 4th, 8th, and 10th grades. Beginning  
5 in the 2008-09 school year and annually thereafter, each private school participating  
6 in the program under this section shall administer the examinations required under  
7 s. 118.30 (1s) to pupils attending the school under the program. The private school  
8 may administer additional standardized tests examinations to such pupils.  
9 Beginning in 2006 and annually thereafter until 2011, the private school shall  
10 provide the scores of all standardized tests examinations that it administers under  
11 this subdivision to the School Choice Demonstration Project.

12           **SECTION 17.** 119.23 (7) (f) of the statutes is repealed and recreated to read:

13           119.23 (7) (f) A private school that is not accredited under sub. (2) (a) 7. shall  
14 apply for accreditation by December 31 of the school year in which it enters or  
15 reenters the program under this section.

16           **SECTION 18.** 119.23 (10) (a) 5. to 7. of the statutes are created to read:

17           119.23 (10) (a) 5. Failed to provide the information under sub. (6m) (a).

18           6. Failed to comply with the requirements under sub. (7) (b).

19           7. Failed to procure and maintain in effect the insurance required under s.  
20 121.53 (4) or 121.555 (2) (a).

21           **SECTION 19.** 119.23 (10) (a) 8. of the statutes is created to read:

22           119.23 (10) (a) 8. Failed to procure and maintain in effect the insurance  
23 required by the department by rule.

24           **SECTION 20.** 119.23 (10) (am) 4. of the statutes is created to read:

25           119.23 (10) (am) 4. The private school has violated s. 100.18 (1).

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1           **SECTION 21.** 119.23 (10) (d) of the statutes is amended to read:

2           119.23 (10) (d) The state superintendent may withhold payment from a parent  
3 or guardian under subs. (4) and (4m) if the private school attended by the child of the  
4 parent or guardian violates this section or s. 118.125 (4).

5           **SECTION 22.** 121.53 (4) of the statutes is amended to read:

6           121.53 (4) Every school board, every governing body of a private school that  
7 transports pupils or contracts for the transportation of pupils, and every operator of  
8 a charter school that transports pupils or contracts for the transportation of pupils  
9 shall require that there be filed with it and with the department of transportation  
10 a certificate of insurance showing that an insurance policy has been procured and is  
11 in effect for the entire school year which covers the owner and operator of the school  
12 bus and the school board, private school, or charter school, or shall procure an  
13 insurance policy and file such certificate with the department of transportation.  
14 Unless such certificate is on file with the department of transportation, no  
15 registration plates for a school bus may be issued by the department of  
16 transportation. No such policy may be terminated prior to its expiration or canceled  
17 for any reason, unless a notice thereof is filed with the department of transportation  
18 and with the school board, private school, or charter school by the insurer at least 10  
19 30 days prior to the date of termination or cancellation. No such policy which covers  
20 a private school participating in the program under s. 119.23 may be terminated  
21 prior to its expiration or canceled for any reason, unless a notice thereof is also filed  
22 with the department of public instruction by the insurer at least 30 days prior to the  
23 date of termination or cancellation. An insurer that issues an insurance policy under  
24 this section that covers a private school participating in the program under s. 119.23  
25 shall notify the department of public instruction of any change made to the policy.

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1 A private school participating in the program under s. 119.23 shall immediately  
2 notify the department of public instruction that the school has received a notice of  
3 termination or cancellation from the insurer. The department of transportation  
4 shall revoke the registration of a school bus on which the policy has been terminated  
5 or canceled, effective on the date of termination or cancellation.

6 **SECTION 23.** 121.53 (6) of the statutes is amended to read:

7 121.53 (6) Within 10 days after its occurrence, every accident involving a motor  
8 vehicle while providing transportation under this subchapter shall be reported to the  
9 appropriate school board, governing body of a private school, or operator of a charter  
10 school.

11 **SECTION 24.** 121.555 (1) (intro.) of the statutes is amended to read:

12 121.555 (1) (intro.) A school board ~~or~~, the governing body of a private school,  
13 or the operator of a charter school may provide pupil transportation services by the  
14 following alternative methods:

15 **SECTION 25.** 121.555 (1) (b) of the statutes is amended to read:

16 121.555 (1) (b) A motor vehicle transporting 10 or more passengers in addition  
17 to the operator and used temporarily to provide transportation for purposes specified  
18 under s. 340.01 (56) (a) when the school board ~~or~~, the governing body of the private  
19 school, or the operator of the charter school requests the secretary of transportation  
20 to determine that an emergency exists because no regular transportation is  
21 available. The secretary of transportation shall approve or deny the request in  
22 writing. Any authorization granted under this paragraph shall specify the purpose  
23 and need for the emergency transportation service.

24 **SECTION 26.** 121.555 (2) (intro.) of the statutes is amended to read:



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1           121.555 (2) (intro.) The school board ~~or~~, governing body of a private school, or  
2           operator of a charter school shall determine that any motor vehicle used under sub.  
3           (1) complies with the following conditions:

4           **SECTION 27.** 121.555 (2) (cm) of the statutes is amended to read:

5           121.555 (2) (cm) *Waiver of operator requirement.* Notwithstanding par. (c) 3.,  
6           with respect to the operator of a vehicle under sub. (1) (a), a school board ~~or~~, the  
7           governing body of a private school, or the operator of a charter school may waive the  
8           requirement that ~~an~~ the operator of the motor vehicle have sufficient use of both  
9           hands if the operator of the motor vehicle has sufficient use of one hand to safely  
10          operate the vehicle which the school board ~~or~~, governing body of the private school,  
11          or operator of the charter school proposes the operator of the motor vehicle use, as  
12          substantiated by a special driving examination conducted by the department of  
13          transportation. The department of transportation shall conduct the special  
14          examination under this paragraph upon the request of a school board, the governing  
15          body of a private school ~~or~~, the operator of a charter school, or the operator of the  
16          motor vehicle.

17          **SECTION 28.** 121.555 (2m) of the statutes is created to read:

18          121.555 (2m) Every school board, every governing body of a private school, and  
19          every operator of a charter school that provides pupil transportation services under  
20          this section shall require that there be filed with it and with the department of  
21          transportation a certificate of insurance showing that the insurance policy required  
22          under sub. (2) has been procured and is in effect for the entire school year which  
23          covers the owner and operator of the motor vehicle and the school board, private  
24          school, or charter school, or shall procure an insurance policy and file such certificate  
25          with the department of transportation. No such policy may be terminated prior to

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1 its expiration or canceled for any reason, unless a notice thereof is filed with the  
2 department of transportation and the school board, private school, or charter school  
3 by the insurer at least 30 days prior to the date of termination or cancellation. No  
4 such policy which covers a private school participating in the program under s.  
5 119.23 may be terminated prior to its expiration or canceled for any reason, unless  
6 a notice thereof is also filed with the department of public instruction by the insurer  
7 at least 30 days prior to the date of termination or cancellation. An insurer that  
8 issues an insurance policy under this section that covers a private school  
9 participating in the program under s. 119.23 shall notify the department of public  
10 instruction of any change made to the policy. A private school participating in the  
11 program under s. 119.23 shall immediately notify the department of public  
12 instruction that the school has received a notice of termination or cancellation from  
13 the insurer.

14 **SECTION 29.** 121.555 (6) (a) of the statutes is amended to read:

15 121.555 (6) (a) The department shall prepare and make available to school  
16 districts, private schools, charter schools, and contractors providing pupil  
17 transportation services informational materials, in printed or electronic form,  
18 relating to compliance with this section.

19 **SECTION 30.** 340.01 (56) (a) 1. of the statutes is amended to read:

20 340.01 (56) (a) 1. Pupils to or from a public school as defined in s. 115.01 (1) or,  
21 a private school as defined in s. 115.001 (3r), a charter school as defined in s. 115.001  
22 (1), or pupils to or from a technical college when required under s. 118.15 (1).

23 **SECTION 31.** 341.03 (title) of the statutes is amended to read:

24 **341.03 (title) Operating vehicle after suspension, revocation, or**  
25 **cancellation of registration or without required insurance.**

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1           **SECTION 32.** 341.03 (1) of the statutes is amended to read:

2           341.03 (1) PROHIBITION. No person may operate or knowingly permit the  
3 operation of a motor vehicle if the registration for that vehicle is suspended, revoked,  
4 or canceled under s. 285.30 (6) (d) or 342.255, ch. 344 or this chapter, ~~or~~ if the  
5 registration for that vehicle is suspended, canceled, or revoked under the law of  
6 another jurisdiction, or, if required under ss. 121.53 or 121.555, valid insurance is not  
7 current on the vehicle.

8           **SECTION 33.** 343.12 (1m) of the statutes is created to read:

9           343.12 (1m) (a) An employer that employs any person as an operator of a school  
10 bus is responsible for determining that each such person is qualified under this  
11 section to operate a school bus and for assuring that only employees so qualified  
12 operate the employer's school buses.

13           (b) If an employer employs any person holding a commercial driver license to  
14 operate a school bus, the employer shall participate in the employer notification  
15 program under s. 343.245 (3m).

16           **SECTION 34.** 343.12 (4) (b) of the statutes is amended to read:

17           343.12 (4) (b) The department shall, by rule, establish standards for the  
18 employment by an employer of a person under par. (a) as an operator of a school bus  
19 in this state. The rules may require the person to meet the qualifications contained  
20 in sub. (2), (2m), or (3) and any rules of the department applicable to residents, except  
21 that the rules shall require the person to meet the qualifications contained in sub.  
22 (2) (dm) and (em). The rules shall also require the employer to perform the actions  
23 specified in s. 121.555 (3) (a) 1. and 3. An employer of a person under par. (a) is subject  
24 to the requirement under sub. (1m).

25           **SECTION 35.** 343.12 (9) of the statutes is renumbered 343.12 (9) (a).

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1           **SECTION 36.** 343.12 (9) (b) of the statutes is created to read:

2           343.12 (9) (b) Any employer that violates sub. (1m) shall forfeit not less than  
3           \$20 nor more than \$400.

4           **SECTION 37. Nonstatutory provisions.**

5           (1) The department of public instruction shall ensure that the school  
6           assessment guide required under section 115.28 (27) of the statutes, as created by  
7           this act, is available by the first day of the 10th month beginning after the effective  
8           date of this subsection.

9           (2) (a) Notwithstanding section 119.23 (2) (a) 7. of the statutes, as affected by  
10          this act, a private school that participates in the program under section 119.23 of the  
11          statutes during the 2008-09 school year and to which all of the following apply shall  
12          achieve accreditation under section 119.23 (2) (a) 7. of the statutes, as affected by this  
13          act, by December 31, 2010:

14          1. The private school was approved for scholarship funding for the 2005-06  
15          school year by Partners Advancing Values in Education.

16          2. The private school participated in the program under section 119.23 of the  
17          statutes during the 2006-07 school year or during the 2007-08 school year or during  
18          both school years.

19          (b) Notwithstanding section 119.23 (2) (a) 7. of the statutes, as affected by this  
20          act, a private school that participates in the program under section 119.23 of the  
21          statutes during the 2009-10 school year and to which all of the following apply shall  
22          achieve accreditation under section 119.23 (2) (a) 7. of the statutes, as affected by this  
23          act, by December 31, 2011:

24          1. The private school was approved for scholarship funding for the 2005-06  
25          school year by Partners Advancing Values in Education.

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1           2. The private school participated in the program under section 119.23 of the  
2 statutes during the 2006-07 school year or during the 2007-08 school year or during  
3 both school years.

4           3. The private school did not participate in the program under section 119.23  
5 of the statutes during the 2008-09 school year.

**SECTION 38. Initial applicability.**

7           (1) The treatment of sections 118.125 (4), 118.30 (1g) (a) 1. and 3., (1s), and (2)  
8 (b) 1., 2., and 5., 119.16 (11), and 119.23 (2) (a) 7., (6m), (7) (am) 1., (b) 1., 3., and 5.,  
9 (e) 1., and (f), and (10) (a) 5. and 6., (am) 4. and (d) of the statutes first applies to  
10 private schools participating in the program under section 119.23 of the statutes and  
11 to pupils who apply to attend, and to pupils who attend, a private school under  
12 section 119.23 of the statutes in the 2008-09 school year.

13           (2) The treatment of sections 115.28 (7) (b) and 119.23 (7) (b) 2. of the statutes  
14 first applies to a private school participating in the program under section 119.23 of  
15 the statutes in the 2009-10 school year.

16           (3) The treatment of section 118.19 (1) of the statutes first applies to a person  
17 seeking to teach in a private school participating in the program under section 119.23  
18 of the statutes in the 2009-10 school year.

19           **SECTION 39. Effective dates.** This act takes effect on the day after publication,  
20 except as follows:

21           (1) The treatment of sections 119.23 (10) (a) 7., 121.53 (4) and (6), 121.555 (1)  
22 (intro.) and (b), (2) (intro.) and (cm), (2m), and (6) (a), 340.01 (56) (a) 1., 341.03 (title)  
23 and (1), and 343.12 (1m) and (4) (b) of the statutes, the renumbering of section 343.12

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1 (9) of the statutes, and the creation of section 343.12 (9) (b) of the statutes take effect  
2 on the first day of the 7th month beginning after publication.

3 (END)