



State of Wisconsin  
2003 - 2004 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2003 ASSEMBLY BILL 126**

September 30, 2003 - Offered by Senator DECKER.

1 **AN ACT** *to renumber and amend* 118.165 (1) (c); *to amend* 118.13 (2) (b), 118.13  
2 (3) (a) 3., 118.13 (3) (b) 1., 118.13 (3) (b) 2., 118.13 (4) and 119.23 (7) (c); and *to*  
3 **create** 118.13 (1m), 118.13 (2) (am), 118.165 (1) (c) 2., 119.23 (6m), 119.23 (9)  
4 and 119.23 (10) of the statutes; **relating to:** requirements for Milwaukee  
5 Parental Choice Program schools, directing the Legislative Audit Bureau to  
6 conduct a study of the Milwaukee Parental Choice Program, and providing a  
7 penalty.

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

8 **SECTION 1.** 118.13 (1m) of the statutes is created to read:  
9 118.13 (1m) No person who wishes to attend a private school under s. 119.23  
10 may be denied admission to that school and no pupil who is attending a private school  
11 under s. 119.23 may be denied participation in, be denied the benefits of, or be

1 discriminated against in any curricular, extracurricular, pupil services, recreational,  
2 or other program or activity of that school because of the person's sex, race, religion,  
3 national origin, ancestry, creed, pregnancy, marital or parental status, sexual  
4 orientation, or physical, mental, emotional, or learning disability.

5 **SECTION 2.** 118.13 (2) (am) of the statutes is created to read:

6 118.13 (2) (am) Each private school participating in the program under s.  
7 119.23 shall develop written policies and procedures to implement this section and  
8 submit them to the state superintendent. The policies and procedures shall provide  
9 for receiving and investigating complaints regarding possible violations of this  
10 section, for making determinations as to whether this section has been violated, and  
11 for ensuring compliance with this section.

12 **SECTION 3.** 118.13 (2) (b) of the statutes is amended to read:

13 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
14 or (am) may appeal the determination to the state superintendent.

15 **SECTION 4.** 118.13 (3) (a) 3. of the statutes is amended to read:

16 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
17 (d) information on the ~~status of school district~~ compliance of school districts and  
18 private schools with this section and ~~school district~~ the progress made toward  
19 providing reasonable equality of educational opportunity for all pupils in this state.

20 **SECTION 5.** 118.13 (3) (b) 1. of the statutes is amended to read:

21 118.13 (3) (b) 1. Periodically review school district and private school programs,  
22 activities and services to determine whether the school boards and private schools  
23 are complying with this section.

24 **SECTION 6.** 118.13 (3) (b) 2. of the statutes is amended to read:

1           118.13 (3) (b) 2. Assist school boards and private schools to comply with this  
2 section by providing information and technical assistance upon request.

3           **SECTION 7.** 118.13 (4) of the statutes is amended to read:

4           118.13 (4) Any public school or private school official, employee or teacher who  
5 intentionally engages in conduct which discriminates against a person or causes a  
6 person to be denied rights, benefits or privileges, in violation of sub. (1) or (1m), may  
7 be required to forfeit not more than \$1,000.

8           **SECTION 8.** 118.165 (1) (c) of the statutes is renumbered 118.165 (1) (c) 1.  
9 amended to read:

10           118.165 (1) (c) 1. The Except as provided in subd. 2., the program provides at  
11 least 875 hours of instruction each school year.

12           **SECTION 9.** 118.165 (1) (c) 2. of the statutes is created to read:

13           118.165 (1) (c) 2. If the program offers kindergarten, it provides at least 437  
14 hours of instruction in kindergarten each school year.

15           **SECTION 10.** 119.23 (6m) of the statutes is created to read:

16           119.23 (6m) Each private school participating in the program under this  
17 section shall do all of the following:

18           (a) Provide to each person who applies to attend the private school all of the  
19 following:

20           1. A list of the names, addresses, and telephone numbers of the members of the  
21 private school's governing body and of the private school's shareholders, if any.

22           2. A notice stating whether the private school is an organization operated for  
23 profit or not for profit. If the private school is a nonprofit organization, the private  
24 school shall also provide the applicant with a copy of the certificate issued under

1 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is  
2 a nonprofit organization that is exempt from federal income tax.

3 3. A copy of the appeals process used if the private school rejects the applicant.

4 4. A statement that the private school agrees to permit public inspection and  
5 copying of any record, as defined in s. 19.32 (2), of the private school to the same  
6 extent as required of, and subject to the same terms and enforcement provisions that  
7 apply to, an authority under subch. II of ch. 19.

8 5. A statement that the private school agrees to provide public access to  
9 meetings of the governing body of the private school to the same extent as is required  
10 of, and subject to the same terms and enforcement provisions that apply to, a  
11 governmental body under subch. V of ch. 19.

12 6. A copy of the private school's policies and procedures on nondiscrimination  
13 adopted under s. 118.13 (2) (am).

14 (b) Upon request by any person, provide the material specified in par. (a) and  
15 the number of pupils enrolled in the private school in the previous school year, pupil  
16 scores on standardized tests administered in the previous school year, and the  
17 number of pupils who were expelled or who failed to graduate in the previous school  
18 year.

19 **SECTION 11.** 119.23 (7) (c) of the statutes is amended to read:

20 119.23 (7) (c) A private school may not require a pupil attending the private  
21 school under this section to participate in any religious activity if the pupil's parent  
22 or guardian submits to the pupil's teacher or the private school's principal a written  
23 request that the pupil be exempt from such activities. A private school participating  
24 in the program under this section shall provide each person who applies to attend the

1 private school under this section with a copy of a statement embodying the  
2 prohibition under this paragraph.

3 **SECTION 12.** 119.23 (9) of the statutes is created to read:

4 119.23 (9) The legislative audit bureau shall conduct a longitudinal study, of  
5 up to 12 years in length, of the program under this section if the bureau receives  
6 sufficient moneys, other than general purpose revenue, for the study. The study shall  
7 use standardized examinations used by the school district operating under this  
8 chapter, and shall review graduation rates and other indicators of academic  
9 achievement. The results of the study shall be submitted to the joint legislative audit  
10 committee and to the appropriate standing committees of the legislature annually  
11 over the 12-year period in the manner provided under s. 13.172 (3), with the first  
12 report due by October 1, 2005, and with a comprehensive review and interim report  
13 due by October 1, 2010.

14 **SECTION 13.** 119.23 (10) of the statutes is created to read:

15 119.23 (10) Upon the department's request, a private school that has notified  
16 the department of the school's intent to participate, or that is participating, in the  
17 program under this section shall demonstrate to the department's satisfaction that  
18 its educational program meets all of the criteria under s. 118.165 (1). The  
19 department may require the private school to submit documents for that purpose,  
20 including a school calendar, a daily schedule indicating the school's hours of  
21 instruction, and evidence showing that the school's educational program provides a  
22 sequentially progressive curriculum of fundamental instruction in the subjects  
23 specified in s. 118.165 (1) (d).

24 **SECTION 14. Nonstatutory provisions.**

