



**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 517**

February 16, 2016 - Offered by Representatives HINTZ and POPE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 3: after “transportation” insert “, accountability provisions for
3 private schools participating in a parental choice program, requiring the exercise of
4 rule-making authority, and making an appropriation”.

5 **2.** Page 1, line 4: before that line insert:

6 “**SECTION 1.** 20.255 (1) (f) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 20.255 (1) (f) *Assessments of reading readiness.* The amounts in the schedule
9 to provide school districts and, independent charter schools under s. 118.40 (2r) and
10 (2x), and the governing bodies of private schools participating in a parental choice
11 program under s. 118.60 or 119.23 with the assessments of reading readiness under
12 s. 118.016.

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

2 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
3 applicants and granting and revocation of licenses ~~or certificates~~ under par. (a), the
4 state superintendent shall grant ~~certificates~~ and licenses to teachers in private
5 schools and tribal schools, except that teaching experience requirements for such
6 ~~certificates~~ and licenses may be fulfilled by teaching experience in public, private,
7 or tribal schools. An applicant is not eligible for a license ~~or certificate~~ unless the
8 state superintendent finds that the private school or tribal school in which the
9 applicant taught offered an adequate educational program during the period of the
10 applicant's teaching therein. ~~Private~~ Except as provided in ss. 118.60 (2) (a) 6m. and
11 119.23 (2) (a) 6m., private schools are not obligated to employ only licensed or
12 certified teachers.”.

13 **3.** Page 2, line 5: after that line insert:

14 “**SECTION 3.** 118.016 (1) (bm) of the statutes is created to read:

15 118.016 (1) (bm) Beginning in the 2016-17 school year, the governing body of
16 each private school participating in a parental choice program under s. 118.60 or
17 119.23 shall, using the appropriate, valid, and reliable assessment of literacy
18 fundamentals selected by the governing body, annually assess each pupil enrolled in
19 4-year-old kindergarten to 2nd grade in the private school for reading readiness.
20 The governing body shall ensure that the assessment evaluates whether a pupil
21 possesses phonemic awareness and letter sound knowledge. The governing body
22 may administer computer adaptive assessments. This paragraph applies only to
23 pupils attending the school under s. 118.60 or 119.23.

1 **SECTION 4.** 118.016 (1) (c) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

3 118.016 (1) (c) The department shall pay to the school board ~~or~~, operator, or
4 governing body, from the appropriation under s. 20.255 (1) (f), the per pupil cost of
5 the selected assessment. If the appropriation under s. 20.255 (1) (f) in any fiscal year
6 is insufficient to pay the full amount of aid under this paragraph, the state
7 superintendent shall prorate state aid payments among the school boards ~~and~~,
8 governing bodies of private schools, and operators of charter schools entitled to the
9 aid.

10 **SECTION 5.** 118.016 (1g) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 118.016 (1g) If a pupil is enrolled in a special education program under subch.
13 V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40 (2r)
14 or (2x), or governing body of the private school under s. 118.60 or 119.23 shall comply
15 with s. 115.77 (1m) (bg).

16 **SECTION 6.** 118.016 (1r) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is amended to read:

18 118.016 (1r) The school board ~~or~~, operator of the charter school, or governing
19 body of the private school under s. 118.60 or 119.23 shall report the results of a pupil's
20 assessment under sub. (1) to the pupil's parent or guardian.

21 **SECTION 7.** 118.016 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
22 is amended to read:

23 118.016 (2) The school board of the school district ~~or~~, operator of the charter
24 school, or governing body of the private school in which the pupil is enrolled shall
25 provide a pupil whose assessment under sub. (1) indicates that he or she is at risk

1 of reading difficulty with interventions or remedial reading services, as described
2 under s. 121.02 (1) (c).”.

3 **4.** Page 4, line 10: after that line insert:

4 **“SECTION 8.** 118.19 (1) of the statutes is amended to read:

5 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach
6 in a public school, including a charter school, in a private school participating in a
7 parental choice program under s. 118.60 or 119.23, or in a school or institution
8 operated by a county or the state shall first procure a license or permit from the
9 department.

10 **SECTION 9.** 118.30 (5m) of the statutes, as affected by 2015 Wisconsin Act 55,
11 is amended to read:

12 118.30 (5m) When determining the percentage of pupils participating in the
13 program under s. 119.23 who performed at designated proficiency levels on the
14 examinations administered as required under sub. (1s) or s. 118.301 (3), the
15 department shall ~~consider only the pupils participating in the program under s.~~
16 ~~119.23 to whom the examinations were administered at each grade level, and shall~~
17 not exclude from consideration those pupils participating in the program under s.
18 119.23 who were excused from taking the examinations under sub. (2) (b) 5.

19 **SECTION 10.** 118.305 (1) (gm) of the statutes is created to read:

20 118.305 (1) (gm) “Pupil” excludes pupils who are attending a private school
21 participating in a parental choice program under s. 118.60 or 119.23 but not under
22 the parental choice program.

23 **SECTION 11.** 118.305 (1) (h) of the statutes, as affected by 2015 Wisconsin Act
24 55, is amended to read:

1 118.305 (1) (h) “School” means a public school, including a charter school, and
2 a private school participating in the program under s. 115.7915, and a private school
3 participating in a parental choice program under s. 118.60 or 119.23.

4 **SECTION 12.** 118.305 (3) (e) of the statutes is amended to read:

5 118.305 (3) (e) It does not constitute corporal punishment, as defined in s.
6 118.31 (1) (a).

7 **SECTION 13.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and
8 amended to read:

9 118.31 (1) (intro.) In this section, ~~“corporal:~~

10 (a) “Corporal punishment” means the intentional infliction of physical pain
11 which is used as a means of discipline. “Corporal punishment” includes, but is not
12 limited to, paddling, slapping or prolonged maintenance of physically painful
13 positions, when used as a means of discipline. “Corporal punishment” does not
14 include actions consistent with an individualized education program developed
15 under s. 115.787 or reasonable physical activities associated with athletic training.

16 **SECTION 14.** 118.31 (1) (b) of the statutes is created to read:

17 118.31 (1) (b) “Private school” means a private school, as defined in s. 115.001
18 (3r), that is participating in any parental choice program under ss. 118.60 and
19 119.23.

20 **SECTION 15.** 118.31 (2) of the statutes is amended to read:

21 118.31 (2) Except as provided in sub. (3), no official, employee, or agent of a
22 school board or of a private school may subject a pupil enrolled in the school district
23 or in the private school to corporal punishment.

24 **SECTION 16.** 118.31 (3) (intro.) of the statutes is amended to read:

1 118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or
2 agent of a school board or of a private school from:

3 **SECTION 17.** 118.31 (4) of the statutes is amended to read:

4 118.31 (4) Each school board and each private school shall adopt a policy that
5 allows any official, employee, or agent of the school board or private school to use
6 reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining
7 whether or not ~~a person~~ an official, employee, or agent of a school board or of a private
8 school was acting within the exceptions in sub. (3), deference shall be given to
9 reasonable, good faith judgments made by ~~an~~ the official, employee, or agent of ~~a~~
10 school board.

11 **SECTION 18.** 118.31 (5) of the statutes is amended to read:

12 118.31 (5) Except as provided in s. 939.61 (1), this section does not create a
13 separate basis for civil liability of a school board or of a private school or ~~their~~
14 ~~officials, employees or agents~~ of an official, employee, or agent of the school board or
15 private school for damages arising out of claims involving allegations of improper or
16 unnecessary use of force by ~~a school employees~~ official, employee, or agent against
17 ~~students~~ a pupil.

18 **SECTION 19.** 118.31 (6) of the statutes is amended to read:

19 118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect any
20 action taken by an official, employee, or agent of a school board or private school with
21 regard to a person who is not a pupil enrolled in the school district or in the private
22 school.

23 **SECTION 20.** 118.33 (1) (f) 5. of the statutes is created to read:

24 118.33 (1) (f) 5. Beginning in the 2016-17 school year, the governing body of
25 each private school participating in a parental choice program under s. 118.60 or

1 119.23 shall include in its policy under subd. 2m. or 2r. the requirements for granting
2 a high school diploma specified in pars. (a) and (b), with the exceptions provided in
3 pars. (d) and (e).

4 **SECTION 21.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

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

11 **SECTION 22.** 118.60 (2) (a) 1. a. of the statutes, as affected by 2015 Wisconsin
12 Act 55, is amended to read:

13 118.60 (2) (a) 1. a. Except as provided in ~~par. (bm)~~ subd. 1. am., the pupil is a
14 member of a family that has a total family income that does not exceed an amount
15 equal to 3.0 times the poverty level determined in accordance with criteria
16 established by the director of the federal office of management and budget. In this
17 subdivision and sub. (3m), family income includes income of the pupil's parents or
18 legal guardians. Except as provided in subd. 1. c., the family income of the pupil shall
19 be verified as provided in subd. 1. b. A pupil attending a private school under this
20 section whose family income increases above the income level in this subd. 1. a. may
21 continue to attend a private school under this section.

22 **SECTION 23.** 118.60 (2) (a) 1. am. of the statutes is created to read:

23 118.60 (2) (a) 1. am. Beginning in the 2016-17 school year, the pupil is a
24 member of a family that has a total family income that does not exceed an amount
25 equal to 1.85 times the poverty level determined in accordance with criteria

1 established by the director of the federal office of management and budget. The
2 family income of the pupil shall be verified as provided in subd. 1. b. A pupil
3 attending a private school under this section whose family income increases above
4 the income level in this subd. 1. am. may continue to attend a private school under
5 this section.

6 **SECTION 24.** 118.60 (2) (a) 6m. of the statutes is created to read:

7 118.60 (2) (a) 6m. All instructional staff employed by the private school hold
8 a license or permit to teach issued by the department. For purposes of this
9 subdivision, “instructional staff” has the meaning given in the rules promulgated by
10 the department under s. 121.02 (1) (a) 2.

11 **SECTION 25.** 118.60 (2) (a) 9. of the statutes is created to read:

12 118.60 (2) (a) 9. The private school has been in operation for the attendance of
13 pupils for at least 2 school years.

14 **SECTION 26.** 118.60 (2) (a) 10. of the statutes is created to read:

15 118.60 (2) (a) 10. The private school is located in this state.

16 **SECTION 27.** 118.60 (2) (bm) of the statutes is repealed.

17 **SECTION 28.** 118.60 (2) (c) of the statutes is amended to read:

18 118.60 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a
19 private school participating in the program under this section who teaches only
20 courses in rabbinical studies is not required to have a bachelor’s degree or hold a
21 license or permit to teach issued by the department.

22 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school
23 participating in the program under this section that prepares and trains pupils
24 attending the school in rabbinical studies is not required to have a bachelor’s degree
25 or hold a license or permit to teach issued by the department.

1 **SECTION 29.** 118.60 (2) (d) of the statutes is created to read:

2 118.60 (2) (d) No more than 49 percent of a private school's enrollment may
3 consist of pupils attending the private school under this section and s. 119.23.

4 **SECTION 30.** 118.60 (3) (c) of the statutes is amended to read:

5 118.60 (3) (c) If a participating private school rejects an applicant who resides
6 in a school district, other than an eligible school district or a 1st class city school
7 district, because the private school has too few available spaces, the applicant may
8 transfer his or her application to a participating private school that has space
9 available. An applicant rejected under this paragraph may, subject to sub. (2) (a) 1.
10 am. and (be) ~~and (bm)~~, be admitted to a private school participating in the program
11 under this section for the following school year.

12 **SECTION 31.** 118.60 (4) (bd) of the statutes is created to read:

13 118.60 (4) (bd) Upon receipt from the pupil's parent or guardian of proof of the
14 pupil's enrollment in the private school during a school term, the state
15 superintendent shall pay to the private school in which the pupil is enrolled on behalf
16 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fr), an
17 amount equal to the lesser of the following:

18 1. The amount equal to the private school's eligible education expenses, as
19 defined in sub. (7) (am) 1m., per pupil, as determined by the department.

20 2. The average of the tuition paid by a pupil attending the private school, but
21 not under the program under this section or the program under s. 119.23, in the
22 current and 2 preceding school years.

23 3. \$6,442.

24 **SECTION 32.** 118.60 (4) (be) of the statutes is created to read:

1 118.60 (4) (be) In determining a private school's eligible education expenses per
2 pupil under par. (bd) 1., the department shall do all of the following, but may not
3 determine separate expenses for pupils enrolled in grades kindergarten to 8 and for
4 pupils enrolled in grades 9 to 12:

5 1. Subtract only the following, up to the actual cost of the service or material
6 related to each item:

7 a. Fees charged pupils for books and supplies used in classes and programs.

8 b. Rentals for school buildings.

9 c. Food service revenues.

10 d. Governmental financial assistance.

11 e. Interest and other income resulting from the investment of debt proceeds.

12 2. If legal title to the private school's buildings and premises is held in the name
13 of the private school's parent organization or other related party, there is no other
14 mechanism to include the private school's facilities costs in the calculation of its
15 eligible education expenses, and the private school requests that the department do
16 so, include an amount equal to 10.5 percent of the fair market value of the school and
17 its premises. A request made by a private school under this subdivision remains
18 effective in subsequent school years and may not be withdrawn by the private school.

19 3. If immediately prior to July 1, 2011, a private school's eligible education
20 expenses, as defined under sub. (7) (am) 1m. and as determined by the department,
21 included the amount described in subd. 2., continue to include the amount described
22 in subd. 2. in subsequent school years.

23 4. Permit a private school to accumulate up to 15 percent of the private school's
24 annual eligible education expenses in a reserve account and include any increase to

1 that reserved amount in the department's determination of the private school's
2 eligible education expenses for that school year.

3 **SECTION 33.** 118.60 (4) (bg) of the statutes, as affected by 2015 Wisconsin Act
4 55, is repealed.

5 **SECTION 34.** 118.60 (4m) of the statutes is repealed and recreated to read:

6 118.60 (4m) In addition to the payment under sub. (4), the state
7 superintendent shall pay to each private school participating in the program under
8 this section, on behalf of the parent or guardian of each pupil attending the private
9 school under this section, in the manner described in sub. (4) (c), the amount
10 determined as follows:

11 (a) Determine the private school's eligible education expenses, as defined in
12 sub. (7) (am) 1m., per pupil in summer school.

13 (b) Multiply the amount under par. (a) by 0.40.

14 (c) Multiply the product under par. (b) by the quotient determined by dividing
15 the summer choice average daily membership equivalent of the private school by the
16 total number of pupils for whom payments are being made under sub. (4).

17 **SECTION 35.** 118.60 (4r) (a) of the statutes is amended to read:

18 118.60 (4r) (a) Multiply the amount determined under sub. (4) (~~bg~~) (bd) by
19 0.616.

20 **SECTION 36.** 118.60 (7) (am) 2m. a. of the statutes, as affected by 2015 Wisconsin
21 Act 55, is amended to read:

22 118.60 (7) (am) 2m. a. An independent financial audit of the private school
23 conducted by an independent certified public accountant, accompanied by the
24 auditor's statement that the report is free of material misstatements and fairly
25 presents the private school's eligible education expenses under sub. (4) (bd) 1., and

1 beginning in the 2nd school year a private school participates in the program under
2 this section, a copy of a management letter prepared by the auditor. The audit shall
3 be prepared in accordance with generally accepted accounting principles with
4 allowable modifications for long-term fixed assets. The audit shall include a
5 calculation of the private school's net eligible education expenses and a calculation
6 of the balance of the private school's fund for future eligible education expenses. The
7 auditor shall conduct his or her audit, including determining sample sizes and
8 evaluating financial viability, in accordance with the auditing standards established
9 by the American Institute of Certified Public Accountants. The department may not
10 require an auditor to comply with standards that exceed the scope of the standards
11 established by the American Institute of Certified Public Accountants. If a private
12 school participating in a program under this section is part of an organization and
13 the private school and the organization share assets, liabilities, or eligible education
14 expenses, the private school may submit an audit of the private school or of the
15 organization of which it is a part. If a private school that is part of an organization
16 with which it shares assets, liabilities, or eligible education expenses submits an
17 audit of only the private school, the independent auditor shall use his or her
18 professional judgment to allocate any shared assets, liabilities, and eligible
19 education expenses between the organization and the private school. If a private
20 school participating in the program under this section also accepts pupils under s.
21 119.23, the private school may submit one comprehensive financial audit to satisfy
22 the requirements of this subdivision and s. 119.23 (7) (am) 2m. The private school
23 shall include in the comprehensive financial audit the information specified under
24 s. 119.23 (7) (am) 2m.

25 **SECTION 37.** 118.60 (7) (b) 3m. of the statutes is amended to read:

1 118.60 (7) (b) 3m. Annually, schedule ~~2 meetings~~ at least one meeting each
2 month at which members of the governing body of the private school will be present
3 and at which pupils, and the parents or guardians of pupils, applying to attend the
4 private school or attending the private school may meet and communicate with the
5 members of the governing body. The meetings shall be open to the public. The
6 private school shall, within 30 days after the start of the school term, notify the
7 department in writing of the scheduled meeting dates and shall, at least 30 days
8 before the scheduled meeting date, notify in writing each pupil, or the parent or
9 guardian of each minor pupil, applying to attend the private school or attending the
10 private school of the meeting date, time, and place. The private school shall provide
11 notice of the meetings in the manner provided in s. 19.84.

12 **SECTION 38.** 118.60 (7) (b) 9. of the statutes is created to read:

13 118.60 (7) (b) 9. Permit public inspection and copying of any record, as defined
14 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
15 the same terms and enforcement provisions that apply to, a school board under
16 subch. II of ch. 19. This subdivision applies only to records that relate to pupils
17 attending the private school under this section.

18 **SECTION 39.** 118.60 (7) (d) 1. b. of the statutes, as affected by 2015 Wisconsin
19 Act 55, is amended to read:

20 118.60 (7) (d) 1. b. A Except as provided in subd. 1. c., a copy of the school's
21 current certificate of occupancy issued by the municipality within which the school
22 is located. If the private school moves to a new location, the private school shall
23 submit a copy of the new certificate of occupancy issued by the municipality within
24 which the school is located to the department before the attendance of pupils at the
25 new location and before the next succeeding date specified in s. 121.05 (1) (a).

1 c. If the municipality within which the private school is located does not issue
2 certificates of occupancy, ~~the private school may submit a certificate of occupancy~~
3 issued by the local or regional governmental unit with authority to issue certificates
4 of occupancy or a letter or form from the municipality within which the private school
5 is located that explains that the municipality does not issue certificates of occupancy.
6 ~~A temporary certificate of occupancy does not meet the requirement of this~~
7 ~~subdivision. This subdivision applies only to a private school located in an eligible~~
8 ~~school district private school to which this subd. 1. c. applies shall annually obtain~~
9 a building inspection of the school building.

10 **SECTION 40.** 118.60 (7) (d) 1. d. of the statutes is created to read:

11 118.60 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
12 requirements of this subdivision.

13 **SECTION 41.** 118.60 (7) (i) of the statutes is created to read:

14 118.60 (7) (i) 1. Each private school participating in the program under this
15 section shall annually conduct state and federal background checks of all teachers
16 and administrators employed by the private school on the effective date of this
17 subdivision ... [LRB inserts date].

18 2. Beginning on the effective date of this subdivision ... [LRB inserts date],
19 each private school participating in the program under this section shall conduct
20 state and federal background checks of each individual who applies to teach in or
21 serve as an administrator of the private school prior to extending an offer of
22 employment to that individual. The private school shall annually conduct state and
23 federal background checks of each teacher or administrator investigated under this
24 subdivision who is employed by the private school.

1 3. A participating private school may not employ a person as a teacher or
2 administrator or contract with the person to serve as a teacher or administrator if
3 the person would not be eligible to be employed, licensed, or permitted for any of the
4 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

5 **SECTION 42.** 118.60 (10) (a) 7. of the statutes is amended to read:

6 118.60 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 6., or 9.

7 **SECTION 43.** 118.60 (10) (a) 9. of the statutes is created to read:

8 118.60 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19
9 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

10 **SECTION 44.** 118.60 (10) (a) 10. of the statutes is created to read:

11 118.60 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

12 **SECTION 45.** 118.60 (10) (bg) of the statutes is created to read:

13 118.60 (10) (bg) The state superintendent may issue an order immediately
14 terminating a private school's participation in the program under this section if he
15 or she determines that the owner of the private school would not be eligible or
16 permitted to be employed, licensed, or permitted for any of the reasons specified
17 under s. 115.31 (2g) or (6m) or 115.315.

18 **SECTION 46.** 118.60 (10) (br) of the statutes is created to read:

19 118.60 (10) (br) The state superintendent may issue an order immediately
20 terminating a private school's participation in the program under this section if he
21 or she determines that the private school has failed to comply with the requirements
22 under sub. (7) (i) 1. or 2. or if the private school employs an individual in
23 contravention of the prohibitions under sub. (7) (i) 3.

24 **SECTION 47.** 118.60 (10) (c) of the statutes is amended to read:

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), (ar), ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or
3 guardian of each pupil attending the private school under this section.

4 **SECTION 48.** 118.60 (11) (d) of the statutes is repealed.

5 **SECTION 49.** 119.23 (2) (a) 1. a. of the statutes, as affected by 2015 Wisconsin
6 Act 55, is amended to read:

7 119.23 (2) (a) 1. a. ~~The Except as provided in subd. 1. am., the~~ pupil is a member
8 of a family that has a total family income that does not exceed an amount equal to
9 3.0 times the poverty level determined in accordance with criteria established by the
10 director of the federal office of management and budget. In this subdivision and sub.
11 (3m), family income includes income of the pupil's parents or legal guardians. ~~Except~~
12 as provided in subd. 1. d., the family income of the pupil shall be verified as provided
13 in subd. 1. b. A pupil attending a private school under this section whose family
14 income increases above the income level in this subd. 1. a., including a pupil who
15 attended a private school under this section in the 2010-11 school year and whose
16 family income has increased, may continue to attend a private school under this
17 section.

18 **SECTION 50.** 119.23 (2) (a) 1. am. of the statutes is created to read:

19 119.23 (2) (a) 1. am. Beginning in the 2016-17 school year, the pupil is a
20 member of a family that has a total family income that does not exceed an amount
21 equal to 1.85 times the poverty level determined in accordance with criteria
22 established by the director of the federal office of management and budget. The
23 family income of the pupil shall be verified as provided in subd. 1. b. A pupil
24 attending a private school under this section whose family income increases above

1 the income level in this subd. 1. am. may continue to attend a private school under
2 this section.

3 **SECTION 51.** 119.23 (2) (a) 6m. of the statutes is created to read:

4 119.23 (2) (a) 6m. All instructional staff employed by the private school hold
5 a license or permit to teach issued by the department. For purposes of this
6 subdivision, “instructional staff” has the meaning given in the rules promulgated by
7 the department under s. 121.02 (1) (a) 2.

8 **SECTION 52.** 119.23 (2) (a) 9. of the statutes is created to read:

9 119.23 (2) (a) 9. The private school has been in operation for the attendance of
10 pupils for at least 2 school years.

11 **SECTION 53.** 119.23 (2) (a) 10. of the statutes is created to read:

12 119.23 (2) (a) 10. The private school is located in this state.

13 **SECTION 54.** 119.23 (2) (c) of the statutes is amended to read:

14 119.23 (2) (c) 1. Notwithstanding par. (a) 6. and 6m., a teacher employed by a
15 private school participating in the program under this section who teaches only
16 courses in rabbinical studies is not required to have a bachelor’s degree or hold a
17 license or permit to teach issued by the department.

18 2. Notwithstanding par. (a) 6. and 6m., an administrator of a private school
19 participating in the program under this section that prepares and trains pupils
20 attending the school in rabbinical studies is not required to have a bachelor’s degree
21 or hold a license or permit to teach issued by the department.

22 **SECTION 55.** 119.23 (2) (d) of the statutes is created to read:

23 119.23 (2) (d) No more than 49 percent of a private school’s enrollment may
24 consist of pupils attending the private school under this section and s. 118.60.

25 **SECTION 56.** 119.23 (4) (bd) of the statutes is created to read:

1 119.23 (4) (bd) Upon receipt from the pupil's parent or guardian of proof of the
2 pupil's enrollment in the private school during a school term, the state
3 superintendent shall pay to the private school in which the pupil is enrolled on behalf
4 of the pupil's parent or guardian, from the appropriation under s. 20.255 (2) (fu), an
5 amount equal to the lesser of the following:

6 1. The amount equal to the private school's eligible education expenses, as
7 defined in sub. (7) (am) 1m., per pupil that is related to educational programming,
8 as determined by the department.

9 2. The average of the tuition paid by a pupil attending the private school, but
10 not under the program under this section or the program under s. 118.60, in the
11 current and 2 preceding school years.

12 3. \$6,442.

13 **SECTION 57.** 119.23 (4) (be) of the statutes is created to read:

14 119.23 (4) (be) In determining a private school's eligible education expenses per
15 pupil under par. (bd) 1., the department shall do all of the following, but may not
16 determine separate expenses for pupils enrolled in grades kindergarten to 8 and for
17 pupils enrolled in grades 9 to 12:

18 1. Subtract only the following, up to the actual cost of the service or material
19 related to each item:

20 a. Fees charged pupils for books and supplies used in classes and programs.

21 b. Rentals for school buildings.

22 c. Food service revenues.

23 d. Governmental financial assistance.

24 e. Interest and other income resulting from the investment of debt proceeds.

1 2. If legal title to the private school's buildings and premises is held in the name
2 of the private school's parent organization or other related party, there is no other
3 mechanism to include the private school's facilities costs in the calculation of its
4 eligible education expenses, and the private school requests that the department do
5 so, include an amount equal to 10.5 percent of the fair market value of the school and
6 its premises. A request made by a private school under this subdivision remains
7 effective in subsequent school years and may not be withdrawn by the private school.

8 3. If immediately prior to July 1, 2011, a private school's eligible education
9 expenses, as defined under sub. (7) (am) 1m. and as determined by the department,
10 included the amount described in subd. 2., continue to include the amount described
11 in subd. 2. in subsequent school years.

12 4. Permit a private school to accumulate up to 15 percent of the private school's
13 annual eligible education expenses in a reserve account and include any increase to
14 that reserved amount in the department's determination of the private school's
15 eligible education expenses for that school year.

16 **SECTION 58.** 119.23 (4) (bg) of the statutes, as affected by 2015 Wisconsin Act
17 55, is repealed.

18 **SECTION 59.** 119.23 (4m) of the statutes is repealed and recreated to read:

19 119.23 (4m) In addition to the payment under sub. (4), the state
20 superintendent shall pay to each private school participating in the program under
21 this section, on behalf of the parent or guardian of each pupil attending the private
22 school under this section, in the manner described in sub. (4) (c), the amount
23 determined as follows:

24 (a) Determine the private school's eligible education expenses, as defined in
25 sub. (7) (am) 1m., per pupil in summer school.

1 (b) Multiply the amount under par. (a) by 0.40.

2 (c) Multiply the product under par. (b) by the quotient determined by dividing
3 the summer choice average daily membership equivalent of the private school by the
4 total number of pupils for whom payments are being made under sub. (4).

5 **SECTION 60.** 119.23 (4r) (a) of the statutes is amended to read:

6 119.23 (4r) (a) Multiply the amount determined under sub. (4) ~~(bg)~~ (bd) by
7 0.616.

8 **SECTION 61.** 119.23 (7) (am) 2m. a. of the statutes, as affected by 2015 Wisconsin
9 Act 55, is amended to read:

10 119.23 (7) (am) 2m. a. An independent financial audit of the private school
11 conducted by an independent certified public accountant, accompanied by the
12 auditor's statement that the report is free of material misstatements and fairly
13 presents the private school's eligible education expenses under sub. (4) (bd) 1., and
14 beginning in the 2nd school year a private school participates in the program under
15 this section, a copy of the management letter prepared by the auditor. The audit shall
16 be prepared in accordance with generally accepted accounting principles with
17 allowable modifications for long-term fixed assets. The audit shall include a
18 calculation of the private school net eligible education expenses and a calculation of
19 the balance of the private school's fund for future eligible education expenses. The
20 auditor shall conduct his or her audit, including determining sample sizes and
21 evaluating financial viability, in accordance with the auditing standards established
22 by the American Institute of Certified Public Accountants. The department may not
23 require an auditor to comply with standards that exceed the scope of the standards
24 established by the American Institute of Certified Public Accountants. If a private
25 school participating in a program under this section is part of an organization and

1 the private school and the organization share assets, liabilities, or eligible education
2 expenses, the private school may submit an audit of the private school or of the
3 organization of which it is a part. If a private school that is part of an organization
4 with which it shares assets, liabilities, or eligible education expenses submits an
5 audit of only the private school, the independent auditor shall use his or her
6 professional judgment to allocate any shared assets, liabilities, and eligible
7 education expenses between the organization and the private school. If a private
8 school participating in the program under this section also accepts pupils under s.
9 118.60, the private school may submit one comprehensive financial audit to satisfy
10 the requirements of this subdivision and s. 118.60 (7) (am) 2m. The private school
11 shall include in the comprehensive financial audit the information specified under
12 s. 118.60 (7) (am) 2m.

13 **SECTION 62.** 119.23 (7) (b) 3m. of the statutes is amended to read:

14 119.23 (7) (b) 3m. Annually, schedule ~~two meetings~~ at least one meeting each
15 month at which members of the governing body of the private school will be present
16 and at which pupils, and the parents or guardians of pupils, applying to attend the
17 private school or attending the private school may meet and communicate with the
18 members of the governing body. The meetings shall be open to the public. The
19 private school shall, within 30 days after the start of the school term, notify the
20 department in writing of the scheduled meeting dates and shall, at least 30 days
21 before the scheduled meeting date, notify in writing each pupil, or the parent or
22 guardian of each minor pupil, applying to attend the private school or attending the
23 private school of the meeting date, time, and place. The private school shall provide
24 notice of the meetings in the manner provided in s. 19.84.

25 **SECTION 63.** 119.23 (7) (b) 9. of the statutes is created to read:

1 119.23 (7) (b) 9. Permit public inspection and copying of any record, as defined
2 in s. 19.32 (2), of the private school to the same extent as required of, and subject to
3 the same terms and enforcement provisions that apply to, a school board under
4 subch. II of ch. 19. This subdivision applies only to records that relate to pupils
5 attending the private school under this section.

6 **SECTION 64.** 119.23 (7) (d) 1. b. of the statutes is amended to read:

7 119.23 (7) (d) 1. b. ~~A~~ Except as provided in subd. 1. c., a copy of the school's
8 current certificate of occupancy issued by the municipality within which the school
9 is located. If the private school moves to a new location, the private school shall
10 submit a copy of the new certificate of occupancy issued by the municipality within
11 which the school is located to the department before the attendance of pupils at the
12 new location and before the next succeeding date specified in s. 121.05 (1) (a).

13 c. If the municipality within which the private school is located does not issue
14 certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy
15 issued by the local or regional governmental unit with authority to issue certificates
16 of occupancy or a letter or form from the municipality within which the private school
17 is located that explains that the municipality does not issue certificates of occupancy.
18 ~~A temporary certificate of occupancy does not meet the requirement of this~~
19 ~~subdivision~~ private school to which this subd. 1. c. applies shall annually obtain a
20 building inspection of the school building.

21 **SECTION 65.** 119.23 (7) (d) 1. d. of the statutes is created to read:

22 119.23 (7) (d) 1. d. A temporary certificate of occupancy does not satisfy the
23 requirements of this subdivision.

24 **SECTION 66.** 119.23 (7) (i) of the statutes is created to read:

1 119.23 (7) (i) 1. Each private school participating in the program under this
2 section shall annually conduct state and federal background checks of all teachers
3 and administrators employed by the private school on the effective date of this
4 subdivision [LRB inserts date].

5 2. Beginning on the effective date of this subdivision [LRB inserts date],
6 each private school participating in the program under this section shall conduct
7 state and federal background checks of each individual who applies to teach in or
8 serve as an administrator of the private school prior to extending an offer of
9 employment to that individual. The private school shall annually conduct state and
10 federal background checks of each teacher or administrator investigated under this
11 subdivision who is employed by the private school.

12 3. A participating private school may not employ a person as a teacher or
13 administrator or contract with the person to serve as a teacher or administrator if
14 the person would not be eligible to be employed, licensed, or permitted for any of the
15 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

16 **SECTION 67.** 119.23 (10) (a) 3. of the statutes is amended to read:

17 119.23 (10) (a) 3. Failed to refund to the state any overpayment made under
18 s. 119.23 (4) (b), 2011 stats., or s. 119.23 (4) (bg), 2011 stats., or under sub. (4) ~~(bg)~~ (bd)
19 or (4m) by the date specified by department rule.

20 **SECTION 68.** 119.23 (10) (a) 7. of the statutes is amended to read:

21 119.23 (10) (a) 7. Violated sub. (7) (b) 3m., 4., 5., or 9.

22 **SECTION 69.** 119.23 (10) (a) 9. of the statutes is created to read:

23 119.23 (10) (a) 9. Violated or employed a person who violated s. 118.016, 118.19
24 (1), 118.305, 118.31, or 118.33 (1) (f) 5.

25 **SECTION 70.** 119.23 (10) (a) 10. of the statutes is created to read:

1 119.23 (10) (a) 10. Violated the rules promulgated under s. 120.13 (1) (i).

2 **SECTION 71.** 119.23 (10) (bg) of the statutes is created to read:

3 119.23 (10) (bg) The state superintendent may issue an order immediately
4 terminating a private school's participation in the program under this section if he
5 or she determines that the owner of the private school would not be eligible or
6 permitted to be employed, licensed, or permitted for any of the reasons specified
7 under s. 115.31 (2g) or (6m) or 115.315.

8 **SECTION 72.** 119.23 (10) (br) of the statutes is created to read:

9 119.23 (10) (br) The state superintendent may issue an order immediately
10 terminating a private school's participation in the program under this section if he
11 or she determines that the private school has failed to comply with the requirements
12 under sub. (7) (i) 1. or 2. or if the private school employs an individual in
13 contravention of the prohibitions under sub. (7) (i) 3.

14 **SECTION 73.** 119.23 (10) (c) of the statutes is amended to read:

15 119.23 (10) (c) Whenever the state superintendent issues an order under par.
16 (a), (am), (ar), ~~or (b), (bg), or (br)~~, he or she shall immediately notify the parent or
17 guardian of each pupil attending the private school under this section.

18 **SECTION 74.** 119.23 (11) (d) of the statutes is repealed.

19 **SECTION 75.** 120.13 (1) (i) of the statutes is created to read:

20 120.13 (1) (i) The department shall promulgate rules establishing a procedure
21 for the expulsion of pupils attending a private school under s. 118.60 or 119.23 by the
22 governing body of the private school. The rules shall adhere as closely as feasible to
23 the provisions applicable to public school pupils under this subsection.”.

24 **5.** Page 4, line 15: delete lines 15 and 16 and substitute:

