



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1345/P6
TKK:kjf&jld:rs

DOA:.....Hanle, BB0309 - MPCP - pupil eligibility

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2011-12 school year if the pupil did not attend a private school participating in the MPCP in the 2010-11 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may not receive any additional payment for a pupil admitted under the MPCP who is a

member of a family that has a total family income that does not exceed 325 percent of the poverty level.

Under current law, only private schools located in the city may participate in the MPCP. This bill provides that any private school located in Milwaukee County may participate in the MPCP.

Under current law, the number of pupils who may attend a private school under the Milwaukee Parental Choice Program is limited to 22,500. This bill eliminates the cap.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

119.23 (2) (a) (intro.) ~~Subject to par. (b), any~~ Any pupil in grades kindergarten to 12 who resides within the city may attend, ~~at no charge,~~ any private school located in ~~the city~~ Milwaukee County if all of the following apply:

****NOTE: This is reconciled s. 119.23 (2) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers, none of which are included in the compiled bill: LRB-0837/P1 and LRB-0838/P1.

SECTION 2. 119.23 (2) (a) 1. of the statutes is renumbered 119.23 (2) (a) 1. a. and amended to read:

119.23 (2) (a) 1. a. ~~The~~ Except as provided in subd. 1. b., the pupil is a member of a family that has a total family income that does not exceed an amount equal to 1.75 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. For purposes of admission to a private

school under this section, siblings of pupils attending a private school under this section are subject to the higher income limit. If a pupil attending a private school under this section ceases to attend a private school under this section, the lower income limit applies unless the pupil is a sibling of a pupil attending a private school under this section.

SECTION 3. 119.23 (2) (a) 1. b. of the statutes is created to read:

119.23 (2) (a) 1. b. Beginning in the 2011-12 school year, the family income limits in subd. 1. a. do not apply if the pupil did not attend a school participating in the program under this section during the 2010-11 school year.

SECTION 4. 119.23 (2) (b) of the statutes is repealed.

SECTION 5. 119.23 (3) (a) of the statutes is amended to read:

119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application has been accepted. If the private school rejects an application, the notice shall include the reason. The private school shall indicate in its letter of acceptance the amount of the payment the parent or guardian of the pupil will receive under sub. (4) and, if applicable, sub. (4m). A private school may reject an applicant only if it has reached its maximum general capacity or seating capacity. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

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

119.23 (3m) (a) For a pupil to whom sub. (2) (a) 1. a. applies, whose application is accepted under sub. (3) (a), and who is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget, the private school may not charge or receive any payment for the pupil other than the payment the school receives under sub. (4) and, if applicable, sub. (4m).

(b) 1. Except as provided in subd. 2., for a pupil to whom sub. (2) (a) 1. b. applies and whose application is accepted under sub. (3) (a), the private school may, in addition to the payment it receives for the pupil under sub. (4) and, if applicable, sub. (4m), charge the pupil tuition and fees in an amount determined by the school.

2. The private school may not charge or receive any additional payment for a pupil to whom sub. (2) (a) 1. b. applies and whose application is accepted under sub. (3) (a) if the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.25 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

SECTION 7. 119.23 (7) (d) 1. of the statutes is renumbered 119.23 (7) (d) 1. b. and amended to read:

119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued by the city municipality within which the school is located. If the private school moves to a new location, the private school shall submit a copy of the new certificate of occupancy issued by the city municipality within which the school is located to the department before the attendance of pupils at the new location and before the next

succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the requirement of this subdivision.

SECTION 8. 119.23 (7) (d) 1. a. of the statutes is created to read:

119.23 (7) (d) 1. a. In this subdivision, “municipality” has the meaning given in s. 5.02 (11).

SECTION 9337. Initial applicability; Public Instruction.

(1) **EXTEND MILWAUKEE PARENTAL CHOICE PROGRAM TO MILWAUKEE COUNTY PRIVATE SCHOOLS; PUPILS.** The treatment of section 119.23 (2) (a) (intro.) of the statutes, with respect to the location of a private school, first applies to pupils who participate in the program under section 119.23 of the statutes, as affected by this act, in the 2012-13 school year.

(2) **EXTEND MILWAUKEE PARENTAL CHOICE PROGRAM TO MILWAUKEE COUNTY PRIVATE SCHOOLS; PARTICIPATING PRIVATE SCHOOLS.** The treatment of section 119.23 (7) (d) 1. of the statutes first applies to private schools participating in the program under section 119.23 of the statutes, as affected by this act, in the 2012-13 school year.

(END)