



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1026/P6
TKK:eev/kjf/jld:jm

DOA:.....Hynek, BB0324 - New Parental Choice Program

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a pupil living in the city of Milwaukee or an eligible school district (currently, only the Racine Unified School District) may, under a parental choice program, attend a private school at state expense if, among other conditions, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill expands the parental choice program for eligible school districts by making eligible a school district having at least 4,000 pupils and in which two or more schools in the district have been placed in a performance category of "fails to meet expectations" or "meets few expectations," or the equivalent lowest performance categories (qualifying categories), on an accountability report published by DPI. If, after a school district has been identified as an eligible school district, at least 20 pupils who reside in the school district apply to attend private schools under the parental choice program, the eligible school district becomes a qualifying eligible school district. The bill provides that only after an eligible school district becomes a qualifying eligible school district may pupils who reside in that school district attend a private school under the parental choice program. The bill does not, however, require a pupil who applies to attend a participating private school to be enrolled in a school that was placed in a qualifying category.

If, at the time at which any subsequent accountability report is published for schools in the district, no school or only one school in the district was placed in a qualifying category and the school district did not become a qualifying eligible school district, the school district ceases to be an eligible school district. However, a school district that has ceased to be an eligible school district may become an eligible school district in a subsequent school year.

Within ten days after publishing accountability reports, DPI must publish a list of eligible school districts on its Internet site, and must provide a written notice to the clerk of each eligible school district. A private school must notify DPI by August 1 immediately following the issuance of the accountability reports of its intent to participate in the choice program in a newly eligible school district in that school year. In the 2013-14 school year, participation in the expanded choice program is limited to no more than 500 pupils residing in eligible school districts. In the 2014-15 school year, participation is capped at no more than 1,000 pupils.

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. 20.255 (1) (j) of the statutes is amended to read:

20.255 (1) (j) *Milwaukee Parental Choice Program and the parental choice programs in other program for eligible school districts; financial audits.* All moneys received under ss. 118.60 (2) (a) 3. and 119.23 (2) (a) 3. to be used to evaluate the financial information submitted under s. 119.23 (7) (am) and (d) 2. and 3. by private schools participating in the Milwaukee Parental Choice Program and under s. 118.60 (7) (am) and (d) 2. and 3. by private schools participating in the choice program under s. 118.60.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.255 (2) (fv) of the statutes is amended to read:

20.255 (2) (fv) *Milwaukee Parental Choice Program and the parental choice programs in other program for eligible school districts; transfer pupils.* A sum sufficient to make the payments under ss. 118.60 (4r) and 119.23 (4r).

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 3. 118.60 (title) of the statutes is amended to read:

118.60 (title) Parental choice programs program for eligible school districts.

SECTION 4. 118.60 (1) (am) (intro.) of the statutes is amended to read:

118.60 (1) (am) (intro.) “Eligible school district” means a school district that, ~~subject to sub. (1m),~~ satisfies all any of the following:

SECTION 5. 118.60 (1) (am) 1. of the statutes is renumbered 118.60 (1) (am) 1g.

a.

SECTION 6. 118.60 (1) (am) 1g. (intro.) of the statutes is created to read:

118.60 (1) (am) 1g. (intro.) Subject to sub. (1m) (a), the school district satisfies all of the following:

SECTION 7. 118.60 (1) (am) 1r. of the statutes is created to read:

118.60 (1) (am) 1r. The school district satisfies all of the following:

a. The number of pupils enrolled in the school district equals or exceeds 4,000.

In this subd. 1r. a., the number of pupils means the number of pupils as counted under s. 121.004 (7).

b. Subject to sub. (1m) (b) 2., 2 or more public schools in the school district were placed in the same school year in a performance category of either “fails to meet expectations” or “meets few expectations,” or the equivalent lowest performance categories, on an accountability report issued by the department under s. 115.385 (1).

SECTION 8. 118.60 (1) (am) 2. of the statutes is renumbered 118.60 (1) (am) 1g.

b.

SECTION 9. 118.60 (1) (am) 3. of the statutes is renumbered 118.60 (1) (am) 1g.

c.

SECTION 10. 118.60 (1) (am) 4. of the statutes is renumbered 118.60 (1) (am) 1g.

d.

SECTION 11. 118.60 (1m) of the statutes is renumbered 118.60 (1m) (a) and amended to read:

118.60 **(1m)** (a) ~~By~~ For an eligible school district under sub. (1) (am) 1g., by November 15 of the 2nd fiscal year of each fiscal biennium, the department shall prepare a list that identifies eligible school districts. The department shall post the list on the department's Internet site and shall notify in writing the school district clerk of each eligible school district. A school district that has qualified as an eligible school district under ~~this section~~ sub. (1) (am) 1g. on April 20, 2012, shall remain an eligible school district, but no school district may qualify as an eligible school district under sub. (1) (am) 1g. after April 20, 2012.

SECTION 12. 118.60 (1m) (b) of the statutes is created to read:

118.60 **(1m)** (b) 1. Subject to subd. 2., for an eligible school district under sub. (1) (am) 1r., within 10 days after the department publishes, for at least 2 schools in a school district, accountability reports under s. 115.385 (1) that place the schools in a performance category of "fails to meet expectations" or "meets few expectations," or the equivalent lowest performance categories, the department shall publish a notice on the department's Internet site that identifies that school district as an eligible school district for the immediately following school year, and shall notify in writing the school district clerk of the eligible school district.

2. A school district identified as an eligible school district under subd. 1. ceases to be an eligible school district if, at the time at which any subsequent accountability

reports are published by the department under s. 115.385 (1), no school or only one school in the school district is placed in a performance category of “fails to meet expectations” or “meets few expectations,” or the equivalent lowest performance categories, and the school district did not qualify as an eligible school district, as required under sub. (2) (bg), in the last school year in which the school district satisfied the requirements under subd. 1. The department shall, within 10 days after the department publishes the subsequent accountability reports, remove from the list of eligible school districts on the department’s Internet site any such school district, and shall notify the school district clerk in writing of the change in eligibility status. This subdivision does not preclude a school district from becoming an eligible school district under sub. (1) (am) 1r. in a subsequent school year.

SECTION 13. 118.60 (2) (a) (intro.) of the statutes is amended to read:

118.60 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (bg) and (br), any pupil in grades kindergarten to 12 who resides within an eligible school district may attend any private school if all of the following apply:

SECTION 14. 118.60 (2) (a) 3. a. of the statutes is amended to read:

118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c., the private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 119.23, and paid the nonrefundable fee, set by the department as required under s. 119.23 (2) (a) 3., by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 119.23 for which the school has space.

***NOTE: This is reconciled s. 118.60 (2) (a) 3. a. This SECTION has been affected by drafts with the following LRB numbers: LRB-1026/P5 and LRB-1027/P1.

SECTION 15. 118.60 (2) (a) 3. c. of the statutes is created to read:

118.60 (2) (a) 3. c. For a participating private school, or a private school that is a first-time participant in the program under this section, that intends to participate in the program under this section and to accept pupils who reside within a school district in the first school year in which that school district is identified as an eligible school district under sub. (1m) (b) 1., the private school notified the state superintendent of its intent to participate in the program under this section, and paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a) 3., by August 1 of the school year in which the private school intends to participate. The notice shall specify the number of pupils participating in the program under this section for which the school has space.

SECTION 16. 118.60 (2) (a) 6. c. of the statutes is amended to read:

118.60 (2) (a) 6. c. Any teacher employed by the private school on July 1 of the first school year that begins after a school district is identified as an eligible school district under sub. (1m) (b) 1. and qualifies as an eligible school district under par. (bg), or is identified as an eligible school district under 2011 Wisconsin Act 32, section 9137 (3u), who has been teaching for at least the 5 consecutive years immediately preceding that July 1, and who does not satisfy the requirements under subd. 6. a. on that July 1, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6. a. The department shall promulgate rules to implement this subd. 6. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6. a., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's

degree and the anticipated date on which the teacher expects to complete the bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31 of the 5th school year that begins after a school district is both identified as an eligible school district under sub. (1m) (b) 1. and qualifies as an eligible school district under par. (bg) or is identified as an eligible school district under 2011 Wisconsin Act 32, section 9137 (3u).

SECTION 17. 118.60 (2) (a) 7. of the statutes is amended to read:

118.60 (2) (a) 7. For a private school that is a first-time participant in the program under this section or in the program under s. 119.23, and that is not accredited by Wisconsin North Central Association, Wisconsin Religious and Independent School Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or by any other organization recognized by the National Council for Private Schools Accreditation, the private school obtains preaccreditation by the Institute for the Transformation of Learning at Marquette University, Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, or the diocese or archdiocese within which the private school is located by ~~September~~ August 1 before the first school term of participation in the program under this section or in the program under s. 119.23 that begins after ~~August 31, 2011, by July 1, 2013;~~ August ~~1~~ 15 before the first school term of participation in the program under this section that begins in the first school year that begins after a school district is identified as an eligible school district under sub. (1m) (b); or by May

1 if the private school begins participation in the program under this section or in the program under s. 119.23 during summer school. In any school year, a private school may apply for and seek to obtain preaccreditation from only one of the entities enumerated in this subdivision. A private school that fails to obtain ~~accreditation~~ preaccreditation in a school year may apply for and seek to obtain preaccreditation from one of the entities enumerated in this subdivision in the following school year. The private school shall achieve accreditation by Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year in which the private school begins participation in the program under this section. If the private school is accredited under this subdivision, the private school is not required to obtain preaccreditation as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

****NOTE: This is reconciled s. 118.60 (2) (a) 7. This SECTION has been affected by drafts with the following LRB numbers: LRB-1026/P5 and LRB-1027/P1.

SECTION 18. 118.60 (2) (b) of the statutes is repealed.

SECTION 19. 118.60 (2) (bg) of the statutes is created to read:

118.60 (2) (bg) 1. No pupil who resides in a school district identified as an eligible school district under sub. (1m) (b) 1. may attend a private school under this section until that school district qualifies as an eligible school district under this paragraph. A school district qualifies as an eligible school district under this

paragraph if no later than August 15 immediately following the date on which the department identified the school district as an eligible school district under sub. (1m) (b) 1., at least 20 pupils who reside in the school district apply to attend a private school under this section and simultaneously notify the department that they have applied to attend a private school under this section. Pupils applying to attend a private school that is a first-time participant in the program under this section and that has not obtained preaccreditation as required under par. (a) 7. may not be counted towards the 20 pupils required for an eligible school district to qualify as an eligible school district under this section.

2. The department shall, no later than 5 days after receiving notice from private schools regarding acceptance of pupils as required under sub. (3) (a), determine whether any school district identified as an eligible school district under sub. (1m) (b) 1. qualifies as an eligible school district under this paragraph, and shall publish on the department's Internet site a list of any such qualifying eligible school districts.

3. A school district that qualifies as an eligible school district under this paragraph shall remain qualified under this paragraph.

SECTION 20. 118.60 (2) (br) of the statutes is created to read:

118.60 (2) (br) 1. In the 2013-14 school year, no more than a total of 500 pupils residing in school districts identified as eligible school districts under sub. (1m) (b) 1. and qualifying as eligible school districts under par. (bg) may attend private schools under this section. In this paragraph, the number of pupils means the number of pupils as counted under s. 121.004 (7). Participating private schools shall give priority to pupils who were eligible for a free or reduced-price lunch in the federal school lunch program under [42 USC 1758](#) (b) in the immediately preceding school year.

2. In the 2014–15 school year, no more than a total of 1,000 pupils residing in school districts identified as eligible school districts under sub. (1m) (b) 1. and qualifying as eligible school districts under par. (bg) may attend private schools under this section. Participating private schools shall give priority to pupils who attended a private school under subd. 1.

3. Whenever the state superintendent determines that the limit is reached under subd. 1. or 2., he or she shall issue an order prohibiting the participating private schools from accepting additional pupils from school districts identified as eligible school districts under sub. (1m) (b) 1. and qualifying as eligible school districts under par. (bg) until he or she determines that the number of pupils attending private schools under this section from those school districts has fallen below the limit. If the number of pupils attending private schools under this section falls below the limit under this paragraph, the state superintendent shall issue an order notifying participating private schools that they may begin accepting additional pupils from those school districts, and, notwithstanding sub. (3) (a), participating private schools that wish to accept additional pupils under this section shall accept pupils as follows:

a. The private school shall give first priority to pupils in a school district identified as an eligible school district under sub. (1m) (b) 1. and qualifying as an eligible school district under sub. (2) (bg) who are attending a private school under this section.

b. The private school shall give 2nd priority to the siblings of pupils who are attending a private school under this section from that school district.

c. The private school shall give 3rd priority to pupils selected at random under a procedure established by the department by rule.

SECTION 21. 118.60 (3) (a) of the statutes is renumbered 118.60 (3) (a) (intro.) and amended to read:

118.60 (3) (a) (intro.) 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. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application. Within 60 days after receiving the application, the private school shall notify each applicant, in writing, whether his or her application has been accepted, except that in the first school year in which a school district is identified as an eligible school district under sub. (1m) (b) 1., a private school that has notified the department of its intent to participate in the program under this section as required under sub. (2) (a) 3. c. shall notify each applicant, in writing, whether his or her application has been accepted within 7 days after receiving the application, and shall simultaneously notify the department whether the pupil has been accepted. If the private school rejects an application, the notice shall include the reason. 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.~~ any of the following:

SECTION 22. 118.60 (3) (a) 1. to 3. of the statutes are created to read:

118.60 (3) (a) 1. Pupils who attended the private school during the school year prior to the school year for which the application is being made.

2. Siblings of pupils who attended the private school during the school year prior to the school year for which the application is being made and to siblings of

pupils who have been accepted to the private school for the school year for which the application is being made.

3. Pupils who attended another private school under this section or s. 119.23 during the school year prior to the school year for which the application is being made.

****NOTE: This is reconciled s. 118.60 (3) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0962/3 and LRB-1026/P5.

SECTION 23. 121.08 (4) (br) of the statutes is amended to read:

121.08 (4) (br) The amount of state aid that an eligible school district is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by the amount calculated by multiplying the amounts paid under s. 118.60 (4) and (4m) in the first school year that begins after a school district is identified as an eligible school district under s. 118.60 (1m) (b) 1. and qualifies as an eligible school district under s. 118.60 (2) (bg) or 2011 Wisconsin Act 32, section 9137 (3u), and in each school year thereafter by 38.4 percent.

(END)