# 2005 ASSEMBLY BILL 8

January 18, 2005 – Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Education Reform.

1  AN ACT *to amend* 119.23 (2) (b) of the statutes; **relating to:** prohibiting the

2  Department of Public Instruction from selecting pupils for the Milwaukee

3  Parental Choice Program on a random basis.

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### Analysis by the Legislative Reference Bureau

Under current law, the number of pupils who may attend a private school under the Milwaukee Parental Choice Program is capped at 15 percent of the enrollment of the Milwaukee Public Schools (approximately 15,000 pupils). If in any school year there are more spaces available in the private schools participating in the program than the maximum number of pupils allowed to attend the private schools under the program, the law directs the Department of Public Instruction (DPI) to prorate the number of spaces available at each participating private schools.

This bill prohibits DPI from selecting pupils for the available spaces on a random basis. The bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the Assembly Committee on Education Reform on October 28, 2004, and the objection of the Joint Committee for Review of Administrative Rules on December 16, 2004, to the issuance of Clearinghouse Rule 04–069 by DPI. The proposed rule directed DPI to conduct a random selection of pupils whenever the number of pupils determined eligible for the program exceeded the maximum number of pupils allowed to attend private schools under the program.

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

1    S<small>ECTION</small> **1.** 119.23 (2) (b) of the statutes is amended to read:

2    119.23 **(2)** (b)  No more than 15% of the school district's membership may attend

3    private schools under this section.  If in any school year there are more spaces

4    available in the participating private schools than the maximum number of pupils

5    allowed to participate, the department shall prorate the number of spaces available

6    at each participating private school <u>and may not select pupils for the available spaces</u>

7    <u>on a random basis</u>.

8                                            **(END)**