



2011 ASSEMBLY BILL 92

April 12, 2011 – Introduced by Representatives HONADEL and KAPENGA. Referred to Committee on Education.

1 **AN ACT to repeal** 119.23 (2) (b); **to renumber and amend** 119.23 (7) (d) 1.; **to**
2 **amend** 119.23 (2) (a) (intro.), 119.23 (2) (a) 3. and 119.23 (10) (a) 2.; and **to**
3 **create** 119.23 (2) (a) 3m. and 119.23 (7) (d) 1. a. of the statutes; **relating to:**
4 eliminating the enrollment cap for the Milwaukee Parental Choice Program
5 and extending the program to permit private schools located in Milwaukee
6 County to participate.

Analysis by the Legislative Reference Bureau

Under current law, only private schools located in the city of Milwaukee may participate in the Milwaukee Parental Choice Program (MPCP), and the number of pupils who may enroll in private schools under the MPCP is limited to 22,500. This bill eliminates the enrollment limit and provides that any private school located in Milwaukee County may participate in the MPCP.

Currently, a private school that wishes to participate in the MPCP must notify the Department of Public Instruction (DPI) of its intent to participate in the MPCP by February 1 of the previous school year. This bill permits private schools located in Milwaukee County and that wish to participate in the MPCP in the 2011-12 school year to notify DPI of its intent to participate by August 1, 2011.

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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:

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

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

5 **SECTION 2.** 119.23 (2) (a) 3. of the statutes is amended to read:

6 119.23 (2) (a) 3. ~~The~~ Except as provided in subd. 3m., the private school notified
7 the state superintendent of its intent to participate in the program under this
8 section, and paid a nonrefundable fee set by the department, by February 1 of the
9 previous school year. The notice shall specify the number of pupils participating in
10 the program under this section for which the school has space. The department shall
11 by rule set the fee charged under this subdivision at an amount such that the total
12 fee revenue covers the costs of employing one full-time auditor to evaluate the
13 financial information submitted by the private schools under sub. (7) (am) and (d) 2.
14 and 3.

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

16 119.23 (2) (a) 3m. For a private school located in Milwaukee County that
17 intends to participate in the program under this section in the 2011-12 school year,
18 the private school notified the state superintendent of its intent to participate, and
19 paid the nonrefundable fee, set by the department under subd. 3., by August 1, 2011.
20 The notice shall specify the number of pupils participating in the program under this
21 section for which the school has space.

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

2 **SECTION 5.** 119.23 (7) (d) 1. of the statutes is renumbered 119.23 (7) (d) 1. b. and
3 amended to read:

4 119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued
5 by the ~~city~~ municipality within which the school is located. If the private school
6 moves to a new location, the private school shall submit a copy of the new certificate
7 of occupancy issued by the ~~city~~ municipality within which the school is located to the
8 department before the attendance of pupils at the new location and before the next
9 succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy
10 does not meet the requirement of this subdivision.

11 **SECTION 6.** 119.23 (7) (d) 1. a. of the statutes is created to read:

12 119.23 (7) (d) 1. a. In this subdivision, "municipality" has the meaning given
13 in s. 5.02 (11).

14 **SECTION 7.** 119.23 (10) (a) 2. of the statutes is amended to read:

15 119.23 (10) (a) 2. Failed to provide the notice or pay the fee required under sub.
16 (2) (a) 3. or 3m., or provide the information required under sub. (7) (am) or (d), by the
17 date or within the period specified.

18 **SECTION 8. Initial applicability.**

19 (1) The treatment of section 119.23 (2) (a) (intro.) of the statutes, with respect
20 to the location of a private school, first applies to pupils who participate in the
21 Milwaukee parental choice program in the 2011-12 school year.

22 (2) The treatment of section 119.23 (2) (a) (intro.) and (b) of the statutes, with
23 respect to the number of pupils who may participate in the Milwaukee parental
24 choice program, first applies to pupils who participate in the Milwaukee parental
25 choice program in the 2011-12 school year.

