

2005 Senate Bill 618

Date of enactment: **March 10, 2006**  
Date of publication\*: **March 24, 2006**

## 2005 WISCONSIN ACT 125

AN ACT *to repeal* 118.43 (6) (c) and 119.23 (2) (a) 2.; *to amend* 118.43 (6) (b) (intro.), 118.43 (6) (b) 9., 119.23 (2) (a) 1., 119.23 (2) (b) and 119.23 (10) (c); and *to create* 119.23 (2) (a) 7., 119.23 (7) (e), 119.23 (7) (f), 119.23 (9) and 119.23 (10) (am) of the statutes; **relating to:** the Milwaukee Parental Choice Program and the Student Achievement Guarantee in Education Program.

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

**SECTION 1.** 118.43 (6) (b) (intro.) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

118.43 (6) (b) (intro.) From the appropriation under s. 20.255 (2) (cu), ~~subject to par. (e)~~, the department shall pay to each school district that has entered into a contract with the department under this section an amount determined as follows:

**SECTION 2.** 118.43 (6) (b) 9. of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

118.43 (6) (b) 9. In the 2005–06 and ~~any subsequent 2006–07~~ school year years, \$2,000 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by renewals of contracts under sub. (2) (g); and in the 2007–08 school year and any subsequent school year, \$2,250 multiplied by the number of low-income pupils enrolled in grades eligible for funding in each school in the school district covered by renewals of contracts under sub. (2) (g).

**SECTION 3.** 118.43 (6) (c) of the statutes is repealed.

**SECTION 4.** 119.23 (2) (a) 1. of the statutes is amended to read:

119.23 (2) (a) 1. 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 5.** 119.23 (2) (a) 2. of the statutes is repealed.

**SECTION 6.** 119.23 (2) (a) 7. of the statutes is created to read:

119.23 (2) (a) 7. The private school achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, the Institute for the Transformation of Learning at Marquette University, or any other organization recognized by the National Council for Private School Accreditation, by December

\* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

31 of the 3rd school year following the first school year that begins after June 30, 2006, in which it participates in the program under this section, or the private school was approved for scholarship funding for the 2005–06 school year by Partners Advancing Values in Education.

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

119.23 (2) (b) No more than 45% of the school district's membership 22,500 pupils, as counted under s. 121.004 (7), may attend private schools under this section. ~~If in any school year there are more spaces available in the participating private schools than the maximum number of pupils allowed to participate, the department shall prorate the number of spaces available at each participating private school~~ Whenever the state superintendent determines that the limit is reached, he or she shall issue an order prohibiting the participating private schools from accepting additional pupils until he or she determines that the number of pupils attending private schools under this section has fallen below the limit.

**SECTION 8.** 119.23 (7) (e) of the statutes is created to read:

119.23 (7) (e) 1. Annually, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. The private school may administer additional standardized tests to such pupils. Beginning in 2006 and annually thereafter until 2011, the private school shall provide the scores of all standardized tests that it administers to the School Choice Demonstration Project.

2. The legislative audit bureau shall review and analyze the standardized test score data received from the School Choice Demonstration Project. Based on its review, in 2007 and annually thereafter until 2011, the bureau shall report to the legislature under s. 13.172 (2) the results of the standardized tests administered under subd. 1., the scores of a representative sample of pupils participating in the program on the tests under ss. 118.30 and 121.02 (1) (r), and the scores of a comparable group of pupils enrolled in the school district operating under this chapter on the tests under ss. 118.30 and 121.02 (1) (r).

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

119.23 (7) (f) A private school that is neither accredited nor approved under sub. (2) (a) 7., and to which either of the following applies, shall apply for accreditation by December 31 of the school year in which it enters or reenters the program under this section:

1. The private school did not participate in the program under this section during the 2005–06 school year.

2. The private school participated in the program under this section during the 2005–06 school year but did not participate in the program during the 2006–07 school year.

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

119.23 (9) If any accrediting agency specified under sub. (2) (a) 7. determines during the accrediting process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

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

119.23 (10) (am) If the state superintendent determines that any of the following have occurred, he or she may issue an order barring the private school from participating in the program under this section in the following school year:

1. The private school has not complied with the requirement under sub. (7) (f).

2. The private school's application for accreditation has been denied by the accrediting organization.

3. The private school has not achieved accreditation within the period allowed under sub. (2) (a) 7.

**SECTION 12.** 119.23 (10) (c) of the statutes is amended to read:

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

**SECTION 13. Nonstatutory provisions.**

(1) Any private school that is neither accredited nor approved as required under section 119.23 (2) (a) 7. of the statutes, as created by this act, that participated in the program under section 119.23 of the statutes during the 2005–06 school year, and that has notified the state superintendent of public instruction under section 119.23 (2) (a) 3. of the statutes of its intent to continue to participate in the program during the 2006–07 school year, shall apply for accreditation by September 30, 2006. If the state superintendent determines that the private school has not applied for accreditation by September 30, 2006, the private school may not participate in the program under section 119.23 of the statutes in the 2006–07 school year.

**SECTION 14. Initial applicability.**

(1) The treatment of section 119.23 (2) (a) 1. and 2. of the statutes first applies to pupils and private schools who intend to participate in the Milwaukee Parental Choice Program in the 2006–07 school year.