Summary of 2013 Wisconsin Act 237
As it relates to the Private School Choice Programs

Changes Effective Starting in 2014-15 School Year:

The Act makes changes to the preaccreditation and accreditation requirements for all schools.

The Act also creates a definition of a new private school and establishes a timeline for requirements that new private schools must meet in order to participate in the private school choice programs. New private schools must complete the requirements to participate in the private school choice programs earlier than schools that do not meet the definition of a new private school.

Definition of a New Private School

A new private school is one that has been open in Wisconsin with enrolled students for less than 12 consecutive months, or the private school has less than 40 pupils enrolled in two or fewer grades.

This does not include a private school that will be operated or managed by a governing body of a private school already in the voucher program, as long as the current school has not had its state voucher payments withheld or had an order issued barring the school from participating in the choice program in the prior 3 years.

Requirements for New Schools Intending to Participate

Under current law, a private school must meet certain requirements in order to participate in any private school choice program. The Act establishes a new timeline and some additional requirements for a new private school seeking to participate in a choice program.

The Act requires that before it may participate in a choice program, a new private school must comply with all of the following in the school year immediately preceding the school year in which the new private school intends to participate:

- By August 1, complete and submit to the Department of Public Instruction (DPI) the following on forms provided by the DPI:
    - A notice of intent to participate and agreement to comply with procedural requirements.
    - A complete anticipated budget for the first fiscal period of participation in the choice program showing that the private school will have a positive cash flow in each month of the fiscal period and no operating deficit. The budget must include anticipated enrollments for all pupils enrolled in the new private school and for pupils enrolled in the new private school under the choice program; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The school must also include contingent funding sources the new private school will use in the event that actual enrollments are less than expected.
    - The mailing address for the private school. If no building has been secured by the August 1 date, then it must provide the mailing address of an administrator of the private school.
    - The standard, identified in 118.60 (7)(a), that the new private school intends to meet.
    - The nonrefundable fee established by DPI. If the fee for the school year in which the new private school wishes to first participate has not been set, then the prior year fee will be

the amount owed. Once the fee is set, and if it is different from what was submitted by the school, then the school will be required to pay the difference (if higher) or the DPI will refund the difference (if lower).
    - The information related to the private school's policies and governing board (as required by 118.60 (6m)(a) and (c)).
- By December 15, obtain preaccreditation from a preaccrediting entity.

The new legislation states that by December 31 of the school year immediately preceding the school year in which the new private school intends to participate in a choice program, DPI must notify the school in writing whether it has satisfied the above requirements. If DPI determines that the new private school has not satisfied those requirements, the school may not participate in the choice program in the following school year but may reinstate the process for a new private school for the next following school year.

Additionally, a new private school must meet the following requirements:

- By August 1 of the first school year in which a private school participates in the program, demonstrate to the satisfaction of DPI that the new private school has contracted with a third-party payroll service that will remit federal and state payroll taxes for each employee of the new private school for the duration of the school year.
- By November 1 of the first school year in which a private school participates in the program, the private school shall submit to the department on a form provided by the department a budget reflecting the enrollments in the private school on the immediately preceding 3rd Friday in September and any related changes in revenues, costs, and cash flow requirements.

If the new private school fails to meet these new requirements and existing law requirements, it will not be allowed to participate in the private school choice program.

Example Timeline for a "New Private School"

Under the timeline established by this law, a new private school that wishes to participate in the private school choice programs for the 2015-16 school year must:

- By August 1, 2014, register with the DPI and complete the new school requirements listed above.
- By December 15, 2014, the new private school must obtain pre-accreditation (by an agency on the statutory list of pre-accrediting entities).

By December 31, 2014, the DPI will notify the new private school if it has met the initial requirements to participate in the program. If the new private school has met the initial requirements, it may then continue working to satisfy the remaining requirements in order to be eligible to participate in the choice program for 2015-16. These remaining requirements include but are not limited to attending DPI private school choice program trainings.

Preaccreditating and Accrediting Entities

Under this Act, The Wisconsin Association of Christian Schools has been added to the statutory list of preaccrediting entities.

For the complete list of pre-accrediting entities, see 118.60(1)(cm) or 119.23(1)(ap). For the complete list of accrediting entities, see 118.60(1)(ab) or 119.23(1)(ab).

School Accreditation

Each private school that begins participation in the Racine Parental Choice Program or the Wisconsin Parental Choice Program and that is not already accredited by an accrediting entity must apply for accreditation by December 31 of the first school year that begins after the effective date of the Act, and

must achieve accreditation by December 31 of the third school year following the first school year in which the private school begins participation in a choice program. This is consistent with the requirements for the Milwaukee Parental Choice Program.

If the private school becomes accredited under this provision, the private school is not required to obtain preaccreditation as a prerequisite to providing instruction to pupils attending school under the choice program in additional grades or in an additional or new school.

Under the Act, if a choice school is accredited to offer instruction in any elementary grade (K-8), but not any high school grade (9-12), and seeks to offer instruction in any high school grade, the choice school must apply for and achieve accreditation to offer instruction in the additional grades. The same requirement applies to a choice school that is accredited to offer instruction in any high school grade (9-12) and seeks to offer instruction in any elementary grade (K-8). The Act requires that these schools apply for accreditation in the additional grades by December 31 of the school year in which they begin offering instruction in non-accredited grades. The schools must achieve accreditation for the new grades within three years.

The Department may bar a school from participating in the private school choice programs for failing to obtain accreditation.

Disqualified Accrediting Organization

The Act defines a disqualified organization to mean an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

The Act provides that if a choice school learns that an accrediting organization with which the school is maintaining accreditation is a disqualified organization, the school must immediately notify DPI in writing of this fact and must obtain accreditation from an accrediting entity no later than three years from the date on which the private school learned that the accrediting organization is a disqualified organization.

Governing Body of a School

The Act defines a governing body of a private school (new or existing) to mean a board elected or appointed to govern the private school or, if no board is appointed or elected to govern the school, any other person having direct charge of the private school.