WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

Tony Evers, PhD, State Superintendent

Summary of 2013 Wisconsin Act 20

As it relates to the Private School Choice Programs

Milwaukee Parental Choice Program and Racine Parental Choice Program:

Accrediting Organizations [1843, 1855r, 1856w, 1857df, 1859t, 1860, 1861m, 1872m, 1875d, 1876dg, 9134(3c) and (6q)]

Add the Wisconsin Association of Christian Schools to the list of statutorily approved accrediting agencies for the private school parental choice programs.

Maintaining Accreditation [1855r, 1856w, 1857db thru 1857e, 1872m, 1875d, 1876db thru 1876dL, and 9134(6q)]

Require a private school in a private school parental choice program that has achieved accreditation to ensure that it continuously maintains accreditation from a statutorily approved accreditation agency for as long as the school continues to participate in the program. Require a choice school to immediately notify DPI if its accreditation status with one of the statutorily approved agencies changes.

Beginning in the 2013-14 school year, require a choice school to provide evidence demonstrating that the school remains accredited for the current year to DPI annually by January 15. Require the school to include as evidence of accreditation a letter prepared by one of the statutorily approved accrediting agencies that confirms that the school is accredited by that agency as of the date of that letter. Specify that, if the State Superintendent determines that a school has not complied with these requirements, he or she may issue an order barring a choice school from participating in the program in the subsequent school year. Require DPI to notify a choice school of receipt of accreditation status within ten days after receiving the required information.

Require a choice school that would have been required to achieve accreditation to demonstrate that its accreditation status is current with the above-described letter within 30 days of the effective date of the bill. Require the State Superintendent to issue an order barring a school's participation in the program in the current school year if the school does not provide that letter within the required time frame. Specify that this one-time requirement would not apply to new schools entering the program for the first time, schools that are preaccredited and in the three-year window to attain accreditation, and schools that had previously been exempt from the general accreditation requirement because it was approved for scholarship funding by PAVE.

Provide that, if the State Superintendent determines that a choice school has failed to continuously maintain accreditation, that a choice school has withdrawn from the accreditation process, or that a choice school's accreditation has been revoked by one of the statutorily approved agencies, he or she must issue an order barring the school's participation in the program at the end of the current school year. Require the State Superintendent to immediately notify the parent or guardian of each pupil attending the school of the order.

Provide that a school whose participation in the program has been barred under this provision may not participate in the program until the school demonstrates to the satisfaction of the Department that it has obtained accreditation from a statutorily approved accrediting agency other than the agency with which the school failed to continuously maintain accreditation or, if the school's accreditation was revoked, other than the agency that revoked its accreditation.

Certificate of Occupancy [1856r, 1859a, and 1873p]

Modify the current law requirement that private schools submit a certificate of occupancy to the department to provide that if the municipality within which the private school is located does not issue certificates of occupancy, a private school may submit a letter or form from the municipality within which the private school is located which explains that the municipality does not issue certificates of occupancy.

Staff Credentials [1840m, 1856c, 1859m, and 1873m]

Provide that a teacher that has an educational credential higher than a bachelor's degree, including a masters or doctorate would satisfy the requirement that a teacher have a bachelor's degree.

Provide that a teacher's aide that has a degree or educational credential higher than a high school diploma would satisfy the requirement that a teacher's aide have a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

Student Priority [1847, 1847m, 1862 and 1863]

Permit private schools participating in the parental choice programs to give priority to: (a) pupils who attended the private school under the choice program during the prior school year; (b) siblings of pupils who attended the private school in the prior year and to siblings of pupils who have been accepted to the school for the school year for which the application is being made; and (c) pupil who attended another choice school during the prior school year.

Facility Costs [1852d and 1867m]

Modify the current law treatment of facilities costs for schools where the legal title to the building is held in the name of the parent organization or other related party, to eliminate the requirement that there be no other mechanism to include the private school's facilities costs in its cost calculation, before the school can include 10.5% of the fair market value of the school in its costs if it requests this from DPI. Specify that if a school was not permitted to include the 10.5% amount in 2012-13, then it can do so if the school so requests DPI. Any request made by a school remains effective in subsequent years and may not be withdrawn by the private school.

Summer School [1852, 1852j, 1867, 1867r, and 9334(4L)]

Delete the current law calculation of the payment for summer school and, instead, provide that qualifying schools would receive an amount equal to 5% of the maximum per pupil choice payment that could have been paid at the end of the immediately preceding school term for the grade in which the pupil is attending summer school. Specify that to qualify for summer school payments: (a) a school would have to offer a minimum of 19 summer days of instruction with at least 270 minutes of instruction per day; and (b) a pupil would have to attend at least 15 days of summer instruction. This change is effective starting with summer school in 2014.

Annual Reserves [1852g and 1867p]

Allow participating schools to accumulate up to 15% of their annual operating and debt service costs related to educational programming in a reserve account and include any increase to that reserved amount in the determination of the school's operating and debt service costs related to programming for that school year. This would first apply in the 2013-14 school year.

Per Pupil Costs [1849 thru 1852, 1856, 1857, 1864 thru 1867, 1868, 1869 and 1876]

Beginning in the 2014-15 school year, increase the per pupil payment for pupils enrolled in grades K through 8 to $7,210 and increase the per pupil payment for pupils enrolled in grades 9 through 12 to $7,856. Specify that a participating school would not have to determine educational costs separately for K-8 and high school pupils, but rather educational costs for all choice program pupils.

Beginning in 2015-16, specify that the maximum per pupil payments in a given year be set equal to the maximum payment in the previous school year plus the revenue limit per pupil adjustment, if positive, provided to public school districts in the current year plus the change in categorical aid funding per pupil, if positive, from the prior year to the current year.

Program Funding
MPCP: Provide that, beginning in 2013-14, the 38.4% aid reduction to MPS would be reduced by 3.2 percentage points per year, until the program is fully state funded. This would establish a 12-year phase-out of the current MPS aid reduction for the MPCP.

RPCP: Provide that, beginning in 2013-14, the 38.4% aid RUSD reduction provision would not apply to the RPCP. This would mean 100 percent state funding for pupils in the RPCP starting in the 2013-14 school year.

Pupil Count Date [Sections 1882, 1892, and 1893]
If a school will not be in session on the 3rd Friday in September or the 2nd Friday in January because of a regularly-scheduled holiday or for a reason approved by the school board, the department would permit the school's membership count date to occur on the third weekday that follows that next school day on the school is in session.

Participation in WPCP by MPCP and RPCP Schools [1840, 1855, 1856, 1859, 1861, 1871, 1873 and 1875t]

Permit a private school that notifies the department of intent to participate in one parental choice program to participate in any other state parental choice program. If a participating school accepts pupils under more than one choice program, it would only have to have one audit and submit one financial report to the state.

Private schools participating in the MPCP or RPCP in the 2012-13 school year may accept pupils under the proposed statewide program, however could not be designated as one of the 25 schools with the most applications in the 2013-14 and 2014-15 school years. The annual nonrefundable fee currently paid to the department by private schools that intend to participate in a parental choice program would be refunded in the 2013-14 school year to schools that: (a) did not accept applications under the MPCP or RPCP in the 2012-13 school year; and (b) did not get included in the count of 25 private schools under the WPCP.

Release of Data by DPI [1857m and 1876dp]
Require the department, when publically releasing data related to, enrollment of, standardized test results for, applications submitted by, waiting lists for pupils participating in or seeking to participate in parental choice programs, to release the data all at the same time, uniformly, and completely.

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

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Summary of Act 2013 Act 20

As it relates to the Wisconsin Parental Choice Program

Wisconsin Parental Choice Program:

- Create a new statewide private school parental choice program. Specify that no more than 500 FTE pupils in 2013-14 and 1,000 FTE pupils in 2014-15 and in each year thereafter would be able to attend a private school under the WPCP. Specify that a pupil's total family income could not exceed 185% of the federal poverty level to be eligible for the program. Specify that no more than 1% of the pupil membership of a school district could attend a participating choice school. Specify that the prior year attendance criteria under the RPCP would not apply to the expanded program.

- Provide that in order for a private school to participate, it must have been in operation on May 1, 2013. Specify that, for the 2013-14 school year, a private school must submit its intent to participate form to the Department by July 26, 2013. Provide that the Department must inform schools its receipt of the intent to participate form in writing and e-mail by July 31, 2013. Specify that schools that have submitted the intent to participate form may accept student applications beginning August 1, 2013. By August 9, require each school to report to the Department: (a) the number of pupils who have applied to attend the school under the parental choice program, and (b) the applicants who are siblings of pupils who have applied.

- Provide that the date for private schools to submit information to the department related to certification of occupancy, financial viability, and fiscal management training is September 1 before the first school term of participation in the program that begins in the 2013−14 school year, by August 1 before the first school term of participation in the program that begins in the 2014−15 school year or any school year thereafter, or by May 1 if the private school begins participating in the program during summer school.

- Allow a teacher employed at a WPCP school on July 1, 2013, who has been teaching for at least the five consecutive years immediately prior to July 1, 2013, and who does not have a bachelor's degree from an accredited institution to apply for a five-year waiver from the bachelor degree requirement.

- Provide that if the Department determines that the sum of all pupil applications reported as being received between August 1 and August 9 by all private schools is no more than the pupil participation limit, it shall immediately notify the private schools that all pupils reported may attend a private school in the program in the current school year. Specify that if less than 500 applicants applied for the WPCP, a private school would be required to give preference to a pupil who satisfies either of the following: (a) the pupil was enrolled in a public school in the school district in the previous year and is applying to attend the school in grades 2 through 8 or 10 through 12; or (b) the pupil was not enrolled in school in the previous year. Specify that those schools may continue to accept applications during the periods that apply to the existing program under current law. Provide that if the number of pupils applying in an application period would cause the total number of pupils in the program to exceed the cap, the Department would establish and administer a waiting list, with preference given to siblings, and administer a random draw to allocate the remaining seats, up to the limit, to pupils applying to the program.

- Provide that if the Department determines that the sum of the pupil applications reported as received by August 9 by all private schools is more than the pupil participation limit, it shall notify the 25 schools with the most applications that they may participate in the program. Provide that DPI allocate 10 seats to each of the 25 schools, and that pupils be selected for those 10 seats at each school by random drawing, with preference given to siblings. Specify that the other 250 seats be filled by random draw among the remaining pupils

applying to those schools, with preference given to siblings. In performing the calculations above, specify that the Department shall count a pupil who has applied to more than one private school only once, and that the Department shall count a school based on campus location rather than federal tax identification number, if the school requests that treatment. Require the Department to maintain a waiting list for those pupils not selected in a random drawing. Require each private school to notify the Department whenever it determines that a pupil determined to be eligible to attend the private school will not be attending the school. Require the Department to select pupils on a random basis from the waiting list to fill the newly-available spaces, with preference given to siblings of accepted applicants.

- Provide that a private school that is a first−time participant in the program under section 118.60 of the statutes in the 2013-14 or 2014-15 school year is not required to receive preaccreditation. The school may not accept pupils under either 119.23 or 118.60 that reside in an eligible school district to qualify for this exemption.

- Beginning in 2014-15, require a school to submit its intent to participate form to the Department by February 1. Specify that schools may accept applications from February 1 to April 20. Require schools to submit the number of applicants and sibling information to DPI by May 1. Provide that schools that participated in 2013-14 would initially be assigned the number of choice spots it had in the 2013-14 school year. Specify that the procedures above would apply to the distribution of the additional 500 seats in 2014-15.

- Specify that private schools that participated in the MPCP and RPCP in the 2012-13 school year may accept pupils under the proposed statewide program, however could not be designated as one of the 25 schools with the most applications in the 2013-14 and 2014-15 school years.

- Specify that the annual nonrefundable fee currently paid to the department by private schools that intend to participate in a parental choice program would be refunded in the 2013-14 school year to schools that: (a) did not accept applications under the MPCP or RPCP in the 2012-13 school year; and, (b) did not get included in the count of 25 private schools under the program expansion.