

Student Prior Year Attendance Requirements for Combined Private Schools

2017 Act 59 created a provision that specifies if a private school that does not currently participate in the Racine Parental Choice Program (RPCP) or the Wisconsin Parental Choice Program (WPCP) enters into an agreement to be subject to the same governing body as a private school currently participating in the RPCP or WPCP, the prior year attendance requirements would not apply to the new school in the first school year in which the schools are governed by the same governing body under a governing body agreement and the following school year. The information in this bulletin is based on Wis. Stats. §§118.60. The agreement must be provided to the Department of Public Instruction (DPI) by January 10th prior to the first year the school participates in the choice program.

This bulletin provides information regarding this provision. Please consult your legal counsel prior to entering into a binding agreement.

Prior Year Attendance Requirements

The prior year attendance requirements for students applying for the WPCP and RPCP are as follows.

Generally, students applying to the WPCP or RPCP must meet one of the following requirements:

1. Applying to grades K4, K5, 1 or 9; or
2. Meets one of the following requirements for the prior school year:
 - attended a public school in Wisconsin;
 - attended school in another state;
 - not enrolled in school (includes homeschooled students);
 - participated in the MPCP, RPCP or WPCP; or
 - was on a MPCP, RPCP or WPCP waiting list; or
3. If applying to the WPCP, was on any prior year WPCP waiting list in 2015-16 or later due to a school district enrollment cap.

Summary of Law

Wisconsin Department of Public Instruction
Jill K. Underly, PhD, State Superintendent
125 S. Webster Street, P.O. Box 7841
Madison, WI 53707-7841

Parental Education Options
Private School Choice Programs
1-888-245-2732 ext. 3
PrivateSchoolChoice@dpi.wi.gov
<https://dpi.wi.gov/parental-education-options/choice-programs>

The Wisconsin Department of Public Instruction does not discriminate on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital status or parental status, sexual orientation, or ability and provides equal access to the Boy Scouts of America and other designated youth groups.

The Combined Private Schools provision removes the prior year attendance requirements, for up to two years, only for students applying to a new WPCP or RPCP school if the new school is governed by an existing WPCP or RPCP school governing board. This provision does not remove the prior year attendance requirements for students applying to the existing school. It does require that the existing school board govern the new school. The agreement must be submitted by January 10.

Applicable Law

Wis. Stats. sec. 118.60(2)(d):

1. In this paragraph:

a. "Agreement year" means the first school year during which a combined private school and a private school participating in the program under this section are governed by the same governing body under a governing body agreement.

b. "Combined private school" means a private school that enters into a governing body agreement and did not participate in the program under this section in the school year preceding the agreement year.

c. "Governing body agreement" means an agreement to be governed by the same governing body that is entered into by a private school participating in the program under this section and a private school that is not participating in the program under this section.

2. If a combined private school participates in the program under this section during the agreement year or the school year following the agreement year, the requirements under par. (a) 2. [prior year attendance requirements] do not apply to a pupil who applies to attend the combined private school under this section during the agreement year or the school year following the agreement year.

Key Points

1. There must be an agreement between two separate schools - a new WPCP or RPCP school and an existing WPCP or RPCP school.
2. The agreement must indicate that the new school will be governed by the existing school's governing board. The agreement should list the existing school's board members.
3. Only the students applying to the new school are exempt from the prior year attendance requirements for the first two years of the agreement.

Frequently Asked Questions

1. Does the Combined Private Schools provision apply to school mergers?

No, there must be an agreement between a new WPCP or RPCP school and an existing WPCP or RPCP school. The two schools must continue to operate as two separate schools, with two separate DPI school codes, but be governed by the same board.

2. Do students applying to the existing school have to meet the prior year attendance requirements?

Yes, only the students applying to the new school are exempt from the prior year attendance requirements. Income, if applicable, residency and age requirements continue to apply to all students.

3. How long are the prior year attendance requirements waived?

The prior year attendance requirements are waived the first two years of the agreement.

4. How long must the agreement be in effect?

The agreement must be in place for the new school's first year in the Choice program if the new school would like the prior year attendance requirement exemption for its applicants for two years. The agreement could end after the first school year.

5. Does the Combined Private Schools provision apply to the MPCP?

No, the MPCP does not have prior year attendance requirements for students applying to the program.

6. What happens if one of the schools is barred or terminated from the program?

If a school is barred or terminated from a Choice program, the school board members may be determined to be disqualified persons. A Choice school may not retain a disqualified person, for compensation or as a volunteer, as an owner, officer, director, trustee, administrator, person designated by the administrator to assist in processing pupil applications, or person responsible for administrative, financial, or pupil health and safety matters for seven years after the bar or termination order.