

Summary of 2017 Wisconsin Act 36 As it relates to the Private School Choice Programs

2017 Wisconsin Act 36 was signed into law by Governor Walker on July 19, 2017. Act 36 makes changes to the Milwaukee Parental Choice Program (MPCP), the Racine Parental Choice Program (RPCP), the Wisconsin or statewide Parental Choice Program (WPCP), collectively the Choice programs, and the Special Needs Scholarship Program (SNSP).

This document provides a summary of the changes to the Choice programs under 2017 Wisconsin Act 36. Information regarding SNSP changes will be provided in a separate document.

The changes made to the Choice programs under [2017 Wisconsin Act 36](#) fall into three main categories:

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Please contact DPI at privateschoolchoice@dpi.wi.gov or 1-888-245-2732 ext. 3 if you have questions.

1. Program Requirement Changes

Background Checks [Sections 62, 67, 94, 99]:

Beginning in the 2018-19 school year, Choice schools are required to conduct criminal background checks of its employees and exclude from employment anyone not permitted to hold a teaching license as a result of an offense or anyone believed to pose a threat to the safety of others. If the school fails to comply with this requirement, it may be terminated from the Choice programs.

Financial Requirements for First Time Participating Choice Schools [Sections 1, 2, 32, 60, 63, 67, 72, 73, 92, 95, 99]:

Beginning with the 2018-19 school year, schools first participating in a Choice program may provide, by May 1, a surety bond equal to 25% of the school's estimated annual Choice program payments instead of providing a budget. Surety bonds must be maintained until the school submits a financial audit at the legal entity level and evidence of sound fiscal and internal control practices that do not contain any indicators of nonfinancial viability. All Choice schools are still required to annually complete a budget and retain it for review by the school's external auditors. If the school fails to comply with these requirements, it may be terminated from the Choice programs.

November 1 Budget for First Time Participating Choice Schools [Sections 58, 91]:

First time participating schools are no longer required to submit to the Department of Public Instruction (DPI) the school's budget on November 1. All Choice schools are still required to annually update the school's budget if the school's actual third Friday in September enrollment for all pupils or for Choice program pupils varies by 20% or 20 pupils, whichever is less, from the original budget. The school must retain the original budget and the revised budget, if required, for review by the school's external auditors.

Annual Financial Audit Requirements [Sections 56, 89]:

Beginning with the financial audits for the 2017-18 school year, Choice schools that received less than \$100,000 annually in MPCP, RPCP, WPCP, and SNSP payments in all previous school years and the school year that is being audited may submit a modified financial audit to DPI.

Choice Reserve Balance [Sections 57, 90]:

Choice schools that do not maintain a cash and investment balance that is at least equal to its reserve balance are required to refund the reserve balance to DPI.

Allowable Fees [Sections 46, 79]:

The list of allowable fees Choice schools may charge Choice students is expanded to include room and board.

Hours of Instruction [Sections 21, 33, 74]:

Choice schools may count up to 140 hours of work-based instruction (as defined by Wis. Stat. §118.56) as hours of instruction.

WPCP and RPCP Prior Year Attendance Requirements [Sections 26, 27, 28, 29, 30, 31]:

The WPCP and RPCP student prior year attendance requirements entry point requirements are expanded to allow the following students to be eligible:

- Students that participated in any Choice program (MPCP, RPCP or WPCP) in the prior year.
- Students that attended a school in another state in the prior year.
- Students on a Choice program (MPCP, RPCP, or WPCP) waiting list in the prior year.

Assessment Provisions [Sections 16, 18]:

Choice schools with fewer than 20 pupils in the MPCP or in the RPCP and WPCP in tested grades (grades 3 to 12), rather than all grades in the applicable program(s), are not required to administer the state assessments.

Misrepresentation of Required Information [Sections 64, 68, 96, 100]:

DPI may terminate a school's participation in the Choice programs if the school intentionally or negligently misrepresents required information.

2. Administrative Efficiencies Changes

Income Eligibility [Sections 23, 24, 25, 70, 71]:

Parents may check income eligibility directly with the Department of Revenue as part of the application process.

Students do not have to meet the income eligibility requirements if they participated in MPCP or RPCP in the prior year and are applying to MPCP or RPCP.

Disclosure of Information [Sections 34, 49, 52, 54, 66, 75, 82, 85, 87, 98]:

Continuing Choice schools are no longer required to provide the Disclosure of Information form and any updates to their policies and information annually to DPI. Continuing schools are required to provide the information to DPI upon request.

First time participating schools in the Choice programs, other than new private schools, are required to provide certain policies and information by January 10 immediately preceding the school year in which they begin to participate.

New private schools, which are generally start-up schools, are required to provide certain policies and information by August 1 immediately preceding the school year in which they begin to participate. Please see <https://dpi.wi.gov/sms/choice-programs/school-registration> to determine if your school is a new private school.

Governing Board Signatures [Sections 34, 53, 54, 66, 75, 86, 87, 98]

All schools are required to provide signatures of new governing board members when a new governing board member joins the board. Continuing schools no longer need to provide signatures from all board members each year.

First time participating schools in the Choice programs, other than new private schools, are required to provide signatures of governing board members by January 10 immediately preceding the school year in which they begin to participate.

New private schools, which are generally start-up schools, are required to provide signatures of governing board members by August 1 immediately preceding the school year in which it begins to participate. Please see <https://dpi.wi.gov/sms/choice-programs/school-registration> to determine if your school is a new private school.

Academic Standards [Sections 34, 51, 52, 54, 66, 75, 84, 85, 87, 98]

Continuing Choice schools are no longer required to provide academic standards annually to DPI. Continuing schools are required to provide the information to DPI upon request.

First time participating schools in the Choice programs, other than new private schools, are required to provide to DPI the school's academic standards by August 1 of the school year in which they begin to participate.

New private schools, which are generally start-up schools, are required to provide academic standards by August 1 immediately preceding the school year in which it begins to participate. Please see <https://dpi.wi.gov/sms/choice-programs/school-registration> to determine if your school is a new private school.

August 1 Non-Choice Report [Sections 50, 83]:

Choice schools are no longer required to annually submit the August 1 Non-Choice Report with the number of pupils that attended the private school in the prior school year.

Continuing Eligibility Report [Sections 35, 55, 65, 76, 88, 97]:

Choice schools are no longer required to annually meet at least one of the following standards: attendance, advancement, significant academic progress, or parental involvement. As a result, the continuing eligibility related reports are no longer required.

Summer School Report [Sections 47, 80]:

The due date for the summer school report has been changed from October 1 to September 15.

Accreditation [Sections 61, 93]:

Beginning with the 2018-19 school year, the due date for a fully accredited school to annually submit proof of accreditation is changed from January 15 to August 1. For the 2017-18 school year, schools will continue to submit accreditation documentation by January 15, 2018. Schools will then need to submit proof of accreditation for the 2018-19 school by August 1, 2018.

Application Process [Sections 36, 77]:

Beginning with the 2018-19 school year, Choice schools must notify parents if their application was accepted or not within 60 days after the end of the application period in which the application was received rather than within 60 day of receipt of the application.

Random Selection [Sections 37, 78]:

Beginning with the 2018-19 school year, continuing Choice students that attended the same private school under any Choice program in prior year and their siblings may receive preference in the random draw.

Student Residency Changes [Section 44, 48, 81]:

DPI may transfer the application of an eligible WPCP student that moves after the application period, if there is space at the school and the student participation limit is not exceeded. Any requests to transfer an application to another participating WPCP school must be submitted to the DPI between the first weekday in August and the 3rd Friday in August.

DPI may transfer an accepted application from the WPCP to the RPCP or MPCP program at the same school if the student moves to Racine or Milwaukee and the school participates in the applicable program.

3. Technical/Clean-up Language

The following items are technical changes to the statutory language:

- References to Wisconsin North Central Association were updated with AdvancED due to a name change. [Sections 22, 69]
- Beginning with the 2018-19 school year, the DPI random selection provisions for WPCP only apply while the percent limit is in effect. Once the limit is removed, the schools will administer their own random selection. [Sections 38, 39, 40, 41, 42, 43]
- Clarify statutory language that WPCP students on waiting list do not need to provide income documentation. [Section 45]
- An outdated reference was removed. [Section 59]
- Cross references to new assessment law under ESSA were updated [Sections 3, 15, 17, 19, 20]