

State of Wisconsin



2015 Senate Bill 615

Date of enactment: **March 30, 2016**
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2015 WISCONSIN ACT 289

AN ACT *to repeal* 115.7915 (1) (a), 115.7915 (5) (c), 121.91 (4) (n) 1. a. and 121.91 (4) (n) 1. b.; *to renumber and amend* 115.7915 (4m) (e) 1. and 121.91 (4) (n) 1. (intro.); *to amend* 115.7915 (2) (intro.), 115.7915 (2) (b), 115.7915 (2) (c), 115.7915 (2) (d), 115.7915 (2) (e), 115.7915 (2) (f), 115.7915 (2) (g), 115.7915 (3) (a), 115.7915 (3) (b), 115.7915 (4) (b), 115.7915 (4m) (e) 2., 115.7915 (6) (a) and 115.7915 (6) (h) 2.; *to create* 115.7915 (2) (h), 115.7915 (4m) (e) 1. a. and 115.7915 (8) (c) of the statutes; and *to affect* [2015 Wisconsin Act 55](#), section [9134 \(6q\)](#) (intro.) and [2015 Wisconsin Act 55](#), section [9134 \(6q\) \(c\)](#); **relating to:** special needs scholarship program and the revenue limit adjustment for school districts with incoming choice pupils.

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

SECTION 1. 115.7915 (1) (a) of the statutes, as created by [2015 Wisconsin Act 55](#), is repealed.

SECTION 2. 115.7915 (2) (intro.) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016–17 school year, the department shall provide to a child with a disability a scholarship under sub. (4m) (a) to attend an eligible private school if all of the following apply:

SECTION 3. 115.7915 (2) (b) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (b) The governing body of the eligible private school notified the department of its intent to participate in the program under this section.

SECTION 4. 115.7915 (2) (c) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (c) The eligible school has been approved as a private school by the state superintendent under s. 118.165 (2) or is accredited by the Wisconsin North Central Association, Wisconsin Religious and

Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, Wisconsin Association of Christian Schools, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, as of the August 1 preceding the school term for which the scholarship is awarded.

SECTION 5. 115.7915 (2) (d) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (d) An individualized education program or services plan ~~has been completed~~ is in effect for the child.

SECTION 6. 115.7915 (2) (e) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (e) The child ~~attended~~ was enrolled in a public school in this state for the entire school year immediately preceding the school year for which the child first receives a scholarship under this section.

* Section 991.11, WISCONSIN STATUTES: 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."

SECTION 7. 115.7915 (2) (f) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (f) ~~The child, or the child's parent or guardian on behalf of the child, or for a child with a disability who has reached the age of 18 and has not been adjudicated incompetent, the child,~~ submitted an application for a scholarship under this section, on a form prepared by the department that includes the document developed by the department under sub. (4) (a) to the eligible school that the child will attend. ~~A child, or child's parent, or guardian or a child with a disability who has reached the age of 18 may apply for a scholarship at any time during a school year and, subject to sub. (3) (b), a child may begin attending an eligible a private school under this section at any time during the school year.~~

SECTION 8. 115.7915 (2) (g) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (2) (g) The eligible private school has accepted the child's application to attend the eligible private school under a scholarship awarded under this section.

SECTION 9. 115.7915 (2) (h) of the statutes is created to read:

115.7915 (2) (h) The child's parent or guardian consents to make the child available for a reevaluation, by the individualized education program team appointed for the child by the resident school district, within 60 days following a request for a reevaluation under this paragraph. Upon the request of the school board of the child's resident school district, the individualized education program team shall conduct the reevaluation required under this paragraph in the manner described under s. 115.782 (4) (a) 2. no more frequently than once every 3 years, determined from the date of the most recent evaluation or reevaluation conducted for the child under s. 115.782 or, for a child whose most recent evaluation or reevaluation was conducted more than 3 years before the child began attending a private school under this section, the date the child began attending a private school under this section.

SECTION 10. 115.7915 (3) (a) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (3) (a) The governing body of ~~an eligible a private~~ school that intends to participate in the program under this section shall notify the department of its intent. The governing body of the eligible private school shall include in the notice under this paragraph the number of spaces the eligible private school has available for children receiving a scholarship under this section.

SECTION 11. 115.7915 (3) (b) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (3) (b) If a private school participating in the program under this section receives more applications for scholarships under sub. (2) (f) than the number of children specified in the notice under par. (a), it shall ~~select children on a random basis~~ accept applicants in the order in which applications are received, except that ~~it~~

private school may give preference to siblings of pupils who are already attending the private school.

SECTION 12. 115.7915 (4) (b) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (4) (b) Upon ~~being notified receipt of notice~~ under sub. (3) (c), the department shall request verification from the child's resident school board that the child has an individualized education program or services plan in place for the child and notify the child's resident school board that, pending verification that the requirements of sub. (2) have been satisfied, the child has ~~been~~ will be awarded a scholarship under this section. The child's resident school board shall, within 3 days of receiving ~~the notice, a request under this paragraph~~, provide verification to the department and provide the governing body of the private school that accepted the child ~~with a copy of the child's individualized education program~~.

SECTION 13. 115.7915 (4m) (e) 1. of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 115.7915 (4m) (e) 1. (intro.) and amended to read:

115.7915 (4m) (e) 1. (intro.) If an individualized education program team, upon reevaluation of a child as required under sub. (5) (e), ~~unanimously (2) (h)~~, determines that a child receiving a scholarship under par. (a) is no longer a child with a disability, ~~the~~ all of the following apply:

b. The child is not eligible to receive a scholarship under par. (a) beginning in the school term following the determination.

SECTION 14. 115.7915 (4m) (e) 1. a. of the statutes is created to read:

115.7915 (4m) (e) 1. a. The child's resident school district shall notify the parent or guardian of the child of the procedural safeguards in place for the child under [20 USC 1415](#).

SECTION 15. 115.7915 (4m) (e) 2. of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (4m) (e) 2. If a child who has been determined to be ineligible under subd. 1. continues to attend the private school he or she attended under a scholarship awarded under par. (a), for each school year the child attends the private school beginning with the school year following the determination under subd. 1., the department shall pay, from the appropriation under s. 20.255 (2) (az), to the private school, on behalf of the child's parent or guardian, an amount equal to the appropriate per pupil amount paid to a private school participating in a parental choice program under s. 118.60 or 119.23 in that school year. The department shall make scholarship payments under this paragraph in accordance with the payment schedule specified in s. 119.23 (4) (c).

SECTION 16. 115.7915 (5) (c) of the statutes, as created by [2015 Wisconsin Act 55](#), is repealed.

SECTION 17. 115.7915 (6) (a) of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

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115.7915 (6) (a) Comply with all health and safety laws or codes that apply to ~~private~~ public schools.

SECTION 18. 115.7915 (6) (h) 2. of the statutes, as created by [2015 Wisconsin Act 55](#), is amended to read:

115.7915 (6) (h) 2. ~~Provide a record of Within 5 days of receiving a request from the resident school board of a child with a disability attending the private school under this section, provide all records relating to the implementation of the child's individualized education program or services plan by the private school, as required under subd. 1., including an evaluation of the child's progress, to the school board of the school district in which the child resides in the form and manner prescribed by the department.~~

SECTION 19. 115.7915 (8) (c) of the statutes is created to read:

115.7915 (8) (c) The state superintendent may withhold payment under sub. (4m) from a private school participating in the program under this section if the private school violates this section.

SECTION 19e. 121.91 (4) (n) 1. (intro.) of the statutes, as created by [2015 Wisconsin Act 55](#), is renumbered 121.91 (4) (n) 1. and amended to read:

121.91 (4) (n) 1. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount ~~calculated as follows:~~ equal to

the amount determined for that school district under s. 118.60 (4d) (b) 1.

SECTION 19m. 121.91 (4) (n) 1. a. of the statutes, as created by [2015 Wisconsin Act 55](#), is repealed.

SECTION 19s. 121.91 (4) (n) 1. b. of the statutes, as created by [2015 Wisconsin Act 55](#), is repealed.

SECTION 20. [2015 Wisconsin Act 55](#), section 9134 (6q) (intro.) is amended to read:

[[2015 Wisconsin Act 55](#)] Section 9134 (6q) SPECIAL NEEDS SCHOLARSHIP PROGRAM. (intro.) Notwithstanding section 115.7915 (2) of the statutes, as created by this act, the department shall award a scholarship to a child to attend an eligible a private school in the 2016–17 school year under section 115.7915 of the statutes, as created by this act, if the child satisfies the eligibility requirements under section 115.7915 (2) (b) to (d), ~~(h)~~, and (f) of the statutes, as created by this act, and all of the following conditions are met:

SECTION 21. [2015 Wisconsin Act 55](#), section 9134 (6q) (c) is repealed.

SECTION 21m. Initial applicability.

(1) The renumbering and amendment of section 121.91 (4) (n) 1. (intro.) of the statutes and the repeal of section 121.91 (4) (n) 1. a. and b. of the statutes first apply to the calculation of a school district's revenue limit for the 2016–17 school year.