



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBs0044/1  
FFK:wlj

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 77**

April 24, 2023 - Offered by Representative SORTWELL.

1     **AN ACT** *to amend* 118.60 (3) (ar) 1., 2. and 3.; and *to create* 118.60 (1) (f), 118.60  
2           (1) (fm), 118.60 (3) (e) and 119.23 (3) (c) of the statutes; **relating to:** the pupil  
3           application process to attend a private school under a parental choice program  
4           and modifying rules promulgated by the Department of Public Instruction.

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

5           **SECTION 1.** 118.60 (1) (f) of the statutes is created to read:

6           118.60 (1) (f) “Spring application period” means the period beginning on the  
7           first weekday in February and ending on the 3rd Thursday in April of the school year  
8           immediately preceding the school year for which the application is made.

9           **SECTION 2.** 118.60 (1) (fm) of the statutes is created to read:

10          118.60 (1) (fm) “Summer application period” means the period beginning on the  
11          3rd Monday in July and ending on the 4th Friday in July of the school year for which  
12          the application is made.

1           **SECTION 3.** 118.60 (3) (ar) 1., 2. and 3. of the statutes are amended to read:

2           118.60 (3) (ar) 1. A private school that has submitted a notice of intent to  
3 participate under sub. (2) (a) 3. a. may accept applications ~~for the following school~~  
4 ~~year between the first weekday in February and the 3rd Thursday in April from~~  
5 pupils who reside in a school district, other than an eligible school district or a 1st  
6 class city school district, for the following school year during the spring application  
7 period and for the current school year during the summer application period.

8           2. By the first weekday in May immediately following the spring application  
9 period ~~under subd. 1. and by the first weekday following the summer application~~  
10 period, each private school that received applications under subd. 1. shall report to  
11 the department the number of pupils who have applied ~~under subd. 1. during the~~  
12 applicable application period to attend the private school under this section and the  
13 names of those applicants who have siblings who have also applied under subd. 1.  
14 during the applicable application period to attend the private school under this  
15 section.

16           3. ~~Annually, upon~~ Upon receipt of the information under subd. 2., the  
17 department shall, for each school district, determine the sum of all applicants for  
18 pupils residing in that school district under this paragraph. In determining the sum,  
19 the department shall count a pupil who has applied to attend more than one private  
20 school under the program only once. After determining the sum of all applicants for  
21 pupils residing in a school district, the department shall determine which  
22 applications to accept on a random basis, except that the department shall give  
23 preference to the applications of pupils described in par. (a) 1m. to 5., in the order of  
24 preference listed in that paragraph.

25           **SECTION 4.** 118.60 (3) (e) of the statutes is created to read:

1           118.60 (3) (e) For a pupil who attended a participating private school under this  
2 section in a school year and applies to attend a participating private school under this  
3 section in the following school year, the department may not require documentation  
4 to verify the pupil's residence unless the pupil's residence has changed since the  
5 pupil's residence was last verified using documentation.

6           **SECTION 5.** 119.23 (3) (c) of the statutes is created to read:

7           119.23 (3) (c) For a pupil who attended a participating private school under this  
8 section in a school year and applies to attend a participating private school under this  
9 section in the following school year, the department may not require documentation  
10 to verify the pupil's residence unless the pupil's residence has changed since the  
11 pupil's residence was last verified using documentation.

12           **SECTION 6.** PI 35.05 (2) of the administrative code is amended to read:

13           PI 35.05 (2) RESIDENCY ELIGIBILITY. A school shall obtain one of the residency  
14 documents specified by the department from an applicant's parent that shows the  
15 applicant resides at the address on the application at the time of application. The  
16 residency document shall be dated no earlier than 3 months prior to the start of the  
17 open application period in which an applicant applies. If a school receives a lease  
18 agreement as a residency document, the lease term shall include the date the  
19 application was received. The document shall contain the parent name and match  
20 the address on the application. This subsection does not apply to an applicant who  
21 attended a school under the choice program and who applies to attend a school in the  
22 choice program in the following school year unless the applicant's residence has  
23 changed since the applicant's residence was last verified under this subsection.

24           **SECTION 7.** PI 35.05 (3) of the administrative code is renumbered PI 35.05 (3)

25 (a) and amended to read:

1           PI 35.05 (3) (a) ~~A~~ For an applicant who is required to submit documentation  
2 under sub. (2), a school shall verify that the address on a pupil's application is in the  
3 city of Milwaukee by using the city of Milwaukee assessor website, the state of  
4 Wisconsin's Statewide Voter Registration System or any other source permitted by  
5 the department.

6           **SECTION 8.** PI 35.05 (3) (b) of the administrative code is created to read:

7           PI 35.05 (3) (b) For an applicant who is not required to submit documentation  
8 under sub. (2), a school may use the verification process under par. (a) to verify the  
9 applicant's current address as listed on the application.

10          **SECTION 9.** PI 48.05 (2) of the administrative code is amended to read:

11          PI 48.05 (2) RESIDENCY ELIGIBILITY. A school shall obtain one of the residency  
12 documents specified by the department from an applicant's parent that shows the  
13 applicant resides at the address on the application at the time of application. The  
14 residency document shall be dated no earlier than 3 months prior to the start of the  
15 open application period in which an applicant applies. If a school receives a lease  
16 agreement as a residency document, the lease term shall include the date the  
17 application was received. The document shall contain the parent name and match  
18 the address on the application. This subsection does not apply to an applicant who  
19 attended a school under a choice program and who applies to attend a school in a  
20 choice program in the following school year unless the applicant's residence has  
21 changed since the applicant's residence was last verified under this subsection.

22          **SECTION 10.** PI 48.05 (3) (intro.) of the administrative code is renumbered PI  
23 48.05 (3) (am) (intro.) and amended to read:

1 PI 48.05 (3) (am) (intro.) ~~A~~ For an applicant who is required to submit  
2 documentation under sub. (2), a school shall verify an the applicant's address listed  
3 on the residency documentation under sub. (2) as follows:

4 **SECTION 11.** PI 48.05 (3) (bm) of the administrative code is created to read:

5 PI 48.05 (3) (bm) For an applicant who is not required to submit documentation  
6 under sub. (2), a school may use the verification process under par. (am) to verify the  
7 applicant's current address as listed on the application.

8 **SECTION 12. Initial applicability.**

9 (1) This act first applies to applications submitted to attend a private school  
10 participating in a parental choice program in the 2024-25 school year.

11 (END)