



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBa0353/1  
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**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 122**

April 9, 2021 - Offered by Representative SORTWELL.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 2: after that line insert:

3 **"SECTION 1m.** 27.01 (7) (c) 10. of the statutes, as affected by 2021 Wisconsin Act  
4 .... (this act), is amended to read:

5 27.01 (7) (c) 10. Any motor vehicle operated for the purpose of transporting  
6 pupils to or from curricular or extracurricular activities of a public or private school,  
7 a tribal school as defined in s. 115.001 (15m), a ~~microschool~~ under s. 118.15 (4e), or  
8 a home-based private educational program under s. 118.15 (4) or for the purpose of  
9 transporting students to or from an outdoor academic class given by an accredited  
10 college or university in this state. The operator of a motor vehicle transporting pupils  
11 or students under this subdivision shall possess and exhibit for inspection a written  
12 authorization from an administrator of the school, ~~microschool~~, home-based private  
13 educational program, or college or university indicating that admission to the vehicle

1 admission area is part of an official school, ~~microschool~~, home-based private  
2 educational program, or college or university function and indicating the date for  
3 which the authorization is applicable. A separate authorization is required for each  
4 date on which the motor vehicle is admitted to the vehicle admission area under this  
5 subdivision.”.

6 **2.** Page 3, line 13: after that line insert:

7 “**SECTION 2m.** 36.49 (4) of the statutes, as affected by 2021 Wisconsin Act ....  
8 (this act), is amended to read:

9 36.49 (4) Award the balance in annual scholarships called “Wisconsin Merit  
10 scholarships,” which shall be based only on merit, to students who are enrolled in an  
11 institution or college campus and who have either graduated from high school in this  
12 state or been granted a high school diploma by the administrator of a ~~microschool~~,  
13 ~~as defined in s. 115.001 (3p)~~, or home-based private educational program, as defined  
14 in s. 115.001 (3g), in this state. The board shall determine merit based on a  
15 performance on standardized college entrance examinations and, if applicable,  
16 cumulative high school grade point averages. An annual scholarship awarded to a  
17 student under this subsection shall equal \$5,000. This subsection does not apply  
18 beginning on April 1, 2023.”.

19 **3.** Page 3, line 21: after that line insert:

20 “**SECTION 3m.** 115.001 (3p) of the statutes, as created by 2021 Wisconsin Act  
21 .... (this act), is repealed.”.

22 **4.** Page 4, line 4: after that line insert:

23 “**SECTION 4m.** 115.28 (7) (e) 1. of the statutes, as affected by 2021 Wisconsin Act  
24 .... (this act), is amended to read:

1           115.28 (7) (e) 1. In this paragraph, “alternative education program” means an  
2 instructional program, approved by the school board, that utilizes successful  
3 alternative or adaptive school structures and teaching techniques and that is  
4 incorporated into existing, traditional classrooms or regularly scheduled curricular  
5 programs or that is offered in place of regularly scheduled curricular programs.  
6 “Alternative educational program” does not include a private school, a tribal school,  
7 a ~~microschool~~, or a home-based private educational program.”.

8           **5.** Page 4, line 12: after that line insert:

9           “**SECTION 5m.** 115.28 (54m) of the statutes, as affected by 2021 Wisconsin Act  
10 .... (this act), is amended to read:

11           115.28 (**54m**) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the  
12 department’s Internet site a link to information about all of the educational options  
13 available to children in the state who are at least 3 years old but not yet 18 years old,  
14 including public schools, private schools participating in a parental choice program,  
15 charter schools, virtual schools, full-time or part-time open enrollment in a  
16 nonresident school district, the early college credit program, and options for pupils  
17 enrolled in a ~~microschool~~ or home-based private educational program.”.

18           **6.** Page 4, line 23: after “s. 118.165 (1).” insert “Before the beginning of each  
19 school year, the family units participating in a microschool shall meet and select an  
20 individual to serve as the administrator of the microschool for the school year.”.

21           **7.** Page 4, line 23: after that line insert:

22           “**SECTION 6m.** 115.30 (3) of the statutes, as affected by 2021 Wisconsin Act ....  
23 (this act), is amended to read:

1           115.30 (3) On or before each October 15, each administrator of a public or  
2 private school system, ~~a microschool~~, or a home-based private educational program  
3 shall submit, on forms provided by the department, a statement of the enrollment  
4 on the 3rd Friday of September in the elementary and high school grades under his  
5 or her jurisdiction to the department which shall prepare such reports as will enable  
6 the public and private schools, ~~microschools~~, and home-based private educational  
7 programs to make projections regarding school buildings, teacher supply and funds  
8 required. The administrator of each private school system, ~~microschool~~, and  
9 home-based private educational program shall indicate in his or her report whether  
10 the system, ~~microschool~~, or program meets all of the criteria under s. 118.165 (1).  
11 ~~Before the beginning of each school year, the family units participating in a~~  
12 ~~microschool shall meet and select an individual to serve as the administrator of the~~  
13 ~~microschool for the school year.”.~~

14           **8.** Page 5, line 10: after that line insert:

15           “**SECTION 7m.** 115.385 (4) of the statutes, as affected by 2021 Wisconsin Act ...  
16 (this act), is amended to read:

17           115.385 (4) Annually, each public school, including a charter school, and each  
18 private school participating in a parental choice program under s. 118.60 or 119.23  
19 shall provide a copy of the school’s accountability report to the parent or guardian of  
20 each pupil enrolled in or attending the school. Each school shall simultaneously  
21 provide to the parent or guardian of each pupil enrolled in the school a list of the  
22 educational options available to children who reside in the pupil’s resident school  
23 district, including public schools, private schools participating in a parental choice  
24 program, charter schools, virtual schools, full-time or part-time open enrollment in

1 a nonresident school district, the early college credit program, and options for pupils  
2 enrolled in a ~~microschool or~~ home-based private educational program.”.

3 **9.** Page 5, line 20: after that line insert:

4 “**SECTION 8m.** 115.45 (2) (a) of the statutes, as affected by 2021 Wisconsin Act  
5 .... (this act), is amended to read:

6 115.45 (2) (a) Annually, the department shall notify school boards, operators  
7 of charter schools under s. 118.40 (2r) and (2x), governing bodies of private schools,  
8 ~~administrators of microschools,~~ and administrators of home-based private  
9 educational programs that applications for grants to participate in one or more  
10 robotics competitions will be accepted from eligible teams through a date set forth  
11 in the notice. As a condition of receiving a grant under this section, an applicant  
12 eligible team shall demonstrate to the satisfaction of the department that the  
13 applicant eligible team will provide matching funds in an amount equal to the  
14 amount awarded under this section.”.

15 **10.** Page 6, line 9: after that line insert:

16 “**SECTION 9m.** 118.133 (1) of the statutes, as affected by 2021 Wisconsin Act ....  
17 (this act), is amended to read:

18 118.133 (1) INTERSCHOLASTIC ATHLETICS. (a) A school board shall permit a pupil  
19 who resides in the school district and is enrolled in a ~~microschool or~~ home-based  
20 private educational program to participate in interscholastic athletics in the school  
21 district on the same basis and to the same extent that it permits pupils enrolled in  
22 the school district to participate.

23 (b) Upon request, the ~~microschool or~~ home-based educational program in  
24 which the pupil is enrolled shall provide the school board with a written statement

1 that the pupil meets the school board's requirements for participation in  
2 interscholastic athletics based on age and academic and disciplinary records. No  
3 person may provide a false statement under this paragraph. The school board may  
4 not question the accuracy or validity of the statement or request additional  
5 information.”.

6 **11.** Page 6, line 15: after that line insert:

7 “**SECTION 10m.** 118.133 (2) of the statutes, as affected by 2021 Wisconsin Act  
8 .... (this act), is amended to read:

9 118.133 (2) EXTRACURRICULAR ACTIVITIES. A school board shall permit a pupil  
10 who resides in the school district and is enrolled in a ~~microschool or~~ home-based  
11 private educational program to participate in extracurricular activities in the school  
12 district on the same basis and to the same extent that it permits pupils enrolled in  
13 the school district to participate.”.

14 **12.** Page 6, line 23: after that line insert:

15 “**SECTION 11m.** 118.15 (1) (a) of the statutes, as affected by 2021 Wisconsin Act  
16 .... (this act), is amended to read:

17 118.15 (1) (a) Except as provided under pars. (b) to (d) and (g) and ~~subs.~~ sub.  
18 (4) and (4e), unless the child is excused under sub. (3) or has graduated from high  
19 school, any person having under control a child who is between the ages of 6 and 18  
20 years shall cause the child to attend school regularly during the full period and  
21 hours, religious holidays excepted, that the public, private, or tribal school in which  
22 the child should be enrolled is in session until the end of the school term, quarter or  
23 semester of the school year in which the child becomes 18 years of age.”.

24 **13.** Page 7, line 2: after that line insert:

1           “**SECTION 12m.** 118.15 (4c) of the statutes, as created by 2021 Wisconsin Act ...  
2 (this act) is repealed.”.

3           **14.** Page 7, line 8: after that line insert:

4           “**SECTION 13m.** 118.153 (1) (b) of the statutes, as affected by 2021 Wisconsin Act  
5 .... (this act), is amended to read:

6           118.153 (1) (b) “Dropout” means a child who ceased to attend school, does not  
7 attend a public, private, or tribal school, technical college, ~~microschool~~, or  
8 home-based private educational program on a full-time basis, has not graduated  
9 from high school, and does not have an acceptable excuse under s. 118.15 (1) (b) to  
10 (d) or (3).”.

11           **15.** Page 7, line 11: after that line insert:

12           “**SECTION 14m.** 118.162 (1) (km) of the statutes, as created by 2021 Wisconsin  
13 Act .... (this act), is repealed.”.

14           **16.** Page 7, line 14: after that line insert:

15           “**SECTION 15m.** 118.53 (title) of the statutes, as affected by 2021 Wisconsin Act  
16 .... (this act), is amended to read:

17           **118.53** (title) **Attendance by pupils enrolled in a ~~microschool~~ or**  
18 **home-based private educational program.”.**

19           **17.** Page 8, line 5: after that line insert:

20           “**SECTION 16m.** 118.53 (2m), (3) and (4) of the statutes, as affected by 2021  
21 Wisconsin Act .... (this act), are amended to read:

22           118.53 (2m) A school board shall allow a pupil enrolled in a ~~microschool~~ or  
23 home-based private educational program who has not met the minimum standards  
24 for admission into high school under s. 118.145 (1) to attend up to 2 courses at a public

1 school in the district during each school semester if the school board determines that  
2 the pupil qualifies for admission to those courses and if there is sufficient space in  
3 the classroom.

4 (3) A school board shall allow a pupil enrolled in a ~~microschool or~~ home-based  
5 private educational program, who has met the standards for admission under sub.  
6 (2), to attend up to 2 courses at a public school in the district during each school  
7 semester if the school board determines that there is sufficient space in the  
8 classroom.

9 (4) A pupil enrolled in a ~~microschool or~~ home-based private educational  
10 program and attending a public school under this section may attend one course in  
11 each of 2 school districts, but may not attend more than 2 courses in any semester.”.

12 **18.** Page 8, line 14: after that line insert:

13 “**SECTION 17m.** 118.60 (7) (b) 3. of the statutes, as affected by 2021 Wisconsin  
14 Act .... (this act), is amended to read:

15 118.60 (7) (b) 3. Ensure that any teacher’s aide employed by the private school  
16 has graduated from high school, been granted a declaration of equivalency of high  
17 school graduation, been granted a high school diploma by the administrator of a  
18 ~~microschool or~~ home-based private educational program, or been issued a general  
19 educational development certificate of high school equivalency, or has obtained a  
20 degree or educational credential higher than a high school diploma, declaration of  
21 equivalency of high school graduation, or general educational development  
22 certificate of high school equivalency.”.

23 **19.** Page 8, line 23: after that line insert:



1           **“SECTION 18m.** 119.23 (7) (b) 3. of the statutes, as affected by 2021 Wisconsin  
2 Act .... (this act), is amended to read:

3           119.23 **(7)** (b) 3. Ensure that any teacher’s aide employed by the private school  
4 has graduated from high school, been granted a declaration of equivalency of high  
5 school graduation, been granted a high school diploma by the administrator of a  
6 ~~microschool or~~ home-based private educational program, or been issued a general  
7 educational development certificate of high school equivalency, or has obtained a  
8 degree or educational credential higher than a high school diploma, declaration of  
9 equivalency of high school graduation, or general educational development  
10 certificate of high school equivalency.”.

11           **20.** Page 9, line 11: after that line insert:

12           **“SECTION 19m.** 120.18 (1) (a) 2. of the statutes, as affected by 2021 Wisconsin  
13 Act .... (this act), is amended to read:

14           120.18 **(1)** (a) 2. Adding the number of persons under this paragraph who were  
15 residents of the school district and were enrolled in the school district on the 3rd  
16 Friday of September of the previous school year; plus the number of persons under  
17 this paragraph who were residents of the school district and who were enrolled in  
18 private schools, tribal schools, ~~microschools,~~ home-based private educational  
19 programs, or other school districts on the 3rd Friday of September of the previous  
20 school year; plus the number or an estimate of the number of those persons under  
21 this paragraph who were residents of the school district and not enrolled in the school  
22 district, private schools, tribal schools, ~~microschools,~~ home-based private  
23 educational programs, or other school districts on the 3rd Friday of September of the  
24 previous school year.”.

