



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5203/1
FFK:amn

2019 ASSEMBLY BILL 727

January 9, 2020 - Introduced by Representatives POPE, CONSIDINE, EMERSON, KOLSTE, SARGENT, SPREITZER, BILLINGS, MILROY, STUBBS, SUBECK, NEUBAUER, GRUSZYNSKI, VRUWINK, OHNSTAD, SINICKI, L. MYERS and BROSTOFF, cosponsored by Senators ERPENBACH, BEWLEY, LARSON, WIRCH, SMITH, RISSER and RINGHAND. Referred to Committee on Education.

1 **AN ACT** *to repeal* 118.60 (4) (bg) 1., 2. and 5.; *to renumber and amend* 118.60
2 (4) (bg) 3. and 118.60 (4) (c); *to amend* 118.60 (4) (bg) 4. (intro.), a. and b.; and
3 **to create** 118.60 (4) (bg) 1m., 118.60 (4) (bg) 3. b. and 118.60 (4) (c) 2. of the
4 statutes; **relating to:** per pupil payments to private schools participating in
5 parental choice programs.

Analysis by the Legislative Reference Bureau

This bill changes the calculation of the per pupil amount the Department of Public Instruction pays to participating private schools in the Racine Parental Choice Program and the statewide parental choice program, known as the Wisconsin Parental Choice Program (collectively, parental choice programs).

Under the bill, for each pupil attending a private school under a parental choice program, DPI must pay the private school participating in the parental choice program the lesser of a) the per pupil amount under current law; b) the amount the private school charges a pupil who is not attending the private school under a parental choice program for tuition and educational fees; or c) the per pupil amount of state aid for the pupil's resident school district, as calculated on October 15 of that school year.

Under current law, for each pupil attending a private school under a parental choice program, DPI pays the participating private school an amount set by law, which includes an annual adjustment based on any increase in the statewide categorical aid per pupil amount and any per pupil increase in the school district

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revenue limit calculation. In the 2019-20 school year, the per pupil payment amount for a pupil in grades kindergarten to eight is \$8,046 and the per pupil payment amount for a pupil in grades nine to twelve is \$8,692. Current law provides an alternative calculation for a pupil attending a private school participating in a parental choice program that enrolls pupils in grades kindergarten to eight and grades nine to twelve.

Under current law and the bill, the amount DPI pays to a private school participating in a parental choice program for a pupil who began participating in a parental choice program in the 2015-16 school year or thereafter is deducted from the amount of state aid paid to the pupil's resident school district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 118.60 (4) (bg) 1., 2. and 5. of the statutes are repealed.

2 **SECTION 2.** 118.60 (4) (bg) 1m. of the statutes is created to read:

3 118.60 (4) (bg) 1m. In this paragraph, "per pupil amount of state aid" means
4 the state aid calculated for a school district, as described under s. 121.90 (2) (am) 1.,
5 divided by the membership, as defined in s. 121.004 (5), that the department used
6 to calculate the state aid.

7 **SECTION 3.** 118.60 (4) (bg) 3. of the statutes is renumbered 118.60 (4) (bg) 3.
8 (intro.) and amended to read:

9 118.60 (4) (bg) 3. (intro.) In the ~~2015-16~~ 2020-21 school year and in each school
10 year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's
11 enrollment in the private school during a school term, except as provided in subd. ~~5.~~
12 4., the state superintendent shall pay to the private school in which the pupil is
13 enrolled on behalf of the pupil's parent or guardian, from the appropriation under s.
14 20.255 (2) (fr), the lesser of the per pupil amount of state aid calculated for the pupil's
15 resident school district, the amount the private school charges a pupil in the pupil's

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1 grade who is not participating in the program under this section for tuition and fees,
2 or an amount equal to one of the following:

3 a. For a pupil enrolled in grades kindergarten to 8, an amount equal to the sum
4 of the maximum amount per pupil the state superintendent paid a private school
5 under this section in the previous school year for the grade in which the pupil is
6 enrolled a pupil enrolled in grades kindergarten to 8; the amount of the per pupil
7 revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and
8 the change in the amount of statewide categorical aid per pupil between the previous
9 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,
10 if positive.

11 **SECTION 4.** 118.60 (4) (bg) 3. b. of the statutes is created to read:

12 118.60 (4) (bg) 3. b. For a pupil enrolled in grades 9 to 12, an amount equal to
13 the sum of the maximum amount per pupil the state superintendent paid a private
14 school under this section in the previous school year for a pupil enrolled in grades 9
15 to 12; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the
16 current school year, if positive; and the change in the amount of statewide categorical
17 aid per pupil between the previous school year and the current school year, as
18 determined under s. 118.40 (2r) (e) 2p., if positive.

19 **SECTION 5.** 118.60 (4) (bg) 4. (intro.), a. and b. of the statutes are amended to
20 read:

21 118.60 (4) (bg) 4. (intro.) If the pupil described in subd. 2. ~~3.~~ is enrolled in a
22 private school that enrolls pupils under the program in any grade between
23 kindergarten to 8 and also in any grade between 9 to 12, the state superintendent
24 shall pay to the private school in which the pupil is enrolled on behalf of the pupil's
25 parent or guardian, from the appropriation under s. 20.255 (2) (fr), the lesser of an

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1 amount equal to the private school's operating and debt service cost per pupil that
2 is related to educational programming, as determined by the department, the per
3 pupil amount of state aid calculated for the pupil's resident school district, the
4 amount the private school charges a pupil in the pupil's grade who is not
5 participating in the program under this section for tuition and fees, or an amount
6 determined as follows:

7 a. Multiply the number of pupils participating in the program under this
8 section who are enrolled in the private school in any grade between kindergarten to
9 8 by \$7,210 the amount calculated under subd. 3. a.

10 b. Multiply the number of pupils participating in the program under this
11 section who are enrolled in the private school in any grade between 9 to 12 by \$7,856
12 the amount calculated under subd. 3. b.

13 **SECTION 6.** 118.60 (4) (c) of the statutes is renumbered 118.60 (4) (c) 1. and
14 amended to read:

15 118.60 (4) (c) 1. The Except as provided in subd. 2., the state superintendent
16 shall pay 25 percent of the total amount under this subsection in September, 25
17 percent in November, 25 percent in February, and 25 percent in May. For purposes
18 of making the September payment under this subdivision, the state superintendent
19 shall assume that the per pupil amounts for pupils attending a private school under
20 this section are the amounts calculated under par. (bg) 3. a. and b. or 4. a. to d.

21 3. Each installment may consist of a single check for all pupils attending the
22 private school under this section. The state superintendent shall include the entire
23 amount under sub. (4m) in the November installment, but the payment shall be
24 made in a separate check from the payment under this subsection.

25 **SECTION 7.** 118.60 (4) (c) 2. of the statutes is created to read:

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1 118.60 (4) (c) 2. If a private school is entitled to a per pupil payment that is less
2 than the per pupil amount calculated under par. (bg) 3. a. and b. or 4. a. to d.,
3 whichever is applicable, the state superintendent shall calculate the November,
4 February, and May payments as follows:

5 a. Determine the total amount the private school is entitled to receive under
6 par. (bg) 3. or 4.

7 b. Subtract the amount paid to the private school in September under subd. 1.
8 from the amount determined under subd. 2. a.

9 c. Divide the difference under subd. 2. b. by 3.

10

(END)