



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-0623/1  
FFK&KRP:amn

## 2021 ASSEMBLY BILL 1041

February 17, 2022 - Introduced by Representatives POPE, CONSIDINE, SHELTON, SPREITZER, HEBL, EMERSON, VRUWINK, B. MEYERS, MILROY, ANDERSON, SINICKI, HINTZ, CABRERA and SUBECK, cosponsored by Senators ERPENBACH, BEWLEY, LARSON, ROYS, RINGHAND, AGARD, SMITH, PFAFF and CARPENTER. Referred to Committee on Education.

1     **AN ACT to repeal** 118.60 (4) (bg) 1., 2. and 5. and 119.23 (4) (bg) 1., 2. and 5.; **to**  
2             **renumber and amend** 118.60 (4) (bg) 3. and 119.23 (4) (bg) 3.; **to amend**  
3             118.60 (4) (bg) 4. (intro.), a. and b. and 119.23 (4) (bg) 4. (intro.), a. and b.; and  
4             **to create** 118.60 (4) (bg) 3. b. and 119.23 (4) (bg) 3. b. of the statutes; **relating**  
5             **to:** per pupil payments to private schools participating in parental choice  
6             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 Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the statewide parental choice program, known as the Wisconsin Parental Choice Program (collectively, parental choice programs).

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. In the 2020-21 school year, the per pupil payment amount for a pupil in grades kindergarten to eight is \$8,300 and the per pupil payment amount for a pupil in grades nine to twelve is \$8,946. 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 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

**ASSEMBLY BILL 1041**

program the lesser of the per pupil amount under current law or the amount the private school charges a pupil who is not attending the private school under a parental choice program for tuition and fees.

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

4           118.60 (4) (bg) 3. (intro.) In the ~~2015-16~~ 2022-23 school year and in each school  
5 year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's  
6 enrollment in the private school during a school term, except as provided in subd. ~~5.~~  
7 4., the state superintendent shall pay to the private school in which the pupil is  
8 enrolled on behalf of the pupil's parent or guardian, from the appropriation under s.  
9 20.255 (2) (fr), the lesser of the amount the private school charges a pupil in the  
10 pupil's grade who is not participating in the program under this section for tuition  
11 and fees or an amount equal to one of the following:

12           a. For a pupil enrolled in grades kindergarten to 8, an amount equal to the sum  
13 of the maximum amount per pupil the state superintendent paid a private school  
14 under this section in the previous school year for the grade in which the pupil is  
15 enrolled a pupil enrolled in grades kindergarten to 8; the amount of the per pupil  
16 revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and  
17 the change in the amount of statewide categorical aid per pupil between the previous  
18 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,  
19 if positive.

**ASSEMBLY BILL 1041**

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

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

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

11          118.60 (4) (bg) 4. (intro.) If the pupil described in subd. ~~2.~~ 3. is enrolled in a  
12          private school that enrolls pupils under the program in any grade between  
13          kindergarten to 8 and also in any grade between 9 to 12, the state superintendent  
14          shall pay to the private school in which the pupil is enrolled on behalf of the pupil's  
15          parent or guardian, from the appropriation under s. 20.255 (2) (fr), the lesser of an  
16          amount equal to the private school's operating and debt service cost per pupil that  
17          is related to educational programming, as determined by the department, the  
18          amount the private school charges a pupil in the pupil's grade who is not  
19          participating in the program under this section for tuition and fees or an amount  
20          determined as follows:

21                 a. Multiply the number of pupils participating in the program under this  
22                 section who are enrolled in the private school in any grade between kindergarten to  
23                 8 by ~~\$7,210~~ the amount calculated under subd. 3. a.

**ASSEMBLY BILL 1041****SECTION 4**

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

4           **SECTION 5.** 119.23 (4) (bg) 1., 2. and 5. of the statutes are repealed.

5           **SECTION 6.** 119.23 (4) (bg) 3. of the statutes is renumbered 119.23 (4) (bg) 3.  
6 (intro.) and amended to read:

7           119.23 (4) (bg) 3. (intro.) In the ~~2015-16~~ 2022-23 school year and in each school  
8 year thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's  
9 enrollment in the private school during a school term, except as provided in subd. 5.  
10 4., the state superintendent shall pay to the private school in which the pupil is  
11 enrolled on behalf of the pupil's parent or guardian, from the appropriation under s.  
12 20.255 (2) (fu), the lesser of the amount the private school charges a pupil in the  
13 pupil's grade who is not participating in the program under this section for tuition  
14 and fees or an amount equal to one of the following:

15           a. For a pupil enrolled in grades kindergarten to 8, an amount equal to the sum  
16 of the maximum amount per pupil the state superintendent paid a private school  
17 under this section in the previous school year for the grade in which the pupil is  
18 enrolled a pupil enrolled in grades kindergarten to 8; the amount of the per pupil  
19 revenue adjustment under s. 121.91 (2m) for the current school year, if positive; and  
20 the change in the amount of statewide categorical aid per pupil between the previous  
21 school year and the current school year, as determined under s. 118.40 (2r) (e) 2p.,  
22 if positive.

23           **SECTION 7.** 119.23 (4) (bg) 3. b. of the statutes is created to read:

24           119.23 (4) (bg) 3. b. For a pupil enrolled in grades 9 to 12, an amount equal to  
25 the sum of the maximum amount per pupil the state superintendent paid a private

**ASSEMBLY BILL 1041**

1 school under this section in the previous school year for a pupil enrolled in grades 9  
2 to 12; the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the  
3 current school year, if positive; and the change in the amount of statewide categorical  
4 aid per pupil between the previous school year and the current school year, as  
5 determined under s. 118.40 (2r) (e) 2p., if positive.

6 **SECTION 8.** 119.23 (4) (bg) 4. (intro.), a. and b. of the statutes are amended to  
7 read:

8 119.23 (4) (bg) 4. (intro.) If the pupil described in subd. ~~2.~~ 3. is enrolled in a  
9 private school that enrolls pupils under the program in any grade between  
10 kindergarten to 8 and also in any grade between 9 to 12, the state superintendent  
11 shall pay to the private school in which the pupil is enrolled on behalf of the pupil's  
12 parent or guardian, from the appropriation under s. 20.255 (2) (fu), the lesser of an  
13 amount equal to the private school's operating and debt service cost per pupil that  
14 is related to educational programming, as determined by the department, the  
15 amount the private school charges a pupil in the pupil's grade who is not  
16 participating in the program under this section for tuition and fees or an amount  
17 determined as follows:

18 a. Multiply the number of pupils participating in the program under this  
19 section who are enrolled in the private school in any grade between kindergarten to  
20 8 by ~~\$7,210~~ the amount calculated under subd. 3. a.

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

24

(END)