



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5782/1
FFK:emw&wlj

2023 SENATE BILL 989

February 2, 2024 - Introduced by Senator STROEBEL, cosponsored by Representative RODRIGUEZ. Referred to Committee on Education.

AN ACT *to repeal* 20.255 (2) (fu), 48.78 (2) (L), 49.32 (6m), 69.20 (3) (h), 103.005 (14m), 115.7915 (8m), 118.30 (2) (b) 5., 118.301 (3) (c), 118.33 (6) (c), 118.38 (4), 118.60 (title) and (1) (am), 118.60 (2) (a) 1. b., c. and d., 118.60 (2) (a) 2., 118.60 (2) (a) 3., 118.60 (2) (a) 6. c. and d., 118.60 (2) (a) 7. a., 118.60 (2) (ag) (intro.), 118.60 (2) (ag) 1. b. and c., 118.60 (2) (ag) 2. a., 118.60 (2) (ag) 2. b., 118.60 (2) (ag) 4., 118.60 (2) (be), (bm) and (bs), 118.60 (3) (ar), 118.60 (3) (b), 118.60 (3) (c), 118.60 (3) (d), 118.60 (4) (bg) 1., 2. and 4., 118.60 (4) (bg) 5., 118.60 (4v), 118.60 (6m) (intro.) and (a) (intro.) and (b), 118.60 (7) (am) 2m. c., 118.60 (7) (b) (intro.) and 2m., 118.60 (7) (d) (intro.) and 3., 118.60 (12), 119.23, 119.23 (2) (ag) 1. b. and c., 119.23 (2) (ag) 2. b., 121.08 (4) (b) 1. and 3. and 938.78 (2) (L); **to renumber** 118.60 (6p) (a) 2.; **to renumber and amend** 118.60 (1) (intro.), (ab), (ad), (af), (ag), (bn), (c), (cm), (d) and (g), 118.60 (2) (a) (intro.), 118.60 (2) (a) 1. a., 118.60 (2) (a) 4., 118.60 (2) (a) 5., 118.60 (2) (a) 6. a., 118.60 (2) (a) 6.

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b., 118.60 (2) (a) 7. b., 118.60 (2) (a) 7. c., 118.60 (2) (a) 8., 118.60 (2) (a) 9., 118.60 (2) (ag) 1., 118.60 (2) (ag) 2. c., 118.60 (2) (ag) 5., 118.60 (2) (ar), 118.60 (2) (c) 1., 118.60 (2) (c) 2., 118.60 (2) (d), 118.60 (3) (a) (intro.), 118.60 (3) (a) 1m., 2m., 3., 4. and 5., 118.60 (3m) (a), 118.60 (3m) (am), 118.60 (3m) (b), 118.60 (3m) (c), 118.60 (4) (a), 118.60 (4) (bg) 3., 118.60 (4) (c), 118.60 (4d) (a), 118.60 (4d) (b), 118.60 (4m), 118.60 (4r), 118.60 (4s), 118.60 (5), 118.60 (6), 118.60 (6m) (a) 1. to 9., 118.60 (6m) (bm), 118.60 (6m) (c), 118.60 (6m) (d), 118.60 (6p) (a) 1., 118.60 (6p) (b), 118.60 (7) (ad) 1., 118.60 (7) (ad) 2., 118.60 (7) (ad) 3., 118.60 (7) (ag), 118.60 (7) (am) 1m., 118.60 (7) (am) 2m. b., 118.60 (7) (am) 3., 118.60 (7) (an), 118.60 (7) (b) 1., 118.60 (7) (b) 2., 118.60 (7) (b) 3., 118.60 (7) (b) 3m., 118.60 (7) (b) 4. to 6., 118.60 (7) (c), 118.60 (7) (d) 1. a., 118.60 (7) (d) 1. b., 118.60 (7) (dr), 118.60 (7) (e), 118.60 (7) (em) 1. and 2., 118.60 (7) (g), 118.60 (7) (h), 118.60 (7m) (a) (intro.), 1. and 2., (b) and (c), 118.60 (9), 118.60 (9m), 118.60 (10) (a) (intro.), 1., 2., 3., 5., 6., 7. and 8., 118.60 (10) (am), 118.60 (10) (ar), 118.60 (10) (b), 118.60 (10) (c), 118.60 (10) (d) and 118.60 (11); **to consolidate, renumber and amend** 118.60 (2) (ag) 1. (intro.) and a., 118.60 (6p) (intro.) and (a) (intro.), 118.60 (7) (am) 2m. (intro.) and a., 118.60 (7) (b) 7. a. and b., 119.23 (2) (ag) 1. (intro.) and a. and 121.08 (4) (b) (intro.) and 2.; **to amend** 20.255 (1) (j), 20.255 (2) (fr), 20.255 (2) (fv), 39.51 (2), 39.51 (3) (e), 39.51 (4) (intro.), 49.83, 115.28 (54m), 115.364 (1) (am), 115.383 (1) (c), 115.383 (2) (intro.), 115.383 (3) (b), 115.383 (4), 115.383 (5), 115.385 (2), 115.385 (3) (intro.), 115.385 (3) (b), 115.385 (4), 115.39 (1) (b) 2., 115.39 (3) (a) 2. b., 115.7915 (4m) (e) 2., 115.7915 (6) (e), 115.7915 (6) (i), 115.7915 (6) (k),

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118.015 (1m) (c) and (d), 118.015 (5), 118.124 (1) (a), 118.125 (4), 118.30 (1g) (a) 3., 118.30 (1g) (a) 4., 118.30 (1s) (intro.), 118.30 (1s) (a), 118.30 (1s) (b), 118.30 (1s) (bm), 118.30 (1s) (c), 118.30 (1s) (cm), 118.30 (1s) (d), 118.30 (1t), 118.30 (2) (b) 1., 118.30 (2) (b) 2., 118.30 (2) (b) 6., 118.30 (5m), 118.301 (3) (d), 118.301 (4) (a), 118.33 (1) (f) 2m., 118.33 (1) (f) 2r., 118.33 (1) (f) 3., 118.33 (1m) (a) 1., 118.33 (1m) (a) 2. a., 118.33 (1m) (a) 2. b., 118.33 (1m) (a) 3., 118.33 (1m) (b), 118.33 (6) (cr), 118.40 (2r) (e) 2p. a., 118.56 (1), 118.57 (1), 118.57 (2), 118.60 (2) (a) 3. a., 118.60 (2) (ag) 2. a., 118.60 (2) (ag) 4., 118.60 (2) (ar), 119.23 (2) (a) 3., 119.23 (2) (ag) 2. a., 119.23 (2) (ag) 4., 119.23 (2) (ar), 119.33 (2) (b) 3. c., 119.46 (1), 119.9002 (2) (d) 3. (intro.), 121.07 (2) (b), 121.085, 121.137 (2), 121.91 (2m) (c) 1., 121.91 (2m) (c) 4., 121.91 (2m) (d) 1., 121.91 (2m) (d) 4., 121.91 (4) (n) 1., 146.89 (1) (d) 2., 146.89 (1) (g) 3. and 938.49 (2) (b); ***to repeal and recreate*** 115.7915 (1) and 115.7915 (2) (c); and ***to create*** 115.001 (3t), 115.7915 (2) (i), 115.7915 (2m), 115.7915 (4) (c), 115.7915 (4m) (g), 115.7915 (6) (em), 115.7915 (6) (L), 115.7915 (6) (m), 115.7915 (6) (n), 115.7915 (8) (am), 115.7915 (8) (ap), subchapter I (title) of chapter 118 [precedes 118.001], 118.60 (2) (ag) 2. c., subchapter II (title) of chapter 118 [precedes 118.70], 118.70 (3), (6), (7), (8), (9), (11), (12), (16), (17), (18) and (20), 118.71, 118.72 (title), 118.72 (1) (b), 118.72 (1) (c), 118.72 (2), 118.72 (3) (title), 118.72 (3) (d), 118.72 (4), 118.73 (title) and (1), 118.74 (title), 118.74 (3) (title), 118.74 (3) (a) 2., 118.74 (3) (b) 2., 118.74 (4) (title), 118.75 (title), 118.75 (2), 118.75 (3) (intro.), 118.76 (title) and (2) (title), 118.76 (1) (a) 1. and 2., 118.76 (4), 118.76 (5), 118.76 (7), 118.77 (title), 118.77 (1) (b), 118.77 (1) (d), 118.77 (2) (b) to (e), 118.78 (title),

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118.78 (1) (intro.), 118.79 (title), 118.79 (5), 118.80 (title), 118.80 (4) (a) and (b), 118.80 (9) (title), 118.80 (9) (d) 2., 118.81 (title), 118.81 (1) (title), 118.81 (1) (c), 118.81 (2) (title), 118.82 (title), 118.82 (4) (title), 118.83 (title), 118.83 (2) (title), 118.84 (title), 118.84 (1), 118.84 (2) (title), 118.84 (4) (title), 118.84 (4) (a) 1., 118.84 (7), 118.85 (title) and (3) (title), 118.87 (6) and 119.23 (2) (ag) 2. c. of the statutes; **relating to:** combining the choice programs and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Private School Choice Program

Under current law, the Department of Public Instruction administers the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the Wisconsin Parental Choice Program. Current law includes a pupil participation limit on the WPCP that applies through the end of the 2025-26 school year.

Under the bill, beginning in the 2026-27 school year, DPI will administer the MPCP, the RPCP, and the WPCP as a single program, to be known as the Private School Choice Program. The bill does not change the pupil eligibility requirements that exist under each of the current parental choice programs. For example, under the bill, to be eligible for the Private School Choice Program, a pupil who resides in the Racine Unified School District must meet the eligibility requirements under the RPCP: certain prior year school attendance requirements and a family income that does not exceed 300 percent of the federal poverty level. Similarly, to be eligible for the Private School Choice Program, a pupil who resides in a school district other than the Racine Unified School District or Milwaukee Public Schools must meet the eligibility requirements under the WPCP: certain prior year school attendance requirements and a family income that does not exceed 220 percent of the federal poverty level.

Under the bill, to participate in the 2025-26 school year, private schools will submit to DPI an intent to participate for the MPCP, RPCP, or WPCP. Similarly, for attendance during the 2025-26 school year, pupils will apply to attend a participating private school under the MPCP, RPCP, or WPCP. During the 2025-26 school year, DPI will transition to the Private School Choice Program created under this bill but will continue to administer the combined program as the three separate parental choice programs. Under the bill, intents to participate and pupil applications made during the 2025-26 school year for participation or attendance in the 2026-27 school year are for the Private School Choice Program.

SENATE BILL 989***Other changes***

In addition to establishing the Private School Choice Program, the bill includes the following substantive changes:

1. The bill creates a reenrollment process for choice pupils who attend a participating private school on the January count date. Beginning in the 2025-26 school year, during a reenrollment period that occurs at the end of January, a participating private school must determine, for each grade it will offer in the following school year, if it will have enough choice program seats in the following school year to offer a choice program seat to each of its current choice pupils. If the participating private school has enough choice program seats for all of its current choice pupils, the participating private school must notify the parents of each current choice pupil that the pupil has been offered a choice program seat for the following school year and the process for the parent to accept the choice program seat. If the private school determines that it does not have enough choice program seats to offer all of its current choice pupils a choice program seat for the following school year, the private school must determine, on a random basis, which current choice pupils receive a choice program seat for the following school year. The private school must then notify the parents of each current choice pupil who does not receive a choice program seat for the following school year that the pupil has been placed on the waiting list for the following school year and notify the parents of each current choice pupil that receives a choice program seat for the following school year that the pupil is being offered a choice program seat for the following school year and the process for the parent to accept the choice program seat.

2. Beginning in the 2025-26 school year, if a participating private school offers virtual instruction, the participating private school must ensure that a teacher is responsible for various aspects of the virtual instruction and pupil learning related to that virtual instruction. These requirements mirror current law that applies to virtual charter schools. Additionally, beginning with an intent to participate in a parental choice program in the 2025-26 school year, a private school must indicate in its intent to participate whether the private school intends to offer virtual instruction and, if so, the amount and type of virtual instruction the private school intends to offer. These changes also apply to a private school participating in the Special Needs Scholarship Program.

3. Beginning in the 2025-26 school year, a participating private school must have a physical location in this state from which the private school is operated. The bill does not require that pupils receive instruction at the physical location. This change also applies to a private school participating in the SNSP.

4. Beginning in the 2025-26 school year, the bill allows individuals employed by a participating private school who hold a substitute teaching permit issued by DPI to teach at a participating private school, as allowed under the substitute teaching permit. This change also applies to teachers at a private school participating in the SNSP. Additional changes to teacher qualifications under the SNSP are discussed below.

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5. The bill makes changes to the financial audit that participating private schools must submit to DPI, including the fiscal and internal practices control report. Under the bill, beginning in the 2025-26 school year, a management letter is not required.

6. For new private schools that intend to first participate in a parental choice program in the 2025-26 school year, the bill makes various changes to the initial requirements that must be satisfied during the 2024-25 school year. For example, a new private school that submits a bond to DPI must provide an updated bond under certain circumstances.

7. The bill changes various deadlines in the Private School Choice Program.

Special Needs Scholarship Program

The bill also makes the following changes to the SNSP:

1. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school is approved as a private school by the state superintendent of public instruction. Beginning in the 2025-26 school year, a private school must be accredited to participate in the SNSP. The bill provides exceptions for private schools that participated in the SNSP before the 2025-26 school year. Under the bill, DPI may bar a private school from participating in the SNSP for failing to comply with the accreditation requirements created in the bill.

2. The bill makes various changes to the financial audit that private schools participating in the SNSP must submit to DPI, including the fiscal and internal control practices report. Under the bill, the financial audit requirements are the same under the SNSP and the Private School Choice Program.

3. Beginning in the 2025-26 school year, teachers and administrators at a private school participating in the SNSP are subject to the same requirements that apply to teachers and administrators at a private school participating in the Private School Choice Program. In general, the private school must ensure that a teacher has a teaching license issued by DPI or a bachelor's degree or higher, including a master's or doctorate, from an accredited institution of higher education, and that an administrator has a teaching or administrator license issued by DPI or at least a bachelor's degree from an accredited institution of higher education. The bill creates a waiver process for a teacher who has taught for at least the five consecutive years immediately preceding July 1, 2025, but does not satisfy the teacher requirements created in the bill. The bill also requires that, beginning in the 2025-26 school year, a teacher's aide at a private school participating in the SNSP has at least a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

4. Beginning in the 2025-26 school year, a private school participating in the SNSP must allow a child attending the private school under the SNSP to opt out of

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participating in any religious activity if the child's parent submits a written request to the child's teacher or the private school's principal.

For further information see the state 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:

SECTION 1. 20.255 (1) (j) of the statutes is amended to read:

20.255 (1) (j) ~~Milwaukee Parental Choice Program and the parental~~ Private school choice program for eligible school districts and other school districts; financial audits. All moneys received under ss. ~~118.60 (2) (a) 3. and (ag) 1. c. and 119.23 (2) (a) 3. and (ag) 1. c.~~ s. 118.73 (1) (b) to be used to evaluate the financial information submitted under s. ~~119.23 (7) (am) and (d) 3. and (7m) (a) 2.~~ by private schools participating in the ~~Milwaukee Parental Choice Program and under s. 118.60 (7) (am) and (d) 3. and (7m) (a) 2.~~ 118.83 by private schools participating in the private school choice program under s. ~~118.60~~ subch. II of ch. 118.

SECTION 2. 20.255 (2) (fr) of the statutes is amended to read:

20.255 (2) (fr) ~~Parental Private school choice program for eligible school districts and other school districts.~~ A sum sufficient to make the payments to private schools under s. ~~118.60 (4) and (4m)~~ 118.84 (1) and (2).

SECTION 3. 20.255 (2) (fu) of the statutes is repealed.

SECTION 4. 20.255 (2) (fv) of the statutes is amended to read:

20.255 (2) (fv) ~~Milwaukee Parental Choice Program and the parental choice~~ Private school choice program for eligible school districts and other school districts;

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transfer pupils. A sum sufficient to make the payments under ~~ss. 118.60 (4r) and 119.23 (4r)~~ s. 118.84 (5).

SECTION 5. 39.51 (2) of the statutes is amended to read:

39.51 (2) ~~Beginning in the 2018-19 school year, from~~ From the appropriation under s. 20.235 (1) (c), the board shall award grants to school districts, charter schools authorized under s. 118.40 (2r), and private schools participating in ~~a~~ the private school choice program under ~~s. 118.60 or 119.23~~ subch. II of ch.118 to support dual enrollment programs taught in high schools. These grants shall be awarded for the purpose of assisting high school teachers in covering tuition expenses for courses taken to meet the minimal qualifications necessary to teach dual enrollment courses.

SECTION 6. 39.51 (3) (e) of the statutes is amended to read:

39.51 (3) (e) A private school participating in the private school choice program under ~~s. 118.60 or 119.23~~ subch. II of ch.118.

SECTION 7. 39.51 (4) (intro.) of the statutes is amended to read:

39.51 (4) (intro.) Following the school year in which a school district, charter school authorized under s. 118.40 (2r), or private school participating in ~~a~~ the private school choice program under ~~s. 118.60 or 119.23~~ subch. II of ch.118 receives a grant under sub. (2), the school district, charter school, or private school shall submit to the board a report that includes all of the following information:

SECTION 8. 48.78 (2) (L) of the statutes is repealed.

SECTION 9. 49.32 (6m) of the statutes is repealed.

SECTION 10. 49.83 of the statutes is amended to read:

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49.83 Limitation on giving information. Except as provided under ss. 49.25 and 49.32 ~~(6m)~~, (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the departments of children and families and health services may disclose, including by transmitting or granting access to electronic data, such information, including social security numbers, to the department of revenue for the sole purposes of administering state taxes, including verifying refundable individual income tax credits, and collecting debts owed to the department of revenue. Any person violating this section may be fined not less than \$25 nor more than \$500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 11. 69.20 (3) (h) of the statutes is repealed.

SECTION 12. 103.005 (14m) of the statutes is repealed.

SECTION 13. 115.001 (3t) of the statutes is created to read:

115.001 **(3t)** PRIVATE SCHOOL CHOICE PROGRAM. “Private school choice program” has the meaning given for “choice program” in s. 118.70 (3).

SECTION 14. 115.28 (54m) of the statutes is amended to read:

115.28 **(54m)** NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the department’s ~~Internet site~~ website a link to information about all of the

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educational options available to children in the state who are at least 3 years old but not yet 18 years old, including public schools, private schools participating in ~~a parental~~ the private school choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the early college credit program, and options for pupils enrolled in a home-based private educational program.

SECTION 15. 115.364 (1) (am) of the statutes is amended to read:

115.364 (1) (am) “Eligible private school” means a private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~ that increased the amount it expended in the preceding school year to employ, hire, or retain social workers over the amount it expended in the school year immediately preceding the preceding school year to employ, hire, or retain social workers.

SECTION 16. 115.383 (1) (c) of the statutes is amended to read:

115.383 (1) (c) If the proposal is approved under par. (b), the state superintendent shall ensure that information about pupils enrolled in charter schools and about pupils enrolled in private schools participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~, including their academic performance and demographic information, aggregated by school district, school, and teacher, is collected and maintained in the student information system.

SECTION 17. 115.383 (2) (intro.) of the statutes is amended to read:

115.383 (2) (intro.) If the student information system is established under sub. (1), each school district, charter school, and private school using the system under sub. (1) shall include in the system the following information for each teacher

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teaching in the school district or school who completed a teacher education program described in s. 115.28 (7) (a) or (e) 2. and located in this state on or after January 1, 2012, or, for each teacher teaching in a private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~, who obtained a bachelor's degree from an institution located in this state on or after July 1, 2010:

SECTION 18. 115.383 (3) (b) of the statutes is amended to read:

115.383 (3) (b) ~~Beginning in the 2015-16 school year, the~~ The state superintendent shall ensure that every charter school established under s. 118.40 (2r) or (2x) and every private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~ is either using the system under sub. (1) or is using a system that is commercially available and able to obtain pupil identification numbers under sub. (5).

SECTION 19. 115.383 (4) of the statutes is amended to read:

115.383 (4) A private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~ is not required to include information about pupils who are not attending the private school under ~~s. 118.60 or 119.23~~ the private school choice program in the system it is using under sub. (3).

SECTION 20. 115.383 (5) of the statutes is amended to read:

115.383 (5) The state superintendent shall assign to each pupil attending a public school or charter school, and to each pupil attending a private school under ~~s. 118.60 or 119.23~~ the private school choice program, a unique identification number for use in the student information system. The state superintendent shall not assign to any pupil an identification number that is identical to or incorporates the

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pupil's social security number or that uses any other personally identifying information.

SECTION 21. 115.385 (2) of the statutes is amended to read:

115.385 (2) ~~Beginning with the accountability report published for the 2015-16 school year, the~~ The department shall include in its annual school accountability report under sub. (1) charter schools established under s. 118.40 (2r) or (2x) and private schools participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23.~~ The department shall use the same criteria to measure the performance of all schools included in the annual school accountability report.

SECTION 22. 115.385 (3) (intro.) of the statutes is amended to read:

115.385 (3) (intro.) On an accountability report published for a private school participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23,~~ the department shall specify the percentage of pupils attending the private school under the private school choice program and comply with one of the following:

SECTION 23. 115.385 (3) (b) of the statutes is amended to read:

115.385 (3) (b) For a private school that submits achievement data for those pupils attending the private school under ~~s. 118.60 or 119.23~~ the private school choice program and achievement data for all other pupils attending the private school, assign to the private school a performance category derived from data about pupils attending the school under ~~s. 118.60 or 119.23~~ the private school choice program and identify the performance category as the choice pupil performance category. The department shall also assign a 2nd performance category, derived from data about all pupils attending the private school including pupils attending

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the private school under ~~s. 118.60 or 119.23~~ the private school choice program, as the private school performance category.

SECTION 24. 115.385 (4) of the statutes is amended to read:

115.385 (4) Annually, each public school, including a charter school, and each private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~ shall provide a copy of the school's accountability report to the parent or guardian of each pupil enrolled in or attending the school. Each school shall simultaneously provide to the parent or guardian of each pupil enrolled in the school a list of the educational options available to children who reside in the pupil's resident school district, including public schools, private schools participating in ~~a parental~~ the private school choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the youth apprenticeship program under s. 106.13, the early college credit program, and options for pupils enrolled in a home-based private educational program. A school that does not operate high school grades is not required to include an educational option that is offered only to high school pupils in a list of educational options provided under this subsection.

SECTION 25. 115.39 (1) (b) 2. of the statutes, as created by 2023 Wisconsin Act 20, is amended to read:

115.39 (1) (b) 2. A private school participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23~~.

SECTION 26. 115.39 (3) (a) 2. b. of the statutes, as created by 2023 Wisconsin Act 20, is amended to read:

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115.39 (3) (a) 2. b. From the eligible schools identified under subd. 1., the office shall select at least 2 eligible schools that are private schools participating in ~~a the private school choice program under s. 118.60 or 119.23.~~

SECTION 27. 115.7915 (1) of the statutes is repealed and recreated to read:

115.7915 (1) DEFINITIONS. In this section:

(a) “Accrediting entity” has the meaning given in s. 118.70 (1).

(b) “Administrator” means the superintendent, supervising principal, executive director, or other person who acts as the administrative head of a private school participating in the program under this section.

(c) “Disqualified accrediting organization” has the meaning given in s. 118.70 (4).

(d) “Eligible school” means a private school located in this state.

(e) “January count date” means the 2nd Friday in January or an alternative date designated by the department under sub. (4) (c).

(f) “Preaccreditation” has the meaning given in s. 118.70 (13).

(g) “Preaccrediting entity” has the meaning given in s. 118.70 (14).

(h) “Resident school board” means the school board of a resident school district.

(i) “Resident school district” means the school district in which a pupil resides.

(j) “September count date” means the 3rd Friday in September or an alternative date designated by the department under sub. (4) (c).

(k) “Services plan” has the meaning given in 34 CFR 300.37.

(L) “Teacher” has the meaning given in s. 118.70 (19).

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SECTION 28. 115.7915 (2) (c) of the statutes is repealed and recreated to read:

115.7915 **(2)** (c) The eligible school satisfies the requirements under sub. (2m).

SECTION 29. 115.7915 (2) (i) of the statutes is created to read:

115.7915 **(2)** (i) The eligible school maintains at least one physical location in this state from which the eligible school is operated.

SECTION 30. 115.7915 (2m) of the statutes is created to read:

115.7915 **(2m)** ACCREDITATION. (a) Each private school that begins participation in the program under this section in a school year beginning on or after the effective date of this paragraph [LRB inserts date], and that is not accredited by an accrediting entity, shall obtain preaccreditation by a preaccrediting entity by the first weekday in August before the first school term in which the private school begins participation in the program under this section, or by the first weekday in May if the private school begins participation in the program during summer school. A private school to which this paragraph applies may apply for and seek to obtain preaccreditation from one preaccrediting entity each school year. A private school to which this paragraph applies that fails to obtain preaccreditation as required under this paragraph may not begin participation in the program under this section until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for a subsequent school year. The fact that a private school has obtained preaccreditation does not require an accrediting entity to accredit the private school.

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(b) Each private school that begins participation in the program under this section in a school year beginning on or after the effective date of this paragraph ... [LRB inserts date], and that is not accredited by an accrediting entity by the first weekday in August before the first school term in which the private school begins participation in the program under this section shall do all of the following:

1. Apply for accreditation by an accrediting entity by the last weekday in December of the first school year in which the private school begins participation in the program under this section.

2. Achieve accreditation by an accrediting entity by the first weekday in December of the 3rd school year following the first school year in which the private school begins participation in the program under this section.

(c) 1. If a private school that is participating in the program under this section and that is accredited to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall do all of the following:

- a. Apply for accreditation of the high school grades by an accrediting entity by the last weekday in December of the first school year in which the private school offers instruction in a high school grade.

- b. Achieve accreditation for the high school grades by the first weekday in December of the 3rd school year following the first school year in which the private school provides instruction in a high school grade.

2. If a private school that is participating in the program under this section and that is accredited to offer instruction in any high school grade, but not any

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elementary grade, seeks to offer instruction in any elementary grade, the private school shall do all of the following:

a. Apply for accreditation of the elementary grades by an accrediting entity by the last weekday in December of the first school year in which the private school offers instruction in an elementary grade.

b. Achieve accreditation for the elementary grades by the first weekday in December of the 3rd school year following the first school year in which the private school provides instruction in an elementary grade.

(d) 1. The governing body of a private school participating in the program under this section, except for a private school obtaining accreditation as allowed under par. (c), shall ensure that the private school continuously maintains accreditation from an accrediting entity as long as the private school continues to participate in the program under this section.

2. The governing body of a private school participating in the program under this section shall, subject to subd. 3., annually, by the first weekday in August, provide the department with evidence demonstrating that the private school remains accredited for the current school year as required under this subsection. The governing body of the private school shall include as evidence of accreditation a notice prepared by an accrediting entity that confirms that the private school is accredited by that entity as of the date of the notice.

3. The governing body of a private school participating in the program under this section shall immediately notify the department if its accreditation status changes.

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(e) If a private school participating in the program under this section learns that an accrediting entity with which the private school is maintaining accreditation, as required under this subsection, is a disqualified accrediting organization, the private school shall immediately notify the department in writing of this fact and shall obtain accreditation from an accrediting entity no later than 3 years from the date on which the private school learned that the accrediting entity is a disqualified accrediting organization.

(f) If any accrediting or preaccrediting entity determines during the accrediting or preaccrediting process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

(g) Notwithstanding pars. (a), (b), and (d), a private school that was a first-time participant in the program under this section before the effective date of this paragraph [LRB inserts date], and that qualified to participate in the program under this section as a private school approved under s. 118.165 (2), 2023 stats., is not required to meet the requirements under this subsection unless the private school adds a grade or changes its curriculum. If the private school adds a grade or changes curriculum in the 2025-26 school year or any school year thereafter, the private school shall achieve accreditation by an accrediting entity by December 15 of the 3rd school year following the school year in which the private school adds a grade or changes its curriculum.

(h) Notwithstanding par. (c), a private school that participated in the program under this section in the 2024-25 school year, and for purposes of participating in that school year satisfied the requirement under s. 115.7915 (2) (c), 2023 stats., as

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an accredited private school, as required under s. 115.7915 (2) (c), 2023 stats., but was not accredited for each grade at which the private school offered instruction during the 2024-25 school year, shall do all of the following:

1. Apply for accreditation of all grades offered by the private school by an accrediting entity by December 31, 2025.

2. Achieve accreditation of all grades offered by the private school by December 1, 2028.

SECTION 31. 115.7915 (4) (c) of the statutes is created to read:

115.7915 (4) (c) If pupils enrolled in a private school participating in the program under this section or receiving a payment under sub. (4m) will not be in attendance at the private school on the 3rd Friday in September or the 2nd Friday in January because of a regularly scheduled holiday or for a reason approved by the governing body of the private school, upon request from the private school, the department shall designate an alternative count date for the private school.

SECTION 32. 115.7915 (4m) (e) 2. of the statutes 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~~ the private school choice program ~~under s. 118.60 or 119.23~~ in that school

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year. The department shall make scholarship payments under this paragraph in accordance with the payment schedule specified in ~~s. 119.23 (4) (e)~~ par. (b).

SECTION 33. 115.7915 (4m) (g) of the statutes is created to read:

115.7915 **(4m)** (g) Beginning in the 2025-26 school year, a private school participating in the program under this section shall engage an independent auditor to complete an enrollment attestation report for the September count date and for the January count date. An independent auditor completing an enrollment attestation report under this paragraph shall comply with the attestation standards established by the American Institute of Certified Public Accountants. Each enrollment attestation report shall identify at least all of the following:

1. Pupils who were not eligible for a payment under this section but for whom the private school received a payment under this section.

2. Pupils who have incorrect data in the department's database who are attending the private school under the program under this section.

3. Pupils attending the private school participating in the program under the section for whom the private school did not receive a payment under this section.

SECTION 34. 115.7915 (6) (e) of the statutes is amended to read:

115.7915 **(6)** (e) Annually, by the last weekday in October ~~15~~ following a school year in which a private school participated in the program under this section, submit to the department an independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents the private school's eligible education expenses, ~~and beginning in the 2nd~~

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~~school year a private school participates in the program under this section, a copy of a management letter prepared by the auditor.~~ If the private school annually received a total of at least \$100,000 under this section and ~~ss. 118.60 and 119.23~~ the private school choice program in any school year, the audit shall be prepared in accordance with generally accepted accounting principles with allowable modifications for long-term fixed assets. If the private school has not annually received a total of at least \$100,000 under this section and ~~ss. 118.60 and 119.23~~ the private school choice program in any school year, the audit shall be prepared as prescribed by the department by rule. The audit shall include a calculation of the private school's net eligible education expenses and a calculation of the balance of the private school's fund for future eligible education expenses. The auditor shall conduct his or her audit, including determining sample sizes and evaluating financial viability, in accordance with the auditing standards established by the American Institute of Certified Public Accountants. The department may not require an auditor to comply with standards that exceed the scope of the standards established by the American Institute of Certified Public Accountants. If a private school participating in ~~a~~ the program under this section is part of an organization and the private school and the organization share assets, liabilities, or eligible education expenses, the private school may submit an audit of the private school or of the organization of which it is a part. If a private school that is part of an organization with which it shares assets, liabilities, or eligible education expenses submits an audit of only the private school, the independent auditor shall use his or her professional judgment to allocate any shared assets, liabilities, and eligible

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education expenses between the organization and the private school. If a private school participating in the program under this section also accepts pupils under ~~ss. 118.60 or 119.23~~ the private school choice program, the private school may submit one comprehensive financial audit to satisfy the requirements of this paragraph and ~~ss. 118.60 (7) (am) 2m. and 119.23 (7) (am) 2m., whichever are applicable~~ the private school choice program. The private school shall include in the comprehensive financial audit the information specified under ~~ss. 118.60 (7) (am) 2m. and 119.23 (7) (am) 2m.~~ s. 118.83 (2). Each private school participating in the program under this section is subject to uniform financial accounting standards established by the department.

SECTION 35. 115.7915 (6) (em) of the statutes is created to read:

115.7915 (6) (em) Beginning in the 2025-26 school year, if the private school participates in the private school choice program, received at least \$50,000 in scholarships under this section in any previous school year, or expects to receive \$50,000 in scholarships under this section during a school year, submit to the department evidence of sound fiscal and internal control practices as prescribed by the department by rule by the last weekday in October following the school year in which the private school participated in the program under this section. An independent auditor engaged to evaluate the private school's fiscal and internal control practices shall conduct the evaluation, including determining sample sizes, in accordance with attestation standards established by the American Institute of Certified Public Accountants.

SECTION 36. 115.7915 (6) (i) of the statutes is amended to read:

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115.7915 (6) (i) Regularly report to the parent of a child attending the private school and receiving a scholarship under this section, except for the parent of a child who has been determined to no longer have a disability, on the child's progress.

SECTION 37. 115.7915 (6) (k) of the statutes is amended to read:

115.7915 (6) (k) Annually, on or before the first Monday after the 3rd Friday in September ~~15~~, file with the department a report stating its summer daily attendance for each day of summer school for the purpose of sub. (4p).

SECTION 38. 115.7915 (6) (L) of the statutes is created to read:

115.7915 (6) (L) 1. a. Beginning in the 2025-26 school year, except as provided in subd. 1. b. or c. or 2., ensure that all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a master's or doctorate, from a nationally or regionally accredited institution of higher education.

b. A teacher employed by the private school who teaches only courses in rabbinical studies is not required to have a bachelor's degree or a teaching license issued by the department.

c. An individual employed by a private school who holds a substitute teacher permit issued under s. 118.19 (7m) may teach at the private school as allowed under the substitute teacher permit.

2. Any teacher employed on July 1, 2025, by a private school participating in the program under this section, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2025, and who does not satisfy the requirements under subd. 1. on July 1, 2025, shall apply to the department on a

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form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 1. The department shall promulgate rules to implement this subdivision including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 1., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's degree and the anticipated date on which the teacher expects to complete the bachelor's degree. No waiver granted under this subdivision is valid after July 1, 2030.

3. a. Beginning in the 2025-26 school year, except as provided in subd. 3. b., ensure that all of the private school's administrators have at least a bachelor's degree from a nationally or regionally accredited institution of higher education or a teaching license or administrator license issued by the department.

b. An administrator of the private school that prepares and trains pupils attending the private school in rabbinical studies is not required to have a bachelor's degree or a teaching license or administrator license issued by the department.

4. Beginning in the 2025-26 school year, ensure that all of the private school's teacher's aides satisfy at least one of the following:

a. The individual graduated from high school.

b. The individual obtained a declaration of equivalency of high school graduation.

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c. The individual obtained a high school diploma by the administrator of a home-based private educational program.

d. The individual obtained a general educational development certificate of high school equivalency.

e. The individual obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

SECTION 39. 115.7915 (6) (m) of the statutes is created to read:

115.7915 **(6)** (m) Beginning in the 2025-26 school year, ensure that a pupil attending the private school under this section is not required to participate in any religious activity if the pupil's parent or guardian submits to the pupil's teacher or the private school's principal a written request that the pupil be exempt from religious activities.

SECTION 40. 115.7915 (6) (n) of the statutes is created to read:

115.7915 **(6)** (n) Beginning in the 2025-26 school year, if the private school offers virtual instruction to pupils receiving a scholarship under this section, ensure that a teacher is responsible for all of the following for each pupil receiving the virtual instruction:

1. Improving learning by planned instruction.
2. Diagnosing learning needs.
3. Prescribing content delivery through class activities.
4. Assessing learning.
5. Reporting outcomes to administrators and parents and guardians.

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6. Evaluating the effects of instruction.

SECTION 41. 115.7915 (8) (am) of the statutes is created to read:

115.7915 (8) (am) The department may bar a private school from participating in the program under this section in the following school year if the department determines that any of the following has occurred:

1. The private school has not complied with the requirements under sub. (2m) (d).

2. The private school's application for accreditation has been denied by the accrediting entity.

3. The private school has not achieved accreditation within the periods allowed under sub. (2m) (a) and (b).

SECTION 42. 115.7915 (8) (ap) of the statutes is created to read:

115.7915 (8) (ap) 1. If the department determines that any of the following has occurred, the department shall issue an order barring a private school's participation in the program under this section at the end of the current school year:

a. The private school participating in the program under this section failed to continuously maintain accreditation as required under sub. (2m) (d).

b. The governing body of the private school participating in the program under this section has withdrawn the private school from the accreditation process.

c. The private school's accreditation has been revoked, denied, or terminated by an accrediting entity.

2. A private school whose participation in the program under this section is

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barred under subd. 1. may not participate in the program under this section until the governing body of the private school demonstrates to the satisfaction of the department that it has obtained accreditation from an accrediting entity, provided the accreditation is from an accrediting entity other than the accrediting entity with which the private school failed to continuously maintain accreditation or, if the private school's accreditation was revoked, denied, or terminated, other than the accrediting entity that revoked, denied, or terminated the private school's accreditation.

SECTION 43. 115.7915 (8m) of the statutes is repealed.

SECTION 44. Subchapter I (title) of chapter 118 [precedes 118.001] of the statutes is created to read:

CHAPTER 118**SUBCHAPTER I****SCHOOL OPERATIONS**

SECTION 45. 118.015 (1m) (c) and (d) of the statutes, as created by 2023 Wisconsin Act 20, are amended to read:

118.015 (**1m**) (c) The department shall award grants to reimburse school boards, operators of charter schools, and governing bodies of private schools participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23~~ that adopt a literacy curriculum from the recommendations adopted under par. (b) after January 1, 2024. A grant under this paragraph shall be an amount equal to one-half of the costs of purchasing the literacy curriculum and instructional materials adopted from the recommendations adopted under par. (b). If the amount

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appropriated for this purpose is insufficient to pay the full amount to all grant recipients under this paragraph, the department shall prorate the grant awards among all grant recipients.

(d) Beginning on July 21, 2023, no school board, operator of a charter school, or governing body of a private school participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23~~ may purchase curricula or instructional materials that include 3-cueing.

SECTION 46. 118.015 (5) of the statutes, as created by 2023 Wisconsin Act 20, is amended to read:

118.015 (5) PROHIBITED INSTRUCTIONAL PRACTICES; 3-CUEING. Beginning in the 2024-25 school year, no public school, including a charter school, or private school participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23~~ may provide instruction that incorporates 3-cueing in the core reading curriculum for grades kindergarten to 3 or in supplemental materials, including materials used for reading intervention, for pupils in grades kindergarten to 3.

SECTION 47. 118.124 (1) (a) of the statutes, as created by 2023 Wisconsin Act 12, is amended to read:

118.124 (1) (a) “Participating private high school” means a private school participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23~~ that operates high school grades.

SECTION 48. 118.125 (4) of the statutes is amended to read:

118.125 (4) TRANSFER OF RECORDS. No later than the next working day, a school district, a private school participating in the private school choice program

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~~under s. 118.60 or in the program under s. 119.23~~, and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer to another school, including a private or tribal school, or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and “school district” include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled that provides an educational program for its residents instead of or in addition to that which is provided by public, private, and tribal schools.

SECTION 49. 118.30 (1g) (a) 3. of the statutes is amended to read:

118.30 (1g) (a) 3. ~~The governing body of each private school participating in the program under s. 119.23 and the~~ governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity

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schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

SECTION 50. 118.30 (1g) (a) 4. of the statutes is amended to read:

118.30 (1g) (a) 4. The governing body of each private school participating in the private school choice program ~~under s. 118.60~~ shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

SECTION 51. 118.30 (1s) (intro.) of the statutes is amended to read:

118.30 (1s) (intro.) Annually, ~~the governing body of each private school participating in the program under s. 119.23, other than a private school at which fewer than 20 pupils in grades 3 to 12 are attending the school under the program under s. 119.23,~~ and the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall do all of the following:

SECTION 52. 118.30 (1s) (a) of the statutes is amended to read:

118.30 (1s) (a) Administer the 4th grade examination adopted or approved by

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the state superintendent under sub. (1) to all pupils attending the 4th grade in the ~~private school under s. 119.23.~~

SECTION 53. 118.30 (1s) (b) of the statutes is amended to read:

118.30 (1s) (b) Administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the ~~private school under s. 119.23.~~

SECTION 54. 118.30 (1s) (bm) of the statutes is amended to read:

118.30 (1s) (bm) ~~Beginning in the 2014-15 school year, in~~ In the spring session, administer the 9th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 9th grade in the ~~private school under s. 119.23.~~

SECTION 55. 118.30 (1s) (c) of the statutes is amended to read:

118.30 (1s) (c) In the spring session, administer the 10th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in the ~~private school under s. 119.23.~~

SECTION 56. 118.30 (1s) (cm) of the statutes is amended to read:

118.30 (1s) (cm) ~~Beginning in the 2014-15 school year in~~ In the spring session, administer the 11th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 11th grade in the ~~private school under s. 119.23.~~

SECTION 57. 118.30 (1s) (d) of the statutes is amended to read:

118.30 (1s) (d) Administer to pupils attending the ~~private school under s.~~

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~~119.23~~ all other examinations in reading, mathematics, and science that are required to be administered to public school pupils under 20 USC 6311 (b) (2).

SECTION 58. 118.30 (1t) of the statutes is amended to read:

118.30 (1t) Annually, the governing body of each private school participating in the private school choice program ~~under s. 118.60~~, other than a private school at which fewer than 20 pupils in grades 3 to 12 are attending the school under the private school choice program ~~under s. 118.60~~, shall do all of the following:

(a) Administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 4th grade in the private school under ~~s. 118.60~~ the private school choice program.

(b) Administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the private school under ~~s. 118.60~~ the private school choice program.

~~(bm) Beginning in the 2014-15 school year, in~~ In the spring session, administer the 9th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 9th grade in the private school under ~~s. 118.60~~ the private school choice program.

(c) In the spring session, administer the 10th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in the private school under ~~s. 118.60~~ the private school choice program.

~~(cm) Beginning in the 2014-15 school year, in~~ In the spring session, administer the 11th grade examination adopted or approved by the state

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superintendent under sub. (1) to all pupils attending the 11th grade in the private school under ~~s. 118.60~~ the private school choice program.

(d) Administer to pupils attending the private school under ~~s. 118.60~~ the private school choice program all other examinations in reading, mathematics, and science that are required to be administered to public school pupils under 20 USC 6311 (b) (2).

(e) If the governing body of the private school maintains ~~an Internet site~~ a website for the school, annually publish information on that ~~Internet site~~ website about the examinations administered under this subsection to pupils in the school.

SECTION 59. 118.30 (2) (b) 1. of the statutes is amended to read:

118.30 (2) (b) 1. If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board, operator of the charter school under s. 118.40 (2r) or (2x), or governing body of the private school participating in the private school choice program ~~under s. 118.60, or governing body of the private school participating in the program under s. 119.23~~ shall comply with s. 115.77 (1m) (bg).

SECTION 60. 118.30 (2) (b) 2. of the statutes is amended to read:

118.30 (2) (b) 2. According to criteria established by the state superintendent by rule, the school board, operator of the charter school under s. 118.40 (2r) or (2x), or governing body of the private school participating in the private school choice program ~~under s. 118.60, or governing body of the private school participating in the program under s. 119.23~~ may determine not to administer an examination under this section to a limited-English speaking pupil, as defined under s. 115.955

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(7), may permit the pupil to be examined in his or her native language, or may modify the format and administration of an examination for such pupils.

SECTION 61. 118.30 (2) (b) 5. of the statutes is repealed.

SECTION 62. 118.30 (2) (b) 6. of the statutes is amended to read:

118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing body of a private school participating in the private school choice program ~~under s. 118.60~~ shall excuse the pupil from taking an examination administered under sub. (1t) (a) to (cm) or s. 118.301 (3).

SECTION 63. 118.30 (5m) of the statutes is amended to read:

118.30 (5m) When determining the percentage of pupils participating in the private school choice program ~~under s. 119.23~~ who performed at designated proficiency levels on the examinations administered as required under sub. (1s) (1t) or s. 118.301 (3), the department shall consider only the pupils participating in the private school choice program ~~under s. 119.23~~ to whom the examinations were administered at each grade level, and shall exclude from consideration those pupils participating in the private school choice program ~~under s. 119.23~~ who were excused from taking the examinations under sub. (2) (b) ~~5.~~ 6.

SECTION 64. 118.301 (3) (c) of the statutes is repealed.

SECTION 65. 118.301 (3) (d) of the statutes is amended to read:

118.301 (3) (d) Notwithstanding s. 118.30 (1t), beginning in the first full school year following the date on which the research center submitted the list of approved examinations to the department under sub. (2) (a), the governing body of a private school participating in ~~a~~ the private school choice program ~~under s.~~

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~~118.60~~ that is required to administer an examination under s. 118.30 (1t) is not required to administer an examination adopted or approved by the state superintendent under s. 118.30 (1) in any grade for which an examination is required to be administered under s. 118.30 if the governing body administers in that grade an alternative examination approved by the research center under sub. (2). If the governing body of the private school elects to administer an alternative examination under this paragraph, the governing body shall notify the department of its intent to administer the examination and shall publish that fact and information about the examination on the school's ~~Internet site~~ website.

SECTION 66. 118.301 (4) (a) of the statutes is amended to read:

118.301 (4) (a) If a school board, an operator of a charter school under s. 118.40 (2r) or (2x), or the governing body of a private school participating in ~~a the~~ private school choice program ~~under s. 118.60 or 119.23~~ administers an alternative examination under sub. (3), the school board, operator, or governing body shall submit the examination results to the research center.

SECTION 67. 118.33 (1) (f) 2m. of the statutes is amended to read:

118.33 (1) (f) 2m. ~~The governing body of each private school participating in the program under s. 119.23 and the~~ governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending ~~the private school~~

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~~under s. 119.23 or~~ the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

SECTION 68. 118.33 (1) (f) 2r. of the statutes is amended to read:

118.33 (1) (f) 2r. The governing body of each private school participating in the private school choice program ~~under s. 118.60~~ shall develop and periodically review and revise a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. ~~118.60~~ the private school choice program. The criteria shall include the pupil's academic performance, successful completion of the civics test under sub. (1m) (a), and the recommendations of teachers.

SECTION 69. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under s. 118.40 (2r) or (2x) nor an individual or group or person that, pursuant to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. ~~Neither the governing body of a private school participating in the program under s. 119.23 nor a~~ A governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation

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and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may not grant a high school diploma to any pupil attending ~~the private school under s. 119.23 or~~ the school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m. The governing body of a private school participating in the private school choice program ~~under s. 118.60~~ may not grant a high school diploma to any pupil attending the private school under ~~s. 118.60~~ the private school choice program unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2r.

SECTION 70. 118.33 (1m) (a) 1. of the statutes is amended to read:

118.33 (1m) (a) 1. ~~Beginning in the 2016-17 school year, no~~ No school board, operator of a charter school under s. 118.40 (2r) or (2x), or governing body of a private school participating in ~~a~~ the private school choice program ~~under s. 118.60 or 119.23~~ may, except as provided in subd. 2. and subject to the policies under sub. (2) (m), grant a high school diploma to any pupil unless the pupil takes, during the high school grades, a civics test comprised of 100 questions that are identical to the 100 questions that may be asked of an individual during the process of applying for U.S. citizenship by the United States Citizenship and Immigration Services and the pupil correctly answers at least 65 of those questions.

SECTION 71. 118.33 (1m) (a) 2. a. of the statutes is amended to read:

118.33 (1m) (a) 2. a. Except as provided in subd. 2. b., a school board, operator

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of a charter school under s. 118.40 (2r) or (2x), and governing body of a private school participating in ~~–a– the private school choice program under s. 118.60 or 119.23~~ shall require a pupil for whom an individualized education program under s. 115.787 is in effect and a parentally placed child with a disability, as defined in 34 CFR 300.130, to complete the civics test described under subd. 1. but may not condition graduation on the successful completion of the test.

SECTION 72. 118.33 (1m) (a) 2. b. of the statutes is amended to read:

118.33 (1m) (a) 2. b. If a pupil's individualized education program under s. 115.787 or a services plan, as defined in 34 CFR 300.37, includes a statement that it is not appropriate to administer the civics test under subd. 1. to the pupil, a school board, operator of a charter school under s. 118.40 (2r) or (2x), and governing body of a private school participating in ~~–a– the private school choice program under s. 118.60 or 119.23~~ may not make completion of the civics test described under subd. 1. a condition of graduation for that pupil.

SECTION 73. 118.33 (1m) (a) 3. of the statutes is amended to read:

118.33 (1m) (a) 3. A school board, operator of a charter school under s. 118.40 (2r) or (2x), and governing body of a private school participating in ~~–a– the private school choice program under s. 118.60 or 119.23~~ shall permit a limited-English proficient pupil, as defined in s. 115.955 (7), to take the civics test described under subd. 1. in the pupil's language of choice.

SECTION 74. 118.33 (1m) (b) of the statutes is amended to read:

118.33 (1m) (b) A school board, operator of a charter school under s. 118.40 (2r) or (2x), and governing body of a private school participating in ~~–a– the private~~

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school choice program ~~under s. 118.60 or 119.23~~ may determine the format of the civics test required under this subsection and when in the school year to administer the test.

SECTION 75. 118.33 (6) (c) of the statutes, as affected by 2023 Wisconsin Act 20, is repealed.

SECTION 76. 118.33 (6) (cr) of the statutes, as affected by 2023 Wisconsin Act 20, is amended to read:

118.33 (6) (cr) 1. The governing body of each private school participating in the private school choice program ~~under s. 118.60~~ shall adopt a written policy specifying criteria for promoting a pupil who is attending the private school under ~~s. 118.60~~ the private school choice program from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1t) (a) or (b) or s. 118.301 (3), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the governing body of the private school.

2. The governing body of a private school participating in the private school choice program ~~under s. 118.60~~ may not promote a 4th grade pupil who is attending the private school under ~~s. 118.60~~ the private school choice program to the 5th grade, and may not promote an 8th grade pupil who is attending the private school under ~~s. 118.60~~ the private school choice program to the 9th grade, unless the pupil

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satisfies the criteria for promotion specified in the governing body's policy under subd. 1.

3. By July 1, 2025, the governing body of each private school participating in the private school choice program ~~under s. 118.60~~ shall adopt a written policy specifying the criteria for promoting a pupil from the 3rd grade to the 4th grade that includes at least a requirement to provide to a pupil promoted to 4th grade who scored below grade-level in reading on the examination under s. 121.02 (1) (r) the services described in sub. (5m) (a) 1. to 3. and a good cause exception similar to the exception under sub. (5m) (b). Beginning on September 1, 2027, the governing body of a private school participating in the private school choice program ~~under s. 118.60~~ may not promote a 3rd grade pupil to the 4th grade unless the pupil satisfies the criteria for promotion specified in the governing body's policy under this subdivision.

SECTION 77. 118.38 (4) of the statutes is repealed.

SECTION 78. 118.40 (2r) (e) 2p. a. of the statutes is amended to read:

118.40 (2r) (e) 2p. a. Add the amounts appropriated in the current fiscal year under s. 20.255 (2), except s. 20.255 (2) (ac), (aw), (az), (bb), (dj), (du), (fm), (fp), (fq), (fr), ~~(fu)~~, (k), and (m); and s. 20.505 (4) (es); and the amount, as determined by the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated for payments to telecommunications providers under contracts with school districts and cooperative educational service agencies under s. 16.971 (13).

SECTION 79. 118.56 (1) of the statutes is amended to read:

118.56 (1) Require a pupil in the program to work at least 280 hours per

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school year for an employer that complies with sub. (3). Hours of instruction may not be used to satisfy the work requirements under this subsection. Hours that fulfill the work requirements under this subsection shall be counted as hours of direct pupil instruction, as provided under ~~ss. 118.60 (2) (a) 8. and 119.23 (2) (a) 8.~~ s. 118.79 (1).

SECTION 80. 118.57 (1) of the statutes is amended to read:

118.57 (1) Annually, by January 31, each school board shall publish as a class 1 notice, under ch. 985, and post on its ~~Internet site~~ website a description of the educational options available to children in the school district, including public schools, private schools participating in ~~a parental~~ the private school choice program, charter schools, virtual schools, full-time or part-time open enrollment in a nonresident school district, the youth apprenticeship program under s. 106.13, and the early college credit program. A school board that does not operate high school grades is not required to include an educational option offered only to high school pupils in a description of educational options under this subsection.

SECTION 81. 118.57 (2) of the statutes is amended to read:

118.57 (2) The school board shall include in the notice under sub. (1) the most recent performance category assigned under s. 115.385 (1) (b) to each school within the school district boundaries, including charter schools established under s. 118.40 (2r) or (2x) and private schools participating in ~~a parental~~ the private school choice program ~~under s. 118.60 or 119.23.~~ The notice published by the school board shall inform parents that the full school and school district accountability report is available on the school board's ~~Internet site~~ website.

SENATE BILL 989**SECTION 82**

SECTION 82. 118.60 (title) and (1) (am) of the statutes are repealed.

SECTION 83. 118.60 (1) (intro.), (ab), (ad), (af), (ag), (bn), (c), (cm), (d) and (g) of the statutes are renumbered 118.70 (intro.), (1), (2), (4), (5), (10), (13), (14), (15) and (19), and 118.70 (intro.), (2), (4), (5) (intro.) and (c), (10) (a) (intro.) and (b), (13) and (14), as renumbered, are amended to read:

118.70 Definitions. (intro.) In this ~~section~~ subchapter:

(2) “Administrator” means the superintendent, supervising principal, executive director, or other person who acts as the administrative head of a participating private school ~~participating in the program under this section.~~

(4) “Disqualified accrediting organization” means an accrediting organization that is not an accrediting entity or a member of or otherwise sanctioned by an accrediting entity.

(5) (intro.) “Disqualified person” means a person who, when a private school was barred or terminated from participation in the choice program ~~under this section~~ by an order issued under ~~sub. (10)~~ s. 118.85 or s. 118.60 (10), 2023 stats., or s. 119.23 (10), 2023 stats., satisfied at least one of the following:

(c) Was responsible for an action or circumstance that led to the private school being barred or terminated from participation in the choice program ~~under this section.~~

(10) (a) (intro.) Except as provided in ~~subd. 2. par. (b)~~, “new private school” means a school that qualifies as a private school under s. 115.001 (3r) and that satisfies either of the following:

(b) “New private school” does not include a private school the governing body

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of which operates or manages a private school that is participating in the choice program ~~under this section or under s. 119.23~~ if all of the following apply:

1. No payment has been withheld from any private school operated or managed by the governing body under ~~sub. s. 118.85 or s. 118.60~~ (10) (d) ~~or, 2023 stats., or s. 119.23 (10) (d), 2023 stats.,~~ in the 3 immediately preceding school years.

2. No order barring any private school operated or managed by the governing body from participating in the choice program ~~under this section or s. 119.23~~ has been issued under ~~sub. s. 118.85 or s. 118.60~~ (10) (a), (am), (ar), or (b) ~~or under, 2023 stats., or s. 119.23 (10) (a), (am), (ar), or (b), 2023 stats.,~~ in the 3 immediately preceding school years.

(13) “Preaccreditation” means the review and approval of an educational plan. Review of an ~~education~~ educational plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). ~~The fact that a private school has obtained preaccreditation does not require an accrediting entity to accredit the private school.~~

(14) “Preaccrediting entity” means ~~the Institute for the Transformation of Learning at Marquette University,~~ Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, Wisconsin Association of Christian Schools, Christian Schools International, Association of Christian Schools International, and the diocese or archdiocese within which a private school is located.

SENATE BILL 989**SECTION 84**

SECTION 84. 118.60 (2) (a) (intro.) of the statutes is renumbered 118.72 (1) (intro.) and amended to read:

118.72 (1) ELIGIBILITY. (intro.) ~~Subject to pars. (ag) and (ar), any~~ Any pupil in grades kindergarten to 12 who resides ~~within an eligible school district in this state~~ may attend ~~any a participating~~ private school under this section and, subject to ~~pars. (ag), (ar), (be), (bm), and (bs), any pupil in grades kindergarten to 12 who resides in a school district, other than an eligible school district or a 1st class city school district, may attend any private school under this section~~ the choice program if all of the following apply:

SECTION 85. 118.60 (2) (a) 1. a. of the statutes is renumbered 118.72 (1) (a) and amended to read:

118.72 (1) (a) ~~Except as provided in par. (bm)~~ Racine pupils and Milwaukee pupils. For a Racine pupil or a Milwaukee pupil, the pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. ~~In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. Except as provided in subd. 1. c. and d., the family income of the pupil shall be verified as provided in subd. 1. b. A pupil attending a private school under this section whose family income increases may continue to attend a private school under this section.~~

SECTION 86. 118.60 (2) (a) 1. b., c. and d. of the statutes are repealed.

SECTION 87. 118.60 (2) (a) 2. of the statutes is repealed.

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SECTION 88. 118.60 (2) (a) 3. of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 89. 118.60 (2) (a) 3. a. of the statutes is amended to read:

118.60 (2) (a) 3. a. Except as provided in subd. 3. b. and c. ~~and par. (a) 1.~~, the private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 119.23, and paid the nonrefundable fee, set by the department as required under s. 119.23 (2) (a) 3., by January 10 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 119.23 for which the school has space.

SECTION 90. 118.60 (2) (a) 4. of the statutes is renumbered 118.80 (1) and amended to read:

118.80 (1) NONDISCRIMINATION. The Each participating private school ~~complies~~ shall comply with 42 USC 2000d.

SECTION 91. 118.60 (2) (a) 5. of the statutes is renumbered 118.80 (2) and amended to read:

118.80 (2) HEALTH AND SAFETY. The Each participating private school ~~meets~~ shall comply with all health and safety laws or codes that apply to public schools.

SECTION 92. 118.60 (2) (a) 6. a. of the statutes is renumbered 118.81 (1) (a) and amended to read:

118.81 (1) (a) Except as provided in ~~subd. 6. c. and d.,~~ pars. (b) and (c), a participating private school shall ensure that all of the participating private school's teachers have a teaching license issued by the department or a bachelor's

SENATE BILL 989**SECTION 92**

degree or a degree or educational credential higher than a bachelor's degree, including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited institution of higher education.

SECTION 93. 118.60 (2) (a) 6. b. of the statutes is renumbered 118.81 (2) (a) and amended to read:

118.81 (2) (a) ~~All~~ Except as provided in par. (b), a participating private school shall ensure that all of the participating private school's administrators have at least a bachelor's degree from a nationally or regionally accredited institution of higher education or a teaching license or ~~administrator's~~ administrator license issued by the department.

SECTION 94. 118.60 (2) (a) 6. c. and d. of the statutes are repealed.

SECTION 95. 118.60 (2) (a) 7. a. of the statutes is repealed.

SECTION 96. 118.60 (2) (a) 7. b. of the statutes is renumbered 118.74 (1) and amended to read:

118.74 (1) PREACCREDITATION. Each private school that begins participation in the choice program ~~under this section on or after April 10, 2014,~~ and that is not accredited by an accrediting entity, shall obtain preaccreditation by a preaccrediting entity by the first weekday in August ~~1~~ before the first school term in which the private school begins participation in the choice program ~~under this section,~~ or by the first weekday in May ~~1~~ if the private school begins participating in the choice program during summer school. ~~In any school year, a~~ A private school ~~to which this subd. 7. b. applies~~ may apply for and seek to obtain preaccreditation from ~~only~~ one preaccrediting entity each school year. A private school ~~to which this~~

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~~subd. 7. b. applies~~ that fails to obtain preaccreditation as required under this ~~subd. 7. b. subsection~~ may not participate in the choice program ~~under this section or under s. 119.23~~ until preaccreditation has been obtained, but the private school may apply for and seek to obtain preaccreditation from a preaccrediting entity for ~~the following~~ a subsequent school year. The fact that a private school has obtained preaccreditation does not require an accrediting entity to accredit the private school.

SECTION 97. 118.60 (2) (a) 7. c. of the statutes is renumbered 118.74 (2) (intro.) and amended to read:

118.74 (2) INITIAL ACCREDITATION. (intro.) A private school ~~to which subd. 7. b. applies~~ that is not accredited by the first weekday in August before the first school term in which the private school begins participating in the choice program shall ~~apply~~ do all of the following:

(a) Apply for accreditation by an accrediting entity by the last weekday in December 31 of the first school year ~~that begins after April 10, 2014,~~ in which the private school begins participation in the choice program ~~under this section, and shall achieve.~~

(b) Achieve accreditation by an accrediting entity by the first weekday in December 31 of the 3rd school year following the first school year in which the private school begins participation in the choice program ~~under this section. If the private school is accredited under this subd. 7. c., the private school is not required to obtain preaccreditation under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.~~

SENATE BILL 989**SECTION 98**

SECTION 98. 118.60 (2) (a) 8. of the statutes is renumbered 118.79 (1) and amended to read:

118.79 (1) HOURS OF INSTRUCTION. Notwithstanding s. 118.165 (1) (c), ~~the~~ each participating private school shall annually ~~provides~~ provide at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this ~~subdivision~~ subsection include recess and time for pupils to transfer between classes but do not include the lunch periods. Annually, no more than 140 hours of work under s. 118.56 may be counted as hours of direct pupil instruction.

SECTION 99. 118.60 (2) (a) 9. of the statutes is renumbered 118.79 (2) and amended to read:

118.79 (2) INSTRUCTION ON THE HOLOCAUST AND OTHER GENOCIDES. ~~If the a~~ participating private school operates any grade from 5 to 12, the participating private school ~~includes~~ shall include in its curriculum the instruction required under s. 121.02 (1) (L) 8., so far as applicable.

SECTION 100. 118.60 (2) (ag) (intro.) of the statutes is repealed.

SECTION 101. 118.60 (2) (ag) 1. (intro.) and a. of the statutes are consolidated, renumbered 118.60 (2) (ag) 1. and amended to read:

118.60 (2) (ag) 1. By the first weekday in August ~~—1—~~ of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, complete and submit to the department ~~the following~~, on forms provided by the department: ~~a. A,~~ a notice of intent to participate and agreement to comply with procedural requirements. If, at

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the time the new private school submits the information required under this subdivision, the new private school does not have a physical property within which the private school intends to operate, submit a mailing address of an administrator of the new private school.

SECTION 102. 118.60 (2) (ag) 1. of the statutes, as affected by 2023 Wisconsin Act (this act), is renumbered 118.77 (1) (intro.) and amended to read:

118.77 (1) INITIAL SUBMISSIONS TO DEPARTMENT. (intro.) By the first weekday in August of the school year immediately preceding the school year in which ~~the a~~ new private school intends to participate in the choice program ~~under this section, complete and, the new private school shall submit all of the following to the department, on forms provided by the department, a notice of intent to participate and:~~

(a) An agreement to comply with procedural requirements.

(c) The physical location of the new private school. If, at the time the new private school submits the information required under this ~~subdivision~~ subsection, the new private school does not have a physical property within which the private school intends to operate, the new private school shall submit a mailing address of an administrator of the new private school.

SECTION 103. 118.60 (2) (ag) 1. b. and c. of the statutes are repealed.

SECTION 104. 118.60 (2) (ag) 2. a. of the statutes is amended to read:

118.60 (2) (ag) 2. a. By ~~August 1~~ the 3rd Monday in October of the school year immediately preceding the school year in which the new private school intends to

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participate in the program under this section, submit to the department the information under sub. (6p) (a) and (b).

SECTION 105. 118.60 (2) (ag) 2. a. of the statutes, as affected by 2023 Wisconsin Act 2023 Wisconsin Act (this act), is repealed.

SECTION 106. 118.60 (2) (ag) 2. b. of the statutes is repealed.

SECTION 107. 118.60 (2) (ag) 2. c. of the statutes is created to read:

118.60 (2) (ag) 2. c. By the 3rd Monday in October immediately preceding the school year in which a new private school intends to participate in the program under this section, provide a surety bond payable to the state in an amount equal to the greater of \$25,000 or 25 percent of the total payment the new private school expects to receive under the program under this section during its first school year participating in the program on the basis of the information submitted under subd. 1.

SECTION 108. 118.60 (2) (ag) 2. c. of the statutes, as created by 2023 Wisconsin Act (this act), is renumbered 118.77 (2) (intro.) and amended to read:

118.77 (2) OCTOBER SUBMISSIONS TO DEPARTMENT. (intro.) By the 3rd Monday in October immediately preceding the school year in which a new private school intends to participate in the choice program ~~under this section, provide a,~~ the new private school shall submit all of the following to the department:

(a) A surety bond payable to the state in an amount equal to the greater of \$25,000 or 25 percent of the total payment the new private school expects to receive under the choice program ~~under this section~~ during its first school year

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participating in the choice program on the basis of the information submitted under ~~subd. 1.~~ sub. (1).

SECTION 109. 118.60 (2) (ag) 4. of the statutes is amended to read:

118.60 (2) (ag) 4. Notwithstanding the deadline to obtain preaccreditation under par. (a) 7. b., by ~~December 15~~ the 3rd Monday in October of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, obtain preaccreditation from a preaccrediting entity.

SECTION 110. 118.60 (2) (ag) 4. of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 111. 118.60 (2) (ag) 5. of the statutes is renumbered 118.77 (4) and amended to read:

118.77 (4) PAYROLL SERVICE. By the first weekday in August ~~4~~ of the first school year in which the new private school intends to participate in the ~~program under this section,~~ choice program, the new private school shall demonstrate to the satisfaction of the department that the new private school has contracted with a 3rd-party payroll service that will remit federal and state payroll taxes for each employee of the new private school for the duration of the school year.

SECTION 112. 118.60 (2) (ar) of the statutes is amended to read:

118.60 (2) (ar) By the first weekday in December ~~31~~ of the school year immediately preceding the school year in which a new private school intends to participate in the program under this section, the department shall notify the new private school in writing whether it has satisfied those requirements under par. (ag)

SENATE BILL 989**SECTION 112**

that must be satisfied before December 31. If the department determines that the new private school has not satisfied those requirements, the new private school may not participate in the program under this section in the following school year, but may reinitiate the process under par. (ag) for the next following school year.

SECTION 113. 118.60 (2) (ar) of the statutes, as affected by 2023 Wisconsin Act (this act), is renumbered 118.77 (3) and amended to read:

118.77 (3) COMPLIANCE NOTICE. By the first weekday in December of the school year immediately preceding the school year in which a new private school intends to participate in the choice program ~~under this section~~, the department shall notify the new private school in writing whether it has satisfied ~~those~~ the requirements under ~~par. (ag) that must be satisfied before December 31~~ subs. (1) and (2). If the department determines that the new private school has not satisfied ~~those~~ the requirements, the new private school may not participate in the choice program ~~under this section~~ in the following school year, but may reinitiate the process ~~under par. (ag) for the next following~~ a subsequent school year.

SECTION 114. 118.60 (2) (be), (bm) and (bs) of the statutes are repealed.

SECTION 115. 118.60 (2) (c) 1. of the statutes is renumbered 118.81 (1) (b) and amended to read:

118.81 (1) (b) ~~Notwithstanding par. (a) 6., a~~ A teacher employed by a participating private school ~~participating in the program under this section~~ who teaches only courses in rabbinical studies is not required to have a bachelor's degree or a teaching license issued by the department.

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SECTION 116. 118.60 (2) (c) 2. of the statutes is renumbered 118.81 (2) (b) and amended to read:

118.81 (2) (b) ~~Notwithstanding par. (a) 6., an~~ An administrator of a participating private school ~~participating in the program under this section~~ that prepares and trains pupils attending the participating private school in rabbinical studies is not required to have a bachelor's degree or a teaching license or administrator license issued by the department.

SECTION 117. 118.60 (2) (d) of the statutes is renumbered 118.73 (2) and amended to read:

118.73 (2) COMBINED PRIVATE SCHOOL. (a) In this ~~paragraph~~ subsection:

1. "Agreement year" means the first school year during which a combined private school and a participating private school ~~participating in the program under this section~~ are governed by the same governing body under a governing body agreement.

2. "Combined private school" means a private school that enters into a governing body agreement and did not participate in the choice program ~~under this section~~ in the school year preceding the agreement year.

3. "Governing body agreement" means an agreement to be governed by the same governing body that is entered into by a participating private school ~~participating in the program under this section~~ and a private school that is not participating in the choice program ~~under this section~~.

(b) If a combined private school participates in the choice program ~~under this section~~ during the agreement year or the school year following the agreement year,

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the prior year attendance requirements under ~~par. (a) 2.~~ s. 118.72 (1) (c) do not apply to a pupil who applies to attend the combined private school under ~~this section~~ the choice program during the agreement year or the school year following the agreement year.

SECTION 118. 118.60 (3) (a) (intro.) of the statutes is renumbered 118.72 (3) (a) and amended to read:

118.72 (3) (a) The Application. Except as provided in s. 118.71, a pupil or ~~the~~ a pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend under the choice program. If more than one pupil from the same family applies to attend the same private school, the pupils may use a single application.

(b) Pupil eligibility notification. No later than 60 days after the end of the application period during which an application is received ~~and subject to par. (ar),~~ ~~the,~~ a participating private school shall notify each applicant, in writing, whether ~~his or her~~ the applicant's application has been accepted. If the participating private school rejects an application, the notice shall include the reason. ~~Subject to par. (ar), a~~ A participating private school may reject an applicant only if ~~it has reached its maximum general capacity or seating capacity. Except as provided in par. (ar),~~ the pupil is not eligible under this subchapter or if the number of applications exceed the number of available choice program seats in the grade for which the pupil applied and the pupil is not selected to receive a choice program seat.

(c) Random selection process. The state superintendent shall ensure that ~~the~~ each participating private school determines which pupils to accept on a random

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basis, except that the private school may give preference to the following in accepting applications, in the order of preference listed:

SECTION 119. 118.60 (3) (a) 1m., 2m., 3., 4. and 5. of the statutes are renumbered 118.72 (3) (c) 1., 2., 3., 4. and 5., and 118.72 (3) (c) 1., 2., 3. and 5., as renumbered, are amended to read:

118.72 (3) (c) 1. Pupils who attended the participating private school under ~~this section or s. 119.23~~ the choice program during the previous school year.

2. Siblings of pupils described in subd. ~~1m.~~ 1.

3. Pupils who attended a different participating private school under ~~this section or s. 119.23~~ the choice program during the previous school year.

5. Siblings of those pupils who have been randomly accepted to attend the participating private school under ~~this section~~ the choice program and who did not attend a participating private school under ~~this section or s. 119.23~~ the choice program during the previous school year.

SECTION 120. 118.60 (3) (ar) of the statutes is repealed.

SECTION 121. 118.60 (3) (b) of the statutes is repealed.

SECTION 122. 118.60 (3) (c) of the statutes is repealed.

SECTION 123. 118.60 (3) (d) of the statutes is repealed.

SECTION 124. 118.60 (3m) (a) of the statutes is renumbered 118.82 (1), and 118.82 (1) (intro.) and (b), as renumbered, are amended to read:

118.82 (1) PROHIBITED TUITION AND PAYMENTS. (intro.) A participating private school ~~participating in the program under this section~~ may not charge or receive any additional tuition payment for a pupil participating in the choice

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program ~~under this section~~ other than the payment the school receives under sub. (4) and, if applicable, sub. (4m) s. 118.84, if either any of the following applies:

(b) The pupil is enrolled in a grade from 9 to 12 and the family income of the pupil, as determined under ~~sub. (2)(a) 1.~~ s. 118.72, does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

SECTION 125. 118.60 (3m) (am) of the statutes is renumbered 118.82 (4), and 118.82 (4) (a) (intro.), 2., 4. and 8. and (b), as renumbered, are amended to read:

118.82 (4) (a) (intro.) ~~Beginning in the 2011-12 school year, a~~ A participating private school ~~participating in the program under this section~~ may recover the cost of providing the following to a pupil participating in the choice program ~~under this section~~ through reasonable fees in an amount determined by the participating private school and charged to the pupil, ~~except that no participating private school may retroactively recover any uncollected costs incurred prior to November 19, 2011:~~

2. Social and extracurricular activities if not necessary to the participating private school's curriculum.

4. Meals consumed by pupils of the participating private school.

8. Room and board at the participating private school.

(b) A participating private school may not prohibit an eligible pupil from attending the participating private school, expel, or otherwise discipline the pupil, or withhold or reduce the pupil's grades because the pupil or the pupil's parent ~~or guardian cannot~~ does not pay or has not paid fees charged under ~~subd. 1. par. (a).~~

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SECTION 126. 118.60 (3m) (b) of the statutes is renumbered 118.82 (2), and 118.82 (2) (intro.) and (b), as renumbered, are amended to read:

118.82 (2) ALLOWABLE TUITION AND PAYMENTS. (intro.) ~~Beginning in the 2011-12 school year, a~~ A participating private school participating in the program under this section may, in addition to the payment it receives for a pupil under sub. (4) ~~and, if applicable, sub. (4m)~~ s. 118.84, charge the pupil tuition in an amount determined by the participating private school if ~~both~~ all of the following apply:

(b) The family income of the pupil, as determined under ~~sub. (2) (a) 1.~~ s. 118.72, exceeds an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

SECTION 127. 118.60 (3m) (c) of the statutes is renumbered 118.82 (3) and amended to read:

118.82 (3) APPEAL; PARTICIPATING PRIVATE SCHOOL. A participating private school participating in the program under this section shall determine whether the participating private school may charge additional tuition to a pupil on the basis of the pupil's family income as ~~permitted~~ allowed under ~~par. (b)~~ sub. (2). The participating private school shall establish a process for accepting an appeal to the governing body of the participating private school of the determination made under this ~~paragraph~~ subsection.

SECTION 128. 118.60 (4) (a) of the statutes is renumbered 118.80 (8) and amended to read:

118.80 (8) SUMMER SCHOOL ATTENDANCE REPORT. Annually, on or before the

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Monday after the 3rd Friday in September 15, a participating private school ~~participating in the program under this section~~ shall file with the department a report stating its summer daily attendance for each day of summer school for the purpose of ~~sub. (4m)~~ s. 118.84 (2).

SECTION 129. 118.60 (4) (bg) 1., 2. and 4. of the statutes are repealed.

SECTION 130. 118.60 (4) (bg) 3. of the statutes, as affected by 2023 Wisconsin Act 11, is renumbered 118.84 (1) (b) and amended to read:

118.84 (1) (b) In the ~~2015-16~~ 2025-26 school year and in each school year thereafter, upon receipt from the pupil's parent ~~or guardian~~ of proof of the pupil's enrollment in the private school during a school term, ~~except as provided in subd. 5.,~~ the state superintendent shall pay to the participating private school in which the pupil is enrolled on behalf of the pupil's parent ~~or guardian~~, from the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state superintendent paid a participating private school ~~under this section~~ in the previous school year for the grade in which the pupil is enrolled; ~~in the 2023-24 school year, if the pupil is enrolled in a grade from kindergarten to 8, 10 percent of the revenue ceiling, as defined in s. 121.905 (1), for that school year;~~ the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if positive; 90 percent of the change in the revenue ceiling, as defined in s. 121.905 (1), between the previous school year and current school year, if positive, if the pupil is enrolled in a grade from kindergarten to 8, or if the pupil is enrolled in a grade from 9 to 12, the change in the revenue ceiling, as defined in s. 121.905 (1), between the previous school year and current school year,

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if positive; and the change in the amount of statewide categorical aid per pupil between the previous school year and the current school year, as determined under s. 118.40 (2r) (e) 2p., if positive; ~~and in the 2023-24 school year, if the pupil is enrolled in a grade from 9 to 12, 26.8 percent of the revenue ceiling, as defined in s. 121.905 (1), for that school year.~~

SECTION 131. 118.60 (4) (bg) 5. of the statutes, as affected by 2023 Wisconsin Act 11, is repealed.

SECTION 132. 118.60 (4) (c) of the statutes is renumbered 118.84 (3) and amended to read:

118.84 (3) PAYMENT INSTALLMENTS. The state superintendent shall pay 25 percent of the total amount under ~~this subsection~~ sub. (1) in September, 25 percent in November, 25 percent in February, and 25 percent in May. Each installment may consist of a single check for all pupils attending the participating private school under ~~this section~~ the choice program. The state superintendent shall include the entire amount under sub. ~~(4m)~~ (2) in the November installment, but the payment shall be made in a separate check from the payment under ~~this subsection~~ sub. (1).

SECTION 133. 118.60 (4d) (a) of the statutes is renumbered 118.84 (4) (a) (intro.) and amended to read:

118.84 (4) (a) (intro.) In this subsection, “incoming choice pupil” means a pupil who ~~resides in a school district, other than a 1st class city school district, who begins~~ satisfies all of the following criteria:

2. The pupil began participating in the program under this section in s. 118.60, 2023 stats., during the period beginning with the 2015-16 school year or any

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and ending with the 2025-26 school year thereafter, and who or begins participating in the choice program in the 2026-27 school year or any school year thereafter.

3. The pupil is enrolled in a participating private school under this section the choice program.

SECTION 134. 118.60 (4d) (b) of the statutes is renumbered 118.84 (4) (b), and 118.84 (4) (b) 1. (intro.) and a. to d., as renumbered, are amended to read:

118.84 (4) (b) 1. (intro.) ~~Beginning in the 2015-16 school year, subject~~ Subject to s. 121.085 (1), the department shall decrease a school district's state aid payment under s. 121.08 by an amount calculated as follows:

a. Identify the incoming choice pupils residing in the school district for whom a payment is made under sub. ~~(4) (bg)~~ (1) in that school year.

b. Sum the payments made under sub. ~~(4) (bg)~~ (1) for all of the pupils identified under subd. 1. a. for that school year.

c. Identify the incoming choice pupils residing in the school district for whom a payment is made under sub. ~~(4m)~~ (2) in that school year.

d. Sum the payments made under sub. ~~(4m) (a)~~ (2) for all of the pupils identified under subd. 1. c. for that school year.

SECTION 135. 118.60 (4m) of the statutes is renumbered 118.84 (2), and 118.84 (2) (a) and (b) 1. and 2., as renumbered, are amended to read:

118.84 (2) (a) In addition to the payment under sub. ~~(4)~~ (1), the state superintendent shall, subject to par. (b), pay to each participating private school ~~participating in the program under this section~~, on behalf of the parent or guardian of each pupil attending summer school in the participating private school ~~under~~

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~~this section during a summer~~ and in the manner described in sub. ~~(4)-(e)~~ (3), an amount determined as follows:

1. Determine the maximum amount that could have been paid, at the end of the immediately preceding school term, per pupil under sub. ~~(4)-(b)~~ (1) for the grade in which the pupil is attending summer school under ~~this section~~ the choice program.

2. If the pupil attended summer school for at least 15 days of summer instruction at the participating private school during that summer, multiply the amount under subd. 1. by 0.05.

3. If the pupil attended summer school for less than 15 days of summer instruction at the participating private school during that summer, multiply the amount under subd. 1. by 0.05 by the quotient determined by dividing the number of days of summer instruction the pupil attended during that summer by 15.

(b) 1. The participating private school offers no fewer than 19 summer days of instruction during that summer.

2. Each summer day of instruction offered by the participating private school under subd. 1. is comprised of no fewer than 270 minutes of instruction.

SECTION 136. 118.60 (4r) of the statutes is renumbered 118.84 (5), and 118.84 (5) (intro.) and (a), as renumbered, are amended to read:

118.84 **(5) PARTICIPATING PRIVATE SCHOOL CLOSURE.** (intro.) If, after the 3rd Friday in September in any school year, a participating private school ~~participating in the program under this section~~ closes, for each installment under sub. ~~(4)-(e)~~ (3) that was not paid to the participating private school in that school year, the state

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superintendent shall pay to the school board of the school district within which the pupil resides, from the appropriation under s. 20.255 (2) (fv), the amount determined, for each pupil who had been attending the participating private school under ~~this section~~ the choice program in that school year and who enrolls in the school district within which the pupil resides in that school year, as follows:

(a) Multiply the amount determined under sub. ~~(4)~~ ~~(bg)~~ (1) by 0.616.

SECTION 137. 118.60 (4s) of the statutes is renumbered 118.84 (6) and amended to read:

118.84 (6) SPECIAL NEEDS SCHOLARSHIP PROGRAM PUPILS. Notwithstanding subs. ~~(4), (4d), (4m), and (4r)~~ (1) to (5), a pupil attending a participating private school ~~participating in the program under this section~~ who is receiving a scholarship under s. 115.7915 ~~shall~~ may not be counted under this section as a pupil attending the participating private school under ~~this section~~ under sub. (4), (4d), (4m), or (4r) the choice program.

SECTION 138. 118.60 (4v) of the statutes is repealed.

SECTION 139. 118.60 (5) of the statutes is renumbered 118.87 (5) and amended to read:

118.87 (5) ANNUAL NOTICE; PUPILS. ~~The state superintendent shall ensure~~ Ensure that pupils and parents ~~and guardians~~ of pupils who reside in this state are informed annually of the private schools participating in the choice program ~~under this section and in the program under s. 119.23.~~

SECTION 140. 118.60 (6) of the statutes is renumbered 118.86 and amended to read:

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118.86 School district; duties. The A school board of a school district shall provide transportation to pupils attending a participating private school under ~~this section~~ the choice program if required under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so transported.

SECTION 141. 118.60 (6m) (intro.) and (a) (intro.) and (b) of the statutes are repealed.

SECTION 142. 118.60 (6m) (a) 1. to 9. of the statutes are renumbered 118.78 (1) (a) to (i), and 118.78 (1) (g) and (i), as renumbered, are amended to read:

118.78 (1) (g) A copy of the suspension and expulsion policies and procedures, including procedures for appealing a suspension ~~or~~ and for appealing an expulsion, used by the private school. The private school shall include in its suspension and expulsion policies and procedures a requirement that a pupil's parent receive written notice if the pupil is suspended or expelled.

(i) A copy of the policy governing visitors and visits to the private school, ~~developed as required under sub. (7) (b) 2m.~~

SECTION 143. 118.60 (6m) (bm) of the statutes is renumbered 118.78 (2) and amended to read:

118.78 (2) DISCLOSURES TO DEPARTMENT. Upon request of the department, a participating private school shall provide a copy of any policy described in ~~par. (a) sub. (1)~~ and the academic standards adopted under ~~sub. (7) (b) 2.~~ s. 118.79 (3).

SECTION 144. 118.60 (6m) (c) of the statutes is renumbered 118.78 (3) and amended to read:

118.78 (3) ANNUAL NOTICE; GOVERNING BODY. ~~Upon an individual joining the~~

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~~private school's governing body, Annually, a participating private school shall notify the department of any changes in the membership of its governing body and provide to the department a signed statement from the each individual who joined the governing body during the previous year~~ verifying that the individual is a member of the governing body.

SECTION 145. 118.60 (6m) (d) of the statutes is renumbered 118.78 (4) and amended to read:

118.78 (4) DISCLOSURES TO PUPILS. Upon request by any pupil, or the parent ~~or guardian~~ of any minor pupil, who is attending or who applies to attend ~~the a~~ a participating private school, the participating private school shall provide the material specified in ~~pars. (a) and (b)~~ sub. (1).

SECTION 146. 118.60 (6p) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 118.76 (6) (intro.) and amended to read:

118.76 (6) DISCLOSURE INFORMATION. (intro.) ~~In addition to the requirements under sub. (6m), a~~ A private school that is not a new private school and that did not participate in the choice program under this section or s. 119.23 in the previous school year shall submit to the department all of the following: (a) By, by 2 days before the 2nd Friday in January 10 of the school year immediately preceding the school year in which the private school intends to participate in the choice program under this section, all of the following:

SECTION 147. 118.60 (6p) (a) 1. of the statutes is renumbered 118.76 (6) (a) and amended to read:

118.76 (6) (a) The information required under ~~sub. (6m) (a)~~ s. 118.78 (1).

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SECTION 148. 118.60 (6p) (a) 2. of the statutes is renumbered 118.76 (6) (c).

SECTION 149. 118.60 (6p) (b) of the statutes is renumbered 118.76 (6) (b) and amended to read:

118.76 **(6)** (b) ~~By August 1 of the school year in which the private school intends to participate in the program under this section, a~~ A copy of the academic standards adopted under ~~sub. (7) (b) 2.~~ s. 118.79 (3).

SECTION 150. 118.60 (7) (ad) 1. of the statutes is renumbered 118.74 (3) (a) (intro.) and amended to read:

118.74 **(3)** (a) (intro.) If a participating private school ~~participating in the program under this section or s. 119.23 and that is~~ accredited under ~~sub. (2) (a) 7.~~ to offer instruction in any elementary grade, but not any high school grade, seeks to offer instruction in any high school grade, the private school shall ~~apply~~ do all of the following:

1. Apply for and achieve accreditation to offer of the high school grades by an accrediting entity by the last weekday in December of the first school year in which the private school offers instruction in the additional grades in the manner established under sub. (2) (a) 7. e. a high school grade.

SECTION 151. 118.60 (7) (ad) 2. of the statutes is renumbered 118.74 (3) (b) (intro.) and amended to read:

118.74 **(3)** (b) (intro.) If a participating private school ~~participating in the program under this section or s. 119.23 and that is~~ accredited under ~~sub. (2) (a) 7.~~ to offer instruction in any high school grade, but not any elementary grade, seeks to

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offer instruction in any elementary grade, the private school shall ~~apply~~ do all of the following:

1. Apply for and achieve accreditation to offer of the elementary grades by an accrediting entity by the last weekday in December of the first school year in which the private school offers instruction in the additional grades in the manner established under sub. (2) (a) 7. e. an elementary grade.

SECTION 152. 118.60 (7) (ad) 3. of the statutes is renumbered 118.74 (4) (a) and amended to read:

118.74 (4) (a) The governing body of a participating private school ~~participating in the program under this section and accredited as required under subds. 1. and 2. and sub. (2) (a) 7., except for a private school obtaining accreditation as allowed under sub. (2) or (3), shall ensure that the participating private school continuously maintains accreditation from an accrediting entity as long as the private school continues to participate in the choice program under this section.~~

SECTION 153. 118.60 (7) (ag) of the statutes is renumbered 118.74 (5) and amended to read:

118.74 (5) DISQUALIFIED ACCREDITING ORGANIZATION. If a participating private school learns that an accrediting organization with which the private school is maintaining accreditation, as required under ~~par. (ad) this section,~~ is a disqualified accrediting organization, the participating private school shall immediately notify the department in writing of this fact and shall obtain accreditation from an accrediting entity no later than 3 years from the date on

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which the participating private school learned that the accrediting organization is a disqualified accrediting organization.

SECTION 154. 118.60 (7) (am) 1m. of the statutes is renumbered 118.83 (1) and amended to read:

118.83 (1) DEFINITION. In this ~~paragraph~~ section, “eligible education expenses” means all direct and indirect costs associated with a participating private school’s educational programming for pupils enrolled in grades kindergarten to 12 that are reasonable for the participating private school to achieve its educational purposes, as determined by the governing body of the participating private school in a written policy and tested by an independent auditor. “Eligible education expenses” include expenses related to management, insurance, transportation, extracurricular programming and activities, facility and equipment costs, development expenses, and programming that provides child care services before school, after school, or both before and after school. A cost is not an “eligible education expense” if an independent auditor determines, after testing, that the cost is not a cost associated with the participating private school’s educational programming for pupils enrolled in grades kindergarten to 12 that is reasonable for the participating private school to achieve its educational purposes, as determined by the governing body of the participating private school in a written policy.

SECTION 155. 118.60 (7) (am) 2m. (intro.) and a. of the statutes are consolidated, renumbered 118.83 (2) (a) and amended to read:

118.83 (2) (a) Each participating private school ~~participating in the program~~

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~~under this section~~ is subject to uniform financial accounting standards established by the department.

(b) Annually by the last weekday in October 15 following a school year in which a private school participated in the choice program ~~under this section~~, the private school shall submit to the department ~~all of the following:~~ a. ~~An~~ an independent financial audit of the private school conducted by an independent certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents the private school's eligible education expenses, ~~and beginning in the 2nd school year a private school participates in the program under this section, a copy of a management letter prepared by the auditor.~~ All of the following apply to a financial audit submitted under this paragraph:

1. If the private school annually received a total of at least \$100,000 ~~under this section the choice program~~ and ~~ss. s. 115.7915 and 119.23~~ in any school year, the audit shall be prepared in accordance with generally accepted accounting principles with allowable modifications for long-term fixed assets.

2. If the private school has not annually received a total of at least \$100,000 ~~under this section the choice program~~ and ~~ss. s. 115.7915 and 119.23~~ in any school year, the audit shall be prepared as prescribed by the department by rule.

3. The audit shall include a calculation of the private school's net eligible education expenses and a calculation of the balance of the private school's fund for future eligible education expenses.

4. The auditor shall conduct ~~his or her~~ the audit, including determining

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sample sizes and evaluating financial viability, in accordance with the auditing standards established by the American Institute of Certified Public Accountants. The department may not require an auditor to comply with standards that exceed the scope of the standards established by the American Institute of Certified Public Accountants.

5. If a private school ~~participating in a program under this section~~ is part of an organization and the private school and the organization share assets, liabilities, or eligible education expenses, the private school may submit an audit of the private school or of the organization of which it is a part. If a private school that is part of an organization with which it shares assets, liabilities, or eligible education expenses submits an audit of only the private school, the independent auditor shall use his or her professional judgment to allocate any shared assets, liabilities, and eligible education expenses between the organization and the private school.

6. If a private school ~~participating~~ participated in the choice program under this section in the previous school year and also accepts pupils participated in the program under s. 115.7915 ~~or 119.23 in the previous school year~~, the private school may submit one comprehensive financial audit to satisfy the requirements of this ~~subdivision~~ subsection and ~~ss. s. 115.7915 (6) (e) and 119.23 (7) (am) 2m., whichever are applicable.~~ The private school shall include in the comprehensive financial audit the information specified under s. 119.23 (7) (am) 2m.

SECTION 156. 118.60 (7) (am) 2m. b. of the statutes is renumbered 118.83 (5) (a) and amended to read:

118.83 (5) FISCAL AND INTERNAL CONTROL PRACTICES. (a) ~~Evidence~~ A

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participating private school shall submit evidence to the department of sound fiscal and internal control practices, including evidence that the entity has the financial ability to continue operating, as prescribed by the department by rule.

(b) A private school that participated in the choice program shall submit to the department reports completed by an independent auditor on the private school's compliance with fiscal and internal control requirements, as required by the department by rule. An independent auditor engaged to evaluate the participating private school's fiscal and internal control practices shall conduct ~~his or her~~ the evaluation, including determining sample sizes, in accordance with attestation standards established by the American Institute of Certified Public Accountants. ~~The independent auditor engaged to evaluate the private school's fiscal and internal control practice shall also review any concerns raised in the private school's management letter submitted under subd. 2m. a.~~

(c) The fact that a participating private school reports a negative reserve balance alone is not evidence that the participating private school does not have the financial ability to continue operating or that the participating private school does not follow sound fiscal and internal control practices.

SECTION 157. 118.60 (7) (am) 2m. c. of the statutes is repealed.

SECTION 158. 118.60 (7) (am) 3. of the statutes is renumbered 118.83 (3) and amended to read:

118.83 (3) FINANCIAL AUDIT REVIEW. (a) By no later than ~~February 15~~ the first weekday in March or 120 days after the date on which the audit under ~~subd. 2m. a.~~ sub. (2) is received by the department, whichever is later, the department

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shall notify a private school ~~participating~~ that participated in the choice program under this section in the previous school year whether or not additional information is required for the department to complete its review of the audit. Subject to ~~subd. 3. b. par. (b)~~, the department may request that an auditor provide additional information if the request is related to the department reviewing the audit. The department shall determine whether ~~a the private school participating in the program under this section~~ has provided the information and met the requirements required under ~~subd. 2m. a. sub. (2)~~ by the 3rd Friday in April 1.

(b) Before the 3rd Friday in April 1, the department may contact the auditor who prepared the audit under ~~subd. 2m. a. sub. (2)~~ only regarding matters that may impact the private school's financial statement by an amount that is greater than 1 percent of the total amount the private school received under ~~this section~~ the choice program for the previous school year and any items or information the department determines are missing from the audit.

(c) Notwithstanding ~~subd. 3. a. and b. pars. (a) and (b)~~, the department may communicate with an auditor as necessary for the purpose of assessing the financial viability of a participating private school ~~participating in the program under this section~~.

(d) An auditor who receives a written communication under this ~~subdivision~~ subsection shall respond to the department within 10 school days of receiving the written communication.

SECTION 159. 118.60 (7) (an) of the statutes is renumbered 118.83 (4) and amended to read:

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118.83 (4) RESERVE BALANCE. (a) A participating private school ~~participating in the program under this section~~ shall maintain a cash and investment balance that is at least equal to its reserve balance. If a participating private school does not maintain a cash and investment balance that is at least equal to its reserve balance, the participating private school shall refund the reserve balance to the department.

~~This subdivision does not apply to a school year that occurs during the public health emergency declared on March 12, 2020, by executive order 72.~~

(b) If a participating private school ~~participating in the program under this section~~ has a reserve balance that is greater than 50 percent of the total amount the participating private school received under ~~this section~~ the choice program in the previous school year, the governing body of the participating private school shall approve a plan for how it will use the amount of the reserve balance that exceeds 50 percent of the total amount the participating private school received under ~~this section~~ the choice program in the previous school year.

(c) If a private school ceases to participate in or is barred from the choice program ~~under this section and s. 119.23~~ and the private school's reserve balance is positive, the private school shall refund the reserve balance to the department.

SECTION 160. 118.60 (7) (b) (intro.) and 2m. of the statutes are repealed.

SECTION 161. 118.60 (7) (b) 1. of the statutes is renumbered 118.80 (6) and amended to read:

118.80 (6) THIRD GRADE READING TEST. ~~Administer~~ Each participating private school shall administer to any pupils attending the 3rd grade in the private

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school under ~~this section~~ the choice program a standardized reading test developed by the department.

SECTION 162. 118.60 (7) (b) 2. of the statutes is renumbered 118.79 (3) and amended to read:

118.79 (3) ACADEMIC STANDARDS. ~~Adopt~~ Each participating private school shall adopt the pupil academic standards required under s. 118.30 (1g) (a) 4.

SECTION 163. 118.60 (7) (b) 3. of the statutes is renumbered 118.81 (3) (intro.) and amended to read:

118.81 (3) TEACHER'S AIDE EDUCATIONAL REQUIREMENTS. (intro.) ~~Ensure~~ A participating private school shall ensure that any teacher's aide employed by all of the participating private school has school's teacher's aides satisfy at least one of the following:

(a) The individual graduated from high school,~~been granted.~~

(b) The individual obtained a declaration of equivalency of high school graduation,~~been granted.~~

(c) The individual obtained a high school diploma by the administrator of a home-based private educational program,~~or been issued.~~

(d) The individual obtained a general educational development certificate of high school equivalency,~~or has.~~

(e) The individual obtained a degree or educational credential higher than a high school diploma, declaration of equivalency of high school graduation, or general educational development certificate of high school equivalency.

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SECTION 164. 118.60 (7) (b) 3m. of the statutes is renumbered 118.80 (3) and amended to read:

118.80 (3) GOVERNING BODY MEETINGS. ~~Annually, The governing body of a participating private school shall annually schedule at least 2 meetings at which members of the governing body of the participating private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the participating private school or attending the participating private school may meet and communicate with the members of the governing body. The private school shall, within~~ Within 30 days after the start of the school term, the governing body of a participating private school shall notify the department in writing of the scheduled meeting dates ~~and shall, at.~~ At least 30 days before the each scheduled meeting date, the governing body of a participating private school shall notify in writing each pupil, or the parent ~~or guardian~~ of each minor pupil, applying to attend the participating private school or attending the participating private school of the meeting date, time, and place.

SECTION 165. 118.60 (7) (b) 4. to 6. of the statutes are renumbered 118.80 (9) (a) to (c) and amended to read:

118.80 (9) (a) ~~Maintain~~ A private school shall maintain progress records for each pupil attending the private school under ~~this section~~ the choice program while the pupil attends the private school and, except as provided under ~~subd. 7. par. (d),~~ for at least 5 years after the pupil ceases to attend the private school.

(b) ~~Upon~~ A private school shall, upon request, provide a pupil or the parent ~~or~~

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~~guardian~~ of a minor pupil who is attending the private school under ~~this section~~ the choice program with a copy of the pupil's progress records.

(c) ~~Issue~~ A participating private school shall issue a high school diploma or certificate to each pupil who attends the participating private school under ~~this section~~ the choice program and satisfactorily completes the course of instruction and any other requirements necessary for high school graduation.

SECTION 166. 118.60 (7) (b) 7. a. and b. of the statutes are consolidated, renumbered 118.80 (9) (d) 1. and amended to read:

118.80 (9) (d) 1. Except as provided in subd. ~~7. b., if the~~ 2., if a private school ceases operating as a private school, the private school shall immediately transfer all of the progress records of each pupil who attended the private school under ~~this section~~ the choice program to the school board of the school district within which the pupil resides. ~~The private school shall send written notice to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress records under this subd. 7. a. b.~~ If the private school is affiliated with an organization that will maintain the progress records of each pupil who attended the private school under ~~this section~~ the choice program for at least 5 years after the private school ceases operation as a private school, the private school may transfer a pupil's records to the organization if the pupil, or the parent ~~or guardian~~ of a minor pupil, consents in writing to the release of the progress records to the affiliated organization. The private school shall send to the department a copy of the consent form for each pupil who consents to the transfer of progress records under this ~~subd. 7. b.~~ subdivision.

The written notice shall be signed by the pupil, or the parent ~~or guardian~~ of a

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minor pupil, and shall include the name, phone number, mailing address, and other relevant contact information of the organization that will maintain the progress records, and a declaration by the affiliated organization that the organization agrees to maintain the progress records for at least 5 years after the private school ceases operation as a private school.

SECTION 167. 118.60 (7) (c) of the statutes is renumbered 118.79 (4) and amended to read:

118.79 (4) RELIGIOUS ACTIVITY; PUPIL EXEMPTION. A participating private school may not require a pupil attending the participating private school under ~~this section~~ the choice program to participate in any religious activity if the pupil's parent ~~or guardian~~ submits to the pupil's teacher or the participating private school's principal a written request that the pupil be exempt from such activities.

SECTION 168. 118.60 (7) (d) (intro.) and 3. of the statutes are repealed.

SECTION 169. 118.60 (7) (d) 1. a. of the statutes is renumbered 118.75 (1) and amended to read:

118.75 (1) DEFINITION. In this ~~subdivision~~ section, "municipality" has the meaning given in s. 5.02 (11).

SECTION 170. 118.60 (7) (d) 1. b. of the statutes is renumbered 118.75 (3) (a) and amended to read:

118.75 (3) (a) A copy of the participating private school's current certificate of occupancy issued by the municipality within which the participating private school is located.

(4) NEW LOCATION; CERTIFICATE. If the participating private school moves to

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a new location, the participating private school shall submit a copy of the new certificate of occupancy issued by the municipality within which the participating private school is located to the department before the attendance of pupils at the new location and before the ~~next succeeding date specified in s. 121.05 (1) (a)~~ September count date or the January count date, whichever occurs next.

(3) (b) If the municipality within which the participating private school is located does not issue certificates of occupancy, ~~the private school may submit~~ a certificate of occupancy issued by the local or regional governmental unit with authority to issue certificates of occupancy or a letter or form from the municipality within which the participating private school is located that explains that the municipality does not issue certificates of occupancy.

(5) TEMPORARY CERTIFICATE. A temporary certificate of occupancy does not meet the ~~requirement~~ requirements of this subdivision. ~~This subdivision applies only to a private school located in an eligible school district section.~~

SECTION 171. 118.60 (7) (dr) of the statutes is renumbered 118.80 (9) (e) and amended to read:

118.80 **(9) (e)** A private school ~~participating in the program under this section~~ may elect to maintain an electronic copy of any application submitted on behalf of and any correspondence to or about a pupil attending the private school under ~~this section~~ the choice program instead of a paper copy of the application and correspondence. The private school shall maintain electronic copies of pupil applications and correspondence for a period of at least 5 years.

SENATE BILL 989**SECTION 172**

SECTION 172. 118.60 (7) (e) of the statutes is renumbered 118.80 (7) and amended to read:

118.80 (7) PUPIL ASSESSMENTS. Each participating private school ~~participating in the program under this section~~ shall administer the examinations required under s. 118.30 (1t) or examinations permitted under s. 118.301 (3) to pupils attending the participating private school under the choice program. The participating private school may administer additional standardized tests to such pupils.

SECTION 173. 118.60 (7) (em) 1. and 2. of the statutes are renumbered 118.74 (4) (b) and (c) and amended to read:

118.74 (4) (b) ~~The governing body of each~~ Each participating private school ~~participating in the program under this section~~ shall, subject to ~~subd. 2.~~ par. (c), annually, by the first weekday in August ~~1~~, provide the department with evidence demonstrating that the participating private school remains accredited for the current school year as required under par. ~~(ad)~~ (a). ~~The governing body~~ participating private school shall include as evidence of accreditation a notice prepared by an accrediting entity that confirms that the participating private school is accredited by that entity as of the date of the notice.

(c) ~~The governing body~~ A participating private school shall immediately notify the department if its accreditation status changes.

SECTION 174. 118.60 (7) (g) of the statutes is renumbered 118.80 (5) and amended to read:

118.80 (5) AIR QUALITY REQUIREMENTS. (a) By the first ~~day of the 3rd month~~

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~~beginning after the month in which the department establishes the model management plan and practices for maintaining indoor environmental quality in public and private schools under s. 118.075 (3), or by weekday in October 1 of a private school's first school year of participation in the choice program under this section, whichever is later, the participating private school shall provide for the development of a plan for maintaining indoor environmental quality in the participating private school. Participating private schools may use the model management plan and practices for maintaining indoor environmental quality developed under s. 118.075 (3) when developing a plan required under this paragraph.~~

(b) ~~By the first day of the 12th month beginning after the month in which the department establishes the model management plan and practices for maintaining indoor environmental quality in public and private schools under s. 118.075 (3), or by the beginning of the 2nd school year of participation in the choice program under this section, whichever is later, the, a participating private school shall implement a plan for maintaining indoor environmental quality in the participating private school.~~

(c) Each participating private school ~~participating in the program under this section~~ shall provide a copy of the plan implemented under ~~subd. 2.~~ par. (b) to any person upon request.

SECTION 175. 118.60 (7) (h) of the statutes is renumbered 118.81 (4) and amended to read:

118.81 (4) BACKGROUND CHECKS. ~~Beginning in the 2018-19 school year, each~~

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~~Each participating private school participating in the program under this section~~ shall conduct criminal background investigations of its employees and exclude from employment any person not permitted to hold a teaching license as the result of an offense and any person who might reasonably be believed to pose a threat to the safety of others.

SECTION 176. 118.60 (7m) (a) (intro.), 1. and 2., (b) and (c) of the statutes are renumbered 118.76 (1) (intro.), (a) (intro.) and (b), (2) and (3), and 118.76 (1) (intro.), (a) (intro.) and (b), (2) (a) (intro.) and 2. and (b) and (3), as renumbered, are amended to read:

118.76 (1) SURETY BOND OR BUDGET REQUIREMENT. (intro.) By the first weekday in May ~~4~~ before the first school term that a private school participates in the choice program ~~under this section or s. 119.23~~, a participating private school shall submit to the department one of the following:

(a) (intro.) A surety bond payable to the state in an amount equal to 25 percent of the total amount of payments the participating private school expects to receive ~~under this section and s. 119.23~~ under the choice program during the first school year the private school participates in the ~~program under this section.~~ choice program. If a new private school selects this option to satisfy this subsection, the new private school shall provide an updated surety bond if all of the following apply:

(b) A complete anticipated budget, on a form provided by the department, for the first fiscal period of participation in the choice program ~~under this section~~ and evidence of financial viability, as prescribed by the department by rule. The participating private school shall include in the budget the anticipated enrollments

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for all pupils enrolled in the participating private school and for pupils enrolled in the participating private school under ~~this section~~ the choice program; estimated revenues and costs; a schedule of anticipated beginning and ending net choice program assets; and a schedule of monthly cash flow requirements. The participating private school shall include in the budget contingent funding sources the participating private school will use in the event that actual enrollments are less than expected.

(2) (a) (intro.) If a participating private school submits a surety bond under ~~par. (a) 1. sub. (1) (a)~~, the participating private school shall annually provide, by the first weekday in May ~~1~~, a surety bond payable to the state until the participating private school submits all of the following to the department:

2. Evidence of sound fiscal and internal control practices under ~~sub. (7) (am) 2m. b. s. 118.83 (5)~~ for the school year in the financial audit submitted under subd. 1. ~~a. and for the subsequent school year, neither of which indicates that does not contain evidence~~ that the participating private school is not financially viable.

(b) A participating private school shall provide a surety bond under this ~~paragraph subsection~~ in an amount equal to 25 percent of the total amount of payments the private school expects to receive under ~~this section and s. 119.23~~ the choice program during the following school year.

(3) BUDGET REVIEW; FINANCIAL VIABILITY. If a private school submits a complete anticipated budget under ~~par. (a) 2. sub. (1) (b)~~, the department shall determine whether the private school is financially viable by the first weekday in August ~~1~~. If the department determines that the private school is not financially

SENATE BILL 989**SECTION 176**

viable, the private school is not eligible to participate in the choice program ~~under this section or s. 119.23~~ in the current school year.

SECTION 177. 118.60 (9) of the statutes is renumbered 118.74 (6) and amended to read:

118.74 (6) FAILURE TO MEET PRIVATE SCHOOL REQUIREMENTS; NOTIFICATION.
If ~~any~~ an accrediting or preaccrediting entity determines during the accrediting or preaccrediting process that a participating private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 178. 118.60 (9m) of the statutes is renumbered 118.80 (4) (intro.) and amended to read:

118.80 (4) ACCOUNTABILITY REPORT; POSTING. (intro.) ~~Beginning in September 2016, and annually thereafter, the governing body of a private school participating in the program under this section that maintains an Internet site for the private school shall, if the private school is included in the most recent accountability report published under s. 115.385, Annually, within 30 days after the department publishes the accountability report, under s. 115.385, a participating private school shall prominently link on the home page of that Internet site to the pages in that the participating private school's most recent accountability report concerning the private school. on the home page of the participating private school's website if all of the following apply:~~

SECTION 179. 118.60 (10) (a) (intro.), 1., 2., 3., 5., 6., 7. and 8. of the statutes are renumbered 118.85 (1) (intro.), (a), (b), (c), (d), (e), (f) and (g) and amended to read:

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118.85 (1) BARRED; CURRENT SCHOOL YEAR. (intro.) The state superintendent may issue an order barring a private school from participating in the choice program ~~under this section~~ in the current school year if the state superintendent determines that the private school has done any of the following:

(a) Intentionally or negligently misrepresented any information required under this ~~section~~ subchapter or any rule promulgated under this ~~section~~ subchapter.

(b) Failed to provide the notice or pay the fee required under ~~sub. (2) (a) 3.~~ s. 118.73 (1), or provide the information required under ~~sub. (7) (am) or (d)~~ s. 118.75 or 118.83, by the date or within the period specified.

(c) Failed to refund to the state any overpayment made under ~~sub. (4) or (4m)~~ the choice program by the date specified by department rule.

(d) Failed to provide the information required under ~~sub. (6m) or (6p)~~ s. 118.78.

(e) Failed to comply with the requirements under ~~sub. (7) (b), (e), or (h) or (7m)~~ s. 118.76, 118.79 (3) or (4), 118.80 (3), (6), or (9) (d), or 118.81 (3) or (4).

(f) Violated ~~sub. (7) (b) 4., 5., or 6.~~ s. 118.80 (9) (a), (b), or (c).

(g) Before the end of a 7-year period beginning on the date of an order issued by the state superintendent under this ~~subsection~~ section, s. 118.60, 2023 stats., or s. 119.23, 2023 stats., retained a disqualified person, for compensation or as a volunteer, as an owner, officer, director, trustee, administrator, person designated by the administrator to assist in processing pupil applications, or person responsible for administrative, financial, or pupil health and safety matters.

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SECTION 180. 118.60 (10) (am) of the statutes is renumbered 118.85 (2), and 118.85 (2) (intro.), (a), (c) and (d), as renumbered, are amended to read:

118.85 (2) BARRED; FOLLOWING SCHOOL YEAR (intro.) If the state superintendent determines that any of the following have occurred, ~~he or she~~ the state superintendent may issue an order barring ~~the~~ a private school from participating in the choice program ~~under this section~~ in the following school year:

(a) The private school has not complied with the requirements under ~~sub. (7)~~ ~~(em)~~ s. 118.74 (4).

(c) The private school has not achieved accreditation within the period allowed under ~~sub. (2) (a) 7.~~ s. 118.74 (2) (b).

(d) The private school intentionally or negligently misrepresented any information required under this ~~section~~ subchapter or any rule promulgated under this ~~section~~ subchapter.

SECTION 181. 118.60 (10) (ar) of the statutes is renumbered 118.85 (3) and amended to read:

118.85 (3) (a) If the state superintendent determines that a participating private school has failed to continuously maintain accreditation as required under ~~sub. (7) (ad)~~ s. 118.74 (4), that the governing body of the participating private school has withdrawn the participating private school from the accreditation process, or that the participating private school's accreditation has been revoked, denied, or terminated by an accrediting entity, the state superintendent shall issue an order barring the private school's participation in the choice program ~~under this section~~ at the end of the current school year.

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(b) A private school whose participation in the choice program ~~under this section~~ is barred under ~~subd. 1, par. (a)~~ may not participate in the choice program ~~under this section or under s. 119.23~~ until the governing body of the private school demonstrates to the satisfaction of the department that it has obtained accreditation from an accrediting entity, provided the accreditation is from an entity other than the entity with which the private school failed to continuously maintain accreditation or, if the private school's accreditation was revoked, denied, or terminated, other than the entity that revoked, denied, or terminated the private school's accreditation.

SECTION 182. 118.60 (10) (b) of the statutes is renumbered 118.85 (4) and amended to read:

118.85 (4) HEALTH AND SAFETY OF PUPILS. The state superintendent may issue an order immediately terminating a private school's participation in the choice program ~~under this section~~ if ~~he or she~~ the state superintendent determines that conditions at the private school present an imminent threat to the health or safety of pupils.

SECTION 183. 118.60 (10) (c) of the statutes is renumbered 118.85 (5) and amended to read:

118.85 (5) PARENTAL NOTIFICATION. Whenever the state superintendent issues an order under ~~par. (a), (am), (ar), or (b), he or she~~ sub. (1), (2), (3), or (4), the state superintendent shall immediately notify the parent ~~or guardian~~ of each pupil attending the private school under ~~this section~~ the choice program.

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SECTION 184. 118.60 (10) (d) of the statutes is renumbered 118.85 (6) and amended to read:

118.85 (6) WITHHOLDING PAYMENTS. The state superintendent may withhold payment from a participating private school under ~~subs. (4) and (4m)~~ s. 118.84 if the participating private school violates this ~~section~~ subchapter or s. 115.383 (3) (b).

SECTION 185. 118.60 (11) of the statutes is renumbered 118.87 and amended to read:

118.87 Department; duties. The department shall do all of the following:

(1) RULES. Promulgate rules to implement and administer this ~~section~~ subchapter. The department may not by rule establish standards under ~~sub. (7)~~ (am) s. 118.83 or 118.84 (7) that exceed the standards established by the American Institute of Certified Public Accountants.

(2) NOTIFICATION; CHOICE PROGRAM CHANGES. Notify each participating private school ~~participating in the program under this section~~ of any proposed changes to the choice program or to administrative rules governing the choice program, including changes to application or filing deadlines but not including changes to provisions governing health or safety, prior to the beginning of the school year in which the change takes effect.

(3) NOTIFICATION; RECEIPT OF ACCREDITATION STATUS. Within 10 days after receiving the information submitted as required under ~~sub. (7)(em)~~ s. 118.74 (4) (b), notify the participating private school of receipt of accreditation status.

(4) RELEASE OF PUBLIC DATA. When the department publicly releases data related to enrollment of, standardized test results for, applications submitted by, or

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waiting lists for pupils participating in or seeking to participate in the choice program ~~under this section~~, release the data all at the same time, uniformly, and completely.

SECTION 186. 118.60 (12) of the statutes is repealed.

SECTION 187. Subchapter II (title) of chapter 118 [precedes 118.70] of the statutes is created to read:

CHAPTER 118**SUBCHAPTER II****PRIVATE SCHOOL CHOICE PROGRAM**

SECTION 188. 118.70 (3), (6), (7), (8), (9), (11), (12), (16), (17), (18) and (20) of the statutes are created to read:

118.70 **(3)** “Choice program” means any of the following:

(a) The program administered under this subchapter.

(b) The program administered under s. 118.60, 2023 stats., or s. 119.23, 2023 stats.

(6) “Family income” means the federal adjusted gross income of the parents of a pupil who reside in the same household as the pupil. “Family income” does not include money earned by a pupil in the work based learning program created under s. 118.56.

(7) “January count date” means the 2nd Friday in January or an alternative count date designated by the department under s. 118.87 (6).

(8) “January pupil count report” means a report submitted to the department

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that includes the number of pupils attending a participating private school under the choice program on the January count date.

(9) “Milwaukee pupil” means a pupil who resides in a 1st class city school district.

(11) (a) “Parent” means an individual who resides in the same household as a pupil and who is any of the following in relation to the pupil:

1. A biological parent.
2. A legal guardian.
3. An adoptive parent.
4. A stepparent.

(b) For purposes of par. (a), an individual listed in par. (a) 1. to 4. who is on active military duty is considered to reside in the same household as a pupil.

(c) If no individual meets the requirements under par. (a), “parent” means an individual who has the legal authority to make educational decisions for a pupil.

(12) “Participating private school” means a private school participating in the choice program.

(16) “Racine pupil” means a pupil who resides in the Racine Unified School District.

(17) “September count date” means the 3rd Friday in September or an alternative date designated by the department under s. 118.87 (6).

(18) “September pupil count report” means a report submitted to the department that includes the number of pupils attending a participating private school under the choice program on the September count date.

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(20) “Wisconsin pupil” means a pupil who resides in this state but does not reside in a 1st class city school district or the Racine Unified School District.

SECTION 189. 118.71 of the statutes is created to read:

118.71 Pupil reenrollment. (1) DEFINITIONS. In this section:

(a) “Continuing pupil” means a pupil who meets all of the following criteria:

1. The pupil was included as a choice program pupil in the participating private school’s January pupil count report for the current school year and subsequently has not been determined ineligible to participate in the choice program.

2. The pupil is not in the highest grade that will be offered by the participating private school in the following school year.

3. The pupil will not be 21 years of age by September 1 of the following school year.

4. The pupil resides in this state.

(b) “Reenrollment acceptance deadline” means the 10th day after the 4th Friday in January of the current school year.

(c) “Reenrollment notification period” means the period beginning on the date the participating private school submits the January pupil count report for the current school year or the 4th Friday in January of the current school year, whichever is earlier, and ending on the 4th day after the 4th Friday in January.

(2) REENROLLMENT NOTIFICATION PROCESS. In the 2025-26 school year and each school year thereafter, during the reenrollment notification period, a participating private school shall do all of the following:

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(a) If the number of choice program seats the participating private school has available in a grade for the following school year is less than the number of continuing pupils attending the participating private school who will be in that grade in the following school year, the participating private school shall do all of the following for the grade:

1. Determine which continuing pupils receive a choice program seat for the following school year on a random basis.

2. Notify the parent of each continuing pupil who does not receive a choice program seat under subd. 1. that the continuing pupil is on the choice program waiting list established under s. 118.72 (3) (d) for the following school year.

3. Notify the parent of each continuing pupil who was selected to receive a choice program seat under subd. 1. that the continuing pupil has a choice program seat at the participating private school for the following school year. The notice under this subdivision shall include the reenrollment acceptance deadline and, if the participating private school elects to proceed under sub. (3) (b), a statement that, if the participating private school does not receive a written or verbal acceptance from the continuing pupil's parent by the reenrollment acceptance deadline, the choice program seat offered to the continuing pupil under the reenrollment process will be revoked.

(b) If the number of choice program seats a participating private school has available in a grade is at least the number of continuing pupils attending the participating private school who will be in that grade in the following school year, the participating private school shall notify the parent of each continuing pupil who

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will be in the grade in the following school year that the continuing pupil has a choice program seat at the participating private school for the following school year. The notice shall include the reenrollment acceptance deadline and, if the participating private school elects to proceed under sub. (3) (b), a statement that, if the participating private school does not receive a written or verbal acceptance from the continuing pupil's parent by the reenrollment acceptance deadline, the choice program seat offered to the continuing pupil under the reenrollment process will be revoked.

(3) REENROLLMENT ACCEPTANCE. If the parent of a continuing pupil who receives a choice program seat at a participating private school under sub. (2) does not provide the participating private school with a written or verbal acceptance of the choice program seat by the reenrollment acceptance deadline, the participating private school shall do one of the following for continuing pupils who have not accepted a choice program seat offered under sub. (2):

(a) Grant a choice program seat to all continuing pupils who were offered a choice program seat under sub. (2) unless a continuing pupil's parent has notified the participating private school, in writing, that the continuing pupil will not attend the participating private school under the choice program in the following school year.

(b) By 2 days after the reenrollment acceptance deadline, in writing, notify each parent of a continuing pupil who was offered a choice program seat under sub. (2) and who did not provide the participating private school with a written or verbal acceptance of the choice program seat by the reenrollment acceptance deadline that

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the participating private school did not receive a written or verbal acceptance by the reenrollment acceptance deadline and that the choice program seat offered to the pupil under the reenrollment process has been revoked. The notice shall include a statement that the parent may complete an application for the continuing pupil during an open application period if the continuing pupil would like to attend the participating private school under the choice program in the following school year.

SECTION 190. 118.72 (title) of the statutes is created to read:

118.72 (title) Pupil eligibility and application.

SECTION 191. 118.72 (1) (b) of the statutes is created to read:

118.72 (1) (b) *Wisconsin pupils.* For a Wisconsin pupil, the pupil is a member of a family that has a total family income that does not exceed an amount equal to 2.2 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget.

SECTION 192. 118.72 (1) (c) of the statutes is created to read:

118.72 (1) (c) *Prior year attendance.* For a Racine pupil or a Wisconsin pupil, the pupil satisfies at least one of the following:

1. The pupil was enrolled in a public school in the previous school year.
2. The pupil was not enrolled in school in the previous school year.
3. The pupil attended a participating private school under the choice program in the previous school year.
4. The pupil was on a waiting list to attend a participating private school under the choice program during the previous school year.

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5. The pupil is applying to attend kindergarten, first grade, or 9th grade at a participating private school.

6. The pupil attended a school in another state in the previous school year.

7. The pupil is a Wisconsin pupil who was on a waiting list under s. 118.60 (3) (ar), 2023 stats., in any previous school year.

SECTION 193. 118.72 (2) of the statutes is created to read:

118.72 (2) INCOME REQUIREMENT EXCLUSIONS. The income requirement in sub. (1) (a) or (b), whichever is applicable to a pupil, does not apply to the pupil if any of the following applies:

(a) The pupil attended a participating private school under the choice program in the previous school year.

(b) For a pupil applying to participate in the choice program after the September count date, the pupil is a Milwaukee pupil who was included in the September pupil count report as participating in the choice program if the pupil is not subsequently determined ineligible for the choice program.

(c) The pupil was on a waiting list to attend a participating private school under the choice program during the previous school year.

SECTION 194. 118.72 (3) (title) of the statutes is created to read:

118.72 (3) (title) PUPIL APPLICATIONS.

SECTION 195. 118.72 (3) (d) of the statutes is created to read:

118.72 (3) (d) *Waiting list.* If a participating private school selects pupils under par. (c) on a random basis, the participating private school shall do all of the

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following for each pupil who did not receive a choice program seat for the following school year:

1. Add the pupil to the choice program waiting list.
2. Notify the pupil's parent, in writing, that the pupil has been placed on the choice program waiting list. The notification shall identify the pupil's place on the waiting list.

SECTION 196. 118.72 (4) of the statutes is created to read:

118.72 (4) INCOME VERIFICATION. (a) *Information provided by parent.* 1. If a pupil is required to meet the income eligibility requirement under sub. (1) (a) or (b), the pupil's parent shall provide all of the following information to the department as part of the application under sub. (3):

- a. The names of the pupil's parents who reside in the same household as the pupil.
- b. If the application contains more than one parent, whether the parents on the application are married.
- c. The names of all of the other members of the pupil's family residing in the same household as the pupil.
- d. Whether the parent would like the pupil's income eligibility determination completed using the department of revenue income determination method under par. (d) or the department income determination method under par. (e).

2. During the open application period in which an application is received, a pupil's parent may change the income eligibility determination method selection

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under subd. 1. d. if the pupil has not been determined ineligible under the income determination method previously selected.

(b) *Social security number or federal tax identification number.* If a pupil's parent selects the department of revenue income determination method under par. (a) 1. d., the pupil's parent or the participating private school shall provide the social security number or other state and federal tax identification number for each parent under par. (a) 1. a.

(c) *Income adjustment for marriage.* If the parents on the application are married, the pupil's family income shall be reduced by \$7,000 before the verification is made under this subsection.

(d) *Department of revenue income determination method.* 1. If a pupil's parent selects the department of revenue income eligibility method under par. (a) 1. d., the department of revenue shall review the information submitted under this section and verify the eligibility or ineligibility of the pupil to participate in the choice program on the basis of family income. The determination under this paragraph shall be based on the family income for the following tax year:

a. The tax year preceding the school year for which family income is being verified.

b. If income for the tax year in subd. 1. a. is not available, the tax year 2 years prior to the school year for which family income is being verified.

2. The department of revenue shall notify the department of public instruction, the participating private school, and the pupil's parent of its

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determination of whether the pupil is eligible for the choice program based on family income.

3. The department of revenue may take no other action on the basis of the information submitted under this subsection.

4. The department of public instruction may not request from a pupil's family any additional information related to the pupil's family income once the department of revenue has verified that the pupil is eligible to participate in the choice program on the basis of family income.

(e) *Department income determination method.* If a pupil's parent selects the department of public instruction income verification method under par. (a) 1. d., the parent shall use the income verification procedure established by the department by rule. The determination under this paragraph shall be based on the family income for the tax year preceding the school year for which family income is being verified.

SECTION 197. 118.73 (title) and (1) of the statutes are created to read:

118.73 (title) **Private school registration.** (1) PRIVATE SCHOOL ELIGIBILITY; INTENT TO PARTICIPATE AND ANNUAL FEE. To be eligible to participate in the choice program in the following school year, a private school shall submit all of the following to the department:

(a) By 2 days before the 2nd Friday in January, a notice of intent to participate that includes all of the following:

1. An agreement to comply with procedural requirements.
2. The name and location of the accredited institution of higher education

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from which the administrator of the private school received at least a bachelor's degree and the date the degree was received; the license number of the private school's administrator's teaching or administrator license issued by the department; or an indication that the administrator of the private school is excluded from this requirement under s. 118.81 (2) (b).

3. Each physical location at which the private school intends to operate.

4. The number of choice program seats the private school has available in the following school year for pupils attending the private school under the choice program.

5. A plan for selecting applicants on a random basis.

6. The open application periods during which the private school will accept applications under s. 118.72.

7. The grades at which the private school will offer choice program seats.

8. Whether or not the private school intends to offer virtual instruction and, if so, the amount and type of virtual instruction the private school intends to offer.

(b) By 2 days before the 2nd Friday in January, the nonrefundable annual fee set by the department. The department shall by rule set the fee charged under this paragraph at an amount such that the total fee revenue covers the costs of employing one full-time auditor to evaluate the financial information submitted by participating private schools.

SECTION 198. 118.74 (title) of the statutes is created to read:

118.74 (title) Accreditation.

SECTION 199. 118.74 (3) (title) of the statutes is created to read:

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118.74 (3) (title) ADDING ADDITIONAL GRADES.

SECTION 200. 118.74 (3) (a) 2. of the statutes is created to read:

118.74 (3) (a) 2. Achieve accreditation for the high school grades by the first weekday in December of the 3rd school year following the first school year in which the private school provides instruction in a high school grade.

SECTION 201. 118.74 (3) (b) 2. of the statutes is created to read:

118.74 (3) (b) 2. Achieve accreditation for the elementary grades by the first weekday in December of the 3rd school year following the first school year in which the private school provides instruction in an elementary grade.

SECTION 202. 118.74 (4) (title) of the statutes is created to read:

118.74 (4) (title) CONTINUOUS ACCREDITATION.

SECTION 203. 118.75 (title) of the statutes is created to read:

118.75 (title) Certificate of occupancy; requirement.

SECTION 204. 118.75 (2) of the statutes is created to read:

118.75 (2) PHYSICAL LOCATION REQUIRED. A participating private school shall maintain at least one physical location in this state from which the school is operated.

SECTION 205. 118.75 (3) (intro.) of the statutes is created to read:

118.75 (3) REQUIRED SUBMISSION. (intro.) By the first weekday in August before the first school term of participation in the choice program, or by the first weekday in May if the private school begins participation in the choice program during summer school, each participating private school shall submit one of the following to the department:

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SECTION 206. 118.76 (title) and (2) (title) of the statutes are created to read:

118.76 (title) **First-time private school participant.** (2) (title)

CONTINUING SURETY BOND REQUIREMENT.

SECTION 207. 118.76 (1) (a) 1. and 2. of the statutes are created to read:

118.76 (1) (a) 1. The total payments the new private school expects to receive on the basis of the intent to participate provided under s. 118.73 (1) exceeds the total expected choice program payments on the basis of the form provided under s. 118.77 (1) by at least \$50,000.

2. The required surety bond based on the intent to participate provided under s. 118.73 (1) is more than \$25,000.

SECTION 208. 118.76 (4) of the statutes is created to read:

118.76 (4) UPDATED SURETY BOND. (a) In this subsection, “September choice pupil count” means the number of pupils attending the participating private school under the choice program as reported in the September pupil count report.

(b) By the first weekday in November, a participating private school that provided a surety bond under sub. (1) (a) or (2) shall provide an updated surety bond if the total payment the participating private school expects to receive under the choice program on the basis of the September choice pupil count exceeds the total expected payment on the basis of the intent to participate provided by the participating private school under s. 118.73 (1) (a) by at least \$50,000.

(c) Notwithstanding par. (b), if a new private school did not provide an updated surety bond under sub. (1) (a) for the first year it participated in the choice

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program, the new private school shall provide an updated surety bond for the bond provided under s. 118.77 (2) if all of the following apply:

1. The total payment the new private school expects to receive under the choice program on the basis of the September choice pupil count exceeds the total expected payment on the basis of the information provided under s. 118.77 (1) by at least \$50,000.

2. The amount of the surety bond based on the September choice pupil count is more than \$25,000.

SECTION 209. 118.76 (5) of the statutes is created to read:

118.76 (5) FISCAL MANAGEMENT TRAINING. By the first weekday in April before the school year in which a private school intends to first participate in the choice program, the administrator of the private school shall participate in a fiscal management training program approved by the department. If the private school hires a new administrator between the first weekday in April and the first weekday in August, the new administrator shall participate in a fiscal management training program approved by the department before assuming the responsibilities of administrator of the private school.

SECTION 210. 118.76 (7) of the statutes is created to read:

118.76 (7) STUDENT INFORMATION SYSTEM VENDOR. Beginning in the 2025-26 school year, by the first weekday in July of the first school year in which the participating private school intends to participate in the choice program, the participating private school shall provide to the department the name of the certified student information system vendor with which the participating private

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school has contracted for the first school year the participating private school participates in the choice program, as required under s. 115.383 (3) (b).

SECTION 211. 118.77 (title) of the statutes is created to read:

118.77 (title) New private schools; initial participation requirements.

SECTION 212. 118.77 (1) (b) of the statutes is created to read:

118.77 (1) (b) The name and location of the nationally or regionally accredited institution of higher education from which the new private school's administrator received at least a bachelor's degree and the date the degree was conferred; the number assigned to a teaching license or an administrator license issued to the new private school's administrator by the department; or notice that the administrator is exempt from this requirement under s. 118.81 (2) (b).

SECTION 213. 118.77 (1) (d) of the statutes is created to read:

118.77 (1) (d) The number of choice program seats the new private school intends to make available to pupils participating in the choice program in the first school year the new private school intends to participate in the choice program.

SECTION 214. 118.77 (2) (b) to (e) of the statutes are created to read:

118.77 (2) (b) The information under s. 118.78 (1).

(c) A copy of the academic standards adopted by the governing body of the new private school under s. 118.79 (3).

(d) A signed statement from each individual who is a member of the governing body of the new private school verifying that the individual is a member of the governing body.

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(e) Notwithstanding s. 118.74 (1), a letter from a preaccrediting entity that indicates that the new private school is preaccredited.

SECTION 215. 118.78 (title) of the statutes is created to read:

118.78 (title) Required disclosures.

SECTION 216. 118.78 (1) (intro.) of the statutes is created to read:

118.78 (1) DISCLOSURES TO APPLICANTS. (intro.) Each participating private school and each school that has submitted a notice of intent to participate in the choice program under s. 118.73 shall provide each pupil, or the parent of each minor pupil, who applies to attend the private school all of the following:

SECTION 217. 118.79 (title) of the statutes is created to read:

118.79 (title) Instructional requirements and academic standards; participating private schools.

SECTION 218. 118.79 (5) of the statutes is created to read:

118.79 (5) VIRTUAL INSTRUCTION. Beginning in the 2025-26 school year, if a participating private school offers virtual instruction to pupils, the participating private school shall ensure that a teacher is responsible for all of the following for each pupil receiving the virtual instruction:

- (a) Improving learning by planned instruction.
- (b) Diagnosing learning needs.
- (c) Prescribing content delivery through class activities.
- (d) Assessing learning.
- (e) Reporting outcomes to administrators and parents.
- (f) Evaluating the effects of instruction.

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SECTION 219. 118.80 (title) of the statutes is created to read:

118.80 (title) Participating private schools; general requirements.

SECTION 220. 118.80 (4) (a) and (b) of the statutes are created to read:

118.80 (4) (a) The participating private school maintains a website for the participating private school.

(b) The participating private school is included in the most recent accountability report under s. 115.385.

SECTION 221. 118.80 (9) (title) of the statutes is created to read:

118.80 (9) (title) STUDENT RECORDS.

SECTION 222. 118.80 (9) (d) 2. of the statutes is created to read:

118.80 (9) (d) 2. The private school shall send written notice to each pupil, or to the parent of a minor pupil, of the transfer of progress records under this paragraph.

SECTION 223. 118.81 (title) of the statutes is created to read:

118.81 (title) School personnel requirements.

SECTION 224. 118.81 (1) (title) of the statutes is created to read:

118.81 (1) (title) TEACHER EDUCATIONAL REQUIREMENTS.

SECTION 225. 118.81 (1) (c) of the statutes is created to read:

118.81 (1) (c) An individual employed by a participating private school who holds a substitute teacher permit issued under s. 118.19 (7m) may teach at the participating private school as allowed under the substitute teacher permit.

SECTION 226. 118.81 (2) (title) of the statutes is created to read:

118.81 (2) (title) ADMINISTRATOR EDUCATIONAL REQUIREMENTS.

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SECTION 227. 118.82 (title) of the statutes is created to read:

118.82 (title) Tuition and fees.

SECTION 228. 118.82 (4) (title) of the statutes is created to read:

118.82 (4) (title) ADDITIONAL FEES.

SECTION 229. 118.83 (title) of the statutes is created to read:

118.83 (title) Financial requirements; participating private schools.

SECTION 230. 118.83 (2) (title) of the statutes is created to read:

118.83 (2) (title) FINANCIAL AUDIT.

SECTION 231. 118.84 (title) of the statutes is created to read:

118.84 (title) Payments and state aid reductions.

SECTION 232. 118.84 (1) of the statutes is created to read:

118.84 (1) PER PUPIL AMOUNT. (a) In the 2024-25 school year, upon receipt from the pupil's parent of proof of the pupil's enrollment in the participating private school during a school term, the state superintendent shall pay to the participating private school in which the pupil is enrolled on behalf of the pupil's parent, from the appropriation under s. 20.255 (2) (fr), an amount of \$10,237, if the pupil is enrolled in a grade from kindergarten to 8, or of \$12,731, if the pupil is enrolled in a grade from 9 to 12.

SECTION 233. 118.84 (2) (title) of the statutes is created to read:

118.84 (2) (title) SUMMER SCHOOL PAYMENT.

SECTION 234. 118.84 (4) (title) of the statutes is created to read:

118.84 (4) (title) STATE AID REDUCTION.

SECTION 235. 118.84 (4) (a) 1. of the statutes is created to read:

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118.84 (4) (a) 1. The pupil is a Racine pupil or a Wisconsin pupil.

SECTION 236. 118.84 (7) of the statutes is created to read:

118.84 (7) ENROLLMENT ATTESTATION REPORTS. Beginning in the 2025-26 school year, a participating private school shall engage an independent auditor to complete an enrollment attestation report for the September count date and for the January count date. An independent auditor completing an enrollment attestation report under this subsection shall comply with the attestation standards established by the American Institute of Certified Public Accountants. Each enrollment attestation report shall identify at least all of the following:

(a) Pupils who were not eligible for a payment under this section but for whom the participating private school received a payment under this section.

(b) Pupils who have incorrect data in the department's database who are attending the participating private school under the choice program.

(c) Pupils attending the participating private school under the choice program for whom the participating private school did not receive a payment under this section.

SECTION 237. 118.85 (title) and (3) (title) of the statutes are created to read:

118.85 (title) Penalties for private schools. (3) (title) ACCREDITATION.

SECTION 238. 118.87 (6) of the statutes is created to read:

118.87 (6) ALTERNATIVE COUNT DATE. If pupils enrolled in a participating private school will not be in attendance at the participating private school on the 3rd Friday in September or the 2nd Friday in January because of a regularly scheduled holiday or for a reason approved by the governing body of the

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participating private school, upon request from the participating private school, designate an alternative count date.

SECTION 239. 119.23 of the statutes, as affected by 2023 Wisconsin Act (this act), is repealed.

SECTION 240. 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 (2) (a) 3. ~~Except as provided in par. (ag) 1., the~~ The private school notified the state superintendent of its intent to participate in the program under this section or in the program under s. 118.60, and paid the nonrefundable annual fee set by the department, by January 10 of the previous school year. The notice shall specify the number of pupils participating in the program under this section and in the program under s. 118.60 for which the school has space. The department shall by rule set the fee charged under this subdivision at an amount such that the total fee revenue covers the costs of employing one full-time auditor to evaluate the financial information submitted by private schools under subs. (7) (am) and (d) 3. and (7m) (a) 2. and under s. 118.60 (7) (am) and (d) 3. and (7m) (a) 2.

SECTION 241. 119.23 (2) (ag) 1. (intro.) and a. of the statutes are consolidated, renumbered 119.23 (2) (ag) 1. and amended to read:

119.23 (2) (ag) 1. By the first weekday in August ~~1~~ of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, complete and submit to the department ~~the following~~, on forms provided by the department: ~~a. A~~, a notice of intent to participate and agreement to comply with procedural requirements. If, at the time the new private school submits the information required under this

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subdivision, the new private school does not have a physical property within which the private school intends to operate, submit a mailing address of an administrator of the private school.

SECTION 242. 119.23 (2) (ag) 1. b. and c. of the statutes are repealed.

SECTION 243. 119.23 (2) (ag) 2. a. of the statutes is amended to read:

119.23 (2) (ag) 2. a. By ~~August 1~~ the 3rd Monday in October of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, submit to the department the information under sub. (6p) (a) and (b).

SECTION 244. 119.23 (2) (ag) 2. b. of the statutes is repealed.

SECTION 245. 119.23 (2) (ag) 2. c. of the statutes is created to read:

119.23 (2) (ag) 2. c. By the 3rd Monday in October of the school year immediately preceding the school year in which the new private school intends to participate in the program under this section, provide a surety bond payable to the state in an amount equal to the greater of \$25,000 or 25 percent of the total payment the new private school expects to receive under the program under this section during its first school year participating in the program on the basis of the information submitted under subd. 1.

SECTION 246. 119.23 (2) (ag) 4. of the statutes is amended to read:

119.23 (2) (ag) 4. Notwithstanding the deadline to obtain preaccreditation under par. (a) 7. bg., by ~~December 15~~ the 3rd Monday in October of the school year immediately preceding the school year in which the new private school intends to

SENATE BILL 989**SECTION 246**

participate in the program under this section, obtain preaccreditation from a preaccrediting entity.

SECTION 247. 119.23 (2) (ar) of the statutes is amended to read:

119.23 (2) (ar) By the first weekday in December ~~31~~ of the school year immediately preceding the school year in which a new private school intends to participate in the program under this section, the department shall notify the new private school in writing whether it has satisfied those requirements under par. (ag) that must be satisfied before December 31. If the department determines that the new private school has not satisfied those requirements, the new private school may not participate in the program under this section in the following school year, but may reinitiate the process under par. (ag) for the next following school year.

SECTION 248. 119.33 (2) (b) 3. c. of the statutes is amended to read:

119.33 (2) (b) 3. c. The governing body of a nonsectarian private school participating in ~~a~~ the private school choice program under s. 118.60 or 119.23. The superintendent of schools may proceed under this subd. 3. c. only if one of the following applies: the performance on the most recent examinations administered under s. 118.30 ~~(1s) or~~ (1t) of pupils attending a school operated by the governing body exceeds the performance on the most recent examinations administered under s. 118.30 (1) of pupils attending the school being transferred to the governing body under this subdivision; or, in each of the 3 preceding consecutive accountability reports published under s. 115.385 (1), the performance category assigned to a school operated by the governing body exceeds the performance category assigned to the school being transferred to the governing body under this subdivision. If

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fewer than 3 accountability reports have been published for a private school described in this subd. 3. c., the superintendent of schools shall determine an alternative method for comparing the school's performance.

SECTION 249. 119.46 (1) of the statutes is amended to read:

119.46 (1) As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, including the schools transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to repair and keep in order school buildings and equipment, including school buildings and equipment transferred to the superintendent of schools opportunity schools and partnership program under s. 119.33 and to the opportunity schools and partnership program under subch. II, to make material improvements to school property, and to purchase necessary additions to school sites. The report shall specify the amount of net proceeds from the sale or lease of city-owned property used for school purposes deposited in the immediately preceding school year into the school operations fund as specified under s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school building deposited in the immediately preceding school year into the school operations fund as specified under s. 119.61 (5). The amount included in the report for the purpose of supporting the pupils who reside in Milwaukee Parental Choice Program under s. 119.23 participating in the private school choice program shall be reduced by the amount of aid received by the board under s. 121.136 and by the

SENATE BILL 989**SECTION 249**

amount specified in the notice received by the board under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under ss. 119.60 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

SECTION 250. 119.9002 (2) (d) 3. (intro.) of the statutes is amended to read:

119.9002 (2) (d) 3. (intro.) The governing body of a nonsectarian private school participating in ~~a the private school choice program under s. 118.60 or 119.23.~~ The commissioner may proceed under this subdivision only if one of the following applies:

SECTION 251. 121.07 (2) (b) of the statutes is amended to read:

121.07 (2) (b) The number of pupils residing in the school district in the previous school year who were incoming choice pupils, as defined in s. ~~118.60 (4d)~~ ~~(a)~~ 118.84 (4) (a), and for whom a payment was made under s. ~~118.60 (4) (b)~~ 118.84 (1) in the previous school year.

SECTION 252. 121.08 (4) (b) (intro.) and 2. of the statutes are consolidated, renumbered 121.08 (4) (b) and amended to read:

121.08 (4) (b) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall be

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reduced by the amount calculated as follows: ~~2. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009-10 school year by 3.4 percent, and multiply by multiplying the amounts paid under s. 119.23 (4) and (4m) in the 2010-11 school year and 118.84 (1) and (2) for Milwaukee pupils, as defined in s. 118.70 (9), in each school year thereafter by 6.6 percent.~~

SECTION 253. 121.08 (4) (b) 1. and 3. of the statutes are repealed.

SECTION 254. 121.085 of the statutes is amended to read:

121.085 State aid; other reductions. (1) The department shall make state aid adjustments under s. 118.51 (16) and (17) before making a reduction under s. 115.7915 (4m) (f), 118.40 (2r) (g) or (2x) (f), or ~~118.60 (4d) (b)~~ 118.84 (4) (b).

(2) For purposes of ss. 115.7915 (4m) (f) 2., 118.40 (2r) (g) 2. and (2x) (f) 2., and ~~118.60 (4d) (b) 2.~~ 118.84 (4) (b) 2., a school district's aid under s. 121.08 is insufficient to cover a reduction if, after making state aid adjustments under s. 118.51 (16) and (17), the amount of the school district's aid under s. 121.08 is insufficient to cover all of the reductions under ss. 115.7915 (4m) (f) 1., 118.40 (2r) (g) 1. and (2x) (f) 1., and ~~118.60 (4d) (b) 1.~~ 118.84 (4) (b) 1.

(3) The state superintendent shall ensure that the aid reductions under ss. 115.7915 (4m) (f) 1., 118.40 (2r) (g) 1. and (2x) (f) 1., and ~~118.60 (4d) (b) 1.~~ 118.84 (4) (b) 1. lapse to the general fund.

SECTION 255. 121.137 (2) of the statutes is amended to read:

121.137 (2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) ~~2.~~ in the current school year and shall notify the board, in writing, of the result.

SENATE BILL 989**SECTION 256**

SECTION 256. 121.91 (2m) (c) 1. of the statutes is amended to read:

121.91 **(2m)** (c) 1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending private schools under s. 119.23, 2023 stats., in the 4th, 3rd and 2nd preceding school years, and dividing the remainder by 3.

SECTION 257. 121.91 (2m) (c) 4. of the statutes is amended to read:

121.91 **(2m)** (c) 4. Multiply the result under subd. 3. by a number calculated by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending private schools under s. 119.23, 2023 stats., in the 3 previous school years, and dividing the remainder by 3.

SECTION 258. 121.91 (2m) (d) 1. of the statutes is amended to read:

121.91 **(2m)** (d) 1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding funds described under sub. (4) (c), by a number calculated by adding the number of pupils enrolled in the 3 previous school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23, 2023 stats., in the 4th, 3rd and 2nd preceding school years and dividing the remainder by 3.

SECTION 259. 121.91 (2m) (d) 4. of the statutes is amended to read:

121.91 **(2m)** (d) 4. Multiply the result under subd. 3. by a number calculated

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by adding the number of pupils enrolled in the current and the 2 preceding school years, subtracting from that total the number of pupils attending charter schools under s. 118.40 (2r) and private schools under s. 119.23, 2023 stats., in the 3 previous school years and dividing the remainder by 3.

SECTION 260. 121.91 (4) (n) 1. of the statutes is 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 equal to the amount determined for that school district under ss. 115.7915 (4m) (f) and ~~118.60 (4d) (b) 1.~~ 118.84 (4) (b) 1.

SECTION 261. 146.89 (1) (d) 2. of the statutes is amended to read:

146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates in the private school choice program ~~under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23,~~ as defined in s. 115.001 (3t), or that, pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management of a school transferred to an opportunity schools and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119.

SECTION 262. 146.89 (1) (g) 3. of the statutes is amended to read:

146.89 (1) (g) 3. A private school, as defined in s. 115.001 (3r), that participates in the private school choice program ~~under s. 118.60 or the Milwaukee Parental Choice Program under s. 119.23,~~ as defined in s. 115.001 (3t).

SECTION 263. 938.49 (2) (b) of the statutes is amended to read:

938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was

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last enrolled in a private school participating in the private school choice program ~~under s. 118.60 or in the program under s. 119.23, as defined in s. 115.001 (3t), or,~~ pursuant to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), in a school under the operation and general management of the governing body of a private school, the private school or the governing body of a private school, in writing of its obligation under s. 118.125 (4).

SECTION 264. 938.78 (2) (L) of the statutes is repealed.

SECTION 265. Nonstatutory provisions.

(1) NEW SCHOOLS; FIRST PARTICIPATING IN 2025-26 SCHOOL YEAR. If a new private school, as defined in s. 118.60 (1) (bn) or 119.23 (1) (ai), that applies to first participate in the program under s. 118.60 or 119.23 in the 2025-26 school year selects to provide a surety bond under s. 118.60 (7m) or 119.23 (7m), the new private school shall, by May 1, 2025, provide an updated surety bond if all of the following apply:

(a) The total payments the new private school expects to receive on the basis of the intent to participate provided under s. 118.60 (2) (a) 3. a. or 119.23 (2) (a) 3. exceeds the total expected choice program payments on the basis of the form provided under s. 118.60 (2) (ag) 2. c. or 119.23 (2) (ag) 2. c. by at least \$50,000.

(b) The amount of the required surety bond based on the intent to participate that the new private school provided to the department of public instruction under s. 118.60 (2) (a) 3. a. or 119.23 (2) (a) 3. is more than \$25,000.

(2) INTENT TO PARTICIPATE IN THE 2025-26 SCHOOL YEAR; VIRTUAL INSTRUCTION. A private school that notifies the department of public instruction

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during the 2024-25 school year of its intent to participate in a program under s. 115.7915, 118.60, or 119.23 in the 2025-26 school year shall include all of the following in the notice of intent to participate:

(a) Whether or not the private school intends to offer virtual instruction in the 2025-26 school year.

(b) If the private school intends to offer virtual instruction in the 2025-26 school year, the amount and type of virtual instruction the private school intends to offer.

(3) PRIVATE SCHOOL CHOICE PROGRAMS DURING THE 2025-26 SCHOOL YEAR. During the 2025-26 school year, the department of public instruction shall administer the choice program, as defined in s. 118.70 (3), as the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the Wisconsin Parental Choice Program, as indicated by the notices of intent to participate in the 2025-26 school year received by the department during the 2024-25 school year.

(4) PUPIL ASSESSMENTS EXEMPTION; 2025-26 SCHOOL YEAR. Notwithstanding s. 118.30 (1t), a private school participating in the choice program, as defined in s. 118.70 (3), at which fewer than 20 Milwaukee pupils, as defined in s. 118.70 (9), in grades 3 to 12 are attending under the choice program, is not required to administer the examinations required under s. 118.30 (1t). Notwithstanding s. 118.30 (1t), a private school participating in the choice program, as defined in s. 118.70 (3), at which fewer than a total of 20 Racine pupils, as defined in s. 118.70 (16), and Wisconsin pupils, as defined in s. 118.70 (20), in grades 3 to 12 are

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attending under the choice program, is not required to administer the examinations required under s. 118.30 (1t).

(5) CERTIFICATE OF OCCUPANCY REQUIREMENTS; 2025-26 SCHOOL YEAR. Notwithstanding s. 118.75 (3), (4), and (5), in the 2025-26 school year, a private school participating in the Milwaukee Parental Choice Program under s. 119.23, 2023 stats., shall comply with s. 119.23 (7) (d) 1. b., 2023 stats., and a private school participating in a program under s. 118.60, 2023 stats., shall comply with s. 118.60 (7) (d) 1. b., 2023 stats.

(6) FIRST TIME PRIVATE SCHOOL PARTICIPANTS; 2025-26 SCHOOL YEAR. Notwithstanding s. 118.76 (5) and (6), a private school that first participates in the choice program, as defined in s. 118.70 (3), in the 2025-26 school year shall comply with the requirements under s. 118.76 (5) and (6) (b) by no later than August 1, 2025.

(7) COMBINED PRIVATE SCHOOLS. For purposes of s. 118.73 (2), a private school that submitted to the department of public instruction a notice of intent to participate only in the Milwaukee Parental Choice Program in the 2025-26 school year and participated only in the part of the choice program, as defined in s. 118.70 (3), administered by the department of public instruction as the Milwaukee Parental Choice Program in the 2025-26 school year is not considered to have participated in the choice program, as defined in s. 118.70 (3), in the 2025-26 school year.

(8) PRIVATE SCHOOL CHOICE PROGRAM; POSITIONS. The authorized FTE

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positions for the department of public instruction are increased by 2.0 GPR positions, to be funded from the appropriation under s. 20.255 (1) (a).

(9) EMERGENCY RULES; PRIVATE SCHOOL CHOICE PROGRAM. Using the procedure under s. 227.24, the department of public instruction shall promulgate the rules required under subch. II of ch. 118 for the period before the effective date of the permanent rules promulgated under subch. II of ch. 118, but not to exceed the period authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department of public instruction is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(10) EMERGENCY RULES; SPECIAL NEEDS SCHOLARSHIP PROGRAM. Using the procedure under s. 227.24, the department of public instruction shall promulgate the rules required under s. 115.7915 for the period before the effective date of the permanent rules promulgated under s. 115.7915, but not to exceed the period authorized under s. 227.24 (1) (c), subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department of public instruction is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 266. Initial applicability.

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(1) PUPIL APPLICATIONS. Section 118.72, as affected by this act, first applies to pupil applications to attend a participating private school under the choice program, as defined in s. 118.70 (3), in the 2026-27 school year.

(2) PRIVATE SCHOOL ELIGIBILITY. Section 118.73, as affected by this act, first applies to a private school that intends to participate in the choice program, as defined in s. 118.70 (3), in the 2026-27 school year.

(3) CERTIFICATE OF OCCUPANCY. Section 118.75 (3), as affected by this act, first applies to a private school that first participates in the choice program, as defined in s. 118.70 (3), in the 2026-27 school year. Section 118.75 (4), as affected by this act, first applies to a participating private school that moves its location during the 2026-27 school year.

SECTION 267. Effective dates. This act takes effect on July 1, 2025, except as follows:

(1) The treatment of ss. 118.60 (2) (a) 3. a. (by SECTION 89), (ag) 1. (intro.) and a. (by SECTION 101), b., and c., 2. a. (by SECTION 104), b., and c. (by SECTION 107), and 4. (by SECTION 109), and (ar) (by SECTION 112) and 119.23 (2) (a) 3. (by SECTION 240), (ag) 1. (intro.) and a. (by SECTION 241) and b. and c. (by SECTION 242), 2. a. (by SECTION 243), b. (by SECTION 244), and c. (by SECTION 245), and 4. (by SECTION 246), and (ar) (by SECTION 247) and SECTION 265 (1), (2), (8), (9), and (10) of this act take effect on the day after publication.

(END)