

Clearinghouse Rule 95-203

CERTIFICATE


STATE OF WISCONSIN)
) SS
DEPARTMENT OF PUBLIC INSTRUCTION)

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed rule relating to the Milwaukee parental school choice program was duly approved and adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I hereunto set my hand and affixed the official seal of the Department at General Executive Facility (GEF) 3, 125 South Webster Street, P.O. Box 7841, in the city of Madison, this 26th day of March, 1996.



John T. Benson
State Superintendent
State Department of Public Instruction

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby amends PI 35.03(1)(a) and creates PI 35.03(6) and PI 35.06, relating to the Milwaukee parental private school choice program.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statutory authority: s. 227.11(2)(a), Stats.

Statute interpreted: s. 119.23, Stats.

1989 Wisconsin Act 336 created s. 119.23, Stats., establishing a program for parental choice of private schools in Milwaukee. The proposed rules:

- Require that random selection of participating pupils be taken from a new pool of applicants each school year.
 - Clarify what fees are and are not allowed to be charged under the program.
 - Clarify transportation requirements that must or may be provided to participating pupils.
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SECTION 1. PI 35.02(12m) is created to read:

PI 35.02(12m) "Reasonable fees" means the fee charged does not exceed the actual cost to the private school of the materials supplied to pupils or activities engaged in by pupils.

SECTION 2. PI 35.03(1)(a) is amended to read:

PI 35.03(1)(a) The private school's proposed method for ensuring that pupils will be accepted on a random basis ~~which ensures that except for continuing pupils random selection shall be taken from a new pool of applicants each school year. Waiting lists from previous school years may not be carried over and used from one year to the next.~~

SECTION 3. PI 35.03(6) is created to read:

PI 35.03(6) FEES. (a) A private school participating in the private school choice program may only charge pupils participating under the program fees that may be charged by public schools to indigent pupils. A private school under this subsection may charge reasonable fees for the following:

1. Personal use items, such as towels, gym clothes, or uniforms.
 2. Social and extra-curricular activities if not necessary to the private school's curriculum.
- (b) A private school under this subsection may not charge fees for any of the following:
1. Instruction, registration or tuition.
 2. Books.
 3. Teacher salary.
 4. Buildings, maintenance or equipment.
 5. Courses credited for graduation.
 6. Computers or microfilm readers.

7. Transportation required under s. 121.54(8), Stats.

(c) A private school may not prohibit an eligible pupil from attending the private school, expel or otherwise discipline the pupil, or withhold or reduce the pupil's grades because the pupil or the pupil's family cannot pay or has not paid fees charged under par. (a).

NOTE: All pupils participating under the private school choice program are indigent by definition under s. 119.23(2)(a)1, Stats., since the program is targeted exclusively to low-income pupils whose total family income does not exceed an amount equal to 1.75 times the poverty level. One available remedy for collecting a valid nonpaid fee is small claims court.

(d) A school may not impose any sanctions on a parent or pupil participating in the program for failure to engage in fund raising.

SECTION 4. PI 35.06 is created to read:

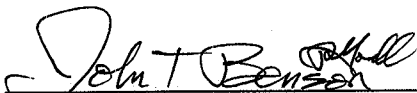
PI 35.06 TRANSPORTATION. (1) The board shall provide transportation to pupils attending a private school under this chapter as specified under s. 121.54(2)(b)1, Stats.

(2) Each private school requesting that transportation of pupils be provided shall notify the board of the names, grade levels and locations of all pupils eligible to have transportation provided by the board and planning to attend such private school as specified under s. 121.54(2)(b)4, Stats.

(3) If a pupil is not required to have transportation provided as specified under s. 121.54, Stats., the parent or guardian may contract with the board for such transportation. The board may provide transportation under this subsection to a pupil not required to be transported under s. 121.54, Stats., if requested to do so by the parent or guardian of the pupil and if the parent or guardian agrees to pay to the board a fee sufficient to reimburse the board for the costs incurred in providing such transportation.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this 26th day of March, 1996



John T. Benson
State Superintendent