
Wisconsin Legislative Council



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TO: REPRESENTATIVE SONDY POPE

FROM: Katie Bender-Olson, Senior Staff Attorney

RE: Requirements Applicable to Public Schools and Choice Schools

DATE: September 30, 2019

You requested a summary of the requirements that apply to public school districts but not to private schools participating in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, and the Wisconsin Parental Choice Program (hereinafter, “choice schools”). The following memorandum summarizes notable requirements that apply to public school districts, but do not apply to choice schools, as well as funding variation that applies to public schools and not choice schools.¹

SPECIAL EDUCATION SERVICES

Public schools are required to provide students with disabilities with special education and related services, while choice schools are not.

Public Schools

Public school districts must comply with federal laws relating to special education and discrimination, such as the Individuals with Disabilities Education Improvement Act (IDEA) and Title II of the Americans with Disabilities Act (ADA). Federal and state law requires local education agencies (school districts) to provide a free and appropriate public education (FAPE) to students with disabilities. The requirement to offer FAPE means that public schools must provide special education and related services under an individualized education program (IEP) to a student with a disability in the least restrictive environment possible. [20 U.S.C. ss. 1401 (9), 1412 (a), and 1414 (d) and s. 115.77 (1m) (b), Stats.]

School districts also have a limited obligation to provide services to children with disabilities who attend private schools, including choice schools. Districts must use a proportionate share of the federal IDEA funds they receive to provide special education and related services to students enrolled in private schools; a requirement referred to as “equitable participation.” This requirement relates to how districts spend federal funds, and does not create rights for individual private school students to receive particular services. Finally, school districts must locate, identify, and evaluate students with disabilities,

¹ The memorandum addresses requirements that appear relevant for making a general comparison between public schools and choice schools. It excludes, for example, requirements relating to school district governance and organization and requirements applicable only to Milwaukee Public Schools. Statutory citations are limited to those for the Racine and Wisconsin Parental Choice Programs for purposes of brevity.

including those in private schools within the district boundaries; a requirement referred to as the “child find” mandate. [20 U.S.C. ss. 1412 (a) and 1413 (a), 34 C.F.R. s. 300.13, and s. 115.77 (1m) (a), (d), and (e), Stats.]

Choice Schools

Choice schools are not subject to federal and state law requirements to provide a free and appropriate education to a child with a disability, so they are not required to provide special education or related services to students.²

STAFF LICENSURE

Teachers, administrators, and aides in both public schools and choice schools must have certain minimum credentials and pass background checks, but the credential requirements differ. Public school teachers and administrators are required to hold a Department of Public Instruction (DPI) certificate, license, or permit, while choice school teachers and administrators are not. Certain public school aides are required to either have a DPI license, have some post-secondary schooling, or have passed an assessment, while choice school aides are not.

Public Schools

Public school districts must ensure that all teachers, administrators, and professional staff members hold a certificate, license, or permit issued by DPI. [ss. 118.19 (1) and 121.02 (1) (a), Stats.] The administrative code lays out the requirements an individual must meet to obtain one of the DPI-issued licenses or permits. [See, ch. 34, Wis. Adm. Code.]

Certain public school aides must also meet credentialing requirements. Aides in a public school that receives Title I federal funding must meet federal requirements to have a high school diploma and do one of the following: (1) have an associate degree or higher; (2) pass an assessment; or (3) have two years of post-secondary education (48 credits). [34 C.F.R. s. 200.58.] An individual working as a special education aide in a public school must have a DPI license, which requires the person to: (a) have a high school diploma or equivalent degree; (b) be 18 years old; and (c) be recommended by the school district or the Cooperative Educational Service Agency (CESA) the individual works for. [s. PI 34.036, Wis. Adm. Code.]

Choice Schools

A choice school must ensure that teachers have either: (1) a DPI license; or (2) a bachelor’s degree or degree or educational credential higher than a bachelor’s degree from a nationally or regionally accredited institution of higher education.³ [s. 118.60 (2) (a) 6.a., Stats.] A choice school must ensure that administrators have one of the following: (a) a bachelor’s degree from a nationally or regionally accredited institution of higher education; or (b) DPI teaching license or administrator’s license. [s. 118.60 (2) (a) 6. b., Stats.]

² A choice school that also participates in the Special Needs Scholarship Program (SNSP) must implement a student’s IEP or services plan, and any related services agreed to by the parent and private school. This obligation to provide services applies only to students participating in SNSP, however, and not to those participating in the choice program. [s. 115.7915 (6) (h) 1., Stats.]

³ A limited exception exists for a teacher only teaching courses in rabbinical studies or for an administrator at a school that prepares and trains students attending the school in rabbinical studies. These individuals are not required to have a bachelor’s degree. [s. 118.60 (2) (c), Stats.]

A teacher's aide in a choice school must meet one of the following: (a) have graduated from high school; (b) have been granted a declaration of equivalency of high school graduation; (c) have been granted a high school diploma by a home-based private educational program; (d) have been issued a general educational development certificate of high school equivalency; or (e) have obtained a degree or educational credential higher than one of those degrees. [s. 118.60 (7) (b) 3., Stats.]

STATE READING ASSESSMENTS

Public school districts and choice schools must generally administer the same state assessments, except that public schools are required to administer a reading readiness assessment, while choice schools are not.

Public Schools

Public school districts must annually assess each student in 4K to second grade for reading readiness using an appropriate, valid, and reliable assessment of literacy fundamentals chosen by the school district. The assessment must evaluate whether a student possesses phonemic awareness and letter sound knowledge. DPI pays school districts the per pupil cost of the assessment, but the amount is prorated if there are insufficient funds in the appropriation. [s. 118.016 (1) (b) and (c), Stats.]

Choice Schools

The requirement to administer a reading readiness assessment in grades 4K to second does not apply to choice schools.

READING SPECIALISTS

Public school districts are required to employ a reading specialist and develop a comprehensive reading curriculum, while choice schools are not.

Public Schools

Each public school district must employ a DPI-certified reading specialist to develop and coordinate a comprehensive reading curriculum in grades K-12. This can be done through direct employment, or on a contracted and cooperative basis with other districts or CESAs. A reading specialist must provide the following reading services and interventions in the district: (a) develop and implement a reading curriculum; (b) act as a resource person to classroom teachers to implement the reading curriculum; (c) work with administrators to support and implement the reading curriculum; (d) conduct an annual evaluation of the reading curriculum; and (e) coordinate the reading curriculum with other reading programs and other district support services. [s. 118.015 (2) and (3), Stats.]

Public school boards are also required to develop a program of reading goals for the district, make an assessment of existing reading needs in the district based on the goals, and annually evaluate the district's reading curriculum. [s. 118.015 (4), Stats.]

Choice Schools

Statutory requirements for a reading specialist and comprehensive reading curriculum do not apply to choice schools.

CORPORAL PUNISHMENT AND SECLUSION AND RESTRAINT

Public school employees are prohibited from using corporal punishment, and may only use seclusion or restraint on a student if specific conditions apply. Choice school employees are not subject to these prohibitions.

Public Schools

Public school district employees, officials, and agents are prohibited from subjecting a student to corporal punishment. “Corporal punishment” means the intentional infliction of physical pain which is used as a means of discipline. Specific actions are not prohibited, however, including the use of reasonable and necessary force for the purpose of self-defense or to protect the safety of others. Every school board must adopt a policy allowing its employees, officials, and agents to use reasonable and necessary force for the specified, allowable statutory purposes. [s. 118.31 (1) to (4), Stats.]

Public school district employees⁴ are only permitted to use seclusion or physical restraint on a student at school if certain conditions apply, including that the student’s behavior presents a clear, present, and imminent risk to the physical safety of the student or others and is the least restrictive intervention feasible. “Seclusion” means involuntary confinement of a pupil, apart from other pupils, in a room or area from which the pupil is physically prevented from leaving. “Physical restraint” means a restriction that immobilizes or reduces the ability of a pupil to freely move his or her torso, arms, legs, or head.

Choice Schools

Choice school employees are not subject to the statutory prohibition on corporal punishment. Similarly, choice school employees are not subject to the statutory limitations on use of seclusion and physical restraint on students.⁵

EXPULSION PROCEEDINGS

Public school districts may only expel a student for particular reasons and may only do so after following specific procedural steps. Choice schools must provide their expulsion policy to students, but are not required to follow the same procedural steps as public schools before expelling a student.

Public Schools

A public school board can only expel a student for specified reasons. A board may expel a student if it finds the student engaged in one of the following: (a) repeated refusal or neglect to obey the rules; (b) knowingly conveyed or caused to be conveyed any threat or false information concerning an attempt to destroy school property by means of explosives; (c) conduct at school or under school supervision which endangered the property, health, or safety of others; (d) conduct while not at school or under school supervision which endangered the property, health, or safety of others at school, a school district employee, or a school board member; or (e) repeatedly engaged in conduct at school or under school supervision that disrupted the ability of school authorities to maintain order or an educational

⁴ The prohibition on seclusion and physical restraint also applies to employees of a private school participating in the SNSP. This is because the section defines “school” to mean a public school, including a charter school, and a private school participating in the program under s. 115.7915. [s. 118.305 (1) (c) and (h), Stats.]

⁵ A private school that participates in both a choice program and the SNSP would be subject to the limitations on use of seclusion and physical restraint.

atmosphere at school or a school-supervised activity (if the student is at least 16 years old). [s. 120.13 (1) (c) 1. and 2., Stats.]

A school board must also provide certain notice and process to a student before expelling that student. The board must hold an expulsion hearing at which a student may be represented by counsel, and must keep written minutes of the hearing. The board must provide written notice of this hearing at least five days in advance. The notice must specify particular information, including the alleged conduct on which the expulsion proceeding is based and the hearing time and place. The board's expulsion decision may be appealed to DPI, and DPI's decision may be appealed to the county circuit court. [s. 120.13 (1) (c) 4., Stats.]

Choice Schools

Choice schools must provide to applicants and their parents a copy of the suspension and expulsion policies and procedures used by the school, including procedures for appealing a suspension or expulsion. However, choice schools are not limited to certain bases for expulsion, nor are they required to follow specific expulsion procedures.

SCHOOL START DATE AND TRANSPORTATION

Public school districts cannot start school until September 1st, while choice schools may begin prior to that date. Public school districts are also required to transport qualifying private school students to their schools, even if public school is not yet in session, while choice schools are not.

Public Schools

State law prohibits any public school from commencing the school term until September 1, unless DPI grants a school board's request to begin earlier based on "extraordinary reasons." [s. 118.045, Stats.]

State law further requires school districts to provide transportation for private school students who meet the following criteria: (a) the student lives within both the school district and within the private school's attendance area⁶; (b) the student lives two miles or more from the private school; and (c) the private school is located within the school district boundaries or within five miles beyond the boundaries of the district along the usually traveled route.

State law specifically requires school districts to transport choice students who meet the criteria outlined above.⁷ [ss. 118.60 (6) and 121.54 (2) (b), Stats.] A school district is required to transport these students, even if the private school commences its school year before the September 1st start date for public schools. [See, *Hahner v. Board of Education*, 89 Wis. 2d 180 (Ct. App. 1979).]

⁶ A private school's "attendance area" is the geographic area designated by a private school as the area from which its pupils attend and approved by the school board of the public school district in which the private school is located. In general, the attendance areas of private schools affiliated with the same religious denomination may not overlap. [s. 121.51 (1), Stats.]

⁷ A school district that transports private school pupils may receive aid on a per pupil basis to offset transportation costs. [s. 121.58 (2), Stats.]

Choice Schools

State law does not restrict when private schools may commence the school term, which allows a choice school to begin prior to September 1st. Additionally, choice schools are not required to provide transportation to students.

PUBLIC RECORDS AND OPEN MEETINGS

The public records law allows members of the public to obtain copies of “records” maintained by governmental “authorities.” [ss. 19.31 to 19.39, Stats.] The open meetings law requires “governmental bodies” to hold their meetings publicly in places that are reasonably accessible to members of the public. [ss. 19.81 to 19.98, Stats.]

The public records law and open meetings law create presumptions that the public should have access to information about the activities of governmental actors and that their decision-making processes should be done in the open. Public school districts are generally subject to requirements of the public records law and the open meetings law, while choice schools are not.

Public Schools

School boards are “governmental bodies” under the public records law, so must provide a copy of a record to any member of the public who requests one, unless a particular record is protected against disclosure by a statutory exception or case law exception. Similarly, school boards are “authorities” that are required to hold their meetings publicly, unless the subject of discussion by the board falls into one of 11 statutory exceptions allowing the board to hold a portion of the meeting in closed session.

Certain exceptions to the public records law and open meetings law apply to school boards. For example, pupil records and educator effectiveness evaluations are generally exempt from public records requirements, meaning that a school district is not required to provide copies to a member of the public. [ss. 118.125 (2) and 120.12 (2m) (b), Stats.] A school board discussion is exempt from open meetings requirements, and may be closed to the public, if the board is discussing, for example, the employment, promotion, or compensation of a school district employee, or is receiving legal advice from the district’s attorney about litigation strategy. [s. 19.85 (1) (c) and (g), Stats.]

Choice Schools

Choice schools are not subject to the public records law or the open meetings law because they are not “governmental bodies” or “authorities.”⁸

⁸ Certain information about choice schools is made public as part of the DPI school report card that DPI publishes about each choice school, such as the percentage of the school’s students attending under the choice program and the performance category assigned to the choice school. [s. 115.385 (2) and (3), Stats.] State law also requires choice schools to provide certain information to DPI and to parents of choice students. For example, choice schools must report to DPI student scores on required state assessments and must provide the school’s academic standards, if requested. [s. 118.60 (6m) (b) and (bm), Stats.] Choice schools must also provide parents of choice students with, for example, a list of names of the school’s governing body members, a list of school shareholders (if any), and a notice stating whether the school is operated for profit or non-for-profit. [s. 118.60 (6m) (a) 1., Stats.]

Choice schools must also schedule two meetings each year at which students and prospective students and their parents can meet with and communicate with the governing body’s members, and must notify those students and parents of the meeting date, time, and place at least 30 days before. [s. 118.60 (7) (b) 3m., Stats.]

CONFIDENTIALITY OF STUDENT RECORDS

Public schools are subject to state and federal laws requiring confidentiality of student records under the Family and Educational Rights and Privacy Act (FERPA) and under the Wisconsin Pupil Records Law, while choice schools are not.

Public Schools

Public schools are subject to restrictions on the disclosure of certain information in school records under FERPA, a federal law applicable to educational agencies or institutions that receive funds from programs administered by the U.S. Department of Education. FERPA generally requires schools to have written permission from a student's parent prior to disclosure of personally identifiable information from the student's education records, subject to exceptions allowing disclosure for particular purposes such as health or safety emergencies. FERPA also imposes additional requirements on schools, including that the schools must provide parents with the opportunity to inspect and review a student's education records. [20 U.S.C. s. 1232g and 34 C.F.R Part 99.]

Public schools are also subject to the Wisconsin Pupil Records Law, which generally requires that all student records maintained by a public school be kept confidential, and requires school boards to adopt policies to maintain the confidentiality of pupil records. As under federal law, the state law generally requires a school to keep student records confidential, but allows for disclosure under specified exceptions such as disclosure of progress records to a parent or with written permission. [s. 118.125, Stats.]

Choice Schools

Choice schools generally are not subject to FERPA requirements because they typically do not receive funds from U.S. Department of Education programs, and are not subject to the confidentiality requirements of the Wisconsin Pupil Records Law.

Though they are not subject to confidentiality requirements, choice schools are subject to requirements to maintain and transfer student records. A choice school must maintain progress records for each choice student while the student attends the school and for at least five years after the student ceases to attend. A choice school must also provide a parent with a copy of his or her child's progress records, if requested by the parent. Finally, a choice school that ceases operating as a private school must immediately transfer all choice student progress records to the school board of the district in which each student resides, and must send written notice of the records transfer to the student's parent. [s. 118.60 (7) (a) 4., 5., and 7., Stats.]

DISCRIMINATION PROTECTIONS

Public school districts and choice schools are both prohibited from discriminating against pupils on certain bases, but students in public school districts have greater protections than those in choice schools. Public school districts and choice schools are both prohibited from discriminating against employees, but the protections generally cannot be enforced against choice schools that are religious schools because of constitutional protection for the free exercise of religion.

Public Schools

State law prohibits public schools from denying admission to school or from denying participation in or the benefits of any curricular, extracurricular, pupil services, recreational or other program or activity

because of a person's: (a) sex; (b) race; (c) religion; (d) national origin; (e) ancestry; (f) creed; (g) pregnancy; (h) marital or parental status; (i) sexual orientation; or (j) physical, mental, emotional, or learning disability. School boards are required to have written discrimination policies, including a procedure for receiving and investigating discrimination complaints from residents of the school district and for ensuring compliance. A public school official, employee, or teacher who intentionally engages in the prohibited discrimination may be subject to a forfeiture of up to \$1,000. [s. 118.13 (1), (2) and (4), Stats.]

State law also prohibits school districts from discriminating against teachers based on certain characteristics. Districts cannot discriminate in employment against a teacher who is partially or totally blind, deaf, or physically handicapped, if the teacher is able to carry out the duties of the position the individual is seeking. [s. 118.195 (1), Stats.] Further, school districts cannot discriminate in employment based on sex,⁹ race, nationality, political affiliation, or religious affiliation, nor can any related questions be asked of applicants. A public school official or employee who violates the second prohibition is subject to forfeiture or imprisonment up to 30 days, and the violation is grounds for removal of any administrator, school board member, or other school official. [s. 118.20 (1) and (5), Stats.]

Choice Schools

Choice schools are prohibited from discriminating against students on the basis of race, color, or national origin. State law provides that eligible students may attend a choice school only if the school complies with 42 U.S.C. s. 2000d, which states that no person "shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity...."

Choice schools are subject to the Wisconsin Fair Employment Law, but the law typically cannot be enforced against choice schools that are religious schools. The Fair Employment Law prohibits public and private employers from discriminating on the basis of: age, race, creed, color, disability, marital status, sex, national origin, ancestry, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters. The law contains an exception allowing religious employers to give preference on the basis of religion. [ss. 111.321 and 111.337 (2), Stats.]

However, court decisions make the Wisconsin Fair Employment Law unenforceable in most circumstances against a religious school. Wisconsin courts have held that enforcing the Fair Employment Law against religious schools violates their constitutional rights under the Free Exercise Clause of the First Amendment, when the job at issue is ministerial or ecclesiastical. In *Coulee Catholic Schools v. LIRC*, 2009 WI 88, the Wisconsin Supreme Court found that a teacher's job at a Catholic grade school was ministerial because it was closely linked to the school's religious mission, so the teacher could not maintain her claim against the school under the Fair Employment Law. Therefore, choice schools that are religious in nature are typically immune from employment discrimination claims by teachers under the U.S. and Wisconsin Constitutions.

⁹ The statutory prohibition on discrimination against teachers on the basis of sex includes an exception where sex is a bona fide occupational qualification. [s. 118.20 (1), Stats.]

STAFF EVALUATION AND PROFESSIONAL DEVELOPMENT

Public school districts are required to evaluate staff and create a professional staff development plan, while choice schools are not.

Public Schools

Public schools must comply with educator effectiveness requirements, meaning they must evaluate the effectiveness of each teacher and principal based on measures of student performance and whether the individual's practice meets specified teaching or educational leadership policy standards. [ss. 120.12 (2m) and 115.415, Stats.] Public schools must also evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every third year thereafter. [s. 121.02 (1) (q), Stats.] Finally, school districts must annually establish with school board employees a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school. [s. 121.02 (1) (b), Stats.]

Choice Schools

Choice schools are not subject to any requirements related to staff performance evaluation or professional development.

COUNSELING AND CAREER SERVICES, GIFTED AND TALENTED PROGRAMS, AND ADVANCED PLACEMENT EXAMS

Public school districts are required to provide academic and career planning and counseling services, offer gifted and talented programs to qualifying students, and pay for low-income students to take advanced placement (AP) exams, while choice schools are not.

Public Schools

School districts must provide academic and career planning services to all students in 6th to 12th grades, and must provide guidance and counseling services. [ss. 115.28 (59) and 121.02 (1) (e), Stats.] School districts must also provide gifted and talented students with appropriate programs. [ss. 118.35 and 121.02 (1) (t), Stats.]

State law also requires school districts to pay for advanced placement exams taken by students who qualify for the free or reduced-priced lunch program. Districts can use federal, state, local, or private funds to fulfill this requirement. [s. 120.12 (22), Stats.]

Choice Schools

Choice schools are not required to provide any counseling services, academic and career planning, or gifted and talented programming, nor are they required to fund AP exams for students.

FUNDING TECHNICAL COLLEGE CREDITS

Public school districts are required to pay for qualifying students to attend courses in the Wisconsin Technical College System, while choice schools are not.

Public Schools

School boards must pay for a student to take one or more courses at a technical college if the student meets certain criteria, the course is taken for credit towards high school graduation, and the school district does not already offer comparable courses. Among other criteria, a public school student must be in 11th or 12th grade and in good academic standing to participate in the program. State law requires a school board to pay the technical college for the cost of tuition, course fees, and books that other in-state technical college students would be charged. [ss. 38.12 (14) (a) and (d) and 118.55 (2), Stats.]

If the student is a child with a disability, the school board must adjust the amount paid to the technical college to reflect the cost of any special services required for the student. However, a school board may refuse to allow a student with a disability to participate in the program if the cost to the district would impose an undue financial burden on the district. [s. 38.12 (14) (am) and (dm), Stats.]

Choice Schools

Choice schools are not required to pay for students to attend Wisconsin technical colleges.¹⁰

ATTENDANCE BY NONPUBLIC SCHOOL STUDENTS

Public school districts must allow private school students, tribal school students, and homeschooled students to attend up to two classes each semester, and to allow homeschooled students to participate in sports and extracurricular activities. Choice schools are not required to allow other students to attend courses on a part-time basis or participate in the school's activities.

Public Schools

Public schools must allow a private school or tribal school student who lives in the school district and who has met the standards for admission to high school to take up to two courses during each semester, if the board determines there is sufficient space in the classroom. [s. 118.145 (4), Stats.]

A school board must similarly allow a student enrolled in a home-based private educational program ("homeschooled student") to attend up to two courses at a public school each semester, if the student has met the standards for admission to a course and the board determines there is sufficient space in the classroom. [s. 118.53 (2m) and (3), Stats.] A school board must also allow a homeschooled student who lives in the district to participate in interscholastic athletics and extracurricular activities on the same basis and to the same extent as students enrolled in the district. [s. 118.133, Stats.]

Choice Schools

Choice schools are not required to permit nonstudents to attend courses or participate in school athletics or other activities.

¹⁰ Private schools (including choice schools) **are** required to pay tuition and costs for their students to attend institutions of higher education under the Early College Credit Program (ECCP) under s. 118.55, Stats., in the same amount and under the same conditions as public school districts must pay ECCP tuition and costs for their students. However, "institution of higher education" does not include technical colleges and attendance at these colleges is handled under a separate program commonly referred to as the "Start College Now" Program. Students cannot participate in both the ECCP and the Start College Now Program. [s. 118.55 (2), Stats.]

STATE FUNDING LEVELS

Public schools are subject to potential decreases in the level of per pupil state funding they receive from year-to-year, while choice schools are not. State law guarantees that the per pupil payment amount a choice school receives can never decrease, even if state funding to public schools does decrease.

Public Schools

Public school districts receive direct state funding through two methods: (1) general school aids; and (2) categorical aids. The general school aids a district receives are largely determined based on a statutory formula, typically referred to as the “equalization aid formula.” This formula incorporates a number of factors, including the number of students attending the district and the equalized property value within the district.

The categorical aids a district receives are determined based on the number of students in the district, the amount of costs for a specific function or number of students meeting a specific criterion, or the submission of a grant request to DPI. Most of the categorical aid programs are sum certain appropriations, meaning that the available funding is prorated among eligible districts if there are more qualifying expenses than there are available funds.

The amount of general aid and categorical aid received by an individual district depends upon the amount of state funding provided in the budget each year. The amount of state funding a district receives can increase or decrease from year to year.

Choice Schools

A choice school receives a per pupil payment for each student that attends the school and participates in one of the three choice programs. The payment amount is determined according to a statutory formula. Under the formula, payments are equal to the prior year amount per pupil, plus any positive increase in the revenue limit per pupil adjustment, plus any positive increase in total categorical aid funding per pupil. [ss. 118.60 (4) (bg) 3. and 119.23 (4) (bg), Stats.] In the previous 2018-19 school year, schools received a payment of \$7,754 for a student in grades kindergarten to 8th grade, and \$8,400 for a student in 9th grade to 12th grade.¹¹

In the current 2019-20 school year, payments will be equal to that amount, plus the increase in revenue limit and categorical aid funding, for a total of \$8,046 for pupils in grades K-8 and \$8,692 for pupils in grades 9-12.¹² Under the formula, the choice per pupil payment amount may increase over the prior year or remain the same, but can never decrease.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

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¹¹ There is a different per pupil calculation for schools that enroll choice students in both grades K-8 and grades 9-12. For these schools, the per pupil amount is determined by multiplying the number of students by the applicable payment amount for that grade level, adding the amounts together, and then dividing by the total number of choice students in the school. [ss. 118.60 (4) (bg) 5. and 119.23 (4) (bg) 5., Stats.]

¹² See Legislative Fiscal Bureau publication *Comparative Summary of Budget Provisions* (pages 478 and 480): http://docs.legis.wisconsin.gov/misc/lfb/budget/2019_21_biennial_budget/202_comparative_summary_of_provisions_2019_act_9_august_2019_entire_document.pdf.