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TO: Representative John Nygren
Room 309 East, State Capitol

FROM: Russ Kava and Layla Merrifield

SUBJECT: Overview of Statutory Requirements for Public School Districts and Private Schools
in the Milwaukee and Racine Parental Choice Programs

At your request, we are providing you with information on the major, current statutory requirements for public school districts and for private schools participating in the Milwaukee and Racine parental choice programs.

Certain statutory requirements are placed on the operations of public schools, private schools, and those private schools that participate in the Milwaukee and Racine parental choice programs. Requirements on public schools are generally found in Chapters 115 to 121 of Wisconsin Statutes and cover school district organization and governance, personnel, facilities, curriculum and instruction, safety and health, pupil policies and services, services for special needs pupils, and budget and finance. A listing of all statutory requirements that apply to public schools is displayed in this office's January, 2013, Informational Paper #30, "Statutory Requirements for School Districts".

Much more limited requirements for private schools are focused on the purpose of the schools to provide private or religious-based education and not to circumvent the state's compulsory school attendance requirement, with additional requirements for curriculum and hours of instruction. Private schools that participate in the Milwaukee and Racine parental choice programs, however, must meet the requirements for private schools as well as other statutory requirements specific to the programs, which are mostly found in s. 119.23 of the statutes for the Milwaukee program and s. 118.60 for the program for other eligible districts, under which the Racine program operates and which could be expanded to other districts under the Governor's 2013-15 biennial budget bill. These two sections, which are substantially similar, cover pupil eligibility for the programs, payments to schools in the programs, the requirements of schools in the program, and the reasons for which schools can be barred from participating in the programs.

Requirements that apply to choice schools are identified in this office's January, 2013, Informational Paper #26, "Milwaukee and Racine Parental Choice Programs."

The attachment provides an overview of the major statutory requirements for public school districts and for private schools in the Milwaukee and Racine parental choice programs. The attachment is not intended to be a comprehensive listing of all of the provisions governing the two systems. Rather, it is intended to highlight the major similarities and differences in state law regarding the operations of the two systems.

We hope this information is helpful. Please contact us if you have further questions.

RK/LM/sas
Attachment

ATTACHMENT

Major Requirements for Public School Districts and Choice Schools

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
Pupil Assessments	<p>Under state law, districts must administer the 4th, 8th, and 10th grade knowledge and concepts examination and the 3rd grade standardized reading test adopted by the State Superintendent to all pupils in those grades. Test results are published on the Department of Public Instruction's (DPI) website.</p> <p>Under the federal No Child Left Behind Act, all students must be tested in reading and math each year in 3rd through 8th grades and once in high school and in science once each in elementary, middle, and high school.</p>	Same as public schools.
School District Performance Report and School Report Card	<p>Under state law, the school district performance report prepared by DPI must include for each school and district measures of student performance, including AP scores, ACT scores, graduation rates, WKCE scores for grades 4, 8, and 10, and post-graduation plans. The report also includes information on expenditures, revenues, requirements for graduation, and pupil-staff ratios, data on attendance, dropouts, habitual truancy, expulsion, suspension, retention, and extra- or co-curricular activities. DPI first published a school report card (required under the state's waiver from certain requirements under No Child Left Behind) providing comparative rankings for public schools for the 2011-12 school year. The report card includes: (a) achievement on state pupil assessments; (b) performance growth in reading and mathematics; (c) closing achievement gaps based on race, disability, income, or English language learner status; (d) graduation or attendance rates and post-secondary readiness; and (e) student engagement indicators (absenteeism, dropout rates, and test participation).</p>	Schools must provide information on enrollment, pupil promotion, test scores, and academic standards to DPI, and to any applicant or student upon request. Schools are not subject to the performance report or school report card.

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
Pupil Promotion	<p>Must adopt a written policy specifying criteria for promoting pupils from 4th to 5th and from 8th to 9th grade, which must include the pupil's score on the 4th and 8th grade knowledge and concepts examination, the pupil's academic performance, teacher recommendations, and any other academic criteria specified by the board. Promotion prohibited unless pupil satisfies criteria.</p> <p>Must develop a written policy specifying the criteria for granting a high school diploma (in addition to the number of credits required in particular subjects under state law). Criteria must include the pupil's academic performance and teacher recommendations. Granting a diploma is prohibited unless the pupil satisfies criteria.</p>	<p>With respect to 4th and 8th grade promotion, same as public schools.</p> <p>With respect to high school diplomas, same as public schools, excluding provisions requiring credits in particular subjects. Also, a choice school must issue a diploma to a choice pupil who satisfactorily completes the course of instruction and any other requirements necessary for high school graduation.</p>
Academic Standards	Must adopt pupil academic standards in mathematics, science, reading and writing, geography, and history.	Same as public schools.
Staff Credentials	Must ensure that every teacher, supervisor, administrator, and professional staff member holds a certificate, license, or permit to teach issued by DPI, and that all instructional staff in charter schools established by a school district hold a DPI license or permit.	Teachers and administrators are generally required to have a bachelor's degree from an accredited institution of higher education. Teacher's aides are required to have graduated from high school, been granted a declaration of equivalency of high school graduation, or been issued a general education development certificate of high school equivalency.
Staff Development and Evaluation	Annually must establish with school board employees a professional staff development plan. Must evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every third year thereafter.	No requirement.
Hours of Pupil Instruction	<p>Must schedule at least 180 school days annually.</p> <p>Must annually schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours in grades 1 to 6, and at least 1,137 hours in grades 7 to 12.</p>	The same number of hours as public school districts are required in grades 1 to 6 and 7 to 12.
Provision of Information	School boards and their employees are required to follow the procedures and requirements of the state public records law.	Must provide each applicant with certain specified information, including various policies (such as non-harassment, suspension, and expulsion policies) and the names of the members of its governing body. Must also provide that information to DPI and to any student upon request.

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
Required Meetings	School boards and their employees are required to follow the procedures and requirements of the state open meetings law. Regular school board meetings required at least monthly. Requires an annual meeting of the district's electors for certain types of districts on or between certain dates.	Schools are required to annually schedule two meetings at which members of the governing body of the school will be present and at which pupils and the parents of pupils applying to attend the school or attending the school may meet and communicate with the members of the governing body. Schools must notify, in writing, each pupil or the parent or guardian of each minor pupil applying to attend the school or attending the school of the meeting date, time, and place.
Accreditation	No accreditation, but school districts must conform with statutory state standards and educational requirements.	A choice school must achieve accreditation by December 31 of the third school year following the first school year in which it participates in the choice program. A school that is a first-time participant in the choice program and that is not accredited must obtain preaccreditation prior to participating in the program.
Pupil Records	Must adopt written rules specifying the content of pupil records and the time during which pupil records shall be maintained. Must maintain a pupil's progress records for at least five years after the pupil ceases to be enrolled in the school. Must provide a pupil or the parent or guardian of a pupil with a copy of the pupil's progress records upon request. Must transfer to another school or school district within five days all pupil records for a specific pupil if the school receives written notice that the pupil intends to enroll or has enrolled in another school or school district.	With respect to maintenance of progress records, substantially similar to public schools. Also, if a choice school ceases operating, it must immediately transfer all of the progress records of choice pupils to the school district or to an affiliated organization. With respect to five day transfer, same as public schools.
Health and Safety	Schools are subject to certain statutory requirements, such as maintaining a standard first aid kit for emergencies; conducting drills for fires, tornadoes, hazards, and school safety incidents; maintaining suitable sanitary facilities; providing information on suicide prevention; and reporting convictions of employees of certain crimes.	Must meet all state health and safety laws or codes applicable to public schools.

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
Special Education	<p>Must identify, locate, and evaluate all children with disabilities residing in the school district who are in need of special education and related services, including children enrolled in charter schools under contract with the district. Must make available a free appropriate public education to all children with disabilities between the ages of three and 21, in accordance with each child's individualized education plan that is developed, reviewed, and revised through a process defined in state and federal law. Must ensure that district personnel are appropriately and adequately prepared to provide special education services. Must ensure that children with disabilities enrolled by their parents in private schools located in the school district have an opportunity to participate in special education and related services and, based on the number of such children, that the amount spent to provide those services is equal to a proportionate share of the district's federal special education funding. Must include children with disabilities, with appropriate accommodations, in district-wide assessments and statewide standardized pupil assessments. Must comply with various reporting and documentation requirements.</p>	<p>Choice schools are not required to modify their programming to meet a pupil's specific needs. Choice schools may not discriminate against special needs pupils in the admissions process.</p>
Reading Readiness	<p>School boards and charter schools must annually assess each child in kindergarten for reading readiness. Remedial reading services must be provided to pupils who perform poorly on the third grade reading assessment.</p>	<p>No requirement.</p>
Technical Preparation Program and Education for Employment	<p>Must cooperate with Wisconsin Technical College System district boards to establish in each high school a technical preparation program. Must provide access to an education for employment program that has been approved by the State Superintendent.</p>	<p>No requirement.</p>
Low-performing School Districts and School	<p>For school districts or schools deemed in need of improvement for four consecutive school years or among the lowest-performing 5% in the state, must implement academic improvement strategies. State Superintendent authorized to implement changes in professional development, accountability, administrative structures, or instructional design.</p>	<p>No requirement.</p>

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
Bilingual-Bicultural Education	<p>Must annually conduct a count of the limited-English proficient (LEP) pupils in the district's schools, assess the language proficiency of such pupils, and classify such pupils by language group, grade level, age, and English proficiency. If there are: (a) 10 or more LEP pupils in a language group in grades kindergarten to three; (b) 20 or more LEP pupils in a language group in grades four to eight; or (c) 20 or more LEP pupils in a language group in grades nine to 12, who are in attendance in a particular school, then the district must establish a bilingual-bicultural education program, taught by a bilingual teacher or, in certain cases, a certified teacher of English as a second language. The program must be designed to improve the comprehension and the speaking, reading, and writing ability of an LEP pupil in the English language, so that the pupil will be able to perform ordinary classroom in English and, through the use of the native language, provide instruction in the subjects necessary to allow the pupil to progress through the educational system. Must give an LEP third grade pupil who has begun a bilingual program an opportunity to continue the program in fourth grade, regardless of the number of LEP pupils enrolled in grades four to eight. Must annually report expenditures in the prior year and an estimated budget for the current year for bilingual-bicultural programs.</p>	<p>Choice schools are not required to modify their programming to meet a pupil's specific needs. Choice schools may not discriminate against limited-English proficient pupils in the admissions process.</p>
Pupil Transportation	<p>Must provide transportation to all resident pupils living two or more miles from the nearest public school they are entitled to attend, except for pupils residing in cities, unless the school is outside the city but within district boundaries. Districts containing cities with populations of at least 40,000 must meet the requirements unless a common carrier is available. Must provide transportation to resident pupils attending private schools located two or more miles from their residence, if the pupil resides in the private school attendance area and the school is situated in the district or no more than five miles beyond the district's boundaries. Must provide transportation to children with disabilities regardless of distance, if the request for transportation is approved by the State Superintendent. If the district elects to transport pupils who are not required by law to be transported, must provide reasonable uniformity in treatment between public and private school pupils.</p>	<p>No requirement.</p>
Children-at-Risk	<p>Must identify pupils who are children-at-risk and develop a plan to meet the needs of such children.</p>	<p>No requirement.</p>
Gifted and Talented Programs	<p>Must provide access to appropriate gifted and talented programs.</p>	<p>No requirement.</p>

	Public School Districts	Milwaukee and Racine Parental Choice Program Schools
School Age Parents	Must make program modifications and services available to school age parents to allow them to remain in school.	No requirement.
UW System and WTCS Coursework	Must pay the tuition of pupils who are attending a UW institution, if the pupil is not participating in the youth options program, the course is not offered by the school district, and the pupil will receive high school credit for the course. Must pay WTCS districts for pupils who attend WTCS in lieu of high school or on a part-time basis.	No requirement.
Financial Requirements	<p>Must use a uniform financial fund accounting system developed by DPI.</p> <p>Must have a certified audit performed by a licensed accountant at school district expense. School district clerk must file a financial audit statement and an annual financial report with DPI by specified dates each year, with certain information required to be included in the report.</p> <p>Must annually formulate a budget and hold public hearings. Must include certain information in the budget and meet requirements for its publication.</p> <p>25% of school districts must annually audit the number of pupils reported for membership purposes.</p> <p>Must prepare a financial and budget report for presentation to the annual meeting, with specified information required to be included in the report.</p>	<p>Schools are subject to uniform accounting standards established by DPI.</p> <p>Before a new school participates in the program, it must submit a copy of the school's current certificate of occupancy, evidence of financial viability, and proof that the school's administrator has participated in a fiscal management training program.</p> <p>Annually following a school year in which a school participated in the choice program, the school must submit to DPI an independent financial audit of the school conducted by an independent certified public accountant and evidence of sound fiscal and internal control practices.</p>