Summary of 2009 Wisconsin Act 28
As it relates to the Milwaukee Parental Choice Program

Changes Effective Starting in 2010-11 School Year:

Assessments

MPCP schools will be required to administer to MPCP pupils the 4th, 8th, and 10th grade knowledge and concepts examinations (WKCE) approved by the state superintendent and all other examinations in reading, mathematics and science that are required to be administered to public school pupils under Title I of the federal No Child Left Behind Act.

If prior to January 1, 2010, State Superintendent Tony Evers provides written notification to the Joint Committee on Finance and the appropriate standing committees of each house of the legislature that the department will adopt a substantially redesigned examination to replace the WKCE in the 2011-12 school year, then the current law testing requirements (nationally normed standardized tests in reading, math and science for MPCP pupils in 4th, 8th and 10th grades) for MPCP schools would apply in the 2010-11, and MPCP schools would be required to administer the redesigned examination beginning in 2011-12. If the state superintendent makes no written notification, MPCP schools would be required to begin administering the WKCE in 2010-11.

Current law testing provisions for special education pupils and limited-English speaking pupils would apply. Upon request of the pupil’s parent or guardian, the governing body of the MPCP school shall excuse the pupil from taking the 4th, 8th or 10th grade state examinations. It is recommended that parents submit written requests to excuse their children from the required exams.

MPCP schools are also required to administer the 3rd grade standardized reading test developed by the department.

MPCP schools are required to provide the test scores of all tests and examinations administered to its pupils to the School Choice Demonstration Project until 2011-12.

4th and 9th Grade Promotion and High School Diplomas

The governing body of each MPCP school is required to adopt a written policy specifying criteria for promoting a pupil from 4th to 5th grade and from 8th to 9th grade. The criteria must include the pupil’s score on the state examinations, unless the pupil has been excused, according to state law procedures, from taking the exam; the pupil’s academic performance; recommendations of teachers, which shall be based solely on the pupil’s academic performance; and any other academic criteria specified by the governing body. Beginning September 1, 2010, the governing body of the MPCP school may not promote a 4th or 8th grade MPCP pupil unless the pupil has satisfied the criteria specified in the governing body’s policy.
The governing body of each MPCP school must develop a policy specifying criteria for granting a high school diploma to MPCP pupils attending the school. The criteria must include the pupil's academic performance and the recommendations of teachers. Beginning September 1, 2010, the governing body of the MPCP school may not grant a high school diploma to any MPCP pupil unless the pupil has satisfied the criteria specified in the governing body's policy.

Standards

The governing body of each MPCP school must adopt pupil academic standards in mathematics, science, reading and writing, geography and history. The governing body of the MPCP school may adopt the pupil academic standards issued by the governor as Executive Order no. 326, dated January 13, 1998. For more information on pupil academic standards see the following webpage: http://dpi.wi.gov/standards/. MPCP schools that fail to meet this requirement may be terminated from the MPCP.

School Accreditation

An accredited MPCP school would not be required to obtain preaccreditation as a prerequisite to providing instruction to additional grades or in an additional or new school. After July 1, 2009, MPCP schools may no longer apply for accreditation with the Institution for Transformation of Learning (ITL) to meet the MPCP accreditation requirement. Any MPCP school that applied for accreditation from ITL prior to July 1, 2009, may complete the process with ITL and may seek renewal of accreditation from ITL.

Staff Credentials

Administrators: By July 1, 2010, all MPCP administrators must have at least a bachelor’s degree from an accredited institution of higher education. Administrator is defined as superintendent, supervising principal, executive director or other person who acts as the administrative head of the private school participating in the program.

Teachers: By July 1, 2010, all MPCP teachers must have a bachelor’s degree from an accredited institution of higher education. Teacher is defined under current law to mean a person who has primary responsibility for the academic instruction of pupils.

Any teacher employed at a private school participating in the MPCP on July 1, 2010, who has been teaching for at least 5 consecutive years immediately preceding July 1, 2010, (the teacher must have taught each year beginning in 2005 through 2009) and who does not have at least a bachelor’s degree from an accredited institution of higher education, must apply to the department for a temporary, nonrenewable waiver from teacher credential requirements. The applicant must include on the waiver form a plan for satisfying the credential requirements, 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 degree. No waiver issued is valid after July 31, 2015. The department is developing administrative rules defining the form of the waiver application and the process by which the application will be reviewed.

Teacher Aides: Each private school shall ensure that any teacher’s aide employed by the private school has graduated from high school or been granted a GED or HSED. MPCP schools that fail to meet this requirement may be terminated from the MPCP.

Rabbinical Studies Exception to teacher and administrator credentials: A teacher employed by a MPCP school who teaches only courses in rabbinical studies is not required to have a bachelor’s degree. An administrator of a MPCP school that prepares and trains pupils attending the school in rabbinical studies is not required to have a bachelor’s degree.
Hours of Pupil Instruction

MPCP schools must provide 1,050 hours of direct pupil instruction in grades 1 to 6 and 1,137 of direct pupil instruction in grades 7-12. Hours can include recess and time for pupils to transfer between classes but does not include lunch period.

Disclosure of Information

MPCP schools must provide all of the following to: (1) each pupil, or the parent or guardian of each minor pupil, who applies to attend the school; (2) DPI annually beginning August 1, 2010; and (3) upon request by any pupil, or the parent or guardian of any minor pupil, who is attending or who applies to attend the private school:

- The name, address and telephone number of the private school and the name of one or more contact persons at the school.
- A list of the names of the members of the school’s governing body and of the school’s shareholders, if any.
- A notice stating whether the private school is an organization operated for profit or not for profit. If the private school is a nonprofit organization, the private school must also provide the applicant with a copy of its 501(c)3 issued by the IRS.
- A copy of the appeals process used if the private school rejects the applicant.
- A copy of the private school’s policy specifying criteria for granting a high school diploma. The criteria must include the pupil’s academic performance and the recommendations of teachers.
- A copy of the non-harassment policy used by the private school, together with the procedures for reporting and obtaining relief from harassment.
- A copy of the suspension and expulsion policies and procedures, including procedures for appealing a suspension or expulsion, used by the private school.
- A copy of the policy used by the private school for accepting or denying the transfer of credits earned by a pupil attending the private school for the satisfactory completion of coursework at another school.
- A copy of the policy governing visitors and visits to the school developed by the school. MPCP schools that fail to meet this requirement may be terminated from the MPCP.

In addition to the information above, a MPCP school must also provide the following information to: (1) DPI annually beginning August 1, 2010; and (2) upon request by any pupil, or the parent or guardian of any minor pupil, who is attending or who applies to attend the private school:

- The number of MPCP pupils attending the private school in the previous school year.
- The number of non-MPCP pupils attending the private school in the previous school year.
- For the previous 5 years the private school participated in the MPCP, the private school must provide all of the following:
  - The number of MPCP and non-MPCP pupils who attended the school in 12th grade and the number of those pupils that graduated.
  - The number of MPCP and non-MPCP pupils who attended the school in 8th grade and the number of those pupils that advanced to 9th grade.
  - The number of MPCP and non-MPCP pupils who attended the school in 4th grade and the number of those pupils that advanced to 5th grade.
  - Pupil scores on all standardized test administer under s. 119.23 (7)(e) 1.
- A copy of the academic standards adopted by the private school.

A MPCP school must also provide to the DPI a signed statement from each individual who is a member of the private school’s governing board verifying that the individual is a member of the governing board.
Pupil Records

A MPCP school must maintain progress records for each MPCP pupil while the pupil attends the school and, unless the school ceases operation, for at least 5 years after the pupils ceases to attend the school. Upon request, a MPCP school must provide a pupil or the parent or guardian of a minor pupil who is attending the private school a copy of the pupil’s progress records. Progress records mean those pupil records which include the pupil’s grades, a statement of the courses the pupil has taken, the pupil’s attendance record, the pupil’s immunization records, any lead screening records required under state law and records of the pupil’s school extracurricular activities. MPCP schools must ensure that an accrediting agency reviews and report to the DPI on its compliance with this provision. The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

A MPCP school must issue a high school diploma or certificate to each MPCP pupil who attend the school and satisfactorily completes the course of instruction and any other requirements necessary for high school graduation. MPCP schools must ensure that an accrediting agency reviews and report to the DPI on its compliance with this provision. The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

MPCP schools that fail to meet this requirement may be terminated from the MPCP.

Transfer of Records

A MPCP school is required to send pupil records to another school district or school (including private MPCP schools) within 5 working days of receiving written notice from any of the following: (a) a pupil if an adult, or the parent or guardian of a minor pupil that intends to enroll in the another school; (b) a school or school district where a pupil has enrolled, and (c) a court that placed the pupil in a juvenile correctional facility or a secured residential care center for children and youth.

School and school district are defined to 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 or in additional to that which is provided by public and private schools.

MPCP schools that fail to meet this requirement may have the state payments withheld.

Pupil Records when a school closes

A MPCP school that ceases operating must do one of the following:

Immediately transfer all progress records for MPCP students to MPS and send written notice to each pupil or the parent or guardian of a minor pupil, that the records have been transfer to MPS.

Transfer MPCP pupil’s records to an affiliated organization that will maintain the progress records for at least 5 years after the school ceases operation 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. Under this provision, the school must send the department a copy of the consent form for each pupil who consents to the transfer of the progress records. The written notice must be signed by the pupil, or the parent or guardian of a minor pupil, and must include the name, phone number, mailing address and other relevant contact information of the organization that will maintain the progress records and include a declaration by the affiliated organization that the organization agrees to maintain
the progress records for at least 5 years after the private schools ceases operation. Beginning in the 2010-11 school year, MPCP schools must ensure that an accrediting agency reviews and reports to the DPI on its compliance with this provision. The accrediting agency may determine compliance by examining an appropriate sample of pupil records. MPCP schools that fail to meet this requirement may be terminated from the MPCP.

Pupil Participation in Religious Activities

A MPCP school that fails to allow a parent or guardian to opt his or her child out of the school’s religious activities may be terminated from the program.

Priority Under Enrollment Limit

When the state superintendent determines the program participation limit of 22,500 pupils has been reached, the state superintendent is required to issue an order prohibiting MPCP schools from accepting additional pupils. If after such an order has been issued the number of pupils attending MPCP schools falls below the limit, the state superintendent is required to issue an order notifying participating schools that they may begin accepting additional pupils up to the statutory limit of 22,500 pupils. If such an order is issued and additional pupils can be accepted, MPCP schools would be required to accept pupils according to the following priority rather than the current law random selection priorities. First, schools shall give priority to pupils who are attending a MPCP school. Second, schools shall give priority to siblings of pupils who are attending a MPCP school. Third, MPCP schools shall give priority to pupils selected at random under the random selection agreement established by department by administrative rule.

If a MPCP school rejects a student application, the letter of nonacceptance must include the reason why the pupil was not accepted. Those reasons could include the pupil did not meet the income or residency requirements, the MPCP seats at the school were already filled using the school’s random selection process or the pupil’s name has been placed on the school’s waiting list using the school’s random selection process.

Required Meetings

A MPCP school is required to annually schedule two meetings at which members of the governing body of the school will be present and at which all pupils and the parents or guardians of all pupils applying to attend the school or attending the school may meet and communicate with board members. The school must, within 30 days after the start of the school term, notify DPI in writing of the scheduled meeting dates and, at least 30 days before the scheduled meeting date, notify in writing all pupils 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.

MPCP schools that fail to meet this requirement may be terminated from the MPCP.

Transfer of Payment to MPS

If a MPCP school closes after the 3rd Friday in September and its MPCP pupils enroll in a MPS school, DPI is required to pay MPS any MPCP payments not yet paid for those transferring pupils. This payment would equal the MPCP per pupil amount times the state’s share of that payment times 25% for each of the remaining payments for that pupil.