



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3122/1
ARG:cjs

2023 ASSEMBLY BILL 370

July 27, 2023 - Introduced by Representatives O'CONNOR, MURPHY, VOS, MAXEY, NEDWESKI, KITCHENS, ARMSTRONG, GUSTAFSON, MACCO, BODDEN, BEHNKE, GUNDRUM, ROZAR, WICHGERS, BRANDTJEN, GOEBEN and GREEN, cosponsored by Senator CABRAL-GUEVARA. Referred to Committee on Colleges and Universities.

1 **AN ACT** *to amend* 36.11 (3) (a) and 119.04 (1); and *to create* 36.11 (3m), 38.22
2 (2) and 118.58 of the statutes; **relating to:** guaranteed admission to University
3 of Wisconsin System institutions and technical colleges and requiring high
4 schools to prepare class rankings for certain pupils.

Analysis by the Legislative Reference Bureau

This bill requires the Board of Regents of the University of Wisconsin System and technical college district boards to establish a guaranteed admission program for applicants ranked in the top 5 percent of their high school class and requires an annual class ranking of some high school pupils at the end of 11th and 12th grade.

The bill requires school boards, charter school operators, and governing bodies of private schools and tribal schools that operate high schools to 1) establish a method for ranking pupils on the basis of academic achievement, which may take into account the pupil's grade point average, ACT examination score, course work, and other measures of academic achievement or scholastic merit; and 2) using this ranking method, annually prepare a class ranking of pupils at the end of 11th grade and 12th grade. The class ranking must identify pupils who rank in the top 5 percent of their high school class and may include the class ranking of other pupils as well. The school board, charter school operator, or governing body must provide notice of ranking to each pupil ranked in the top 5 percent of the pupil's high school class. If a high school's class enrollment is less than 20 pupils, the highest ranked pupil in the class is considered to be in the top 5 percent.

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The bill provides that, under the UW System and technical college guaranteed admission programs, an applicant is eligible for guaranteed admission to the UW System institution or technical college of the applicant's choice if the applicant satisfies any of the following criteria: 1) the applicant graduated from, or expects to graduate from, a public, private, or tribal high school in Wisconsin and is ranked in the top 5 percent of the applicant's high school class at the time of application; 2) the applicant is homeschooled, has been or expects to be granted a high school diploma, and achieves an ACT examination score in the top 5 percent of all scores statewide. For UW System institutions, the program applies only to applicants for admission as first-year undergraduate students. An applicant for admission under the guaranteed admission program must also submit a timely and complete application. A UW System institution or technical college may revoke an offer of admission if the applicant later fails to graduate from high school, fails in the final year of high school to maintain a level of academic achievement similar to the applicant's level of academic achievement at the time of application, or misrepresents the applicant's class rank or ACT examination score.

For further information see the state and local 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:

1 **SECTION 1.** 36.11 (3) (a) of the statutes is amended to read:

2 36.11 **(3)** (a) ~~The Subject to sub. (3m), the~~ board shall establish the policies for
3 admission within the system and within these policies each institution shall
4 establish specific requirements for admission to its courses of instruction. No
5 sectarian or partisan tests or any tests based upon race, religion, national origin of
6 U.S. citizens or sex shall ever be allowed in the admission of students thereto.

7 **SECTION 2.** 36.11 (3m) of the statutes is created to read:

8 36.11 **(3m)** GUARANTEED ADMISSION PROGRAM. (a) In this subsection,
9 “home-based private educational program” has the meaning given in s. 115.001 (3g).

10 (b) The board shall establish a guaranteed admission program under which an
11 applicant for undergraduate admission shall be admitted to the institution of the
12 applicant's choice if all requirements under par. (c) are satisfied.

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1 (c) An applicant is eligible for guaranteed admission to an institution if all of
2 the following apply:

3 1. The applicant applies to the institution for admission as a first-year
4 undergraduate student.

5 2. The applicant satisfies any of the following criteria:

6 a. The applicant graduated from, or at the time of application expects to
7 graduate from, a public, private, or tribal high school in this state and, at the time
8 of application, the applicant is ranked in the top 5 percent of the applicant's high
9 school class, as determined under s. 118.58, in the most recent class ranking for that
10 class.

11 b. The applicant has been or expects to be granted a high school diploma by the
12 administrator of a home-based private educational program in this state and the
13 applicant achieves an ACT examination score in the top 5 percent of ACT
14 examinations given statewide.

15 3. The applicant has submitted a complete application by the application
16 deadline.

17 (d) If an applicant applies for admission to more than one institution, the
18 applicant is eligible for guaranteed admission under this subsection only to one
19 institution, as designated by the applicant.

20 (e) An institution may rely on information supplied by a school board, charter
21 school operator, or governing body of a private school or tribal school, the ACT
22 examination administrator, an applicant's high school transcript if class rank is
23 noted on the transcript, an applicant's self-reported information, or other reliable
24 information in determining an applicant's class rank or ACT examination score for
25 purposes of par. (c) 2.

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1 (f) An institution may revoke an applicant's offer of admission extended under
2 this subsection if any of the following applies:

3 1. The applicant applied for admission before completing high school and the
4 applicant failed to graduate from high school prior to the institution's scheduled
5 enrollment date or, if the applicant is enrolled in a home-based private educational
6 program, the applicant is not granted a high school diploma by the administrator of
7 the home-based private educational program prior to the institution's scheduled
8 enrollment date.

9 2. The applicant applied for admission before completing high school and, in
10 any semester of the applicant's final year of high school, the applicant failed to
11 maintain a level of academic achievement similar to the applicant's level of academic
12 achievement at the time of application.

13 3. The applicant misrepresented to the institution the applicant's class rank
14 or ACT examination score.

15 (g) This subsection does not guarantee an applicant admission to any specific
16 program offered by an institution.

17 **SECTION 3.** 38.22 (2) of the statutes is created to read:

18 38.22 (2) (a) In this subsection, "home-based private educational program" has
19 the meaning given in s. 115.001 (3g).

20 (b) Each district board shall establish a guaranteed admission program under
21 which an applicant for admission to a technical college governed by the district board
22 shall be admitted to the technical college if all requirements under par. (c) are
23 satisfied.

24 (c) An applicant is eligible for guaranteed admission to a technical college if all
25 of the following apply:

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1 1. The applicant satisfies any of the following criteria:

2 a. The applicant graduated from, or at the time of application expects to
3 graduate from, a public, private, or tribal high school in this state and, at the time
4 of application, the applicant is ranked in the top 5 percent of the applicant's high
5 school class, as determined under s. 118.58, in the most recent class ranking for that
6 class.

7 b. The applicant has been or expects to be granted a high school diploma by the
8 administrator of a home-based private educational program in this state and the
9 applicant achieves an ACT examination score in the top 5 percent of ACT
10 examinations given statewide.

11 2. The applicant has submitted a complete application by the application
12 deadline.

13 (d) If an applicant applies for admission to more than one technical college, the
14 applicant is eligible for guaranteed admission under this subsection only to one
15 technical college, as designated by the applicant.

16 (e) A district board may rely on information supplied by a school board, charter
17 school operator, or governing body of a private school or tribal school, the ACT
18 examination administrator, an applicant's high school transcript if class rank is
19 noted on the transcript, an applicant's self-reported information, or other reliable
20 information in determining an applicant's class rank or ACT examination score for
21 purposes of par. (c) 1.

22 (f) A district board may revoke an applicant's offer of admission extended under
23 this subsection if any of the following applies:

24 1. The applicant applied for admission before completing high school and the
25 applicant failed to graduate from high school prior to the technical college's

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1 scheduled enrollment date or, if the applicant is enrolled in a home-based private
2 educational program, the applicant is not granted a high school diploma by the
3 administrator of the home-based private educational program prior to the technical
4 college's scheduled enrollment date.

5 2. The applicant applied for admission before completing high school and, in
6 any semester of the applicant's final year of high school, the applicant failed to
7 maintain a level of academic achievement similar to the applicant's level of academic
8 achievement at the time of application.

9 3. The applicant misrepresented to the district board the applicant's class rank
10 or ACT examination score.

11 (g) This subsection does not guarantee an applicant admission to any specific
12 program offered by a technical college.

13 **SECTION 4.** 118.58 of the statutes is created to read:

14 **118.58 Class rankings.** (1) If a school board, operator of a charter school
15 under s. 118.40 (2r) or (2x), or governing body of a private school or tribal school
16 operates a high school that includes grades 11 and 12, the school board, charter
17 school operator, or governing body shall do all of the following:

18 (a) Establish a method for ranking pupils on the basis of academic
19 achievement. This ranking method may take into account the pupil's grade point
20 average, the pupil's score on the ACT examination or similar examinations, the
21 degree of academic rigor of the pupil's course work, and any other measure of
22 academic achievement or scholastic merit, but may not consider factors that are not
23 academic or scholastic in nature.

24 (b) Using the ranking method established under par. (a), for each high school
25 that includes grades 11 and 12, prepare a class ranking of pupils enrolled in the high

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1 school as of the class's completion of grade 11 and as of the class's completion of grade
2 12. The school board, charter school operator, or governing body may also prepare
3 a grade 12 mid-year class ranking.

4 (2) (a) Subject to par. (b), each class ranking under sub. (1) (b) shall identify
5 those pupils who rank in the top 5 percent of their high school class. The class
6 ranking may also identify the class rank of pupils who do not rank in the top 5 percent
7 of their high school class.

8 (b) If a high school's class enrollment is less than 20 pupils, the school board,
9 operator of the charter school under s. 118.40 (2r) or (2x), or governing body of the
10 private school or tribal school shall identify the highest ranked pupil in the class
11 using the ranking method established under sub. (1) (a). For purposes of par. (a) and
12 sub. (3) and ss. 36.11 (3m) and 38.22 (2), the highest ranked pupil shall be considered
13 to be in the top 5 percent of the pupil's high school class.

14 (3) After completing the grade 11 and grade 12 class rankings required under
15 sub. (1) (b) and any mid-year class ranking allowed under sub. (1) (b), a school board,
16 operator of a charter school under s. 118.40 (2r) or (2x), or governing body of a private
17 school or tribal school shall notify each pupil ranked in the top 5 percent of the pupil's
18 high school class of the pupil's ranking in the top 5 percent.

19 **SECTION 5.** 119.04 (1) of the statutes, as affected by 2023 Wisconsin Act 12, is
20 amended to read:

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
23 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,
24 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.124,
25 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,

ASSEMBLY BILL 370**SECTION 5**

1 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and
2 (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30
3 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 118.58, 120.12 (2m),
4 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
5 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are
6 applicable to a 1st class city school district and board but not, unless explicitly
7 provided in this chapter or in the terms of a contract, to the commissioner or to any
8 school transferred to an opportunity schools and partnership program.

9 **SECTION 6. Initial applicability.**

10 (1) HIGH SCHOOL CLASS RANKINGS. The treatment of ss. 118.58 and 119.04 (1) first
11 applies in the 2024-25 school year.

12 (2) GUARANTEED ADMISSIONS. The treatment of ss. 36.11 (3) (a) and (3m) and
13 38.22 (2) first applies to applications for admission for the 2025-26 academic year.

14 (END)