



## 2003 ASSEMBLY BILL 248

April 8, 2003 - Introduced by Representatives J. LEHMAN, BERCEAU, BLACK, HUBER, JESKEWITZ, MILLER, PLOUFF, POCAN, POPE-ROBERTS and SHILLING. Referred to Committee on Education Reform.

1     **AN ACT to amend** 118.30 (1g) (a) 1., 118.30 (1g) (b), 118.30 (1g) (c), 118.30 (2) (b)  
2             1., 118.30 (2) (b) 2., 118.30 (6) and 118.33 (1) (f) 3.; and **to create** 118.30 (1g) (a)  
3             3., 118.30 (1s), 118.30 (2) (b) 5., 118.30 (7), 118.33 (1) (f) 2m., 118.33 (6) (c) and  
4             119.23 (10) of the statutes; **relating to:** pupil assessments and to private  
5             schools participating in the Milwaukee Parental Choice Program.

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### *Analysis by the Legislative Reference Bureau*

Current law requires each school board and each independent charter school (a charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin-Milwaukee, the University of Wisconsin-Parkside, or Milwaukee Area Technical College) to adopt either its own academic standards or the academic standards contained in the governor's executive order issued January 13, 1998, and to administer standardized examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than independent charter schools) located in the school district. Beginning in the 2004-05 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt examinations developed by the Department of Public Instruction (DPI) or develop its own examinations. Identical provisions exist under current law for independent charter schools.

Under current law, the fourth, eighth, and tenth grade examinations and the high school graduation examination are not required to be administered to pupils

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participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer the fourth, eighth, and tenth grade examinations and the high school graduation examination to pupils enrolled in the private school under the MPCP. The governing body may either adopt DPI's examinations or develop its own.

Under current law, by September 1, 2004, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Beginning on September 1, 2005, neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria.

This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and independent charter schools.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

This bill requires that DPI provide all of the examinations administered to MPCP pupils, and score the examinations, free of charge. The bill also prohibits DPI from disclosing the results of the examinations administered to MPCP pupils, except that DPI must publish the aggregate results and must report each pupil's scores to the pupil's parent or guardian.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 118.30 (1g) (a) 1. of the statutes is amended to read:
- 2           118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
- 3           academic standards in mathematics, science, reading and writing, geography, and

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1 history. ~~If the governor has issued~~ The school board may adopt the pupil academic  
2 standards issued by the governor as an executive order under s. 14.23, the school  
3 ~~board may adopt those standards~~ no. 326, dated January 13, 1998.

4 **SECTION 2.** 118.30 (1g) (a) 3. of the statutes is created to read:

5 118.30 (1g) (a) 3. The governing body of each private school participating in the  
6 program under s. 119.23 shall adopt pupil academic standards in mathematics,  
7 science, reading and writing, geography, and history. The governing body of the  
8 private school may adopt the pupil academic standards issued by the governor as  
9 executive order no. 326, dated January 13, 1998.

10 **SECTION 3.** 118.30 (1g) (b) of the statutes is amended to read:

11 118.30 (1g) (b) Each school board operating high school grades ~~and~~, each  
12 operator of a charter school under s. 118.40 (2r) that operates high school grades, and  
13 the governing body of each private school participating in the program under s.  
14 119.23 that operates high school grades shall adopt a high school graduation  
15 examination that is designed to measure whether pupils meet the pupil academic  
16 standards adopted by the school board ~~or~~, operator of the charter school, or governing  
17 body of the private school under par. (a). If the school board ~~or~~, operator of the charter  
18 school, or governing body of the private school has adopted the pupil academic  
19 standards issued as executive order no. 326, dated January 13, 1998, the school  
20 board ~~or~~, operator of the charter school, or governing body of the private school may  
21 adopt the high school graduation examination developed by the department under  
22 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a  
23 private school develops and adopts its own high school graduation examination, it  
24 shall notify the department annually by October 1 that it intends to administer the  
25 examination in the following school year.

**ASSEMBLY BILL 248****SECTION 4**

1           **SECTION 4.** 118.30 (1g) (c) of the statutes is amended to read:

2           118.30 **(1g)** (c) Each school board operating elementary grades and, each  
3 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and  
4 the governing body of each private school participating in the program under s.  
5 119.23 that operates elementary grades may develop or adopt its own examination  
6 designed to measure pupil attainment of knowledge and concepts in the 4th grade  
7 and may develop or adopt its own examination designed to measure pupil attainment  
8 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the  
9 charter school, or governing body of the private school develops or adopts an  
10 examination under this paragraph, it shall notify the department.

11           **SECTION 5.** 118.30 (1s) of the statutes is created to read:

12           118.30 **(1s)** Annually the governing body of each private school participating  
13 in the program under s. 119.23 shall do all of the following:

14           (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
15 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
16 attending the 4th grade in the private school under s. 119.23.

17           2. Beginning on July 1, 2004, if the governing body of the private school has  
18 developed or adopted its own 4th grade examination, administer that examination  
19 to all pupils attending the 4th grade in the private school under s. 119.23.

20           (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
21 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
22 attending the 8th grade in the private school under s. 119.23.

23           2. Beginning on July 1, 2004, if the governing body of the private school has  
24 developed or adopted its own 8th grade examination, administer that examination  
25 to all pupils attending the 8th grade in the private school under s. 119.23.

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1 (b) Administer the 10th grade examination to all pupils attending the 10th  
2 grade in the private school under s. 119.23.

3 (d) If the private school operates high school grades, beginning in the 2004-05  
4 school year administer the high school graduation examination adopted by the  
5 governing body of the private school under sub. (1g) (b) to all pupils attending the  
6 11th and 12th grades at the private school under s. 119.23. The governing body of  
7 the private school shall administer the examination at least twice each school year  
8 and may administer the examination only to pupils attending the 11th and 12th  
9 grades.

10 **SECTION 6.** 118.30 (2) (b) 1. of the statutes is amended to read:

11 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
12 subch. V of ch. 115, the school board ~~or~~, operator of ~~the~~ a charter school under s. 118.40  
13 (2r), or governing body of a private school participating in the program under s.  
14 119.23 shall comply with s. 115.77 (1m) (bg).

15 **SECTION 7.** 118.30 (2) (b) 2. of the statutes is amended to read:

16 118.30 (2) (b) 2. According to criteria established by the state superintendent  
17 by rule, the school board ~~or~~, operator of ~~the~~ a charter school under s. 118.40 (2r), or  
18 governing body of a private school participating in the program under s. 119.23 may  
19 determine not to administer an examination under this section to a limited-English  
20 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined  
21 in his or her native language, or may modify the format and administration of an  
22 examination for such pupils.

23 **SECTION 8.** 118.30 (2) (b) 5. of the statutes is created to read:

**ASSEMBLY BILL 248****SECTION 8**

1           118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
2 body of a private school participating in the program under s. 119.23 shall excuse the  
3 pupil from taking an examination administered under sub. (1s).

4           **SECTION 9.** 118.30 (6) of the statutes is amended to read:

5           118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40  
6 (2r), and the governing body of a private school participating in the program under  
7 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted  
8 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the  
9 operator of the charter school, or the governing body of the private school administers  
10 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter  
11 school, or governing body of the private school provides the state superintendent  
12 with statistical correlations of those examinations with the examinations adopted or  
13 approved by the state superintendent under sub. (1), and the federal department of  
14 education approves.

15           **SECTION 10.** 118.30 (7) of the statutes is created to read:

16           118.30 (7) (a) The department shall provide the examinations administered  
17 under sub. (1s) and score the examinations free of charge.

18           (b) The department may not disclose the results of the examinations  
19 administered under sub. (1s) except as follows:

20           1. The department shall publish the aggregate results of all of the examinations  
21 provided to the department.

22           2. The department shall report each pupil's scores to the pupil's parent or  
23 guardian.

24           **SECTION 11.** 118.33 (1) (f) 2m. of the statutes is created to read:

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1           118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private  
2 school that operates high school grades and that is participating in the program  
3 under s. 119.23 shall develop a policy specifying criteria for granting a high school  
4 diploma to pupils attending the private school under s. 119.23. The criteria shall  
5 include the pupil's score on the examination administered under s. 118.30 (1s) (d),  
6 the pupil's academic performance, and the recommendations of teachers.

7           **SECTION 12.** 118.33 (1) (f) 3. of the statutes is amended to read:

8           118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an  
9 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
10 any pupil unless the pupil has satisfied the criteria specified in the school board's or  
11 charter school's policy under subd. 1. or 2. Beginning on September 1, 2005, the  
12 governing body of a private school participating in the program under s. 119.23 may  
13 not grant a high school diploma to any pupil attending the private school under s.  
14 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
15 policy under subd. 2m.

16           **SECTION 13.** 118.33 (6) (c) of the statutes is created to read:

17           118.33 (6) (c) 1. The governing body of each private school participating in the  
18 program under s. 119.23 shall adopt a written policy specifying the criteria for  
19 promoting a pupil who is attending the private school under s. 119.23 from the 4th  
20 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall  
21 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or  
22 (am), unless the pupil has been excused from taking the examination under s. 118.30  
23 (2) (b); the pupil's academic performance; the recommendations of teachers, which  
24 shall be based solely on the pupil's academic performance; and any other academic  
25 criteria specified by the governing body of the private school.

