



2013 SENATE BILL 50

March 1, 2013 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Education.

1 **AN ACT to amend** 118.30 (1), 118.30 (1m) (b), 118.30 (1r) (b), 118.30 (1s) (a) 3. and
2 118.30 (1t) (c); and **to create** 118.30 (1m) (ar), 118.30 (1m) (c), 118.30 (1r) (ar),
3 118.30 (1r) (c), 118.30 (1s) (a) 2m., 118.30 (1s) (a) 3m., 118.30 (1t) (bm), 118.30
4 (1t) (cm) and 118.30 (1v) of the statutes; **relating to:** examinations
5 administered to pupils in the 9th, 10th, and 11th grades.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Improving Educational Opportunities in High School.

Current law requires the State Superintendent of Public Instruction to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, and 10th grades. The state superintendent has adopted the Wisconsin Knowledge and Concepts Examinations (WKCE) to meet this requirement.

Annually, each school board must administer the 4th, 8th, and 10th grade WKCE. The school district must also administer the WKCE to pupils in charter schools located

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in the school district. With certain exceptions, if a school board has developed and adopted its own 4th or 8th grade examinations, the school board must administer those exams as well.

Under current law, each operator of a charter school established by the City of Milwaukee, the University of Wisconsin (UW)–Milwaukee, UW–Parkside, or the Milwaukee Area Technical College District Board (MATC) (independent charter school) must annually administer 4th, 8th, and 10th grade examinations. With certain exceptions, an independent charter school must also administer any 4th or 8th grade examination the operator of the independent charter school has developed or adopted on its own.

A school board or an operator of an independent charter school is not required to administer the 4th and 8th grade WKCE if: (a) the school board or operator of the charter school administers its own 4th and 8th grade examinations; (b) the school board or operator of the charter school provides the state superintendent with statistical correlations of those examinations with the WKCE; and (c) the federal Department of Education approves administration of the alternative examination.

Current law requires that each private school participating in the Milwaukee Parental Choice Program or the choice program for eligible school districts (currently, only the Racine Unified School District) must administer the 4th, 8th, and 10th grade WKCE examinations.

This bill requires the state superintendent of public instruction to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in 9th and 11th grades. The bill specifies that examinations adopted or approved for 9th, 10th and 11th grades must include examinations offered by ACT, Inc.

The bill also requires each school board; operator of an independent charter school; and governing body of a private school participating in a parental choice program to annually administer the 9th grade and 11th grade examinations offered by ACT, Inc., that are approved or adopted by the state superintendent to all pupils enrolled in 9th or 11th grades. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

The bill appropriates general purpose revenue for fiscal years 2013–14 and 2014–15 in order for the Department of Public Instruction (DPI) to implement the adoption of ACT, Inc., examinations statewide.

The bill requires DPI to submit a report to the appropriate legislative standing committees and the joint committee on finance five years after the examinations offered by ACT, Inc., for the 9th, 10th, and 11th grades are first administered to pupils in this state as required under the bill. The report must evaluate the advantages and disadvantages of continuing to offer the ACT, Inc., series of examinations and recommend any legislation regarding pupil assessments that DPI determines is necessary.

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

2 118.30 (1) The state superintendent shall adopt or approve examinations
3 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and,
4 9th, 10th, and 11th grades. To satisfy the requirement under this subsection to adopt
5 or approve examinations for the 9th, 10th, and 11th grades, the state superintendent

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1 shall adopt or approve examinations offered by ACT, Inc., to be administered to
2 pupils in accordance with this section beginning in the 2014-15 school year.

NOTE: This SECTION requires the State Superintendent of DPI to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in 9th and 11th grades. In addition, this SECTION specifies that examinations adopted or approved for 9th, 10th, and 11th grades must include examinations offered by ACT, Inc.

3 **SECTION 2.** 118.30 (1m) (ar) of the statutes is created to read:

4 118.30 **(1m)** (ar) Except as provided in sub. (7), beginning in the 2014-15 school
5 year, within 30 days after the beginning of the school year, administer the 9th grade
6 examination adopted or approved by the state superintendent under sub. (1) to all
7 pupils enrolled in the school district, including pupils enrolled in charter schools
8 located in the school district, in the 9th grade.

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

10 118.30 **(1m)** (b) Except as provided in sub. (7), administer the 10th grade
11 examination adopted or approved by the state superintendent under sub. (1) to all
12 pupils enrolled in the school district, including pupils enrolled in charter schools
13 located in the school district, in the 10th grade. Beginning in the 2014-15 school
14 year, the school board shall also administer the examination offered by ACT, Inc.,
15 adopted or approved as required under sub. (1).

NOTE: This SECTION reflects the requirement created in SECTION 1 that students in 10th grade must take the examination offered by ACT, Inc., in addition to any other 10th grade examination already adopted or approved by the state superintendent.

16 **SECTION 4.** 118.30 (1m) (c) of the statutes is created to read:

17 118.30 **(1m)** (c) Except as provided in sub. (7), beginning in the 2014-15 school
18 year, administer the 11th grade examination adopted or approved by the state
19 superintendent under sub. (1) to all pupils enrolled in the school district, including
20 pupils enrolled in charter schools located in the school district, in the 11th grade.

NOTE: SECTIONS 2 and 4 create new requirements for each school board to annually administer the 9th grade and 11th grade examinations offered by ACT, Inc., to all pupils

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enrolled in 9th or 11th grades in the district, including pupils enrolled in 9th or 11th grade in charter schools located in the district. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

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

2 118.30 (1r) (ar) Beginning in the 2014-15 school year, within 30 days after the
3 beginning of the school year, administer the 9th grade examination adopted or
4 approved by the state superintendent under sub. (1) to all pupils enrolled in the
5 charter school in the 9th grade.

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

7 118.30 (1r) (b) Administer the 10th grade examination adopted or approved by
8 the state superintendent under sub. (1) to all pupils enrolled in the charter school in
9 the 10th grade. Beginning in the 2014-15 school year, the operator of the charter
10 school shall also administer the examination offered by ACT, Inc., adopted or
11 approved as required under sub. (1).

NOTE: This SECTION reflects the requirement created in SECTION 1 that students in 10th grade must take the examination offered by ACT, Inc., in addition to any other 10th grade examination already adopted or approved by the state superintendent.

12 **SECTION 7.** 118.30 (1r) (c) of the statutes is created to read:

13 118.30 (1r) (c) Beginning in the 2014-15 school year, administer the 11th grade
14 examination adopted or approved by the state superintendent under sub. (1) to all
15 pupils enrolled in the charter school in the 11th grade.

NOTE: SECTIONS 5 and 7 create new requirements that each operator of a charter school established by the City of Milwaukee, the UW-Milwaukee, UW-Parkside, or MATC must annually administer 9th and 11th grade examinations offered by ACT, Inc. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

16 **SECTION 8.** 118.30 (1s) (a) 2m. of the statutes is created to read:

17 118.30 (1s) (a) 2m. Beginning in the 2014-15 school year, within 30 days after
18 the beginning of the school year, administer the 9th grade examination adopted or

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1 approved by the state superintendent under sub. (1) to all pupils attending the 9th
2 grade in the private school under s. 119.23.

3 **SECTION 9.** 118.30 (1s) (a) 3. of the statutes is amended to read:

4 118.30 (1s) (a) 3. Administer the 10th grade examination adopted or approved
5 by the state superintendent under sub. (1) to all pupils attending the 10th grade in
6 the private school under s. 119.23. Beginning in the 2014-15 school year, the
7 governing body of the private school shall also administer the examination offered
8 by ACT, Inc., adopted or approved as required under sub. (1).

NOTE: This SECTION reflects the requirement created in SECTION 1 that students
in 10th grade must take the examination offered by ACT, Inc., in addition to any other
10th grade examination already adopted or approved by the state superintendent.

9 **SECTION 10.** 118.30 (1s) (a) 3m. of the statutes is created to read:

10 118.30 (1s) (a) 3m. Beginning in the 2014-15 school year, administer the 11th
11 grade examination adopted or approved by the state superintendent under sub. (1)
12 to all pupils attending the 11th grade in the private school under s. 119.23.

NOTE: SECTIONS 8 and 10 create new requirements for the governing body of each
private school participating in the MPCP to annually administer the 9th and 11th grade
examinations offered by ACT, Inc. The 9th grade examination offered by ACT, Inc., must
be administered within the first 30 days of the school year.

13 **SECTION 11.** 118.30 (1t) (bm) of the statutes is created to read:

14 118.30 (1t) (bm) Beginning in the 2014-15 school year, within 30 days after the
15 beginning of the school year, administer the 9th grade examination adopted or
16 approved by the state superintendent under sub. (1) to all pupils attending the 9th
17 grade in the private school under s. 118.60.

18 **SECTION 12.** 118.30 (1t) (c) of the statutes is amended to read:

19 118.30 (1t) (c) Administer the 10th grade examination adopted or approved by
20 the state superintendent under sub. (1) to all pupils attending the 10th grade in the
21 private school under s. 118.60. Beginning in the 2014-15 school year, the governing

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1 body of the private school shall also administer the examination offered by ACT, Inc.,
2 adopted or approved as required under sub. (1).

NOTE: This SECTION reflects the requirement created in SECTION 1 that students in 10th grade must take the examination offered by ACT, Inc., in addition to any other 10th grade examination already adopted or approved by the state superintendent.

3 **SECTION 13.** 118.30 (1t) (cm) of the statutes is created to read:

4 118.30 (1t) (cm) Beginning in the 2014-15 school year, administer the 11th
5 grade examination adopted or approved by the state superintendent under sub. (1)
6 to all pupils attending the 11th grade in the private school under s. 118.60.

NOTE: SECTIONS 11 and 13 create new requirements for the governing body of each private school participating in the parental choice program for eligible school districts to annually administer the 9th and 11th grade examinations offered by ACT, Inc. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

7 **SECTION 14.** 118.30 (1v) of the statutes is created to read:

8 118.30 (1v) By July 1, 2019, the state superintendent shall submit a report to
9 the appropriate standing committee of the legislature under s. 13.172 (3) and to the
10 joint committee on finance. The state superintendent shall include in the report an
11 evaluation of the advantages and disadvantages of continuing to require the
12 administration in the 9th, 10th, and 11th grades of examinations offered by ACT, Inc.
13 The state superintendent shall include in the report any recommendations for
14 legislation determined to be necessary or appropriate by the department.

15 **SECTION 15. Fiscal changes.**

16 (1) PUPIL ASSESSMENT. In the schedule under section 20.005 (3) of the statutes
17 for the appropriation to the department of public instruction under section 20.255
18 (1) (dw) of the statutes, as affected by the acts of 2013, the dollar amount is increased
19 by \$181,453 for the first fiscal year of the fiscal biennium in which this subsection
20 takes effect for the purposes of implementing the adoption under section 118.30 (1)

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1 of the statutes, as affected by this act, of examinations offered by ACT, Inc. In the
2 schedule under section 20.005 (3) of the statutes for the appropriation to the
3 department of public instruction under section 20.255 (1) (dw) of the statutes, as
4 affected by the acts of 2013, the dollar amount is increased by \$6,653,800 for the
5 second fiscal year of the fiscal biennium in which this subsection takes effect for the
6 purposes of implementing the adoption under section 118.30 (1) of the statutes, as
7 affected by this act, of examinations offered by ACT, Inc.

NOTE: This SECTION appropriates \$181,453 in general purpose revenue to DPI for fiscal year 2013-14 for ACT site training. For fiscal year 2014-15, this SECTION appropriates \$6,653,800 to DPI to certify high schools to be ACT administration sites, for data integration to connect the state's systems to the ACT systems for direct downloads, for training materials, ACT management costs, and costs for the actual assessments.

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(END)