

1981 Assembly Bill 205

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CHAPTER 241 , Laws of 1981

AN ACT to repeal 118.30 and 121.91 (2) (m); to amend 115.28 (10) (b); and to create 118.30 and 121.91 (2) (m) of the statutes, relating to establishing pupil minimum competency examinations in public schools and granting rule-making authority.

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

SECTION 1. 115.28 (10) (b) of the statutes, as created by chapter 20, laws of 1981, is amended to read:

115.28 (10) (b) By July 1, ~~1983~~ 1984, develop and make available to school boards at no charge a computerized bank of test items which may be used to evaluate pupil competency in minimum reading, ~~writing~~ language arts and mathematics skills. By ~~July~~ September 1, 1983 1984, the state superintendent shall develop, from the item bank, objective-referenced basic skills tests in reading, language arts and mathematics for grades 3, 7 and 10. ~~To and make them available to school boards at no charge. The tests and test items shall be in the English language and, to the extent possible, the test items shall be free of bias. By January 1, 1983, the state superintendent shall report to the legislature and governor on the department's progress in developing the computerized bank of test items, any necessary state appropriations in the 1983-85 biennium to complete the development of the item bank, and anticipated state costs after 1984 to maintain a testing program including any costs for printing and scoring tests for school districts, reviewing and validating tests, and providing technical assistance to school districts. The report shall include recommendations as to whether a categorical payment should be provided to districts for printing and scoring tests or whether the reimbursement should be provided through the general school aids formula.~~

SECTION 2. 118.30 of the statutes is created to read:

118.30 Pupil minimum competency tests. (1) A school board may participate in the pupil minimum competency testing program under this section by notifying the state superintendent. Any school board that has elected to participate in the minimum competency testing program may withdraw from the program at any time by notifying the state superintendent.

(2) (a) By July 1, 1985, with the active involvement of school district administrators, teachers and parents, every school board that is participating in this minimum competency testing program shall adopt objective-referenced pupil minimum competency tests consisting of test items which reflect the school district's curriculum and the school district's minimum standards of proficiency in reading, language arts and mathematics. The department shall provide technical assistance, at no charge, to school boards which request it. The tests shall be designed to assess individual pupil progress in reading, language arts and mathematics and to identify competency deficiencies. To the extent possible, the tests and test items shall be free of bias.

(b) The school board may adopt the tests under par. (a) from any of the following sources:

1. Locally developed tests.
2. Locally developed tests using test items developed by the state superintendent under s. 115.28 (10) (b).
3. Commercially developed tests.
4. Tests developed by the state superintendent under s. 115.28 (10) (b).

(c) After July 1, 1985, a school board that is participating in this minimum competency testing program may not administer the objective-referenced pupil minimum competency test in reading, language arts or mathematics unless the test is approved by the state superintendent. The school board shall submit the test, along with the methodology used to determine the psychometric validity of the test, to the state superintendent for approval. The state superintendent shall approve the test, at no charge, if he or she determines that it is psychometrically valid and that it complies with the requirements under par. (a) and the criteria established by the state superintendent by rule for the approval of submitted tests. If the state superintendent does not approve the test, he or she shall notify the school board, in writing, of the disapproval and the reasons for the disapproval.

(3) (a) For the 1985-86, 1986-87 and 1987-88 school years, using the tests adopted or approved under sub. (2), every school board that is participating in this minimum competency testing program shall test all of the pupils enrolled in the school district once in grades 1, 2, 3 or 4, once in grades 5, 6, 7 or 8, and once in grades 9 or 10 to assess minimum competency in reading, language arts and mathematics, except as provided under par. (b).

(b) 1. The school board may determine not to test a pupil enrolled in a special education program under subch. V of ch. 115. The school board may modify the format and administration of the tests for a pupil enrolled in such a program.

2. According to criteria established by the state superintendent by rule, the school board may determine not to test a limited-English speaking pupil, as defined under s. 115.955 (1), may permit the pupil to be tested in his or her native language or may modify the format and administration of the tests for such pupils.

(c) Beginning in the 1985-86 school year, upon request of a school board that has elected to participate in this minimum competency testing program:

1. The department shall pay the cost of printing the tests required under par. (a), but payments may not exceed the cost of printing the tests developed under s. 115.28 (10) (b).

2. The department shall pay the cost of machine-scoring the tests required under par. (a) if the tests are constructed so that they may be machine-scored, but payments may not exceed the cost of machine-scoring the tests developed under s. 115.28 (10) (b).

(4) (a) A school board that has elected to participate in this minimum competency testing program shall provide remedial services, and shall be the sole judge in determining the sufficiency of such remedial services, to any pupil whose performance on the minimum competency tests does not meet the school district's minimum standards of proficiency in the skill areas tested. A pupil shall be allowed to retake the test in any skill area in which the pupil demonstrates deficiencies.

(b) A school board that has elected to participate in this minimum competency testing program shall provide a written report of each pupil's test results to the pupil's parent or guardian when the test results are available. The report shall be in plain language. If a pupil does not meet the test's minimum standards of proficiency in the skill areas tested, the report shall suggest a conference between the parent or guardian, an administrator designated by the school board and one or more teachers to discuss the test results and the school district's recommendations to provide remedial services.

(c) Any school board that has elected to participate in this minimum competency testing program may consider the results of the tests required under sub. (3) (a) as a requirement for high school graduation.

(4m) The test scores included in the reports under sub. (4) (b) may be used to evaluate teacher performance but they may not be used to discharge, suspend or formally discipline a teacher nor as the reason for the nonrenewal of a teacher's contract.

(5) By January 1, 1987, the school district administrator of every school district that has elected to participate in this minimum competency testing program shall report each school's test results to the school board and recommend to the school board any changes in the school district's educational program, including plans that would address pupil reading, language arts and mathematics deficiencies indicated by the reports under sub. (4) (b). Upon receipt of the report, the school board shall establish a basic skills improvement plan which includes a written response to each of the school district administrator's recommendations.

(6) The test results shall not be used in determining general or categorical aids to school districts.

(7) This section does not apply after June 30, 1988.

SECTION 2m. 118.30 of the statutes, as created by chapter (this act), laws of 1981, is repealed.

SECTION 3. 121.91 (2) (m) of the statutes is created to read:

121.91 (2) (m) Prevent the development and implementation of pupil minimum competency tests under s. 118.30 prior to July 1, 1988.

SECTION 3m. 121.91 (2) (m) of the statutes, as created by chapter (this act), laws of 1981, is repealed.

SECTION 4. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
119.04 (1)	118.255, 120.12 (15)	118.255, 118.30, 120.12 (15)

SECTION 6. **Effective dates.** The repeal of sections 118.30 and 121.91 (2) (m) of the statutes by this act takes effect July 1, 1988.
