

1999 ASSEMBLY BILL 534

October 14, 1999 – Introduced by Representatives SINICKI, POCAN, LA FAVE, BLACK, MILLER, BOCK, COGGS, YOUNG, PLOUFF, J. LEHMAN, RICHARDS, SCHNEIDER and COLON, cosponsored by Senators ERPENBACH, MOEN, RUDE and WIRCH. Referred to Committee on Education Reform.

1 **AN ACT to renumber and amend** 118.30 (1g) (a) and 118.33 (1) (cm); **to amend**
 2 118.30 (1) (b), 118.30 (1g) (b), 118.30 (1g) (c), 118.30 (1m) (intro.), 118.30 (1m)
 3 (d), 118.30 (2) (b) 1. and 2., 118.30 (2) (b) 3., 118.30 (6), 118.33 (1) (e), 118.40 (2r)
 4 (d) 2. and 121.02 (1) (r); and **to create** 118.30 (1g) (a) 2., 118.30 (1g) (a) 3., 118.30
 5 (1r), 118.30 (1s), 118.30 (5r), 118.30 (5s), 118.33 (1) (cm) 2., 118.40 (4) (a) 3. and
 6 4., 119.23 (2) (a) 6. and 7. and 119.23 (10) of the statutes; **relating to:** pupil
 7 assessments, charter schools and private schools participating in the
 8 Milwaukee parental choice program.

Analysis by the Legislative Reference Bureau

Under current law, a charter school is exempt from most laws governing public schools. A charter school may be established by petitioning a school board to enter into a contract with a person to establish and operate a charter school or by a school-board initiated contract. In addition, the city of Milwaukee, the University of Wisconsin-Milwaukee and Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

Under the current Milwaukee parental choice program (MPCP), certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

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Current law requires each school board 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 fourth and eighth grade promotional examinations to fourth and eighth grade pupils enrolled in the school district, including pupils enrolled in charter schools (including Milwaukee charter schools) located in the school district. Beginning in the 2000–01 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.

Under current law, the fourth and eighth grade promotional examinations are not required to be administered to pupils participating in the MPCP. The high school graduation examination is not required to be administered to pupils enrolled in any charter school or to pupils participating the MPCP.

This bill provides that a school board must administer the high school graduation examination to all pupils enrolled in a charter school located in the school district other than a Milwaukee charter school. The bill provides that the operator of a Milwaukee charter school and the governing body of a private school participating in the MPCP must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school or private school. The operator and governing body may either adopt DPI's examinations or develop their own.

Under current law, beginning September 1, 2002, a school board may not grant a high school diploma to a pupil unless he or she passes the high school graduation examination. Beginning July 1, 2002, a pupil may not be promoted from the fourth to the fifth grade or from the eighth to the ninth grade unless the pupil passes the fourth and eighth grade promotional examinations. A pupil's parent or guardian, however, may excuse a pupil from taking these examinations. A pupil who is excused must satisfy alternative criteria for promotion or graduation. This bill imposes upon operators of Milwaukee charter schools and upon private schools participating in the MPCP the same prohibitions against promotion that are imposed upon school boards.

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 Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee 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.

Finally, this bill subjects the meetings of the governing bodies of charter schools and private schools that are participating in the MPCP to the state's open meetings law. The bill also requires charter schools and private schools that are participating in the MPCP to comply with the state's public records law.

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

2 118.30 **(1)** (b) ~~If the governor has issued pupil academic standards as an~~
3 ~~executive order under s. 14.23, the~~ The department shall develop a high school
4 graduation examination that is designed to measure whether pupils meet the pupil
5 academic standards issued by the governor as executive order no. 326, dated January
6 13, 1998.

7 **SECTION 2.** 118.30 (1g) (a) of the statutes is renumbered 118.30 (1g) (a) 1. and
8 amended to read:

9 118.30 **(1g)** (a) 1. By August 1, 1998, each school board shall adopt pupil
10 academic standards in mathematics, science, reading and writing, geography and
11 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
12 standards issued by the governor as an executive order under s. 14.23, the school
13 board may adopt those standards no. 326, dated January 13, 1998.

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

15 118.30 **(1g)** (a) 2. By January 1, 2000, or by January 1 of the 1st school year of
16 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)
17 shall adopt pupil academic standards in mathematics, science, reading and writing,
18 geography and history. The operator of the charter school may adopt the pupil
19 academic standards issued by the governor as executive order no. 326, dated January
20 13, 1998.

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

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1 118.30 (1g) (a) 3. By January 1, 2000, or by January 1 of the 1st school year in
2 which the private school participates in the program under s. 119.23, whichever is
3 later, the governing body of each private school participating in the program under
4 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
5 writing, geography and history. The governing body of the private school may adopt
6 the pupil academic standards issued by the governor as executive order no. 326,
7 dated January 13, 1998.

8 **SECTION 5.** 118.30 (1g) (b) of the statutes is amended to read:

9 118.30 (1g) (b) Each school board operating high school grades, each operator
10 of a charter school under s. 118.40 (2r) that operates high school grades and the
11 governing body of each private school participating in the program under s. 119.23
12 that operates high school grades shall adopt a high school graduation examination
13 that is designed to measure whether pupils meet the pupil academic standards
14 adopted by the school board, operator of the charter school or governing body of the
15 private school under par. (a). If the school board, operator of the charter school or
16 governing body of the private school has adopted the pupil academic standards
17 issued as an executive order under ~~s. 14.23~~ no. 326, dated January 13, 1998, the
18 school board, operator of the charter school or governing body of the private school
19 may adopt the high school graduation examination developed by the department
20 under sub. (1) (b). If a school board, operator of a charter school or governing body
21 of a private school develops and adopts its own high school graduation examination,
22 it shall notify the department.

23 **SECTION 6.** 118.30 (1g) (c) of the statutes is amended to read:

24 118.30 (1g) (c) Each school board operating elementary grades, each operator
25 of a charter school under s. 118.40 (2r) that operates elementary grades and the

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

8 **SECTION 7.** 118.30 (1m) (intro.) of the statutes is amended to read:

9 118.30 **(1m)** (intro.) Except as otherwise provided in this section ~~and in s.~~
10 ~~118.40 (2r) (d)~~, annually each school board shall do all of the following:

11 **SECTION 8.** 118.30 (1m) (d) of the statutes is amended to read:

12 118.30 **(1m)** (d) If the school board operates high school grades, beginning in
13 the 2000–01 school year administer the high school graduation examination adopted
14 by the school board under sub. (1g) (b) to pupils enrolled in the school district,
15 including pupils enrolled in charter schools located in the school district. The school
16 board shall administer the examination at least twice each school year. The school
17 board shall determine the high school grades in which the examination will be
18 administered each school year.

19 **SECTION 9.** 118.30 (1r) of the statutes is created to read:

20 118.30 **(1r)** Annually each operator of a charter school under s. 118.40 (2r) shall
21 do all of the following:

22 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
23 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
24 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the
25 operator of the charter school has not developed or adopted its own 4th grade

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1 examination, the operator of the charter school shall provide a pupil with at least 2
2 opportunities to achieve a score on the examination administered under this
3 subdivision that is sufficient for promotion under sub. (5r) (a) 1.

4 2. Beginning on July 1, 2002, if the operator of the charter school has developed
5 or adopted its own 4th grade examination, administer that examination to all pupils
6 enrolled in the charter school in the 4th grade. The operator of the charter school
7 shall provide a pupil with at least 2 opportunities to pass the examination
8 administered under this subdivision.

9 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
10 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
11 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the
12 operator of the charter school has not developed and adopted its own 8th grade
13 examination, the operator of the charter school shall provide a pupil with at least 2
14 opportunities to achieve a score on the examination administered under this
15 subdivision that is sufficient for promotion under sub. (5r) (b) 1.

16 2. Beginning on July 1, 2002, if the operator of the charter school has developed
17 or adopted its own 8th grade examination, administer that examination to all pupils
18 enrolled in the charter school in the 8th grade. The operator of the charter school
19 shall provide a pupil with at least 2 opportunities to pass the examination
20 administered under this subdivision.

21 (d) If the charter school operates high school grades, beginning in the 2000–01
22 school year administer the high school graduation examination adopted by the
23 operator of the charter school under sub. (1g) (b) at least twice each school year. The
24 operator of the charter school shall determine the high school grades in which the
25 examination will be administered.

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

2 118.30 (1s) Annually the governing body of each private school participating
3 in the program under s. 119.23 shall do all of the following:

4 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
5 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
6 attending the 4th grade in the private school under s. 119.23. Beginning on July 1,
7 2002, if the governing body of the private school has not developed or adopted its own
8 4th grade examination, the governing body of the private school shall provide a pupil
9 with at least 2 opportunities to achieve a score on the examination administered
10 under this subdivision that is sufficient for promotion under sub. (5s) (a) 1.

11 2. Beginning on July 1, 2002, if the governing body of the private school has
12 developed or adopted its own 4th grade examination, administer that examination
13 to all pupils attending the 4th grade in the private school under s. 119.23. The
14 governing body of the private school shall provide a pupil with at least 2
15 opportunities to pass the examination administered under this subdivision.

16 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
17 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
18 attending the 8th grade in the private school under s. 119.23. Beginning on
19 July 1, 2002, if the governing body of the private school has not developed and
20 adopted its own 8th grade examination, the governing body of the private school shall
21 provide a pupil with at least 2 opportunities to achieve a score on the examination
22 administered under this subdivision that is sufficient for promotion under sub. (5s)

23 (b) 1.

24 2. Beginning on July 1, 2002, if the governing body of the private school has
25 developed or adopted its own 8th grade examination, administer that examination

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1 to all pupils attending the 8th grade in the private school under s. 119.23. The
2 governing body of the private school shall provide a pupil with at least 2
3 opportunities to pass the examination administered under this subdivision.

4 (d) If the private school operates high school grades, beginning in the 2000–01
5 school year administer the high school graduation examination adopted by the
6 governing body of the private school under sub. (1g) (b) to pupils attending the
7 private school under s. 119.23. The governing body of the private school shall
8 administer the examination at least twice each school year. The governing body of
9 the private school shall determine the high school grades in which the examination
10 will be administered each school year.

11 **SECTION 11.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

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

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

21 **SECTION 12.** 118.30 (2) (b) 3. of the statutes is amended to read:

22 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school
23 board, the operator of the charter school under s. 118.40 (2r) or the governing body
24 of the private school shall excuse the pupil from taking an examination administered
25 under this section.

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1 **SECTION 13.** 118.30 (5r) of the statutes is created to read:

2 118.30 **(5r)** (a) Except as provided in par. (c), beginning on July 1, 2002, the
3 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil
4 to the 5th grade unless one of the following applies:

5 1. If the operator of the charter school does not administer its own 4th grade
6 examination under sub. (1r) (a) 2., the pupil's score in each subject area on the
7 examination administered under sub. (1r) (a) 1. is at the basic level or above, as
8 determined by the state superintendent.

9 2. If the operator of the charter school administers its own 4th grade
10 examination under sub. (1r) (a) 2., the pupil achieves a passing score on that
11 examination, as determined by the operator of the charter school.

12 (b) Except as provided in par. (c), beginning on July 1, 2002, the operator of a
13 charter school under s. 118.40 (2r) may not promote an 8th grade pupil to the 9th
14 grade unless one of the following applies:

15 1. If the operator of the charter school does not administer its own 8th grade
16 examination under sub. (1r) (am) 2., the pupil's score in each subject area on the
17 examination administered under sub. (1r) (am) 1. is at the basic level or above, as
18 determined by the state superintendent.

19 2. If the operator of the charter school administers its own 8th grade
20 examination under sub. (1r) (am) 2., the pupil achieves a passing score on that
21 examination, as determined by the operator of the charter school.

22 (c) The operator of a charter school under s. 118.40 (2r) shall develop
23 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th
24 grade examination that was required for promotion as a result of sub. (2) (b). The
25 operator of the charter school may promote a pupil who did not take the examination

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1 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the
2 alternative criteria.

3 **SECTION 14.** 118.30 (5s) of the statutes is created to read:

4 118.30 (5s) (a) Except as provided in par. (c), beginning on July 1, 2002, the
5 governing body of a private school participating in the program under s. 119.23 may
6 not promote a pupil who is attending the 4th grade in the private school under s.
7 119.23 to the 5th grade unless one of the following applies:

8 1. If the governing body of the private school does not administer its own 4th
9 grade examination under sub. (1s) (a) 2., the pupil's score in each subject area on the
10 examination administered under sub. (1s) (a) 1. is at the basic level or above, as
11 determined by the state superintendent.

12 2. If the governing body of the private school administers its own 4th grade
13 examination under sub. (1s) (a) 2., the pupil achieves a passing score on that
14 examination, as determined by the governing body of the private school.

15 (b) Except as provided in par. (c), beginning on July 1, 2002, the governing body
16 of a private school participating in the program under s. 119.23 may not promote a
17 pupil who is attending the 8th grade in the private school under s. 119.23 to the 9th
18 grade unless one of the following applies:

19 1. If the governing body of the private school does not administer its own 8th
20 grade examination under sub. (1s) (am) 2., the pupil's score in each subject area on
21 the examination administered under sub. (1s) (am) 1. is at the basic level or above,
22 as determined by the state superintendent.

23 2. If the governing body of the private school administers its own 8th grade
24 examination under sub. (1s) (am) 2., the pupil achieves a passing score on that
25 examination, as determined by the governing body of the private school.

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1 (c) The governing body of a private school participating in the program under
2 s. 119.23 shall develop alternative criteria for evaluating a pupil who did not take the
3 4th grade or the 8th grade examination that was required for promotion as a result
4 of sub. (2) (b). The governing body of the private school may promote a pupil who did
5 not take the examination that was required for promotion as a result of sub. (2) (b)
6 if the pupil satisfies the alternative criteria.

7 **SECTION 15.** 118.30 (6) of the statutes is amended to read:

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

18 **SECTION 16.** 118.33 (1) (cm) of the statutes is renumbered 118.33 (1) (cm) 1. and
19 amended to read:

20 118.33 **(1)** (cm) 1. Except as provided in par. (e), beginning on September 1,
21 2002, neither a school board nor an operator of a charter school under s. 118.40 (2r)
22 may not grant a high school diploma to any pupil unless the pupil has passed the high
23 school graduation examination administered under s. 118.30 (1m) (d) or (1r) (d). A
24 school board and an operator of a charter school under s. 118.40 (2r) shall provide a
25 pupil with at least 4 opportunities to take the examination in the high school grades.

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1 **SECTION 17.** 118.33 (1) (cm) 2. of the statutes is created to read:

2 118.33 **(1)** (cm) 2. Except as provided in par. (e), beginning on September 1,
3 2002, the governing body of a private school participating in the program under s.
4 119.23 may not grant a high school diploma to any pupil who is attending the private
5 school under s. 119.23 unless the pupil has passed the high school graduation
6 examination administered under s. 118.30 (1s) (d). The governing body of the private
7 school shall provide a pupil with at least 4 opportunities to take the examination in
8 the high school grades.

9 **SECTION 18.** 118.33 (1) (e) of the statutes is amended to read:

10 118.33 **(1)** (e) Each school board, operator of a charter school under s. 118.40
11 (2r) and governing body of a private school participating in the program under s.
12 119.23 shall develop alternative criteria for evaluating a pupil who has been excused
13 from the high school graduation examination under s. 118.30 (2) (b) 3. A school board
14 may grant a high school diploma to a pupil who has been excused from the high school
15 graduation examination under s. 118.30 (2) (b) 3. if the pupil satisfies all of the other
16 requirements under this subsection and satisfies the other alternative criteria. The
17 operator of a charter school under s. 118.40 (2r) and the governing body of a private
18 school participating in the program under s. 119.23 may grant a high school diploma
19 to a pupil who has been excused from the high school graduation examination under
20 s. 118.30 (2) (b) 3. if the pupil satisfies the alternative criteria.

21 **SECTION 19.** 118.40 (2r) (d) 2. of the statutes is amended to read:

22 118.40 **(2r)** (d) 2. Administer the examinations under ss. 118.30 ~~(1m)~~ (1r) and
23 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

24 **SECTION 20.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

