

1999 SENATE BILL 475

March 16, 2000 – Introduced by Senator GROBSCHMIDT, cosponsored by Representative SINICKI. Referred to Committee on Education.

1 **AN ACT** *to renumber and amend* 118.30 (1g) (a) 1.; *to amend* 118.30 (1g) (b),
2 118.30 (1g) (c), 118.30 (2) (b) 1. and 2., 118.30 (6) and 118.33 (1) (f) 3.; and *to*
3 **create** 118.30 (1g) (a) 3., 118.30 (1s), 118.30 (2) (b) 5., 118.33 (1) (f) 2m., 118.33
4 (6) (c), 118.40 (4) (a) 3. and 4., 119.23 (2) (a) 6. and 7. and 119.23 (10) of the
5 statutes; **relating to:** pupil assessments and to private schools participating
6 in the 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.

Current law requires each school board and each Milwaukee charter school 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, eighth

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and tenth grade examinations to fourth, eighth and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002–03 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 Milwaukee 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 participating in the MPCP.

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

Under current law, by September 1, 2002, each school board and the operator of each Milwaukee charter school must develop written policies specifying criteria for granting a high school diploma. Beginning September 1, 2003, neither a school board nor the operator of a Milwaukee charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each Milwaukee 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. Beginning September 1, 2002, 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 Milwaukee 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 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 (1g) (a) 1. of the statutes, as affected by 1999 Wisconsin Act
2 9, is amended to read:

3 118.30 **(1g)** (a) 1. By August 1, 1998, each school board shall adopt pupil
4 academic standards in mathematics, science, reading and writing, geography and
5 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
6 standards issued by the governor as an executive order under s. 14.23, ~~the school~~
7 board may adopt those standards no. 326, dated January 13, 1998.

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

9 118.30 **(1g)** (a) 3. By January 1, 2000, or by January 1 of the 1st school year in
10 which the private school participates in the program under s. 119.23, whichever is
11 later, the governing body of each private school participating in the program under
12 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
13 writing, geography and history. The governing body of the private school may adopt
14 the pupil academic standards issued by the governor as executive order no. 326,
15 dated January 13, 1998.

16 **SECTION 3.** 118.30 (1g) (b) of the statutes, as affected by 1999 Wisconsin Act 9,
17 is amended to read:

18 118.30 **(1g)** (b) Each school board operating high school grades ~~and~~, each
19 operator of a charter school under s. 118.40 (2r) that operates high school grades and
20 the governing body of each private school participating in the program under s.
21 119.23 that operates high school grades shall adopt a high school graduation

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1 examination that is designed to measure whether pupils meet the pupil academic
2 standards adopted by the school board ~~or~~ operator of the charter school or governing
3 body of the private school under par. (a). If the school board ~~or~~ operator of the charter
4 school or governing body of the private school has adopted the pupil academic
5 standards issued as executive order no. 326, dated January 13, 1998, the school
6 board ~~or~~ operator of the charter school or governing body of the private school may
7 adopt the high school graduation examination developed by the department under
8 sub. (1) (b). If a school board ~~or~~ operator of a charter school or governing body of a
9 private school develops and adopts its own high school graduation examination, it
10 shall notify the department annually by October 1 that it intends to administer the
11 examination in the following school year.

12 **SECTION 4.** 118.30 (1g) (c) of the statutes, as affected by 1999 Wisconsin Act 9,
13 is amended to read:

14 118.30 **(1g)** (c) Each school board operating elementary grades ~~and~~, each
15 operator of a charter school under s. 118.40 (2r) that operates elementary grades and
16 the governing body of each private school participating in the program under s.
17 119.23 that operates elementary grades may develop or adopt its own examination
18 designed to measure pupil attainment of knowledge and concepts in the 4th grade
19 and may develop or adopt its own examination designed to measure pupil attainment
20 of knowledge and concepts in the 8th grade. If the school board ~~or~~ operator of the
21 charter school or governing body of the private school develops or adopts an
22 examination under this paragraph, it shall notify the department.

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

24 118.30 **(1s)** Annually the governing body of each private school participating
25 in the program under s. 119.23 shall do all of the following:

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

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

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

20 2. Beginning on July 1, 2002, if the governing body of the private school has
21 developed or adopted its own 8th grade examination, administer that examination
22 to all pupils attending the 8th grade in the private school under s. 119.23. The
23 governing body of the private school shall provide a pupil with at least 2
24 opportunities to take the examination administered under this subdivision.

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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 2002–03
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. and 2. of the statutes, as affected by 1999 Wisconsin
11 Act 9, 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 or operator of the charter school under s. 118.40
14 (2r) or governing body of the private school shall comply with s. 115.77 (1m) (bg).

15 2. According to criteria established by the state superintendent by rule, the
16 school board or operator of the charter school under s. 118.40 (2r) or governing body
17 of 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 7.** 118.30 (2) (b) 5. of the statutes is created to read:

22 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
23 body of a private school shall excuse the pupil from taking an examination
24 administered under sub. (1s).

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1 **SECTION 8.** 118.30 (6) of the statutes, as affected by 1999 Wisconsin Act 9, is
2 amended to read:

3 118.30 **(6)** A school board ~~and~~, an operator of a charter school under s. 118.40
4 (2r) and the governing body of a private school participating in the program under
5 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
6 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
7 operator of the charter school or the governing body of the private school administers
8 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
9 school or governing body of the private school provides the state superintendent with
10 statistical correlations of those examinations with the examinations adopted or
11 approved by the state superintendent under sub. (1) (a), and the federal department
12 of education approves.

13 **SECTION 9.** 118.33 (1) (f) 2m. of the statutes is created to read:

14 118.33 **(1)** (f) 2m. By September 1, 2002, the governing body of each private
15 school participating in the program under s. 119.23 shall develop a policy specifying
16 criteria for granting a high school diploma to pupils attending the private school
17 under s. 119.23. The criteria shall include the pupil's score on the examination
18 administered under s. 118.30 (1s) (d), the pupil's academic performance and the
19 recommendations of teachers.

20 **SECTION 10.** 118.33 (1) (f) 3. of the statutes, as created by 1999 Wisconsin Act
21 9, is amended to read:

22 118.33 **(1)** (f) 3. Beginning September 1, 2003, neither a school board nor an
23 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
24 any pupil unless the pupil has satisfied the criteria specified in the school board's or
25 charter school's policy under subd. 1. or 2. Beginning September 1, 2003, the

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1 governing body of a private school participating in the program under s. 119.23 may
2 not grant a high school diploma to any pupil attending the private school under s.
3 119.23 unless the pupil has satisfied the criteria specified in the governing body's
4 policy under subd. 2m.

5 **SECTION 11.** 118.33 (6) (c) of the statutes is created to read:

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

15 2. Beginning on September 1, 2002, the governing body of a private school
16 participating in the program under s. 119.23 may not promote a 4th grade pupil who
17 is attending the private school under s. 119.23 to the 5th grade, and may not promote
18 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
19 grade, unless the pupil satisfies the criteria for promotion specified in the governing
20 body's policy under subd. 1.

21 **SECTION 12.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

22 118.40 **(4)** (a) 3. Permit public inspection and copying of any record, as defined
23 in s. 19.32 (2), of the charter school to the same extent as required of, and subject to
24 the same terms and enforcement provisions that apply to, an authority under subch.
25 II of ch. 19.

