

**1999 DRAFTING REQUEST****Bill**Received: **12/18/98**Received By: **mlief**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-1923**By/Representing: **Pahnke**This file may be shown to any legislator: **NO**Drafter: **mlief**

May Contact:

Alt. Drafters: **grantpr**Subject: **Education - miscellaneous**Extra Copies: **PG**

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**Topic:**

DOA:.....Pahnke - Charter schools and assessments

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mlief 01/7/99	chanaman 01/11/99	jfrantze 01/12/99	_____	lrb_docadmin 01/12/99		S&L
/2	grantpr 01/20/99	chanaman 01/21/99	lpaasch 01/21/99	_____	lrb_docadmin 01/21/99		S&L
/3	grantpr 01/27/99	chanaman 01/27/99	martykr 01/28/99	_____	lrb_docadmin 01/28/99		S&L

FE Sent For:

&lt;END&gt;

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/2	grantpr 01/20/99	chanaman 01/21/99	lpaasch 01/21/99	_____	lrb_docadmin 01/21/99		S&L

FE Sent For:

*CMH 1/3*  
*1/27*  
*1/3 1/27 jlg*  
*1/28*  
*1/28*  
*<END>*

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FE Sent For:

cmh 1/2  
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<END>

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May Contact:

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Subject: Education - miscellaneous

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Topic:

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Instructions:

See Attached

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1?	mlief	cmml 1/8	11 Jb 1/12	Jb/ep 1/12			S&L
		Ksh	Km 1/27	2/7 Rm 1/28			
FE Sent For:				<END>			

**CORRESPONDENCE MEMORANDUM**

**STATE OF WISCONSIN  
Department of Administration**

**Date:** December 17, 1998

**To:** Steve Miller, Legislative Reference Bureau  
Peter Grant, Legislative Reference Bureau  
Lonnie Lief, Legislative Reference Bureau  
Rick Champagne, Legislative Reference Bureau

**From:** Brian Pahnke, Executive Policy and Budget Analyst

**Subject:** Drafting Instructions for the 1999-01 Biennial Budget

Please draft the following items (as separate drafts) for possible inclusion in the Governor's 1999-01 biennial budget bill:

- 1. Repeal applicable statutes permitting students to be excused from taking state administered examinations, with the exception of students covered under s.118.30 (2)(b)1 and 2. In addition, repeal applicable statutes pertaining to pupils fulfilling "alternative criteria" related to the high school graduation examination and 4<sup>th</sup> and 8<sup>th</sup> grade exams for promotion purposes [affects at least s.118.30 (5)(c) and s.118.33 (1)(e)]. 1362
- 2. Repeal last sentence of s.118.30 (1m)(b), which sunsets the 10<sup>th</sup> grade exam at the end of 2000-01. /1363
- 3. Provide that, with the exception of the 2000-01 school year for setting the pass/fail cut-point, pupils will only be eligible to take the high school graduation examination beginning in their junior year [affects at least s.118.30 (1m)(d) and s.118.33 (1)(cm)]. /1364
- 4. Require that districts operating high school grades who develop and administer their own high school graduation exam must notify DPI by October 1 of the year prior to which they are going to administer their own exam [affects s.118.30 (1g)(b)]. /1365
- 5. Amend statutes under s.118.30 so that even if a pupil does not achieve a score of "basic" or above in each subject area of the state's 4<sup>th</sup> and 8<sup>th</sup> grade exams (or passing score on local exam), he or she may still be promoted to the 5<sup>th</sup> and 9<sup>th</sup> grades if the school board determines that he or she should be promoted. /1372
- 6. Amend statutes related to charter schools/assessments so that all charter schools, including those operating under s.118.40 (2r), and pupils enrolled in charter schools are treated identically to how all public schools and pupils in public schools are treated with regard to state assessments, including those changes requested in this memo. 118.30  
(1m)(d)  
+(5)(a)  
(b) +  
(c)?
- 7. Require that educational technology and its use in the classroom be a part of existing teachers continuing education requirements (as determined under DPI rule).
- 8. Strike the exemption under s.118.38 (1)(a)(7) as it relates to teachers (not nurses).

- PG 9. Provide that under s.115.42, teachers earning certification from the National Board for Professional Teaching Standards receive \$2,000 in the year certification is received and \$2,500 in the year after certification is received. Repeal date certain requirement that certification must be obtained by July 1, 2000.
10. Provide that no school district may commence classes before September 1<sup>st</sup>, effective beginning in the 2000-01 school year.
- MTL 11. Provide that statutory provisions under s.118.40 (2)(c) apply to all school districts, not just MPS.
- RAC 12. Provide that statutory provisions under s.111.70 (4)(m)1 apply to all school districts, not just MPS.
- MJM 13. Repeal s.118.40 (7)(am)3.
- MJL 14. Repeal and recreate s.111.70 (4)(m)(2)(4) and s.119.18 (23) and s.119.235 as they apply only for MPS.
- PG 15. Amend s.121.02 (L)(5) to include "all elementary grades by 2000-01".
- PG 16. Amend s.121.15 (4) so that references within that statute that apply to s.121.90 (2) do not include aids paid out to school districts under s.79.095.

Amend s.121.15 (3m)(a)1 to include the amounts paid to school districts under s. 79.095 in the definition of "partial school revenues".

Thank you for your cooperation regarding this request. Please contact me at 6-1923 if you have any questions.

## Lief, Madelon

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**From:** Pahnke, Brian [brian.pahnke@doa.state.wi.us]  
**Sent:** Monday, January 04, 1999 9:49 AM  
**To:** Lief, Madelon  
**Subject:** RE: Charter school/assessment draft; LRB-1351

**First question:**

The (2r) charter schools should have to adopt academic standards (either the state's or their own) but they should not have to adopt MPS' standards.

**Second question:**

The (2r) charter schools should have to comply with s. 118.30 (2)(b)1.

> -----Original Message-----

> From: Lief, Madelon [SMTP:Madelon.Lief@legis.state.wi.us]  
> Sent: Wednesday, December 30, 1998 3:54 PM  
> To: 'brian pahnke'  
> Subject: Charter school/assessment draft; LRB-1351

>  
> I have two questions regarding the charter school/assessment draft. The  
> first is whether you want to require the (2r) charter schools to adopt  
> academic standards under s. 118.30 (1g) (a). I believe that we discussed  
> this and you said that you wanted the charter schools to use MPS's  
> standards, but I think that would put the (2r) charter schools in the  
> anomalous position of being required to adopt standards of a school  
> district  
> with which it has no connection.

>  
> The second question pertains to s. 118.30 (2) (b)1., which requires school  
> boards to provide special ed. modifications and accommodations for pupils  
> taking statewide assessments. Do you want the (2r) charter schools to  
> comply with this provision? It makes sense from a standpoint of  
> consistency, but given that the (2r) schools want MPS to be the LEA for  
> purposes of providing special ed., it may be problematic to force charter  
> schools to make accommodations that they may or may not be in a position  
> to  
> make. This raises the larger issue of whether the (2r) charter schools  
> should be administering the exams to special ed. pupils.

> Please let me know what you think.

> Lonnie

> \_\_\_\_\_  
> Madelon J. Lief  
> Legislative Attorney  
> State of Wisconsin  
> Legislative Reference Bureau  
>  
> madelon.lief@legis.state.wi.us  
> 608-267-7380



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1351/1  
MJL & PG:.....

cmH  
Ksh

DOA:.....Pahnke - Charter schools and assessments

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

SOON  
to editing  
01/08/99

don't  
get  
start

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

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 the Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

(uw-m)

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 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. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination



developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

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 also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001-02 school year, the high school graduation examination must be administered only to 11th and 12th graders.

Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000-01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

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 the same prohibitions against promotion that are imposed upon school boards. The bill also provides that a school board or operator of a Milwaukee charter school may promote a pupil who fails the fourth or eighth grade promotional examination if the school board or operator determines that the pupil should be promoted. Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking these examinations.

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<sup>X</sup> (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

1 academic standards issued by the governor as executive order no. 326, dated January  
2 13, 1998.

3 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

3 **SECTION 2.** 118.30 (1g) (a) of the statutes is renumbered s. 118.30 (1g) (a) 1. ✓

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

5 (2.) 118.30 (1g) (a) By January 1, 2000, or by January 1 of the 1st school year of  
6 operation, whichever is later, each operator of a charter school under s. 118.40 (2r) ✓  
7 shall adopt pupil academic standards in mathematics, science, reading and writing,  
8 geography and history. The operator of the charter school may adopt the pupil  
9 academic standards issued by the governor as executive order no. 326, dated January  
10 13, 1998.

11 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

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

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

24 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

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

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

8 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b ~~& 3971~~yd, 9145 (1); 1997 a. 27, 164, 237.

8           **SECTION 6.** 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 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b ~~& 3971~~yd, 9145 (1); 1997 a. 27, 164, 237.

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

12           118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled  
13 in the school district, including pupils enrolled in charter schools located in the school  
14 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~  
15 ~~year.~~

16 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b ~~& 3971~~yd, 9145 (1); 1997 a. 27, 164, 237.

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

17           118.30 (1m) (d) If the school board operates high school grades, beginning in  
18 the 2000-01 school year administer the high school graduation examination adopted  
19 by the school board under sub. (1g) (b) to all pupils enrolled in the school district,  
20 including pupils enrolled in charter schools located in the school district, in the 11th  
21 and 12th grades. The school board shall administer the examination at least twice  
22 each school year and may administer the examination only in the 11th and 12th

1 ~~grades. The school board shall determine the high school grades in which the~~  
2 ~~examination will be administered each school year.~~

3 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 397b, 397c, 397d, 9145 (1); 1997 a. 27, 164, 237.

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

4 118.30 (1r) Annually each operator of a charter school under s. 118.40 (2r) shall  
5 do all of the following:

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

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

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

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

6           (b) Administer the 10th grade examination to all pupils enrolled in the charter  
7 school in the 10th grade.

8           (d) 1. If the charter school operates high school grades, in the 2000-01 school  
9 year administer the high school graduation examination adopted by the operator of  
10 the charter school under sub. (1g) (b) at least twice ~~each school year~~. The operator  
11 of the charter school shall determine the high school grades in which the  
12 examination will be administered.

13           2. Beginning in the 2001-02 school year, ~~the operator of the charter school~~  
14 ~~under subd. 1. shall~~ administer the high school graduation examination adopted by  
15 the operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th  
16 and 12th grades in the charter school. The operator of the charter school shall  
17 administer the examination at least twice each ~~school~~ year and may administer the  
18 examination only in the 11th and 12th grades.

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

19           **SECTION 10.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

20           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
21 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40  
22 (2r) shall comply with s. 115.77-~~(1)~~ (bg) ~~(1m)~~ *(1m)*.

NOTE: NOTE: The bracketed language indicates the correct cross-reference. Corrective legislation is pendingNOTE:

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

23           2. According to criteria established by the state superintendent by rule, the  
24 school board or operator of the charter school under s. 118.40 (2r) may determine not

1 to administer an examination under this section to a limited-English speaking  
2 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or  
3 her native language or may modify the format and administration of an examination  
4 for such pupils.

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971d, 9145 (1); 1997 a. 27, 164, 237.

5 **SECTION 11.** 118.30 (2) (b) 3. of the statutes is repealed.

6 **SECTION 12.** 118.30 (5) (c) of the statutes is renumbered 118.30 (5) (c) 1.

7 **SECTION 13.** 118.30 (5) (c) 2. of the statutes is created to read:

8 118.30 (5) (c) 2. a. If a school board does not administer its own 4th or 8th grade  
9 examination and a pupil's score in each subject area on the examination  
10 administered under sub. (1m) (a) 1. or (am) 1. is below the basic level, the school board  
11 may nevertheless promote the pupil if the school board determines that the pupil  
12 should be promoted.

13 b. If a school board administers its own 4th or 8th grade examination under sub.  
14 (1m) (a) 2. or (am) 2., and a pupil does not achieve a passing score on that  
15 examination, the school board may nevertheless promote the pupil if the school board  
16 determines that the pupil should be promoted.

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

18 118.30 (5m) (a) Except as provided in par. (c), beginning on July 1, 2002, the  
19 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil  
20 to the 5th grade unless one of the following applies:

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

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

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

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

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

14           (c) 1. The operator of a charter school under s. 118.40 (2r) shall develop  
15 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th  
16 grade examination that was required for promotion as a result of sub. (2) (b). The  
17 operator of the charter school may promote a pupil who did not take the examination  
18 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the  
19 alternative criteria.

20           2. a. If the operator of a charter school under s. 118.40 (2r) does not administer  
21 its own 4th or 8th grade examination, and a pupil's score in each subject area on the  
22 examination administered under sub. (1r) (a) 1. or (am) 1. is below the basic level,  
23 the operator of the charter school may nevertheless promote the pupil if the operator  
24 of the charter school determines that the pupil should be promoted.

1           b. If the operator of a charter school under s. 118.40 (2r) administers its own  
2 4th or 8th grade examination under sub. (1r) (a) 2. or (am) 2., and a pupil does not  
3 achieve a passing score on that examination, the operator of the charter school may  
4 nevertheless promote the pupil if the operator of the charter school determines that  
5 the pupil should be promoted.

6 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

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

7           118.30 (6) A school board and an operator of a charter school under s. 118.40  
8 (2r) is not required to administer the 4th and 8th grade examinations adopted or  
9 approved by the state superintendent under sub. (1) (a) if the school board or the  
10 operator of the charter school administers its own 4th and 8th grade examinations,  
11 the school board or operator of the charter 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) (a), and the federal department  
14 of education approves.

15 History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

15           **SECTION 16.** 118.33 (1) (cm) of the statutes is amended to read:

16           118.33 (1) (cm) Except as provided in par. (e), beginning on September 1, 2002,  
17 neither a school board nor an operator of a charter school under s. 118.40 (2r) may  
18 not grant a high school diploma to any pupil unless the pupil has passed the high  
19 school graduation examination administered under s. 118.30 (1m) (d). A school  
20 board and an operator of a charter school under s. 118.40 (2r) shall provide a pupil  
21 with at least 4 opportunities to take the examination in the high school grades.

22 History: 1983 a. 411; 1985 a. 29; 1991 a. 39, 269; 1993 a. 223, 339, 340, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113, 164.

22           **SECTION 17.** 118.33 (1) (e) of the statutes is amended to read:

23           118.33 (1) (e) Each school board and operator of a charter school under s. 118.40  
24 (2r) shall develop alternative criteria for evaluating a pupil who has been excused



plain space

1 from the high school graduation examination under s. 118.30 (2) (b) ~~3~~. A school board  
 2 may grant a high school diploma to a pupil who has been excused from the high school  
 3 graduation examination under s. 118.30 (2) (b) ~~3~~, if the pupil satisfies all of the other  
 4 requirements under this subsection and satisfies the other alternative criteria. The  
 5 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
 6 a pupil who has been excused from the high school examination under s. 118.30 (2)  
 7 (b) if the pupil satisfies the alternative criteria.

History: 1983 a. 411; 1985 a. 29; 1991 a. 39, 269; 1993 a. 223, ~~309~~, 340, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27, 113, 164.

SECTION 18. 118.40 (2r) (d) 2. of the statutes is amended to read:

9 118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 (~~1m~~) (1r) and  
 10 121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, ~~4145~~ (1); 1997 a. 27, 238, 252.

SECTION 19. 121.02 (1) (r) of the statutes is amended to read:

12 121.02 (1) (r) Annually Except as provided in s. 118.40 (2r) (d) 2., annually  
 13 administer a standardized reading test developed by the department to all pupils  
 14 enrolled in the school district in grade 3, including pupils enrolled in charter schools  
 15 located in the school district.

History: 1973 c. 90, 115, 243, 333; 1975 c. 39, 198; 1977 c. 29, 178, 206, 418, 429, 447; 1979 c. 34, 221; 1985 a. 29, 228, 1987 a. 27, 399; 1989 a. 31, 285; 1991 a. 48, 269; 1993 a. 16, 339, 430, 450; 1995 a. 27 ss. 4036 to 4038, 9145 (1); 1997 a. 27, 113.

SECTION 9339. Initial applicability; public instruction.

17 (1) HIGH SCHOOL GRADUATION EXAMINATION. The treatment of section 118.30 (1m)  
 18 (d) of the statutes first applies to examinations administered in the 2001-02 school  
 19 year.

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

*SOON*

LRB-1351/2  
MJL & PG:cmh&ksh:jf  
*2*  
*Stamps*

DOA:.....Pahnke - Charter schools and assessments  
FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*don't get cat.*  
1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

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 (UW-M) and the Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

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 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. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination

developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

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 also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001-02 school year, the high school graduation examination must be administered only to 11th and 12th graders.

Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000-01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

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 the same prohibitions against promotion that are imposed upon school boards. ~~The bill also provides that a school board or operator of a Milwaukee charter school may promote a pupil who fails the fourth or eighth grade promotional examination if the school board or operator determines that the pupil should be promoted.~~ Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking ~~these~~ examinations.

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

*The high school graduation*

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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 (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

1 academic standards issued by the governor as executive order no. 326, dated January  
2 13, 1998.

3 **SECTION 2.** 118.30 (1g) (a) of the statutes is renumbered s. 118.30 (1g) (a) 1.

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

5 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of  
6 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)  
7 shall adopt pupil academic standards in mathematics, science, reading and writing,  
8 geography and history. The operator of the charter school may adopt the pupil  
9 academic standards issued by the governor as executive order no. 326, dated January  
10 13, 1998.

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

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

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

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

8           **SECTION 6.** 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 7.** 118.30 (1m) (b) of the statutes is amended to read:

12           118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled  
13 in the school district, including pupils enrolled in charter schools located in the school  
14 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~  
15 ~~year.~~

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

17           118.30 (1m) (d) <sup>1.</sup> ~~If the school board operates high school grades, beginning in~~  
18 ~~the 2000-01 school year administer the high school graduation examination adopted~~  
19 ~~by the school board under sub. (1g) (b) to ~~all~~ pupils enrolled in the school district,~~  
20 ~~including pupils enrolled in charter schools located in the school district, ~~in the 11th~~~~  
21 ~~and 12th grades.~~ The school board shall administer the examination at least twice  
22 ~~each school year and may administer the examination only in the 11th and 12th~~  
23 ~~grades.~~ The school board shall determine the high school grades in which the  
24 examination will be administered each school year. *stet*

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

*WFO.  
change  
completing*

*renumbered 118.30 (1m) (d) 1.  
and*

*JNS.  
4-29*

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

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

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

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

22           2. Beginning on July 1, 2002, if the operator of the charter school has developed  
23 or adopted its own 8th grade examination, administer that examination to all pupils  
24 enrolled in the charter school in the 8th grade. The operator of the charter school

1 shall provide a pupil with at least 2 opportunities to pass the examination  
2 administered under this subdivision.

3 (b) Administer the 10th grade examination to all pupils enrolled in the charter  
4 school in the 10th grade.

5 (d) 1. If the charter school operates high school grades, in the 2000-01 school  
6 year administer the high school graduation examination adopted by the operator of  
7 the charter school under sub. (1g) (b) at least twice. The operator of the charter school  
8 shall determine the high school grades in which the examination will be  
9 administered.

10 *If the charter school operates high school grades,*  
2. Beginning in the 2001-02 school year, administer the high school graduation  
11 examination adopted by the operator of the charter school under sub. (1g) (b) to all  
12 pupils enrolled in the 11th and 12th grades in the charter school. The operator of the  
13 charter school shall administer the examination at least twice each school year and  
14 may administer the examination only in the 11th and 12th grades.

15 SECTION 10. 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

16 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
17 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40  
18 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

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

25 ~~SECTION 11. 118.30 (2) (b) 3. of the statutes is repealed.~~

INS.  
6-25 →

1 ~~SECTION 12. 118.30 (5) (c) of the statutes is renumbered 118.30 (5) (c) 1.~~

2 **SECTION 13.** 118.30 (5) (c) 2. of the statutes is created to read:

3 118.30 (5) (c) 2. a. If a school board does not administer its own 4th or 8th grade  
4 examination and a pupil's score in each subject area on the examination  
5 administered under sub. (1m) (a) 1 or (am) 1. is below the basic level, the school board  
6 may nevertheless promote the pupil if the school board determines that the pupil  
7 should be promoted.

8 b. If a school board administers its own 4th or 8th grade examination under sub.  
9 (1m) (a) 2. or (am) 2., and a pupil does not achieve a passing score on that  
10 examination, the school board may nevertheless promote the pupil if the school board  
11 determines that the pupil should be promoted.

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

13 118.30 (5m) (a) Except as provided in par. (c), beginning on July 1, 2002, the  
14 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil  
15 to the 5th grade unless one of the following applies:

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

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

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



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

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

8           (c) ~~1/~~ The operator of a charter school under s. 118.40 (2r) shall develop  
9 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th  
10 grade examination that was required for promotion as a result of sub. (2) (b). The  
11 operator of the charter school may promote a pupil who did not take the examination  
12 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the  
13 alternative criteria.

14           ~~2. a. If the operator of a charter school under s. 118.40 (2r) does not administer  
15 its own 4th or 8th grade examination, and a pupil's score in each subject area on the  
16 examination administered under sub. (1r) (a) 1. or (am) 1. is below the basic level,  
17 the operator of the charter school may nevertheless promote the pupil if the operator  
18 of the charter school determines that the pupil should be promoted.~~

19           ~~b. If the operator of a charter school under s. 118.40 (2r) administers its own  
20 4th or 8th grade examination under sub. (1r) (a) 2. or (am) 2., and a pupil does not  
21 achieve a passing score on that examination, the operator of the charter school may  
22 nevertheless promote the pupil if the operator of the charter school determines that  
23 the pupil should be promoted.~~

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

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

9           **SECTION 16.** 118.33 (1) (cm) of the statutes is amended to read:

10           118.33 (1) (cm) Except as provided in par. (e), beginning on September 1, 2002,  
 11           neither a school board nor an operator of a charter school under s. 118.40 (2r) may  
 12           not grant a high school diploma to any pupil unless the pupil has passed the high  
 13           school graduation examination administered under s. 118.30 (1m) (d). A school  
 14           board and an operator of a charter school under s. 118.40 (2r) shall provide a pupil  
 15           with at least 4 opportunities to take the examination in the high school grades.

16           **SECTION 17.** 118.33 (1) (e) of the statutes is amended to read:

17           118.33 (1) (e) Each school board and operator of a charter school under s. 118.40  
 18           (2r) shall develop alternative criteria for evaluating a pupil who has been excused  
 19           from the high school graduation examination under s. 118.30 (2) (b) <sup>1. or 2.</sup> ~~3.~~ A school board  
 20           may grant a high school diploma to a pupil who has been excused from the high school  
 21           graduation examination under s. 118.30 (2) (b) <sup>1. or 2.</sup> ~~3.~~ if the pupil satisfies all of the other  
 22           requirements under this subsection and satisfies the other alternative criteria. The  
 23           operator of a charter school under s. 118.40 (2r) may grant a high school diploma to  
 24           a pupil who has been excused from the high school <sup>graduation</sup> examination under s. 118.30 (2)  
 25           (b) if the pupil satisfies the alternative criteria.

*or (1r) (d)*

1. or 2.

1           **SECTION 18.** 118.40 (2r) (d) 2. of the statutes is amended to read:

2           118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 (~~1m~~) (1r) and  
3           121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

4           **SECTION 19.** 121.02 (1) (r) of the statutes is amended to read:

5           121.02 (1) (r) ~~Annually~~ Except as provided in s. 118.40 (2r) (d) 2., annually  
6           administer a standardized reading test developed by the department to all pupils  
7           enrolled in the school district in grade 3, including pupils enrolled in charter schools  
8           located in the school district.

9           **SECTION 9339. Initial applicability; public instruction.**

10           (1) ~~HIGH SCHOOL GRADUATION EXAMINATION. The treatment of section 118.30 (1m)~~  
11           ~~(d) of the statutes first applies to examinations administered in the 2001-02 school~~  
12           ~~year.~~

13

(END)

4-24

SEC. # CR. 118.30 (1m) (d) 2.

<sup>school board</sup>  
 118.30 (1m) (d) 2. If the school board  
 operates  
 operates high school grades, beginning in the  
 2001-02 school year <sup>administer</sup> administers the high school  
<sup>graduation examination</sup> graduation examination adopted by the school  
<sup>board</sup> board under sub. (1g) (b) to all <sup>pupils</sup> pupils  
 enrolled in the school <sup>district</sup> district, including  
 pupils enrolled in charter schools located in  
 the school <sup>district</sup> district, in the 11th and 12th  
 grades. The school board shall administer  
 the examination at least <sup>twice</sup> twice each school  
 year and may administer the examination  
 only in the 11th and 12th grades.

6-25

Section #. 118.30 (2) (b) 3. of the statutes is amended to read:

118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school board shall excuse the pupil from taking an examination administered under ~~this section~~.

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237.

sub. (1m) (a), (am) or (b)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1351/2 ✓ 3  
MJL & PG:cmh&ksh:lp

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DOA:.....Pahnke - Charter schools and assessments

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

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 (UW-M) and the Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

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 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. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination

developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

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 also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001-02 school year, the high school graduation examination must be administered only to 11th and 12th graders.

Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000-01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

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 the same prohibitions against promotion that are imposed upon school boards. Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking the high school graduation examination.

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

1 academic standards issued by the governor as executive order no. 326, dated January  
2 13, 1998.

3 SECTION 2. 118.30 (1g) (a) of the statutes is renumbered s. 118.30 (1g) (a) 1.

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

5 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of  
6 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)  
7 shall adopt pupil academic standards in mathematics, science, reading and writing,  
8 geography and history. The operator of the charter school may adopt the pupil  
9 academic standards issued by the governor as executive order no. 326, dated January  
10 13, 1998.

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

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

24 SECTION 5. 118.30 (1g) (c) of the statutes is amended to read:



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

8           **SECTION 6.** 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 7.** 118.30 (1m) (b) of the statutes is amended to read:

12           118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled  
13 in the school district, including pupils enrolled in charter schools located in the school  
14 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~  
15 ~~year.~~

16           **SECTION 8.** 118.30 (1m) (d) of the statutes is renumbered 118.30 (1m) (d) 1. and  
17 amended to read:

18           118.30 (1m) (d) 1. If the school board operates high school grades, beginning  
19 in the 2000-01 school year administer the high school graduation examination  
20 adopted by the school board under sub. (1g) (b) to pupils enrolled in the school  
21 district, including pupils enrolled in charter schools located in the school district.

22 The school board shall administer the examination at least twice ~~each school year.~~  
23 The school board shall determine the high school grades in which the examination  
24 will be administered ~~each school year.~~

25           **SECTION 9.** 118.30 (1m) (d) 2. of the statutes is created to read:

1           118.30 (1m) (d) 2. If the school board operates high school grades, beginning  
2 in the 2001-02 school year administer the high school graduation examination  
3 adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school  
4 district, including pupils enrolled in charter schools located in the school district, in  
5 the 11th and 12th grades. The school board shall administer the examination at least  
6 twice each school year and may administer the examination only in the 11th and 12th  
7 grades. *to pupils enrolled*

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

9           118.30 (1r) Annually each operator of a charter school under s. 118.40 (2r) shall  
10 do all of the following:

11           (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
12 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
13 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the  
14 operator of the charter school has not developed or adopted its own 4th grade  
15 examination, the operator of the charter school shall provide a pupil with at least 2  
16 opportunities to achieve a score on the examination administered under this  
17 subdivision that is sufficient for promotion under sub. (5m) (a) 1.

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

23           (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
24 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
25 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the

1 operator of the charter school has not developed and adopted its own 8th grade  
2 examination, the operator of the charter school shall provide a pupil with at least 2  
3 opportunities to achieve a score on the examination administered under this  
4 subdivision that is sufficient for promotion under sub. (5m) (b) 1.

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

10 (b) Administer the 10th grade examination to all pupils enrolled in the charter  
11 school in the 10th grade.

12 (d) 1. If the charter school operates high school grades, in the 2000-01 school  
13 year administer the high school graduation examination adopted by the operator of  
14 the charter school under sub. (1g) (b) at least twice. The operator of the charter school  
15 shall determine the high school grades in which the examination will be  
16 administered.

17 2. If the charter school operates high school grades, beginning in the 2001-02  
18 school year, administer the high school graduation examination adopted by the  
19 operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and  
20 12th grades in the charter school. The operator of the charter school shall administer  
21 the examination at least twice each school year and may administer the examination  
22 only in the 11th and 12th grades.

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

*to pupils enrolled*

1           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
2 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40  
3 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

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

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

11           118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school  
12 board shall excuse the pupil from taking an examination administered under ~~this~~  
13 ~~section sub. (1m) (a), (am) or (b).~~

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

15           118.30 (5m) (a) Except as provided in par. (c), beginning on July 1, 2002, the  
16 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil  
17 to the 5th grade unless one of the following applies:

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

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

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

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

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

11 (c) The operator of a charter school under s. 118.40 (2r) shall develop  
12 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th  
13 grade examination that was required for promotion as a result of sub. (2) (b). The  
14 operator of the charter school may promote a pupil who did not take the examination  
15 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the  
16 alternative criteria.

17 **SECTION 14.** 118.30 (6) of the statutes is amended to read:

18 118.30 (6) A school board and an operator of a charter school under s. 118.40  
19 (2r) is not required to administer the 4th and 8th grade examinations adopted or  
20 approved by the state superintendent under sub. (1) (a) if the school board or the  
21 operator of the charter school administers its own 4th and 8th grade examinations,  
22 the school board or operator of the charter school provides the state superintendent  
23 with statistical correlations of those examinations with the examinations adopted or  
24 approved by the state superintendent under sub. (1) (a), and the federal department  
25 of education approves.

1           **SECTION 15.** 118.33 (1) (cm) of the statutes is amended to read:

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

8           **SECTION 16.** 118.33 (1) (e) of the statutes is amended to read:

9           118.33 (1) (e) Each school board and operator of a charter school under s. 118.40  
10          (2r) shall develop alternative criteria for evaluating a pupil who has been excused  
11          from the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. A  
12          school board may grant a high school diploma to a pupil who has been excused from  
13          the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. if the pupil  
14          satisfies all of the other requirements under this subsection and satisfies the ~~other~~  
15          alternative criteria. The operator of a charter school under s. 118.40 (2r) may grant  
16          a high school diploma to a pupil who has been excused from the high school  
17          graduation examination under s. 118.30 (2) (b) 1. or 2. if the pupil satisfies the  
18          alternative criteria.

19          **SECTION 17.** 118.40 (2r) (d) 2. of the statutes is amended to read:

20          118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 ~~(1m)~~ (1r) and  
21          121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

22          **SECTION 18.** 121.02 (1) (r) of the statutes is amended to read:

23          121.02 (1) (r) ~~Annually~~ Except as provided in s. 118.40 (2r) (d) 2., annually  
24          administer a standardized reading test developed by the department to all pupils

1 enrolled in the school district in grade 3, including pupils enrolled in charter schools  
2 located in the school district.

3 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-1351/3  
MJL&PG:cmh&ksh:km

DOA:.....Pahnke - Charter schools and assessments

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

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 (UW-M) and the Milwaukee Area Technical College may establish and operate a charter school or contract with person to operate a charter school (Milwaukee charter schools).

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 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. A school board must notify DPI if it adopts its own high school graduation examination instead of the high school graduation examination



developed by DPI, and it must determine the high school grades in which the examination is administered each school year.

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 also provides that the operator of a Milwaukee charter school must adopt academic standards and administer fourth, eighth and high school graduation examinations to pupils enrolled in the charter school. The operator may either adopt DPI's examinations or develop its own. In addition, the bill requires a school board or the operator of a Milwaukee charter school to notify DPI annually by October 1 if it intends to administer its own high school graduation examination in the following school year and provides that, beginning in the 2001-02 school year, the high school graduation examination must be administered only to 11th and 12th graders.

Current law requires each school board and operator of a Milwaukee charter school to administer the tenth grade examination developed by DPI to all tenth graders enrolled in the school district or the charter school. This requirement does not apply after the 2000-01 school year. This bill eliminates the expiration of the tenth grade examination requirement.

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 the same prohibitions against promotion that are imposed upon school boards. Finally, the bill eliminates the authority of a pupil's parent or guardian to excuse the pupil from taking the high school graduation examination.

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 (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

1 academic standards issued by the governor as executive order no. 326, dated January  
2 13, 1998.

3 SECTION 2. 118.30 (1g) (a) of the statutes is renumbered s. 118.30 (1g) (a) 1.

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

5 118.30 (1g) (a) 2. By January 1, 2000, or by January 1 of the 1st school year of  
6 operation, whichever is later, each operator of a charter school under s. 118.40 (2r)  
7 shall adopt pupil academic standards in mathematics, science, reading and writing,  
8 geography and history. The operator of the charter school may adopt the pupil  
9 academic standards issued by the governor as executive order no. 326, dated January  
10 13, 1998.

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

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

24 SECTION 5. 118.30 (1g) (c) of the statutes is amended to read:

**SECTION 5**

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

8           **SECTION 6.** 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 7.** 118.30 (1m) (b) of the statutes is amended to read:

12           118.30 (1m) (b) Administer the 10th grade examination to all pupils enrolled  
13 in the school district, including pupils enrolled in charter schools located in the school  
14 district, in the 10th grade. ~~This paragraph does not apply after the 2000-01 school~~  
15 ~~year.~~

16           **SECTION 8.** 118.30 (1m) (d) of the statutes is renumbered 118.30 (1m) (d) 1. and  
17 amended to read:

18           118.30 (1m) (d) 1. If the school board operates high school grades, ~~beginning~~  
19 in the 2000-01 school year administer the high school graduation examination  
20 adopted by the school board under sub. (1g) (b) to pupils enrolled in the school  
21 district, including pupils enrolled in charter schools located in the school district.  
22 The school board shall administer the examination at least twice ~~each school year.~~  
23 The school board shall determine the high school grades in which the examination  
24 will be administered ~~each school year.~~

25           **SECTION 9.** 118.30 (1m) (d) 2. of the statutes is created to read:

1           118.30 (1m) (d) 2. If the school board operates high school grades, beginning  
2 in the 2001-02 school year administer the high school graduation examination  
3 adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school  
4 district, including pupils enrolled in charter schools located in the school district, in  
5 the 11th and 12th grades. The school board shall administer the examination at least  
6 twice each school year and may administer the examination only to pupils enrolled  
7 in the 11th and 12th grades.

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

9           118.30 (1r) Annually each operator of a charter school under s. 118.40 (2r) shall  
10 do all of the following:

11           (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
12 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
13 enrolled in the charter school in the 4th grade. Beginning on July 1, 2002, if the  
14 operator of the charter school has not developed or adopted its own 4th grade  
15 examination, the operator of the charter school shall provide a pupil with at least 2  
16 opportunities to achieve a score on the examination administered under this  
17 subdivision that is sufficient for promotion under sub. (5m) (a) 1.

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

23           (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
24 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
25 enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the

1 operator of the charter school has not developed and adopted its own 8th grade  
2 examination, the operator of the charter school shall provide a pupil with at least 2  
3 opportunities to achieve a score on the examination administered under this  
4 subdivision that is sufficient for promotion under sub. (5m) (b) 1.

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

10 (b) Administer the 10th grade examination to all pupils enrolled in the charter  
11 school in the 10th grade.

12 (d) 1. If the charter school operates high school grades, in the 2000–01 school  
13 year administer the high school graduation examination adopted by the operator of  
14 the charter school under sub. (1g) (b) at least twice. The operator of the charter school  
15 shall determine the high school grades in which the examination will be  
16 administered.

17 2. If the charter school operates high school grades, beginning in the 2001–02  
18 school year, administer the high school graduation examination adopted by the  
19 operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and  
20 12th grades in the charter school. The operator of the charter school shall administer  
21 the examination at least twice each school year and may administer the examination  
22 only to pupils enrolled in the 11th and 12th grades.

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

1           118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
2 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40  
3 (2r) shall comply with s. 115.77 ~~(1)~~ (1m) (bg).

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

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

11           118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school  
12 board shall excuse the pupil from taking an examination administered under ~~this~~  
13 ~~section~~ sub. (1m) (a), (am) or (b).

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

15           118.30 (5m) (a) Except as provided in par. (c), beginning on July 1, 2002, the  
16 operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil  
17 to the 5th grade unless one of the following applies:

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

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

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

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

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

11 (c) The operator of a charter school under s. 118.40 (2r) shall develop  
12 alternative criteria for evaluating a pupil who did not take the 4th grade or the 8th  
13 grade examination that was required for promotion as a result of sub. (2) (b). The  
14 operator of the charter school may promote a pupil who did not take the examination  
15 that was required for promotion as a result of sub. (2) (b) if the pupil satisfies the  
16 alternative criteria.

17 **SECTION 14.** 118.30 (6) of the statutes is amended to read:

18 118.30 (6) A school board and an operator of a charter school under s. 118.40  
19 (2r) is not required to administer the 4th and 8th grade examinations adopted or  
20 approved by the state superintendent under sub. (1) (a) if the school board or the  
21 operator of the charter school administers its own 4th and 8th grade examinations,  
22 the school board or operator of the charter school provides the state superintendent  
23 with statistical correlations of those examinations with the examinations adopted or  
24 approved by the state superintendent under sub. (1) (a), and the federal department  
25 of education approves.

1           **SECTION 15.** 118.33 (1) (cm) of the statutes is amended to read:

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

8           **SECTION 16.** 118.33 (1) (e) of the statutes is amended to read:

9           118.33 (1) (e) Each school board and operator of a charter school under s. 118.40  
10          (2r) shall develop alternative criteria for evaluating a pupil who has been excused  
11          from the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. A  
12          school board may grant a high school diploma to a pupil who has been excused from  
13          the high school graduation examination under s. 118.30 (2) (b) ~~3.~~ 1. or 2. if the pupil  
14          satisfies all of the other requirements under this subsection and satisfies the other  
15          alternative criteria. The operator of a charter school under s. 118.40 (2r) may grant  
16          a high school diploma to a pupil who has been excused from the high school  
17          graduation examination under s. 118.30 (2) (b) 1. or 2. if the pupil satisfies the  
18          alternative criteria.

19          **SECTION 17.** 118.40 (2r) (d) 2. of the statutes is amended to read:

20          118.40 (2r) (d) 2. Administer the examinations under ss. 118.30 (~~1m~~) (1r) and  
21          121.02 (1) (r) to pupils enrolled in charter schools under this subsection.

22          **SECTION 18.** 121.02 (1) (r) of the statutes is amended to read:

23          121.02 (1) (r) ~~Annually~~ Except as provided in s. 118.40 (2r) (d) 2., annually  
24          administer a standardized reading test developed by the department to all pupils



1 enrolled in the school district in grade 3, including pupils enrolled in charter schools  
2 located in the school district.

3 (END)