

2001 DRAFTING REQUEST

Bill

Received: 01/26/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: John Lehman (608) 266-0634

By/Representing:

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Pre Topic:

No specific pre topic given

Topic:

Impose pupil assessment requirements on Milwaukee parental choice schools

Instructions:

See Attached

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>
/?	grantpr 01/26/2001	hhagen 02/01/2001		_____			S&L
/1			jfrantze 02/05/2001	_____	lrb_docadmin 02/05/2001		S&L
/2	grantpr 02/07/2001	hhagen 02/07/2001	martykr 02/08/2001	_____	lrb_docadmin 02/08/2001	barmamj 02/12/2001 lrb_docadmin 02/12/2001	

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/?	grantpr	<i>h hmk 2/1/01</i>	<i>J 2/5</i>	<i>J 2/5</i>			

FE Sent For:

<END>



State Representative
John Lehman

RCM

MEMO

Date: January 25, 2001

To: LRB

From: Rep. John Lehman

Re: Bill draft request: DPI testing and reporting requirement relating to charter and voucher schools.

Issue:

- Testing and reporting requirements for public and charter schools are identical with the exception of the third grade reading test.
- The third grade reading test is not required in charter schools
- Private, parochial, home and voucher schools have no accountability to the State

Bill request:

Representative Lehman would like a bill drafted that requires all students who receive vouchers and all charter school students to be included in the DPI testing and reporting requirements (identical to public schools)

- I have attached the relevant state statutes relating to this issue
- Any question please call Tim O'Brien at 266-0635

*MPCP schools
charter schools
take 3rd, 4th, 8th,
10th, & HSGT.*

State Capitol:
P.O. Box 8952
Madison, WI 53708
Toll-free: 1-888-534-0062
(608) 266-0634
Fax: (608) 282-3662
E-Mail:

Rep.Lehman@legis.state.wi.us
Legislative Hotline:
1-800-362-9472

Thank you

Home:
2421 James Boulevard
Racine, WI 53403
(262) 632-3330

118.29 GENERAL SCHOOL OPERATIONS

as a first responder under s. 146.50 (8) or any person licensed, certified, permitted or registered under chs. 441 or 446 to 449.

(d) "High degree of negligence" means criminal negligence, as defined in s. 939.25 (1).

(e) "Practitioner" means any physician, dentist or podiatrist licensed in any state.

(f) "Prescription drug" has the meaning specified in s. 450.01 (20).

(2) **AUTHORITY TO ADMINISTER DRUGS; CIVIL LIABILITY EXEMPTION.** (a) Notwithstanding chs. 441, 447, 448 and 450, a school bus operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating, any school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer authorized in writing by the administrator of the school district, the board or the agency, respectively, or by a school principal, and any private school employee or volunteer authorized in writing by a private school administrator or private school principal:

1. May administer any drug which may lawfully be sold over the counter without a prescription to a pupil in compliance with the written instructions of the pupil's parent or guardian if the pupil's parent or guardian consents in writing.

2. May administer a prescription drug to a pupil in compliance with the written instructions of a practitioner if the pupil's parent or guardian consents in writing.

2m. Except for epinephrine administered under subd. 2., may use an epinephrine auto-injector to administer epinephrine to any pupil who appears to be experiencing a severe allergic reaction if, as soon as practicable, the school bus operator, employee or volunteer reports the allergic reaction by dialing the telephone number "911" or, in an area in which the telephone number "911" is not available, the telephone number for an emergency medical service provider.

3. Is immune from civil liability for his or her acts or omissions in administering a drug or prescription drug to a pupil under subd. 1., 2. or 2m. unless the act or omission constitutes a high degree of negligence. This subdivision does not apply to health care professionals.

(b) Any school district administrator, county children with disabilities education board administrator, cooperative educational service agency administrator, public or private school principal or private school administrator who authorizes an employee or volunteer to administer a drug or prescription drug to a pupil under par. (a) is immune from civil liability for the act of authorization unless it constitutes a high degree of negligence.

(3) **EMERGENCY CARE; CIVIL LIABILITY EXEMPTION.** Any school bus operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is operating and any public or private school employee or volunteer, county children with disabilities education board employee or volunteer or cooperative educational service agency employee or volunteer, other than a health care professional, who in good faith renders emergency care to a pupil of a public or private school is immune from civil liability for his or her acts or omissions in rendering such emergency care. The immunity from civil liability provided under this subsection is in addition to and not in lieu of that provided under s. 895.48 (1).

(4) **WRITTEN POLICIES.** Any school board, county children with disabilities education board, cooperative educational service agency or governing body of a private school whose employees or volunteers may be authorized to administer drugs or prescription drugs to pupils under this section shall adopt a written policy governing the administration of drugs and prescription drugs to pupils. In developing the policy, the school board, board, agency or governing body shall seek the assistance of one or more appropriate health care professionals who are employees of the school board, board, agency or governing body or are providing services or consultation under s. 121.02 (1) (g). The policy shall

include procedures for obtaining and filing in the school or other appropriate facility the written instructions and consent required under sub. (2) (a), for the periodic review of such written instructions, for the storing of drugs and prescription drugs, for record keeping and for the appropriate instruction of persons who may be authorized to administer drugs or prescription drugs to pupils under this section.

(5) **EXEMPTION.** No employee except a health care professional may be required to administer a drug or prescription drug to a pupil under this section by any means other than ingestion.

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126.

118.291 Asthmatic pupils; possession and use of inhalers. (1) While in school, at a school-sponsored activity or under the supervision of a school authority, an asthmatic pupil may possess and use a metered dose inhaler or dry powder inhaler if all of the following are true:

(a) The pupil uses the inhaler before exercise to prevent the onset of asthmatic symptoms or uses the inhaler to alleviate asthmatic symptoms.

(b) The pupil has the written approval of the pupil's physician and, if the pupil is a minor, the written approval of the pupil's parent or guardian.

(c) The pupil has provided the school principal with a copy of the approval or approvals under par. (b).

(2) No school district, school board or school district employee is civilly liable for damage to a pupil caused by a school district employee who prohibits a pupil from using an inhaler because of the employee's good faith belief that the requirements of sub. (1) had not been satisfied or who allows a pupil to use an inhaler because of the employee's good faith belief that the requirements of sub. (1) had been satisfied.

History: 1997 a. 77.

118.295 Suicide intervention; civil liability exemption. Any school board, private school, county children with disabilities education board or cooperative educational service agency, and any officer, employee or volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune from civil liability for his or her acts or omissions in respect to the suicide or attempted suicide. The civil liability immunity provided in this section is in addition to and not in lieu of that provided under s. 895.48 (1).

History: 1985 a. 29; 1987 a. 14; 1997 a. 164.

118.30 Pupil assessment. (1) (a) The state superintendent shall adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and 10th grades.

(b) The department shall develop a high school graduation examination that is designed to measure whether pupils meet the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

(1g) (a) 1. By August 1, 1998, each school board shall adopt pupil academic standards in mathematics, science, reading and writing, geography and history. If the governor has issued pupil academic standards as an executive order under s. 14.23, the school board may adopt those standards.

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

(b) Each school board operating high school grades and each operator of a charter school under s. 118.40 (2r) that operates high school grades shall adopt a high school graduation examination that is designed to measure whether pupils meet the pupil academic standards adopted by the school board or operator of the

charter school under par. (a). If the school board or operator of the charter school has adopted the pupil academic standards issued as executive order no. 326, dated January 13, 1998, the school board or operator of the charter school may adopt the high school graduation examination developed by the department under sub. (1) (b). If a school board or operator of a charter school develops and adopts its own high school graduation examination, it shall notify the department annually by October 1 that it intends to administer the examination in the following school year.

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

(1m) Except as otherwise provided in this section, annually each school board shall do all of the following:

(a) 1. Except as provided in sub. (6), administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. Beginning on July 1, 2002, if the school board has not developed and adopted its own 4th grade examination, the school board shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

2. Beginning on July 1, 2002, if the school board has developed or adopted its own 4th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade. The school board shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

(am) 1. Except as provided in sub. (6), administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade. Beginning on July 1, 2002, if the school board has not developed and adopted its own 8th grade examination, the school board shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

2. Beginning on July 1, 2002, if the school board has developed or adopted its own 8th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade. The school board shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

(b) Administer the 10th grade examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade.

(d) If the school board operates high school grades, beginning in the 2002-03 school year administer the high school graduation examination adopted by the school board under sub. (1g) (b) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 11th and 12th grades. The school board shall administer the examination at least twice each school year and may administer the examination only to pupils enrolled in the 11th and 12th grades.

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

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

at least 2 opportunities to take the examination administered under this subdivision.

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

(am) 1. Except as provided in sub. (6), administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) (a) to all pupils enrolled in the charter school in the 8th grade. Beginning on July 1, 2002, if the operator of the charter school has not developed and adopted its own 8th grade examination, the operator of the charter school shall provide a pupil with at least 2 opportunities to take the examination administered under this subdivision.

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

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

(d) If the charter school operates high school grades, beginning in the 2002-03 school year, administer the high school graduation examination adopted by the operator of the charter school under sub. (1g) (b) to all pupils enrolled in the 11th and 12th grades in the charter school. The operator of the charter school shall administer the examination at least twice each school year and may administer the examination only to pupils enrolled in the 11th and 12th grades.

(2) (a) To the extent possible, all examinations under this section shall be free of bias.

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

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

3. Upon the request of a pupil's parent or guardian, the school board shall excuse the pupil from taking an examination administered under sub. (1m).

4. Upon the request of a pupil's parent or guardian, the operator of a charter school under s. 118.40 (2r) shall excuse the pupil from taking an examination administered under sub. (1r).

(c) The results of examinations administered under this section to pupils enrolled in public schools, including charter schools, may not be used to evaluate teacher performance, to discharge, suspend or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

(d) The results of examinations under this section may not be used in determining general or categorical aids to school districts.

(e) A pupil's score on the examination administered under sub. (1m) (d) or (1r) (d) shall be recorded on the pupil's transcript.

(3) The state superintendent shall make available upon request, within 90 days after the date of administration, any examination required to be administered under this section. This subsection does not apply while the examination is being developed or validated.

(4) The department shall study the utility of administering technology-based performance assessments to pupils.

118.30 GENERAL SCHOOL OPERATIONS

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

History: 1991 a. 269; 1993 a. 16, 367; 1995 a. 27 ss. 3971b to 3971yd, 9145 (1); 1997 a. 27, 164, 237; 1999 a. 9, 19, 32, 185, 186.

118.31 Corporal punishment. (1) In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individualized education program developed under s. 115.787 or reasonable physical activities associated with athletic training.

(2) Except as provided in sub. (3), no official, employee or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.

(3) Subsection (2) does not prohibit an official, employee or agent of a school board from:

(a) Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person.

(b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil's control.

(c) Using reasonable and necessary force for the purpose of self-defense or the defense of others under s. 939.48.

(d) Using reasonable and necessary force for the protection of property under s. 939.49.

(e) Using reasonable and necessary force to remove a disruptive pupil from a school premises or motor vehicle, as defined in s. 125.09 (2) (a) 1. and 4., or from school-sponsored activities.

(f) Using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself.

(g) Using reasonable and necessary force to protect the safety of others.

(h) Using incidental, minor or reasonable physical contact designed to maintain order and control.

(4) Each school board shall adopt a policy that allows any official, employee or agent of the school board to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employee or agent of a school board.

(5) Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or their officials, employees or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employees against students.

(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employee or agent of a school board with regard to a person who is not a pupil enrolled in the school district.

(7) Nothing in this section abrogates or restricts any statutory or common law defense to prosecution for any crime.

History: 1987 a. 303; 1989 a. 26; 1991 a. 164; 1993 a. 334; 1997 a. 164; 1999 a. 127.

NOTE: This section was created by 1987 Wis. Act 303. Section 1 of that act is entitled "Legislative findings and purpose".

118.32 Strip search by school employee. Any official, employee or agent of any school or school district is prohibited under s. 948.50 from conducting a strip search of any pupil.

History: 1983 a. 489; 1987 a. 332 s. 64.

118.325 Locker searches. An official, employee or agent of a school or school district may search a pupil's locker as determined necessary or appropriate without the consent of the pupil, without notifying the pupil and without obtaining a search warrant if the school board has adopted a written policy specifying that the school board retains ownership and possessory control of all pupil lockers and designating the positions of the officials, employees or agents who may conduct searches, and has distributed a copy of the policy to pupils enrolled in the school district.

History: 1997 a. 329.

118.33 High school graduation standards; criteria for promotion. (1) (a) Except as provided in par. (d), a school board may not grant a high school diploma to any pupil unless the pupil has earned:

1. In the high school grades, at least 4 credits of English including writing composition, 3 credits of social studies including state and local government, 2 credits of mathematics, 2 credits of science and 1.5 credits of physical education.

2. In grades 7 to 12, at least 0.5 credit of health education.

(am) The state superintendent shall encourage school boards to require an additional 8.5 credits selected from any combination of vocational education, foreign languages, fine arts and other courses.

(b) A school board may not grant a high school diploma to any pupil unless, during the high school grades, the pupil has been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day, or the pupil has been enrolled in an alternative education program, as defined in s. 115.28 (7) (e) 1. Nothing in this paragraph prohibits a school board from establishing a program that allows a pupil enrolled in the high school grades who has demonstrated a high level of maturity and personal responsibility to leave the school premises for up to one class period each day if the pupil does not have a class scheduled during that class period.

(c) A school board may require a pupil to participate in community service activities in order to receive a high school diploma.

(d) A school board may grant a high school diploma to a pupil who has not satisfied the requirements under par. (a) if all of the following apply:

1. The pupil was enrolled in an alternative education program, as defined in s. 115.28 (7) (e) 1.

2. The school board determines that the pupil has demonstrated a level of proficiency in the subjects listed in par. (a) equivalent to that which he or she would have attained if he or she had satisfied the requirements under par. (a).

(f) 1. By September 1, 2002, each school board operating high school grades shall develop a written policy specifying criteria for granting a high school diploma that are in addition to the requirements under par. (a). The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (d), the pupil's academic performance and the recommendations of teachers. Except as provided in subd. 2., the criteria apply to pupils enrolled in charter schools located in the school district.

NOTE: Subd. 1. is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).

2. By September 1, 2002, each operator of a charter school under s. 118.40 (2r) that operates high school grades shall develop a policy specifying criteria for granting a high school diploma. The criteria shall include the pupil's score on the examination

administered under s. 118.30 (1r) (d), the pupil's academic performance and the recommendations of teachers.

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

(2) The state superintendent shall:

(c) Establish course requirements under sub. (1) (a) and approve any school board's high school graduation standards policy that is equivalent to the requirements under sub. (1).

(m) Adopt policies to accommodate pupils with exceptional educational interests, needs or requirements, not limited to children with disabilities, as defined under s. 115.76 (5).

(3) By September 1, 1986, each school board operating high school grades shall submit to the state superintendent a report describing the school board's policies and guidelines on high school graduation standards, including a list of courses required under sub. (1) (a) and the number of hours in each school term required to earn one credit under sub. (1) (a), and thereafter shall notify the state superintendent whenever changes are made in such policies or guidelines. The department shall make reasonable efforts to combine the reports required under this subsection with other required school board reports.

(3m) A course taken at a technical college by a child attending the school part-time or in lieu of high school under s. 118.15 (1) (b), or attending the school under s. 118.15 (1) (cm), does not fulfill any of the high school graduation requirements under sub. (1) (a) unless the state superintendent has approved the course for that purpose. If a pupil satisfies all of the high school graduation requirements under sub. (1), the school board shall grant a high school diploma to the pupil regardless of whether the pupil satisfied all or a portion of the requirements while attending an institution of higher education under s. 118.55 or a technical college.

(4) (a) The state superintendent shall establish procedures for school boards to certify to the state superintendent whether they are in compliance with the requirements under sub. (1) and the rules promulgated under sub. (2).

(b) The state superintendent may periodically review school district high school graduation standards and shall notify any school board not in compliance with the requirements under sub. (1) or the rules promulgated under sub. (2), identifying the changes necessary.

(5) The department shall include in its biennial report under s. 15.04 (1) (d) information on the status of statewide high school graduation standards.

(6) (a) 1. Each school board shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the school board. Except as provided in par. (b) 1., the criteria apply to pupils enrolled in charter schools located in the school district.

2. Except as provided in par. (b) 2., beginning on September 1, 2002, a school board may not promote a 4th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 5th grade, and may not promote an 8th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the school board's policy adopted under subd. 1.

(b) 1. Each operator of a charter school under s. 118.40 (2r) shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade

to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1r) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the operator of the charter school.

2. Beginning on September 1, 2002, an operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil to the 5th grade, and may not promote an 8th grade pupil to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the charter school operator's policy under subd. 1.

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; 1999 a. 9, 84, 185; s. 13.93 (2) (c).

NOTE: 1983 Wisconsin Act 411, which created this section, has "Legislative declaration" in section 1.

NOTE: 1993 Wis. Act 339, which created sub. (1) (d), contains explanatory notes.

118.34 Technical preparation programs. (1) In cooperation with a technical college district board, each school board shall establish a technical preparation program in each public high school located in the school district. The program shall consist of a sequence of courses, approved by the technical college system board under s. 38.04 (26), designed to allow high school pupils to gain advanced standing in the technical college district's associate degree program upon graduation from high school.

(2) (a) The technical college district director shall appoint a technical preparation council to coordinate the establishment of the technical preparation programs. The council shall consist of 12 members.

(b) The technical college district board and the school boards of school districts that operate high schools located in the technical college district shall establish a consortium to implement the technical preparation programs.

(3) The department and the technical college system board shall provide technical assistance to school boards to develop technical preparation programs in each high school. Annually, the school board shall evaluate its program and report the results to the state superintendent and the technical college system board.

(4) The governor's work-based learning board shall review the local technical preparation programs established under sub. (1) as operated during the 1999-2000 fiscal year, the organizational structure used to implement those programs during that fiscal year and the allocation of funding to those programs for that fiscal year to determine whether those programs, that organizational structure and that allocation of funding should continue in the manner in which they were provided during the 1999-2000 fiscal year beyond that fiscal year and shall submit a plan for the implementation of those programs beyond the 1999-2000 fiscal year to the joint committee on finance by June 15, 2000. If the cochairpersons of the committee do not notify the governor's work-based learning board within 14 working days after the date of submittal of the plan that the committee has scheduled a meeting for the purpose of reviewing the plan, the board may implement the plan, notwithstanding subs. (1), (2) and (3). If within 14 working days after the date of submittal of the plan, the cochairpersons of the committee notify the governor's work-based learning board that the committee has scheduled a meeting for the purpose of reviewing the plan, the board may implement the plan, notwithstanding subs. (1), (2) and (3), only as approved or modified by the committee.

History: 1991 a. 39; 1993 a. 16, 399, 491; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 9.

118.35 Programs for gifted and talented pupils. (1) In this section, "gifted and talented pupils" means pupils enrolled in public schools who give evidence of high performance capability in intellectual, creative, artistic, leadership or specific academic areas and who need services or activities not ordinarily provided in a regular school program in order to fully develop such capabilities.

121.004 SCHOOL FINANCE

tion under s. 121.02 (1) (f) 2. shall be counted as 0.6 pupil if the program annually provides at least 87.5 additional hours of outreach activities.

(d) A pupil enrolled in a preschool program under subch. V of ch. 115 who is 3 years of age or older shall be counted as one-half pupil.

(e) A pupil attending public school under s. 118.145 (4) shall be counted as the result obtained by dividing the number of hours of direct pupil instruction scheduled for the pupil at the public school during the school year by the number of hours of direct pupil instruction that the school district scheduled for a pupil in the same grade during the school year.

(f) A pupil who transfers from one school district to another under s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as 0.75 pupil or, if appropriate, as a number equal to the result obtained by multiplying 0.75 by the appropriate fraction under par. (c), (cm) or (d).

(8) **SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT.** "Summer average daily membership equivalent" is the total number of minutes in which pupils are enrolled in academic summer classes or laboratory periods, as defined by the state superintendent under s. 121.14, divided by 48,600.

(9) **TEACHER-PUPIL RATIO.** "Teacher-pupil ratio" is the quotient of the number of pupils enrolled divided by the number of teachers employed.

(10) **TEACHERS EMPLOYED.** "Teacher" means a person holding a license or certificate under s. 115.28 (7), but does not include any person under s. 115.29 (3). In computing the number of teachers employed, professional workers who devote less than full time to their professional duties shall be counted in proportion to the time devoted to such duties. Teachers who devote full time to children with disabilities shall not be counted.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672.

121.006 State aid withheld. (1) (a) The state superintendent may withhold state aid from any school district in which the scope and character of the work are not maintained in such manner as to meet the state superintendent's approval.

(b) No state aid may be paid in any year under this chapter to a school district which fails to meet the requirements under sub. (2).

(2) Unless the state superintendent is satisfied that the failure to meet the requirements of pars. (a) and (b) was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers, every school district shall:

(a) Hold school for at least 180 days each year, less any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees, the days to be computed in accordance with s. 115.01 (10).

(b) Employ teachers qualified under s. 118.19.

(c) File all reports as required by state law.

(5) In the event of a school district labor dispute, s. 121.23 shall apply.

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27.

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), (cg), (cr) and (q) shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel and current repairs.

History: 1971 c. 125 s. 522 (1); 1973 c. 90; 1975 c. 39, 220; 1977 c. 29 s. 1099; Stats. 1977 s. 121.007; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221; 1981 c. 20; 1983 a. 27 s. 2202 (42); 1983 a. 538; 1989 a. 31, 336; 1993 a. 16; 1997 a. 27, 113.

SUBCHAPTER II

GENERAL AID

121.01 Purpose. It is declared to be the policy of this state that education is a state function and that some relief should be afforded from the local general property tax as a source of public school revenue where such tax is excessive, and that other sources of revenue should contribute a larger percentage of the total funds needed. It is further declared that in order to provide reasonable equality of educational opportunity for all the children of this state, the state must guarantee that a basic educational opportunity be available to each pupil, but that the state should be obligated to contribute to the educational program only if the school district provides a program which meets state standards. It is the purpose of the state aid formula set forth in this subchapter to cause the state to assume a greater proportion of the costs of public education and to relieve the general property of some of its tax burden.

The school finance system under ch. 121 is constitutional under both art. I, sec. 1 and art. X, sec. 3. Students have a fundamental right to an equal opportunity for a sound basic education. Uniform revenue-raising capacity among districts is not required. *Vincent v. Voight*, 2000 WI 93, 236 Wis. 2d 588, 614 N.W.2d 388.

A "uniform" education: reform of local property tax school finance systems through state constitutions. 62 MLR 565.

121.02 School district standards. (1) Except as provided in s. 118.40 (2r) (d), each school board shall:

(a) 1. Ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before entering on duties for such position.

2. Ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision and s. 118.40 (2r) (d) 1.

(b) Annually, establish with school board employees a professional staff development plan designed to meet the needs of individuals or curriculum areas in each school.

(c) Provide remedial reading services for a pupil in grades kindergarten to 4 if any of the following occurs:

1. The pupil fails to meet the reading objectives specified in the reading curriculum plan developed by the school board under par. (k).

2. The pupil fails to score above the state minimum performance standard on the reading test under par. (r) and:

a. A teacher in the school district and the pupil's parent or guardian agree that the pupil's test performance accurately reflects the pupil's reading ability; or

b. A teacher in the school district determines, based on other objective evidence of the pupil's reading comprehension, that the pupil's test performance accurately reflects the pupil's reading ability.

(d) Operate a 5-year-old kindergarten program, except in union high school districts.

(e) Provide guidance and counseling services.

(f) 1. Schedule at least 180 school days annually, less any days during which the state superintendent determines that school is not held or educational standards are not maintained as the result of a strike by school district employees.

2. Annually, schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Scheduled hours under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch period. A school board operating a 4-year-old kindergarten program may use up to 87.5 of the scheduled hours for outreach activities.

(g) Provide for emergency nursing services.

(h) Provide adequate instructional materials, texts and library services which reflect the cultural diversity and pluralistic nature of American society.

(i) Provide safe and healthful facilities. The facilities shall comply with ss. 254.11 to 254.178 and any rule promulgated under those sections.

(j) Ensure that instruction in elementary and high schools in health, physical education, art and music is provided by qualified teachers.

(k) 1. By September 1, 1988, develop a written, sequential curriculum plan in at least 3 of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, vocational education, physical education, art and music. The plan shall specify objectives, course content and resources and shall include a program evaluation method.

2. By September 1, 1989, develop a written, sequential curriculum plan in at least 3 additional subject areas specified in subd. 1.

3. By September 1, 1990, develop a written, sequential curriculum plan in all of the remaining subject areas specified in subd. 1.

(L) 1. In the elementary grades, provide regular instruction in reading, language arts, social studies, mathematics, science, health, physical education, art and music.

2. In grades 5 to 8, provide regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music. The school board shall also provide pupils with an introduction to career exploration and planning.

3. In grades 9 to 12, provide access to an educational program that enables pupils each year to study English, social studies, mathematics, science, vocational education, foreign language, physical education, art and music. In this subdivision, "access" means an opportunity to study through school district course offerings, independent study, cooperative educational service agencies or cooperative arrangements between school boards and postsecondary educational institutions.

4. Beginning September 1, 1991, as part of the social studies curriculum, include instruction in the history, culture and tribal sovereignty of the federally recognized American Indian tribes and bands located in this state at least twice in the elementary grades and at least once in the high school grades.

5. Provide regular instruction in foreign language in grades 7 and 8 beginning in the 1996-97 school year.

(m) Provide access to an education for employment program approved by the state superintendent. Beginning in the 1997-98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. 106.13 or other job training and work experience; and instruction in skills relating to employment. The state superintendent shall assist school boards in complying with this paragraph.

(n) Develop a plan for children at risk under s. 118.153.

(o) Annually distribute the performance disclosure report under s. 115.38 (2). The school board may include additional information in the report.

(p) Comply with high school graduation standards under s. 118.33 (1).

(q) Evaluate, in writing, the performance of all certified school personnel at the end of their first year and at least every 3rd year thereafter.

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

(s) Administer the examinations as required under s. 118.30.

(t) Provide access to an appropriate program for pupils identified as gifted or talented.

(1m) A school district may provide for scoring the test administered under sub. (1) (r) or have it scored by the department. If the school district provides for scoring the test, the department shall reimburse the school district for the cost of scoring the test, not exceeding what the department's cost would be to score the test. Costs of scoring the tests and reimbursing school districts for scoring the tests shall be paid from the appropriation under s. 20.255 (1) (a).

(2) In order to ensure compliance with the standards under sub. (1), the department shall conduct an inquiry into compliance with the standards upon receipt of a complaint and may, on its own initiative, conduct an audit of a school district.

(3) Prior to any finding that a school district is not in compliance with the standards under sub. (1), the state superintendent shall, upon request of the school board or upon receipt of a petition signed by the maximum number of electors allowed for nomination papers of school district officers under s. 8.10 (3) (i), (km) or (ks), conduct a public hearing in the school district. If the state superintendent, after the hearing, finds that the district is not in compliance with the standards, the state superintendent may develop with the school board a plan which describes methods of achieving compliance. The plan shall specify the time within which compliance shall be achieved. The state superintendent shall withhold up to 25% of state aid from any school district that fails to achieve compliance within the specified period.

(4) Any school district which is completely surrounded by water may meet the requirements of this section by being in substantial compliance with the standards in sub. (1). Annually by August 15, the school district shall submit to the state superintendent for approval a report describing the methods by which the school district intends to substantially comply with the standards. The state superintendent shall allow any such school district maximum flexibility in the school district's substantial compliance plans.

(5) The state superintendent shall promulgate rules to implement and administer this section, including rules defining "regular instruction" for the purpose of sub. (1) (L) 1. and 2.

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; 1999 a. 9.

121.05 Budget and membership report. (1) The school district clerk shall include, as part of the annual school district report under s. 120.18, all of the following:

(a) The average of the number of pupils enrolled on the 3rd Friday of September and the 2nd Friday of January of the previous school year, including all of the following:

1. Pupils enrolled concurrently in the school district and in a special education program operated by a county children with disabilities education board and in facilities of the school district. This subdivision does not apply beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

2. Pupils enrolled in home instruction or any other school district special education program.

3. Pupils for whom tuition is paid under s. 121.78.

5. Pupils attending a technical college under s. 118.15 (1) (b) and pupils attending an institution of higher education or a technical college under s. 118.55.

6. Pupils enrolled in a special education program operated by a county children with disabilities education board under contract with the school board. This subdivision applies beginning on the effective date of a resolution adopted under s. 115.817 (9) (c).

7. Pupils enrolled in a nonsectarian private school or program under s. 118.15 (1) (d) 4.

8. Pupils enrolled in the Wisconsin School for the Deaf or the school operated by the Wisconsin Center for the Blind and Visually Impaired under subch. III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2) determined by multiplying the total number of periods in each day in which the pupils are

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2001 BILL

Regenerate

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

Analysis by the Legislative Reference Bureau

Current law requires each school board and each Milwaukee charter school (a charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin-Milwaukee, or Milwaukee Area Technical College) 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 standardized 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

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participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer the fourth, eighth, and tenth grade examinations and the high school graduation examination 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.

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 is amended to read:

2 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
3 academic standards in mathematics, science, reading and writing, geography, and
4 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
5 standards issued by the governor as an executive order under s. 14.23, the school
6 board may adopt those standards no. 326, dated January 13, 1998.

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

2 118.30 (1g) (a) 3. By January 1, 2002, or by January 1 of the first school year
3 in which the private school participates in the program under s. 119.23, whichever
4 is later, the governing body of each private school participating in the program under
5 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
6 writing, geography, and history. The governing body of the private school may adopt
7 the pupil academic standards issued by the governor as executive order no. 326,
8 dated January 13, 1998.

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

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

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

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

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

11 118.30 (1s) Annually the governing body of each private school participating
12 in the program under s. 119.23 shall do all of the following:

13 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
14 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
15 attending the 4th grade in the private school under s. 119.23. Beginning on July 1,
16 2002, if the governing body of the private school has not developed or adopted its own
17 4th grade examination, the governing body of the private school shall provide a pupil
18 with at least 2 opportunities to take the examination administered under this
19 subdivision.

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

8 2. Beginning on July 1, 2002, if the governing body of the private school has
9 developed or adopted its own 8th grade examination, administer that examination
10 to all pupils attending the 8th 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 (b) Administer the 10th grade examination to all pupils attending the 10th
14 grade in the private school under s. 119.23.

15 (d) If the private school operates high school grades, beginning in the 2002–03
16 school year administer the high school graduation examination adopted by the
17 governing body of the private school under sub. (1g) (b) to all pupils attending the
18 11th and 12th grades at the private school under s. 119.23. The governing body of
19 the private school shall administer the examination at least twice each school year
20 and may administer the examination only to pupils attending the 11th and 12th
21 grades.

22 **SECTION 6.** 118.30 (2) (b) 1. of the statutes is amended to read:

23 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
24 subch. V of ch. 115, the school board or operator of the a charter school under s. 118.40

BILL**SECTION 6**

1 (2r), or governing body of a private school participating in the program under s.
2 119.23 shall comply with s. 115.77 (1m) (bg).

3 **SECTION 7.** 118.30 (2) (b) 2. of the statutes is amended to read:

4 118.30 (2) (b) 2. According to criteria established by the state superintendent
5 by rule, the school board ~~or~~, operator of the a charter school under s. 118.40 (2r), or
6 governing body of a private school participating in the program under s. 119.23 may
7 determine not to administer an examination under this section to a limited-English
8 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
9 in his or her native language, or may modify the format and administration of an
10 examination for such pupils.

11 **SECTION 8.** 118.30 (2) (b) 5. of the statutes is created to read:

12 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
13 body of a private school participating in the program under s. 119.23 shall excuse the
14 pupil from taking an examination administered under sub. (1s).

15 **SECTION 9.** 118.30 (6) of the statutes is amended to read:

16 118.30 (6) A school board and, an operator of a charter school under s. 118.40
17 (2r), and the governing body of a private school participating in the program under
18 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
19 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
20 operator of the charter school, or the governing body of the private school administers
21 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
22 school, or governing body of the private 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), and the federal department of
25 education approves.

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1 **SECTION 10.** 118.33 (1) (f) 2m. of the statutes is created to read:

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

8 **SECTION 11.** 118.33 (1) (f) 3. of the statutes is amended to read:

9 118.33 (1) (f) 3. Beginning September 1, 2003, neither a school board nor an
10 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
11 any pupil unless the pupil has satisfied the criteria specified in the school board's or
12 charter school's policy under subd. 1. or 2. Beginning September 1, 2003, the
13 governing body of a private school participating in the program under s. 119.23 may
14 not grant a high school diploma to any pupil attending the private school under s.
15 119.23 unless the pupil has satisfied the criteria specified in the governing body's
16 policy under subd. 2m.

17 **SECTION 12.** 118.33 (6) (c) of the statutes is created to read:

18 118.33 (6)(c) 1. The governing body of each private school participating in the
19 program under s. 119.23 shall adopt a written policy specifying the criteria for
20 promoting a pupil who is attending the private school under s. 119.23 from the 4th
21 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
22 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
23 (am), unless the pupil has been excused from taking the examination under s. 118.30
24 (2) (b); the pupil's academic performance; the recommendations of teachers, which

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1 shall be based solely on the pupil's academic performance; and any other academic
2 criteria specified by the governing body of the private school.

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

9 **SECTION 13.** 119.23 (10) of the statutes is created to read:

10 119.23 (10) Each private school participating in the program under this section
11 shall administer to the pupils attending the 3rd grade in the private school under this
12 section a standardized reading test developed by the department.

13 (END)

Date

2/28/11

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Representative Lehman:

1. Do you want to direct DPI to provide the examinations to the private schools, and score the examinations for the private schools, free of charge, or do you want to authorize DPI to charge a fee for the ~~examinations~~ ~~are~~ ~~for~~

~~2. Do you want to ~~restrict~~ regulate the manner in which DPI may publicize the~~

2. Under s. 115.38, state, DPI ^{must} ~~must~~ develop a school ^{and} ~~and~~ school district ^{performance} ~~performance~~ report. The report must include indicators of academic achievement, including the ^{performance} ~~performance~~ of pupils on the 3rd, 4th, 8th, ^{and} 10th grade

examinations and the high school graduation
examinations. ~~Each~~ Annually, each school board ^{must} ~~must~~
distribute the report to ^{parents} parents of pupils
enrolled in the school district. Do you
want to impose this requirement on
the Milwaukee charter schools and on the
^{private schools} private schools participating in the Milwaukee
Parental Choice Program?

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2287/1dn
PG:hmh:jf

February 5, 2001

Representative Lehman:

1. Do you want to direct DPI to provide the examinations to the private schools, and score the examinations for the private schools, free of charge, or do you want to authorize DPI to charge a fee?
2. Under s. 115.38, stats., DPI must develop a school and school district performance report. The report must include indicators of academic achievement, including the performance of pupils on the 3rd, 4th, 8th, and 10th grade examinations and the high school graduation examination. Annually, each school board must distribute the report to parents of pupils enrolled in the school district. Do you want to impose this requirement on the Milwaukee charter schools and on the private schools participating in the Milwaukee Parental Choice Program?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Grant, Peter

From: OBrien, Tim
Sent: Wednesday, February 07, 2001 10:51 AM
To: Grant, Peter
Subject: LRB-2287

Peter,

Thanks for the bill draft regarding DPI testing requirements for MPCP. John, asked me to get back to you regarding the two question you had.

Question 1. "Should DPI be authorized to charge a fee?" No. Rep. Lehman would like the testing to be free of charge to the students and schools

Question 2. "Impose requirements on Milwaukee Charter Schools AND private schools participating in MPCP?" yes

On page two of the Leg. Analysis second paragraph from the bottom you state that Milw. Charter Schools are not required to administer the 3rd grade reading test and later in the paragraph you state that they are. Could you please clarify.

Thanks for your help on this.

Tim O'Brien
Office of Rep. John Lehman

2/7/01

LC of Tim & John Lehman -

RE # 2: just require DPI to publish
the aggregate results of the exams given to
MPCP pupils & provide ^{individual} results to pupils parents.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2287/1 ✓ 2

PG:hmh:jf

SOON

Stays

2001 BILL

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

Analysis by the Legislative Reference Bureau

Current law requires each school board and each Milwaukee charter school (a charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin-Milwaukee, or Milwaukee Area Technical College) 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 standardized 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

BILL

participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer the fourth, eighth, and tenth grade examinations and the high school graduation examination to pupils enrolled in the private school under the MPCP. 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.

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 is amended to read:
- 2 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
- 3 academic standards in mathematics, science, reading and writing, geography, and
- 4 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
- 5 standards issued by the governor as an executive order under s. 14.23, the school
- 6 board ~~may adopt these standards no. 326, dated January 13, 1998.~~

BILL

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

2 118.30 (1g) (a) 3. By January 1, 2002, or by January 1 of the first school year
3 in which the private school participates in the program under s. 119.23, whichever
4 is later, the governing body of each private school participating in the program under
5 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
6 writing, geography, and history. The governing body of the private school may adopt
7 the pupil academic standards issued by the governor as executive order no. 326,
8 dated January 13, 1998.

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

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

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

BILL

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

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

11 118.30 (1s) Annually the governing body of each private school participating
12 in the program under s. 119.23 shall do all of the following:

13 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
14 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
15 attending the 4th grade in the private school under s. 119.23. Beginning on July 1,
16 2002, if the governing body of the private school has not developed or adopted its own
17 4th grade examination, the governing body of the private school shall provide a pupil
18 with at least 2 opportunities to take the examination administered under this
19 subdivision.

20 2. Beginning on July 1, 2002, if the governing body of the private school has
21 developed or adopted its own 4th grade examination, administer that examination
22 to all pupils attending the 4th 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.

BILL

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

8 2. Beginning on July 1, 2002, if the governing body of the private school has
9 developed or adopted its own 8th grade examination, administer that examination
10 to all pupils attending the 8th 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 (b) Administer the 10th grade examination to all pupils attending the 10th
14 grade in the private school under s. 119.23.

15 (d) If the private school operates high school grades, beginning in the 2002-03
16 school year administer the high school graduation examination adopted by the
17 governing body of the private school under sub. (1g) (b) to all pupils attending the
18 11th and 12th grades at the private school under s. 119.23. The governing body of
19 the private school shall administer the examination at least twice each school year
20 and may administer the examination only to pupils attending the 11th and 12th
21 grades.

22 **SECTION 6.** 118.30 (2) (b) 1. of the statutes is amended to read:

23 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
24 subch. V of ch. 115, the school board ~~or~~ operator of the a charter school under s. 118.40

BILL

1 (2r), or governing body of a private school participating in the program under s.
2 119.23 shall comply with s. 115.77 (1m) (bg).

3 SECTION 7. 118.30 (2) (b) 2. of the statutes is amended to read:

4 118.30 (2) (b) 2. According to criteria established by the state superintendent
5 by rule, the school board ~~or~~, operator of the a charter school under s. 118.40 (2r), or
6 governing body of a private school participating in the program under s. 119.23 may
7 determine not to administer an examination under this section to a limited-English
8 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
9 in his or her native language, or may modify the format and administration of an
10 examination for such pupils.

11 SECTION 8. 118.30 (2) (b) 5. of the statutes is created to read:

12 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
13 body of a private school participating in the program under s. 119.23 shall excuse the
14 pupil from taking an examination administered under sub. (1s).

15 SECTION 9. 118.30 (6) of the statutes is amended to read:

16 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
17 (2r), and the governing body of a private school participating in the program under
18 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
19 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
20 operator of the charter school, or the governing body of the private school administers
21 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
22 school, or governing body of the private 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), and the federal department of
25 education approves.

BILL

1 **SECTION 10.** 118.33 (1) (f) 2m. of the statutes is created to read:

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

8 **SECTION 11.** 118.33 (1) (f) 3. of the statutes is amended to read:

9 118.33 (1) (f) 3. Beginning September 1, 2003, neither a school board nor an
10 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
11 any pupil unless the pupil has satisfied the criteria specified in the school board's or
12 charter school's policy under subd. 1. or 2. Beginning September 1, 2003, the
13 governing body of a private school participating in the program under s. 119.23 may
14 not grant a high school diploma to any pupil attending the private school under s.
15 119.23 unless the pupil has satisfied the criteria specified in the governing body's
16 policy under subd. 2m.

17 **SECTION 12.** 118.33 (6) (c) of the statutes is created to read:

18 118.33 (6) (c) 1. The governing body of each private school participating in the
19 program under s. 119.23 shall adopt a written policy specifying the criteria for
20 promoting a pupil who is attending the private school under s. 119.23 from the 4th
21 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
22 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
23 (am), unless the pupil has been excused from taking the examination under s. 118.30
24 (2) (b); the pupil's academic performance; the recommendations of teachers, which

BILL**SECTION 12**

1 shall be based solely on the pupil's academic performance; and any other academic
2 criteria specified by the governing body of the private school.

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

9 **SECTION 13.** 119.23 (10) of the statutes is created to read:

10 119.23 (10) Each private school participating in the program under this section
11 shall administer to the pupils attending the 3rd grade in the private school under this
12 section a standardized reading test developed by the department.

13

(END)

(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.

Under current law, the third grade reading test, the fourth, eighth, and tenth grade examinations, and the high school graduation examination are not required to be administered to pupils participating in the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

Beginning in the 2002-03 school year, this bill allows a private school participating in the MPCP to choose to administer the grade examinations (the third grade reading test and the fourth, eighth, and tenth grade examinations) or the high school graduation examination, or both, to the pupils attending the private school under the MPCP. *This*

~~The~~ bill requires that DPI provide all of the examinations administered to MPCP pupils, and score the examinations, free of charge. The bill also prohibits DPI from disclosing the results of the examinations administered to MPCP pupils, except that DPI must publish the aggregate results and must report each pupil's scores to the pupil's parent or guardian.

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 (1s) of the statutes is created to read:

2 118.30 (1s) (a) Annually, by September 15, the governing body of each private
3 school participating in the program under s. 119.23 shall notify the department as
4 to whether it will administer the examinations under par. (b) or (c) or both in the
5 current school year.

6 (b) If the private school notifies the department that it will administer the
7 examinations under this paragraph, the private school shall do all of the following:

8 1. Administer a standardized reading test developed by the department to all
9 pupils attending the 3rd grade in the private school under s. 119.23.

6-25

1 ~~determine not to administer an examination under this section to a limited-English~~
2 ~~proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined~~
3 ~~in his or her native language, or may modify the format and administration of an~~
4 ~~examination for such pupils.~~

5 **SECTION 4.** 118.30 (2) (b) 5. of the statutes is created to read:

6 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
7 body of a private school participating in the program under s. 119.23 shall excuse the
8 pupil from taking an examination administered under sub. (1s) (a) 2. to 4. or (b).

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

10 118.30 (7) (a) The department shall provide the examinations administered
11 under sub. (1s) and score the examinations free of charge.

12 (b) The department may not disclose the results of the examinations
13 administered under sub. (1s) except as follows:

14 1. The department shall publish the aggregate results of all of the examinations
15 provided to the department.

16 2. The department shall report each pupil's scores to the pupil's parent or
17 guardian.

18 **SECTION 9440. Effective dates; public instruction.**

19 (1) ~~MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS.~~ The treatment of
20 sections 118.30 (1s), (2) (b) 1., 2., and 5., and (7) of the statutes takes effect on July
21 1, 2002.

22 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

February 8, 2001

MEMORANDUM

To: Representative J. Lehman

From: Peter R. Grant, Managing Attorney

Re: LRB-2287 Impose pupil assessment requirements on Milwaukcc parental choice schools

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3362 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.