

**2001 Jr2 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-AB1)**

Received: 04/04/2002

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Engel

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - charter schools  
Education - MPS

Extra Copies: MJL

Submit via email: NO

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**Pre Topic:**

SCC:.....Engel - CN5568,

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**Topic:**

MPS choice schools and charter schools; nondiscrimination, standards, 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>
/?	grantpr 04/04/2002	gilfokm 04/04/2002		_____			
/1			pgreensl 04/04/2002	_____	lrb_docadmin 04/04/2002		

FE Sent For:

<END>

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1?	grantpr	11-4/14 KRMJ	4/4 P8	4/4 BIB			

FE Sent For:

<END>

4-6948

TO: Peter Grant

FROM: Andy ENGEL

PAGES: 6 (including cover)

Questions: 266-9220

Department of Public Instruction

Adopt the nondiscrimination, standards, and assessment-related provisions regarding the Milwaukee School Choice Program that were included in the Senate version of the 2001-03 biennial budget. [fb analysis is attached]

CN 5568

*Limit on participation.* Limit participation in the choice program to 10,580 pupils beginning in school year 2002-03, which is the estimated number of pupils that would attend choice schools in 2001-02 under current law. Delete an additional \$3.8 million in 2002-03 in the choice program appropriation as a result of this change. Under current law, no more than 15% of the MPS membership, or approximately 15,100 pupils in 2000-01, can attend private schools under the program, and it is estimated that 11,850 pupils would attend in 2002-03 under current law.

*Summer school payment.* Specify that the per pupil payment amount under the choice program would be multiplied by 40% for payments to parents for pupils attending summer school classes at a choice school beginning in 2002-03. Delete an additional \$0.2 million in 2002-03 in the choice program appropriation as a result of this change. Under current law, DPI pays the parent or guardian of a pupil enrolled in a choice school for summer classroom or laboratory periods for necessary academic purposes. The payment is determined by dividing the FTE summer choice membership by the number of pupils attending summer programs, and multiplying that result by the per pupil payment amount under the choice program. In 2000-01, 133 FTE pupils attended summer school at a choice school.

### 13. MILWAUKEE PARENTAL CHOICE PROGRAM AND CHARTER SCHOOLS -- NONDISCRIMINATION, STANDARDS AND ASSESSMENTS

Move to specify that schools participating in the Milwaukee parental choice program (MPCP) and charter schools must comply with the same pupil nondiscrimination statutory requirements as public schools. Require MPCP schools and charter schools to develop written policies and procedures to implement the nondiscrimination policies and submit them to the State Superintendent. Require that the policies and procedures provide for receiving and investigating complaints regarding possible violations of policies, for making determinations as to whether the policies have been violated and for ensuring compliance with the policies. Require that any person who receives a determination against his or her complaint may appeal the determination to the State Superintendent. Specify that information on compliance of charter schools and MPCP schools with the nondiscrimination statutory requirements be included in DPI's biennial report. Specify that the State Superintendent periodically review charter school and MPCP school programs, activities and services to determine whether these schools are complying with the nondiscrimination statutory requirements, and assist these schools with compliance by providing information and technical assistance upon request. Specify that charter school and MPCP school officials, employees and teachers who intentionally engage in discriminatory conduct in violation of the statutory requirements be required to forfeit not more than \$1,000.

Delete current language, made duplicative by this provision, which prohibits charter schools from discriminating in admission or denying participation in any program or activity

on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

Clarify current language to reflect that the Governor issued pupil academic standards as Executive Order no. 326, dated January 13, 1998.

Require that MPCP schools adopt, by January 1, 2002, or by January 1 of the first school year in which the school participates in MPCP, whichever is later, pupil academic standards in mathematics, science, reading and writing, geography and history. Specify that the schools may adopt the pupil academic standards issued by the Governor as Executive Order no. 326, dated January 13, 1998.

Require that MPCP schools administer to 3<sup>rd</sup> grade MPCP pupils the 3<sup>rd</sup> grade reading comprehension test developed by DPI.

Require that MPCP schools that operate high school grades adopt a high school graduation test that is designed to measure whether pupils meet the pupil academic standards adopted by the school. Require the test to be administered at least twice annually to all MPCP pupils attending the 11<sup>th</sup> and 12<sup>th</sup> grades and only those grades at the school, beginning at the time public schools must do this. If the MPCP school has adopted the pupil academic standards issued as executive order no. 326, dated January 13, 1998, then allow the school to adopt the high school graduation test developed by DPI. If the MPCP school develops and adopts its own high school graduation test, require that it notify DPI annually by October 1 that it intends to administer the test in the following school year.

Require that each MPCP school must develop a policy specifying the criteria for granting a high school diploma to MPCP pupils, beginning at the time public schools must do this. The criteria must include the pupil's score on a high school graduation exam adopted by the school, the pupil's academic performance and the recommendations of teachers. Require that MPCP schools may not grant a high school diploma to any MPCP pupil unless the pupil has satisfied the criteria specified by the policy developed by the school, beginning at the time public schools must do this.

Require that each MPCP school operating the appropriate grades develop or adopt and annually administer an examination designed to measure pupil attainment of knowledge and concepts in the 4<sup>th</sup>, 8<sup>th</sup> and 10<sup>th</sup> grades. If the MPCP school develops or adopts its own 4<sup>th</sup> or 8<sup>th</sup> grade examination, then require the school to notify DPI. If the MPCP school has developed or adopted its own 4<sup>th</sup> or 8<sup>th</sup> grade exams, require the school to administer the exams to the MPCP pupils attending those grades. If the MPCP school has not developed or adopted its own 4<sup>th</sup> or 8<sup>th</sup> grade exams, require the school administer the exams approved by the State Superintendent to the MPCP pupils attending those grades. Beginning on July 1, 2002, require MPCP schools to provide a pupil with at least two opportunities to take the exams adopted by the school.

Require that each MPCP school adopt a written policy specifying criteria for promoting MPCP pupils from the 4<sup>th</sup> grade to the 5<sup>th</sup> grade and from the 8<sup>th</sup> grade to the 9<sup>th</sup> grade. Require that the criteria include the pupil's score on the 4<sup>th</sup> or 8<sup>th</sup> grade exam adopted by the school, unless the pupil has been excused from taking the exam by a parent or guardian; the pupil's academic performance; the recommendations of teachers, which must be based solely on the pupil's academic performance; and any other academic criteria specified by the school. Require that beginning on September 1, 2002, an MPCP schools could not promote a 4<sup>th</sup> grade MPCP pupil to the 5<sup>th</sup> grade, and could not promote an 8<sup>th</sup> grade MPCP pupil to the 9<sup>th</sup> grade, unless the pupil satisfies the criteria for promotion specified by the school.

Require MPCP schools to comply with the same statutory requirements as public and charter schools with regard to including pupils with disabilities in statewide and local educational agency-wide assessments, with appropriate modifications where necessary, or in alternative assessments for those pupils who cannot participate in the statewide or local educational agency-wide assessments.

Specify that MPCP schools, in addition to public and charter schools as specified under current law, may determine not to administer an exam to a limited-English proficient pupil, as defined in statute, may permit the pupil to be examined in his or her native language, or may modify the format and administration of an exam to such pupils.

Require MPCP schools to excuse a pupil from taking a 4<sup>th</sup>, 8<sup>th</sup>, 10<sup>th</sup> or high school graduation exam upon the request of the pupil's parent or guardian.

Specify that MPCP schools, in addition to public and charter schools as specified under current law, are not required to administer the 4<sup>th</sup> and 8<sup>th</sup> grade exams approved by the State Superintendent if the school administers its own 4<sup>th</sup> and 8<sup>th</sup> grade exams and provides the State Superintendent with statistical correlations of those exams approved by the State Superintendent, and the U.S. Department of Education approves.

Require charter schools to permit public inspection and copying of any record, as defined in statute, of the school to the same extent as is required of and subject to the same terms and enforcement provisions that apply to, an authority under the statutes governing public records and property. Require charter schools to provide public access to meetings of the governing body of the charter school to the same extent as is required of and subject to the same terms and enforcement provisions that apply to, governmental bodies under the statutes governing open meetings of governmental bodies.

Require MPCP schools to permit public inspection and copying of any record, as defined in statute, of the school to the same extent as is required of and subject to the same terms and enforcement provisions that apply to, an authority under the statutes governing public records and property. Require MPCP schools to provide public access to meetings of the governing body of the MPCP school to the same extent as is required of and subject to the same terms and

enforcement provisions that apply to governmental bodies under the statutes governing open meetings of governmental bodies.

**14. MILWAUKEE CHARTER SCHOOL PROGRAM -- AID  
REDUCTION AND LEVY OFFSET**

Eliminate the reduction from the general school aids appropriation in an amount equal to the estimated payments made from the Milwaukee charter school program appropriation. As a result, the charter lapse of \$13.4 million in 2001-02 and \$18.3 million in 2002-03 would be deleted. Also, as a result of eliminating the charter reduction, there would be no charter levy offset, and general school aids would decrease by two-thirds of the charter reduction amount. Thus, general school aids funding would be reduced by \$9.0 million in 2001-02 and \$12.2 million in 2002-03.

	Chg. to JFC
GPR	-\$21,200,000
GPR-Lapse	-31,700,000
Net GPR Chg.	\$10,500,000

The net effect of this item on the general fund would be an increase in expenditures of \$4.4 million in 2001-02 and \$6.1 million in 2002-03.

**15. MILWAUKEE CHARTER SCHOOL PROGRAM -- PAYMENT  
AMOUNT**

Specify that the per pupil payment under the charter program in 2001-02 would equal to MPS' 2000-01 equalization aid eligibility per member, which is \$5,529. Beginning in 2002-03, specify that the per pupil charter payment would continue to be increased by the per pupil adjustment provided to school districts under revenue limits, so that the payment would be \$5,761 per pupil in 2002-03. As a result of reducing the per pupil charter payment, the estimated cost of the charter appropriation would be reduced by \$2.4 million in 2001-02 and \$3.1 million in 2002-03. Under the Joint Finance provisions, the per pupil payment would be \$6,720 in 2001-02 and \$6,952 in 2002-03. It is estimated that, under current law, 2,000 pupils in 2001-02 and 2,700 pupils in 2002-03 would attend these charter schools.

	Chg. to JFC
GPR	-\$5,500,000

**16. HIGH SCHOOL GRADUATION TEST ADMINISTRATION  
AND DEVELOPMENT**

Modify Joint Finance to delete \$2,000,000 in 2001-02 and \$2,500,000 in 2002-03 and 6.0 positions. Delay by two years the current law requirement that beginning in 2002-03, a school board or charter school operating high school grades must administer a high school graduation test. Also delay by two years the current law requirement that by September 1, 2002, a school district that operates a high school must adopt a written policy specifying criteria for granting a high school diploma. Delay by two years the current law

	Chg. to JFC	Funding Positions
GPR	-\$4,500,000	-6.00



2001

Date (time)  
needed

DN

LRB b 2992, 1

**CAUCUS BUDGET AMENDMENT**  
[CAUCUS AMDTS. ONLY]

PG : King & Wj

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT**  
**TO SENATE SUBSTITUTE AMENDMENT 1**  
**TO 2001 SPECIAL SESSION ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated; amend the substitute amendment as follows:

#. Page . . . . , line . . . . :

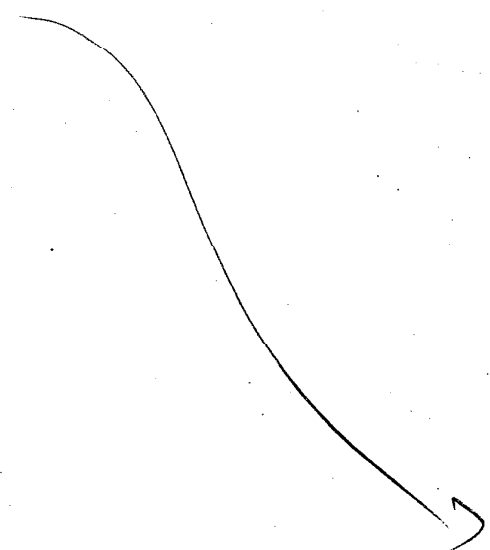
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SDC:.....Keckhaver - CN1018, MPS choice program; nondiscrimination, standards and assessments

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page ~~217~~<sup>159</sup>, line ~~22~~<sup>17</sup> after that line insert:

3 "SECTION ~~2679c~~<sup>280</sup>. 118.13 (1m) of the statutes is created to read:

4 118.13 (1m) No person who wishes to attend a private school under s. 119.23  
5 or a charter school may be denied admission to that school and no pupil who is  
6 attending a private school under s. 119.23 or a charter school may be denied  
7 participation in, be denied the benefits of, or be discriminated against in any  
8 curricular, extracurricular, pupil services, recreational, or other program or activity  
9 of that school because of the person's sex, race, religion, national origin, ancestry,

280c

1 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,  
2 emotional, or learning disability.

3 SECTION ~~2670~~<sup>280</sup>e. 118.13 (2) (am) of the statutes is created to read:

4 118.13 (2) (am) Each private school participating in the program under s.  
5 119.23 and each charter school shall develop written policies and procedures to  
6 implement this section and submit them to the state superintendent. The policies  
7 and procedures shall provide for receiving and investigating complaints regarding  
8 possible violations of this section, for making determinations as to whether this  
9 section has been violated, and for ensuring compliance with this section.

10 SECTION ~~2670~~<sup>280</sup>g. 118.13 (2) (b) of the statutes is amended to read:

11 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
12 or (am) may appeal the determination to the state superintendent.

13 SECTION ~~2670~~<sup>280</sup>i. 118.13 (3) (a) 3. of the statutes is amended to read:

14 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
15 (d) information on the ~~status of school district compliance of school districts, charter~~  
16 ~~schools, and private schools~~ with this section and ~~school district~~ the progress made  
17 toward providing reasonable equality of educational opportunity for all pupils in this  
18 state.

19 SECTION ~~2670~~<sup>280</sup>k. 118.13 (3) (b) 1. of the statutes is amended to read:

20 118.13 (3) (b) 1. Periodically review school district, charter school, and private  
21 school programs, activities and services to determine whether the school boards,  
22 charter schools, and private schools are complying with this section.

23 SECTION ~~2670~~<sup>280</sup>m. 118.13 (3) (b) 2. of the statutes is amended to read:

1 118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to  
2 comply with this section by providing information and technical assistance upon  
3 request.

4 SECTION ~~2679~~<sup>280</sup> p. 118.13 (4) of the statutes is amended to read:

5 118.13 (4) Any public school, charter school, or private school official, employee  
6 or teacher who intentionally engages in conduct which discriminates against a  
7 person or causes a person to be denied rights, benefits or privileges, in violation of  
8 sub. (1) or (1m), may be required to forfeit not more than \$1,000.”

9 ✓ 2. Page ~~973~~<sup>160</sup>, line ~~12~~<sup>3</sup>: after that line insert:

10 “SECTION ~~2697b~~<sup>281</sup>. 118.30 (1g) (a) 1. of the statutes is amended to read:

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

16 SECTION ~~2697d~~<sup>281</sup>. 118.30 (1g) (a) 3. of the statutes is created to read:

17 118.30 (1g) (a) 3. By January 1, ~~2002~~<sup>2003</sup>, or by January 1 of the first school year ✓  
18 in which the private school participates in the program under s. 119.23, whichever  
19 is later, the governing body of each private school participating in the program under  
20 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and  
21 writing, geography, and history. The governing body of the private school may adopt  
22 the pupil academic standards issued by the governor as executive order no. 326,  
23 dated January 13, 1998.

24 SECTION ~~2697f~~<sup>281</sup>. 118.30 (1g) (b) of the statutes is amended to read:

1           118.30 (1g) (b) Each school board operating high school grades ~~and~~, each  
2 operator of a charter school under s. 118.40 (2r) that operates high school grades, and  
3 the governing body of each private school participating in the program under s.  
4 119.23 that operates high school grades shall adopt a high school graduation  
5 examination that is designed to measure whether pupils meet the pupil academic  
6 standards adopted by the school board ~~or~~, operator of the charter school, or governing  
7 body of the private school under par. (a). If the school board ~~or~~, operator of the charter  
8 school, or governing body of the private school has adopted the pupil academic  
9 standards issued as executive order no. 326, dated January 13, 1998, the school  
10 board ~~or~~, operator of the charter school, or governing body of the private school may  
11 adopt the high school graduation examination developed by the department under  
12 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a  
13 private school develops and adopts its own high school graduation examination, it  
14 shall notify the department annually by October 1 that it intends to administer the  
15 examination in the following school year.

16           SECTION ~~269~~<sup>231</sup> h. 118.30 (1g) (c) of the statutes is amended to read:

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

①

3. Page ~~920~~<sup>160</sup>, line ~~13~~<sup>18</sup>: after that line insert:

②

“SECTION ~~2700m~~<sup>233c</sup> 118.30 (1s) of the statutes is created to read:

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4

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

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6

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(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 attending the 4th grade in the private school under s. 119.23.

⑧

9

10

2. Beginning on July 1, ~~2002~~<sup>2003</sup>, if the governing body of the private school has developed or adopted its own 4th grade examination, administer that examination to all pupils attending the 4th grade in the private school under s. 119.23.

11

12

13

(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 attending the 8th grade in the private school under s. 119.23.

⑭

15

16

2. Beginning on July 1, ~~2002~~<sup>2003</sup>, if the governing body of the private school has developed or adopted its own 8th grade examination, administer that examination to all pupils attending the 8th grade in the private school under s. 119.23.

17

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(b) Administer the 10th grade examination to all pupils attending the 10th grade in the private school under s. 119.23.

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(d) If the private school operates high school grades, beginning in the 2004–05 school year administer the high school graduation examination adopted by the governing body of the private school under sub. (1g) (b) to all pupils attending the 11th and 12th grades at the private school under s. 119.23. The governing body of the private school shall administer the examination at least twice each school year.

1 and may administer the examination only to pupils attending the 11th and 12th  
2 grades.

3 SECTION ~~2709m~~<sup>283g</sup> 118.30 (2) (b) 1. of the statutes is amended to read:

4 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
5 subch. V of ch. 115, the school board ~~or~~ operator of ~~the a~~ charter school under s. 118.40  
6 (2r), or governing body of a private school participating in the program under s.  
7 119.23 shall comply with s. 115.77 (1m) (bg).

8 SECTION ~~2710m~~<sup>283n</sup> 118.30 (2) (b) 2. of the statutes is amended to read:

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

16 SECTION ~~2711m~~<sup>283r</sup> 118.30 (2) (b) 5. of the statutes is created to read:

17 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
18 body of a private school participating in the program under s. 119.23 shall excuse the  
19 pupil from taking an examination administered under sub. (1s).

20 SECTION ~~2712m~~<sup>293w</sup> 118.30 (6) of the statutes is amended to read:

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

1 its own 4th and 8th grade examinations, the school board or operator of the charter  
2 school, or governing body of the private school provides the state superintendent  
3 with statistical correlations of those examinations with the examinations adopted or  
4 approved by the state superintendent under sub. (1), and the federal department of  
education approves. "

ins.  
7-5  
5  
6

SECTION ~~27181~~ 118.33 (1) (f) 2m. of the statutes is created to read:

7 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private  
8 school participating in the program under s. 119.23 shall develop a policy specifying  
9 criteria for granting a high school diploma to pupils attending the private school  
10 under s. 119.23. The criteria shall include the pupil's score on the examination  
11 administered under s. 118.30 (1s) (d), the pupil's academic performance, and the  
recommendations of teachers. )

ins.  
7-12  
12  
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SECTION ~~27181~~ 118.33 (1) (f) 3. of the statutes is amended to read:

14 118.33 (1) (f) 3. Beginning <sup>on</sup> September 1, ~~2003~~ 2005, neither a school board nor  
15 an operator of a charter school under s. 118.40 (2r) may grant a high school diploma  
16 to any pupil unless the pupil has satisfied the criteria specified in the school board's  
17 or charter school's policy under subd. 1. or 2. Beginning <sup>on</sup> September 1, 2005, the  
18 governing body of a private school participating in the program under s. 119.23 may  
19 not grant a high school diploma to any pupil attending the private school under s.  
20 119.23 unless the pupil has satisfied the criteria specified in the governing body's  
21 policy under subd. 2m.

SECTION ~~27181~~ 118.33 (6) (c) of the statutes is created to read:

22 118.33 (6) (c) 1. The governing body of each private school participating in the  
23 program under s. 119.23 shall adopt a written policy specifying the criteria for  
24 promoting a pupil who is attending the private school under s. 119.23 from the 4th  
25

ins.  
7-12  
12  
13  
14



1 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall  
 2 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or  
 3 (am), unless the pupil has been excused from taking the examination under s. 118.30  
 4 (2) (b); the pupil's academic performance; the recommendations of teachers, which  
 5 shall be based solely on the pupil's academic performance; and any other academic  
 6 criteria specified by the governing body of the private school.

7 2. Beginning on September 1, ~~2003~~<sup>2003 ✓</sup>, the governing body of a private school  
 8 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
 9 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
 10 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
 11 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
 12 body's policy under subd. 1.

13 SECTION ~~27251~~<sup>284g</sup>. 118.40 (4) (a) 3. and 4. of the statutes are created to read:

14 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined  
 15 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject  
 16 to the same terms and enforcement provisions that apply to, an authority under  
 17 subch. II of ch. 19.

18 4. Provide public access to meetings of the governing body of the charter school  
 19 to the same extent as is required of, and subject to the same terms and enforcement  
 20 provisions that apply to, a governmental body under subch. V of ch. 19.

21 SECTION ~~27251~~<sup>284h</sup>. 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
 22 renumbered 118.40 (4) (b) and amended to read:

23 118.40 (4) (b) *Restrictions*. A charter school may not ~~do any of the following~~:  
 24 1. ~~Charge~~ charge tuition.

25 SECTION ~~27251~~<sup>284i</sup>. 118.40 (4) (b) 2. of the statutes is repealed.

1

~~A. Page 923, line 7: after that line insert:~~

2

~~SECTION 2748m.~~ <sup>284k</sup> 119.23 (2) (a) 6. and 7. of the statutes are created to read:

3

119.23 (2) (a) 6. The governing body of the private school permits public inspection and copying of any record, as defined in s. 19.32 (2), of the private school to the same extent as is required of, and subject to the same terms and enforcement provisions that apply to, an authority under subch. II of ch. 19.

4

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7

7. The governing body of the private school provides public access to its meetings to the same extent as is required of, and subject to the same terms and enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

8

9

10

~~SECTION 2753m.~~ <sup>284L</sup> 119.23 (10) of the statutes is created to read:

11

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

12

13

14

(END)

7-5 ✓

✓ #. Page 160, line 19: after ~~"(c)"~~

~~insert~~ delete " of the statutes is " and  
substitute " 1. and 2. of the statutes <sup>are</sup> are " .

✓ #. Page <sup>(161)</sup> 161, line 7: after that line insert :

7-12

#. Page 161, line 8: after ~~that~~

~~the insert~~ delete lines 8 to 11 and

substitute :

DN

: King:

Note that this amendment delays until  
~~2003~~ July 2003 the requirement ~~for~~ that  
choice schools ~~to~~ administer their own  
4th and 8th grade exams. OK? The  
amendment also delays until September  
2003 the prohibition ~~on~~ ~~promotion~~ promoting  
a pupil from 4th to 5th grade, ~~or~~  
from 8th to 9th grade, if the pupil does  
not satisfy the <sup>promotion</sup> criteria. ~~to~~

PG

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb2992/1dn  
PG:kmg:pg

April 4, 2002

Note that this amendment delays until July 2003 the requirement that choice schools administer their own 4th and 8th grade exams. OK? The amendment also delays until September 2003 the prohibition on promoting a pupil from 4th to 5th grade, or from 8th to 9th grade, if the pupil does not satisfy the promotion criteria.

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State of Wisconsin  
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2992/1  
PG:kg&wlj:pg

SCC:.....Engel – CN5568, MPS choice schools and charter schools;  
nondiscrimination, standards, and assessments

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 159 line 17: after that line insert:

3 “SECTION 280c. 118.13 (1m) of the statutes is created to read:

4 118.13 (1m) No person who wishes to attend a private school under s. 119.23

5 or a charter school may be denied admission to that school and no pupil who is

6 attending a private school under s. 119.23 or a charter school may be denied

7 participation in, be denied the benefits of, or be discriminated against in any

8 curricular, extracurricular, pupil services, recreational, or other program or activity

9 of that school because of the person’s sex, race, religion, national origin, ancestry,

1 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,  
2 emotional, or learning disability.

3 **SECTION 280e.** 118.13 (2) (am) of the statutes is created to read:

4 118.13 (2) (am) Each private school participating in the program under s.  
5 119.23 and each charter school shall develop written policies and procedures to  
6 implement this section and submit them to the state superintendent. The policies  
7 and procedures shall provide for receiving and investigating complaints regarding  
8 possible violations of this section, for making determinations as to whether this  
9 section has been violated, and for ensuring compliance with this section.

10 **SECTION 280g.** 118.13 (2) (b) of the statutes is amended to read:

11 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
12 or (am) may appeal the determination to the state superintendent.

13 **SECTION 280i.** 118.13 (3) (a) 3. of the statutes is amended to read:

14 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
15 (d) information on the ~~status of school district~~ compliance of school districts, charter  
16 schools, and private schools with this section and ~~school district~~ the progress made  
17 toward providing reasonable equality of educational opportunity for all pupils in this  
18 state.

19 **SECTION 280k.** 118.13 (3) (b) 1. of the statutes is amended to read:

20 118.13 (3) (b) 1. Periodically review school district, charter school, and private  
21 school programs, activities and services to determine whether the school boards,  
22 charter schools, and private schools are complying with this section.

23 **SECTION 280m.** 118.13 (3) (b) 2. of the statutes is amended to read:

1           118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to  
2 comply with this section by providing information and technical assistance upon  
3 request.

4           **SECTION 280p.** 118.13 (4) of the statutes is amended to read:

5           118.13 (4) Any public school, charter school, or private school official, employee  
6 or teacher who intentionally engages in conduct which discriminates against a  
7 person or causes a person to be denied rights, benefits or privileges, in violation of  
8 sub. (1) or (1m), may be required to forfeit not more than \$1,000.”.

9           **2.** Page 160, line 3: after that line insert:

10          **“SECTION 281b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

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

16          **SECTION 281d.** 118.30 (1g) (a) 3. of the statutes is created to read:

17          118.30 (1g) (a) 3. By January 1, 2003, or by January 1 of the first school year  
18 in which the private school participates in the program under s. 119.23, whichever  
19 is later, the governing body of each private school participating in the program under  
20 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and  
21 writing, geography, and history. The governing body of the private school may adopt  
22 the pupil academic standards issued by the governor as executive order no. 326,  
23 dated January 13, 1998.

24          **SECTION 281f.** 118.30 (1g) (b) of the statutes is amended to read:



1           118.30 (1g) (b) Each school board operating high school grades and, each  
2 operator of a charter school under s. 118.40 (2r) that operates high school grades, and  
3 the governing body of each private school participating in the program under s.  
4 119.23 that operates high school grades shall adopt a high school graduation  
5 examination that is designed to measure whether pupils meet the pupil academic  
6 standards adopted by the school board ~~or~~, operator of the charter school, or governing  
7 body of the private school under par. (a). If the school board ~~or~~, operator of the charter  
8 school, or governing body of the private school has adopted the pupil academic  
9 standards issued as executive order no. 326, dated January 13, 1998, the school  
10 board ~~or~~, operator of the charter school, or governing body of the private school may  
11 adopt the high school graduation examination developed by the department under  
12 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a  
13 private school develops and adopts its own high school graduation examination, it  
14 shall notify the department annually by October 1 that it intends to administer the  
15 examination in the following school year.

16           **SECTION 281h.** 118.30 (1g) (c) of the statutes is amended to read:

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

1           **3.** Page 160, line 18: after that line insert:

2           “**SECTION 283c.** 118.30 (1s) of the statutes is created to read:

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

5           (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
6 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
7 attending the 4th grade in the private school under s. 119.23.

8           2. Beginning on July 1, 2003, if the governing body of the private school has  
9 developed or adopted its own 4th grade examination, administer that examination  
10 to all pupils attending the 4th grade in the private school under s. 119.23.

11           (am) 1. Except as provided in sub. (6), administer the 8th grade examination  
12 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
13 attending the 8th grade in the private school under s. 119.23.

14           2. Beginning on July 1, 2003, if the governing body of the private school has  
15 developed or adopted its own 8th grade examination, administer that examination  
16 to all pupils attending the 8th grade in the private school under s. 119.23.

17           (b) Administer the 10th grade examination to all pupils attending the 10th  
18 grade in the private school under s. 119.23.

19           (d) If the private school operates high school grades, beginning in the 2004–05  
20 school year administer the high school graduation examination adopted by the  
21 governing body of the private school under sub. (1g) (b) to all pupils attending the  
22 11th and 12th grades at the private school under s. 119.23. The governing body of  
23 the private school shall administer the examination at least twice each school year

1 and may administer the examination only to pupils attending the 11th and 12th  
2 grades.

3 **SECTION 283g.** 118.30 (2) (b) 1. of the statutes is amended to read:

4 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under  
5 subch. V of ch. 115, the school board ~~or~~, operator of ~~the a~~ charter school under s. 118.40  
6 (2r), or governing body of a private school participating in the program under s.  
7 119.23 shall comply with s. 115.77 (1m) (bg).

8 **SECTION 283n.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

16 **SECTION 283r.** 118.30 (2) (b) 5. of the statutes is created to read:

17 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
18 body of a private school participating in the program under s. 119.23 shall excuse the  
19 pupil from taking an examination administered under sub. (1s).

20 **SECTION 283w.** 118.30 (6) of the statutes is amended to read:

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

1 its own 4th and 8th grade examinations, the school board or operator of the charter  
2 school, or governing body of the private school provides the state superintendent  
3 with statistical correlations of those examinations with the examinations adopted or  
4 approved by the state superintendent under sub. (1), and the federal department of  
5 education approves.”.

6 **4.** Page 160, line 19: delete “of the statutes is” and substitute “1. and 2. of the  
7 statutes are”.

8 **5.** Page 161, line 7: after that line insert:

9 **“SECTION 284d.** 118.33 (1) (f) 2m. of the statutes is created to read:

10 118.33 (1) (f) 2m. By September 1, 2004, the governing body of each private  
11 school participating in the program under s. 119.23 shall develop a policy specifying  
12 criteria for granting a high school diploma to pupils attending the private school  
13 under s. 119.23. The criteria shall include the pupil’s score on the examination  
14 administered under s. 118.30 (1s) (d), the pupil’s academic performance, and the  
15 recommendations of teachers.”.

16 **6.** Page 161, line 8: delete lines 8 to 11 and substitute:

17 **“SECTION 284e.** 118.33 (1) (f) 3. of the statutes is amended to read:

18 118.33 (1) (f) 3. Beginning on September 1, ~~2003~~ 2005, neither a school board  
19 nor an operator of a charter school under s. 118.40 (2r) may grant a high school  
20 diploma to any pupil unless the pupil has satisfied the criteria specified in the school  
21 board’s or charter school’s policy under subd. 1. or 2. Beginning on September 1,  
22 2005, the governing body of a private school participating in the program under s.  
23 119.23 may not grant a high school diploma to any pupil attending the private school

1 under s. 119.23 unless the pupil has satisfied the criteria specified in the governing  
2 body's policy under subd. 2m.

3 **SECTION 284f.** 118.33 (6) (c) of the statutes is created to read:

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

13 2. Beginning on September 1, 2003, the governing body of a private school  
14 participating in the program under s. 119.23 may not promote a 4th grade pupil who  
15 is attending the private school under s. 119.23 to the 5th grade, and may not promote  
16 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th  
17 grade, unless the pupil satisfies the criteria for promotion specified in the governing  
18 body's policy under subd. 1.

19 **SECTION 284g.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

20 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined  
21 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject  
22 to the same terms and enforcement provisions that apply to, an authority under  
23 subch. II of ch. 19.

1           4. Provide public access to meetings of the governing body of the charter school  
2 to the same extent as is required of, and subject to the same terms and enforcement  
3 provisions that apply to, a governmental body under subch. V of ch. 19.

4           **SECTION 284h.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
5 renumbered 118.40 (4) (b) and amended to read:

6           118.40 (4) (b) *Restrictions.* A charter school may not do any of the following:  
7 ~~1. Charge charge~~ tuition.

8           **SECTION 284i.** 118.40 (4) (b) 2. of the statutes is repealed.

9           **SECTION 284k.** 119.23 (2) (a) 6. and 7. of the statutes are created to read:

10          119.23 (2) (a) 6. The governing body of the private school permits public  
11 inspection and copying of any record, as defined in s. 19.32 (2), of the private school  
12 to the same extent as is required of, and subject to the same terms and enforcement  
13 provisions that apply to, an authority under subch. II of ch. 19.

14          7. The governing body of the private school provides public access to its  
15 meetings to the same extent as is required of, and subject to the same terms and  
16 enforcement provisions that apply to, a governmental body under subch. V of ch. 19.

17          **SECTION 284L.** 119.23 (10) of the statutes is created to read:

18          119.23 (10) Each private school participating in the program under this section  
19 shall administer to the pupils attending the 3rd grade in the private school under this  
20 section a standardized reading test developed by the department.”.

21                                   (END)