

Today

DOA:.....Maternowsky - Pupil assessments, school performance reports, SAGE evaluation, and board on education evaluation and accountability

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

P-16

*DON'T
GEN. CAT.*

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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 the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

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.

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.

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.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs the state superintendent of public instruction (state superintendent) to make available upon request, within 90 days after the date of administration, any of the required pupil assessments.

This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs the state superintendent to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

Currently, the state superintendent annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards.

This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, school boards may enter into achievement guarantee (SAGE) contracts with DPI to decrease class size and improve academic achievement in grades kindergarten to three. DPI must arrange for an annual evaluation of the SAGE program, for which DPI must allocate \$250,000 from the SAGE appropriation.

This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality. The bill also reduces the amount that DPI must allocate for the evaluation to \$125,000.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of MPCP if BEEA receives sufficient funds from private sources.

Under current law, DPI has two separate appropriations related to pupil assessments. This bill consolidates these appropriations into one appropriation.

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.** 15.105 (8) of the statutes is created to read:

2 **15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** There is
3 created a board on education evaluation and accountability, attached to the
4 department of administration under s. 15.03, consisting of 5 members appointed for
5 4-year terms. At least one member shall be experienced in education evaluation and
6 assessment.

7 **SECTION 2.** 16.963 of the statutes is created to read:

8 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
9 section, “board” means the board on education evaluation and accountability.

10 **(2) DUTIES.** The board shall do all of the following:

11 (a) Appoint an executive director outside the classified service to serve at its
12 pleasure.

13 (b) Administer the pupil assessment program under s. 118.30 and develop a
14 standardized reading test for use under s. 121.02 (1) (r).

15 (c) Arrange for an evaluation of the student achievement guarantee program
16 under s. 118.43 (7).

1 (d) Administer the school performance and educational program review
2 program under s. 115.38.

3 (3) POWERS. The board may conduct a longitudinal study of the Milwaukee
4 parental choice program under s. 119.23 if the board receives sufficient funds from
5 private sources to do so. If the board conducts a study, it shall report the results to
6 the legislature under s. 13.172 (2) and to the governor.

7 **SECTION 3.** 20.255 (1) (dt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 4.** 20.255 (1) (dw) of the statutes is amended to read:

9 20.255 (1) (dw) *Pupil assessment.* The amounts in the schedule for the costs
10 of the examinations developed and administered under ~~s. ss.~~ 118.30 and ~~for the~~
11 ~~review and modification of academic standards, as provided under 1997 Wisconsin~~
12 ~~Act 27, section 9140 (5r)~~ 121.02 (1) (r).

13 **SECTION 5.** 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act
14 (this act), is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 6.** 20.255 (2) (cu) of the statutes is amended to read:

16 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
17 for aid to school districts ~~and the program evaluation~~ under s. 118.43. No funds may
18 be encumbered from this appropriation after June 30, 2005.

19 **SECTION 7.** 20.505 (4) (cw) of the statutes is created to read:

20 20.505 (4) (cw) *Board on education evaluation and accountability.* The
21 amounts in the schedule for general program operations of the board on education
22 evaluation and accountability.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 8.** 20.923 (4) (c) 2. of the statutes is created to read:

2 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
3 director.

4 **SECTION 9.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38 (1r)
5 (intro.), (b) 2. and (c), as renumbered, are amended to read:

6 115.38 (1r) (intro.) ~~The state superintendent~~ board shall develop a school and
7 school district performance report for use by school districts under sub. (2). The
8 report shall include all of the following by school and by school district:

9 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
10 are suspended or expelled, reported according to categories specified by the ~~state~~
11 superintendent board; the length of time for which pupils are expelled, reported
12 according to categories specified by ~~the state superintendent~~ board; whether pupils
13 return to school after their expulsion; the educational programs and services, if any,
14 provided to pupils during their expulsions, reported according to categories specified
15 by the ~~state superintendent~~ board; the schools attended by pupils who are suspended
16 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
17 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

18 (c) Staffing and financial data information, as determined by the ~~state~~
19 superintendent board, not to exceed 10 items. ~~The state superintendent~~ board may
20 not request a school board to provide information solely for the purpose of including
21 the information in the report under this paragraph.

22 **SECTION 10.** 115.38 (1g) of the statutes is created to read:

1 115.38 (1g) In this section, “board” means the board on education evaluation
2 and accountability.

3 **SECTION 11.** 115.38 (2) of the statutes is amended to read:

4 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
5 1, each school board shall distribute to the parent or guardian of each pupil enrolled
6 in the school district, including pupils enrolled in charter schools located in the school
7 district, or give to each pupil to bring home to his or her parent or guardian, a school
8 and school district performance report that includes the information specified by the
9 ~~state superintendent board~~ board under sub. (1) (1r).

10 **SECTION 12.** 115.38 (3) of the statutes is amended to read:

11 115.38 (3) Annually, the ~~state superintendent board~~ board shall publish and
12 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
13 (2).

14 **SECTION 13.** 115.38 (4) of the statutes is amended to read:

15 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
16 Annually, the state superintendent shall identify those school districts that are low
17 in performance and those schools in which there are pupils enrolled who do not meet
18 the state minimum performance standards on the examinations administered under
19 s. 118.30. The state superintendent shall make recommendations regarding how the
20 programs and operations of the identified school districts and schools may be
21 improved ~~and~~. Each school district shall review the recommendations and develop
22 an improvement plan. The state supcrintendcnt shall periodically assess school
23 district implementation of the recommendations plans.

24 **SECTION 14.** 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

1 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
2 districts that are low in performance and those schools in which there are pupils
3 enrolled who do not meet the state minimum performance standards on the
4 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
5 make recommendations regarding how the programs and operations of the identified
6 school districts and schools may be improved. Each school district shall review the
7 recommendations and develop an improvement plan. The ~~state superintendent~~
8 board shall periodically assess school district implementation of the plans.

9 **SECTION 15.** 115.38 (5) of the statutes is created to read:

10 115.38 (5) Annually, the state superintendent shall publish and distribute to
11 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
12 and schools that are identified under sub. (4).

13 **SECTION 16.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act (this
14 act), is amended to read:

15 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
16 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
17 school districts and schools that are identified under sub. (4).

18 **SECTION 17.** 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended
19 to read:

20 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
21 examinations designed to measure pupil attainment of knowledge and concepts in
22 the 4th, 8th and 10th grades.

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

1 **SECTION 18.** 118.30 (1b) of the statutes is created to read:

2 118.30 (1b) In this section, “board” means the board on education evaluation
3 and accountability.

4 **SECTION 19.** 118.30 (1g) (b) of the statutes is amended to read:

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

17 **SECTION 20.** 118.30 (1g) (c) of the statutes is amended to read:

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

25 **SECTION 21.** 118.30 (1m) (a) of the statutes is amended to read:

1 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
2 examination adopted or approved by the state superintendent under sub. (1) to all
3 pupils enrolled in the school district, including pupils enrolled in charter schools
4 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
5 ~~school board has not developed and adopted its own 4th grade examination, the~~
6 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
7 ~~examination administered under this subdivision.~~

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

13 **SECTION 22.** 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
14 Act (this act), is amended to read:

15 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
17 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
18 schools located in the school district, in the 4th grade.

19 **SECTION 23.** 118.30 (1m) (am) of the statutes is amended to read:

20 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the state superintendent under sub. (1) to all
22 pupils enrolled in the school district, including pupils enrolled in charter schools
23 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
24 ~~school board has not developed and adopted its own 8th grade examination, the~~

1 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
2 ~~examination administered under this subdivision.~~

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

8 **SECTION 24.** 118.30 (1m) (am) 1. of the statutes, as affected by 2001 Wisconsin
9 Act (this act), is amended to read:

10 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
11 examination adopted or approved by the state superintendent board under sub. (1)
12 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
13 schools located in the school district, in the 8th grade.

14 **SECTION 25.** 118.30 (1r) (a) of the statutes is amended to read:

15 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the state superintendent under sub. (1) (a) to
17 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
18 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
19 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
20 ~~opportunities to take the examination administered under this subdivision.~~

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

1 **SECTION 26.** 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
4 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
5 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

6 **SECTION 27.** 118.30 (1r) (am) of the statutes is amended to read:

7 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
8 examination adopted or approved by the state superintendent under sub. (1) (a) to
9 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
10 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
11 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
12 ~~opportunities to take the examination administered under this subdivision.~~

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

18 **SECTION 28.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin
19 Act (this act), is amended to read:

20 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
22 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

23 **SECTION 29.** 118.30 (1s) of the statutes is created to read:

24 118.30 (1s) (a) Annually, by September 15, the governing body of each private
25 school participating in the program under s. 119.23 shall notify the board whether

1 it will administer the examinations under par. (b) or (c) or both in the current school
2 year.

3 (b) If the private school notifies the board that it will administer the
4 examinations under this paragraph, the private school shall do all of the following:

5 1. Administer a standardized reading test developed by the board to all pupils
6 attending the 3rd grade in the private school under s. 119.23.

7 2. Administer the 4th grade examination adopted or approved by the board
8 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
9 s. 119.23.

10 3. Administer the 8th grade examination adopted or approved by the board
11 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
12 s. 119.23.

13 4. Administer the 10th grade examination adopted or approved by the board
14 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
15 s. 119.23.

16 (c) If the private school notifies the board that it will administer the
17 examination under this paragraph, beginning in the 2002–03 school year the private
18 school shall administer the high school graduation examination developed by the
19 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
20 private school under s. 119.23. The governing body of the private school shall
21 administer the examination at least twice each school year and may administer the
22 examination only to pupils attending the 11th and 12th grades.

23 **SECTION 30.** 118.30 (2) (b) 1. of the statutes is amended to read:

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

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

4 **SECTION 31.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

12 **SECTION 32.** 118.30 (2) (b) 5. of the statutes is created to read:

13 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
14 body of a private school participating in the program under s. 119.23 shall excuse the
15 pupil from taking an examination administered under sub. (1s) (a) 2. to 4. or (b).

16 **SECTION 33.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
17 amended to read:

18 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
19 allow a person to view an examination required to be administered under this section
20 if the person submits to the state superintendent a written request to do so within
21 90 days after the date of administration, ~~any of the examination required to be~~
22 administered under this section. ~~This subsection paragraph~~ does not apply while ~~the~~
23 an examination is being developed or validated.

24 **SECTION 34.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

1 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
2 examination required to be administered under this section if the person submits to
3 the ~~state superintendent~~ board a written request to do so within 90 days after the
4 date of administration of the examination. This paragraph does not apply while an
5 examination is being developed or validated.

6 **SECTION 35.** 118.30 (3) (b) of the statutes is created to read:

7 118.30 (3) (b) The state superintendent shall promulgate rules establishing
8 procedures to administer par. (a). To the extent feasible, the rules shall protect the
9 security and confidentiality of the examinations required to be administered under
10 this section.

11 **SECTION 36.** 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is amended to read:

13 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
14 establishing procedures to administer par. (a). To the extent feasible, the rules shall
15 protect the security and confidentiality of the examinations required to be
16 administered under this section.

17 **SECTION 37.** 118.30 (4) of the statutes is amended to read:

18 118.30 (4) The ~~department~~ board shall study the utility of administering
19 technology based performance assessments to pupils.

20 **SECTION 38.** 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) is not required to administer the 4th and 8th grade examinations adopted or
23 approved by the ~~state superintendent~~ board under sub. (1) (1d) if the school board
24 or the operator of the charter school administers its own 4th and 8th grade
25 examinations, the school board or operator of the charter school provides the state

1 superintendent board with statistical correlations of those examinations with the
2 examinations adopted or approved by the ~~state superintendent~~ board under sub. (1)
3 (1d), and the federal department of education approves.

4 **SECTION 39.** 118.30 (7) of the statutes is created to read:

5 118.30 (7) (a) The board shall provide the examinations administered under
6 sub. (1s) and score the examinations free of charge.

7 (b) The board may not disclose the results of the examinations administered
8 under sub. (1s) except as follows:

9 1. The board shall publish the aggregate results of all of the examinations
10 provided to the board.

11 2. The board shall report each pupil's scores to the pupil's parent or guardian.

12 **SECTION 40.** 118.38 (1) (a) 8. of the statutes is created to read:

13 118.38 (1) (a) 8. The school performance report under s. 115.38.

14 **SECTION 41.** 118.43 (7) of the statutes is amended to read:

15 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
16 department shall arrange for an evaluation of the program under this section and
17 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
18 that purpose. To ensure an impartial evaluation, the department shall select an
19 evaluator by using a competitive process.

20 **SECTION 42.** 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act
21 (this act), is amended to read:

22 118.43 (7) EVALUATION. Annually, the department board on education
23 evaluation and accountability shall arrange for an evaluation of the program under
24 this section and shall allocate from the appropriation under s. 20.255 (2) (cu) 20.505

1 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
2 ~~department~~ board shall select an evaluator by using a competitive process.

3 **SECTION 43.** 121.02 (1) (r) of the statutes is amended to read:

4 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
5 a standardized reading test developed by the ~~department~~ board on education
6 evaluation and accountability to all pupils enrolled in the school district in grade 3,
7 including pupils enrolled in charter schools located in the school district.

8 **SECTION 44.** 230.08 (2) (vm) of the statutes is created to read:

9 230.08 (2) (vm) The executive director of the board on education evaluation and
10 accountability.

11 **SECTION 9101. Nonstatutory provisions; administration.**

12 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding
13 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of
14 the board on education evaluation and accountability shall serve for terms expiring
15 ~~on May 1, 2002, 2 of the initial members shall serve for terms expiring (in) May 1,~~
16 ~~2004; and one of the initial members shall serve for a term expiring on May 1, 2006.~~
17 ³ ~~one~~ of the initial members shall serve for ⁵ ~~a~~ term expiring on May 1, 2006.

18 **SECTION 9140. Nonstatutory provisions; public instruction.**

19 (1) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND
20 ACCOUNTABILITY.

21 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
22 liabilities of the department of public instruction primarily related to the functions
23 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
24 determined by the secretary of administration, become the assets and liabilities of
the board on education evaluation and accountability.

1 (b) *Employee transfers.* All incumbent employees holding positions in the
2 department of public instruction performing duties primarily related to the
3 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
4 determined by the secretary of administration, are transferred on the effective date
5 of this paragraph to the board on education evaluation and accountability.

6 (c) *Employee status.* Employees transferred under paragraph (b) have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the board on education evaluation and accountability that they enjoyed
9 in the department of public instruction immediately before the transfer.
10 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
11 has attained permanent status in class is required to serve a probationary period.

12 (d) *Tangible personal property.* On the effective date of this paragraph, all
13 tangible personal property, including records, of the department of public instruction
14 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
15 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
16 transferred to the board on education evaluation and accountability.

17 (e) *Contracts.* All contracts entered into by the department of public instruction
18 in effect on the effective date of this paragraph that are primarily related to the
19 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
20 determined by the secretary of administration, remain in effect and are transferred
21 to the board on education evaluation and accountability. The board on education
22 evaluation and accountability shall carry out any obligations under such a contract
23 until the contract is modified or rescinded by the board on education evaluation and
24 accountability to the extent allowed under the contract.

1 (f) *Rules and orders.* All rules promulgated by the department of public
2 instruction that are in effect on the effective date of this paragraph and that relate
3 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999
4 stats., as determined by the secretary of administration, are transferred to the board
5 on education evaluation and accountability and remain in effect until their specified
6 expiration date or until amended or repealed by the board on education evaluation
7 and accountability. All orders issued by the department of public instruction that are
8 in effect on the effective date of this paragraph and that relate to the functions under
9 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by
10 the secretary of administration, are transferred to the board on education evaluation
11 and accountability and remain in effect until their specified expiration date or until
12 modified or rescinded by the board on education evaluation and accountability.

13 (g) *Pending matters.* Any matter pending with the department of public
14 instruction on the effective date of this paragraph that is related to the functions
15 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
16 determined by the secretary of administration, is transferred to the board on
17 education evaluation and accountability and all materials submitted to or actions
18 taken by the department of public instruction with respect to the pending matter are
19 considered as having been submitted to or taken by the board on education
20 evaluation and accountability.

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

22 (1) MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS, BOARD ON
23 EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of sections 16.963, 20.255
24 (1) (dw) (by SECTION 5) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by
25 SECTION 14), and (5) (by SECTION 16), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. (by

1 SECTION 22) and (am) 1. (by SECTION 24), (1r) (a) 1. (by SECTION 26) and (am) 1. (by
2 SECTION 28), (1s), (2) (b) 1., 2., and 5., (3) (a) (by SECTION 34) and (b) (by SECTION 36),
3 (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by SECTION 42), and 121.02 (1) (r) of the
4 statutes and SECTION 9140 (1) of this act take effect on July 1, 2002.

5 (END)

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DOA:.....Maternowsky – Pupil assessments, school performance reports, SAGE evaluation, and board on education evaluation and accountability

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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 the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

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.

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.

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.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs the state superintendent of public instruction (state superintendent) to make available upon request, within 90 days after the date of administration, any of the required pupil assessments.

This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs the state superintendent to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

Currently, the state superintendent annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards.

This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, school boards may enter into achievement guarantee (SAGE) contracts with DPI to decrease class size and improve academic achievement in grades kindergarten to three. DPI must arrange for an annual evaluation of the SAGE program, for which DPI must allocate \$250,000 from the SAGE appropriation.

This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality. The bill also reduces the amount that DPI must allocate for the evaluation to \$125,000.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of MPCP if BEEA receives sufficient funds from private sources.

Under current law, DPI has two separate appropriations related to pupil assessments. This bill consolidates these appropriations into one appropriation.

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.** 15.105 (8) of the statutes is created to read:

2 **15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** There is
3 created a board on education evaluation and accountability, attached to the
4 department of administration under s. 15.03, consisting of 5 members appointed for
5 4-year terms. At least one member shall be experienced in education evaluation and
6 assessment.

7 **SECTION 2.** 16.963 of the statutes is created to read:

8 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
9 section, “board” means the board on education evaluation and accountability.

10 **(2) DUTIES.** The board shall do all of the following:

11 (a) Appoint an executive director outside the classified service to serve at its
12 pleasure.

13 (b) Administer the pupil assessment program under s. 118.30 and develop a
14 standardized reading test for use under s. 121.02 (1) (r).

15 (c) Arrange for an evaluation of the student achievement guarantee program
16 under s. 118.43 (7).

SECTION 2

1 (d) Administer the school performance and educational program review
2 program under s. 115.38.

3 (3) POWERS. The board may conduct a longitudinal study of the Milwaukee
4 parental choice program under s. 119.23 if the board receives sufficient funds from
5 private sources to do so. If the board conducts a study, it shall report the results to
6 the legislature under s. 13.172 (2) and to the governor.

7 **SECTION 3.** 20.255 (1) (dt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 4.** 20.255 (1) (dw) of the statutes is amended to read:

9 20.255 (1) (dw) *Pupil assessment.* The amounts in the schedule for the costs
10 of the examinations developed and administered under ~~s. ss.~~ 118.30 and ~~for the~~
11 ~~review and modification of academic standards, as provided under 1997 Wisconsin~~
12 ~~Act 27, section 9140 (5r)~~ 121.02 (1) (r).

13 **SECTION 5.** 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act
14 (this act), is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 6.** 20.255 (2) (cu) of the statutes is amended to read:

16 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
17 for aid to school districts and the program evaluation under s. 118.43. No funds may
18 be encumbered from this appropriation after June 30, 2005.

19 **SECTION 7.** 20.505 (4) (cw) of the statutes is created to read:

20 20.505 (4) (cw) *Board on education evaluation and accountability.* The
21 amounts in the schedule for general program operations of the board on education
22 evaluation and accountability.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 8.** 20.923 (4) (c) 2. of the statutes is created to read:

2 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
3 director.

4 **SECTION 9.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38 (1r)
5 (intro.), (b) 2. and (c), as renumbered, are amended to read:

6 115.38 (1r) (intro.) The ~~state superintendent~~ board shall develop a school and
7 school district performance report for use by school districts under sub. (2). The
8 report shall include all of the following by school and by school district:

9 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
10 are suspended or expelled, reported according to categories specified by the ~~state~~
11 ~~superintendent~~ board; the length of time for which pupils are expelled, reported
12 according to categories specified by the ~~state superintendent~~ board; whether pupils
13 return to school after their expulsion; the educational programs and services, if any,
14 provided to pupils during their expulsions, reported according to categories specified
15 by the ~~state superintendent~~ board; the schools attended by pupils who are suspended
16 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
17 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

18 (c) Staffing and financial data information, as determined by the ~~state~~
19 ~~superintendent~~ board, not to exceed 10 items. The ~~state superintendent~~ board may
20 not request a school board to provide information solely for the purpose of including
21 the information in the report under this paragraph.

22 **SECTION 10.** 115.38 (1g) of the statutes is created to read:

1 115.38 (1g) In this section, “board” means the board on education evaluation
2 and accountability.

3 **SECTION 11.** 115.38 (2) of the statutes is amended to read:

4 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
5 1, each school board shall distribute to the parent or guardian of each pupil enrolled
6 in the school district, including pupils enrolled in charter schools located in the school
7 district, or give to each pupil to bring home to his or her parent or guardian, a school
8 and school district performance report that includes the information specified by the
9 ~~state superintendent board~~ board under sub. (1) (1r).

10 **SECTION 12.** 115.38 (3) of the statutes is amended to read:

11 115.38 (3) Annually, the ~~state superintendent board~~ board shall publish and
12 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
13 (2).

14 **SECTION 13.** 115.38 (4) of the statutes is amended to read:

15 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
16 Annually, the state superintendent shall identify those school districts that are low
17 in performance and those schools in which there are pupils enrolled who do not meet
18 the state minimum performance standards on the examinations administered under
19 s. 118.30. ~~The state superintendent shall make recommendations regarding how the~~
20 ~~programs and operations of the identified school districts and schools may be~~
21 ~~improved and.~~ Each school district shall review the recommendations and develop
22 an improvement plan. ~~The state superintendent shall~~ periodically assess school
23 district implementation of the ~~recommendations plans~~ plans.

24 **SECTION 14.** 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

1 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
2 districts that are low in performance and those schools in which there are pupils
3 enrolled who do not meet the state minimum performance standards on the
4 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
5 make recommendations regarding how the programs and operations of the identified
6 school districts and schools may be improved. Each school district shall review the
7 recommendations and develop an improvement plan. The ~~state superintendent~~
8 board shall periodically assess school district implementation of the plans.

9 **SECTION 15.** 115.38 (5) of the statutes is created to read:

10 115.38 (5) Annually, the state superintendent shall publish and distribute to
11 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
12 and schools that are identified under sub. (4).

13 **SECTION 16.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act (this
14 act), is amended to read:

15 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
16 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
17 school districts and schools that are identified under sub. (4).

18 **SECTION 17.** 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended
19 to read:

20 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
21 examinations designed to measure pupil attainment of knowledge and concepts in
22 the 4th, 8th and 10th grades.

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

1 **SECTION 18.** 118.30 (1b) of the statutes is created to read:

2 118.30 (1b) In this section, “board” means the board on education evaluation
3 and accountability.

4 **SECTION 19.** 118.30 (1g) (b) of the statutes is amended to read:

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

17 **SECTION 20.** 118.30 (1g) (c) of the statutes is amended to read:

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

25 **SECTION 21.** 118.30 (1m) (a) of the statutes is amended to read:

1 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
2 examination adopted or approved by the state superintendent under sub. (1) to all
3 pupils enrolled in the school district, including pupils enrolled in charter schools
4 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
5 ~~school board has not developed and adopted its own 4th grade examination, the~~
6 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
7 ~~examination administered under this subdivision.~~

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

13 **SECTION 22.** 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
14 Act (this act), is amended to read:

15 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the state superintendent board under sub. (1)
17 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
18 schools located in the school district, in the 4th grade.

19 **SECTION 23.** 118.30 (1m) (am) of the statutes is amended to read:

20 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the state superintendent under sub. (1) to all
22 pupils enrolled in the school district, including pupils enrolled in charter schools
23 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
24 ~~school board has not developed and adopted its own 8th grade examination, the~~

SECTION 23

1 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
2 ~~examination administered under this subdivision.~~

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

8 **SECTION 24.** 118.30 (1m) (am) 1. of the statutes, as affected by 2001 Wisconsin
9 Act (this act), is amended to read:

10 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
11 examination adopted or approved by the state superintendent board under sub. (1)
12 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
13 schools located in the school district, in the 8th grade.

14 **SECTION 25.** 118.30 (1r) (a) of the statutes is amended to read:

15 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the state superintendent under sub. (1) (a) to
17 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
18 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
19 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
20 ~~opportunities to take the examination administered under this subdivision.~~

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

1 **SECTION 26.** 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
4 examination adopted or approved by the state superintendent board under sub. (1)
5 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

6 **SECTION 27.** 118.30 (1r) (am) of the statutes is amended to read:

7 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
8 examination adopted or approved by the state superintendent under sub. (1) (a) to
9 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
10 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
11 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
12 ~~opportunities to take the examination administered under this subdivision.~~

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

18 **SECTION 28.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin
19 Act (this act), is amended to read:

20 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the state superintendent board under sub. (1)
22 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

23 **SECTION 29.** 118.30 (1s) of the statutes is created to read:

24 118.30 (1s) (a) Annually, by September 15, the governing body of each private
25 school participating in the program under s. 119.23 shall notify the board whether

1 it will administer the examinations under par. (b) or (c) or both in the current school
2 year.

3 (b) If the private school notifies the board that it will administer the
4 examinations under this paragraph, the private school shall do all of the following:

5 1. Administer a standardized reading test developed by the board to all pupils
6 attending the 3rd grade in the private school under s. 119.23.

7 2. Administer the 4th grade examination adopted or approved by the board
8 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
9 s. 119.23.

10 3. Administer the 8th grade examination adopted or approved by the board
11 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
12 s. 119.23.

13 4. Administer the 10th grade examination adopted or approved by the board
14 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
15 s. 119.23.

16 (c) If the private school notifies the board that it will administer the
17 examination under this paragraph, beginning in the 2002–03 school year the private
18 school shall administer the high school graduation examination developed by the
19 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
20 private school under s. 119.23. The governing body of the private school shall
21 administer the examination at least twice each school year and may administer the
22 examination only to pupils attending the 11th and 12th grades.

23 **SECTION 30.** 118.30 (2) (b) 1. of the statutes is amended to read:

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

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

4 **SECTION 31.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

12 **SECTION 32.** 118.30 (2) (b) 5. of the statutes is created to read:

13 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
14 body of a private school participating in the program under s. 119.23 shall excuse the
15 pupil from taking an examination administered under sub. (1s) [✓] ~~(b)~~ 2. to 4. or ^(c) ~~(b)~~

16 **SECTION 33.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
17 amended to read:

18 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
19 allow a person to view an examination required to be administered under this section
20 if the person submits to the state superintendent a written request to do so within
21 90 days after the date of administration, ~~any of the examination required to be~~
22 ~~administered under this section.~~ This subsection paragraph does not apply while ~~the~~
23 an examination is being developed or validated.

24 **SECTION 34.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

SECTION 34

1 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
2 examination required to be administered under this section if the person submits to
3 the ~~state superintendent~~ board a written request to do so within 90 days after the
4 date of administration of the examination. This paragraph does not apply while an
5 examination is being developed or validated.

6 **SECTION 35.** 118.30 (3) (b) of the statutes is created to read:

7 118.30 (3) (b) The state superintendent shall promulgate rules establishing
8 procedures to administer par. (a). To the extent feasible, the rules shall protect the
9 security and confidentiality of the examinations required to be administered under
10 this section.

11 **SECTION 36.** 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is amended to read:

13 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
14 establishing procedures to administer par. (a). To the extent feasible, the rules shall
15 protect the security and confidentiality of the examinations required to be
16 administered under this section.

17 **SECTION 37.** 118.30 (4) of the statutes is amended to read:

18 118.30 (4) The ~~department~~ board shall study the utility of administering
19 technology-based performance assessments to pupils.

20 **SECTION 38.** 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) is not required to administer the 4th and 8th grade examinations adopted or
23 approved by the ~~state superintendent~~ board under sub. (1) (1d) if the school board
24 or the operator of the charter school administers its own 4th and 8th grade
25 examinations, the school board or operator of the charter school provides the state

1 superintendent board with statistical correlations of those examinations with the
2 examinations adopted or approved by the ~~state superintendent board~~ board under sub. (1)
3 (1d), and the federal department of education approves.

4 **SECTION 39.** 118.30 (7) of the statutes is created to read:

5 118.30 (7) (a) The board shall provide the examinations administered under
6 sub. (1s) and score the examinations free of charge.

7 (b) The board may not disclose the results of the examinations administered
8 under sub. (1s) except as follows:

9 1. The board shall publish the aggregate results of all of the examinations
10 provided to the board.

11 2. The board shall report each pupil's scores to the pupil's parent or guardian.

12 **SECTION 40.** 118.38 (1) (a) 8. of the statutes is created to read:

13 118.38 (1) (a) 8. The school performance report under s. 115.38.

14 **SECTION 41.** 118.43 (7) of the statutes is amended to read:

15 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
16 department shall arrange for an evaluation of the program under this section and
17 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
18 that purpose. To ensure an impartial evaluation, the department shall select an
19 evaluator by using a competitive process.

20 **SECTION 42.** 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act ...
21 (this act), is amended to read:

22 118.43 (7) EVALUATION. Annually, the ~~department~~ board on education
23 evaluation and accountability shall arrange for an evaluation of the program under
24 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505

1 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
2 ~~department board~~ shall select an evaluator by using a competitive process.

3 **SECTION 43.** 121.02 (1) (r) of the statutes is amended to read:

4 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
5 a standardized reading test developed by the department board on education
6 evaluation and accountability to all pupils enrolled in the school district in grade 3,
7 including pupils enrolled in charter schools located in the school district.

8 **SECTION 44.** 230.08 (2) (vm) of the statutes is created to read:

9 230.08 (2) (vm) The executive director of the board on education evaluation and
10 accountability.

11 **SECTION 9101. Nonstatutory provisions; administration.**

12 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding
13 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of
14 the board on education evaluation and accountability shall serve for terms expiring
15 on May 1, 2004; and 3 of the initial members shall serve for terms expiring on May
16 1, 2006.

17 **SECTION 9140. Nonstatutory provisions; public instruction.**

18 (1) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND
19 ACCOUNTABILITY.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
21 liabilities of the department of public instruction primarily related to the functions
22 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
23 determined by the secretary of administration, become the assets and liabilities of
24 the board on education evaluation and accountability.

1 (b) *Employee transfers.* All incumbent employees holding positions in the
2 department of public instruction performing duties primarily related to the
3 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
4 determined by the secretary of administration, are transferred on the effective date
5 of this paragraph to the board on education evaluation and accountability.

6 (c) *Employee status.* Employees transferred under paragraph (b) have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the board on education evaluation and accountability that they enjoyed
9 in the department of public instruction immediately before the transfer.
10 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
11 has attained permanent status in class is required to serve a probationary period.

12 (d) *Tangible personal property.* On the effective date of this paragraph, all
13 tangible personal property, including records, of the department of public instruction
14 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
15 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
16 transferred to the board on education evaluation and accountability.

17 (e) *Contracts.* All contracts entered into by the department of public instruction
18 in effect on the effective date of this paragraph that are primarily related to the
19 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
20 determined by the secretary of administration, remain in effect and are transferred
21 to the board on education evaluation and accountability. The board on education
22 evaluation and accountability shall carry out any obligations under such a contract
23 until the contract is modified or rescinded by the board on education evaluation and
24 accountability to the extent allowed under the contract.

1 (f) *Rules and orders.* All rules promulgated by the department of public
2 instruction that are in effect on the effective date of this paragraph and that relate
3 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999
4 stats., as determined by the secretary of administration, are transferred to the board
5 on education evaluation and accountability and remain in effect until their specified
6 expiration date or until amended or repealed by the board on education evaluation
7 and accountability. All orders issued by the department of public instruction that are
8 in effect on the effective date of this paragraph and that relate to the functions under
9 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by
10 the secretary of administration, are transferred to the board on education evaluation
11 and accountability and remain in effect until their specified expiration date or until
12 modified or rescinded by the board on education evaluation and accountability.

13 (g) *Pending matters.* Any matter pending with the department of public
14 instruction on the effective date of this paragraph that is related to the functions
15 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
16 determined by the secretary of administration, is transferred to the board on
17 education evaluation and accountability and all materials submitted to or actions
18 taken by the department of public instruction with respect to the pending matter are
19 considered as having been submitted to or taken by the board on education
20 evaluation and accountability.

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

22 (1) MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS, BOARD ON
23 EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of sections 16.963, 20.255
24 (1) (dw) (by SECTION 5) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by
25 SECTION 14), and (5) (by SECTION 16), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. (by

1 SECTION 22) and (am) 1. (by SECTION 24), (1r) (a) 1. (by SECTION 26) and (am) 1. (by
2 SECTION 28), (1s), (2) (b) 1., 2., and 5., (3) (a) (by SECTION 34) and (b) (by SECTION 36),
3 (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by SECTION 42), and 121.02 (1) (r) of the
4 statutes and SECTION 9140 (1) of this act take effect on July 1, 2002.

5 (END)

DN

This redraft corrects a cross-reference

in SECTION ^(CS) 32.

PG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2358/4dn
PG:all.km

February 7, 2001

This redraft corrects a cross-reference in SECTION 32.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2358/4
PG&MJL:all:km

DN
P.P. 4
8-16

DOA:.....Maternowsky - Pupil assessments, school performance reports, SAGE evaluation, and board on education evaluation and accountability

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

soon

1

AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

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 the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

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.

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.

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.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs the state superintendent of public instruction (state superintendent) to make available upon request, within 90 days after the date of administration, any of the required pupil assessments.

This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs the state superintendent to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

Currently, the state superintendent annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards.

This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, school boards may enter into achievement guarantee (SAGE) contracts with DPI to decrease class size and improve academic achievement in grades kindergarten to three. DPI must arrange for an annual evaluation of the SAGE program, for which DPI must allocate \$250,000 from the SAGE appropriation.

This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality. The bill also reduces the amount that DPI must allocate for the evaluation to \$125,000.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of MPCP if BEEA receives sufficient funds from private sources.

Under current law, DPI has two separate appropriations related to pupil assessments. This bill consolidates these appropriations into one appropriation.

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.** 15.105 (8) of the statutes is created to read:

2 **15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** There is
3 created a board on education evaluation and accountability, attached to the
4 department of administration under s. 15.03, consisting of 5 members appointed for
5 4-year terms. At least one member shall be experienced in education evaluation and
6 assessment.

7 **SECTION 2.** 16.963 of the statutes is created to read:

8 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
9 section, "board" means the board on education evaluation and accountability.

10 **(2) DUTIES.** The board shall do all of the following:

11 (a) Appoint an executive director outside the classified service to serve at its
12 pleasure.

13 (b) Administer the pupil assessment program under s. 118.30 and develop a
14 standardized reading test for use under s. 121.02 (1) (r).

15 (c) Arrange for an evaluation of the student achievement guarantee program
16 under s. 118.43 (7).

***NOTE: This is reconciled s. 20.255 (a) (c.u). This SECTION has been affected by drafts with the following RB#s: -2358A and 0956.
 Note: reconcile

1 (d) Administer the school performance and educational program review
2 program under s. 115.38.

3 (3) POWERS. The board may conduct a longitudinal study of the Milwaukee
4 parental choice program under s. 119.23 if the board receives sufficient funds from
5 private sources to do so. If the board conducts a study, it shall report the results to
6 the legislature under s. 13.172 (2) and to the governor.

7 SECTION 3. 20.255 (1) (dt) of the statutes is repealed.

8 ***NOTE: This SECTION involves a change in an appropriation that must be
9 reflected in the revised schedule in s. 20.005, stats.

10 SECTION 4. 20.255 (1) (dw) of the statutes is amended to read:

11 20.255 (1) (dw) *Pupil assessment*. The amounts in the schedule for the costs
12 of the examinations developed and administered under s. ~~ss.~~ 118.30 and for the
13 review and modification of academic standards, as provided under 1997 Wisconsin
14 Act 27, section 9140 (5r) 121.02 (1) (r).

15 SECTION 5. 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act
16 (this act), is repealed.

17 ***NOTE: This SECTION involves a change in an appropriation that must be
18 reflected in the revised schedule in s. 20.005, stats.

19 SECTION 6. 20.255 (2) (cu) of the statutes is amended to read:

20 20.255 (2) (cu) *Achievement guarantee contracts*. The amounts in the schedule
21 for aid to school districts and the program evaluation under s. 118.43. ~~No funds may~~
22 ~~be encumbered from this appropriation after June 30, 2005.~~

23 SECTION 7. 20.505 (4) (cw) of the statutes is created to read:

24 20.505 (4) (cw) *Board on education evaluation and accountability*. The
25 amounts in the schedule for general program operations of the board on education
26 evaluation and accountability.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 8. 20.923 (4) (c) 2. of the statutes is created to read:

2 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
3 director.

4 SECTION 9. 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38 (1r)
5 (intro.), (b) 2. and (c), as renumbered, are amended to read:

6 115.38 (1r) (intro.) The ~~state superintendent board~~ shall develop a school and
7 school district performance report for use by school districts under sub. (2). The
8 report shall include all of the following by school and by school district:

9 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
10 are suspended or expelled, reported according to categories specified by the ~~state~~
11 ~~superintendent board~~; the length of time for which pupils are expelled, reported
12 according to categories specified by the ~~state superintendent board~~; whether pupils
13 return to school after their expulsion; the educational programs and services, if any,
14 provided to pupils during their expulsions, reported according to categories specified
15 by the ~~state superintendent board~~; the schools attended by pupils who are suspended
16 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
17 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

18 (c) Staffing and financial data information, as determined by the ~~state~~
19 ~~superintendent board~~, not to exceed 10 items. The ~~state superintendent board~~ may
20 not request a school board to provide information solely for the purpose of including
21 the information in the report under this paragraph.

22 SECTION 10. 115.38 (1g) of the statutes is created to read:

1 115.38 (1g) In this section, "board" means the board on education evaluation
2 and accountability.

3 SECTION 11. 115.38 (2) of the statutes is amended to read:

4 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
5 1, each school board shall distribute to the parent or guardian of each pupil enrolled
6 in the school district, including pupils enrolled in charter schools located in the school
7 district, or give to each pupil to bring home to his or her parent or guardian, a school
8 and school district performance report that includes the information specified by the
9 state superintendent board under sub. (1) (1r).

10 SECTION 12. 115.38 (3) of the statutes is amended to read:

11 115.38 (3) Annually, the ~~state superintendent board~~ board shall publish and
12 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
13 (2).

14 SECTION 13. 115.38 (4) of the statutes is amended to read:

15 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
16 Annually, the state superintendent shall identify those school districts that are low
17 in performance and those schools in which there are pupils enrolled who do not meet
18 the state minimum performance standards on the examinations administered under
19 s. 118.30. The state superintendent shall make recommendations regarding how the
20 programs and operations of the identified school districts and schools may be
21 improved and. Each school district shall review the recommendations and develop
22 an improvement plan. The state superintendent shall periodically assess school
23 district implementation of the recommendations plans.

24 SECTION 14. 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

1 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
2 districts that are low in performance and those schools in which there are pupils
3 enrolled who do not meet the state minimum performance standards on the
4 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
5 make recommendations regarding how the programs and operations of the identified
6 school districts and schools may be improved. Each school district shall review the
7 recommendations and develop an improvement plan. The ~~state superintendent~~
8 board shall periodically assess school district implementation of the plans.

9 **SECTION 15.** 115.38 (5) of the statutes is created to read:

10 115.38 (5) Annually, the state superintendent shall publish and distribute to
11 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
12 and schools that are identified under sub. (4).

13 **SECTION 16.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act (this
14 act), is amended to read:

15 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
16 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
17 school districts and schools that are identified under sub. (4).

18 **SECTION 17.** 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended
19 to read:

20 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve
21 examinations designed to measure pupil attainment of knowledge and concepts in
22 the 4th, 8th and 10th grades.

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

1 **SECTION 18.** 118.30 (1b) of the statutes is created to read:

2 **118.30 (1b)** In this section, "board" means the board on education evaluation
3 and accountability.

4 **SECTION 19.** 118.30 (1g) (b) of the statutes is amended to read:

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

17 **SECTION 20.** 118.30 (1g) (c) of the statutes is amended to read:

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

25 **SECTION 21.** 118.30 (1m) (a) of the statutes is amended to read:

1 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
2 examination adopted or approved by the state superintendent under sub. (1) to all
3 pupils enrolled in the school district, including pupils enrolled in charter schools
4 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
5 ~~school board has not developed and adopted its own 4th grade examination, the~~
6 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
7 ~~examination administered under this subdivision.~~

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

13 **SECTION 22.** 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
14 Act (this act), is amended to read:

15 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the state superintendent board under sub. (1)
17 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
18 schools located in the school district, in the 4th grade.

19 **SECTION 23.** 118.30 (1m) (am) of the statutes is amended to read:

20 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the state superintendent under sub. (1) to all
22 pupils enrolled in the school district, including pupils enrolled in charter schools
23 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
24 ~~school board has not developed and adopted its own 8th grade examination, the~~

1 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
2 ~~examination administered under this subdivision.~~

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

8 **SECTION 24.** 118.30 (1m) (am) 1. of the statutes, as affected by 2001 Wisconsin
9 Act (this act), is amended to read:

10 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
11 examination adopted or approved by the state superintendent board under sub. (1)
12 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
13 schools located in the school district, in the 8th grade.

14 **SECTION 25.** 118.30 (1r) (a) of the statutes is amended to read:

15 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
16 examination adopted or approved by the state superintendent under sub. (1) (a) to
17 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
18 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
19 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
20 ~~opportunities to take the examination administered under this subdivision.~~

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

1 **SECTION 26.** 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
2 (this act), is amended to read:

3 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
4 examination adopted or approved by the state superintendent board under sub. (1)
5 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

6 **SECTION 27.** 118.30 (1r) (am) of the statutes is amended to read:

7 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
8 examination adopted or approved by the state superintendent under sub. (1) (a) to
9 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
10 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
11 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
12 ~~opportunities to take the examination administered under this subdivision.~~

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

18 **SECTION 28.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin
19 Act (this act), is amended to read:

20 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
21 examination adopted or approved by the state superintendent board under sub. (1)
22 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

23 **SECTION 29.** 118.30 (1s) of the statutes is created to read:

24 118.30 (1s) (a) Annually, by September 15, the governing body of each private
25 school participating in the program under s. 119.23 shall notify the board whether

1 it will administer the examinations under par. (b) or (c) or both in the current school
2 year.

3 (b) If the private school notifies the board that it will administer the
4 examinations under this paragraph, the private school shall do all of the following:

5 1. Administer a standardized reading test developed by the board to all pupils
6 attending the 3rd grade in the private school under s. 119.23.

7 2. Administer the 4th grade examination adopted or approved by the board
8 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
9 s. 119.23.

10 3. Administer the 8th grade examination adopted or approved by the board
11 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
12 s. 119.23.

13 4. Administer the 10th grade examination adopted or approved by the board
14 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
15 s. 119.23.

16 (c) If the private school notifies the board that it will administer the
17 examination under this paragraph, beginning in the 2002-03 school year the private
18 school shall administer the high school graduation examination developed by the
19 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the
20 private school under s. 119.23. The governing body of the private school shall
21 administer the examination at least twice each school year and may administer the
22 examination only to pupils attending the 11th and 12th grades.

23 **SECTION 30.** 118.30 (2) (b) 1. of the statutes is amended to read:

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

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

4 **SECTION 31.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

12 **SECTION 32.** 118.30 (2) (b) 5. of the statutes is created to read:

13 **118.30 (2) (b) 5.** Upon the request of a pupil's parent or guardian, the governing
14 body of a private school participating in the program under s. 119.23 shall excuse the
15 pupil from taking an examination administered under sub. (1s) (b) 2. to 4. or (c).

16 **SECTION 33.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
17 amended to read:

18 **118.30 (3) (a)** The state superintendent shall ~~make available upon request,~~
19 allow a person to view an examination required to be administered under this section
20 if the person submits to the state superintendent a written request to do so within
21 90 days after the date of administration, any of the examination required to be
22 administered under this section. This subsection paragraph does not apply while the
23 an examination is being developed or validated.

24 **SECTION 34.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act
25 (this act), is amended to read:

1 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
2 examination required to be administered under this section if the person submits to
3 the ~~state superintendent~~ board a written request to do so within 90 days after the
4 date of administration of the examination. This paragraph does not apply while an
5 examination is being developed or validated.

6 SECTION 35. 118.30 (3) (b) of the statutes is created to read:

7 118.30 (3) (b) The state superintendent shall promulgate rules establishing
8 procedures to administer par. (a). To the extent feasible, the rules shall protect the
9 security and confidentiality of the examinations required to be administered under
10 this section.

11 SECTION 36. 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act
12 (this act), is amended to read:

13 118.30 (3) (b) The ~~state superintendent~~ board shall promulgate rules
14 establishing procedures to administer par. (a). To the extent feasible, the rules shall
15 protect the security and confidentiality of the examinations required to be
16 administered under this section.

17 SECTION 37. 118.30 (4) of the statutes is amended to read:

18 118.30 (4) The ~~department~~ board shall study the utility of administering
19 technology-based performance assessments to pupils.

20 SECTION 38. 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) is not required to administer the 4th and 8th grade examinations adopted or
23 approved by the ~~state superintendent~~ board under sub. (1) (1d) if the school board
24 or the operator of the charter school administers its own 4th and 8th grade
25 examinations, the school board or operator of the charter school provides the state

1 ~~superintendent board~~ with statistical correlations of those examinations with the
2 examinations adopted or approved by the ~~state superintendent board~~ under sub. (1)
3 ~~(1d)~~, and the federal department of education approves.

4 SECTION 39. 118.30 (7) of the statutes is created to read:

5 ~~118.30 (7) (a) The board shall provide the examinations administered under~~
6 sub. (1s) and score the examinations free of charge.

7 (b) The board may not disclose the results of the examinations administered
8 under sub. (1s) except as follows:

9 1. The board shall publish the aggregate results of all of the examinations
10 provided to the board.

11 2. The board shall report each pupil's scores to the pupil's parent or guardian.

12 SECTION 40. 118.38 (1) (a) 8. of the statutes is created to read:

13 118.38 (1) (a) 8. The school performance report under s. 115.38.

14 SECTION 41. 118.43 (7) of the statutes is amended to read:

15 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
16 department shall arrange for an evaluation of the program under this section and
17 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
18 that purpose. To ensure an impartial evaluation, the department shall select an
19 evaluator by using a competitive process.

20 SECTION 42. 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act
21 (this act), is amended to read:

22 118.43 (7) EVALUATION. Annually, the department board on education
23 evaluation and accountability shall arrange for an evaluation of the program under
24 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505

1 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
2 department board shall select an evaluator by using a competitive process.

3 SECTION 49. 121.02 (1) (r) of the statutes is amended to read:

4 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
5 ~~a standardized reading test developed by the department board on education~~
6 ~~evaluation and accountability~~ to all pupils enrolled in the school district in grade 3,
7 including pupils enrolled in charter schools located in the school district.

8 SECTION 44. 230.08 (2) (vm) of the statutes is created to read:

9 230.08 (2) (vm) The executive director of the board on education evaluation and
10 accountability.

11 SECTION 9101. **Nonstatutory provisions; administration.**

12 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding
13 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of
14 the board on education evaluation and accountability shall serve for terms expiring
15 on May 1, ²⁰⁰³ 2004; and 3 of the initial members shall serve for terms expiring on May
16 1, ²⁰⁰⁵ 2004.

17 SECTION 9140. **Nonstatutory provisions; public instruction.**

18 (1) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND
19 ACCOUNTABILITY.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
21 liabilities of the department of public instruction primarily related to the functions
22 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
23 determined by the secretary of administration, become the assets and liabilities of
24 the board on education evaluation and accountability.

1 (b) *Employee transfers.* All incumbent employees holding positions in the
2 department of public instruction performing duties primarily related to the
3 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
4 determined by the secretary of administration, are transferred on the effective date
5 of this paragraph to the board on education evaluation and accountability.

6 (c) *Employee status.* Employees transferred under paragraph (b) have all the
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
8 statutes in the board on education evaluation and accountability that they enjoyed
9 in the department of public instruction immediately before the transfer.
10 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
11 has attained permanent status in class is required to serve a probationary period.

12 (d) *Tangible personal property.* On the effective date of this paragraph, all
13 tangible personal property, including records, of the department of public instruction
14 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
15 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
16 transferred to the board on education evaluation and accountability.

17 (e) *Contracts.* All contracts entered into by the department of public instruction
18 in effect on the effective date of this paragraph that are primarily related to the
19 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
20 determined by the secretary of administration, remain in effect and are transferred
21 to the board on education evaluation and accountability. The board on education
22 evaluation and accountability shall carry out any obligations under such a contract
23 until the contract is modified or rescinded by the board on education evaluation and
24 accountability to the extent allowed under the contract.

1 (f) *Rules and orders.* All rules promulgated by the department of public
2 instruction that are in effect on the effective date of this paragraph and that relate
3 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999
4 stats., as determined by the secretary of administration, are transferred to the board
5 ~~on education evaluation and accountability and remain in effect until their specified~~
6 ~~expiration date or until amended or repealed by the board on education evaluation~~
7 ~~and accountability.~~ All orders issued by the department of public instruction that are
8 in effect on the effective date of this paragraph and that relate to the functions under
9 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by
10 the secretary of administration, are transferred to the board on education evaluation
11 and accountability and remain in effect until their specified expiration date or until
12 modified or rescinded by the board on education evaluation and accountability.

13 (g) *Pending matters.* Any matter pending with the department of public
14 instruction on the effective date of this paragraph that is related to the functions
15 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
16 determined by the secretary of administration, is transferred to the board on
17 education evaluation and accountability and all materials submitted to or actions
18 taken by the department of public instruction with respect to the pending matter are
19 considered as having been submitted to or taken by the board on education
20 evaluation and accountability.

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

22 (1) **MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS, BOARD ON**
23 **EDUCATION EVALUATION AND ACCOUNTABILITY.** The treatment of sections 16.963, 20.255
24 (1) (dw) (by SECTION 5) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by
25 SECTION 14), and (5) (by SECTION 16), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. (by

1 SECTION 22) and (am) 1. (by SECTION 24), (1r) (a) 1. (by SECTION 26) and (am) 1. (by
2 SECTION 28), (1s), (2) (b) 1., 2., and 5., (3) (a) (by SECTION 34) and (b) (by SECTION 36),
3 (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by SECTION 42), and 121.02 (1) (r) of the
4 statutes and SECTION 9140 (1) of this act take effect on July 1, 2002.

5

(END)

(DN)

This redraft strikes the ~~same~~ and sentence of ~~the~~ ~~text~~ s. 20.255(2)(^{cu}cu) for the purpose of reconciling the treatment of that ~~section~~ ^{reconciling} by this draft with the treatment ⁱⁿ LRB-0956.

This redraft changes the initial terms of the BEEA to conform to s. 15.07 (1)(c).

~~This redraft amends s. 20.507(4)(^{4h}ch) to provide an exception for the general program operations of the BEEA.~~

Note that LRB-1552 has been redrafted to insert a reference to the BEEA in s. 20.507(4)(^{4h}ch), which is treated in LRB-1552.

PG
MSJ

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2358/5dn
PG&MJL:all:km

February 13, 2001

This redraft strikes the 2nd sentence of s. 20.255 (2) (cu) for the purpose of reconciling the treatment of that section by this draft with the treatment in LRB-0956.

This redraft changes the initial terms of the BEEA to conform to s. 15.07 (1) (c).

Note that LRB-1552 has been redrafted to insert a reference to the BEEA in s. 20.505 (4) (h), which is treated in LRB-1552.

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2358/5
PG&MJL:all:km

DOA:.....Maternowsky – Pupil assessments, school performance reports,
SAGE evaluation, and board on education evaluation and
accountability

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

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 the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

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.

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.

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.

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs the state superintendent of public instruction (state superintendent) to make available upon request, within 90 days after the date of administration, any of the required pupil assessments.

This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs the state superintendent to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

Currently, the state superintendent annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards.

This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

Under current law, school boards may enter into achievement guarantee (SAGE) contracts with DPI to decrease class size and improve academic achievement in grades kindergarten to three. DPI must arrange for an annual SAGE evaluation of the SAGE program, for which DPI must allocate \$250,000 from the SAGE appropriation.

This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality. The bill also reduces the amount that DPI must allocate for the evaluation to \$125,000.

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of MPCP if BEEA receives sufficient funds from private sources.

Under current law, DPI has two separate appropriations related to pupil assessments. This bill consolidates these appropriations into one appropriation.

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.** 15.105 (8) of the statutes is created to read:

2 **15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** There is
3 created a board on education evaluation and accountability, attached to the
4 department of administration under s. 15.03, consisting of 5 members appointed for
5 4-year terms. At least one member shall be experienced in education evaluation and
6 assessment.

7 **SECTION 2.** 16.963 of the statutes is created to read:

8 **16.963 Education evaluation and accountability. (1) DEFINITION.** In this
9 section, “board” means the board on education evaluation and accountability.

10 **(2) DUTIES.** The board shall do all of the following:

11 (a) Appoint an executive director outside the classified service to serve at its
12 pleasure.

13 (b) Administer the pupil assessment program under s. 118.30 and develop a
14 standardized reading test for use under s. 121.02 (1) (r).

15 (c) Arrange for an evaluation of the student achievement guarantee program
16 under s. 118.43 (7).

1 (d) Administer the school performance and educational program review
2 program under s. 115.38.

3 (3) **POWERS.** The board may conduct a longitudinal study of the Milwaukee
4 parental choice program under s. 119.23 if the board receives sufficient funds from
5 private sources to do so. If the board conducts a study, it shall report the results to
6 the legislature under s. 13.172 (2) and to the governor.

7 **SECTION 3.** 20.255 (1) (dt) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 4.** 20.255 (1) (dw) of the statutes is amended to read:

9 20.255 (1) (dw) *Pupil assessment.* The amounts in the schedule for the costs
10 of the examinations developed and administered under ~~s. ss.~~ 118.30 and ~~for the~~
11 ~~review and modification of academic standards, as provided under 1997 Wisconsin~~
12 ~~Act 27, section 9140 (5r)~~ 121.02 (1) (r).

13 **SECTION 5.** 20.255 (1) (dw) of the statutes, as affected by 2001 Wisconsin Act
14 (this act), is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 6.** 20.255 (2) (cu) of the statutes is amended to read:

16 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule
17 for aid to school districts and the program evaluation under s. 118.43. No funds may
18 be encumbered from this appropriation after June 30, 2005.

****NOTE: This is reconciled s. 20.255 (2) (cu). This SECTION has been affected by
drafts with the following LRB numbers: LRB-2358 and -0956.

19 **SECTION 7.** 20.505 (4) (cw) of the statutes is created to read:

1 20.505 (4) (cw) *Board on education evaluation and accountability.* The
2 amounts in the schedule for general program operations of the board on education
3 evaluation and accountability.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 8.** 20.923 (4) (c) 2. of the statutes is created to read:

5 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive
6 director.

7 **SECTION 9.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38 (1r)
8 (intro.), (b) 2. and (c), as renumbered, are amended to read:

9 115.38 (1r) (intro.) ~~The state superintendent board~~ shall develop a school and
10 school district performance report for use by school districts under sub. (2). The
11 report shall include all of the following by school and by school district:

12 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils
13 are suspended or expelled, reported according to categories specified by the state
14 superintendent board; the length of time for which pupils are expelled, reported
15 according to categories specified by the ~~state superintendent board~~; whether pupils
16 return to school after their expulsion; the educational programs and services, if any,
17 provided to pupils during their expulsions, reported according to categories specified
18 by the ~~state superintendent board~~; the schools attended by pupils who are suspended
19 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled
20 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

21 (c) Staffing and financial data information, as determined by the state
22 superintendent board, not to exceed 10 items. The ~~state superintendent board~~ may

1 not request a school board to provide information solely for the purpose of including
2 the information in the report under this paragraph.

3 **SECTION 10.** 115.38 (1g) of the statutes is created to read:

4 115.38 (1g) In this section, "board" means the board on education evaluation
5 and accountability.

6 **SECTION 11.** 115.38 (2) of the statutes is amended to read:

7 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
8 1, each school board shall distribute to the parent or guardian of each pupil enrolled
9 in the school district, including pupils enrolled in charter schools located in the school
10 district, or give to each pupil to bring home to his or her parent or guardian, a school
11 and school district performance report that includes the information specified by the
12 ~~state superintendent board~~ board under sub. ~~(1)~~ (1r).

13 **SECTION 12.** 115.38 (3) of the statutes is amended to read:

14 115.38 (3) Annually, the ~~state superintendent board~~ board shall publish and
15 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.
16 (2).

17 **SECTION 13.** 115.38 (4) of the statutes is amended to read:

18 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter~~
19 Annually, the state superintendent shall identify those school districts that are low
20 in performance and those schools in which there are pupils enrolled who do not meet
21 the state minimum performance standards on the examinations administered under
22 s. 118.30. The state superintendent shall make recommendations regarding how the
23 programs and operations of the identified school districts and schools may be
24 improved ~~and~~. Each school district shall review the recommendations and develop

1 an improvement plan. The state superintendent shall periodically assess school
2 district implementation of the recommendations plans.

3 **SECTION 14.** 115.38 (4) of the statutes, as affected by 2001 Wisconsin Act ...
4 (this act), is amended to read:

5 115.38 (4) Annually, the ~~state superintendent~~ board shall identify those school
6 districts that are low in performance and those schools in which there are pupils
7 enrolled who do not meet the state minimum performance standards on the
8 examinations administered under s. 118.30. The ~~state superintendent~~ board shall
9 make recommendations regarding how the programs and operations of the identified
10 school districts and schools may be improved. Each school district shall review the
11 recommendations and develop an improvement plan. The ~~state superintendent~~
12 board shall periodically assess school district implementation of the plans.

13 **SECTION 15.** 115.38 (5) of the statutes is created to read:

14 115.38 (5) Annually, the state superintendent shall publish and distribute to
15 the governor, and to the legislature under s. 13.172 (2), a list of the school districts
16 and schools that are identified under sub. (4).

17 **SECTION 16.** 115.38 (5) of the statutes, as created by 2001 Wisconsin Act ... (this
18 act), is amended to read:

19 115.38 (5) Annually, the ~~state superintendent~~ board shall publish and
20 distribute to the governor, and to the legislature under s. 13.172 (2), a list of the
21 school districts and schools that are identified under sub. (4).

22 **SECTION 17.** 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended
23 to read:

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

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

7 **SECTION 18.** 118.30 (1b) of the statutes is created to read:

8 118.30 (1b) In this section, “board” means the board on education evaluation
9 and accountability.

10 **SECTION 19.** 118.30 (1g) (b) of the statutes is amended to read:

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

23 **SECTION 20.** 118.30 (1g) (c) of the statutes is amended to read:

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

1 develop or adopt its own examination designed to measure pupil attainment of
2 knowledge and concepts in the 4th grade and may develop or adopt its own
3 examination designed to measure pupil attainment of knowledge and concepts in the
4 8th grade. If the school board or operator of the charter school develops or adopts an
5 examination under this paragraph, it shall notify the department board.

6 **SECTION 21.** 118.30 (1m) (a) of the statutes is amended to read:

7 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
8 examination adopted or approved by the state superintendent under sub. (1) to all
9 pupils enrolled in the school district, including pupils enrolled in charter schools
10 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
11 ~~school board has not developed and adopted its own 4th grade examination, the~~
12 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
13 ~~examination administered under this subdivision.~~

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

19 **SECTION 22.** 118.30 (1m) (a) 1. of the statutes, as affected by 2001 Wisconsin
20 Act (this act), is amended to read:

21 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
22 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
23 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
24 schools located in the school district, in the 4th grade.

25 **SECTION 23.** 118.30 (1m) (am) of the statutes is amended to read:

1 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
2 examination adopted or approved by the state superintendent under sub. (1) to all
3 pupils enrolled in the school district, including pupils enrolled in charter schools
4 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
5 ~~school board has not developed and adopted its own 8th grade examination, the~~
6 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
7 ~~examination administered under this subdivision.~~

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

13 **SECTION 24.** 118.30 (1m) (am) 1. of the statutes, as affected by 2001 Wisconsin
14 Act (this act), is amended to read:

15 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
16 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)
17 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter
18 schools located in the school district, in the 8th grade.

19 **SECTION 25.** 118.30 (1r) (a) of the statutes is amended to read:

20 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
21 examination adopted or approved by the state superintendent under sub. (1) (a) to
22 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
23 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
24 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
25 ~~opportunities to take the examination administered under this subdivision.~~

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

6 **SECTION 26.** 118.30 (1r) (a) 1. of the statutes, as affected by 2001 Wisconsin Act
7 (this act), is amended to read:

8 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
9 examination adopted or approved by the state superintendent board under sub. (1)
10 (1d) (a) to all pupils enrolled in the charter school in the 4th grade.

11 **SECTION 27.** 118.30 (1r) (am) of the statutes is amended to read:

12 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
13 examination adopted or approved by the state superintendent under sub. (1) (a) to
14 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
15 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
16 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
17 ~~opportunities to take the examination administered under this subdivision.~~

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

23 **SECTION 28.** 118.30 (1r) (am) 1. of the statutes, as affected by 2001 Wisconsin
24 Act (this act), is amended to read:

1 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
2 examination adopted or approved by the ~~state superintendent~~ board under sub. ~~(1)~~
3 (1d) (a) to all pupils enrolled in the charter school in the 8th grade.

4 **SECTION 29.** 118.30 (1s) of the statutes is created to read:

5 118.30 (1s) (a) Annually, by September 15, the governing body of each private
6 school participating in the program under s. 119.23 shall notify the board whether
7 it will administer the examinations under par. (b) or (c) or both in the current school
8 year.

9 (b) If the private school notifies the board that it will administer the
10 examinations under this paragraph, the private school shall do all of the following:

11 1. Administer a standardized reading test developed by the board to all pupils
12 attending the 3rd grade in the private school under s. 119.23.

13 2. Administer the 4th grade examination adopted or approved by the board
14 under sub. (1d) (a) to all pupils attending the 4th grade in the private school under
15 s. 119.23.

16 3. Administer the 8th grade examination adopted or approved by the board
17 under sub. (1d) (a) to all pupils attending the 8th grade in the private school under
18 s. 119.23.

19 4. Administer the 10th grade examination adopted or approved by the board
20 under sub. (1d) (a) to all pupils attending the 10th grade in the private school under
21 s. 119.23.

22 (c) If the private school notifies the board that it will administer the
23 examination under this paragraph, beginning in the 2002-03 school year the private
24 school shall administer the high school graduation examination developed by the
25 board under sub. (1d) (b) to all pupils attending the 11th and 12th grades at the

1 private school under s. 119.23. The governing body of the private school shall
2 administer the examination at least twice each school year and may administer the
3 examination only to pupils attending the 11th and 12th grades.

4 **SECTION 30.** 118.30 (2) (b) 1. of the statutes is amended to read:

5 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
6 subch. V of ch. 115, the school board ~~or~~ operator of the a charter school under s. 118.40
7 (2r), or governing body of a private school participating in the program under s.
8 119.23 and administering any of the examinations under sub. (1s), shall comply with
9 s. 115.77 (1m) (bg).

10 **SECTION 31.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

18 **SECTION 32.** 118.30 (2) (b) 5. of the statutes is created to read:

19 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
20 body of a private school participating in the program under s. 119.23 shall excuse the
21 pupil from taking an examination administered under sub. (1s) (b) 2. to 4. or (c).

22 **SECTION 33.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
23 amended to read:

24 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
25 allow a person to view an examination required to be administered under this section

1 if the person submits to the state superintendent a written request to do so within
2 90 days after the date of administration, ~~any of the examination required to be~~
3 ~~administered under this section.~~ This ~~subsection~~ paragraph does not apply while ~~the~~
4 an examination is being developed or validated.

5 **SECTION 34.** 118.30 (3) (a) of the statutes, as affected by 2001 Wisconsin Act ...
6 (this act), is amended to read:

7 118.30 (3) (a) The ~~state superintendent~~ board shall allow a person to view an
8 examination required to be administered under this section if the person submits to
9 the ~~state superintendent~~ board a written request to do so within 90 days after the
10 date of administration of the examination. This paragraph does not apply while an
11 examination is being developed or validated.

12 **SECTION 35.** 118.30 (3) (b) of the statutes is created to read:

13 118.30 (3) (b) The state superintendent shall promulgate rules establishing
14 procedures to administer par. (a). To the extent feasible, the rules shall protect the
15 security and confidentiality of the examinations required to be administered under
16 this section.

17 **SECTION 36.** 118.30 (3) (b) of the statutes, as created by 2001 Wisconsin Act ...
18 (this act), is amended to read:

19 118.30 (3) (b) The state superintendent board shall promulgate rules
20 establishing procedures to administer par. (a). To the extent feasible, the rules shall
21 protect the security and confidentiality of the examinations required to be
22 administered under this section.

23 **SECTION 37.** 118.30 (4) of the statutes is amended to read:

24 118.30 (4) The ~~department~~ board shall study the utility of administering
25 technology-based performance assessments to pupils.

1 **SECTION 38.** 118.30 (6) of the statutes is amended to read:

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

10 **SECTION 39.** 118.30 (7) of the statutes is created to read:

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

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

15 1. The board shall publish the aggregate results of all of the examinations
16 provided to the board.

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

18 **SECTION 40.** 118.38 (1) (a) 8. of the statutes is created to read:

19 118.38 (1) (a) 8. The school performance report under s. 115.38.

20 **SECTION 41.** 118.43 (7) of the statutes is amended to read:

21 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year~~ Annually, the
22 department shall arrange for an evaluation of the program under this section and
23 shall allocate from the appropriation under s. 20.255 (2) (cu) ~~\$250,000~~ \$125,000 for
24 that purpose. To ensure an impartial evaluation, the department shall select an
25 evaluator by using a competitive process.

1 **SECTION 42.** 118.43 (7) of the statutes, as affected by 2001 Wisconsin Act ...
2 (this act), is amended to read:

3 118.43 (7) **EVALUATION.** Annually, the department board on education
4 evaluation and accountability shall arrange for an evaluation of the program under
5 this section and shall allocate from the appropriation under s. ~~20.255 (2) (cu)~~ 20.505
6 (4) (cw) \$125,000 for that purpose. To ensure an impartial evaluation, the
7 department board shall select an evaluator by using a competitive process.

8 **SECTION 43.** 121.02 (1) (r) of the statutes is amended to read:

9 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer
10 a standardized reading test developed by the department board on education
11 evaluation and accountability to all pupils enrolled in the school district in grade 3,
12 including pupils enrolled in charter schools located in the school district.

13 **SECTION 44.** 230.08 (2) (vm) of the statutes is created to read:

14 230.08 (2) (vm) The executive director of the board on education evaluation and
15 accountability.

16 **SECTION 9101. Nonstatutory provisions; administration.**

17 (1) **BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** Notwithstanding
18 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of
19 the board on education evaluation and accountability shall serve for terms expiring
20 on May 1, 2003; and 3 of the initial members shall serve for terms expiring on May
21 1, 2005.

22 **SECTION 9140. Nonstatutory provisions; public instruction.**

23 (1) **TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND**
24 **ACCOUNTABILITY.**

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of public instruction primarily related to the functions
3 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
4 determined by the secretary of administration, become the assets and liabilities of
5 the board on education evaluation and accountability.

6 (b) *Employee transfers.* All incumbent employees holding positions in the
7 department of public instruction performing duties primarily related to the
8 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
9 determined by the secretary of administration, are transferred on the effective date
10 of this paragraph to the board on education evaluation and accountability.

11 (c) *Employee status.* Employees transferred under paragraph (b) have all the
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
13 statutes in the board on education evaluation and accountability that they enjoyed
14 in the department of public instruction immediately before the transfer.
15 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
16 has attained permanent status in class is required to serve a probationary period.

17 (d) *Tangible personal property.* On the effective date of this paragraph, all
18 tangible personal property, including records, of the department of public instruction
19 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),
20 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is
21 transferred to the board on education evaluation and accountability.

22 (e) *Contracts.* All contracts entered into by the department of public instruction
23 in effect on the effective date of this paragraph that are primarily related to the
24 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
25 determined by the secretary of administration, remain in effect and are transferred

1 to the board on education evaluation and accountability. The board on education
2 evaluation and accountability shall carry out any obligations under such a contract
3 until the contract is modified or rescinded by the board on education evaluation and
4 accountability to the extent allowed under the contract.

5 (f) *Rules and orders.* All rules promulgated by the department of public
6 instruction that are in effect on the effective date of this paragraph and that relate
7 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999
8 stats., as determined by the secretary of administration, are transferred to the board
9 on education evaluation and accountability and remain in effect until their specified
10 expiration date or until amended or repealed by the board on education evaluation
11 and accountability. All orders issued by the department of public instruction that are
12 in effect on the effective date of this paragraph and that relate to the functions under
13 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by
14 the secretary of administration, are transferred to the board on education evaluation
15 and accountability and remain in effect until their specified expiration date or until
16 modified or rescinded by the board on education evaluation and accountability.

17 (g) *Pending matters.* Any matter pending with the department of public
18 instruction on the effective date of this paragraph that is related to the functions
19 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as
20 determined by the secretary of administration, is transferred to the board on
21 education evaluation and accountability and all materials submitted to or actions
22 taken by the department of public instruction with respect to the pending matter are
23 considered as having been submitted to or taken by the board on education
24 evaluation and accountability.

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

1 (1) MILWAUKEE PARENTAL CHOICE PROGRAM; PUPIL ASSESSMENTS, BOARD ON
2 EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of sections 16.963, 20.255
3 (1) (dw) (by SECTION 5) and (2) (cu), 20.923 (4) (c) 2., 115.38 (1), (1g), (2), (3), (4) (by
4 SECTION 14), and (5) (by SECTION 16), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. (by
5 SECTION 22) and (am) 1. (by SECTION 24), (1r) (a) 1. (by SECTION 26) and (am) 1. (by
6 SECTION 28), (1s), (2) (b) 1., 2., and 5., (3) (a) (by SECTION 34) and (b) (by SECTION 36),
7 (4), (6), and (7), 118.38 (1) (a) 8., 118.43 (7) (by SECTION 42), and 121.02 (1) (r) of the
8 statutes and SECTION 9140 (1) of this act take effect on July 1, 2002.

9

(END)