

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: NO

Requester's email:

**Pre Topic:**

SDC:.....Keckhaver - CN1018,

**Topic:**

MPS choice program; nondiscrimination, standards and assessments

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 06/16/2001	wjackson 06/16/2001		_____			
/1			pgreensl 06/16/2001	_____	lrb_docadmin 06/16/2001		
/2	grantpr	wjackson	rschluet	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	06/17/2001	06/17/2001	06/18/2001	_____	06/18/2001		

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: NO

Requester's email:

---

**Pre Topic:**

SDC:.....Keckhaver - CN1018,

---

**Topic:**

MPS choice program; nondiscrimination, standards and assessments

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 06/16/2001	wjackson 06/16/2001		_____			
/1		1/2 WJ 6/17	pgreensl 06/16/2001	_____	lrb_docadmin 06/16/2001		

6-18-1

FE Sent For:

**<END>**

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: **06/15/2001**

Received By: **grantpr**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Keckhaver**

This file may be shown to any legislator: **NO**

Drafter: **grantpr**

May Contact:

Addl. Drafters:

Subject: **Education - MPS**

Extra Copies: **MJL**

Submit via email: **NO**

Requester's email:

---

**Pre Topic:**

SDC:.....Keckhaver - CN1018,

---

**Topic:**

MPS choice program; nondiscrimination, standards and assessments

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr	1 WJ 6/16	9/16 PS	9/16 LET/PS			

FE Sent For:

<END>

Rues Kava

Adopt Freestanding Motion 883, which specifies that schools participating in the Milwaukee Parental Choice Program (MPCP) and charter schools must comply with the same pupil nondiscrimination statutory requirements as public schools.

CN182

1018

65890

→ 2379

0128

0138

1550

PUBLIC INSTRUCTION -- CHOICE, CHARTER AND OPEN ENROLLMENT

MPCP -- Nondiscrimination, Standards and Assessments

Motion:

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

Delete current language, made duplicative by the motion, which prohibits charter schools from discriminating in admission or denying participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

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

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

Require that MPCP schools administer to 3<sup>rd</sup> grade MPCP pupils the 3<sup>rd</sup> grade reading

comprehension test developed by DPI.

Require that MPCP schools that operate high school grades adopt a high school graduation test that is designed to measure whether pupils meet the pupil academic standards adopted by the school. Require the test to be administered at least twice annually beginning in the 2002-03 school year to all MPCP pupils attending the 11<sup>th</sup> and 12<sup>th</sup> grades and only those grades at the school. If the MPCP school has adopted the pupil academic standards issued as executive order no. 326, dated January 13, 1998, then allow the school to adopt the high school graduation test developed by DPI. If the MPCP school develops and adopts its own high school graduation test, require that it notify DPI annually by October 1 that it intends to administer the test in the following school year.

Require that by September 1, 2002, each MPCP school must develop a policy specifying the criteria for granting a high school diploma to MPCP pupils. The criteria must include the pupil's score on a high school graduation exam adopted by the school, the pupil's academic performance and the recommendations of teachers. Require that beginning September 1, 2003, MPCP schools may not grant a high school diploma to any MPCP pupil unless the pupil has satisfied the criteria specified the policy developed by the school.

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

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

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

Specify that MPCP schools, in addition to public and charter schools as specified under



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

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

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

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

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

2001

Date (time) needed \_\_\_\_\_

LRB b 0890 , 1

AMDT TO BUDGET SUB AMDT

PG : Wlj : \_\_\_\_\_

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
~~TO SENATE AMENDMENT \_\_\_\_\_,~~  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment [amendment] as follows:

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

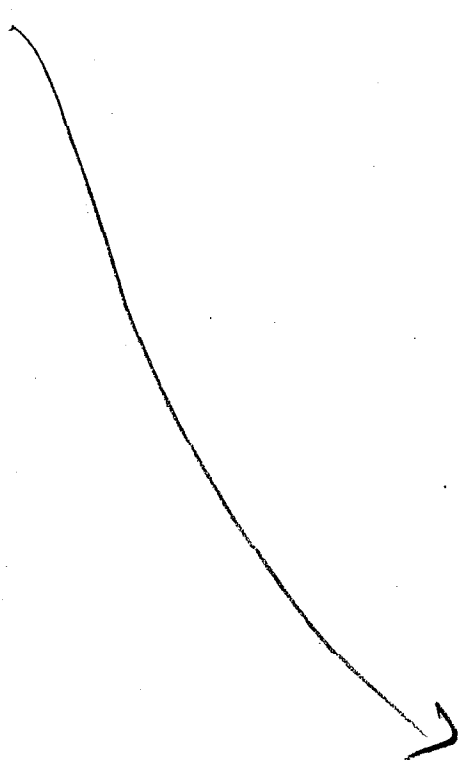
~~#. Page . . . . , line . . . . :~~

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

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

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

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



**BILL**

superintendent of public instruction, whose decision is subject to judicial review. Current law also imposes a forfeiture of up to \$1,000 against any public school official, employee, or teacher who intentionally violates the prohibition against discrimination.

This bill makes all of the above provisions applicable to those private schools that participate in the MPCP (with respect to the pupils attending the schools under the program) and to charter schools.

Finally, this bill subjects the meetings of the governing bodies of charter schools, and of private schools that are participating in the MPCP, to the state's open meetings law. The bill also requires such schools to comply with the state's public records law.

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:*

# Page 917, line 22: after that line insert:

1 SECTION ~~7~~<sup>2679c</sup>. 118.13 (1m) of the statutes is created to read:

2 118.13 (1m) No person who wishes to attend a private school under s. 119.23  
3 or a charter school may be denied admission to that school and no pupil who is  
4 attending a private school under s. 119.23 or a charter school may be denied  
5 participation in, be denied the benefits of, or be discriminated against in any  
6 curricular, extracurricular, pupil services, recreational, or other program or activity  
7 of that school because of the person's sex, race, religion, national origin, ancestry,  
8 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,  
9 emotional, or learning disability.

10 SECTION ~~7~~<sup>1679e</sup>. 118.13 (2) (am) of the statutes is created to read:

11 118.13 (2) (am) Each private school participating in the program under s.  
12 119.23 and each charter school shall develop written policies and procedures to  
13 implement this section and submit them to the state superintendent. The policies  
14 and procedures shall provide for receiving and investigating complaints regarding

## BILL

## SECTION 2

1 possible violations of this section, for making determinations as to whether this  
2 section has been violated, and for ensuring compliance with this section.

3 SECTION <sup>2619 g</sup> 3. 118.13 (2) (b) of the statutes is amended to read:

4 118.13 (2) (b) Any person who receives a negative determination under par. (a)  
5 or (am) may appeal the determination to the state superintendent.

6 SECTION <sup>2619 i</sup> 4. 118.13 (3) (a) 3. of the statutes is amended to read:

7 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)  
8 (d) information on the status of school district compliance of school districts, charter  
9 schools, and private schools with this section and school district the progress made  
10 toward providing reasonable equality of educational opportunity for all pupils in this  
11 state.

12 SECTION <sup>2619 k</sup> 5. 118.13 (3) (b) 1. of the statutes is amended to read:

13 118.13 (3) (b) 1. Periodically review school district, charter school, and private  
14 school programs, activities and services to determine whether the school boards,  
15 charter schools, and private schools are complying with this section.

16 SECTION <sup>2619 m</sup> 6. 118.13 (3) (b) 2. of the statutes is amended to read:

17 118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to  
18 comply with this section by providing information and technical assistance upon  
19 request.

20 SECTION <sup>2619 p</sup> 7. 118.13 (4) of the statutes is amended to read:

21 118.13 (4) Any public school, charter school, or private school official, employee  
22 or teacher who intentionally engages in conduct which discriminates against a  
23 person or causes a person to be denied rights, benefits or privileges, in violation of  
24 sub. (1) or (1m), may be required to forfeit not more than \$1,000. <sup>2619</sup>

25 # Page 918, line 19 after that line insert:  
SECTION <sup>2619 b</sup> 8. 118.30 (1g) (a) 1. of the statutes is amended to read:

## BILL

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

6           SECTION <sup>2691 d</sup> 118.30 (1g) (a) 3. of the statutes is created to read:

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

14          SECTION <sup>2691 d</sup> 118.30 (1g) (b) of the statutes is amended to read:

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

**BILL**

**SECTION 10**

1 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a  
 2 private school develops and adopts its own high school graduation examination, it  
 3 shall notify the department annually by October 1 that it intends to administer the  
 4 examination in the following school year.

5 <sup>Ⓟ 2679/h</sup> SECTION ~~11~~. 118.30 (1g) (c) of the statutes is amended to read:

6 118.30 (1g) (c) Each school board operating elementary grades and, each  
 7 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and  
 8 the governing body of each private school participating in the program under s.  
 9 119.23 that operates elementary grades may develop or adopt its own examination  
 10 designed to measure pupil attainment of knowledge and concepts in the 4th grade  
 11 and may develop or adopt its own examination designed to measure pupil attainment  
 12 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the  
 13 charter school, or governing body of the private school develops or adopts an  
 14 examination under this paragraph, it shall notify the department. <sup>W/O</sup>

15 # Page 920, line 19: after that line insert <sup>Ⓟ</sup>  
<sup>2708m</sup> SECTION ~~12~~. 118.30 (1s) of the statutes is created to read:

16 118.30 (1s) Annually the governing body of each private school participating  
 17 in the program under s. 119.23 shall do all of the following:

18 (a) 1. Except as provided in sub. (6), administer the 4th grade examination  
 19 adopted or approved by the state superintendent under sub. (1) (a) to all pupils  
 20 attending the 4th grade in the private school under s. 119.23. **Beginning on July 1,**

21 **2002,** if the governing body of the private school has not developed or adopted its own  
 22 4th grade examination, the governing body of the private school shall provide a pupil  
 23 with at least 2 opportunities to take the examination administered under this  
 24 subdivision.

**BILL**

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

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

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

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

20           (d) If the private school operates high school grades, beginning in the 2002-03  
21 school year administer the high school graduation examination adopted by the  
22 governing body of the private school under sub. (1g) (b) to all pupils attending the  
23 11th and 12th grades at the private school under s. 119.23. The governing body of  
24 the private school shall administer the examination at least twice each school year

## BILL

## SECTION 12

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

3 <sup>(b) 2759m</sup> SECTION ~~14~~. 118.30 (2) (b) 1. of the statutes is amended to read:

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

8 <sup>(b) 2710 m</sup> SECTION ~~14~~. 118.30 (2) (b) 2. of the statutes is amended to read:

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

16 <sup>(b) 2711m</sup> SECTION ~~14~~. 118.30 (2) (b) 5. of the statutes is created to read:

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

20 <sup>(b) 2717m</sup> SECTION ~~14~~. 118.30 (6) of the statutes is amended to read:

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



**BILL**

1 its own 4th and 8th grade examinations, the school board or operator of the charter  
2 school, or governing body of the private school provides the state superintendent  
3 with statistical correlations of those examinations with the examinations adopted or  
4 approved by the state superintendent under sub. (1), and the federal department of  
5 education approves. <sup>2718 f</sup>

6 ~~SECTION 18.~~ <sup>2718 f</sup> 118.33 (1) (f) 2m. of the statutes is created to read:

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

13 ~~SECTION 18.~~ <sup>2718 h</sup> 118.33 (1) (f) 3. of the statutes is amended to read:

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

22 ~~SECTION 18.~~ <sup>2718 j</sup> 118.33 (6) (c) of the statutes is created to read:

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

**BILL****SECTION 19**

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

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

13 SECTION ~~20~~<sup>2225 d</sup>. 118.40 (4) (a) 3. and 4. of the statutes are created to read:

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

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

21 SECTION ~~21~~<sup>2225 f</sup>. 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
 22 renumbered 118.40 (4) (b) and amended to read:

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

25 SECTION ~~22~~<sup>2225 h</sup>. 118.40 (4) (b) 2. of the statutes is repealed. ✓/○

**BILL**

# Page 923, line 7<sup>^</sup> after that line insert<sup>^</sup>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

SECTION 23. 119.23 (2) (a) 6. and 7. of the statutes are created to read:

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

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

SECTION 24. 119.23 (10) of the statutes is created to read:

119.23 (10) Each private school participating in the program under this section shall administer to the pupils attending the 3rd grade in the private school under this section a standardized reading test developed by the department. ✓/0

(END)



PG

DN

→

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

pp. 5 & 7

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 917, line 22: after that line insert:
- 3 "SECTION 2679c. 118.13 (1m) of the statutes is created to read:
- 4 118.13 (1m) No person who wishes to attend a private school under s. 119.23
- 5 or a charter school may be denied admission to that school and no pupil who is
- 6 attending a private school under s. 119.23 or a charter school may be denied
- 7 participation in, be denied the benefits of, or be discriminated against in any
- 8 curricular, extracurricular, pupil services, recreational, or other program or activity
- 9 of that school because of the person's sex, race, religion, national origin, ancestry,

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

3 **SECTION 2679e.** 118.13 (2) (am) of the statutes is created to read:

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

10 **SECTION 2679g.** 118.13 (2) (b) of the statutes is amended to read:

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

13 **SECTION 2679i.** 118.13 (3) (a) 3. of the statutes is amended to read:

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

19 **SECTION 2679k.** 118.13 (3) (b) 1. of the statutes is amended to read:

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

23 **SECTION 2679m.** 118.13 (3) (b) 2. of the statutes is amended to read:

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

4           **SECTION 2679p.** 118.13 (4) of the statutes is amended to read:

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

9           **2.** Page 918, line 19: after that line insert:

10           **“SECTION 2697b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

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

16           **SECTION 2697d.** 118.30 (1g) (a) 3. of the statutes is created to read:

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

24           **SECTION 2697f.** 118.30 (1g) (b) of the statutes is amended to read:

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

16           **SECTION 2697h.** 118.30 (1g) (c) of the statutes is amended to read:

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

1           **3.** Page 920, line 19: after that line insert:

2           “SECTION 2708m. 118.30 (1s) of the statutes is created to read:

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

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

8           2. Beginning on July 1, 2002, if the governing body of the private school has  
9 developed or adopted its own 4th grade examination, administer that examination  
10 to all pupils attending the 4th grade in the private school under s. 119.23.

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

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

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

19           (d) If the private school operates high school grades, beginning in the <sup>2004-05</sup>~~2002-03~~  
20 school year administer the high school graduation examination adopted by the  
21 governing body of the private school under sub. (1g) (b) to all pupils attending the  
22 11th and 12th grades at the private school under s. 119.23. The governing body of  
23 the private school shall administer the examination at least twice each school year



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

3 **SECTION 2709m.** 118.30 (2) (b) 1. of the statutes is amended to read:

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

8 **SECTION 2710m.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

16 **SECTION 2711m.** 118.30 (2) (b) 5. of the statutes is created to read:

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

20 **SECTION 2717m.** 118.30 (6) of the statutes is amended to read:

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

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

6 **SECTION 2718f.** 118.33 (1) (f) 2m. of the statutes is created to read:

7 118.33 (1) (f) 2m. By September 1, ~~2002~~<sup>2004</sup>, the governing body of each private  
8 school participating in the program under s. 119.23 shall develop a policy specifying  
9 criteria for granting a high school diploma to pupils attending the private school  
10 under s. 119.23. The criteria shall include the pupil's score on the examination  
11 administered under s. 118.30 (1s) (d), the pupil's academic performance, and the  
12 recommendations of teachers.

13 **SECTION 2718h.** 118.33 (1) (f) 3. of the statutes is amended to read:

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

22 **SECTION 2718j.** 118.33 (6) (c) of the statutes is created to read:

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

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

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

13 **SECTION 2725d.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

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

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

21 **SECTION 2725f.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
22 renumbered 118.40 (4) (b) and amended to read:

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

25 **SECTION 2725h.** 118.40 (4) (b) 2. of the statutes is repealed.".



(DN)

If I redrafted this amendment in order  
to reconcile it with LRB60868 (CN 1110),  
which delays the high school graduation test  
by two years.

PG

~~89-6047~~

~~1275~~

~~1276~~

~~1277~~

50038

61110

~~89-4891~~

5853

5654

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

LRBb0890/2dn  
PG:wlj:rs

June 18, 2001

I redrafted this amendment to reconcile it with LRBb0868 (CN 1110), which delays the high school graduation test by two years.

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

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

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

2 **1.** Page 917, line 22: after that line insert:

3 **“SECTION 2679c.** 118.13 (1m) of the statutes is created to read:

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

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

3 **SECTION 2679e.** 118.13 (2) (am) of the statutes is created to read:

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

10 **SECTION 2679g.** 118.13 (2) (b) of the statutes is amended to read:

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

13 **SECTION 2679i.** 118.13 (3) (a) 3. of the statutes is amended to read:

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

19 **SECTION 2679k.** 118.13 (3) (b) 1. of the statutes is amended to read:

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

23 **SECTION 2679m.** 118.13 (3) (b) 2. of the statutes is amended to read:



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

4           **SECTION 2679p.** 118.13 (4) of the statutes is amended to read:

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

9           **2.** Page 918, line 19: after that line insert:

10           **“SECTION 2697b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

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

16           **SECTION 2697d.** 118.30 (1g) (a) 3. of the statutes is created to read:

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

24           **SECTION 2697f.** 118.30 (1g) (b) of the statutes is amended to read:

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

16           **SECTION 2697h.** 118.30 (1g) (c) of the statutes is amended to read:

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

1           **3.** Page 920, line 19: after that line insert:

2           “**SECTION 2708m.** 118.30 (1s) of the statutes is created to read:

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

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

8           2. Beginning on July 1, 2002, if the governing body of the private school has  
9 developed or adopted its own 4th grade examination, administer that examination  
10 to all pupils attending the 4th grade in the private school under s. 119.23.

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

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

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

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

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

3 **SECTION 2709m.** 118.30 (2) (b) 1. of the statutes is amended to read:

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

8 **SECTION 2710m.** 118.30 (2) (b) 2. of the statutes is amended to read:

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

16 **SECTION 2711m.** 118.30 (2) (b) 5. of the statutes is created to read:

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

20 **SECTION 2717m.** 118.30 (6) of the statutes is amended to read:

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

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

6 **SECTION 2718f.** 118.33 (1) (f) 2m. of the statutes is created to read:

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

13 **SECTION 2718h.** 118.33 (1) (f) 3. of the statutes is amended to read:

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

22 **SECTION 2718j.** 118.33 (6) (c) of the statutes is created to read:

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

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

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

13 **SECTION 2725d.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

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

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

21 **SECTION 2725f.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,  
22 renumbered 118.40 (4) (b) and amended to read:

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

25 **SECTION 2725h.** 118.40 (4) (b) 2. of the statutes is repealed.”

