



2001 ASSEMBLY BILL 173

March 6, 2001 – Introduced by Representatives J. LEHMAN, BOCK, POCAN, JESKEWITZ, PLOUFF, MILLER, LA FAVE, TOWNSEND and BERCEAU, cosponsored by Senators PLACHE and DECKER. Referred to Committee on Education Reform.

1 **AN ACT to amend** 118.30 (1g) (a) 1., 118.30 (1g) (b), 118.30 (1g) (c), 118.30 (2) (b)
2 1., 118.30 (2) (b) 2., 118.30 (6) and 118.33 (1) (f) 3.; and **to create** 118.30 (1g) (a)
3 3., 118.30 (1s), 118.30 (2) (b) 5., 118.30 (7), 118.33 (1) (f) 2m., 118.33 (6) (c) and
4 119.23 (10) of the statutes; **relating to:** pupil assessments and to private
5 schools participating in the Milwaukee parental choice program.

Analysis by the Legislative Reference Bureau

Current law requires each school board and each Milwaukee charter school (a charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin–Milwaukee, or Milwaukee Area Technical College) to adopt either its own academic standards or the academic standards contained in the governor’s executive order issued January 13, 1998, and to administer standardized examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002–03 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt examinations developed by the department of public instruction (DPI) or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools.

Under current law, the fourth, eighth, and tenth grade examinations and the high school graduation examination are not required to be administered to pupils

ASSEMBLY BILL 173

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

This bill provides that the governing body of a private school participating in the MPCP must adopt academic standards and administer the fourth, eighth, and tenth grade examinations and the high school graduation examination to pupils enrolled in the private school under the MPCP. The governing body may either adopt DPI's examinations or develop its own.

Under current law, by September 1, 2002, each school board and the operator of each Milwaukee charter school must develop written policies specifying criteria for granting a high school diploma. Beginning September 1, 2003, neither a school board nor the operator of a Milwaukee charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each Milwaukee charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. Beginning September 1, 2002, a pupil may not be promoted unless he or she satisfies the promotion criteria.

This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion (for pupils attending the private school under the MPCP) that are imposed upon school boards and Milwaukee charter schools.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee charter schools are required to administer this test to their third grade pupils. Private schools participating in the MPCP are not required to administer this test. This bill imposes this requirement on these private schools.

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

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

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 118.30 (1g) (a) 1. of the statutes is amended to read:
- 2 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
- 3 academic standards in mathematics, science, reading and writing, geography, and

ASSEMBLY BILL 173

1 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
2 standards issued by the governor as an executive order under s. 14.23, the school
3 ~~board may adopt those standards~~ no. 326, dated January 13, 1998.

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

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

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

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

ASSEMBLY BILL 173**SECTION 3**

1 shall notify the department annually by October 1 that it intends to administer the
2 examination in the following school year.

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

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

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

14 118.30 (1s) Annually the governing body of each private school participating
15 in the program under s. 119.23 shall do all of the following:

16 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
17 adopted or approved by the state superintendent under sub. (1) (a) to all pupils
18 attending the 4th grade in the private school under s. 119.23. Beginning on July 1,
19 2002, if the governing body of the private school has not developed or adopted its own
20 4th grade examination, the governing body of the private school shall provide a pupil
21 with at least 2 opportunities to take the examination administered under this
22 subdivision.

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

ASSEMBLY BILL 173

1 governing body of the private school shall provide a pupil with at least 2
2 opportunities to take the examination administered under this subdivision.

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

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

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

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

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

ASSEMBLY BILL 173**SECTION 6**

1 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
2 subch. V of ch. 115, the school board ~~or~~, operator of ~~the a~~ charter school under s. 118.40
3 (2r), or governing body of a private school participating in the program under s.
4 119.23 shall comply with s. 115.77 (1m) (bg).

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

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

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

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

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

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

ASSEMBLY BILL 173

1 approved by the state superintendent under sub. (1), and the federal department of
2 education approves.

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

4 118.30 (7) (a) The department shall provide the examinations administered
5 under sub. (1s) and score the examinations free of charge.

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

8 1. The department shall publish the aggregate results of all of the examinations
9 provided to the department.

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

12 **SECTION 11.** 118.33 (1) (f) 2m. of the statutes is created to read:

13 118.33 (1) (f) 2m. By September 1, 2002, the governing body of each private
14 school participating in the program under s. 119.23 shall develop a policy specifying
15 criteria for granting a high school diploma to pupils attending the private school
16 under s. 119.23. The criteria shall include the pupil's score on the examination
17 administered under s. 118.30 (1s) (d), the pupil's academic performance, and the
18 recommendations of teachers.

19 **SECTION 12.** 118.33 (1) (f) 3. of the statutes is amended to read:

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

ASSEMBLY BILL 173**SECTION 12**

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

3 **SECTION 13.** 118.33 (6) (c) of the statutes is created to read:

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

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

19 **SECTION 14.** 119.23 (10) of the statutes is created to read:

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

23 (END)