

1993 Senate Bill 89

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1993 WISCONSIN ACT 339

AN ACT *to amend* 118.33 (1) (a) (intro.), 118.33 (1) (b) and 121.02 (1) (m); and *to create* 101.265 (4), 115.28 (7) (e), 118.16 (4) (cm), 118.19 (5) and 118.33 (1) (d) of the statutes, **relating to:** assessment periods for certain pupils, high school graduation requirements, alternative education program teacher licensure, education for employment programs and granting rule-making authority.

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

PREFATORY NOTE: This bill was prepared for the legislative council's special committee on alternative education programs. The bill contains provisions relating to teacher licensure for alternative education programs, assessment periods for certain pupils, high school graduation requirements, education for employment standards and rules relating to the youth apprenticeship programs.

1. Teacher Licensure

The bill directs the department of public instruction (DPI) to promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. An "alternative education program" is defined to mean an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures in teaching techniques and that is incorporated into existing traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. The rules must encompass the teaching of multiple subjects or grade levels, or both, as determined by the state superintendent. Further, the state superintendent may require teacher education programs to grant credit towards alternative education licensure for relevant experience or for demonstrated proficiency in relevant skills or knowledge.

Under the bill, a person is not required to be licensed as an alternative education teacher to each in an alternative education program. However, the person must hold an appropriate license issued by DPI.

These rules must be submitted to the legislative council staff under s. 227.15 (1), stats., in proposed form, no later than the first day of the 6th month beginning after the effective date of the act.

2. Assessment Periods for Certain Pupils

The bill allows a school board to establish policies to permit a pupil of an age eligible for high school enrollment in the school district to be assigned to a period of assessment as a consequence of the pupil's truancy or upon the pupil's return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out-of-school placement. The school board policies must specify the conditions under which the pupil might participate in the assessment without being in violation of truancy or attendance law and the maximum length of time that a pupil may be assigned to an assessment period. A pupil may not be required to participate without the written approval of the pupil's parent or guardian. A pupil may not be assigned to any assessment period for longer than the time necessary to complete the assessment and make the placement in an appropriate education program, or for 8 weeks, whichever is less. The school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program available for the pupil that is appropriate for the pupil's needs.

The bill specifies that the goals of an assessment are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil's placement in an education program in which the pupil will be able to succeed.

The assessment may, but is not required to, include any of the following new or previously completed activities:

- a. An assessment for problems with alcohol or other drugs.
- b. An assessment of individual educational needs.
- c. An assessment of whether the pupil is encountering problems in the community or at home that require the intervention by a social worker.

d. A vocational assessment, which may include career counseling.

e. A medical assessment.

3. *High School Graduation Requirements*

The bill provides that a school board may grant a high school diploma to a pupil who does not meet the specific statutory requirements for high school graduation.

Under current law, a public school board may not grant a high school diploma to a pupil unless the pupil has: a) earned a certain number of credits in various subjects in the high school grades; and b) been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day. Administrative rules promulgated by DPI define a “credit” as “the credit given for successful completion of a school term of study in one course in high school grades that meets daily for a normal class period or the equivalent established by the [school] board”.

Currently, a school board may not grant a high school diploma to a pupil unless the pupil has earned: a) in the high school grades, at least 4 credits in English, including writing composition, 3 credits of social studies, including state and local government, 2 credits of mathematics, 2 credits of science and 1.5 credits of physical education; and b) in grades 7 to 12, at least 0.5 credit of health education.

The bill provides that a school board may grant a high school diploma to a pupil who does not meet the requirements set forth above if the following requirements are met: a) the pupil is enrolled in an alternative education program in the school district; and b) the school board has determined that the pupil has demonstrated a level of proficiency in English, social studies, mathematics, physical education and health education, equivalent to the proficiency which the pupil would have attained if he or she had completed the requirements described above.

4. *Education for Employment Standards*

The bill modifies the statutory education for employment standard. The bill clarifies the standard currently in place by specifying that, beginning in the 1997–98 school year, the program must incorporate applied curricula; guidance in counseling services; technical preparation (tech–prep); college preparation; youth apprenticeship or other job training and work experience; and instruction in skills relating to employment. The bill directs the state superintendent to assist school boards in complying with the provision.

5. *Youth Apprenticeship Program*

The bill directs the department of industry, labor and human relations (DILHR) to adopt administrative rules relating to program guidelines for the current Wisconsin youth apprenticeship program that is administered by DILHR.

SECTION 1. 101.265 (4) of the statutes is created to read:

101.265 (4) The department shall promulgate rules to administer this section.

SECTION 2. 115.28 (7) (e) of the statutes is created to read:

115.28 (7) (e) 1. In this paragraph, “alternative education program” means an instructional program, approved by the school board, that utilizes successful alternative or adaptive school structures and teaching techniques and that is incorporated into existing, traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled

curricular programs. “Alternative educational program” does not include a private school or a home–based private educational program.

2. Promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. The rules shall encompass the teaching of multiple subjects or grade levels or both, as determined by the state superintendent. The rules may require teacher education programs to grant credit towards licensure as an alternative education program teacher for relevant experience or demonstrated proficiency in relevant skills and knowledge.

SECTION 3. 118.16 (4) (cm) of the statutes is created to read:

118.16 (4) (cm) 1. The school board may establish policies which provide that a pupil of an age eligible for high school enrollment in the school district, as determined by the school board, may be assigned to a period of assessment as a consequence of the pupil’s truancy or upon the pupil’s return to school from placement in a correctional facility, mental health treatment facility, alcohol and other drug abuse treatment facility or other out–of–school placement. The policies shall specify the conditions under which a pupil may participate in the assessment without being in violation of s. 118.15 and the maximum length of time that a pupil may be assigned to an assessment period.

2. A school board may not assign a pupil to an assessment period without the written approval of the pupil’s parent or guardian. A school board may not assign a pupil to an assessment period for longer than the time necessary to complete the assessment and place the pupil in an appropriate education program or 8 weeks, whichever is less. A school board may not assign a pupil to an assessment period more than once and may not assign a pupil to an assessment period if the school district has an alternative education program, as defined in s. 115.28 (7) (e) 1., available for the pupil that is appropriate for the pupil’s needs. An assessment need not be conducted during the regular school day.

3. The goals of an assessment period are to develop an educational plan for the pupil, implement an appropriate transitional plan and facilitate the pupil’s placement in an education program in which the pupil will be able to succeed. The school board shall provide pupils who are assigned to an assessment period with information on other education programs that the school district or other community providers have available for the pupil. The assessment may include any of the following new or previously completed activities:

- a. An assessment for problems with alcohol or other drugs.
- b. An assessment of individual educational needs.

1993 Senate Bill 89

c. An assessment of whether the pupil is encountering problems in the community or at home that require intervention by a social worker.

d. A vocational assessment, which may include career counseling.

e. A medical assessment.

SECTION 4. 118.19 (5) of the statutes is created to read:

118.19 (5) A person is not required to be licensed as an alternative education program teacher under s. 115.28 (7) (e) 2. to teach in an alternative education program, as defined in s. 115.28 (7) (e) 1.

SECTION 5. 118.33 (1) (a) (intro.) of the statutes is amended to read:

118.33 (1) (a) (intro.) Beginning ~~Except as provided in par. (d), beginning on~~ September 1, 1988, a school board may not grant a high school diploma to any pupil unless the pupil has earned:

SECTION 6. 118.33 (1) (b) of the statutes is amended to read:

118.33 (1) (b) Beginning September 1, 1988, a school board may not grant a high school diploma to any pupil unless, during the high school grades, the pupil has been enrolled in a class or has participated in an activity approved by the school board during each class period of each school day, or the pupil has been enrolled in an alternative education program, as defined in s. 115.28 (7) (e) 1.

SECTION 7. 118.33 (1) (d) of the statutes is created to read:

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

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

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

SECTION 8. 121.02 (1) (m) of the statutes is amended to read:

121.02 (1) (m) Provide access to an education for employment program ~~that has been~~ approved by the state superintendent. Beginning in the 1997-98 school year, the program shall incorporate applied curricula; guidance and counseling services under par. (e); technical preparation under s. 118.34; college preparation; youth apprenticeship under s. 101.265 or other job training and work experience; and instruction in skills relating to employment. The state superintendent shall assist school boards in complying with this paragraph.

SECTION 9. Nonstatutory provisions; rules. The state superintendent of public instruction shall, no later than the first day of the 6th month beginning after the effective date of this SECTION, submit to the legislative council staff under section 227.15 (1) of the statutes, in proposed form, the administrative rules required under section 115.28 (7) (e) 2. of the statutes, as created by this act.