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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2015 Senate Bill 193</b>	<b>Senate Substitute Amendment 1</b>
<i>Memo published: July 21, 2015</i>	<i>Contact: Katie Bender-Olson, Staff Attorney (266-2988)</i>

### CURRENT LAW

Current Wisconsin law requires schools to excuse students from taking examinations in 4<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 11<sup>th</sup> grades that are required under state law, but does not explicitly require schools to excuse students from taking examinations in 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grades that are required under federal law. The requirement to excuse students from examinations upon parental request (hereinafter, referred to as “student opt out”) applies to public schools, independent charter schools, and private schools participating in the parental choice program.

### 2015 SENATE BILL 193

Senate Bill 193 expands opt out by requiring schools to excuse students in grades 3 to 12 from taking any examination designed to measure pupil attainment of knowledge and concepts. The bill also prohibits the Department of Public Instruction (DPI) from considering the number of student opt outs when measuring school performance and district improvement for school and district accountability reports (commonly referred to as “school report cards”). Further, the bill requires schools to provide parents and guardians with a written summary of certain information regarding examinations.

### SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 is similar to Senate Bill 193 in the following respects: (a) the amendment expands student opt outs; (b) the amendment prohibits DPI from considering student opt outs in calculating school report cards; and (c) the amendment requires schools to provide information to parents and guardians regarding examinations. However, the substitute amendment differs from the original bill regarding the specific examinations a student may opt out of, and the content and method for providing examination-related information to parents

and guardians. Additionally, unlike the original bill, the substitute amendment expressly prohibits school administration from encouraging students to opt out.

### **Expansion of Student Opt Out**

The substitute amendment expands student opt out to any grade from 3 to 12. Specifically, the amendment provides that upon the request of a student's parent or guardian, the school board, operator of an independent charter school under s. 118.40 (2r), or governing body of a private school participating in the school choice program must excuse the student from taking any examination required under state or federal law. The ability to opt out of such an examination does not apply to an examination required for high school graduation.<sup>1</sup>

### **Exclusion from School Report Card Calculations**

The substitute amendment prohibits DPI from considering the number of students who have been excused from taking examinations when measuring a school's performance or a school district's improvement for the school and district accountability reports.

### **Required Notice Regarding Examinations**

The substitute amendment requires a school board, operator of an independent charter school, or governing body of a private school participating in a parental choice program to provide a written summary of certain information regarding examinations. A school board or operator of an independent charter school must provide the information to the parent or guardian of each student, while the governing body of a private school must only provide it to the parent or guardian of each student attending under the choice program. The written summary must include all of the following:

- **State and Federally Required Exams.** The summary must include each examination required under state or federal law that will be administered to students in the school district, independent charter school, or private school, except an examination required for high school graduation.
- **Exams Required by the School or District.** The summary must include each examination required by the school board, operator, or governing body to assess student, school, or district performance, except an examination that counts toward a grade or score for a class or that is required for high school graduation.
- **Grade Level.** The summary must include the grade level to which each examination will be administered.
- **Date.** The summary must include the expected date on which each examination will be administered.

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<sup>1</sup> An examination required for high school graduation includes the civics test now required by 2015 Wisconsin Act 55 (the budget). [See s. 118.33 (1m) (a) 1., Stats.]

- Duration. The summary must include the duration of each examination.
- Alternative In-School Activity. The summary must include the process used to determine an appropriate alternative in-school activity for pupils who have opted out of an examination.
- Opt Out Policies and Procedures. The summary must include the policies and procedures regarding opting a student out of an examination.
- Purpose and Use of Exam Data. The summary must include the purpose of administering each examination and a description of how the school board, operator, or governing body will use data derived from each examination.

The school board, operator, or governing body must prepare the written summary annually, beginning in the 2016-17 school year, and must write the summary in commonly understood language using the best available information. The school board, operator, or governing body must provide a copy of the summary, or provide instructions on how to access or obtain the summary, before any of the described examinations are administered. A school board, operator, or governing body that maintains an Internet site must post the summary on its site.

### **Prohibition on Encouraging Opt Out**

The substitute amendment prohibits a school board, school district administrator, principal, operator of an independent charter school, or an administrator or governing body of a private school participating in the choice program from encouraging or counseling a parent or guardian to opt out of an examination.

### **BILL HISTORY**

Senate Substitute Amendment 1 was offered by Senator Stroebel on June 29, 2015. The Senate Committee on Education Reform adopted the amendment on a vote of Ayes, 3; Noes, 2, on July 16, 2015. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 3; Noes, 2.

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