

1       **AN ACT** *to amend* 118.30 (1), 118.30 (1m) (am) 1., 118.30 (1m) (b), 118.30 (1r) (am)  
2           1., 118.30 (1r) (b), 118.30 (1s) (a) 2., 118.30 (1s) (a) 3., 118.30 (1t) (b) and 118.30  
3           (1t) (c); and *to create* 118.30 (1m) (ar), 118.30 (1m) (c), 118.30 (1r) (ar), 118.30 (1r)  
4           (c), 118.30 (1s) (a) 2m., 118.30 (1s) (a) 3m., 118.30 (1t) (bm) and 118.30 (1t) (cm) of  
5           the statutes; **relating to:** pupil assessments and making an appropriation.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on Improving Educational Opportunities in High School.

Current law requires the State Superintendent of Public Instruction to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, and 10th grades. The state superintendent has adopted the Wisconsin Knowledge and Concepts Examinations (WKCE) to meet this requirement.

Annually, each school board must administer the 4th, 8th, and 10th grade WKCE. Current law alternatively permits school boards to administer examinations in those grades that have been developed or adopted by the school board. The school district must also administer the WKCE to pupils in charter schools located in the school district.

Under current law, each operator of a charter school established by the City of Milwaukee, the University of Wisconsin (UW)–Milwaukee, UW–Parkside, or the Milwaukee Area Technical College District Board (MATC) must annually administer 4th, 8th, and 10th grade examinations. For the 4th and 8th grade examinations, a charter school may administer the WKCE or an examination the operator of the charter school has developed or adopted on its own.

A school board or an operator of a charter school established by the City of Milwaukee, UW–Madison, UW–Parkside, or MATC is not required to administer the 4th and 8th grade WKCE if: (a) the school board or operator of the charter school administers its own 4th and 8th grade examinations; (b) the school board or operator of the charter school provides the state superintendent with statistical correlations of those

examinations with the WKCE; and (c) the federal Department of Education approves administration of the alternative examination.

Current law requires that each private school participating in the Milwaukee Parental Choice Program (MPCP) or the Racine Parental Private School Choice Program (PPSCP) must administer the 4th, 8th, and 10th grade WKCE examinations.

This bill draft requires the State Superintendent of Public Instruction to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in 9th and 11th grades. In addition, the draft specifies that examinations adopted or approved for 8th, 9th, 10th and 11th grades must include examinations offered by ACT, Inc.

The bill draft also requires each school board; operator of a charter school established by the City of Milwaukee, the UW–Milwaukee, UW–Parkside, or MATC; and governing body of a private school participating in the MPCP or the Racine PPSCP to annually administer the 9th grade and 11th grade examinations offered by ACT, Inc. that are approved or adopted by the state superintendent to all pupils enrolled in 9th or 11th grades.

The bill draft appropriates general purpose revenue for fiscal years 2013–14 and 2014–15 in order for the Department of Public Instruction (DPI) to implement the ACT assessments statewide.

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

2       118.30 (1) The state superintendent shall adopt or approve examinations designed to  
3       measure pupil attainment of knowledge and concepts in the 4th, 8th ~~and, 9th, 10th, and 11th~~  
4       grades. Beginning in the 2014–15 school year, the examinations adopted or approved for 8th,  
5       9th, 10th, and 11th grades shall include examinations offered by ACT, Inc.

**NOTE:** This SECTION requires the State Superintendent of the DPI to adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in 9th and 11th grades. In addition, the bill draft specifies that examinations adopted or approved for 8th, 9th, 10th and 11th grades include examinations offered by ACT, Inc., which are EXPLORE, PLAN, ACT, and WorkKeys.

**COMMENT:** In its 2013–15 biennial budget proposal, DPI proposes that the series of ACT examinations would begin in 9th grade. Specifically, pupils in 9th grade would take EXPLORE, pupils in 10th grade would take PLAN, and pupils in 11th grade would take the ACT and

WorkKeys. This bill draft requires EXPLORE to be administered to 8th graders, as well. Should pupils in 8th grade also be required to take the EXPLORE test?

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

2           118.30 **(1m)** (am) 1. Except as provided in subs. (6) and (7), administer the 8th grade  
3 ~~examination~~ examinations adopted or approved by the state superintendent under sub. (1) to  
4 all pupils enrolled in the school district, including pupils enrolled in charter schools located  
5 in the school district, in the 8th grade.

6           **SECTION 3.** 118.30 (1m) (ar) of the statutes is created to read:

7           118.30 **(1m)** (ar) Except as provided in sub. (7), administer the 9th grade examination  
8 to all pupils enrolled in the school district, including pupils enrolled in charter schools located  
9 in the school district, in the 9th grade.

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

11          118.30 **(1m)** (b) Except as provided in sub. (7), administer the 10th grade ~~examination~~  
12 examinations to all pupils enrolled in the school district, including pupils enrolled in charter  
13 schools located in the school district, in the 10th grade.

14          **SECTION 5.** 118.30 (1m) (c) of the statutes is created to read:

15          118.30 **(1m)** (c) Except as provided in sub. (7), administer the 11th grade examination  
16 to all pupils enrolled in the school district, including pupils enrolled in charter schools located  
17 in the school district, in the 11th grade.

**NOTE:** SECTIONS 2 and 4 require each school board to annually administer the 8th and 10th grade examinations approved or adopted by the state superintendent to all pupils enrolled in 8th or 10th grade in the district, including pupils enrolled in 8th or 10th grade in charter schools located in the district. The bill draft changes “examination” to the plural “examinations” to reflect the requirement created in SECTION 1 that students in 8th and 10th grades take examinations offered by ACT, Inc., in addition to the WKCE.

SECTIONS 3 and 5 create new requirements for each school board to annually administer the 9th grade and 11th grade examinations offered by ACT, Inc., that are approved or adopted by the state superintendent to all pupils enrolled in 9th or 11th grades in the district, including pupils enrolled in 9th or 11th grade in charter schools located in the district.

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

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

5       **SECTION 7.** 118.30 (1r) (ar) of the statutes is created to read:

6       118.30 **(1r)** (ar) Administer the 9th grade examination to all pupils enrolled in the  
7       charter school in the 9th grade.

8       **SECTION 8.** 118.30 (1r) (b) of the statutes is amended to read:

9       118.30 **(1r)** (b) Administer the 10th grade ~~examination~~ examinations to all pupils  
10       enrolled in the charter school in the 10th grade.

11       **SECTION 9.** 118.30 (1r) (c) of the statutes is created to read:

12       118.30 **(1r)** (c) Administer the 11th grade examination to all pupils enrolled in the  
13       charter school in the 10th grade.

**NOTE:** Under current law, each operator of a charter school established by the City of Milwaukee, the University of Wisconsin (UW)–Milwaukee, UW–Parkside, or the Milwaukee Area Technical College District Board (MATC) must annually administer 4th, 8th, and 10th grade examinations. For the 4th and 8th grade examinations, a charter school may administer the WKCE or an examination the operator of the charter school has developed or adopted on its own. It appears that for the 10th grade examination, the charter school must administer the WKCE.

SECTIONS 6 and 8 change “examination” to the plural “examinations” to reflect the requirement created in SECTION 1 that students in 8th and 10th grades take examinations offered by ACT, Inc., in addition to the WKCE 10th grade and the WKCE or other examination the charter school has adopted for 8th grade. SECTIONS 7 and 9 create new requirements that

each operator of a charter school established by the City of Milwaukee, the UW–Milwaukee, UW–Parkside, or MATC must annually administer 9th and 11th grade examinations offered by ACT, Inc., that are approved or adopted by the state superintendent.

1       **SECTION 10.** 118.30 (1s) (a) 2. of the statutes is amended to read:

2       118.30 (1s) (a) 2. Administer the 8th grade ~~examination~~ examinations adopted or  
3 approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the  
4 private school under s. 119.23.

5       **SECTION 11.** 118.30 (1s) (a) 2m. of the statutes is created to read:

6       118.30 (1s) (a) 2m. Administer the 9th grade examination adopted or approved by the  
7 state superintendent under sub. (1) to all pupils attending the 9th grade in the private school  
8 under s. 119.23.

9       **SECTION 12.** 118.30 (1s) (a) 3. of the statutes is amended to read:

10       118.30 (1s) (a) 3. Administer the 10th grade ~~examination~~ examinations adopted or  
11 approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in  
12 the private school under s. 119.23.

13       **SECTION 13.** 118.30 (1s) (a) 3m. of the statutes is created to read:

14       118.30 (1s) (a) 3m. Administer the 11th grade examination adopted or approved by the  
15 state superintendent under sub. (1) to all pupils attending the 11th grade in the private school  
16 under s. 119.23.

**NOTE:** SECTIONS 10 and 12 change “examination” to the plural “examinations” to reflect the requirement created in SECTION 1 that students in 8th and 10th grades must take examinations offered by ACT, Inc., in addition to the WKCE. SECTIONS 11 and 13 create new requirements for the governing body of each private school participating in the MPCP to annually administer the 9th and 11th grade examinations offered by ACT, Inc., that are approved or adopted by the State Superintendent.

17       **SECTION 14.** 118.30 (1t) (b) of the statutes is amended to read:

1           118.30 (1t) (b) Administer the 8th grade ~~examination~~ examinations adopted or  
2 approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the  
3 private school under s. 118.60.

4           **SECTION 15.** 118.30 (1t) (bm) of the statutes is created to read:

5           118.30 (1t) (bm) Administer the 9th grade examination adopted or approved by the state  
6 superintendent under sub. (1) to all pupils attending the 9th grade in the private school under  
7 s. 118.60.

8           **SECTION 16.** 118.30 (1t) (c) of the statutes is amended to read:

9           118.30 (1t) (c) Administer the 10th grade ~~examination~~ examinations adopted or  
10 approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in  
11 the private school under s. 118.60.

12           **SECTION 17.** 118.30 (1t) (cm) of the statutes is created to read:

13           118.30 (1t) (cm) Administer the 11th grade examination adopted or approved by the  
14 state superintendent under sub. (1) to all pupils attending the 11th grade in the private school  
15 under s. 118.60.

NOTE: SECTIONS 14 and 16 change “examination” to the plural  
“examinations” to reflect the requirement created in SECTION 1 that  
students in 8th and 10th grades must take examinations offered by ACT,  
Inc., in addition to the WKCE. SECTIONS 15 and 17 create new  
requirements for the governing body of each private school participating  
in the Racine PPSCP to annually administer the 9th and 11th grade  
examinations offered by ACT, Inc., that are approved or adopted by the  
state superintendent.

16           **SECTION 18. Fiscal changes.**

17           (1) PUPIL ASSESSMENT. In the schedule under section 20.005 (3) of the statutes for the  
18 appropriation to the department of public instruction under section 20.255 (1) (dw) of the  
19 statutes, as affected by the acts of 2013, the dollar amount is increased by \$322,153 for the first

1 fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for  
2 the purposes of implementing the examinations offered by ACT, Inc., and to increase the  
3 authorized FTE positions for the department by 2.0 GPR positions for the implementation of  
4 the examinations offered by ACT, Inc. In the schedule under section 20.005 (3) of the statutes  
5 for the appropriation to the department of public instruction under section 20.255 (1) (dw) of  
6 the statutes, as affected by the acts of 2013, the dollar amount is increased by [\$7,411,200]  
7 [6,837,200] for the second fiscal year of the fiscal biennium in which this subsection takes  
8 effect to increase funding for the purposes of implementing the examinations offered by ACT,  
9 Inc., and to provide funding for the positions authorized under this subsection.

**NOTE:** This SECTION appropriates \$322,153 in general purpose revenue to DPI for fiscal year 2013–14 for ACT site training and 2 full–time staff. For fiscal year 2014–15, this SECTION appropriates additional funding to DPI to certify high schools to be ACT administration sites, for data integration to connect the state’s systems to the ACT systems for direct downloads, for training materials, ACT management costs, and costs for the actual assessments.

**COMMENT:** The amount in fiscal year 2014–2015 would be \$7,411,200 to fund the ACT series of examinations beginning in 8th grade or \$6,837,200 to fund the ACT series of examinations beginning in 9th grade. The dollar amount to implement the ACt series of examinations in 9th grade was taken from the DPI biennial budget request; the dollar amount to implement the ACT series beginning in 8th grade is based on data included in the DPI request.