

1       **AN ACT** *to amend* 118.30 (1), 118.30 (1m) (b), 118.30 (1r) (b), 118.30 (1s) (a) 3. and  
 2           118.30 (1t) (c); and *to create* 118.30 (1m) (ar), 118.30 (1m) (c), 118.30 (1r) (ar),  
 3           118.30 (1r) (c), 118.30 (1s) (a) 2m., 118.30 (1s) (a) 3m., 118.30 (1t) (bm) and 118.30  
 4           (1t) (cm) of the statutes; **relating to:** pupil assessments and making an  
 5           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. The draft specifies that examinations adopted or approved for 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 9th grade examination offered by ACT, Inc. must be administered within the first 30 days of the school year.

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, Inc. examinations statewide.

The bill draft specifies that if DPI requires the ACT series of examinations to be offered in 9th, 10th, and 11th grades, 5 years after those examinations are implemented DPI must submit a report to the appropriate legislative standing committees and the joint committee on finance that evaluates the advantages and disadvantages of continuing to offer the ACT series of examinations and recommends any legislation regarding pupil assessments that DPI determines is necessary.

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 9th,  
5           10th, and 11th grades shall include examinations offered by ACT, Inc.

**NOTE:** This SECTION requires the State Superintendent of DPI to adopt or approve examinations designed to measure pupil attainment of

knowledge and concepts in 9th and 11th grades. In addition, this SECTION specifies that examinations adopted or approved for 9th, 10th and 11th grades must include examinations offered by ACT, Inc., which are EXPLORE, PLAN, the ACT, and WorkKeys.

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

2           118.30 **(1m)** (ar) Except as provided in sub. (7), administer the 9th grade examination  
3 to all pupils enrolled in the school district, including pupils enrolled in charter schools located  
4 in the school district, in the 9th grade within the first 30 days of the school year.

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

6           118.30 **(1m)** (b) Except as provided in sub. (7), administer the 10th grade ~~examination~~  
7 examinations to all pupils enrolled in the school district, including pupils enrolled in charter  
8 schools located in the school district, in the 10th grade.

**NOTE:** This SECTION changes “examination” to the plural “examinations” to reflect the requirement created in SECTION 1 that students in 10th grade must take the examination offered by ACT, Inc., in addition to the WKCE.

9           **SECTION 4.** 118.30 (1m) (c) of the statutes is created to read:

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

**NOTE:** SECTIONS 2 and 4 create new requirements for each school board to annually administer the 9th grade and 11th grade examinations offered by ACT, Inc., 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. The 9th grade examination offered by ACT, Inc. must be administered within the first 30 days of the school year.

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

14           118.30 **(1r)** (ar) Administer the 9th grade examination to all pupils enrolled in the  
15 charter school in the 9th grade within the first 30 days of the school year.

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

2           118.30 (1r) (b) Administer the 10th grade ~~examination~~ examinations to all pupils  
3 enrolled in the charter school in the 10th grade.

**NOTE:** This SECTION changes “examination” to the plural  
          “examinations” to reflect the requirement created in SECTION 1 that  
          students in 10th grade must take the examination offered by ACT, Inc.,  
          in addition to the WKCE.

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

5           118.30 (1r) (c) Administer the 11th grade examination to all pupils enrolled in the  
6 charter school in the 11th grade.

**NOTE:** SECTIONS 5 and 7 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. The 9th grade  
          examination offered by ACT, Inc., must be administered within the first  
          30 days of the school year.

7           **SECTION 8.** 118.30 (1s) (a) 2m. of the statutes is created to read:

8           118.30 (1s) (a) 2m. Administer the 9th grade examination adopted or approved by the  
9 state superintendent under sub. (1) to all pupils attending the 9th grade in the private school  
10 under s. 119.23 within the first 30 days of the school year.

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

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

**NOTE:** This SECTION changes “examination” to the plural  
          “examinations” to reflect the requirement created in SECTION 1 that  
          students in 10th grade must take the examination offered by ACT, Inc.,  
          in addition to the WKCE.

15          **SECTION 10.** 118.30 (1s) (a) 3m. of the statutes is created to read:

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

**NOTE:** SECTIONS 8 and 10 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. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

4           **SECTION 11.** 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 within the first 30 days of the school year.

8           **SECTION 12.** 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.

**NOTE:** This SECTION changes “examination” to the plural “examinations” to reflect the requirement created in SECTION 1 that students in 10th grade must take the examination offered by ACT, Inc., in addition to the WKCE.

12           **SECTION 13.** 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 11 and 13 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. The 9th grade examination offered by ACT, Inc., must be administered within the first 30 days of the school year.

1           **SECTION 14. Fiscal changes.**

2           (1) PUPIL ASSESSMENT. In the schedule under section 20.005 (3) of the statutes for the  
3           appropriation to the department of public instruction under section 20.255 (1) (dw) of the  
4           statutes, as affected by the acts of 2013, the dollar amount is increased by \$181,453 for the first  
5           fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for  
6           the purposes of implementing the examinations offered by ACT, Inc. In the schedule under  
7           section 20.005 (3) of the statutes for the appropriation to the department of public instruction  
8           under section 20.255 (1) (dw) of the statutes, as affected by the acts of 2013, the dollar amount  
9           is increased by \$6,653,800 for the second fiscal year of the fiscal biennium in which this  
10          subsection takes effect to increase funding for the purposes of implementing the examinations  
11          offered by ACT, Inc.

**NOTE:** This SECTION appropriates \$181,453 in general purpose revenue to DPI for fiscal year 2013–14 for ACT site training. For fiscal year 2014–15, this SECTION appropriates \$6,653,800 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 dollar amounts to implement the ACT series of examinations were taken from the DPI 2013–15 biennial budget request.

12          **SECTION 15. Nonstatutory provisions; public instruction.**

13          (1) PUPIL ASSESSMENTS. If the department of public instruction requires the  
14          examinations offered by ACT, Inc., to be administered in 9th, 10th, and 11th grades, the  
15          department shall submit a report to the appropriate standing committees or the legislature, as  
16          determined by the speaker of the assembly and the president of the senate, in the manner  
17          provided under section 13.172 (3) of the statutes, and to the joint committee on finance, 5 years  
18          after the implementation of the series or examinations offered by ACT, Inc., that evaluates the

- 1 advantages and disadvantages of continuing to offer those examinations and recommends any  
2 legislation the department determines is necessary.

**NOTE:** This SECTION creates a one-time reporting requirement for DPI. If DPI requires the ACT series of examinations for 9th, 10th, and 11th grade pupils statewide, 5 years after those examinations are implemented, DPI must submit a report to the appropriate legislative standing committees and the joint committee on finance that evaluates the advantages and disadvantages of continuing to offer the ACT series of examinations, and recommends any legislation DPI determines is necessary.

- 3 (END)