



2005 ASSEMBLY BILL 180

March 10, 2005 – Introduced by Representatives LEHMAN, BLACK, SINICKI, POCAN, POPE-ROBERTS, CULLEN, BERCEAU, RICHARDS and PARISI, cosponsored by Senators DECKER, CARPENTER, WIRCH and ERPENBACH. Referred to Committee on Education Reform.

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

Analysis by the Legislative Reference Bureau

Current law requires each school board and each independent charter school (a charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin–Milwaukee, the University of Wisconsin–Parkside, 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 independent charter schools) located in the school district. 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 independent charter schools.

Under current law, the fourth, eighth, and tenth grade examinations are not required to be administered to pupils 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.

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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 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, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Beginning on September 1, 2005, neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent 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. 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 independent 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 independent charter schools) located in the school district, a standardized reading test developed by DPI. The independent 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
- 4 history. ~~If the governor has issued~~ The school board may adopt the pupil academic

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1 standards issued by the governor as an executive order under s. 14.23, the school
2 board may adopt those standards no. 326, dated January 13, 1998.

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

4 118.30 (1g) (a) 3. The governing body of each private school participating in the
5 program under s. 119.23 shall adopt pupil academic standards in mathematics,
6 science, reading and writing, geography, and history. The governing body of the
7 private school may adopt the pupil academic standards issued by the governor as
8 executive order no. 326, dated January 13, 1998.

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

10 118.30 (1g) (c) Each school board operating elementary grades ~~and~~, each
11 operator of a charter school under s. 118.40 (2r) that operates elementary grades, and
12 the governing body of each private school participating in the program under s.
13 119.23 that operates elementary grades may develop or adopt its own examination
14 designed to measure pupil attainment of knowledge and concepts in the 4th grade
15 and may develop or adopt its own examination designed to measure pupil attainment
16 of knowledge and concepts in the 8th grade. If the school board ~~or~~, operator of the
17 charter school, or governing body of the private school develops or adopts an
18 examination under this paragraph, it shall notify the department.

19 **SECTION 4.** 118.30 (1s) of the statutes is created to read:

20 118.30 (1s) Annually the governing body of each private school participating
21 in the program under s. 119.23 shall do all of the following:

22 (a) 1. Except as provided in sub. (6), administer the 4th grade examination
23 adopted or approved by the state superintendent under sub. (1) to all pupils
24 attending the 4th grade in the private school under s. 119.23.

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1 2. Beginning on July 1, 2006, if the governing body of the private school has
2 developed or adopted its own 4th grade examination, administer that examination
3 to all pupils attending the 4th grade in the private school under s. 119.23.

4 (am) 1. Except as provided in sub. (6), administer the 8th grade examination
5 adopted or approved by the state superintendent under sub. (1) to all pupils
6 attending the 8th grade in the private school under s. 119.23.

7 2. Beginning on July 1, 2006, if the governing body of the private school has
8 developed or adopted its own 8th grade examination, administer that examination
9 to all pupils attending the 8th grade in the private school under s. 119.23.

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

12 **SECTION 5.** 118.30 (2) (b) 1. of the statutes is amended to read:

13 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
14 subch. V of ch. 115, the school board or, operator of the a charter school under s. 118.40
15 (2r), or governing body of a private school participating in the program under s.
16 119.23 shall comply with s. 115.77 (1m) (bg).

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

18 118.30 (2) (b) 2. According to criteria established by the state superintendent
19 by rule, the school board or, operator of the a charter school under s. 118.40 (2r), or
20 governing body of a private school participating in the program under s. 119.23 may
21 determine not to administer an examination under this section to a limited-English
22 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
23 in his or her native language, or may modify the format and administration of an
24 examination for such pupils.

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

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

4 **SECTION 8.** 118.30 (6) of the statutes is amended to read:

5 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
6 (2r), and the governing body of a private school participating in the program under
7 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
8 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
9 operator of the charter school, or the governing body of the private school administers
10 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
11 school, or governing body of the private school provides the state superintendent
12 with statistical correlations of those examinations with the examinations adopted or
13 approved by the state superintendent under sub. (1), and the federal department of
14 education approves.

15 **SECTION 9.** 118.30 (7) of the statutes is created to read:

16 118.30 (7) (a) The department shall provide the examinations administered
17 under sub. (1s) and score the examinations free of charge.

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

20 1. The department shall publish the aggregate results of all of the examinations
21 provided to the department.

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

24 **SECTION 10.** 118.33 (1) (f) 2m. of the statutes is created to read:

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1 118.33 (1) (f) 2m. By September 1, 2006, the governing body of each private
2 school that operates high school grades and that is participating in the program
3 under s. 119.23 shall develop a policy specifying criteria for granting a high school
4 diploma to pupils attending the private school under s. 119.23. The criteria shall
5 include the pupil's academic performance and the recommendations of teachers.

6 **SECTION 11.** 118.33 (1) (f) 3. of the statutes is amended to read:

7 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an
8 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
9 any pupil unless the pupil has satisfied the criteria specified in the school board's or
10 charter school's policy under subd. 1. or 2. Beginning on September 1, 2007, the
11 governing body of a private school participating in the program under s. 119.23 may
12 not grant a high school diploma to any pupil attending the private school under s.
13 119.23 unless the pupil has satisfied the criteria specified in the governing body's
14 policy under subd. 2m.

15 **SECTION 12.** 118.33 (6) (c) of the statutes is created to read:

16 118.33 (6) (c) 1. The governing body of each private school participating in the
17 program under s. 119.23 shall adopt a written policy specifying the criteria for
18 promoting a pupil who is attending the private school under s. 119.23 from the 4th
19 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
20 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
21 (am), unless the pupil has been excused from taking the examination under s. 118.30
22 (2) (b); the pupil's academic performance; the recommendations of teachers, which
23 shall be based solely on the pupil's academic performance; and any other academic
24 criteria specified by the governing body of the private school.

