



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5484/1
FFK:skw

2023 ASSEMBLY BILL 1026

January 29, 2024 - Introduced by Representatives BINSFELD, BEHNKE, DITTRICH, DONOVAN, EDMING, MAXEY, MELOTIK, MYERS, MURPHY, MURSAU, NEDWESKI, O'CONNOR, PENTERMAN, SCHMIDT and SNYDER, cosponsored by Senators STROEBEL, CABRAL-GUEVARA and FEYEN. Referred to Committee on Education.

1 **AN ACT** *to create* 118.33 (6) (a) 4., 118.33 (6) (b) 2r., 118.33 (6) (c) 4. and 118.33
2 (6) (cr) 4. of the statutes; **relating to:** prohibiting grade promotion on the basis
3 of absences from school.

Analysis by the Legislative Reference Bureau

Beginning in the 2025-26 school year, this bill prohibits a school board, the governing body of a private school participating in a parental choice program, and the operator of an independent charter school from promoting a pupil to the next grade if the pupil was absent from school for more than the equivalent of 30 full days of school during the school year. Under the bill, absences on days of school for which the compulsory school attendance law does not apply to a pupil are not counted for this purpose. Under current law, the compulsory school attendance law does not apply to a pupil if 1) the pupil is excused because the pupil is temporarily not in proper physical or mental condition to attend a school program but is expected to return to a school program upon termination or abatement of the illness or condition; 2) the pupil is excused in accordance with a written attendance policy and with the written approval of the pupil's parent or guardian; 3) the pupil is excused in writing by his or her parent or guardian before the absence; or 4) the pupil is excused in writing by the pupil's parent or guardian and by the principal of the pupil's school for the purpose of serving as an election official.

The bill requires each school board, governing body of a private school participating in a parental choice program, and the operator of an independent charter school, by July 1, 2025, to adopt a written policy for grade promotion that

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requires that a pupil not have missed more than the equivalent of 30 full days of school in order to be eligible to be promoted to the next grade. Current law requires school boards, governing bodies of a private schools participating in a parental choice program, and operators of independent charter schools to adopt written policies that specify criteria for promoting a pupil from fourth grade to fifth grade and from eighth grade to ninth grade, and by July 1, 2025, for promoting a pupil from third grade to fourth grade.

For further information see the 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.** 118.33 (6) (a) 4. of the statutes is created to read:

2 118.33 (6) (a) 4. By July 1, 2025, each school board shall adopt a written policy
3 for grade promotion that requires that, to be eligible for promotion to the next grade,
4 a pupil may not have been absent from school for more than the equivalent of 30 full
5 days of school during the school year. For purposes of a policy under this subdivision,
6 a school board may not count a pupil's absence that occurs on a day of school if s.
7 118.15 does not apply to the pupil attending school on that day under s. 118.15 (3).
8 A school board may not promote a pupil to the next grade unless the pupil is eligible
9 for promotion to the next grade, as specified in the school board's policy under this
10 subdivision.

11 **SECTION 2.** 118.33 (6) (b) 2r. of the statutes is created to read:

12 118.33 (6) (b) 2r. By July 1, 2025, each operator of a charter school under s.
13 118.40 (2r) or (2x) shall adopt a written policy for grade promotion that requires that,
14 to be eligible for promotion to the next grade, a pupil may not have been absent from
15 school for more than the equivalent of 30 full days of school during the school year.
16 For purposes of a policy under this subdivision, an operator of a charter school under
17 s. 118.40 (2r) or (2x) may not count a pupil's absence that occurs on a day of school

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1 if s. 118.15 does not apply to the pupil attending school on that day under s. 118.15
2 (3). An operator of a charter school under s. 118.40 (2r) or (2x) may not promote a
3 pupil to the next grade unless the pupil is eligible for promotion to the next grade,
4 as specified in the charter school operator's policy under this subdivision.

5 **SECTION 3.** 118.33 (6) (c) 4. of the statutes is created to read:

6 118.33 (6) (c) 4. By July 1, 2025, the governing body of each private school
7 participating in the program under s. 119.23 shall adopt a written policy for grade
8 promotion that requires that, to be eligible for promotion to the next grade, a pupil
9 may not have been absent from school for more than the equivalent of 30 full days
10 of school during the school year. For purposes of a policy under this subdivision, the
11 governing body of a private school participating in the program under s. 119.23 may
12 not count a pupil's absence that occurs on a day of school if s. 118.15 does not apply
13 to the pupil attending school on that day under s. 118.15 (3). The governing body of
14 a private school participating in the program under s. 119.23 may not promote a pupil
15 to the next grade unless the pupil is eligible for promotion to the next grade, as
16 specified in the governing body's policy under this subdivision.

17 **SECTION 4.** 118.33 (6) (cr) 4. of the statutes is created to read:

18 118.33 (6) (cr) 4. By July 1, 2025, the governing body of each private school
19 participating in the program under s. 118.60 shall adopt a written policy for grade
20 promotion that requires that, to be eligible for promotion to the next grade, a pupil
21 may not have been absent from school for more than the equivalent of 30 full days
22 of school during the school year. For purposes of a policy under this subdivision, the
23 governing body of a private school participating in the program under s. 118.60 may
24 not count a pupil's absence that occurs on a day of school if s. 118.15 does not apply
25 to the pupil attending school on that day under s. 118.15 (3). The governing body of

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SECTION 4

1 a private school participating in the program under s. 118.60 may not promote a pupil
2 to the next grade unless the pupil is eligible for promotion to the next grade, as
3 specified in the governing body's policy under this subdivision.

4 (END)