

1       **AN ACT** *to amend* 118.30 (1); and *to create* 118.30 (1m) (ar), 118.30 (1m) (c), 118.30  
 2           (1r) (ar), 118.30 (1r) (c), 118.30 (1s) (a) 2m., 118.30 (1s) (a) 3m., 118.30 (1t) (bm)  
 3           and 118.30 (1t) (cm) of the statutes; **relating to:** pupil assessments and making an  
 4           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 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 that are approved or adopted by the state superintendent to all pupils enrolled in 9th or 11th grades.

According to the DPI biennial budget request, DPI intends to implement the ACT Suite in 9th, 10th, and 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 Suite statewide.

The bill draft specifies that if DPI requires the ACT Suite to be offered in 9th, 10th, and 11th grades, 2 years after the ACT Suite is 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 Suite 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.

**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. As under current law, the state superintendent would have the discretion to decide which examinations to adopt or approve for 9th and 11th grades.

**COMMENT:** In its 2013–15 biennial budget proposal, DPI is proposing to adopt the ACT Suite, comprised of EXPLORE, PLAN, ACT, and

WorkKeys for all high school pupils statewide beginning in the 2014–15 school year.

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.

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

6           118.30 **(1m)** (c) Except as provided in sub. (7), administer the 11th grade examination  
7 to all pupils enrolled in the school district, including pupils enrolled in charter schools located  
8 in the school district, in the 11th grade.

SECTIONS 2 and 3 create new requirements for each school board to annually administer the 9th grade and 11th grade examinations 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.

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

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

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

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

**NOTE:** SECTIONS 4 and 5 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 that are approved or adopted by the state superintendent.

15           **SECTION 6.** 118.30 (1s) (a) 2m. of the statutes is created to read:

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

4           **SECTION 7.** 118.30 (1s) (a) 3m. of the statutes is created to read:

5           118.30 (1s) (a) 3m. Administer the 11th grade examination adopted or approved by the  
6 state superintendent under sub. (1) to all pupils attending the 11th grade in the private school  
7 under s. 119.23.

**NOTE:** SECTIONS 6 and 7 create new requirements for the governing  
body of each private school participating in the MPCP to annually  
administer the 9th and 11th grade examinations that are approved or  
adopted by the state superintendent.

8           **SECTION 8.** 118.30 (1t) (bm) of the statutes is created to read:

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

12          **SECTION 9.** 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 8 and 9 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 that are  
approved or adopted by the state superintendent.

16          **SECTION 10. 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 new pupil assessments and to increase the authorized FTE  
3 positions for the department by 2.0 GPR positions for the implementation of new pupil  
4 assessments. In the schedule under section 20.005 (3) of the statutes for the appropriation to  
5 the department of public instruction under section 20.255 (1) (dw) of the statutes, as affected  
6 by the acts of 2013, the dollar amount is increased by \$6,837,200 for the second fiscal year  
7 of the fiscal biennium in which this subsection takes effect to increase funding for the purposes  
8 of implementing the new pupil assessments and to provide funding for the positions  
9 authorized under this subsection.

**NOTE:** According to the DPI biennial budget request, DPI intends to adopt and implement the ACT Suite in 9th, 10th, and 11th grades. 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 \$6,837,200 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 dollar amounts to implement the ACT Suite were taken from the DPI biennial budget request.

10 **SECTION 11. Nonstatutory provisions; public instruction.**

11 (1) PUPIL ASSESSMENTS. If the department of public instruction requires the  
12 examinations offered by ACT, Inc., to be administered in 9th, 10th, and 11th grades, the  
13 department shall submit a report to the appropriate standing committees or the legislature, as  
14 determined by the speaker of the assembly and the president of the senate, in the manner  
15 provided under section 13.172 (3) of the statutes, and to the joint committee on finance, 2 years  
16 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 Suite for 9th, 10th, and 11th grade pupils statewide, 2 years after the ACT Suite is 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 Suite, and recommends any legislation DPI determines is necessary.

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(END)