



**ASSEMBLY AMENDMENT 112,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives YOUNG, COGGS and MORRIS-TATUM.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 917, line 22: after that line insert:

3 “**SECTION 2679c.** 118.13 (1m) of the statutes is created to read:

4 118.13 (1m) No person who wishes to attend a private school under s. 119.23
5 or a charter school may be denied admission to that school and no pupil who is
6 attending a private school under s. 119.23 or a charter school may be denied
7 participation in, be denied the benefits of, or be discriminated against in any
8 curricular, extracurricular, pupil services, recreational, or other program or activity
9 of that school because of the person’s sex, race, religion, national origin, ancestry,
10 creed, pregnancy, marital or parental status, sexual orientation, or physical, mental,
11 emotional, or learning disability.

12 **SECTION 2679e.** 118.13 (2) (am) of the statutes is created to read:

1 118.13 (2) (am) Each private school participating in the program under s.
2 119.23 and each charter school shall develop written policies and procedures to
3 implement this section and submit them to the state superintendent. The policies
4 and procedures shall provide for receiving and investigating complaints regarding
5 possible violations of this section, for making determinations as to whether this
6 section has been violated, and for ensuring compliance with this section.

7 **SECTION 2679g.** 118.13 (2) (b) of the statutes is amended to read:

8 118.13 (2) (b) Any person who receives a negative determination under par. (a)
9 or (am) may appeal the determination to the state superintendent.

10 **SECTION 2679i.** 118.13 (3) (a) 3. of the statutes is amended to read:

11 118.13 (3) (a) 3. Include in the department's biennial report under s. 15.04 (1)
12 (d) information on the ~~status of school district~~ compliance of school districts, charter
13 schools, and private schools with this section and ~~school district~~ the progress made
14 toward providing reasonable equality of educational opportunity for all pupils in this
15 state.

16 **SECTION 2679k.** 118.13 (3) (b) 1. of the statutes is amended to read:

17 118.13 (3) (b) 1. Periodically review school district, charter school, and private
18 school programs, activities and services to determine whether the school boards,
19 charter schools, and private schools are complying with this section.

20 **SECTION 2679m.** 118.13 (3) (b) 2. of the statutes is amended to read:

21 118.13 (3) (b) 2. Assist school boards, charter schools, and private schools to
22 comply with this section by providing information and technical assistance upon
23 request.

24 **SECTION 2679p.** 118.13 (4) of the statutes is amended to read:

1 118.13 (4) Any public school, charter school, or private school official, employee
2 or teacher who intentionally engages in conduct which discriminates against a
3 person or causes a person to be denied rights, benefits or privileges, in violation of
4 sub. (1) or (1m), may be required to forfeit not more than \$1,000.”.

5 **2.** Page 918, line 19: after that line insert:

6 “**SECTION 2697b.** 118.30 (1g) (a) 1. of the statutes is amended to read:

7 118.30 (1g) (a) 1. By August 1, 1998, each school board shall adopt pupil
8 academic standards in mathematics, science, reading and writing, geography, and
9 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
10 standards issued by the governor as an executive order under s. 14.23, the school
11 board may adopt those standards no. 326, dated January 13, 1998.

12 **SECTION 2697d.** 118.30 (1g) (a) 3. of the statutes is created to read:

13 118.30 (1g) (a) 3. By January 1, 2002, or by January 1 of the first school year
14 in which the private school participates in the program under s. 119.23, whichever
15 is later, the governing body of each private school participating in the program under
16 s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and
17 writing, geography, and history. The governing body of the private school may adopt
18 the pupil academic standards issued by the governor as executive order no. 326,
19 dated January 13, 1998.

20 **SECTION 2697f.** 118.30 (1g) (b) of the statutes is amended to read:

21 118.30 (1g) (b) Each school board operating high school grades ~~and,~~ each
22 operator of a charter school under s. 118.40 (2r) that operates high school grades, and
23 the governing body of each private school participating in the program under s.
24 119.23 that operates high school grades shall adopt a high school graduation

1 examination that is designed to measure whether pupils meet the pupil academic
2 standards adopted by the school board ~~or~~, operator of the charter school, or governing
3 body of the private school under par. (a). If the school board ~~or~~, operator of the charter
4 school, or governing body of the private school has adopted the pupil academic
5 standards issued as executive order no. 326, dated January 13, 1998, the school
6 board ~~or~~, operator of the charter school, or governing body of the private school may
7 adopt the high school graduation examination developed by the department under
8 sub. (1) (b). If a school board ~~or~~, operator of a charter school, or governing body of a
9 private school develops and adopts its own high school graduation examination, it
10 shall notify the department annually by October 1 that it intends to administer the
11 examination in the following school year.

12 **SECTION 2697h.** 118.30 (1g) (c) of the statutes is amended to read:

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

22 **3.** Page 920, line 19: after that line insert:

23 “**SECTION 2708m.** 118.30 (1s) of the statutes is created to read:

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

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

6 2. Beginning on July 1, 2002, if the governing body of the private school has
7 developed or adopted its own 4th grade examination, administer that examination
8 to all pupils attending the 4th grade in the private school under s. 119.23.

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

12 2. Beginning on July 1, 2002, if the governing body of the private school has
13 developed or adopted its own 8th grade examination, administer that examination
14 to all pupils attending the 8th grade in the private school under s. 119.23.

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

17 (d) If the private school operates high school grades, beginning in the 2002-03
18 school year administer the high school graduation examination adopted by the
19 governing body of the private school under sub. (1g) (b) to all pupils attending the
20 11th and 12th grades at the private school under s. 119.23. The governing body of
21 the private school shall administer the examination at least twice each school year
22 and may administer the examination only to pupils attending the 11th and 12th
23 grades.

24 **SECTION 2709m.** 118.30 (2) (b) 1. of the statutes is amended to read:

1 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
2 subch. V of ch. 115, the school board ~~or~~, operator of ~~the a~~ charter school under s. 118.40
3 (2r), or governing body of a private school participating in the program under s.
4 119.23 shall comply with s. 115.77 (1m) (bg).

5 **SECTION 2710m.** 118.30 (2) (b) 2. of the statutes is amended to read:

6 118.30 (2) (b) 2. According to criteria established by the state superintendent
7 by rule, the school board ~~or~~, operator of ~~the a~~ charter school under s. 118.40 (2r), or
8 governing body of a private school participating in the program under s. 119.23 may
9 determine not to administer an examination under this section to a limited-English
10 proficient pupil, as defined under s. 115.955 (7), may permit the pupil to be examined
11 in his or her native language, or may modify the format and administration of an
12 examination for such pupils.

13 **SECTION 2711m.** 118.30 (2) (b) 5. of the statutes is created to read:

14 118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing
15 body of a private school participating in the program under s. 119.23 shall excuse the
16 pupil from taking an examination administered under sub. (1s).

17 **SECTION 2717m.** 118.30 (6) of the statutes is amended to read:

18 118.30 (6) A school board ~~and~~, an operator of a charter school under s. 118.40
19 (2r), and the governing body of a private school participating in the program under
20 s. 119.23 is not required to administer the 4th and 8th grade examinations adopted
21 or approved by the state superintendent under sub. (1) if the school board ~~or~~, the
22 operator of the charter school, or the governing body of the private school administers
23 its own 4th and 8th grade examinations, the school board ~~or~~, operator of the charter
24 school, or governing body of the private school provides the state superintendent
25 with statistical correlations of those examinations with the examinations adopted or

1 approved by the state superintendent under sub. (1), and the federal department of
2 education approves.

3 **SECTION 2718f.** 118.33 (1) (f) 2m. of the statutes is created to read:

4 118.33 (1) (f) 2m. By September 1, 2002, the governing body of each private
5 school participating in the program under s. 119.23 shall develop a policy specifying
6 criteria for granting a high school diploma to pupils attending the private school
7 under s. 119.23. The criteria shall include the pupil's score on the examination
8 administered under s. 118.30 (1s) (d), the pupil's academic performance, and the
9 recommendations of teachers.

10 **SECTION 2718h.** 118.33 (1) (f) 3. of the statutes is amended to read:

11 118.33 (1) (f) 3. Beginning September 1, 2003, neither a school board nor an
12 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
13 any pupil unless the pupil has satisfied the criteria specified in the school board's or
14 charter school's policy under subd. 1. or 2. Beginning September 1, 2003, the
15 governing body of a private school participating in the program under s. 119.23 may
16 not grant a high school diploma to any pupil attending the private school under s.
17 119.23 unless the pupil has satisfied the criteria specified in the governing body's
18 policy under subd. 2m.

19 **SECTION 2718j.** 118.33 (6) (c) of the statutes is created to read:

20 118.33 (6) (c) 1. The governing body of each private school participating in the
21 program under s. 119.23 shall adopt a written policy specifying the criteria for
22 promoting a pupil who is attending the private school under s. 119.23 from the 4th
23 grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall
24 include the pupil's score on the examination administered under s. 118.30 (1s) (a) or
25 (am), unless the pupil has been excused from taking the examination under s. 118.30

1 (2) (b); the pupil's academic performance; the recommendations of teachers, which
2 shall be based solely on the pupil's academic performance; and any other academic
3 criteria specified by the governing body of the private school.

4 2. Beginning on September 1, 2002, the governing body of a private school
5 participating in the program under s. 119.23 may not promote a 4th grade pupil who
6 is attending the private school under s. 119.23 to the 5th grade, and may not promote
7 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
8 grade, unless the pupil satisfies the criteria for promotion specified in the governing
9 body's policy under subd. 1.

10 **SECTION 2725d.** 118.40 (4) (a) 3. and 4. of the statutes are created to read:

11 118.40 (4) (a) 3. Permit public inspection and copying of any record, as defined
12 in s. 19.32 (2), of the charter school to the same extent as is required of, and subject
13 to the same terms and enforcement provisions that apply to, an authority under
14 subch. II of ch. 19.

15 4. Provide public access to meetings of the governing body of the charter school
16 to the same extent as is required of, and subject to the same terms and enforcement
17 provisions that apply to, a governmental body under subch. V of ch. 19.

18 **SECTION 2725f.** 118.40 (4) (b) (intro.) and 1. of the statutes are consolidated,
19 renumbered 118.40 (4) (b) and amended to read:

20 118.40 (4) (b) *Restrictions.* A charter school may not do any of the following:
21 1. ~~Charge~~ charge tuition.

22 **SECTION 2725h.** 118.40 (4) (b) 2. of the statutes is repealed.”.

23 **4.** Page 923, line 7: after that line insert:

24 “**SECTION 2748m.** 119.23 (2) (a) 6. and 7. of the statutes are created to read:

