



State of Wisconsin  
2015 - 2016 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 239**

June 26, 2015 - Offered by Representative THIESFELDT.

1 **AN ACT to amend** 118.30 (2) (b) 3. to 6.; and **to create** 115.385 (1r), 118.30 (2) (b)  
2 7., 118.30 (2) (b) 8. and 118.303 of the statutes; **relating to:** allowing a pupil's  
3 parent or guardian to opt out of certain statewide examinations and providing  
4 information about mandatory pupil examinations.

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***Analysis by the Legislative Reference Bureau***

This substitute amendment requires, upon request of a parent or guardian, a school board, operator of an independent charter school, and governing body of a private school participating in a parental choice program to excuse a pupil enrolled in any grade from 3 to 12 from taking any examination required under state or federal law, except for an examination that is a high school graduation requirement. Under current law, upon request from a parent or guardian, a school board, an operator of an independent charter school, and a governing body of a private school participating in a parental choice program must excuse a pupil in 4th, 8th, 9th, 10th, or 11th grade from taking the knowledge and concepts examination adopted by the state superintendent of public instruction that is required to be administered to pupils in that grade.

The substitute amendment prohibits the Department of Public Instruction (DPI) from considering how many pupils enrolled in a school or school district have been excused from taking an examination required under state or federal law for

purposes of the annual school and school district accountability report published by DPI. The substitute amendment also prohibits a school board, school district administrator, principal, governing body and administrator of a private school participating in a parental choice program, and operator of an independent charter school from encouraging or counseling a parent or guardian to request that their child be excused from taking a knowledge and concepts examination.

Finally, this substitute amendment requires, beginning in the 2016-17 school year, each school board and operator of an independent charter school to annually provide the parent or guardian of each pupil enrolled in the school district or the independent charter school with a copy of, or access to, a summary of the pupil examinations that it is required to administer under state and federal law, as well any examinations the school board or operator requires to assess pupil, school, or school district performance. The governing body of a private school participating in a parental choice program is required to provide a copy of, or access to, a summary containing the same information to the parent or guardian of each pupil who is attending the private school under a parental choice program.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 115.385 (1r) of the statutes is created to read:

2           115.385 (1r) For purposes of measuring a school's performance and a school  
3 district's improvement under sub. (1), the department may not consider how many  
4 pupils enrolled in the school or school district have been excused from taking  
5 examinations under s. 118.30 (2) (b) 3. to 6.

6           **SECTION 2.** 118.30 (2) (b) 3. to 6. of the statutes are amended to read:

7           118.30 (2) (b) 3. Upon the request of ~~a pupil's~~ the parent or guardian of a pupil  
8 enrolled in any grade from 3 to 12, the school board shall excuse the pupil from taking  
9 ~~an~~ any examination required under state or federal law, including any examination  
10 administered under sub. (1m).

11           4. Upon the request of ~~a pupil's~~ the parent or guardian of a pupil enrolled in  
12 any grade from 3 to 12, the operator of a charter school under s. 118.40 (2r) shall

1 excuse the pupil from taking an any examination required under state or federal law,  
2 including any examination administered under sub. (1r).

3 5. Upon the request of ~~a pupil's~~ the parent or guardian of a pupil enrolled in  
4 any grade from 3 to 12, the governing body of a private school participating in the  
5 program under s. 119.23 shall excuse the pupil from taking an any examination  
6 required under state or federal law, including any examination administered under  
7 sub. (1s) (a) to ~~(em)~~ (d).

8 6. Upon the request of ~~a pupil's~~ the parent or guardian of a pupil enrolled in  
9 any grade from 3 to 12, the governing body of a private school participating in the  
10 program under s. 118.60 shall excuse the pupil from taking an any examination  
11 required under state or federal law, including any examination administered under  
12 sub. (1t) (a) to ~~(em)~~ (d).

13 **SECTION 3.** 118.30 (2) (b) 7. of the statutes is created to read:

14 118.30 (2) (b) 7. Subdivisions 3. to 6. do not apply to an examination that is  
15 required for high school graduation.

16 **SECTION 4.** 118.30 (2) (b) 8. of the statutes is created to read:

17 118.30 (2) (b) 8. No school board, school district administrator, principal of a  
18 public school, operator of a charter school under s. 118.40 (2r), administrator, as  
19 defined in s. 118.60 (1) (ad) or 119.23 (1) (ae), or governing body of a private school  
20 participating in the program under s. 118.60 or 119.23 may encourage or counsel a  
21 parent or guardian to make a request under subs. 3 to 6. to excuse a pupil from  
22 taking an examination.

23 **SECTION 5.** 118.303 of the statutes is created to read:

24 **118.303 Notice of pupil assessments.** (1) (a) Annually, beginning in the  
25 2016-17 school year, before any examination required to be included in the summary

1 under sub. (2) (a) is administered, each school board and the operator of each charter  
2 school under s. 118.40 (2r) shall provide to the parent or guardian of each pupil  
3 enrolled in a public school in the school district or charter school one of the following:

4 1. A copy of the summary the school board or operator prepared under sub. (2)  
5 for that school year.

6 2. Instructions on how to access or obtain the summary under sub. (2).

7 (b) Annually, in each school year, before any examination required to be  
8 included in the summary under sub. (2) (a) is administered, the governing body of  
9 each private school participating in a parental choice program under s. 118.60 or  
10 119.23 shall provide to the parent or guardian of each pupil attending the private  
11 school under the parental choice program one of the following:

12 1. A copy of the summary the governing body prepared under sub. (2) for that  
13 school year.

14 2. Instructions on how to access or obtain the summary under sub. (2).

15 **(2)** Annually, using the best available information, each school board, operator  
16 of a charter school under s. 118.40 (2r), and governing body of a private school  
17 participating in a parental choice program under s. 118.60 or 119.23 shall prepare  
18 a summary written in commonly understood language that includes all of the  
19 following:

20 (a) 1. Each examination required under state or federal law that will be  
21 administered to pupils enrolled in a public school in the school district, the charter  
22 school, or the private school, except an examination that is required for high school  
23 graduation.

24 2. Each examination required by the school board, operator, or governing body  
25 to assess pupil, school, or school district performance that will be administered to

1 pupils enrolled in a public school in the school district, the charter school, or the  
2 private school, except an examination that counts toward a grade or score for a class  
3 or that is required for high school graduation.

4 (b) The grade level to which each examination identified under par. (a) will be  
5 administered.

6 (c) The expected date on which each examination identified under par. (a) will  
7 be administered.

8 (d) The duration of each examination identified under par. (a).

9 (em) The process the school board, operator, or governing body uses to  
10 determine an appropriate alternative in-school activity for pupils who have been  
11 excused from taking an examination identified under par. (a).

12 (g) The school board's, charter school's, or private school's policies and  
13 procedures regarding a parent or guardian opting a pupil out of any examination  
14 identified under par. (a).

15 (h) The purpose of administering each examination identified under par. (a)  
16 and a description of how the school board, operator of the charter school, or governing  
17 body of the private school will use data derived from each identified examination.

18 **(3)** If a school board, operator of a charter school under s. 118.40 (2r), or  
19 governing body of a private school participating in a parental choice program under  
20 s. 118.60 or 119.23 maintains an Internet site, the school board, operator, or  
21 governing body shall post the summary under sub. (2) on that site.

22 **(END)**