



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRBs0109/1  
ARG:cjs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 370**

October 10, 2023 – Offered by Representative O’CONNOR.

1     **AN ACT** *to amend* 36.11 (3) (a) and 119.04 (1); and *to create* 36.11 (3m) and  
2           118.58 of the statutes; **relating to:** guaranteed admission to University of  
3           Wisconsin System institutions and requiring high schools to prepare class  
4           rankings for certain pupils.

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

This bill requires the Board of Regents of the University of Wisconsin System to establish a guaranteed admission program for applicants who rank in the top of their high school class and requires an annual class ranking of some high school pupils at the end of 11th and 12th grade.

The bill requires school boards, charter school operators, and governing bodies of private schools and tribal schools that operate high schools to 1) establish a method for ranking pupils on the basis of academic achievement; and 2) using this ranking method, annually prepare a class ranking of pupils at the end of 11th grade and 12th grade. The ranking method must use as criteria for the ranking only the pupil’s grade point average, the pupil’s score on a college entrance examination such as the ACT, or a combination of GPA and examination score. If application of these criteria produces a tie among pupils, additional tiebreaker criteria may include the rigor of the pupil’s course work and other measures of academic achievement or scholastic merit. The class ranking must identify pupils who rank in the top 5 percent and in

the top 10 percent, respectively, of their high school class, and may include the class ranking of other pupils as well. However, if the criteria used for the class ranking includes GPA, a pupil may not be ranked in the top 5 percent or 10 percent unless the pupil has a GPA of at least 3.85 or 3.5, respectively. If the criteria used for the class ranking includes a college entrance examination score, a pupil may not be ranked in the top 5 percent or 10 percent unless the pupil has achieved a composite score on the examination that places the pupil in at least the national 90th percentile ranking or 85th percentile ranking, respectively. The school board, charter school operator, or governing body must provide notice of ranking to each pupil ranked in the top 10 percent of the pupil's high school class that the pupil is ranked, as applicable, in the top 5 percent or in the top 10 percent of the class. If a high school's class enrollment is less than 20 pupils, the highest ranked pupil in the class is considered to be in the top 5 percent and the 2nd highest ranked pupil is considered to be in the top 10 percent.

The bill provides that, under the UW System guaranteed admission program, an applicant is eligible for guaranteed admission to the UW System institution of the applicant's choice, with one exception, if the applicant satisfies any of the following criteria: 1) the applicant graduated from, or expects to graduate from, a public, private, or tribal high school in Wisconsin and is ranked in the top 10 percent of the applicant's high school class at the time of application; 2) the applicant is homeschooled, has been or expects to be granted a high school diploma, and achieves a composite score on a college entrance examination that places the applicant in the national 85th percentile ranking or higher. Under the exception, an applicant is eligible for guaranteed admission to UW-Madison as provided in 1), above, only if the applicant is ranked in the top 5 percent of the class or as provided in 2), above, only if the applicant has achieved a composite score in the 90th percentile or higher. The program applies only to applicants for admission as first-year undergraduate students. An applicant for admission under the guaranteed admission program must also submit a timely and complete application. A UW System institution may revoke an offer of admission if the applicant later fails to graduate from high school, fails in the final year of high school to maintain a level of academic achievement similar to the applicant's level of academic achievement at the time of application, or misrepresents the applicant's class rank or college entrance examination results.

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

1           **SECTION 1.** 36.11 (3) (a) of the statutes is amended to read:  
2           36.11 (3) (a) The Subject to sub. (3m), the board shall establish the policies for  
3 admission within the system and within these policies each institution shall  
4 establish specific requirements for admission to its courses of instruction. No

1 sectarian or partisan tests or any tests based upon race, religion, national origin of  
2 U.S. citizens or sex shall ever be allowed in the admission of students thereto.

3 **SECTION 2.** 36.11 (3m) of the statutes is created to read:

4 36.11 (3m) GUARANTEED ADMISSION PROGRAM. (a) In this subsection:

5 1. "College entrance examination" means the ACT examination or a similar  
6 examination designed to test a person's qualification or preparedness for college  
7 admission.

8 2. "Home-based private educational program" has the meaning given in s.  
9 115.001 (3g).

10 (b) The board shall establish a guaranteed admission program under which an  
11 applicant for undergraduate admission shall be admitted to the institution of the  
12 applicant's choice if the requirements under par. (c) and, if applicable, under par. (d)  
13 are satisfied.

14 (c) An applicant is eligible for guaranteed admission to an institution if all of  
15 the following apply:

16 1. The applicant applies to the institution for admission as a first-year  
17 undergraduate student.

18 2. Except as provided in par. (d), the applicant satisfies any of the following  
19 criteria:

20 a. The applicant graduated from, or at the time of application expects to  
21 graduate from, a public, private, or tribal high school in this state and, at the time  
22 of application, the applicant is ranked in the top 10 percent of the applicant's high  
23 school class, as determined under s. 118.58, in the most recent class ranking for that  
24 class.

1           b. The applicant has been or expects to be granted a high school diploma by the  
2 administrator of a home-based private educational program in this state and the  
3 applicant achieves a composite score on a college entrance examination that places  
4 the applicant in the national 85th percentile ranking or higher.

5           3. The applicant has submitted a complete application by the application  
6 deadline.

7           (d) An applicant is eligible for guaranteed admission to the University of  
8 Wisconsin-Madison only if the applicant satisfies any of the following criteria:

9           1. The applicant graduated from, or at the time of application expects to  
10 graduate from, a public, private, or tribal high school in this state and, at the time  
11 of application, the applicant is ranked in the top 5 percent of the applicant's high  
12 school class, as determined under s. 118.58, in the most recent class ranking for that  
13 class.

14           2. The applicant has been or expects to be granted a high school diploma by the  
15 administrator of a home-based private educational program in this state and the  
16 applicant achieves a composite score on a college entrance examination that places  
17 the applicant in the national 90th percentile ranking or higher.

18           (e) If an applicant applies for admission to more than one institution, the  
19 applicant is eligible for guaranteed admission under this subsection only to one  
20 institution, as designated by the applicant but subject to par. (d).

21           (f) An institution may rely on information supplied by a school board, charter  
22 school operator, or governing body of a private school or tribal school, college entrance  
23 examination administrator, an applicant's high school transcript if class rank is  
24 noted on the transcript, an applicant's self-reported information, or other reliable

1 information in determining an applicant's class rank or college entrance  
2 examination results for purposes of pars. (c) 2. and (d).

3 (g) An institution may revoke an applicant's offer of admission extended under  
4 this subsection if any of the following applies:

5 1. The applicant applied for admission before completing high school and the  
6 applicant failed to graduate from high school prior to the institution's scheduled  
7 enrollment date or, if the applicant is enrolled in a home-based private educational  
8 program, the applicant is not granted a high school diploma by the administrator of  
9 the home-based private educational program prior to the institution's scheduled  
10 enrollment date.

11 2. The applicant applied for admission before completing high school and, in  
12 any semester of the applicant's final year of high school, the applicant failed to  
13 maintain a level of academic achievement similar to the applicant's level of academic  
14 achievement at the time of application.

15 3. The applicant misrepresented to the institution the applicant's class rank  
16 or college entrance examination results.

17 (h) This subsection does not guarantee an applicant admission to any specific  
18 program offered by an institution.

19 **SECTION 3.** 118.58 of the statutes is created to read:

20 **118.58 Class rankings. (1)** In this section, "college entrance examination"  
21 means the ACT examination or a similar examination designed to test a person's  
22 qualification or preparedness for college admission.

23 **(2)** If a school board, operator of a charter school under s. 118.40 (2r) or (2x),  
24 or governing body of a private school or tribal school operates a high school that

1 includes grades 11 and 12, the school board, charter school operator, or governing  
2 body shall do all of the following:

3 (a) Establish a method for ranking pupils on the basis of academic achievement  
4 that satisfies all of the following requirements:

5 1. Subject to subd. 2. and sub. (3) (c), the criteria for ranking pupils may only  
6 be any of the following:

7 a. The pupil's grade point average.

8 b. The pupil's score on a college entrance examination.

9 c. A combination of the criteria in subd. 1. a. and 1. b., using a weighting  
10 formula determined by the school board, charter school operator, or governing body.

11 2. For pupils for whom application of the criteria under subd. 1. produces an  
12 identical ranking, the ranking method shall establish additional tiebreaker criteria  
13 to be considered, which may take into account the degree of academic rigor of the  
14 pupil's course work, any criteria under subd. 1. not previously considered, and any  
15 other measure of academic achievement or scholastic merit, but may not consider  
16 factors that are not academic or scholastic in nature.

17 (b) Using the ranking method established under par. (a), for each high school  
18 that includes grades 11 and 12, prepare a class ranking of pupils enrolled in the high  
19 school as of the class's completion of grade 11 and as of the class's completion of grade  
20 12. The school board, charter school operator, or governing body may also prepare  
21 a grade 12 mid-year class ranking.

22 (3) (a) Subject to pars. (b) and (c), each class ranking under sub. (2) (b) shall  
23 identify those pupils who rank in the top 5 percent of their high school class and those  
24 pupils who rank in the top 10 percent of their high school class. The class ranking

1 may also identify the class rank of pupils who do not rank in the top 10 percent of  
2 their high school class.

3 (b) If a high school's class enrollment is less than 20 pupils, the school board,  
4 operator of the charter school under s. 118.40 (2r) or (2x), or governing body of the  
5 private school or tribal school shall identify the highest ranked and 2nd highest  
6 ranked pupils in the class using the ranking method established under sub. (2) (a).  
7 For purposes of par. (a) and sub. (4) and s. 36.11 (3m), but subject to par. (c), the  
8 highest ranked pupil shall be considered to be in the top 5 percent of the pupil's high  
9 school class and the 2nd highest ranked pupil shall be considered to be in the top 10  
10 percent of the pupil's high school class.

11 (c) 1. If the ranking method established under sub. (2) (a) uses the pupil's grade  
12 point average as a criteria under sub. (2) (a) 1., a pupil may not be ranked in the top  
13 5 percent of the pupil's high school class unless the pupil has achieved a grade point  
14 average of 3.85 or higher and may not be ranked in the top 10 percent of the pupil's  
15 high school class unless the pupil has achieved a grade point average of 3.5 or higher.

16 2. If the ranking method established under sub. (2) (a) uses the pupil's score  
17 on a college entrance examination as a criteria under sub. (2) (a) 1., a pupil may not  
18 be ranked in the top 5 percent of the pupil's high school class unless the pupil has  
19 achieved a composite score on the examination that places the pupil in the national  
20 90th percentile ranking or higher and may not be ranked in the top 10 percent of the  
21 pupil's high school class unless the pupil has achieved a composite score on the  
22 examination that places the pupil in the national 85th percentile ranking or higher.

23 (4) After completing the grade 11 and grade 12 class rankings required under  
24 sub. (2) (b) and any mid-year class ranking allowed under sub. (2) (b), a school board,  
25 operator of a charter school under s. 118.40 (2r) or (2x), or governing body of a private

1 school or tribal school shall notify each pupil ranked in the top 10 percent of the  
2 pupil's high school class that the pupil is ranked, as applicable, in the top 5 percent  
3 or in the top 10 percent of the pupil's high school class.

4 **SECTION 4.** 119.04 (1) of the statutes, as affected by 2023 Wisconsin Act 12, is  
5 amended to read:

6 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
7 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
8 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445,  
9 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.124,  
10 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,  
11 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and  
12 (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30  
13 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 118.58, 120.12 (2m),  
14 (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),  
15 (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and 120.25 are  
16 applicable to a 1st class city school district and board but not, unless explicitly  
17 provided in this chapter or in the terms of a contract, to the commissioner or to any  
18 school transferred to an opportunity schools and partnership program.

19 **SECTION 5. Initial applicability.**

20 (1) HIGH SCHOOL CLASS RANKINGS. The treatment of ss. 118.58 and 119.04 (1) first  
21 applies in the 2024-25 school year.

22 (2) GUARANTEED ADMISSIONS. The treatment of s. 36.11 (3) (a) and (3m) first  
23 applies to applications for admission for the 2025-26 academic year.

24 (END)