



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0229/1
ARG:skw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 367**

January 11, 2024 - Offered by Senator CABRAL-GUEVARA.

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.

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 grade.

The bill requires school boards, charter school operators, and governing bodies of private schools and tribal schools that operate high schools to prepare a class ranking of pupils on the sole basis of the pupil's grade point average at the end of 11th grade if there are at least 15 pupils in the class. However, this requirement does not apply to virtual private schools. 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. The school board, charter school operator, or governing body must 1) 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; and 2) include

that the pupil is ranked in the top 5 percent or top 10 percent of the class on the pupil's high school transcript. If a high school's class enrollment is at least 15 but 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 is enrolled in a public, private, or tribal high school in Wisconsin and is ranked in the top 10 percent of the applicant's high school class in the ranking described above; 2) the applicant is homeschooled or enrolled in a virtual private school and achieves an ACT examination score that places the applicant in the national 90th percentile ranking or higher; or 3) the applicant is a National Merit Scholarship finalist. Under the exception, an applicant is eligible for guaranteed admission to UW-Madison as provided in item 1, above, only if the applicant is ranked in the top 5 percent of the class or as provided in item 2, above, only if the applicant has achieved a score in the 98th percentile or higher. The program applies only to an applicant who applies for admission as a first-year undergraduate student during the applicant's fourth year of high school or final year of homeschooling or enrollment in a virtual private school. An applicant for admission under the guaranteed admission program must also submit a timely and complete application, and, if the application is for admission to UW-Madison, the application must be submitted by the early action deadline. The applicant must also complete any range of courses required of all applicants for admission. A UW System institution may revoke an offer of admission if the applicant fails to receive a high school diploma, engages in academic misconduct, experiences significantly declining grades after the application is submitted, or misrepresents the applicant's class rank, ACT examination score, or status as a National Merit Scholarship finalist.

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

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

1 36.11 **(3m)** GUARANTEED ADMISSION PROGRAM. (a) In this subsection:

2 1. “College entrance examination score” means a composite ACT examination
3 score resulting from a single test date.

4 2. “Home-based private educational program” has the meaning given in s.
5 115.001 (3g).

6 3. “Virtual private school” has the meaning given in s. 118.58 (1).

7 (b) The board shall establish a guaranteed admission program under which an
8 applicant for undergraduate admission shall be admitted to the institution of the
9 applicant’s choice if the applicant satisfies the requirements under this subsection.

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

12 1. The applicant applies to the institution for admission as a first-year
13 undergraduate student during the applicant’s 4th year of high school or final year
14 of enrollment in a home-based private educational program in this state or in a
15 virtual private school.

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

18 a. The applicant is enrolled in a public, private, or tribal high school in this state
19 and the applicant is ranked in the top 10 percent of the applicant’s high school class,
20 as determined under s. 118.58.

21 b. The applicant is enrolled in a home-based private educational program in
22 this state, or in a virtual private school and the applicant is a resident of this state,
23 and the applicant achieves a college entrance examination score that places the
24 applicant in the national 90th percentile ranking or higher.

1 c. The applicant has been designated as a finalist in the National Merit
2 Scholarship Program administered by the National Merit Scholarship Corporation
3 or has achieved an equivalent designation under a successor program or by a
4 successor organization.

5 3. The applicant has submitted a complete application by the regular decision
6 application deadline, except that an applicant to the University of
7 Wisconsin-Madison shall submit the application by the early action deadline.

8 4. The applicant has completed any range of courses that the board has
9 established as required for admission for all applicants, including those who do not
10 apply under this subsection.

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

13 1. The applicant is enrolled in a public, private, or tribal high school in this state
14 and the applicant is ranked in the top 5 percent of the applicant's high school class,
15 as determined under s. 118.58.

16 2. The applicant is enrolled in a home-based private educational program in
17 this state, or in a virtual private school and the applicant is a resident of this state,
18 and the applicant achieves a college entrance examination score that places the
19 applicant in the national 98th percentile ranking or higher.

20 3. The applicant has been designated as a finalist in the National Merit
21 Scholarship Program administered by the National Merit Scholarship Corporation
22 or has achieved an equivalent designation under a successor program or by a
23 successor organization.

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

4 (f) An institution may verify information provided by an applicant or appearing
5 on an applicant's high school transcript in determining an applicant's eligibility for
6 guaranteed admission under this subsection.

7 (g) An institution may revoke an offer of admission the institution extended to
8 an applicant under this subsection if any of the following applies:

9 1. The applicant is not granted a high school diploma prior to the institution's
10 scheduled enrollment date.

11 2. The applicant engages in academic misconduct, or the applicant experiences
12 significantly declining grades after the application is submitted, to an extent that
13 would justify, under the institution's admissions policies, revoking an offer of
14 admission extended to an applicant who has not applied for admission under this
15 subsection.

16 3. The applicant misrepresented to the institution the applicant's class rank,
17 college entrance examination score, or status as a finalist in the National Merit
18 Scholarship Program.

19 (h) This subsection does not guarantee an applicant admission to any specific
20 program offered by an institution or to any specific college, school, or functional
21 equivalent within an institution.

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

23 **118.58 Class rankings. (1)** In this section, "virtual private school" means a
24 private school in which all or a portion of the instruction is provided through means

1 of the Internet, and the pupils enrolled in and instructional staff employed by the
2 school are geographically remote from each other.

3 (2) If a school board, operator of a charter school, or governing body of a private
4 school or tribal school operates a high school that includes grades 11 and 12, the
5 school board, charter school operator, or governing body shall, for each high school
6 that includes grades 11 and 12, prepare a class ranking of pupils enrolled in the high
7 school as of the class's completion of grade 11 if there are at least 15 pupils in the
8 class. Pupils shall be ranked on the basis of academic achievement and the sole
9 criterion for ranking pupils shall be the pupil's grade point average.

10 (3) (a) Subject to par. (b), each class ranking under sub. (2) shall identify those
11 pupils who rank in the top 5 percent of their high school class and those pupils who
12 rank in the top 10 percent of their high school class. The class ranking may also
13 identify the class rank of pupils who do not rank in the top 10 percent of their high
14 school class.

15 (b) If a high school's class enrollment is at least 15 but less than 20 pupils, the
16 school board, operator of the charter school, or governing body of the private school
17 or tribal school shall identify the highest ranked and 2nd highest ranked pupils in
18 the class using the ranking method under sub. (2). For purposes of par. (a) and sub.
19 (4) and s. 36.11 (3m), the highest ranked pupil shall be considered to be in the top 5
20 percent of the pupil's high school class and the 2nd highest ranked pupil shall be
21 considered to be in the top 10 percent of the pupil's high school class.

22 (4) After completing the class ranking required under sub. (2), a school board,
23 operator of a charter school, or governing body of a private school or tribal school shall
24 do all of the following:

1 (a) Notify each pupil ranked in the top 10 percent of the pupil's high school class
2 that the pupil is ranked, as applicable, in the top 5 percent or in the top 10 percent
3 of the pupil's high school class.

4 (b) For each pupil notified under par. (a), include that the pupil is ranked, as
5 applicable, in the top 5 percent or in the top 10 percent of the pupil's high school class
6 on the pupil's high school transcript as of the pupil's completion of grade 11.

7 **(5)** This section does not apply to a virtual private school.

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

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

23 **SECTION 5. Initial applicability.**

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

