



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4267/1  
TKK&PG:wlj&med:jm

## 2011 ASSEMBLY BILL 748

March 15, 2012 – Introduced by Representative KRUSICK. Referred to Committee on Education.

1       **AN ACT** *to renumber and amend* 118.60 (7) (e) and 119.23 (7) (e) 1.; *to amend*  
2           115.28 (7) (b), 118.19 (1), 118.225 (intro.), 118.225 (3), 118.60 (7) (am) 1., 118.60  
3           (10) (d), 119.23 (7) (am) 1. and 119.23 (10) (d); *to repeal and recreate* 119.23  
4           (7) (f); and *to create* 115.28 (27), 118.30 (1m) (c), 118.30 (1r) (c), 118.30 (4m),  
5           118.60 (6m) (b) 5., 118.60 (6m) (e) and (f), 118.60 (6p), 118.60 (7) (b) 8., 9., 10.,  
6           11. and 14., 118.60 (7) (e) 1. a. to f., 118.60 (7) (e) 2., 118.60 (10) (am) 4., 118.60  
7           (11) (c) and (d), 118.60 (12), 119.16 (15), 119.23 (6m) (b) 5., 119.23 (6m) (e) and  
8           (f), 119.23 (6p), 119.23 (7) (b) 8., 9., 10., 11. and 14., 119.23 (7) (e) 1. a. to f., 119.23  
9           (7) (e) 1m., 119.23 (10) (am) 4., 119.23 (11) (c) and (d) and 119.23 (12) of the  
10          statutes; **relating to:** reporting of student testing results in public schools and  
11          in private schools participating in a parental choice program, a school

**ASSEMBLY BILL 748**

- 1 assessment guide, licensure of teachers in private schools participating in a  
2 parental choice program, and evaluation of teachers and principals.
- 

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

This bill makes a number of changes in the laws governing public schools, including charter schools, and private schools participating in a parental choice program (PCP). Under the PCP, a pupil who resides in the city of Milwaukee or in an eligible school district (the Racine Unified School District) may attend a private school (PCP school) at state expense under certain conditions. The changes under the bill include the following:

***Teacher and principal evaluations***

Under current law, a school board may use value-added analyses of scores on standardized examinations required to be administered to pupils under state and federal law to evaluate the pupils' teachers if the school board has developed a teacher evaluation plan with several specified elements. This bill permits school boards to use value-added analyses of scores on both standardized examinations and pupil assessments to evaluate not just teachers but also principals. The bill also requires PCP schools to annually evaluate the effectiveness of each teacher employed by the PCP school on the basis of pupil scores, standardized examinations, and pupil assessments.

***School assessment guide***

The bill directs the Department of Public Instruction (DPI) to develop a guide for parents to use in assessing public and private schools, including charter schools. The guide must include a variety of information, including information on how to evaluate the academic performance of pupils enrolled in a school, a school's academic opportunities, and a school's expenditures per enrolled pupil. The guide must be developed in consultation with specified public and private educational organizations. DPI must then post the guide on its Web site and make copies available to schools upon request.

***Teacher licensure***

Under current law, a person is not required to be licensed to teach in any private school. Beginning in the 2012-13 school year, this bill requires each PCP school to ensure that every teacher, principal, administrator, and professional staff member holds a license or permit to teach issued by DPI.

***Cost report for Milwaukee Public Schools***

The bill requires Milwaukee Public Schools (MPS) to report annually to the legislature the costs it incurred in the previous school year in connection with the PCP, including transportation costs and costs of providing special education to pupils attending PCP schools.

***Disclosure requirements***

The bill requires each PCP school to provide, annually to DPI and upon request to any person, all of the following:

**ASSEMBLY BILL 748**

1. Rates of graduation, truancy, attendance, suspension, and expulsion in the previous school year.
2. The PCP school's requirements for promotion from grade to grade and for graduation.
3. The number of pupils with disabilities enrolled in the previous school year.
4. The services provided by the PCP school to pupils with disabilities.
5. The PCP school's safety plan.
6. The PCP school's attrition rate for teachers in the previous school year, as compared to the statewide attrition rate and the attrition rate of the eligible school district or of the MPS, as appropriate, in the previous school year.
7. The PCP school's budget for the ensuing fiscal year and a five-year budget plan.

The bill directs DPI to prepare a report card for each PCP school and post the report cards on DPI's Internet site. Each PCP school must post its report card on its Internet site.

***Disclosure of results of tests, assessments, and standardized examinations***

Under current law, each PCP school must provide to DPI (and, upon request, to any pupil who attends or who is applying to attend the PCP school) pupil scores on certain standardized examinations for each of the previous five school years. To the extent permitted by federal law and ensuring confidentiality of records, beginning in the 2012-13 school year, the bill requires each PCP school to report scores for any assessments and examinations administered to pupils attending the PCP school, and to make the information available in several formats and at a specified level of detail associated with each format. The formats include posting scores on the Internet Web site of the PCP school or the organization that oversees the PCP school; forwarding electronic copies to DPI to post on its Internet Web site; providing written copies to the parents and guardians of pupils attending the PCP school; making copies available in a binder at the front desk of the PCP school; and posting the mean average class growth assessments on a poster on the wall of the PCP school.

Beginning in the 2012-13 school year, the bill also requires a school board and the operator of a charter school to report the scores from standardized examinations required to be administered to pupils at the same level of detail and, with some exceptions, in the same formats required of PCP schools. School boards are not required to provide copies of the scores in a binder at the front desk of the school.

***Exclusion of private schools from a PCP for fraudulent representations***

Under current law, DPI may bar a private school from participating in a PCP if DPI determines that the school has violated certain prohibitions. For example, a PCP school that fails to submit an independent financial audit of the school that has been conducted by a certified public accountant may be barred from participating in a PCP. Current law also prohibits a person, with the intent to sell a product or service to the public or induce the public to enter into a contract, from making any assertion or statement that is untrue, deceptive, or misleading in its advertising or other representations made to the public. The bill authorizes DPI to prohibit a private

**ASSEMBLY BILL 748**

school from participating in a PCP in the following school year if the private school has violated this prohibition.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

2           115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
3 applicants and granting and revocation of licenses or certificates under par. (a), the  
4 state superintendent shall grant certificates and licenses to teachers in private  
5 schools and tribal schools, except that teaching experience requirements for such  
6 certificates and licenses may be fulfilled by teaching experience in public, private,  
7 or tribal schools. An applicant is not eligible for a license or certificate unless the  
8 state superintendent finds that the private school or tribal school in which the  
9 applicant taught offered an adequate educational program during the period of the  
10 applicant's teaching therein. ~~Private~~ Except as provided in ss. 118.60 (7) (b) 9. and  
11 119.23 (7) (b) 9., private schools are not obligated to employ only licensed or certified  
12 teachers.

13           **SECTION 2.** 115.28 (27) of the statutes is created to read:

14           115.28 (27) SCHOOL ASSESSMENT GUIDE. Develop a guide for parents to use in  
15 assessing public and private schools, including charter schools. The guide shall  
16 include information on how to evaluate the academic performance of pupils enrolled  
17 in a school, a school's academic opportunities, a school's expenditures per enrolled  
18 pupil, the education and experience levels of teachers, and the opportunities for  
19 parental involvement in a school and classroom, and may include additional  
20 information. In developing the guide, the department shall consult with the

**ASSEMBLY BILL 748**

1 Wisconsin Association of School Boards, the Wisconsin Association of School District  
2 Administrators, the Wisconsin Charter Schools Association, the Wisconsin Council  
3 of Religious and Independent Schools, the Wisconsin Education Association Council,  
4 and School Choice Wisconsin, Inc. The department shall post the guide on its  
5 Internet site and make copies of the guide available to schools upon request.

6 **SECTION 3.** 118.19 (1) of the statutes is amended to read:

7 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach  
8 in a public school, including a charter school, ~~or~~; in a school or institution operated  
9 by a county or the state; or, beginning in the 2012-13 school year and except as  
10 provided in ss. 118.60 (7) (b) 9. b. and 119.23 (7) (b) 9. b., in a private school  
11 participating in the program under s. 118.60 or 119.23 shall first procure a license  
12 or permit from the department.

13 **SECTION 4.** 118.225 (intro.) of the statutes, as affected by 2011 Wisconsin Act  
14 105, is amended to read:

15 **118.225 Teacher and principal evaluations.** (intro.) A school board may  
16 use value-added analyses of scores on pupil assessments and the examinations  
17 administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to evaluate teachers  
18 and principals if the school board has developed a teacher and principal evaluation  
19 plan that includes all of the following:

20 **SECTION 5.** 118.225 (3) of the statutes is amended to read:

21 118.225 (3) The rationale for using examination results to evaluate teachers  
22 and principals.

23 **SECTION 6.** 118.30 (1m) (c) of the statutes is created to read:

24 118.30 (1m) (c) To the extent permitted under 20 USC 1232g and 43 CFR part  
25 99, beginning in the 2012-13 school year, do all of the following:

**ASSEMBLY BILL 748**

1           1. a. Except as provided in subd. 1. b., report the scores from any examinations  
2 required to be administered under this subsection or sub. (6) or (7) for the 5 preceding  
3 school years on the school district's Internet site as soon as the information becomes  
4 available and no later than 30 days after receiving scores from the testing company.  
5 Scores under this subdivision shall be reported by grade and class and shall include  
6 the total number of questions, the number and percentage of questions each pupil  
7 answered correctly, the number of questions each pupil answered incorrectly, the  
8 mean percentile for the class, the mean average percentile distributions, the mean  
9 average scores, and the mean percentage distributions for the examination as a  
10 whole and for each of the following topics and subtopics: reading, including  
11 determining meaning, understanding texts, analyzing texts, and evaluating and  
12 extending texts; mathematics, including processing number operations, geometry,  
13 measurement, statistics and probability, and algebraic relationships; science; social  
14 studies; and any other topic or subtopic included in the examination.

15           b. A school district is not required to report the information under subd. 1. a.  
16 if the number of pupils in a category is insufficient to yield statistically reliable  
17 information or the results would reveal personally identifiable information about an  
18 individual pupil.

19           2. Provide the department with an electronic copy of the information described  
20 in subd. 1.

21           3. Provide the parent or guardian of each pupil enrolled in the school district  
22 with a paper copy of the information described in subd. 1. The information shall be  
23 printed in at least 12-point type and provided as soon as it becomes available and  
24 no later than 30 days after receiving scores from the testing company.

**ASSEMBLY BILL 748**

1           4. In each school in the school district, prominently display the Measures of  
2 Academic Progress growth assessments and the growth assessments for any other  
3 nationally recognized assessments administered during the school year to pupils  
4 attending the school on the wall of the school within 30 days of receiving scores from  
5 the assessment company. The display under this subdivision shall provide mean  
6 average class growth for each grade and class in the school to which the assessments  
7 were administered in the school year in each of the following subjects:

8           a. Reading.

9           b. Language arts.

10          c. Math.

11          d. Science.

12          e. Social studies.

13          **SECTION 7.** 118.30 (1r) (c) of the statutes is created to read:

14           118.30 (1r) (c) To the extent permitted under 20 USC 1232g and 43 CFR part  
15 99, beginning in the 2012-13 school year, do all of the following:

16           1. a. Except as provided in subd. 1. b., report the scores from any examinations  
17 required to be administered under this subsection or sub. (6) for the 5 preceding  
18 school years on the school's Internet site as soon as the information becomes  
19 available and no later than 30 days after receiving scores from the testing company.  
20 Scores under this subdivision shall be reported by grade and class and shall include  
21 the total number of questions, the number and percentage of questions each pupil  
22 answered correctly, the number of questions each pupil answered incorrectly, the  
23 mean percentile for the class, the mean average percentile distributions, the mean  
24 average scores, and the mean percentage distributions for the examination as a  
25 whole and for each of the following topics and subtopics: reading, including

**ASSEMBLY BILL 748**

1 determining meaning, understanding texts, analyzing texts, and evaluating and  
2 extending texts; mathematics, including processing number operations, geometry,  
3 measurement, statistics and probability, and algebraic relationships; science; social  
4 studies; and any other topic or subtopic included in the examination.

5 b. The operator of a charter school is not required to report the information  
6 under subd. 1. a. if the number of pupils in a category is insufficient to yield  
7 statistically reliable information or the results would reveal personally identifiable  
8 information about an individual pupil.

9 2. Provide the department with an electronic copy of the information described  
10 in subd. 1.

11 3. Provide the parent or guardian of each pupil enrolled in the charter school  
12 with a paper copy of the information described in subd. 1. The information shall be  
13 printed in at least 12-point type and provided as soon as it becomes available and  
14 no later than 30 days after receiving scores from the testing company.

15 4. Prominently display the Measures of Academic Progress growth  
16 assessments and the growth assessments for any other nationally recognized  
17 assessments administered during the school year to pupils attending the charter  
18 school on the wall of the school within 30 days of receiving scores from the assessment  
19 company. The display under this subdivision shall provide mean average class  
20 growth for each grade and class in the school to which the assessments were  
21 administered in the school year in each of the following subjects:

22 a. Reading.

23 b. Language arts.

24 c. Math.

25 d. Science.



**ASSEMBLY BILL 748**

1 e. Social studies.

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

3 118.30 **(4m)** The department shall report the information provided under sub.  
4 (1m) (c) 2. on the department's Internet site.

5 **SECTION 9.** 118.60 (6m) (b) 5. of the statutes is created to read:

6 118.60 **(6m)** (b) 5. Electronic copies of the information described in par. (f) 1.  
7 within 2 weeks of receiving the scores.

8 **SECTION 10.** 118.60 (6m) (e) and (f) of the statutes are created to read:

9 118.60 **(6m)** (e) Except as provided in sub. (6p), provide, annually to the  
10 department and upon request to any person, all of the following:

11 1. Rates of graduation, truancy, attendance, suspension, and expulsion in the  
12 previous school year, categorized as specified in par. (b) 3. d.

13 2. The private school's requirements for promotion from grade to grade and for  
14 graduation.

15 3. The private school's safety plan.

16 4. The number of pupils enrolled in the previous school year who were children  
17 with a disability, as defined s. 115.76 (5).

18 5. The services provided by the private school to pupils who are children with  
19 a disability, as defined in s. 115.76 (5).

20 6. The private school's attrition rate for teachers in the previous school year,  
21 as compared to the statewide attrition rate in the previous school year and the  
22 attrition rate of the eligible school district in the previous school year.

23 7. The private school's budget, specifying all existing indebtedness and all  
24 anticipated revenue from all sources during the ensuing fiscal year and all proposed  
25 expenditures during the ensuing fiscal year, and a 5-year budget plan.

**ASSEMBLY BILL 748****SECTION 10**

1 (f) 1. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and  
2 except as provided in sub. (6p), keep paper copies of all of the following, printed in  
3 at least 12-point type and updated with current information as soon as the  
4 information becomes available and, in the case of scores on standardized  
5 examinations, no later than 30 days after receiving scores from the testing company,  
6 in a binder at the school's front desk:

7 a. Beginning in the 2012-13 school year and in every school year thereafter,  
8 scores from any examinations administered as required under s. 118.30 (1t) in that  
9 school year. Scores under this subd. 1. a. shall be reported by grade and class and  
10 shall include the total number of questions, the number and percentage of questions  
11 each pupil answered correctly, the number of questions each pupil answered  
12 incorrectly; the mean percentile for the class, the mean average percentile  
13 distributions, the mean average scores, and the mean percentage distributions for  
14 the examination as a whole and for each of the following topics and subtopics:  
15 reading, including determining meaning, understanding texts, analyzing texts, and  
16 evaluating and extending texts; mathematics, including processing number  
17 operations, geometry, measurement, statistics and probability, and algebraic  
18 relationships; science; social studies; and any other topic or subtopic included in the  
19 examination.

20 b. In the 2012-13 school year, if the private school has administered the Iowa  
21 test in the 5 preceding school years, the scores reported by school, grade, class, and  
22 subject, including the mean average scores, for those 5 preceding school years, and  
23 if the private school administers the Iowa test in the 2013-14 school year and in any  
24 school year thereafter, the scores reported by school, grade, class, and subject,  
25 including the mean average scores, for that school year.

**ASSEMBLY BILL 748**

1           c. If the private school administers any other standardized examinations,  
2 beginning in the 2012-13 school year and in every school year thereafter, scores from  
3 those examinations reported in the same manner as scores are reported for the  
4 examinations described under subd. 1. b.

5           d. Beginning in the 2012-13 school year and in every school year thereafter,  
6 scores, including the mean average scores, from any ACT tests administered in that  
7 school year to pupils attending the private school, reported by grade and subject.

8           e. Beginning in the 2012-13 school year and in every school year thereafter, the  
9 number of pupils attending the private school who were in advanced placement  
10 classes in the 5 preceding school years, the subjects, the percentage of pupils in each  
11 such class who passed, and the percentage of pupils in each such class who failed.

12           2. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and except  
13 as provided in sub. (6p), provide the parent of each pupil attending the school under  
14 this section with a paper copy of the information provided under subd. 1. as soon as  
15 the information becomes available and no later than 30 days after receiving scores  
16 from the testing company, except that scores under subd. 1. b. shall be reported 2  
17 times during the school year.

18           3. Provide the parent or guardian of a pupil attending the private school with  
19 a paper reporting, anonymously, the average assessment growth on all examinations  
20 administered to the pupils when the examinations are administered in the same  
21 school year but on different occasions. Scores under this subdivision shall be reported  
22 by grade, class, and, when possible, subject.

23           4. To the extent permitted under 20 USC 1232g and 43 CFR part 99 and except  
24 as provided in sub. (6p), upon the request of any person, provide an electronic or  
25 paper copy of the scores, including the mean average scores, of standardized

**ASSEMBLY BILL 748**

1 examinations administered to pupils attending the private school, categorized by  
2 classroom and by subject, within 10 working days of the request.

3 5. Provide the Internet address of the Wisconsin Information Network for  
4 Successful Schools and the scores reported as required under subd. 1. b. in the school  
5 newsletter at least twice during the school term.

6 6. Provide a list of the names of the members of the board of directors of the  
7 private school or of the entity that oversees the private school.

8 7. Prominently display the Measures of Academic Progress growth  
9 assessments and the growth assessments for any other nationally recognized  
10 assessments administered during the school year to pupils attending the private  
11 school on the wall of the private school within 30 days of receiving scores from the  
12 assessment company. The display under this subdivision shall provide mean  
13 average class growth for each grade and class in the school to which the assessments  
14 were administered in the school year in each of the following subjects:

15 a. Reading.

16 b. Language arts.

17 c. Math.

18 d. Science.

19 e. Social studies.

20 **SECTION 11.** 118.60 (6p) of the statutes is created to read:

21 118.60 (6p) A private school participating in the program under this section  
22 is not required to categorize the information under sub. (6m) (e) 1., or disclose the  
23 information under sub. (6m) (e) and (f) 1., 2., and 4., if the number of pupils in a  
24 category is insufficient to yield statistically reliable information or the results would  
25 reveal personally identifiable information about an individual pupil.

**ASSEMBLY BILL 748**

1           **SECTION 12.** 118.60 (7) (am) 1. of the statutes, as created by 2011 Wisconsin Act  
2           32, is amended to read:

3           118.60 **(7)** (am) 1. An independent financial audit of the private school  
4           conducted by an independent certified public accountant, accompanied by the  
5           auditor's statement that the report is free of material misstatements and fairly  
6           presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be  
7           limited in scope to those records that are necessary for the department to make  
8           payments under subs. (4) and (4m), except that the certified public accountant  
9           conducting the audit shall include a report on the private school's compliance with  
10          par. (b) 4. and 6. The auditor shall conduct his or her audit, including determining  
11          sample sizes and evaluating financial viability, in accordance with the auditing  
12          standards established by the American Institute of Certified Public Accountants.  
13          The department may not require an auditor to comply with standards that exceed  
14          the scope of the standards established by the American Institute of Certified Public  
15          Accountants.

16          **SECTION 13.** 118.60 (7) (b) 8., 9., 10., 11. and 14. of the statutes are created to  
17          read:

18          118.60 **(7)** (b) 8. Post on the private school's Internet site the current report card  
19          prepared for the private school by the department as required under sub. (11) (d).

20          9. a. Except as provided in subd. 9. b., beginning in the 2012-13 school year,  
21          ensure that every teacher, supervisor, administrator, and professional staff member  
22          holds a license or permit to teach issued by the department.

23          b. For any teacher, supervisor, administrator, or professional staff member  
24          teaching in a participating private school on the effective date of this subd. 9. b. ....  
25          [LRB inserts date], ensure that the teacher, supervisor, administrator, and

**ASSEMBLY BILL 748**

1 professional staff member holds a license or permit to teach issued by the department  
2 beginning in the 2017-18 school year.

3 10. Develop policies on truancy, excused and unexcused absences, bullying,  
4 pupil engagement in learning activities, promoting the emotional development of  
5 pupils, student differentiation, promoting practices designed to provide instruction  
6 to each pupil based on the pupil's abilities, and promoting parental involvement and  
7 volunteerism. The latter policy shall describe the circumstances under which a  
8 pupil's parent or guardian may volunteer, shadow the pupil in school, and observe  
9 the pupil in the pupil's classes. The department shall develop model policies on all  
10 of these subjects.

11 11. a. Except as provided in subd. 11. b., make available the scores and other  
12 information prepared and reported under sub. (6m) (f) 1. on the private school's  
13 Internet site as soon as the information becomes available and no later than 30 days  
14 after receiving scores from the testing company. The private school shall  
15 prominently display on the home page of the private school's Internet site a link to  
16 the scores reported as required under this subd. 11. a.

17 b. If a private school does not have an Internet site, the information required  
18 to be made available under subd. 11. a. shall be made available on the Internet site  
19 of the religious entity that operates or oversees the private school.

20 14. Annually evaluate the effectiveness of each teacher employed by the private  
21 school on the basis of pupil scores on the examinations administered under sub. (7)  
22 (e); the Measures of Academic Progress, developed by the Northwest Evaluation  
23 Association; ACT tests; and the Scholastic Math Inventory and Scholastic Reading  
24 Inventory assessment, developed by Scholastic, Inc.

**ASSEMBLY BILL 748**

1           **SECTION 14.** 118.60 (7) (e) of the statutes, as created by 2011 Wisconsin Act 32,  
2 is renumbered 118.60 (7) (e) 1. (intro.) and amended to read:

3           118.60 (7) (e) 1. (intro.) Each private school participating in the program under  
4 this section shall administer the examinations required under s. 118.30 (1t) to pupils  
5 attending the school under the program. The private school may administer  
6 additional standardized tests to such pupils. If the private school administers the  
7 Iowa test to pupils, the private school shall determine the average scores and the  
8 mean percentage or mean percentile for each class and the percentile distribution of  
9 the scores of the pupils to whom the Iowa test was administered in each of the  
10 following categories and shall post the results of the determination under this  
11 subdivision on the Internet site of the private school, or, if the private school does not  
12 maintain an Internet site, on the Internet site of the religious entity that operates  
13 or oversees the private school, and shall provide a written copy of the results of this  
14 determination, reported by class and grade when possible, to the department and to  
15 the parent or guardian of each such pupil:

16           **SECTION 15.** 118.60 (7) (e) 1. a. to f. of the statutes are created to read:

17           118.60 (7) (e) 1. a. Reading, including vocabulary and reading comprehension.

18           b. Language, including spelling, capitalization, punctuation, usage, and  
19 expression.

20           c. Math, including concepts, estimations, problem solving, data interpretation,  
21 and computation.

22           d. Social studies.

23           e. Sources of information, including maps, diagrams, and reference materials.

24           f. Composite totals.

25           **SECTION 16.** 118.60 (7) (e) 2. of the statutes is created to read:

**ASSEMBLY BILL 748**

1           118.60 (7) (e) 2. The department shall post the information received from a  
2 private school that administers the Iowa exam, as provided under subd. 1., on the  
3 department's Internet site.

4           **SECTION 17.** 118.60 (10) (am) 4. of the statutes is created to read:

5           118.60 (10) (am) 4. The private school has violated s. 100.18 (1).

6           **SECTION 18.** 118.60 (10) (d) of the statutes, as created by 2011 Wisconsin Act  
7 32, is amended to read:

8           118.60 (10) (d) The state superintendent may withhold payment from a private  
9 school under subs. (4) and (4m) if the private school violates this section or s. 118.125  
10 (4).

11           **SECTION 19.** 118.60 (11) (c) and (d) of the statutes are created to read:

12           118.60 (11) (c) Develop a format for private schools participating in the  
13 program under this section to electronically transmit scores from the Iowa test when  
14 that test is administered by a participating private school.

15           (d) Using the information reported to the department as required under sub.  
16 (6m) (b) 3. and 5., annually, by October 1, prepare a report card for each private school  
17 participating in the program under this section and post the report cards on the  
18 department's Internet site.

19           **SECTION 20.** 118.60 (12) of the statutes is created to read:

20           118.60 (12) The department may develop a format for private schools  
21 participating in the program under this section to electronically transmit scores from  
22 any standardized examination administered to pupils attending a participating  
23 private school.

24           **SECTION 21.** 119.16 (15) of the statutes is created to read:



**ASSEMBLY BILL 748**

1           119.16 **(15)** MILWAUKEE PARENTAL CHOICE PROGRAM; REPORT. Annually the board  
2 shall report to the legislature, in the manner provided under s. 13.172 (2), all of the  
3 costs it incurred in the previous school year in connection with the Milwaukee  
4 parental choice program under s. 119.23, including state and local transportation  
5 costs and the costs of providing special education and related services to pupils  
6 attending private schools under s. 119.23.

7           **SECTION 22.** 119.23 (6m) (b) 5. of the statutes is created to read:

8           119.23 **(6m)** (b) 5. Electronic copies of the information described in par. (f) 1.  
9 within 2 weeks of receiving the scores.

10          **SECTION 23.** 119.23 (6m) (e) and (f) of the statutes are created to read:

11          119.23 **(6m)** (e) Except as provided in sub. (6p), provide, annually to the  
12 department and upon request to any person, all of the following:

13           1. Rates of graduation, truancy, attendance, suspension, and expulsion in the  
14 previous school year, categorized as specified in par. (b) 3. d.

15           2. The private school's requirements for promotion from grade to grade and for  
16 graduation.

17           3. The private school's safety plan.

18           4. The number of pupils enrolled in the previous school year who were children  
19 with a disability, as defined s. 115.76 (5).

20           5. The services provided by the private school to pupils who are children with  
21 a disability, as defined in s. 115.76 (5).

22           6. The private school's attrition rate for teachers in the previous school year,  
23 as compared to the statewide attrition rate in the previous school year and the  
24 attrition rate of the school district operating under this chapter in the previous school  
25 year.

**ASSEMBLY BILL 748**

1           7. The private school's budget, specifying all existing indebtedness and all  
2 anticipated revenue from all sources during the ensuing fiscal year and all proposed  
3 expenditures during the ensuing fiscal year, and a 5-year budget plan.

4           (f) 1. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and  
5 except as provided in sub. (6p), keep paper copies of all of the following, printed in  
6 at least 12-point type and updated with current information as soon as the  
7 information becomes available and, in the case of scores on standardized  
8 examinations, no later than 30 days after receiving scores from the testing company,  
9 in a binder at the school's front desk:

10           a. Beginning in the 2012-13 school year and in every school year thereafter,  
11 scores from any examinations administered as required under s. 118.30 (1s) in that  
12 school year. Scores under this subd. 1. a. shall be reported by grade and class and  
13 shall include the total number of questions, the number and percentage of questions  
14 each pupil answered correctly, the number of questions each pupil answered  
15 incorrectly, the mean percentile for the class, the mean average percentile  
16 distributions, the mean average scores, and the mean percentage distributions for  
17 the examination as a whole and for each of the following topics and subtopics:  
18 reading, including determining meaning, understanding texts, analyzing texts, and  
19 evaluating and extending texts; mathematics, including processing number  
20 operations, geometry, measurement, statistics and probability, and algebraic  
21 relationships; science; social studies; and any other topic or subtopic included in the  
22 examination.

23           b. In the 2012-13 school year, if the private school has administered the Iowa  
24 test in the 5 preceding school years, the scores reported by school, grade, class, and  
25 subject, including the mean average scores, for those 5 preceding school years, and

**ASSEMBLY BILL 748**

1 if the private school administers the Iowa test in the 2013-14 school year and in any  
2 school year thereafter, the scores reported by school, grade, class, and subject,  
3 including the mean average scores, for that school year.

4 c. If the private school administers any other standardized examinations,  
5 beginning in the 2012-13 school year and in every school year thereafter, scores from  
6 those examinations reported in the same manner as scores are reported for the  
7 examinations described under subd. 1. b.

8 d. Beginning in the 2012-13 school year and in every school year thereafter,  
9 scores, including the mean average scores, from any ACT tests administered in that  
10 school year to pupils attending the private school, reported by grade and subject.

11 e. Beginning in the 2012-13 school year and in every school year thereafter, the  
12 number of pupils attending the private school who were in advanced placement  
13 classes in the 5 preceding school years, the subjects, the percentage of pupils in each  
14 such class who passed, and the percentage of pupils in each such class who failed.

15 2. To the extent permitted under 20 USC 1232g and 43 CFR part 99, and except  
16 as provided in sub. (6p), provide the parent of each pupil attending the school under  
17 this section with a paper copy of the information provided under subd. 1. as soon as  
18 the information becomes available and no later than 30 days after receiving scores  
19 from the testing company, except that scores under subd. 1. b. shall be reported 2  
20 times during the school year.

21 3. Provide the parent or guardian of a pupil attending the private school with  
22 a paper reporting, anonymously, the average assessment growth on all examinations  
23 administered to the pupils when the examinations are administered in the same  
24 school year but on different occasions. Scores under this subdivision shall be reported  
25 by grade, class, and, when possible, subject.

**ASSEMBLY BILL 748**

1           4. To the extent permitted under 20 USC 1232g and 43 CFR part 99 and except  
2 as provided in sub. (6p), upon the written request of any person, provide an electronic  
3 or paper copy of the scores, including the mean average scores, of standardized  
4 examinations administered to pupils attending the private school, categorized by  
5 classroom and by subject, within 10 working days of the request.

6           5. Provide the Internet address of the Wisconsin Information Network for  
7 Successful Schools and the scores reported as required under subd. 1. b. in the school  
8 newsletter at least twice during the school term.

9           6. Provide a list of the names of the members of the board of directors of the  
10 private school or of the entity that oversees the private school. Prominently display  
11 the measures of Academic Progress growth assessments on the wall of the private  
12 school.

13           7. Prominently display the Measures of Academic Progress growth  
14 assessments and the growth assessments for any other nationally recognized  
15 assessments administered during the school year to pupils attending the private  
16 school on the wall of the private school within 30 days of receiving scores from the  
17 assessment company. The display under this subdivision shall provide mean  
18 average class growth for each grade and class in the school to which the assessments  
19 were administered in the school year in each of the following subjects:

20           a. Reading.

21           b. Language arts.

22           c. Math.

23           d. Science.

24           e. Social studies.

25           **SECTION 24.** 119.23 (6p) of the statutes is created to read:

**ASSEMBLY BILL 748**

1           119.23 (6p) A private school participating in the program under this section  
2 is not required to categorize the information under sub. (6m) (e) 1. or disclose the  
3 information under sub. (6m) (e) and (f) 1., 2., and 4., if the number of pupils in a  
4 category is insufficient to yield statistically reliable information or the results would  
5 reveal personally identifiable information about an individual pupil.

6           **SECTION 25.** 119.23 (7) (am) 1. of the statutes, as affected by 2011 Wisconsin  
7 Act 32, is amended to read:

8           119.23 (7) (am) 1. An independent financial audit of the private school  
9 conducted by an independent certified public accountant, accompanied by the  
10 auditor's statement that the report is free of material misstatements and fairly  
11 presents pupil costs under sub. (4) (b) 1. The audit under this subdivision shall be  
12 limited in scope to those records that are necessary for the department to make  
13 payments under subs. (4) and (4m), except that the certified public accountant  
14 conducting the audit shall include a report on the private school's compliance with  
15 par. (b) 4. and 6. The auditor shall conduct his or her audit, including determining  
16 sample sizes and evaluating financial viability, in accordance with the auditing  
17 standards established by the American Institute of Certified Public Accountants.  
18 The department may not require an auditor to comply with standards that exceed  
19 the scope of the standards established by the American Institute of Certified Public  
20 Accountants.

21           **SECTION 26.** 119.23 (7) (b) 8., 9., 10., 11. and 14. of the statutes are created to  
22 read:

23           119.23 (7) (b) 8. Post on the private school's Internet site the current report card  
24 prepared for the private school by the department as required under sub. (11) (d).

**ASSEMBLY BILL 748**

1           9. a. Except as provided in subd. 9. b., beginning in the 2012-13 school year,  
2 ensure that every teacher, supervisor, administrator, and professional staff member  
3 holds a license or permit to teach issued by the department.

4           b. For any teacher, supervisor, administrator, or professional staff member  
5 teaching in a participating private school on the effective date of this subd. 9. b. ....  
6 [LRB inserts date], ensure that the teacher, supervisor, administrator, or  
7 professional staff member holds a license or permit to teach issued by the department  
8 beginning in the 2017-18 school year.

9           10. Develop policies on truancy, excused and unexcused absences, bullying,  
10 pupil engagement in learning activities, promoting the emotional development of  
11 pupils, student differentiation, promoting practices designed to provide instruction  
12 to each pupil based on the pupil's abilities, and promoting parental involvement and  
13 volunteerism. The latter policy shall describe the circumstances under which a  
14 pupil's parent or guardian may volunteer, shadow the pupil in school, and observe  
15 the pupil in the pupil's classes. The department shall develop model policies on all  
16 of these subjects.

17           11. a. Except as provided in subd. 11. b., make available the scores and other  
18 information prepared and reported under sub. (6m) (f) 1. on the private school's  
19 Internet site as soon as the information becomes available and no later than 30 days  
20 after receiving scores from the testing company. The private school shall  
21 prominently display on the home page of the private school's Internet site a link to  
22 the scores reported as required under this subd. 11. a.

23           b. If a private school does not have an Internet site, the information required  
24 to be made available under subd. 11. a. shall be made available on the Internet site  
25 of the religious entity that operates or oversees the private school.

**ASSEMBLY BILL 748**

1           14. Annually evaluate the effectiveness of each teacher employed by the private  
2 school on the basis of pupil scores on the examinations administered under sub. (7)  
3 (e) 1.; the Measures of Academic Progress, developed by the Northwest Evaluation  
4 Association; the ACT tests; and the Scholastic Math Inventory and Scholastic  
5 Inventory assessments, developed by Scholastic, Inc.

6           **SECTION 27.** 119.23 (7) (e) 1. of the statutes is renumbered 119.23 (7) (e) 1.  
7 (intro.) and amended to read:

8           119.23 (7) (e) 1. (intro.) In the 2009-10 school year, each private school  
9 participating in the program under this section shall administer a nationally normed  
10 standardized test in reading, mathematics, and science to pupils attending the  
11 school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010-11  
12 school year and annually thereafter, each private school participating in the program  
13 under this section shall administer the examinations required under s. 118.30 (1s)  
14 to pupils attending the school under the program. The private school may administer  
15 additional standardized tests to such pupils. Beginning in 2006 and annually  
16 thereafter until 2011, the private school shall provide the scores of all standardized  
17 tests and examinations that it administers under this subdivision to the School  
18 Choice Demonstration Project. If the private school administers the Iowa test to  
19 pupils, the private school shall determine the average scores and the mean  
20 percentage or mean percentile for each class and the percentile distribution of the  
21 scores of the pupils to whom the Iowa test was administered in each of the following  
22 categories and shall post the results of the determination under this subdivision on  
23 the Internet site of the private school, or, if the private school does not maintain an  
24 Internet site, on the Internet site of the religious entity that operates or oversees the  
25 private school, and shall provide a written copy of the results of this determination,

**ASSEMBLY BILL 748**

1 reported by class and grade when possible, to the department and to the parent or  
2 guardian of each such pupil:

3 **SECTION 28.** 119.23 (7) (e) 1. a. to f. of the statutes are created to read:

4 119.23 (7) (e) 1. a. Reading, including vocabulary and reading comprehension.

5 b. Language, including spelling, capitalization, punctuation, usage, and  
6 expression.

7 c. Math, including concepts, estimations, problem solving, data interpretation,  
8 and computation.

9 d. Social studies.

10 e. Sources of information, including maps, diagrams, and reference materials.

11 f. Composite totals.

12 **SECTION 29.** 119.23 (7) (e) 1m. of the statutes is created to read:

13 119.23 (7) (e) 1m. The department shall post the information received from a  
14 private school that administers the Iowa exam, as provided under subd. 1., on the  
15 department's Internet site.

16 **SECTION 30.** 119.23 (7) (f) of the statutes is repealed and recreated to read:

17 119.23 (7) (f) A private school that is not accredited under sub. (2) (a) 7. shall  
18 apply for accreditation by December 31 of the school year in which it enters or  
19 reenters the program under this section.

20 **SECTION 31.** 119.23 (10) (am) 4. of the statutes is created to read:

21 119.23 (10) (am) 4. The private school has violated s. 100.18 (1).

22 **SECTION 32.** 119.23 (10) (d) of the statutes, as affected by 2011 Wisconsin Act  
23 32, is amended to read:



**ASSEMBLY BILL 748**

1           119.23 (10) (d) The state superintendent may withhold payment from a private  
2 school under subs. (4) and (4m) if the private school violates this section or s. 118.125  
3 (4).

4           **SECTION 33.** 119.23 (11) (c) and (d) of the statutes are created to read:

5           119.23 (11) (c) Develop a format for private schools participating in the  
6 program under this section to electronically transmit scores from the Iowa test when  
7 that test is administered by a participating private school.

8           (d) Using the information reported to the department as required under sub.  
9 (6m) (b) 3. and 5., annually, by October 1, prepare a report card for each private school  
10 participating in the program under this section and post the report cards on the  
11 department's Internet site.

12           **SECTION 34.** 119.23 (12) of the statutes is created to read:

13           119.23 (12) The department may develop a format for private schools  
14 participating in the program under this section to electronically transmit scores from  
15 any standardized examination administered to pupils attending a participating  
16 private school.

17           **SECTION 35. Nonstatutory provisions.**

18           (1) RESULTS OF EXAMINATIONS.

19           (a) By the 30th day after the day of publication of this act, each private school  
20 participating in the program under section 118.60 or 119.23 of the statutes, as  
21 affected by this act, shall ensure that the results of all standard examinations  
22 administered in the previous 5 years to pupils attending the private school under  
23 section 118.60 or 119.23 of the statutes, as affected by this act, categorized by subject  
24 area, grade, sex, race, disability, and economic status, are provided to the department  
25 of public instruction. The department shall post the results on its Internet site.

**ASSEMBLY BILL 748**

1 (b) A private school participating in the program under section 118.60 or 119.23  
2 of the statutes, as affected by this act, is not required to categorize the information  
3 under paragraph (a) if the number of pupils in a category is insufficient to yield  
4 statistically reliable information or the results would reveal personally identifiable  
5 information about an individual pupil.

6 (2) SCHOOL ASSESSMENT GUIDE. The department of public instruction shall  
7 ensure that the school assessment guide required under section 115.28 (27) of the  
8 statutes, as created by this act, is available by the first day of the 10th month  
9 beginning after the effective date of this subsection.

**SECTION 36. Initial applicability.**

10 (1) The treatment of section 118.60 (6m) (e) and (f), (7) (am) 1., (b) 10., and (10)  
11 (am) 4. of the statutes first applies to private schools participating in the program  
12 under section 118.60 of the statutes and to pupils who apply to attend, and to pupils  
13 who attend, a private school under section 118.60 of the statutes in the 2012-13  
14 school year.

15 (2) The treatment of sections 119.16 (15) and 119.23 (6m) (e) and (f), (7) (am)  
16 1., (b) 10., and (f), and (10) (am) 4. of the statutes first applies to private schools  
17 participating in the program under section 119.23 of the statutes and to pupils who  
18 apply to attend, and to pupils who attend, a private school under section 119.23 of  
19 the statutes in the 2012-13 school year.

20 (3) The treatment of section 118.225 (intro.) and (3) of the statutes first applies  
21 to pupil assessments and examinations administered during the 2012-13 school  
22 year.  
23

24 (END)