



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
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TO: REPRESENTATIVE SONDY POPE

FROM: Anne Sappenfield, Principal Attorney and Jessica Ozalp, Staff Attorney

RE: Process for Adoption of Model Academic Standards Under 2013 Senate Bill 619

DATE: February 27, 2014

This memorandum, prepared at your request, describes the procedure set forth in 2013 Senate Bill 619 ("the bill") for adopting model academic standards.

You have asked about the provision of the bill requiring the Joint Committee for the Review of Administrative Rules (JCRAR) to introduce a bill that incorporates by reference the model academic standards if JCRAR objects to the standards submitted to it by the State Superintendent. Specifically, you have asked whether the Legislature may amend this bill, if it is introduced. The Legislature would be able to amend such a bill. This conclusion was also reached by Department of Public Instruction (DPI) attorneys who reviewed the bill.

SENATE BILL 619

Senate Bill 619 creates a Model Academic Standards Board ("board"), composed of 16 appointees as described below, and a procedure for development and adoption of state model academic standards.

Under the bill, the new board is co-chaired by the State Superintendent of Public Instruction or a designee, and by an appointee of the Governor.

The State Superintendent must appoint four members of the board, to include:

- A high school principal.
- A school board member.
- A public school parent.
- A professor at a Wisconsin institution of higher education.

The Governor must appoint six members of the board, to include:

- One public school teacher.
- One private choice school teacher.
- One school district superintendent.
- One elementary school principal.
- One private choice school parent.

The Legislature must appoint the remaining four members of the board. The Senate Majority Leader and the Senate Minority Leader must each appoint one member of the board. The Assembly Speaker and Assembly Minority Leader must each appoint one member of the board.

The bill requires the board to appoint four subject-specific subcommittees to research and develop model academic standards in mathematics; English, reading and language arts; science; and social studies. The board must review and may modify any model academic standards it receives from a subcommittee.

The board must then submit proposed standards to the State Superintendent, who must take into consideration the board's submissions. The State Superintendent must submit his or her own proposed standards to the Legislative Council for review and to JCRAR for approval or objection. If JCRAR approves the State Superintendent's proposed standards, the standards must be adopted by the State Superintendent. If JCRAR objects to the State Superintendent's proposed standards, it must incorporate, by reference, the board's proposed standards into a bill for introduction to the Legislature.

The bill requires three public hearings concerning the proposed standards: one held by the board, one held by the State Superintendent, and one held by JCRAR, at various stages of the process.

The bill requires the board to review and update each of the standards at least once every six years.

DISCUSSION

As noted above, if JCRAR objects to the model academic standards submitted to it by the State Superintendent, JCRAR must prepare a bill that incorporates, by reference, the model academic standards submitted by the board to the State Superintendent and introduce the bill in each house. Senate Bill 619 specifies that the presiding officer in each house may not refer the bill to the appropriate standing committees but must place the bill introduced in that house on the calendar of that house according to the rules governing the placement of proposals on the calendar.

You have asked whether the Legislature may amend a bill that is introduced by JCRAR as provided under Senate Bill 619. The Legislature may. Both the Senate and Assembly rules provide for amending bills on the second reading. [SR 37 and AR 46.] There are some types of bills that may not be amended by the Legislature. Specifically, the report of a conference committee may not be amended and a proposed amendment to the U.S. Constitution submitted to the states for ratification may not be amended. [Joint Rules 3 (3) and 58 (3).] The type of bill that would be introduced under Senate Bill 619 does not fall into one of these categories.

As for any amendments, amendments to a bill introduced as provided under Senate Bill 619 must be germane to the bill. Germaneness is determined by the presiding officer of the house the amendment is before. [SR 50 and AR 54.]

If you have any questions, please feel free to contact us directly at the Legislative Council staff offices.

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