

# State of Wisconsin



2023 Senate Bill 367

Date of enactment:  
Date of publication\*:

## 2023 WISCONSIN ACT

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

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

**SECTION 1.** 36.11 (3) (a) of the statutes is amended to read:

36.11 (3) (a) ~~The Subject to sub. (3m), the~~ board shall establish the policies for admission within the system and within these policies each institution shall establish specific requirements for admission to its courses of instruction. No sectarian or partisan tests or any tests based upon race, religion, national origin of U.S. citizens or sex shall ever be allowed in the admission of students thereto.

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

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

1. "College entrance examination score" means a composite ACT examination score resulting from a single test date.
2. "Home-based private educational program" has the meaning given in s. 115.001 (3g).
3. "Virtual private school" has the meaning given in s. 118.58 (1).

(b) The board shall establish a guaranteed admission program under which an applicant for undergraduate admission shall be admitted to the institution of the appli-

cant's choice if the applicant satisfies the requirements under this subsection.

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

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

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

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

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

c. The applicant has been designated as a finalist in the National Merit Scholarship Program administered by the National Merit Scholarship Corporation or has

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

achieved an equivalent designation under a successor program or by a successor organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**118.58 Class rankings.** (1) In this section, "virtual private school" means a private school in which all or a portion of the instruction is provided through means of the Internet, and the pupils enrolled in and instructional staff employed by the school are geographically remote from each other.

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

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

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

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

(a) Notify 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 pupil's high school class.

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

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

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

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.124, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258, 118.291, 118.292, 118.293, 118.2935, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55, 118.56, 118.58, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21 (3), and

120.25 are applicable to a 1st class city school district and board but not, unless explicitly provided in this chapter or in the terms of a contract, to the commissioner or to any school transferred to an opportunity schools and partnership program.

**SECTION 5. Initial applicability.**

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

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

