

**2011 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB558)**

Received: **03/06/2012**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Sondy Pope-Roberts (608) 266-3520**

By/Representing: **Tom**

May Contact:

Drafter: **tkuczens**

Subject: **Education - school boards**  
**Education - state superintendent**

Addl. Drafters: **pgrant**

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Rep.Pope-Roberts@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Sub consolidating ASA1, AA1 to ASA 1, AA2 to ASA1, and AA1 to AA1 to ASA1

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 03/06/2012	wjackson 03/06/2012		_____			
/1			jfrantze 03/06/2012	_____	lparisi 03/06/2012	lparisi 03/06/2012	

FE Sent For:

<END>

**2011 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB558)**

Received: 03/06/2012

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Sody Pope-Roberts (608) 266-3520

By/Representing: Tom

May Contact:

Drafter: tkuczens

Subject: Education - school boards  
Education - state superintendent

Addl. Drafters: pgrant

Extra Copies: pg

Submit via email: YES

Requester's email: Rep.Pope-Roberts@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Sub consolidating ASA1, AA1 to ASA 1, AA2 to ASA1, and AA1 to AA1 to ASA1

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	tkuczens						
----	----------	--	--	--	--	--	--

1 wj 3/6  
3/6

JLL  
3/6

<END>

FE Sent For:

**Grant, Peter**

---

**From:** McCarthy, Tom  
**Sent:** Tuesday, March 06, 2012 2:16 PM  
**To:** Grant, Peter  
**Subject:** One Last Request...as of now

Peter,

Can you draft a sub to AB 558 that consolidates AA2 to ASA 1 (a2369), AA1 to ASA 1 (a2397), and AA1 to AA1 to ASA1 (a2587) - with the framework of ASA 1? Hopefully that makes sense. If not, feel free to call.

-tom

**Tom McCarthy**  
**Office of Rep. Soudy Pope-Roberts**  
111 North, State Capitol  
(608) 266-3520  
[tom.mccarthy@legis.wi.gov](mailto:tom.mccarthy@legis.wi.gov)



State of Wisconsin  
2011 - 2012 LEGISLATURE

50398/1



LRBs0334/1

PG&TKK:cjs&med:jm

twj → RMR  
insert

ASSEMBLY SUBSTITUTE AMENDMENT <sup>1</sup>

TO 2011 ASSEMBLY BILL 558

3/6/12 *plow*

February 22, 2012 – Offered by COMMITTEE ON EDUCATION.

*Regen. cat.*

1 AN ACT *to repeal* 20.505 (4) (c); *to renumber and amend* 14.20 (2); *to amend*  
2 14.20 (title), 20.525 (1) (f), 115.28 (7) (a), 115.28 (7) (e) 2., 119.04 (1) and 121.02  
3 (1) (c) (intro.); *to repeal and recreate* 14.20 (1); and *to create* 14.017 (5), 14.20  
4 (1m), 14.20 (2) (b) and (c), 20.255 (1) (f), 20.255 (2) (q), 20.525 (1) (q), 25.17 (1)  
5 (ge), 25.79, 115.28 (7g), 115.28 (12) (ag), 115.415, 118.016, 118.19 (14), 120.12  
6 (2m) and 121.02 (1) (c) 3. of the statutes; **relating to:** the governor's read to lead  
7 development fund, the Read to Lead Development Council, grants in support  
8 of literacy and early childhood development programs, teacher licensure,  
9 screening kindergarten pupils for reading readiness, interventions or remedial  
10 reading services for certain pupils, evaluating teacher preparatory programs  
11 and educator effectiveness, <sup>a school and school district accountability system,</sup> requiring the exercise of rule-making authority,  
12 and making an appropriation.

2-1 →  
①  
*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION ~~14~~ 14.017 (5) of the statutes is created to read:

2           14.017 (5) READ TO LEAD DEVELOPMENT COUNCIL. (a) There is created in the office  
3 of the governor a read to lead development council consisting of all of the following:

4           1. The governor or his or her designee, who shall serve as chairperson of the  
5 council.

6           2. The state superintendent of public instruction or his or her designee, who  
7 shall serve as vice-chair of the council.

8           3. The chairpersons of the committees in the assembly and the senate whose  
9 subject matter is elementary and secondary education or members of those  
10 committees designated by those chairpersons.

11           4. The ranking minority members of each of the committees under subd. 3. or  
12 members of those committees designated by the ranking minority members.

13           5. The following members appointed by the governor for 3-year terms:

14           a. Two practicing elementary and secondary education teachers or principals.

15           b. One practicing preschool teacher.

16           c. Three persons representing this state's philanthropic community.

17           d. Three persons representing this state's business community.

18           e. One person representing the Wisconsin State Reading Association.

19           f. One person representing the Wisconsin Reading Coalition.

20           g. One person representing the International Dyslexia Association.

21           h. One person representing Wisconsin Literacy, Inc.

22           i. One person representing the Wisconsin Library Association.

23           j. One person representing this state's research community.

1 k. One person representing an organization that has as its mission service to  
2 children with various types of disabilities.

3 (b) Section 15.09 applies to the read to lead development council.

4 **SECTION 2.** 14.20 (title) of the statutes is amended to read:

5 **14.20 (title) Literacy ~~improvement~~ aids and early childhood**  
6 **development grants.**

7 **SECTION 3.** 14.20 (1) of the statutes is repealed and recreated to read:

8 14.20 (1) In this section:

9 (a) “Council” means the read to lead development council.

10 (b) “State superintendent” means the state superintendent of public  
11 instruction.

12 **SECTION 4.** 14.20 (1m) of the statutes is created to read:

13 14.20 (1m) The council shall make recommendations to the governor and state  
14 superintendent regarding recipients of grants under sub. (2). The amount of each  
15 grant awarded shall be determined jointly by the governor and the state  
16 superintendent. In addition to reports required under s. 15.09 (7), annually the  
17 council shall submit a report on its operation to the appropriate standing committees  
18 of the legislature under s. 13.172 (3).

19 **SECTION 5.** 14.20 (2) of the statutes is renumbered 14.20 (2) (a) and amended  
20 to read:

21 14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may  
22 ~~provide~~ award a grant to any ~~local governmental unit or nonprofit organization~~  
23 person other than a school board for support of a literacy improvement program.

24 **SECTION 6.** 14.20 (2) (b) and (c) of the statutes are created to read:

1           14.20 (2) (b) From the appropriation under s. 20.525 (1) (q), the governor may  
2 award a grant to any person other than a school board for support of a literacy or early  
3 childhood development program.

4           (c) From the appropriation under s. 20.255 (2) (q), the state superintendent  
5 may award a grant to a school board for support of a literacy or early childhood  
6 development program.

7           **SECTION 7.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
8 the following amounts for the purposes indicated:

	2011–12	2012–13
<b>20.255 Public instruction, department of</b>		

11       (1) EDUCATIONAL LEADERSHIP

12       (f) Assessments of reading readi-  
13           ness

GPR	A	–0–	800,000
-----	---	-----	---------

14       **SECTION 8.** 20.255 (1) (f) of the statutes is created to read:

15           20.255 (1) (f) *Assessments of reading readiness.* The amounts in the schedule  
16 to provide school districts and independent charter schools with the assessments of  
17 reading readiness under s. 118.016.

18       **SECTION 9.** 20.255 (2) (q) of the statutes is created to read:

19           20.255 (2) (q) *Grants for literacy and early childhood development programs.*  
20 From the governor's read to lead development fund, a sum sufficient for grants to  
21 support literacy and early childhood development programs under s. 14.20 (2) (c).

22       **SECTION 10.** 20.505 (4) (c) of the statutes, as created by 2011 Wisconsin Act 32,  
23 is repealed.

24       **SECTION 11.** 20.525 (1) (f) of the statutes is amended to read:

1           20.525 (1) (f) *Literacy improvement aids.* The amounts in the schedule for ~~the~~  
2 ~~governor to provide grants for~~ to support literacy improvement under s. 14.20 (2) (a).

3           **SECTION 12.** 20.525 (1) (q) of the statutes is created to read:

4           20.525 (1) (q) *Grants for literacy and early childhood development programs.*

5 From the governor's read to lead development fund, a sum sufficient for grants to  
6 support literacy and early childhood development programs under s. 14.20 (2) (b).

7           **SECTION 13.** 25.17 (1) (ge) of the statutes is created to read:

8           25.17 (1) (ge) Governor's read to lead development fund.

9           **SECTION 14.** 25.79 of the statutes is created to read:

10           **25.79 Governor's read to lead development fund.** There is established a  
11 separate nonlapsible trust fund, designated the governor's read to lead development  
12 fund, consisting of all gifts, grants, bequests, and other contributions made to the  
13 fund.

14           **SECTION 15.** 115.28 (7) (a) of the statutes is amended to read:

15           115.28 (7) (a) License all teachers for the public schools of the state; make rules  
16 establishing standards of attainment and procedures for the examination and  
17 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192,  
18 and 118.195; prescribe by rule standards, requirements, and procedures for the  
19 approval of teacher preparatory programs leading to licensure, including a  
20 requirement that, beginning on July 1, 2012, and annually thereafter, each teacher  
21 preparatory program located in this state shall submit to the department a list of  
22 graduates, together with their date of graduation, from each term or semester of the  
23 program's most recently completed academic year; file in the state superintendent's  
24 office all papers relating to state teachers' licenses; and register each such license.

25           **SECTION 16.** 115.28 (7) (e) 2. of the statutes is amended to read:

Insert 5-22 ✓

1 115.28 (7) (e) 2. Promulgate rules establishing requirements for licensure as  
2 an alternative education program teacher and for the approval of teacher education  
3 programs leading to licensure as an alternative education program teacher. The  
4 rules shall include a requirement that each teacher education program described in  
5 this subdivision and located in this state shall, beginning on July 1, 2012, and  
6 annually thereafter, submit to the department a list of graduates, together with their  
7 date of graduation, from each term or semester of the program's most recently  
8 completed academic year. The rules shall encompass the teaching of multiple  
9 subjects or grade levels or both, as determined by the state superintendent. The  
10 rules may require teacher education programs to grant credit towards licensure as  
11 an alternative education program teacher for relevant experience or demonstrated  
12 proficiency in relevant skills and knowledge.

13 SECTION 17. 115.28 (7g) of the statutes is created to read:

14 115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.

15 (a) The department shall, in consultation with the governor's office, the  
16 chairpersons of the committees in the assembly and senate whose subject matter is  
17 elementary and secondary education and ranking members of those committees, the  
18 Board of Regents of the University of Wisconsin System, and the Wisconsin  
19 Association of Independent Colleges and Universities, do all of the following:

20 1. Determine how the performance of recent graduates of teacher preparatory  
21 programs described in s. 115.28 (7) (a) and located in this state and teacher education  
22 programs described in sub. 115.28 (7) (e) 2. and located in this state will be used to  
23 evaluate the teacher preparatory and education programs, including by defining  
24 "recent graduate" and identifying measures of performance.

Insert 6-7

Insert 6-20

InserA 7-1

1 2. Determine how the measures of performance of recent graduates identified  
2 as required under subd. 1. will be made accessible to the public.

3 3. Develop a system to publicly report the measures of performance identified  
4 as required under subd. 1. for each teacher preparatory and education program  
5 identified in subd. 1.

6 (b) Beginning in the 2013–14 school year, the department shall use the system  
7 developed under par. (a) 3. to annually report for each program identified in par. (a)

8 1. the passage rate on first attempt of students and graduates of the program on  
9 examinations administered for licensure under s. 115.28 (7) and any other  
10 information required to be reported under par. (a) 1.

InserA 7-8

11 (c) Beginning in the 2013–14 school year, each teacher preparatory and  
12 education program shall prominently display and annually update the rate of  
13 passage of recent graduates of the program on examinations administered for  
14 licensure under s. 115.28 (7) and any other information required to be reported under  
15 par. (a) 1. on the program's Web site and provide this information to persons receiving  
16 admissions materials to the program.

InserA 7-13

17 SECTION 18. 115.28 (12) (ag) of the statutes is created to read:

18 115.28 (12) (ag) Beginning in the 2012–13 school year, each school district  
19 using the system under par. (a) shall include in the system the following information  
20 for each teacher teaching in the school district who graduated from a teacher  
21 preparatory program described in sub. (7) (a) and located in this state or from a  
22 teacher education program described in sub. (7) (e) 2. and located in this state on or  
23 after January 1, 2012:

completed

24 1. The name of the teacher preparatory program or teacher education program  
25 the teacher attended and from which the teacher graduated

completed

Invert 8-3

①

2. The term or semester and year in which the teacher graduated from the program described in subd. 1.

graduated from  
completed

SECTION 19. 115.415 of the statutes is created to read:

**115.415 Educator effectiveness.** (1) The department shall develop an educator effectiveness evaluation system and an equivalency process aligned with the department's evaluation system for the evaluation of teachers and principals of public schools, including teachers and principals of a charter school established under s. 118.40 (2r), as provided in this section. Each school board and the governing body of each charter school established under s. 118.40 (2r) shall evaluate teachers and principals in the school district or charter school beginning in the 2014–15 school year.

(2) The department shall develop an educator effectiveness evaluation system according to the following framework:

(a) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon measures of student performance, including performance on state assessments, district-wide assessments, student learning objectives, school-wide reading at the elementary and middle-school levels, and graduation rates at the high school level.

(b) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon one of the following:

1. For a teacher, the extent to which the teacher's practice meets the core teaching standards adopted by the 2011 Interstate Teacher Assessment and Support Consortium.

1           2. For a principal, the extent to which the principal's practice meets the 2008  
2 Interstate School Leaders Licensure Consortium Educational Leadership Policy  
3 Standards.

4           (c) A teacher or principal evaluated under this subsection shall be placed in one  
5 of at least 4 <sup>multiple</sup> performance categories.

6           (3) (a) The department shall promulgate by rule an equivalency process  
7 aligned with the evaluation system established under sub. (2) for a school district or  
8 a charter school established under s. 118.40 (2r) seeking to utilize an alternative  
9 process for the evaluation of teacher and principal practice. The process under this  
10 subsection shall be based on the criteria established in the 2011 Interstate Teacher  
11 Assessment and Support Consortium and the 2008 Interstate School Leaders  
12 Licensure Consortium Educational Leadership Policy Standards, and a school  
13 district or charter school established under s. 118.40 (2r) that uses the process under  
14 this subsection shall evaluate the performance of teachers in the following domains:

- 15           1. Planning and preparation.
- 16           2. The classroom environment.
- 17           3. Instruction.
- 18           4. Professional responsibilities and development.

19           (b) A teacher or principal evaluated under this subsection shall be placed in one  
20 of at least 4 <sup>multiple</sup> performance categories.

21           **SECTION 20.** 118.016 of the statutes is created to read:

22           **118.016 Assessments of reading readiness.** (1) (a) Beginning in the  
23 2012–13 school year, each school board and the governing body of each charter school  
24 established under s. 118.40 (2r) shall, using the appropriate norm-referenced <sup>valid and reliable</sup>  
25 assessment of literacy fundamentals selected by the department, annually assess

1 each pupil enrolled in <sup>3</sup>0-year-old kindergarten in the school district or in the charter  
2 school for reading readiness. The department shall ensure that the assessment  
3 evaluates whether a pupil possesses phonemic awareness, rapid naming, and letter  
4 sound knowledge.

5 (b) If the department determines that sufficient moneys are available, the  
6 school board and governing body shall also assess each pupil enrolled in 4-year-old  
7 kindergarten.

8 (1g) (a) If a pupil is enrolled in a special education program under subch. V of  
9 ch. 115, the school board or operator of the charter school under s. 118.40 (2r) shall  
10 comply with s. 115.77 (1m) (bg).

11 (b) If a pupil's assessment indicates that he or she may have a disability, the  
12 pupil shall be referred to the local educational agency, as defined in s. 115.76 (10),  
13 in the manner described in s. 115.777 (2).

14 (1r) The school board or governing body of the charter school shall report the  
15 results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

16 (2) The school board of the school district or governing body of the charter  
17 school in which the pupil is enrolled shall provide a pupil whose assessment under  
18 sub. (1) indicates that he or she is at risk of reading difficulty with interventions or  
19 remedial reading services, as described under s. 121.02 (1) (c).

20 SECTION 21. 118.19 (14) of the statutes is created to read:

21 118.19 (14) (a) The department may not issue an initial teaching license that  
22 authorizes the holder to teach in grades kindergarten to 5 or in special education, an  
23 initial license as a reading teacher, or an initial license as a reading specialist, unless  
24 the applicant has passed an examination that evaluates the applicant's knowledge  
25 of reading development and scientifically based reading instruction; integration of

Insert 11-14

1 knowledge and understanding phonological and phonemic awareness; concepts of  
2 print and the alphabetic principles; the role of phonics in promoting reading  
3 development; word analysis skills and strategies; vocabulary development; the  
4 application of reading comprehension skills and strategies to imaginative, literary,  
5 informational, and expository texts; formal and informal methods of assessing  
6 reading development; multiple approaches to reading instruction; development of  
7 reading curricula; and the evaluation of the results of instruments used to screen  
8 pupils for reading acquisition skills.

9 (b) 1. Points for questions relating to phonics, phonemic awareness, and  
10 vocabulary shall constitute more than 50 percent of the maximum number of points  
11 attainable on the examination under par. (a). The passing score on the examination  
12 under par. (a) shall be 70.5 percent.

13 2. If the examination under par. (a) is part of a broader examination, the  
14 requirements in subd. 1. apply to the portion of the broader examination that is  
15 described in par. (a).

Insert 11-19

16 (c) Any teacher who passes the examination under par. (a) shall notify the  
17 department, which shall add a notation to the teacher's license indicating that he or  
18 she passed the examination.

19 **SECTION 22.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85,  
20 is amended to read:

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
23 115.345, 115.365 (3), 115.38 ~~(2)~~, ~~115.415~~, 115.445, 118.001 to 118.04, 118.045, 118.06,  
24 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,  
25 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225,

1 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,  
2 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to  
3 (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m),  
4 and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district  
5 and board.

6 **SECTION 23.** 120.12 (2m) of the statutes is created to read:

7 120.12 **(2m)** EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014-15 school  
8 year, evaluate the effectiveness of each teacher and principal employed by the school  
9 district using either the system established under s. 115.415 (2) or the equivalency  
10 process established by rule under s. 115.415 (3).

11 (b) Ensure that the results of evaluations conducted under this subsection are  
12 not subject to public inspection, copying, or disclosure under s. 19.35.

13 **SECTION 24.** 121.02 (1) (c) (intro.) of the statutes is amended to read:

14 121.02 **(1)** (c) (intro.) Provide interventions or remedial reading services for a  
15 pupil in grades kindergarten to 4 if any of the following occurs:

16 **SECTION 25.** 121.02 (1) (c) 3. of the statutes is created to read:

17 121.02 **(1)** (c) 3. The pupil's reading assessment under s. 118.016 indicates that  
18 the pupil is at risk of reading difficulty. If this subdivision applies, the interventions  
19 or services provided the pupil shall be scientifically based and shall address all areas  
20 in which the pupil is deficient in a manner consistent with the state standards in  
21 reading and language arts.

22 **SECTION 26. Nonstatutory provisions.**

23 (1) EDUCATOR EFFECTIVENESS EVALUATION SYSTEM. Notwithstanding section  
24 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the  
25 statutes for purposes of the 2013-15 biennial budget bill, the department of public

Insert 12-13

Insert 13-4

1 instruction shall submit information concerning the cost of developing and  
2 implementing the educator effectiveness evaluation system and equivalency process  
3 under section 115.415 of the statutes, as created by this act.

4 (2) READ TO LEAD DEVELOPMENT COUNCIL. Notwithstanding the length of terms  
5 specified in section 14.017 (5) (a) 5. of the statutes, as created by this act, 5 of the  
6 initial members under that section shall be appointed for 2-year terms, 6 of the  
7 initial members shall be appointed for 3-year terms, and 5 of the initial members  
8 shall be appointed for 4-year terms.

9 **SECTION 27. Fiscal changes.**

10 (1) TRANSFER TO GOVERNOR'S READ TO LEAD DEVELOPMENT FUND. There is  
11 transferred from the general fund to the governor's read to lead development fund  
12 \$400,000 in the first fiscal year of the fiscal biennium in which this subsection takes  
13 effect.

14 **SECTION 28. Initial applicability.**

15 (1) TEACHING LICENSE. The treatment of section 118.19 (14) (a) of the statutes  
16 first applies to an application for a teaching license received by the department of  
17 public instruction on January 1, 2014.

Insert 13-18

18 (END)



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 558**

March 5, 2012 - Offered by Representative KESTELL.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 1: after that line insert:

3 "1g. Page 2, line 1: before that line insert:

4 ~~SECTION 13.94~~ ~~(1)~~ (dL) of the statutes is created to read:

5 13.94 (1) (dL) Annually, conduct a financial audit of the governor's read to lead  
6 development fund. The legislative audit bureau shall file a copy of the report of the  
7 audit under this paragraph with the distributees specified in par. (b).

8 ~~SECTION 13.94~~ (1s) (c) 6. of the statutes is created to read:

9 13.94 (1s) (c) 6. The department of administration for the cost of the audit  
10 under sub. (1) (dL).

11 ~~1g. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1g".~~

2-1

1  
2  
3  
4  
5  
6  
7  
8

~~2. Page 1, line 2: delete "1." and substitute "1r."~~

3. Page 2, line 22: after that line insert:

"11m. Page 9, line 20: delete "at least 4" and substitute "multiple".".

4. Page 3, line 11: delete the material beginning with "The department" and ending with "2012" on line 13 and substitute "The department shall set the passing cut score on the examination at a level no lower than the level recommended by the developer of the test, based on this state's standards".

(END)



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 558**

February 22, 2012 – Offered by COMMITTEE ON EDUCATION.

At the locations indicated, amend the substitute amendment as follows:

Insert 5-22

1. Page 5, line 22: delete that line and substitute individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the (end Insert 5-22)

No ff

Insert 6-7

2. Page 6, line 6: delete the material beginning with "graduates." and ending with "graduation" on line 7 and substitute individuals who have completed the program and who have been recommended by the program for licensure under this subdivision, together with each individual's date of program completion (end Insert 6-7)

No ff

3. Page 6, line 20: delete lines 20 to 24 and substitute:

1. Determine how the performance of individuals who have recently completed a teacher preparatory program described in s. 115.28 (7) (a) and located

Insert 6-20

1 in this state or a teacher education program described in s. 115.28 (7) (e) 2. and  
2 located in this state will be used to evaluate the teacher preparatory and education  
3 programs. The determination under this subdivision shall, at minimum, define  
4 "recently completed" and identify measures to assess an individual's performance,  
5 including the performance assessment made prior to making a recommendation for

6 licensure. (end In-A 6-20)

Not

7 **4.** Page 7, line 1: delete "recent graduates" and substitute "individuals who  
8 have recently completed a teacher preparatory or education program (end 7-1)

9 **5.** Page 7, line 8: delete "passage rate on first attempt of students and  
10 graduates of the program" and substitute "rate of passage of individuals who have  
11 recently completed a teacher preparatory or education program and who have been  
12 recommended by the program for licensure under s. 115.28 (7) (end 7-8)

13 **6.** Page 7, line 13: delete "recent graduates of the program" and substitute  
14 individuals who have recently completed a teacher preparatory or education  
15 program and who have been recommended by the program for licensure under s.  
16 115.28 (7) (end 7-13)

- 17 **7.** Page 7, line 20: delete "graduated from" and substitute "completed".
- 18 **8.** Page 7, line 21: delete "from".
- 19 **9.** Page 7, line 25: delete "from which the teacher graduated" and substitute  
20 "completed".
- 21 **10.** Page 8, line 1: delete "graduated from" and substitute "completed".
- 22 **11.** Page 9, line 5: delete "at least 4" and substitute "multiple".
- 23 **12.** Page 9, line 22: delete "(a)".

In-A 7-1

In-A 7-8

In-A 7-13

Not

- 1 **13.** Page 9, line 24: delete "norm-referenced" and substitute ", valid, and
- 2 reliable".
- 3 **14.** Page 10, line 1: delete "5-year-old".
- 4 **15.** Page 10, line 3: delete ", rapid naming,".
- 5 **16.** Page 10, line 5: delete lines 5 to 7.
- 6 **17.** Page 10, line 8: delete "(a)".
- 7 **18.** Page 10, line 11: delete lines 11 to 13.
- 8 **19.** Page 10, line 24: delete the material beginning with that line and ending

Insert  
11-1

9 with page 11, line 15, and substitute <sup>Not</sup> "the applicant has passed an examination  
 10 identical to the Foundations of Reading test administered in 2012 as part of the  
 11 Massachusetts Tests for Educator Licensure. The department shall set the passing  
 12 <sup>cut</sup> score on the examination at a level no lower than the passing score used on the  
 13 Massachusetts test in 2012". (end 11-1)  
 14 (END)

level recommended by the developer of the test, based on this state's standards



Inserts 8-3  
11-19, 12-13, 13-4, 13-18

le ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2011 ASSEMBLY BILL 558

le March 5, 2012 - Offered by Representative POPE-ROBERTS.

le 1 At the locations indicated, amend the substitute amendment as follows:  
2 1. Page 1, line 11: after "effectiveness," insert "a school and school district  
3 accountability system."  
4 2. Page 8, line 2: after that line insert:

Begin  
Insert  
8-3

5 ~~SECTION 115.38~~ SECTION ~~115.38~~ 115.38 (title) of the statutes is amended to read:  
6 115.38 (title) School accountability system; performance report;  
7 educational program review.

8 SECTION ~~115.38~~ 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38  
9 (1m) (intro.), (c) and (e), as renumbered, are amended to read:

10 115.38 (1m) (intro.) The Annually, the state superintendent shall develop  
11 prepare a school and school district performance report ~~for use by school districts~~

(8-3 cont)

1 ~~under sub. (2)~~. The report shall include all of the following by school and by school  
2 district:

3 (c) Staffing and financial data information, as determined by the state  
4 superintendent, not to exceed 10 items. The state superintendent may not request  
5 a school or school board to provide information solely for the purpose of including the  
6 information in the report under this paragraph.

7 (e) The method of reading instruction used in the school or school district and  
8 the textbook series used to teach reading in the school or school district.

9 **SECTION 115.38** ~~115.38~~ (1e) to (1k) of the statutes are created to read:

10 115.38 (1e) In this section, "school" means a public school, including a charter  
11 school, and a private school participating in a parental choice program under s.  
12 118.60 or 119.23.

13 (1g) The department shall establish a comprehensive school and school district  
14 accountability system beginning in the 2012–13 school year that includes all of the  
15 following components:

16 (a) Multiple measures to determine a school's performance or a school district's  
17 improvement status under s. 118.42, including all of the following:

18 1. Pupil achievement and growth in reading and mathematics.

19 2. Measures of college and career readiness for high school pupils and measures  
20 indicative of being on track for college and career readiness in the elementary grades.

21 3. Gaps in pupil achievement and rates of graduation, categorized by race,  
22 English language proficiency, disability, and income level.

23 (b) An index system to identify a school's level of performance and annually  
24 place each school into one of 6 performance categories based on data derived from  
25 multiple school years. The department shall collect and disseminate the best

(8-3 cont)

1 practices from the schools placed in the highest performance category. For schools  
2 placed in the lowest performance category, the department shall identify  
3 opportunities to provide support and shall intervene as provided in pars. (d) to (f).  
4 As part of that intervention, the department shall establish performance  
5 improvement benchmarks, which shall reflect the annual improvement necessary to  
6 remove the school from the lowest performance category within 3 years.  
7 Performance improvement benchmarks shall be as uniform as reasonably possible  
8 for all schools other than those serving predominantly children at risk, as defined in  
9 s. 118.153 (1) (a).

10 (c) The production of annual school and school district reports that are timely,  
11 useful, and understandable. Each school and school district shall display  
12 prominently on the school's and school district's Internet sites the reports produced  
13 by the department under this section and make copies available upon request in the  
14 school's office.

15 (d) If the department determines that a public school other than a charter  
16 school is in the lowest performance category, the department shall do all of the  
17 following:

18 1. Direct a department-approved, on-site, diagnostic review of the school to  
19 determine the cause of the school's poor performance.

20 2. Direct the school board to implement department-approved improvement  
21 activities, based on the diagnostic review, within 3 school years or close the school.

22 3. If the school board chooses to implement department-approved  
23 improvement activities under subd. 2. but after 3 school years remains in the lowest  
24 performance category, direct the activities of the school in a manner consistent with  
25 s. 118.42.

(8-3 cont)

1           4. If the diagnostic review under subd. 1. reveals that the school district has  
2 been in need of improvement for 3 consecutive school years, s. 118.42 applies.

3           (e) If the department determines that a charter school is in the lowest  
4 performance category, the charter school shall do one of the following:

5           1. After participating in a department–approved, on–site, diagnostic review,  
6 implement department–approved improvement activities. After 3 years, if the  
7 charter school remains in the lowest performance category, the department shall  
8 revoke the school’s charter.

9           2. Enter into a performance agreement with the department in which the  
10 charter school agrees to meet annual, department–approved, performance  
11 benchmarks. If a benchmark is not met in any year, the department shall revoke the  
12 school’s charter.

13           (f) If the department determines that a private school participating in a  
14 program under s. 118.60 or 119.23 is in the lowest performance category, the private  
15 school shall do one of the following:

16           1. After participating in a department–approved, on–site, diagnostic review  
17 paid for by the private school, pay for and implement department–approved  
18 improvement activities. After 3 years, if the private school remains in the lowest  
19 performance category, the department shall bar the school from participating in the  
20 program under s. 118.60 or 119.23.

21           2. Enter into a performance agreement with the department in which the  
22 private school agrees to meet annual, department–approved, performance  
23 benchmarks. If a benchmark is not met in any year, the department shall bar the  
24 school from participating in the program under s. 118.60 or 119.23.

(8-3 cont)

1           **(1i)** In establishing the accountability system under sub. (1g), the department  
2 shall consult with all of the following:

3           (a) The governor.

4           (b) The chairpersons of the committees in the assembly and the senate whose  
5 subject matter is elementary and secondary education.

6           (c) The ranking minority members of each of the committees under par. (b).

7           (d) Members of education groups representing school boards, school  
8 administrators, and teachers.

9           (e) Members of organizations representing pupils and parents.

10          **(1k)** (a) The department shall annually report to the appropriate standing  
11 committees of the legislature under s. 13.172 (3) the performance category to which  
12 each school has been assigned.

13          (b) Each school board, the governing body of each charter school under s. 118.40  
14 (2r), and the governing body of each private school participating in a program under  
15 s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the  
16 school or school district the performance category to which the school has been  
17 assigned.

18          **SECTION ~~115.38~~** 115.38 (1s) of the statutes is created to read:

19          **115.38 (1s)** The governing body of a private school participating in a parental  
20 choice program under s. 118.60 or 119.23 shall provide the state superintendent with  
21 any information he or she requests for the purpose of preparing the school  
22 performance report under sub. (1m). The state superintendent shall prepare the  
23 report for each private school participating in a parental choice program under s.  
24 118.60 or 119.23 using only information relating to the pupils who are attending the  
25 private school under s. 118.60 or 119.23.

(8-3 cont)

1 SECTION ~~115.38~~ 115.38 (2) of the statutes is amended to read:

2 115.38 (2) (a) Annually by January 1, each school board shall notify the parent  
3 or guardian of each pupil enrolled in the school district of the right to request a school  
4 and school district performance report under this subsection. Except as provided in  
5 par. (b), annually by May 1, each school board shall, upon request, distribute to the  
6 parent or guardian of each pupil enrolled in the school district, including pupils  
7 enrolled in charter schools located in the school district, or give to each pupil to bring  
8 home to his or her parent or guardian, a school and school district performance report  
9 that includes the information specified by the state superintendent under sub. (1)  
10 (1m). The report shall also include a comparison of the school district's performance  
11 under sub. (1) (1m) (a) and (b) with the performance of other school districts in the  
12 same athletic conference under sub. (1) (1m) (a) and (b). If the school district  
13 maintains an Internet site, the report shall be ~~made available to the public at~~  
14 prominently displayed on that site.

15 (b) If a school board enters into an agreement with a federally recognized  
16 American Indian tribe or band in this state to establish a charter school, that school  
17 board shall, upon request, distribute to the parent or guardian of each pupil enrolled  
18 in the charter school a school and school district performance report that includes the  
19 information specified by the state superintendent under sub. (1) (1m), regardless of  
20 the location of the charter school. (e) (end Insert 8-3)

End  
8-3

21 3. Page 11, line 18: after that line insert:

Begin  
Insert  
11-1923

22 SECTION ~~118.40~~ 118.40 (3) (f) of the statutes is created to read:

23 118.40 (3) (f) No charter school may be established by contract unless the  
24 contract authorizes the department to revoke the contract under sub. (5) (b).

( 11-19 cont )

1 SECTION ~~21e.~~ 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

2 SECTION ~~21f.~~ 118.40 (5) (b) of the statutes is created to read:

3 118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g)  
4 (e).

5 SECTION ~~21h.~~ 118.42 (1) (intro.) of the statutes is amended to read:

6 118.42 (1) (intro.) If the state superintendent determines that a school district  
7 has been in need of improvement for ~~4~~ 3 consecutive school years, the school board  
8 shall do all of the following:

9 SECTION ~~21i.~~ 118.42 (2) (intro.) of the statutes is amended to read:

10 118.42 (2) (intro.) If the state superintendent determines that a public school  
11 was in the lowest performing 5 percent of all public schools in the state in the  
12 previous school year prior to the 2012-13 school year, or was in the lowest  
13 performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any  
14 school year thereafter, and is located in a school district that has been in need of  
15 improvement for ~~4~~ 3 consecutive school years, the school board shall do all of the  
16 following in the school:

17 SECTION ~~21j.~~ 118.42 (3) (a) (intro.) of the statutes is amended to read:

18 118.42 (3) (a) (intro.) If the state superintendent determines that a school  
19 district has been in need of improvement for ~~4~~ 3 consecutive school years, the state  
20 superintendent may, after consulting with the school board, the school district  
21 superintendent, and representatives of each labor organization representing school  
22 district employees, direct the school board to do one or more of the following in the  
23 school district:

24 SECTION ~~21k.~~ 118.42 (3) (b) (intro.) of the statutes is amended to read:

(11-19 cont)

1           118.42 (3) (b) (intro.) If the state superintendent determines that a public  
2 school is located in a school district that has been in need of improvement for 4  
3 consecutive school years, prior to the 2012-13 school year or in a school district that  
4 has been in need of improvement for 3 consecutive school years beginning in the  
5 2012-13 school year; and that the school has been in need of improvement for 5  
6 consecutive school years prior to the 2012-13 school year or was among the lowest  
7 performing 5 percent of all public schools in the state in the previous school year;  
8 prior to the 2012-13 school year, or was in the lowest performance category under  
9 s. 115.38 (1g) (b) in the 2012-13 school year or any school year thereafter; the state  
10 superintendent may, after consulting with the school board, the school district  
11 superintendent, and representatives of each labor organization representing school  
12 district employees, direct the school board to do one or more of the following in the  
13 school:

14           ~~SECTION 2u.~~ 118.42 (3m) of the statutes is created to read:

15           118.42 (3m) (a) The department shall report annually to the appropriate  
16 standing committees of the legislature under s. 13.172 (3) the improvement status  
17 of each school district under this section.

18           (b) Each school board shall annually report to the parent of each pupil enrolled  
19 in the school district the improvement status of the school district under this section.

20           ~~SECTION 2u.~~ 118.42 (4) of the statutes is amended to read:

21           118.42 (4) The state superintendent shall promulgate rules establishing  
22 criteria and procedures for determining whether a school or school district is in need  
23 of improvement and whether a school is among the lowest performing 5 percent of  
24 all public schools in the state, prior to the 2012-13 school year for the purposes of this  
25 section. Beginning in the 2012-13 school year, the state superintendent shall

1 promulgate rules establishing criteria and procedures for determining whether a

2 school district is in need of improvement for purposes of this section. (end 11-19)

3 **4.** Page 11, line 23: delete "115.38 (2)" and substitute "115.38 (2)".  
4 **5.** Page 12, line 12: after that line insert:

Insert  
12-13

5 ~~SECTION 21m.~~ SECTION 21m. 121.006 (2) (d) of the statutes is amended to read:  
6 121.006 (2) (d) Comply with a directive issued by the state superintendent  
7 under s. 115.38 (1g) (d) or 118.42 (3) (a) or (b). (end 12-13)

8 **6.** Page 13, line 3: after that line insert:

Insert  
13-4

9 ~~ACCOUNTABILITY SYSTEM.~~ ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the  
10 statutes, in submitting information under section 16.42 of the statutes for purposes  
11 of the 2013-15 biennial budget bill, the department of public instruction shall submit  
12 information concerning the cost of implementing the school and school district  
13 accountability system under section 115.38 (1g) to (1k) of the statutes, as created by  
14 this act. (end 13-4)

15 **7.** Page 13, line 17: after that line insert:

Insert  
13-18

16 ~~CHARTER SCHOOL CONTRACTS.~~ CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (e) and  
17 118.40 (3) (f) and (5) (b) of the statutes first applies to a contract for the establishment  
18 of a charter school that is entered into, modified, or renewed on the effective date of  
19 this subsection.

20 ~~SECTION 28m.~~ SECTION 28m. **Effective dates.** This act takes effect on the day after  
21 publication, except as follows:

22 (1) The treatment of sections 115.38 (1), (1e) to (1k), (1s) and (2) and 119.04 (1)  
23 of the statutes takes effect on September 1, 2012. (end 13-18)

24 (END)