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SEC. CR. 20.255(2)(am)

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20.255(2)(am) ^(B) corrective action plans. A

sum sufficient equal to \$10,000,000

annually to implement corrective action

plans under ss. 118.40(5)(b) 3.,

118.425(4)(f) ⁽¹⁾, 118.60(9m)(a) 3., and

119.23(9m)(a) 3.

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1 (2) The department shall establish a comprehensive school and school district
2 accountability system beginning in the 2014–15 school year that includes all of the
3 following components:

4 (a) Multiple measures to determine a school's and school district's performance
5 under s. 118.42, including all of the following categorized by English language
6 proficiency, disability, income level, and race or ethnicity:

- 7 1. Pupil achievement in reading and mathematics.
- 8 2. Growth in pupil achievement in reading and mathematics, calculated using
9 a value-added methodology that includes demographic controls.
- 10 3. College and career readiness for high school pupils and being on track for
11 college and career readiness for pupils in the elementary grades.
- 12 4. Gap closure in pupil academic achievement and graduation rates.
- 13 5. Pupil engagement in school.

14 (b) Measures to ensure that all data elements collected and calculations
15 performed are done consistently and in a uniform manner for all schools.

16 (c) An index system to rate a school's and a school district's level of performance
17 as one of the following:

- 18 1. Significantly exceeds expectations.
- 19 2. Exceeds expectations.
- 20 3. Meets expectations.
- 21 4. Meets few expectations.
- 22 5. Fails to meet expectations.

23 (3) The department shall do all the following:

24 (a) Except as provided in sub. (6), based on data derived from multiple school
25 years, annually rate the performance of each school and school district under sub.

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1 7. The eligibility for a free or reduced-price lunch under 42 USC 1758 (b) of
2 pupils taking the examinations under s. 118.30.

3 8. The United States residency status of pupils taking the examinations under
4 s. 118.30.

5 9. The enrollment status and history of pupils attending the school or school
6 district.

7 (b) For measuring growth in pupil achievement in reading and mathematics
8 under sub. (2) (a) 2., the information under par. (a) 1. and 3. to 9. for at least 2
9 consecutive school years.

10 (c) For measuring gap closure in pupil academic achievement and graduation
11 rates under sub. (2) (a) 4., the information under par. (a) and the information under
12 par. (d) 2. and 6. When measuring gap closure in pupil academic achievement and
13 graduation rates, the department shall ensure that a subgroup with a sufficient
14 number of pupils within a school or school district is compared to the statewide
15 performance of pupils who are not in that subgroup.

16 (d) For measuring college and career readiness under sub. (2) (a) 3. and pupil
17 engagement in school under sub. (2) (a) 5., the information under par. (a); the
18 assessment records of pupils who are eligible to take the examinations administered
19 under s. 118.30; scores on the examinations administered to pupils under s. 118.30;
20 pupil performance on postsecondary entrance or placement examinations; and
21 pupil-level data about all of the following:

22 1. Pupils who are dropouts, as defined in s. 118.153 (1) (b).

23 2. Pupils who graduate from high school with a regular diploma within 4 school
24 years and pupils who graduate from high school with a regular diploma within 5 or
25 6 school years.

✓ 15-2:2

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1 3. Pupils and high school graduates enrolled in postsecondary educational
2 programs.

3 4. Pupils participating in courses in which they can earn postsecondary credit
4 and their pass rates and performance in those courses.

5 5. High school graduates entering the workforce.

6 6. Pupils who are suspended or expelled; the reasons for the suspension or
7 expulsion; the length of time for which pupils are expelled; whether pupils return to
8 school after being expelled; the educational programs and services provided to
9 expelled pupils, except for pupils attending a private school under s. 118.60 or 119.23;
10 and the schools attended by pupils who are suspended or expelled.

11 7. Pupils participating in art and music classes and physical education classes
12 offered by the school or school district.

13 8. Pupils who attain industry-recognized certifications.

14 9. Habitual truants, as defined in s. 118.16 (1) (a).

15 10. Pupils participating in extracurricular activities.

16 11. Pupils taking the military readiness examination.

17 12. Pupils who concentrate in career and technical education.

18 ~~(4m) For a private school participating in a parental choice program under s.
19 118.60 or 119.23, the department may use for each measure specified in sub. (2) (a)
20 only the information specified in sub. (4) that pertains to pupils attending the private
21 school under the program.~~

22 ~~(5) Each school and school district shall display prominently on the home page
23 of its Internet site the reports issued by the department under this section.~~

24 ~~(6) If the department determines that there is insufficient data about a school
25 to rate its performance under sub. (3) (a) or that a rating under sub. (2) (c) is~~

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1 inappropriate because the school serves children at risk, as defined under s. 118.153

2 (1) (a), the department may rate the school as satisfactory or needs improvement.

3 The department shall issue an accountability report for the school.

4 (7) The legislative audit bureau shall study the department's methodology for
5 calculating the performance of schools and school districts for the most recently
6 issued performance reports under this section and annually in January submit its
7 findings to the appropriate standing committees of the legislature under s. 13.172

8 (3).

9 SECTION 14. 118.125 (4) of the statutes is amended to read:

10 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a
11 charter school, and a private school participating in the a parental choice program
12 under s. 118.60 or ~~in the program under s. 119.23~~ shall transfer to another school,
13 including a private, charter, or tribal school, or school district all pupil records
14 relating to a specific pupil if the transferring school district or ~~private~~ school has
15 received written notice from the pupil if he or she is an adult or his or her parent or
16 guardian if the pupil is a minor that the pupil intends to enroll in the other school
17 or school district or written notice from the other school or school district that the
18 pupil has enrolled or from a court that the pupil has been placed in a juvenile
19 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
20 for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and
21 "school district" include any juvenile correctional facility, secured residential care
22 center for children and youth, adult correctional institution, mental health institute,
23 or center for the developmentally disabled that provides an educational program for
24 its residents instead of or in addition to that which is provided by public, private, and
25 tribal schools.

✓ 28-8:1

¶ 3. ^{a.} If the department determines under s. 115.39[✓](3) that a charter school has received a grade of "fails to meet expectations" under s. 115.39[✓](2)(c) for 2 consecutive school years, the charter school operator may agree to a corrective action plan developed by the department or by an institution, as defined in s. 36.05[✓](9), within the University of Wisconsin System. ^{¶ b.} If the charter school operator agrees to such a plan, the department shall pay to the charter school ^{from the appropriation under s. 20.255(2)(am),} an amount equal to \$250 multiplied by the school's enrollment in each school

✓ 28-8:2

year in which the school's ~~grade~~ score
 * under s. 115.39 (2)(c) \rightarrow and its
 score under s. 115.39 (2)(a) 2. improve.

If the school's ^{overall} grade improves to

"meets few expectations," the department
 shall cease making the payments, and

the ^{consecutive} 2 school years in which the school
 received a grade of "fails to meet

expectations" do not count toward the
 determination under subd. 1. or 2.

c. If the school's ^{score} grade, under s. 115.39 (2)

* (c) and its score under s. 115.39 (2)(a) 2.

do not improve, the department shall cease

making the payments and the 3 consecutive

~~school years in which the school received a~~

✓ 28-8' 3

~~grade of "fails to meet expectations,"
as well as the grade received in the
school year in which the school failure
count toward the determination under
subd. 1.~~

→ school board or ~~the~~ entity under
sub. (2v) that has contracted for the
establishment of the charter school shall
revoke the contract.

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~~118.42 (1) (bm) (intro.) After consulting with the school board, the school district administrator, and school district employees, the state superintendent shall direct the school board to do one or more of the following in the school district:~~

~~1. Modify one or more of the activities performed by the school board under par. (am).~~

~~SECTION 32. 118.42 (1)(cm) of the statutes is created to read:~~

~~118.42 (1) (cm) Nothing in this subsection authorizes the department to require, or a school board to implement, an action that would result in an impairment of the school board's contract with a charter school operator.~~

~~SECTION 33. 118.42 (2) of the statutes is repealed.~~

~~SECTION 34. 118.42 (2m) of the statutes is created to read:~~

~~118.42 (2m) (a) If the state superintendent determines under s. 115.39 (3) that a public school, other than a charter school, has performed at the lowest performance level for 3 consecutive school years, the school board shall complete a~~

~~department-approved, on-site, diagnostic review of the school to determine the causes of the school's poor performance and relevant mitigating factors. Based on the results of the diagnostic review, the school board shall do one of the following:~~

~~1. Implement department-approved improvement activities that are consistent with federal improvement requirements and that significantly transform the school.~~

~~2. Convert the school to a charter school.~~

~~3. ^{Permanently} Close the school.~~

~~(b) If a school board implements department-approved improvement activities under par. (a) 1., the state superintendent shall direct the school board to do one or~~

✓ 30 - 4 : 2

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1 more of the following after the state superintendent consults with the school board,
2 the school district administrator and school district employees:

3 1. Modify one or more of the activities ~~performed~~^{implemented} by the school board under par.

4 (a) 1.

5 2. Implement in the school a new or modified instructional design, which may
6 include expanded school hours or additional pupil supports and services.

7 3. Implement professional development programs that focus on improving
8 pupil academic achievement in the school.

9 4. Implement changes in administrative and personnel structures in the
10 school.

11 5. Adopt accountability measures to monitor the school district's finances or to
12 monitor other interventions directed by the state superintendent under subds. 1. to

13 4. *state superintendent determines that the school has failed to improve sufficiently*

14 (c) If a school board implements department-approved improvement activities
15 under par. (a) 1., but the school fails to improve to at least the performance level

16 specified in s. 115.39 (2) (c) 4. within 3 school years, the school board shall convert

17 the school to a charter school or ^{permanently} close the school.

18 **SECTION 35.** 118.42 (3) (a) (intro.) of the statutes is repealed.

19 **SECTION 36.** 118.42 (3) (a) 1. of the statutes is repealed.

20 **SECTION 37.** 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)

21 2. to 5.

22 **SECTION 38.** 118.42 (3) (b) and (c) of the statutes are repealed.

23 **SECTION 39.** 118.42 (4) and (5) of the statutes are repealed.

24 **SECTION 40.** 118.60 (9m) of the statutes is created to read:

J 31-11-1

(f) 1. ~~→~~ (If the department determines under
 s. 115.39(3) that a ^{public} ~~charter~~ school, ~~or~~
 other than a charter school,
 received a grade of "fails to meet
 expectations" under s. 115.39(2)(c) for
 2 consecutive school years, the ~~charter~~
 board
 school operator may agree to a
 corrective action plan developed by the
 department or by an institution, as
 defined in s. 36.05(a), within the
 University of Wisconsin System. (If the
 board ~~operator~~
~~charter~~ school operator agrees to such a
 plan for the school,
 the department shall pay to the charter
 school board school an amount equal to \$250 multiplied
 by the school's enrollment in each school

✓ (31-11:2)

year in which the school's ~~grade~~ score
 under s. 115.39 (2)(c) [✓] and its
 * score under s. 115.39 (2)(a) 2. [✓] improve.
 overall

If the school's ^{overall} grade improves to
 "meets few expectations," the department
 shall cease making the payments ~~and~~ ^{and}
^{consecutive} the ~~2~~ school years in which the school
 received a grade of "fails to meet
 expectations" do not count toward the
 determination under ^{par. (a) or (b)} ~~either~~ ^{score}

#3. If the school's ~~grade~~ ^{under s. 115.39 (2)}
 * (c) and its score under s. 115.39 (2)(a) 2.
 do not improve, the department shall ^{cease} ~~cease~~

making the payments and the ~~3~~ ³ consecutive
 school years in which the school received a

✓ 31-1113

~~grade of "fails to meet expectations" as well as the grade received in the school year in which the school failure count toward the determination under par. (a).~~

The school board shall convert the school to a charter school or permanently close the school.

✓ 32-2

(intro.) and 3.

Section #. 118.60 (1) (ag) of the statutes is amended to read:
are

118.60 (1) (ag) (intro.) "Disqualified person" means a person who, when a private school was barred or terminated from participation in the program under this section by an order issued under sub. (10), satisfied at least one of the following:

~~1. Had a controlling ownership interest in, or was the administrator or an officer, director, or trustee of, the private school.~~

~~2. Was a person designated by the administrator of the private school to assist in processing pupil applications.~~

3. Was responsible for an action or circumstance that led to the private school being barred or terminated from participation in the program under this section.

History: 2011 a. 32, 47, 215; 2013 a. 20; s. 35.17 corrections in (3) (a) (intro.), (4) (d) (intro.).

or barred from accepting new pupils by an order issued under sub (9m),

or barred from accepting new pupils under this section.

under this section

✓ 32-16 : 1

3. (If the department determines under
 s. 115.39 (3) that a ~~charter~~ ^{private} school ~~operator~~
 participating in the program under this section
 received a grade of "fails to meet
 expectations" under s. 115.39 (2)(c) for
 2 consecutive school years, the ~~charter~~
 private school ~~operator~~ may agree to a
 corrective action plan developed by the
 department or by an institution, as
 defined in s. 36.05 (a), within the
 University of Wisconsin System. (If the
 private ~~charter~~ school ~~operator~~ agrees to such a
 plan, the department shall pay to the ~~charter~~
 private school from the appropriation under s. 20.255 (2)(am),
 an amount equal to \$250 multiplied
 by the ~~enrollment~~ ^{enrollment} ~~in each school~~
 number of pupils attending the private school

✓ 32-16:2

under this section in each school year in which the school's ~~grade~~ score

* under s. 115.39 (2)(c) ~~is~~ and its score under s. 115.39 (2)(a) 2. improve.

If the ^{private} school's ^{overall} grade improves to

"meets few expectations," the department

shall cease making the payments, and

the ^{consecutive} 2 school years in which the school

received a grade of "fails to meet

expectations" do not count toward the

determination under subcl. 1. or 2.

c. If the ^{private} school's ^{score} ~~grade~~ under s. 115.39 (2)

* (c) and its score under s. 115.39 (2)(a) 2.

do not improve, the department shall cease

making the payments and the ² ~~is~~ consecutive

school years in which the school received a

✓ 32-16:3

~~grade of "fails to meet expectations,"
as well as the grade received in the
school year in which the school failed
to meet the determination under
subd. 1 and 2.~~

state superintendent shall issue an
order permanently barring the school
from accepting any pupils under this
section who were not attending the
private school under this section in
the school year in which the order
was issued.

✓ (33-19)

(intro.) and 3.

Section #. 119.23 (1) (ag) of the statutes is amended to read:
ave

119.23 (1) (ag) (intro.) "Disqualified person" means a person who, when a private school was barred or terminated from participation in the program under this section by an order issued under sub. (10), satisfied at least one of the following:

- ~~1. Had a controlling ownership interest in, or was the administrator or an officer, director, or trustee of, the private school.~~
- ~~2. Was a person designated by the administrator of the private school to assist in processing pupil applications.~~
3. Was responsible for an action or circumstance that led to the private school being barred or terminated from participation in the program under this section.

History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33, 155; 2005 a. 25, 125; 2009 a. 28, 96; 2011 a. 32, 47; 2013 a. 8, 20; s. 13.92 (2) (i); s. 35.17 correction in (4) (d) (intro.).

or barred from accepting new pupils under this section by an order issued under sub. (9m)

or barred from accepting new pupils under this section

✓ 34-9:1

3. (a) If the department determines under s. 115.39(3) that a ~~charter~~ ^{private} school ~~operator~~ participating in the program under this section received a grade of "fails to meet expectations" under s. 115.39(2)(c) for 2 consecutive school years, the ~~charter~~ private school ~~operator~~ may agree to a corrective action plan developed by the department or by an institution, as defined in s. 36.05(9), within the University of Wisconsin System. (If the ^{9 b.} such private ~~charter~~ school ~~operator~~ agrees to such corrective plan, the department shall pay to the ~~charter~~ private school ^{from the appropriation under s. 20.255(2)(am),} an amount equal to \$250 multiplied by the ~~number of pupils attending the private school~~ ^{number of pupils attending the private school}.

✓ 34-9:2

under this section in each school year in which the school's ~~grade~~ score

under s. 115.39 (2)(c) ~~is~~ ^{is} and its

* score under s. 115.39 (2)(a) 2. improve.

If the ^{private} school's ^{overall} grade improves to

"meets few expectations," the department

shall cease making the payments, and

~~the~~ ^{consecutive} ~~2~~ ³ school years in which the school

received a grade of "fails to meet

expectations" do not count toward the

determination under subd. 1. or 2.

c. If the ^{private} school's ^{score} ~~grade~~ under s. 115.39 (2)

* (c) and its score under s. 115.39 (2)(a) 2.

do not improve, the department shall cease

~~making the payments and the 3 consecutive school years in which the school received a~~

✓ 34-913

~~grade of "fails to meet expectations" as well as the grade received in the school year in which the school failure count toward the determination under subd. 1, and 2.~~

→ State superintendent shall issue an order permanently barring the school from accepting any pupils under this section who were not attending the private school under this section in the school year in which the order was issued.

Grant, Peter

From: McCarthy, Tom
Sent: Tuesday, February 25, 2014 11:54 AM
To: Grant, Peter
Subject: RE: AB 379 Substitute Amendment Request

I'll address these in order:

-We did mean for it to apply to all schools. We imagine that charters/vouchers wouldn't take the state intervention, but we wanted it to be an option for them. The charter school closure language looks good aside from that, but we wanted the voucher program immediately barred from participation – not allowed any more state funds. If they wanted to keep students, it would have to be on a strictly private basis.

-That is a very good point. No. We will have to allow them that grace period for the time being just so we don't blow up the whole structure.

-Corrective action would apply. But if they failed to complete, they would face immediate sanctions.

Let me know if you have other questions and thanks for being so patient with us,

-tom

From: Grant, Peter
Sent: Tuesday, February 25, 2014 11:12 AM
To: McCarthy, Tom
Subject: RE: AB 379 Substitute Amendment Request

Tom, I have a few additional questions for you:

① First, did you mean the "improvement activities" language to apply to *all* schools (public, charter, and voucher) or just public? I drafted it to apply only to public, but then realized I may have misunderstood your instructions. Here's how I drafted it:

For public schools (not including charter), if a school gets 3 consecutive Fs, or 3 Fs and 2 Ds in 5 years, the school board must implement DPI-approved improvement activities, convert the school to a charter, or permanently close the school. If it chooses DPI-improvement activities but DPI determines that the school failed to improve sufficiently within 3 years, it must convert the school to a charter or close the school. If the school gets Fs in 2 consecutive school years, the school may agree to a DPI or UW corrective action plan. If it does so, it gets \$250 per pupil in each school year in which its report card score and its growth score improve. If either fails to improve in any year, the payments stop and the school must be converted to a charter or be closed. If the school's overall grade improves to D, the payments stop and the 2 consecutive Fs don't count toward sanctions.

For charter schools, the structure is basically the same except that the sanction is revocation of the charter school's contract and there is no option of implementing DPI-approved improvement activities or of closing the school.

For voucher schools, the structure is basically the same except that the sanction is being barred from accepting new choice pupils. Again, there is no option of implementing DPI-approved improvement activities or of closing the school.

② Second, timing may be a problem with the \$250 payments, because DPI and the school won't know if the school's scores have improved until September following the school year in which the school is supposed to get a payment. If the scores do not improve, will the school have to repay the money?

3 Finally, there is an issue if a school gets F D D F F over 5 consecutive school years. The school qualifies for sanctions (because of 3 Fs and 2 Ds over 5 years), but it also got 2 consecutive Fs, which qualifies it for the corrective action plan and payments. Which applies?

Peter

From: McCarthy, Tom
Sent: Thursday, February 20, 2014 10:46 AM
To: Grant, Peter
Subject: RE: AB 379 Substitute Amendment Request

I suppose it doesn't matter which you start with as they are similar in most regards. The sanction for a failing charter school is closure.

From: Grant, Peter
Sent: Thursday, February 20, 2014 10:33 AM
To: McCarthy, Tom
Subject: RE: AB 379 Substitute Amendment Request

Hi Tom,

I just read your outline and one question occurred to me: what's the sanction for a failing charter school? You specify the sanctions for a public school (other than a charter) and for a voucher school, but not for a charter.

Also, why start with the original AB 379 instead of ASA 1?

Peter

From: McCarthy, Tom
Sent: Tuesday, February 18, 2014 2:19 PM
To: Grant, Peter
Subject: AB 379 Substitute Amendment Request

Peter,

Below I've sketched an outline for a substitute amendment to AB 379 we would like to have drafted. I know you are probably busy with others of this nature, so I understand if you have to put this aside until that's done, but we would like to have it before a potential floor vote (which I figure is going to take place sometime in early March):

Using the Original Structure of AB 379, with the following changes:

- remove language around value-added leaving just student growth as a category for report cards
- timeline of failure for districts and schools (voucher, charter and public) changed to reflect language in ASA 1 to AB 379 (3 consecutive years of fails to meet or 3 fails to meet and 2 meets few in a 5 year period)
 - require one of the following things of a school that meets this designation: DPI corrective action (language from AB 379 is ok), conversion to a charter school, closure

-if a voucher school closes, it is barred from receiving any new payments and the administrator is added to the 'bad actors' list and not allowed to form a new school

-create a turn-around fund with \$10 million in funding that can be issued to any school (voucher, public or charter) that meets the following criteria

- has 'failed to meet expectations' in 2 consecutive years on the school report cards

- agrees to enter into a corrective action plan designed by a non-profit, 4-year UW institution, or DPI

- provides funding at \$250 per student (with sum certainty at \$10 million overall)

- the school must continue to improve on both the report card score and the growth component of the score in each year

- the school is eligible for funding until their report card score reaches 'meets few expectations'

- if the school reaches 'meets few expectations', a new timeline will start for the purposes of other action under report cards – if they fail to reach that point, they will be evaluated based on the old timeline (i.e. if they enter, but do not complete a turn-around program, they will be judged based on their previous timeline – if they do complete the turn-around structure, they get a fresh start)

I know this is a lot, so let me know if you have any questions. Most of this is pretty close to language from either AB 379 or ASA 1 to AB 379 save the turn-around fund. Thanks,

-tom