



State of Wisconsin
2013 - 2014 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT,
TO ASSEMBLY BILL 379

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1 AN ACT *to repeal* 115.38, 118.42 (2) and 118.42 (3) (b); *to renumber* 115.28 (12)
2 (title) and 118.40 (5); *to renumber and amend* 115.28 (12) (a), 115.28 (12) (ag)
3 (intro.), 115.28 (12) (ag) 1. and 2. and 115.28 (12) (b); *to amend* 20.255 (1) (e),
4 20.255 (1) (he), 115.001 (1), 118.125 (4), 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b)
5 2., 118.40 (2r) (b) 2m., 118.40 (2r) (b) 4., 118.40 (2r) (bm), 118.40 (2r) (cm), 118.40
6 (2r) (d) (intro.), 118.40 (3) (e), 118.40 (4) (c), 118.42 (title), 118.42 (3) (c) 1. (intro.),
7 118.42 (3) (c) 2., 118.42 (4), 118.60 (1) (ag) (intro.) and 3., 118.60 (10) (c), 118.60
8 (10) (d), 119.04 (1), 119.23 (1) (ag) (intro.) and 3., 119.23 (10) (c), 119.23 (10) (d),
9 121.006 (2) (d) and 121.02 (1) (o); and *to create* 20.255 (2) (am), 115.383 (4),
10 115.383 (5), 115.385 (3), 115.39, 118.40 (5) (b), 118.425, 118.60 (9m), 119.23 (9m)
11 and 120.12 (26) of the statutes; **relating to:** the student information system,
12 a school and school district accountability system, charter school contracts, and
13 making an appropriation.

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

1 **SECTION 1.** 20.255 (1) (e) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 20.255 (1) (e) *Student information system.* As a continuing appropriation, the
4 amounts in the schedule for the student information system under s. ~~115.28 (12)~~
5 115.383.

6 **SECTION 2.** 20.255 (1) (he) of the statutes, as created by 2013 Wisconsin Act 20,
7 is amended to read:

8 20.255 (1) (he) *Student information system; fees.* All moneys received from fees
9 charged as authorized under s. ~~115.28 (12) (b)~~ 115.383 (3) (c) to be used for the student
10 information system established under s. ~~115.28 (12) (a)~~ 115.383 (1).

11 **SECTION 3.** 20.255 (2) (am) of the statutes is created to read:

12 20.255 (2) (am) *Corrective action plans.* A sum sufficient equal to \$10,000,000 ^{(5m)(d)}
13 annually to implement corrective action plans under ss. 118.40 ⁽⁵⁾ (b) 3, ~~118.425 (4)~~
14 ^(f), 118.60 (9m) ^(a) 3, ^(b) and 119.23 (9m) ^(a) 3 ^(b)

15 **SECTION 4.** 115.001 (1) of the statutes is amended to read:

16 115.001 (1) **CHARTER SCHOOL.** "Charter school" means a school under contract
17 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
18 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
19 ~~118.40 (2r) (b).~~

20 **SECTION 5.** 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

21 **SECTION 6.** 115.28 (12) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
22 is renumbered 115.383 (1), and 115.383 (1) (a) and (c), as renumbered, are amended
23 to read:

1 115.383 (1) (a) Develop a proposal for a multiple–vendor student information
2 system for the standardized collection of pupil data. The proposal shall allow schools
3 and school districts to use their vendor of choice and include reporting requirements
4 that can reasonably be met by multiple vendors. The state superintendent may not
5 establish a student information system unless the proposal is approved by the joint
6 committee on finance under ~~subd. 2~~ par. (b).

7 (c) If the proposal is approved under ~~subd. 2. par. (b)~~, the state superintendent
8 shall ensure that information about pupils enrolled in charter schools and about
9 pupils enrolled in private schools participating in a parental choice program under
10 s. 118.60 or 119.23, including their academic performance and demographic
11 information, aggregated by school district, school, and teacher, is collected and
12 maintained in the student information system.

13 **SECTION 7.** 115.28 (12) (ag) (intro.) of the statutes, as affected by 2013
14 Wisconsin Act 20, is renumbered 115.383 (2) (intro.) and amended to read:

15 115.383 (2) (intro.) If the student information system is established under ~~par.~~
16 ~~(a)~~ sub. (1), each school district, charter school, and private school using the system
17 under ~~par. (a)~~ sub. (1) shall include in the system the following information for each
18 teacher teaching in the school district or school who completed a teacher preparatory
19 education program described in sub. s. 115.28 (7) (a) or (e) 2. and located in this state
20 or a teacher education program described in sub. (7) (e) 2. and located in this state
21 on or after January 1, 2012, or, for each teacher teaching in a private school
22 participating in a parental choice program under s. 118.60 or 119.23, who obtained
23 a bachelor's degree from an institution located in this state on or after July 1, 2010:

24 **SECTION 8.** 115.28 (12) (ag) 1. and 2. of the statutes are renumbered 115.383
25 (2) (a) and (b) and amended to read:

1 115.383 (2) (a) The name of the teacher ~~preparatory program or teacher~~
2 education program the teacher attended and completed or the name of the institution
3 from which the teacher obtained a bachelor's degree.

4 (b) The term or semester and year in which the teacher completed the teacher
5 education program described in subd. 1 or obtained a bachelor's degree.

6 **SECTION 9.** 115.28 (12) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
7 is renumbered 115.383 (3) (a) and amended to read:

8 115.383 (3) (a) If the student information system is established under ~~par. (a),~~
9 sub. (1), the state superintendent shall ensure that within 5 years of the
10 establishment of the system ~~under par. (a),~~ every school district and every charter
11 school, other than a charter school established under s. 118.40 (2r), is using the
12 system, ~~and that.~~

13 (b) Beginning in the 2015–16 school year, the state superintendent shall ensure
14 that every charter school established under s. 118.40 (2r) and every private school
15 participating in a parental choice program under s. 118.60 or 119.23 is either using
16 the system under par. (a) sub. (1) or is using a system that is interoperable with the
17 system under par. (a). The commercially available, capable of providing the
18 information required under s. 115.39, and able to obtain pupil identification
19 numbers under sub. (5).

20 (c) If the student information system is established under sub. (1), the state
21 superintendent may promulgate rules authorizing the department to charge a fee to
22 any person that uses the system. All fees shall be credited to the appropriation
23 account under s. 20.255 (1) (he).

24 **SECTION 10.** 115.38 of the statutes, as affected by 2013 Wisconsin Act 20, is
25 repealed.

1 **SECTION 11.** 115.383 (4) of the statutes is created to read:

2 115.383 (4) A private school participating in a parental choice program under
3 s. 118.60 or 119.23 is not required to include information about pupils who are not
4 attending the private school under s. 118.60 or 119.23 in the system it is using under
5 sub. (3).

6 **SECTION 12.** 115.383 (5) of the statutes is created to read:

7 115.383 (5) The state superintendent shall assign to each pupil attending a
8 public school or charter school, and to each pupil attending a private school under
9 s. 118.60 or 119.23, a unique identification number for use in the student information
10 system. The state superintendent shall not assign to any pupil an identification
11 number that is identical to or incorporates the pupil's social security number or that
12 uses any other personally identifying information.

13 **SECTION 13.** 115.385 (3) of the statutes is created to read:

14 115.385 (3) This section does not apply after September 30, 2017.

15 **SECTION 14.** 115.39 of the statutes is created to read:

16 **115.39 School and school district accountability system.** (1) In this
17 section, "school" means a public school, including a charter school, and a private
18 school participating in a parental choice program under s. 118.60 or 119.23.

19 (2) The department shall establish a comprehensive school and school district
20 accountability system beginning in the 2017–18 school year that includes all of the
21 following components:

22 (a) Multiple measures to determine a school's and school district's performance,
23 including all of the following categorized by English language proficiency, disability,
24 income level, and race or ethnicity:

25 1. Pupil achievement in reading and mathematics.

1 2. Growth in pupil achievement in reading and mathematics.

2 3. College and career readiness for high school pupils and being on track for
3 college and career readiness for pupils in the elementary grades.

4 4. Gap closure in growth in pupil achievement in reading and mathematics and
5 in graduation rates.

6 5. Pupil engagement in school.

7 (b) Measures to ensure that all applicable data elements collected and
8 calculations performed are done consistently and in a uniform manner for all schools
9 and school districts.

10 (c) A grading system to rate a school's and a school district's level of
11 performance as one of the following:

12 1. Significantly exceeds expectations.

13 2. Exceeds expectations.

14 3. Meets expectations.

15 4. Meets few expectations.

16 5. Fails to meet expectations.

17 (3) The department shall do all of the following:

18 (a) Except as provided in sub. (6), annually grade the performance of each
19 school and school district under sub. (2) (c) and issue an accountability report for the
20 school or school district that is clear and easily understandable. Except with regard
21 to pupil achievement and attendance and high school graduation status, the
22 department shall base the grade on data derived from at least 2 consecutive school
23 years, and from at least 3 consecutive school years when feasible.

24 (c) Collect and disseminate the best practices from schools, except that the
25 department may not collect information for this purpose from a private school

1 participating in a parental choice program under s. 118.60 or 119.23 without the
2 private school's consent.

3 (d) On the accountability report for a private school participating in a parental
4 choice program under s. 118.60 or 119.23, identify the grade derived from data
5 generated by pupils attending the private school under s. 118.60 or 119.23 as a choice
6 pupil report. The report shall also specify the number and percentage of pupils
7 attending the private school under s. 118.60 or 119.23.

8 (e) Include a data component in a school or school district accountability report
9 for a school year only if the component includes data from at least 20 pupils in that
10 school year.

11 (f) At least 30 days before issuing an accountability report for a school or school
12 district under this section, provide the school or school district an opportunity to
13 review a preliminary version of the report and correct errors.

14 (4) The department may use only the following information for each measure
15 specified in sub. (2) (a):

16 (a) For measuring pupil achievement in reading and mathematics under sub.
17 (2) (a) 1.:

18 1. Scores on the reading and mathematics examinations administered under
19 s. 118.30, including scores on the alternate reading and mathematics examinations
20 administered to children with significant cognitive disabilities.

21 2. The disability status of pupils taking the examinations under s. 118.30.

22 3. The grade level of pupils taking the examinations under s. 118.30.

23 4. The race or ethnicity of pupils taking the examinations under s. 118.30.

24 5. The English proficiency status of pupils taking the examinations under s.
25 118.30.

1 6. 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 7. The enrollment status and history of pupils attending the school or school
4 district.

5 (b) For measuring growth in pupil achievement in reading and mathematics
6 under sub. (2) (a) 2., the information under par. (a).

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

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

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

20 2. Pupils who graduate from high school with a regular diploma within 4 school
21 years and pupils who graduate from high school with a regular diploma within 5 or
22 6 school years.

23 3. Pupils and high school graduates enrolled in postsecondary educational
24 programs.

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

3 5. High school graduates entering the workforce.

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

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

11 8. Pupils who attain industry–recognized certifications.

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

13 10. Pupils participating in extracurricular activities.

14 11. Pupils taking the military readiness examination.

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

16 **(4m)** For a private school participating in a parental choice program under s.
17 118.60 or 119.23, the department may use for each measure specified in sub. (2) (a)
18 only the information specified in sub. (4) that pertains to pupils attending the private
19 school under the program.

20 **(5)** Each school and school district shall provide a link on the home page of its
21 Internet site to the report issued by the department under this section.

22 **(6)** If the department determines that there is insufficient data about a school
23 to grade its performance under sub. (3) (a) or that a grade under sub. (2) (c) is
24 inappropriate because the school serves exclusively children at risk, as defined
25 under s. 118.153 (1) (a), the department may grade the school as “satisfactory” or

1 “needs improvement.” The department shall issue an accountability report for the
2 school.

3 (7) The legislative audit bureau shall study the department’s methodology for
4 calculating the performance of schools and school districts for the most recently
5 issued accountability reports under this section and annually in January submit its
6 findings to the joint legislative audit committee under s. 13.172 (3).

7 **SECTION 15.** 118.125 (4) of the statutes is amended to read:

8 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a
9 charter school, and a private school participating in ~~the~~ a parental choice program
10 under s. 118.60 or ~~in the program under s.~~ 119.23 shall transfer to another school,
11 including a private, charter, or tribal school, or school district all pupil records
12 relating to a specific pupil if the transferring school district or ~~private~~ school has
13 received written notice from the pupil if he or she is an adult or his or her parent or
14 guardian if the pupil is a minor that the pupil intends to enroll in the other school
15 or school district or written notice from the other school or school district that the
16 pupil has enrolled or from a court that the pupil has been placed in a juvenile
17 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
18 for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and
19 “school district” include any juvenile correctional facility, secured residential care
20 center for children and youth, adult correctional institution, mental health institute,
21 or center for the developmentally disabled that provides an educational program for
22 its residents instead of or in addition to that which is provided by public, private, and
23 tribal schools.

24 **SECTION 16.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

1 118.40 (2r) (b) 1. (intro.) ~~All~~ Any of the following entities may establish by
2 charter and operate a charter school or, on behalf of their respective entities, may
3 initiate a contract with an individual or group a person to operate a school as a
4 charter school:

5 **SECTION 17.** 118.40 (2r) (b) 2. of the statutes is amended to read:

6 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
7 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
8 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
9 school on the liability of the contracting entity under this paragraph. The contract
10 may include other provisions agreed to by the parties. The chancellor of the
11 University of Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may
12 not establish or enter into a contract for the establishment of a charter school under
13 this paragraph without the approval of the board of regents of the University of
14 Wisconsin System.

15 **SECTION 18.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

16 118.40 (2r) (b) 2m. a. A ~~charter or~~ contract may include grounds for expelling
17 a pupil from the charter school.

18 b. If the ~~charter or~~ contract includes grounds for expelling a pupil from the
19 charter school as permitted under subd. 2m. a., the ~~charter or~~ contract shall include
20 the procedures to be followed by the charter school prior to expelling a pupil.

21 **SECTION 19.** 118.40 (2r) (b) 4. of the statutes is amended to read:

22 118.40 (2r) (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may
23 establish or enter into a contract for the establishment of a virtual charter school.

24 **SECTION 20.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
25 20, is amended to read:

1 118.40 (2r) (bm) The common council of the city of Milwaukee and the
2 Milwaukee area technical college district board may ~~establish or enter into a~~
3 contract for the establishment of a charter school located only in the school district
4 operating under ch. 119. The chancellor of the University of Wisconsin–Milwaukee
5 may ~~establish or enter into a~~ contract for the establishment of a charter school
6 located only in Milwaukee County or in an adjacent county. The chancellor of the
7 University of Wisconsin–Parkside may only ~~establish or enter into a~~ contract for the
8 establishment of a charter school located in a unified school district that is located
9 in the county in which the University of Wisconsin–Parkside is situated or in an
10 adjacent county.

11 **SECTION 21.** 118.40 (2r) (cm) of the statutes is amended to read:

12 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
13 ~~establish or enter into a~~ contract for the establishment of only one charter school
14 under this subsection, which may not operate high school grades and which may not
15 accommodate more than 480 pupils.

16 **SECTION 22.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

17 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
18 do all of the following:

19 **SECTION 23.** 118.40 (3) (e) of the statutes is amended to read:

20 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
21 charter school under this section, a school board or entity specified under sub. (2r)
22 (b) shall consider the principles and standards for quality charter schools established
23 by the National Association of Charter School Authorizers.

24 **SECTION 24.** 118.40 (4) (c) of the statutes is amended to read:

1 118.40 (4) (c) *Single-sex schools and courses*. A school board ~~may enter into a~~
2 ~~contract for, and an~~ or entity under sub. (2r) (b) ~~may establish or enter into a~~ contract
3 for, the establishment of a charter school that enrolls only one sex or that provides
4 one or more courses that enroll only one sex if the school board or entity under sub.
5 (2r) (b) makes available to the opposite sex, under the same policies and criteria of
6 admission, schools or courses that are comparable to each such school or course.

7 ~~SECTION 25. 118.40 (5) of the statutes is renumbered 118.40 (5) (a).~~

8 SECTION 26. 118.40 (5) (b) ^{a (5m)} of the statutes is [✓] created to read:

9 118.40 (5) (b) 1. A school board or entity under sub. (2r) that has contracted for
10 the establishment of a charter school shall revoke the contract if the department
11 determines under s. 115.39 (3) that the charter school has received a grade of "fails
12 to meet expectations" under s. 115.39 (2) (c) for 3 consecutive school years.

13 2. A school board or entity under sub. (2r) that has contracted for the
14 establishment of a charter school shall revoke the contract if the department
15 determines under s. 115.39 (3) that the charter school has received a grade of "fails
16 to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher
17 than "meets few expectations" in the other 2 school years under s. 115.39 (2) (c).

18 (d) ~~2a~~ ¹. If the department determines under s. 115.39 (3) that a charter school has
19 received a grade of "fails to meet expectations" under s. 115.39 (2) (c) for 2 consecutive
20 school years, the charter school operator may agree to a corrective action plan
21 developed by the department or by an institution, as defined in s. 36.05 (9), within
22 the University of Wisconsin System.

23 2. ~~to~~ If the charter school operator agrees to such a plan, the department shall pay
24 to the charter school, from the appropriation under s. 20.255 (2) (am), an amount
25 equal to \$250 multiplied by the school's enrollment in each school year in which the

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13-174 →

1 school's ^{raw} score under s. 115.39 (2) (c) and its ^{raw} score under s. 115.39 (2) (a) 2. improve. ✓
 2 If the school's overall grade improves to "meets few expectations," the department
 3 shall cease making the payments and the 2 consecutive school years in which the
 4 school received a grade of "fails to meet expectations" ^{and any subsequent year in which} do not count toward the
 5 determination under ~~subd. 1 or 2.~~ ^{par. (a)}
 6 ^{in any school year} 3. If the school's score under s. 115.39 (2) (c) and its ^{raw} score under s. 115.39 (2) (a) ^{the school was operating under a corrective action plan under this subdivision}
 7 2. do not improve, the department shall cease making the payments and the ^{charter} school ^{operator}
 8 ~~board or entity under sub. (2) that contracted for the establishment of the charter~~
 9 ~~school shall revoke the contract.~~ ⁽¹⁴⁻⁹⁾
 10 (e) ^{A school closing} 1. ~~The revocation of a contract under subd. 1 or 2,~~ ^{par. (a), (c), or (d)} is initially effective on the
 11 July 1 following the issuance of the school's accountability report under s. 115.39 (3)
 12 containing the department's determination under subd. 1. or 2. ^{par. (a), (c) or (d)}
 13 ^{is closed} 2. If a charter school that ~~has had its contract revoked under subd. 1. or 2.~~ ^{par. (a), (c) or (d)}
 14 reopens as a private school, it may not participate in a parental choice program under
 15 s. 118.60 or 119.23.

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SECTION 27. 118.42 (title) of the statutes is amended to read:

118.42 (title) **Low-performing school districts and schools; state superintendent interventions.**

SECTION 28. 118.42 (2) of the statutes is repealed.

SECTION 29. 118.42 (3) (b) of the statutes is repealed.

SECTION 30. 118.42 (3) (c) 1. (intro.) of the statutes is amended to read:

118.42 (3) (c) 1. (intro.) If the state superintendent issues a directive under par. (a) or (b), he or she shall do all of the following:

SECTION 31. 118.42 (3) (c) 2. of the statutes is amended to read:

1 118.42 (3) (c) 2. If a school board receives a directive from the state
2 superintendent under par. (a) ~~or (b)~~, the school board shall seek input from school
3 district staff, parents, and community leaders on implementing the directive.

4 **SECTION 32.** 118.42 (4) of the statutes is amended to read:

5 118.42 (4) The state superintendent shall promulgate rules establishing
6 criteria and procedures for determining whether a school ~~or school district~~ is in need
7 of improvement ~~and whether a school is among the lowest performing 5 percent of~~
8 ~~all public schools in the state~~, for the purposes of this section.

9 **SECTION 33.** 118.425 of the statutes is created to read:

10 **118.425 Low-performing public schools. (1) APPLICABILITY.** This section
11 applies beginning on July 1, 2020.

12 **(4) SANCTIONS.** (a) If the department determines under s. 115.39 (3) that a
13 public school, other than a charter school, has received a grade of “fails to meet
14 expectations” under s. 115.39 (2) (c) for 3 consecutive school years, or has received
15 a grade of “fails to meet expectations” in at least 3 of 5 consecutive school years and
16 a grade no higher than “meets few expectations” in the other 2 school years under
17 s. 115.39 (2) (c), the school board shall complete a department–approved, on–site,
18 diagnostic review of the school to determine the causes of the school’s poor
19 performance and relevant mitigating factors. Based on the results of the diagnostic
20 review, the school board shall do one of the following:

21 1. Implement department–approved improvement activities that are
22 consistent with federal improvement requirements and that significantly transform
23 the school.

24 2. Convert the school to a charter school.

25 3. Permanently close the school.

1 (b) If a school board implements department-approved improvement activities
2 under par. (a) 1., the state superintendent shall direct the school board to do one or
3 more of the following after the state superintendent consults with the school board,
4 the school district administrator and school district employees:

5 1. Modify one or more of the activities implemented by the school board under
6 par. (a) 1.

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

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

11 4. Implement changes in administrative and personnel structures in the
12 school.

13 5. Adopt accountability measures to monitor the school district's finances or to
14 monitor other interventions directed by the state superintendent under subs. 1. to
15 4.

16 (c) If a school board implements department-approved improvement activities
17 under par. (a) 1., but the state superintendent determines that the school has failed
18 to improve sufficiently within 3 school years, the school board shall convert the school
19 to a charter school or permanently close the school.

20 (d) If the school board converts the school to a charter school, the school board
21 shall enter into the contract with the charter school operator by the February 1
22 following the department's determination under par. (a) 2. or (c). The contract shall
23 provide for the attendance of pupils beginning in the following school year.

under par. (a) 2. or (c)

24 (e) If the school board determines to permanently close the school under par.
25 (a) 3. or (c), the school closing takes effect on the July 1 following the issuance of the

1 school's accountability report under s. 115.39 (3) containing the department's
2 determination under par. (a) or (c)

3 (f) 1. If the department determines under s. 115.39 (3) that a public school, other
4 than a charter school, received a grade of "fails to meet expectations" under s. 115.39
5 (2) (c) for 2 consecutive school years, the school board may agree to a corrective action
6 plan for the school developed by the department or by an institution, as defined in
7 s. 36.05 (9), within the University of Wisconsin System.

8 2. If the school board agrees to such a plan for the school, the department shall
9 pay to the school board, from the appropriation under s. 20.255 (2) (am), an amount
10 equal to \$250 multiplied by the school's enrollment in each school year in which the
11 school's score under s. 115.39 (2) (c) and its score under s. 115.39 (2) (a) 2. improve.

12 If the school's overall grade improves to "meets few expectations," the department
13 shall cease making the payments and the 2 consecutive school years in which the
14 school received a grade of "fails to meet expectations" do not count toward the
15 determination under par. (a). and any subsequent year in which the school was

16 3. If the school's score 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
17 school board shall convert the school to a charter school or permanently close the school. as provided in par. (e). The school board is not required to repay any payments it receives under subd. 2
18 (a) 2. do not improve, the department shall cease making the payments and the school board shall convert the school to a charter school or permanently close the school. as provided in par. (e). The school board is not required to repay any payments it receives under subd. 2

19 17-19
20 SECTION 34. 118.60 (1) (ag) (intro.) and 3 of the statutes are amended to read:

21 118.60 (1) (ag) (intro.) "Disqualified person" means a person who, when a
22 private school was barred or terminated from participation in the program under
23 this section by an order issued under sub. (10), or barred from accepting new pupils
24 under this section by an order issued under sub. (9m), satisfied at least one of the
25 following:

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

4 SECTION 35. 118.60 (9m) of the statutes is created to read:

5 118.60 (9m) (a) 1. If the department determines under s. 115.39 (3) that a
6 private school participating in the program under this section has received a grade
7 of "fails to meet expectations" under s. 115.39 (2) (c) for 3 consecutive school years, ^{or}

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

11 2. If the department determines under s. 115.39 (3) that a private school
12 participating in the program under this section has received a grade of "fails to meet
13 expectations" in at least 3 of 5 consecutive school years and a grade no higher than
14 "meets few expectations" in the other 2 school years under s. 115.39 (2) (c), the state

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

18 3. a) If the department determines under s. 115.39 (3) that a private school
19 participating in the program under this section received a grade of "fails to meet
20 expectations" under s. 115.39 (2) (c) for 2 consecutive school years, the private school
21 may agree to a corrective action plan developed by the department or by an
22 institution, as defined in s. 36.05 (9), within the University of Wisconsin System.

23 b) If the private school agrees to such a plan, the department shall pay to the
24 private school, from the appropriation under s. 20.255 (2) (am), an amount equal to
25 \$250 multiplied by the number of pupils attending the private school under this

18-17

under this subdivision

1

section in each school year in which the school's score under s. 115.39 (2) (c) and its

2

score under s. 115.39 (2) (a) 2. improve. If the private school's overall grade improves

3

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

4

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

5

expectations" do not count toward the determination under subd. 1. or 2. par. (a)

and any subsequent year in which the school was operating under a corrective action plan

6

3. If the private school's score under s. 115.39 (2) (c) and its score under s. 115.39

7

(2) (a) 2. do not improve, the state superintendent shall issue an order permanently shall

cease making the payments and

8

barring the school from accepting any pupils under this section who were not

9

attending the private school under this section in the school year in which the order

10

was issued. The private school is not required to repay any payments received participation

The private school is not required to repay any payments received participation

11

(c) A private school that has been barred from accepting new pupils under par.

12

(a) may not reopen as a charter school.

19-12

13

SECTION 36. 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act

14

20, is amended to read:

15

118.60 (10) (c) Whenever the state superintendent issues an order under par.

16

(a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or

17

guardian of each pupil attending the private school under this section.

18

SECTION 37. 118.60 (10) (d) of the statutes is amended to read:

19

118.60 (10) (d) The state superintendent may withhold payment from a private

20

school under subs. (4) and (4m) if the private school violates this section or fails to

21

participate in the student information system as required under s. 115.383 (3).

22

SECTION 38. 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20,

23

is amended to read:

24

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),

25

66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

1 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001
 2 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
 3 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
 4 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,
 5 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,
 6 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)
 7 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
 8 and 120.25 are applicable to a 1st class city school district and board.

9 **SECTION 39.** 119.23 (1) (ag) (intro.) ~~and 3~~^{e is} of the statutes ~~are~~^{e is} amended to read:

10 119.23 (1) (ag) (intro.) “Disqualified person” means a person who, when a
 11 private school was barred or terminated from participation in the program under
 12 this section by an order issued under sub. ~~(10)~~^{(9m) or}, ~~or barred from accepting new pupils~~
 13 ~~under this section by an order issued under sub. (9m)~~, satisfied at least one of the
 14 following:

15 3. Was responsible for an action or circumstance that led to the private school
 16 being barred or terminated from participation in the program under this section or
 17 ~~barred from accepting new pupils under this section.~~

18 **SECTION 40.** 119.23 (9m) of the statutes is created to read:

19 119.23 (9m) (a) 1. If the department determines under s. 115.39[✓] (3) that a
 20 private school participating in the program under this section has received a grade
 21 of “fails to meet expectations” under s. 115.39[✓] (2) (c) for 3 consecutive school years,^{✓ or}

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

1 2. If the department determines under s. 115.39 (3) that a private school
 2 ~~participating in the program under this section~~ has received a grade of "fails to meet
 3 expectations" in at least 3 of 5 consecutive school years and a grade no higher than
 4 "meets few expectations" in the other 2 school years under s. 115.39 (2) (c), the state
 5 superintendent shall issue an order permanently barring the private school from
 6 accepting any pupils under this section who were not attending the private school
 7 under this section in the school year in which the order was issued.

8 3. a. If the department determines under s. 115.39 (3) that a private school
 9 participating in the program under this section received a grade of "fails to meet
 10 expectations" under s. 115.39 (2) (c) for 2 consecutive school years, the private school
 11 may agree to a corrective action plan developed by the department or by an
 12 institution, as defined in s. 36.05 (9), within the University of Wisconsin System.

13 b. If the private school agrees to such a plan, the department shall pay to the
 14 private school, from the appropriation under s. 20.255 (2) (am), an amount equal to
 15 \$250 multiplied by the number of pupils attending the private school under this
 16 section in each school year in which the school's ^{raw} score under s. 115.39 (2) (c) and its
 17 ^{raw} score under s. 115.39 (2) (a) 2. improve. If the private school's overall grade improves
 18 to "meets few expectations," the department shall cease making the payments, and
 19 the 2 consecutive school years in which the school received a grade of "fails to meet
 20 expectations" do not count toward the determination under subd. 1. or 2. ^{par. (a)}

21 3. e. If the private school's ^{in any school year} score under s. 115.39 (2) (c) and its ^{raw} score under s. 115.39
 22 (2) (a) 2. do not improve, the state superintendent shall ^{cease making the payments and} issue an order ~~permanently~~ shall
 23 barring the school from accepting any pupils under this section who were not
 24 attending the private school under this section in the school year in which the order
 25 was issued.

21-7 →

(and any subsequent year in which the school was operating under a corrective action plan under this subdivision)

The private school is not required to repay any payments received under subd. 2. participating in the program

✓
22-2 →

participation
^

1 (c) ~~(b)~~ A private school that has been barred from accepting new pupils under par.
2 (a) ^{or (b)} may not reopen as a charter school.

3 SECTION 41. 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 119.23 (10) (c) Whenever the state superintendent issues an order under par.
6 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
7 guardian of each pupil attending the private school under this section.

8 SECTION 42. 119.23 (10) (d) of the statutes is amended to read:

9 119.23 (10) (d) The state superintendent may withhold payment from a private
10 school under subs. (4) and (4m) if the private school violates this section or fails to
11 participate in the student information system as required under s. 115.383 (3).

12 SECTION 43. 120.12 (26) of the statutes is created to read:

13 120.12 (26) STAFFING AND FINANCIAL DATA. Upon request, provide to the
14 department any staffing or financial data that the department needs to comply with
15 state or federal reporting requirements.

16 SECTION 44. 121.006 (2) (d) of the statutes is amended to read:

17 121.006 (2) (d) Comply with a directive issued by the state superintendent
18 under s. 118.42 (3) (a) ~~or (b)~~.

19 SECTION 45. 121.02 (1) (o) of the statutes is amended to read:

20 121.02 (1) (o) Annually comply with the requirements of s. 115.38 (2). ~~The~~
21 ~~school board may include additional information in the report under s. 115.38 (2)~~
22 115.39 (5).

23 SECTION 46. Nonstatutory provisions.

24 (1) PROSPECTIVE PERFORMANCE. No data derived from a school year prior to the
25 2017-18 school year may be used by the department of public instruction to

1 determine a school's performance under section 115.39 of the statutes, as created by
2 this act.

3 (2) LEGISLATIVE AUDIT BUREAU REPORT. The legislative audit bureau shall submit
4 its initial report under section 115.39 (7) of the statutes, as created by this act, in
5 January 2019.

6 **SECTION 47. Effective dates.** This act takes effect on the day after publication,
7 except as follows:

8 (1) LOW-PERFORMING SCHOOLS. The treatment of sections 118.42 (title), (2), (3)
9 (b) and (c) 1. (intro.) and 2., and (4) and 121.006 (2) (d) of the statutes takes effect on
10 July 1, 2020.

11 (END)

13-17:1

1 118.42 (3) (c) 2. If a school board receives a directive from the state
 2 superintendent under par. (a) or (b), the school board shall seek input from school
 3 district staff, parents, and community leaders on implementing the directive.

4 **SECTION 32.** 118.42 (4) of the statutes is amended to read:
 5 118.42 (4) The state superintendent shall promulgate rules establishing
 6 criteria and procedures for determining whether a school or school district is in need
 7 of improvement and whether a school is among the lowest performing 5 percent of
 8 all public schools in the state, for the purposes of this section.

9 **SECTION 33.** 118.425 of the statutes is created to read:
 10 **118.425 Low-performing public schools. (1) APPLICABILITY.** This section
 11 applies beginning on July 1, 2020.

118.40 12 (B) (Sm) SANCTIONS. (a) If the department determines under s. 115.39 (3) that a
 13 ~~public school, other than a~~ charter school, has received a grade of "fails to meet
 14 expectations" under s. 115.39 (2) (c) for 3 consecutive school years, or has received
 15 a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and
 16 a grade no higher than "meets few expectations" in the other 2 school years under
 17 s. 115.39 (2) (c), the ~~school board~~ charter school operator shall complete a department-approved, on-site,
 18 diagnostic review of the school to determine the causes of the school's poor
 19 performance and relevant mitigating factors. Based on the results of the diagnostic
 20 review, the ~~school board~~ charter school operator shall do one of the following:

- 21 1. Implement department-approved improvement activities that are
 22 consistent with federal improvement requirements and that significantly transform
 23 the school.
- 24 ~~2. Convert the school to a charter school.~~
- 25 2. Permanently close the school.

13-17:2

1 (b) If a ~~school board~~ ^{charter school operator} implements department-approved improvement activities
2 under par. (a) 1., the state superintendent shall direct the ~~school board~~ ^{charter school operator} to do one or
3 more of the following after the state superintendent consults with the ~~school board~~ ^{operator}
4 ~~the school district administrator and school district employees:~~ ^{charter school}

5 1. Modify one or more of the activities implemented by the ~~school board~~ ^{charter school} under
6 par. (a) 1.

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

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

11 4. Implement changes in administrative and personnel structures in the
12 school.

13 5. Adopt accountability measures to monitor the ~~school district's~~ ^{charter school's} finances or to
14 monitor other interventions directed by the state superintendent under subds. 1. to
15 4.

16 (c) If a ~~school board~~ ^{charter school} implements department-approved improvement activities
17 under par. (a) 1., but the state superintendent determines that the ~~school~~ ^{charter} has failed
18 to improve sufficiently within 3 school years, the ~~school board~~ shall ~~convert the school~~
19 ~~to a~~ ^{operator shall} charter school or permanently close the school.

20 (d) If the school board converts the school to a charter school, the school board
21 shall enter into the contract with the charter school operator by the February 1
22 following the department's determination under par. (a) 2. or (c). The contract shall
23 provide for the attendance of pupils beginning in the following school year.

24 4. (e) If the ~~school board~~ ^{charter operator} determines to permanently close the school under par. ^{subd.}
25 (a) 3. or (c), the school closing takes effect on the July 1 following the issuance of the

1. b. or 3.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

✓ 14-9

The charter school operator is not required to
close the school. The charter school
operator is not required to repay any
payments it received. under subd. 2

✓ 14-15

(f) If a charter school is eligible for sanctions under par. (a) because it received a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher than "meets few expectations" in the other 2 school years, and is also eligible for a corrective action plan under par. (d),

par. (d) applies.

Insert 14-15A

INSERT
14-15A

~~AS A~~

the charter school operator may agree to a corrective action plan under par. (d). If the operator does not agree to ^{such} a ~~corrective~~ ~~action~~ plan, ~~under par. (d)~~ par. (a) applies. ~~to the charter school.~~

✓ 17-19

(g) If a public school is eligible for sanctions under par. (a) because it received a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher than "meets few expectations" in the other 2 school years, and is also eligible for a corrective action plan under par. (f),

par. (f) applies.

Insert 17-19A

Insert 17-19 A

the school board may agree
to a corrective action plan
under par. (f). IF the school board
does not agree to such a plan,
par. (a) applies.

✓ 18-17:1

1 118.42 (3) (c) 2. If a school board receives a directive from the state
2 superintendent under par. (a) or (b), the school board shall seek input from school
3 district staff, parents, and community leaders on implementing the directive.

4 SECTION 32. 118.42 (4) of the statutes is amended to read:

5 118.42 (4) The state superintendent shall promulgate rules establishing
6 criteria and procedures for determining whether a school or school district is in need
7 of improvement and whether a school is among the lowest performing 5 percent of
8 all public schools in the state, for the purposes of this section.

9 SECTION 33. 118.425 of the statutes is created to read:

10 118.425 Low-performing public schools. (1) APPLICABILITY. This section
11 applies beginning on July 1, 2020.

12 (4) SANCTIONS. (a) If the department determines under s. 115.39 (3) that a
13 public school, other than a charter school, has received a grade of "fails to meet
14 expectations" under s. 115.39 (2) (c) for 3 consecutive school years, or has received
15 a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and
16 a grade no higher than "meets few expectations" in the other 2 school years under

17 s. 115.39 (2) (c), the ^{private} school board shall complete a department-approved, on-site,
18 diagnostic review of the school to determine the causes of the school's poor
19 performance and relevant mitigating factors. Based on the results of the diagnostic
20 review, the ^{private} school board shall do one of the following:

21 ~~1. Implement~~ ^{NOTE} department-approved improvement activities that are
22 consistent with federal improvement requirements and that significantly transform
23 the school, or the state superintendent shall issue an order

24 ~~2. Convert the school to a charter school.~~ ^{permanently} barring the private
school from participating in

25 ~~3. Permanently close the school.~~
^{with} withdraw from the program under this section

✓ 18-17-2

private school

1 2. (b) If a school board implements department-approved improvement activities
2 under par. (a) 1., the state superintendent shall direct the school board to do one or
3 more of the following after the state superintendent consults with the school board,
4 the school district administrator and school district employees:

5 a. 1. Modify one or more of the activities implemented by the school board under
6 par. (a) 1.

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

9 c. 3. Implement professional development programs that focus on improving
10 pupil academic achievement in the school.

11 d. 4. Implement changes in administrative and personnel structures in the
12 school.

13 e. 5. Adopt accountability measures to monitor the school district's finances or to
14 monitor other interventions directed by the state superintendent under subd. 1) to

④ e f d. 2.

15 3. (c) If a school board implements department-approved improvement activities
16 under par. (a) 1., but the state superintendent determines that the school has failed
17 to improve sufficiently within 3 school years, the school board shall convert the school
18 to a charter school or permanently close the school. ^{state superintendent} shall ~~convert the school~~
19 ~~to a charter school or permanently close the school~~ issue an order ~~permanently~~ barring
the private school from participating

(d) If the school board converts the school to a charter school, the school board
shall enter into the contract with the charter school operator by the February 1
following the department's determination under par. (a) 2. or (c). The contract shall
provide for the attendance of pupils beginning in the following school year.
(e) If the school board determines to permanently close the school under par.
(a) 3. or (c), the school closing takes effect on the July 1 following the issuance of the

in the program under
this section

J 19-12

(d) If a private school is eligible for sanctions under par. (a) because it received a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher than "meets few expectations" in the other 2 school years, and is also eligible for a corrective action plan under par. (b),

par. (b) applies.

Insert 19-12A

Insert 19-12A

the private school may agree
to a corrective action plan
under par. (b). If the private
school does not agree to such
a plan, par. (a) applies.

✓ 218-221A

21-7:1

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~~118.42 (3) (c) 2. If a school board receives a directive from the state superintendent under par. (a) or (b), the school board shall seek input from school district staff, parents, and community leaders on implementing the directive.~~

~~SECTION 32. 118.42 (4) of the statutes is amended to read:~~

~~118.42 (4) The state superintendent shall promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state, for the purposes of this section.~~

~~SECTION 33. 118.425 of the statutes is created to read:~~

~~118.425 Low-performing public schools. (1) APPLICABILITY. This section applies beginning on July 1, 2020.~~

~~(4) SANCTIONS. (a) If the department determines under s. 115.39 (3) that a public school, other than a charter school, has received a grade of "fails to meet expectations" under s. 115.39 (2) (c) for 3 consecutive school years, or has received a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher than "meets few expectations" in the other 2 school years under~~

~~s. 115.39 (2) (c), 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,~~ or the state superintendent shall issue an order

~~2. Convert the school to a charter school.~~ ~~permanently~~ barring the private school from participating in

~~3. Permanently close the school.~~

the program under this section

✓ 18/12/12

21-7:2

private school

1 2. (b) If a school board implements department-approved improvement activities
2 under par. (a) 1., the state superintendent shall direct the school board to do one or
3 more of the following after the state superintendent consults with the school board,
4 the school district administrator and school district employees:

5 a. 1. Modify one or more of the activities implemented by the school board under
6 par. (a) 1.

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

9 c. 3. Implement professional development programs that focus on improving
10 pupil academic achievement in the school.

11 d. 4. Implement changes in administrative and personnel structures in the
12 school.

13 e. 5. Adopt accountability measures to monitor the school district's finances or to
14 monitor other interventions directed by the state superintendent under subd. 1) to

(4) of d. 2.

15
16 3. (c) If a school board implements department-approved improvement activities
17 under par. (a) 1., but the state superintendent determines that the school has failed
18 to improve sufficiently within 3 school years, the school board shall convert the school
19 to a charter school or permanently close the school.

issue an order permanently barring the private school from participating

(d) If the school board converts the school to a charter school, the school board shall enter into the contract with the charter school operator by the February 1 following the department's determination under par. (a) 2. or (c). The contract shall provide for the attendance of pupils beginning in the following school year.
(e) If the school board determines to permanently close the school under par. (a) 3. or (c), the school closing takes effect on the July 1 following the issuance of the

in the program under this section

✓ 22-2

(d) If a private school is eligible for sanctions under par. (a) because it received a grade of "fails to meet expectations" in at least 3 of 5 consecutive school years and a grade no higher than "meets few expectations" in the other 2 school years, and is also eligible for a corrective action plan under par. (b),

par. (b) applies.

Insert 22-2A

Insert 22-2A

the private school may agree
to a corrective action plan
under par. (b). If the private
school does not agree to such
a plan, par. (a) applies.