2013 DRAFTING REQUEST

Assembly Amendment (AA-SB598)

Received:	**3/20/2014**	Received By:	**chanaman**
Wanted:	**As time permits**	Same as LRB:	
For:	**Sondy Pope (608) 266-3520**	By/Representing:	**Tom McCarthy**
May Contact:		Drafter:	**chanaman**
Subject:	**Education - charter schools** **Education - choice programs** **Education - school boards** **Education - state superintendent**	Addl. Drafters:	
		Extra Copies:	**TKK** **FFK**

Submit via email: **YES**
Requester's email: **Rep.Pope@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Add ASA 2 to SB 1 as a simple

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	chanaman 3/20/2014			_____ _____			
/1			jfrantze 3/20/2014	_____ _____	sbasford 3/20/2014	sbasford 3/20/2014	

FE Sent For:

<END>

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/?	chanaman	/1 WLJ 3/20		3/20			

FE Sent For:

<END>

Hanaman, Cathlene

From: McCarthy, Tom
Sent: Thursday, March 20, 2014 8:27 PM
To: Hanaman, Cathlene
Subject: another amendment request

Cathlene,

Any chance we could also have s0393/1 also drafted to SB 598. I know that was a sub, but we'd like it as a simple if possible. Sorry for dumping this on you like this. I truly appreciate your help.

-tom

Tom McCarthy
Office of Rep. Sondy Pope
111 North, State Capitol
(608) 266-3520
tom.mccarthy@legis.wi.gov

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBa2247/?
PG:...:...

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO SENATE BILL 598

At the locations indicated, amend the bill as follows:

1. Page 1, line 2: after "effectiveness" insert ";". INS REL

2. Page 1, line 3: before that line, before the material inserted by senate amendment 2, insert:

INS A

3. Page 1, line 3: before that line, after the material inserted by senate amendment 2, insert:

INS B

4. Page 2, line 9: after that line insert:

(END)

INC

a2132

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBs0393/1
PG:eev:jf

13a2247/1

ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO SENATE BILL 286

598

March 18, 2014 – Offered by Representatives POPE, CLARK, WRIGHT and HESSELBEIN.

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

INS
REC

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

INS A

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

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

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

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

SECTION ~~3~~. 1bc 20.255 (2) (am) of the statutes is created to read:

20.255 **(2)** (am) *Corrective action plans.* A sum sufficient equal to $10,000,000 annually to implement corrective action plans under ss. 118.40 (5m (d), 118.425 (4) (f), 118.60 (9m) (b), and 119.23 (9m) (b).

SECTION ~~4~~. 1bf 115.001 (1) of the statutes is amended to read:

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

INS B

"SECTION ~~5~~. 1e 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

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

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

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

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

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

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

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

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

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

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

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

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

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

1kg

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

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

1kh

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

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

1ki

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

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

1kl

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

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

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

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

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 high school graduation status, the department shall base
22 the grade on data derived from at least 2 consecutive school years, and from at least
23 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

"needs improvement." The department shall issue an accountability report for the school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tc

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

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

1 td

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

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

1 te

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

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

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

1 tf

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

SECTION 25. 118.40 (5m) of the statutes is created to read:

118.40 **(5m)** SANCTIONS. (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 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 charter school operator 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 charter school operator 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. Permanently close the school.

(b) If a charter school operator implements department–approved improvement activities under par. (a) 1., the state superintendent shall direct the charter school operator to do one or more of the following after the state superintendent consults with the operator and charter school employees:

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

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

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

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

5. Adopt accountability measures to monitor the charter school's finances or to monitor other interventions directed by the state superintendent under subds. 1. to 4.

(c) If a charter school implements department–approved improvement activities under par. (a) 1., but the state superintendent determines that the charter school has failed to improve sufficiently within 3 school years, the charter school operator shall permanently close the school.

(d) 1. 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.

2. 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 year in which the school's raw score under s. 115.39 (2) (c) and its raw 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 2 consecutive school years in which the school received a grade of "fails to meet expectations," and any subsequent year in which the school was operating under a corrective action plan under this subdivision, do not count toward the determination under par. (a).

3. If in any school year the school's raw score under s. 115.39 (2) (c) and its raw score under s. 115.39 (2) (a) 2. do not improve, the department shall cease making the payments and the charter school operator shall close the school. The charter school operator is not required to repay any payments it received under subd. 2.

(e) 1. A school closing under par. (a) 2., (c), or (d) 3. is initially effective on the July 1 following the issuance of the school's accountability report under s. 115.39 (3) containing the department's determination under par. (a), (c), or (d).

2. If a charter school that is closed under par. (a), (c), or (d) reopens as a private school, it may not participate in a parental choice program under s. 118.60 or 119.23.

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

SECTION 26. 118.42 (title) of the statutes is amended to read:

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

SECTION 27. 118.42 (2) of the statutes is repealed.

SECTION 28. 118.42 (3) (b) of the statutes is repealed.

SECTION 29. 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 30. 118.42 (3) (c) 2. of the statutes is amended to read:

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 31. 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 32. 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.

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

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

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

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

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

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

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

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

6 (e) If the school board determines to permanently close the school under par.
7 (a) 3. or (c), the school closing takes effect on the July 1 following the issuance of the
8 school's accountability report under s. 115.39 (3) containing the department's
9 determination under par. (a) or (c).

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

15 2. If the school board agrees to such a plan, the department shall pay to the
16 school board, from the appropriation under s. 20.255 (2) (am), an amount equal to
17 $250 multiplied by the school's enrollment in each school year in which the school's
18 raw score under s. 115.39 (2) (c) and its raw score under s. 115.39 (2) (a) 2. improve.
19 If the school's overall grade improves to "meets few expectations," the department
20 shall cease making the payments and the 2 consecutive school years in which the
21 school received a grade of "fails to meet expectations," and any subsequent year in
22 which the school was operating under a corrective action plan under this subdivision,
23 do not count toward the determination under par. (a).

24 3. If in any school year the school's raw score under s. 115.39 (2) (c) and its raw
25 score under s. 115.39 (2) (a) 2. do not improve, the department shall cease making

the payments and the school board shall convert the school to a charter school as provided in par. (d) or permanently close the school as provided in par. (e). The school board is not required to repay any payments it received under subd. 2.

(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), 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. 1to

SECTION 33. 118.60 (1) (ag) (intro.) of the statutes is amended to read:

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. (9m) or (10), satisfied at least one of the following: 1tp

SECTION 34. 118.60 (9m) of the statutes is created to read:

118.60 **(9m)** (a) 1. If the department determines under s. 115.39 (3) that a private school participating in the program under this section 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 private school 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 private school shall implement department–approved improvement activities that are consistent with federal

1 improvement requirements and that significantly transform the school, or the state
2 superintendent shall issue an order barring the private school from participating in
3 the program under this section.

4 2. If a private school implements department–approved improvement
5 activities under subd. 1., the state superintendent shall direct the private school to
6 do one or more of the following after the state superintendent consults with the
7 private school and its employees:

8 a. Modify one or more of the activities implemented by the private school under
9 subd. 1.

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

12 c. Implement professional development programs that focus on improving
13 pupil academic achievement in the school.

14 d. Implement changes in administrative and personnel structures in the
15 school.

16 e. Adopt accountability measures to monitor the school district's finances or to
17 monitor other interventions directed by the state superintendent under this subd.
18 2. a. to 2. d.

19 3. If a private school implements department–approved improvement
20 activities under subd. 1., but the state superintendent determines that the school has
21 failed to improve sufficiently within 3 school years, the state superintendent shall
22 issue an order barring the private school from participating in the program under
23 this section.

24 (b) 1. If the department determines under s. 115.39 (3) that a private school
25 participating in the program under this section received a grade of "fails to meet

1 expectations" under s. 115.39 (2) (c) for 2 consecutive school years, the private school
2 may agree to a corrective action plan developed by the department or by an
3 institution, as defined in s. 36.05 (9), within the University of Wisconsin System.

4 2. If the private school agrees to such a plan, the department shall pay to the
5 private school, from the appropriation under s. 20.255 (2) (am), an amount equal to
6 $250 multiplied by the number of pupils attending the private school under this
7 section in each school year in which the school's raw score under s. 115.39 (2) (c) and
8 its raw score under s. 115.39 (2) (a) 2. improve. If the private school's overall grade
9 improves to "meets few expectations," the department shall cease making the
10 payments and the 2 consecutive school years in which the school received a grade of
11 "fails to meet expectations," and any subsequent year in which the school was
12 operating under a corrective action plan under this subdivision, do not count toward
13 the determination under par. (a).

14 3. If in any school year the private school's raw score under s. 115.39 (2) (c) and
15 its raw score under s. 115.39 (2) (a) 2. do not improve, the state superintendent shall
16 cease making the payments and shall issue an order barring the school from
17 participating in the program under this section. The private school is not required
18 to repay any payments received under subd. 2.

19 (c) A private school that has been barred from participation under par. (a) or
20 (b) may not reopen as a charter school.

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

SECTION 35. 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 36. 118.60 (10) (d) of the statutes is amended to read:

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

SECTION 37. 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.363, 115.365 (3), ~~115.38 (2),~~ 115.383, 115.39, 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 38. 119.23 (1) (ag) (intro.) of the statutes is amended to read:

1 119.23 **(1)** (ag) (intro.) "Disqualified person" means a person who, when a
2 private school was barred or terminated from participation in the program under
3 this section by an order issued under sub. (9m) or (10), satisfied at least one of the
4 following:

5 **SECTION 38.** 119.23 (9m) of the statutes is created to read:

6 119.23 **(9m)** (a) 1. If the department determines under s. 115.39 (3) that a
7 private school participating in the program under this section has received a grade
8 of "fails to meet expectations" under s. 115.39 (2) (c) for 3 consecutive school years,
9 or has received a grade of "fails to meet expectations" in at least 3 of 5 consecutive
10 school years and a grade no higher than "meets few expectations" in the other 2
11 school years under s. 115.39 (2) (c), the private school shall complete a
12 department–approved, on–site, diagnostic review of the school to determine the
13 causes of the school's poor performance and relevant mitigating factors. Based on
14 the results of the diagnostic review, the private school shall implement
15 department–approved improvement activities that are consistent with federal
16 improvement requirements and that significantly transform the school, or the state
17 superintendent shall issue an order barring the private school from participating in
18 the program under this section.

19 2. If a private school implements department–approved improvement
20 activities under subd. 1., the state superintendent shall direct the private school to
21 do one or more of the following after the state superintendent consults with the
22 private school and its employees:

23 a. Modify one or more of the activities implemented by the private school under
24 subd. 1.

1 b. Implement in the school a new or modified instructional design, which may
2 include expanded school hours or additional pupil supports and services.
3 c. Implement professional development programs that focus on improving
4 pupil academic achievement in the school.
5 d. Implement changes in administrative and personnel structures in the
6 school.
7 e. Adopt accountability measures to monitor the school district's finances or to
8 monitor other interventions directed by the state superintendent under this subd.
9 2. a. to 2. d.
10 3. If a private school implements department–approved improvement
11 activities under subd. 1., but the state superintendent determines that the school has
12 failed to improve sufficiently within 3 school years, the state superintendent shall
13 issue an order barring the private school from participating in the program under
14 this section.
15 (b) 1. If the department determines under s. 115.39 (3) that a private school
16 participating in the program under this section received a grade of "fails to meet
17 expectations" under s. 115.39 (2) (c) for 2 consecutive school years, the private school
18 may agree to a corrective action plan developed by the department or by an
19 institution, as defined in s. 36.05 (9), within the University of Wisconsin System.
20 2. If the private school agrees to such a plan, the department shall pay to the
21 private school, from the appropriation under s. 20.255 (2) (am), an amount equal to
22 $250 multiplied by the number of pupils attending the private school under this
23 section in each school year in which the school's raw score under s. 115.39 (2) (c) and
24 its raw score under s. 115.39 (2) (a) 2. improve. If the private school's overall grade
25 improves to "meets few expectations," the department shall cease making the

payments and the 2 consecutive school years in which the school received a grade of "fails to meet expectations," and any subsequent year in which the school was operating under a corrective action plan under this subdivision, do not count toward the determination under par. (a).

3. If in any school year the private school's raw score under s. 115.39 (2) (c) and its raw score under s. 115.39 (2) (a) 2. do not improve, the state superintendent shall cease making the payments and shall issue an order barring the school from participating in the program under this section. The private school is not required to repay any payments received under subd. 2.

(c) A private school that has been barred from participation under par. (a) or (b) may not reopen as a charter school.

(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), 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.

SECTION 40. 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20, is amended to read:

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

SECTION 41. 119.23 (10) (d) of the statutes is amended to read:

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

SECTION 42. 120.12 (26) of the statutes is created to read:

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

SECTION 43. 121.006 (2) (d) of the statutes is amended to read:

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

SECTION 44. 121.02 (1) (o) of the statutes is amended to read:

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

SECTION 45. Nonstatutory provisions.

(1) PROSPECTIVE PERFORMANCE. No data derived from a school year prior to the 2017–18 school year may be used by the department of public instruction to determine a school's performance under section 115.39 of the statutes, as created by this act.

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

SECTION 46. Effective dates. This act takes effect on the day after publication, except as follows:

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

4 **(END)**