



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 95

**Senate Substitute
Amendment 1, as Amended**

Memo published: June 13, 2011

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Senate Bill 95 makes various changes relating to requirements for school districts and expulsion proceedings. Senate Substitute Amendment 1, as amended, modifies the bill as follows:

Contracts for Special Education Services

Current Law

Under current law, a school board may employ certain personnel for a special education program to work with any teacher of regular education programs who has a child with a disability in a class. In addition, the school board may contract with private or public agencies for physical or occupational therapy services on the basis of demonstrated need.

The Bill

The bill additionally permits a school board to contract with private or public agencies for orientation and mobility services, educational audiology, speech therapy, pupil transition services, or any service approved by the State Superintendent of Public Instruction.

The Substitute Amendment

The substitute amendment replaces “speech therapy” with “speech and language therapy.” Also, the substitute amendment specifies that pupil transition services must be for eligible pupils who are 18 to 21 years old.

Teacher Evaluations

Current Law

Under current law, a school board may use the results of the Wisconsin Knowledge and Concepts Examination (WKCE) to evaluate teachers if the school board has developed a teacher evaluation plan that includes all of the following:

- A description of the evaluation process.
- Multiple criteria in addition to examination records.
- The rationale for using examination results to evaluate teachers.
- An explanation of how the school board intends to use the evaluations to improve pupil academic achievement.

Current law also provides that the results of the WKCE may not be used to discharge, suspend, or formally discipline a teacher or as the reason for the nonrenewal of a teacher's contract.

The Bill

The bill permits a school board to use WKCE results to evaluate teachers regardless of whether the board has developed a teacher evaluation plan. Also, under the bill, the results of the WKCE may not be used ***as the sole reason*** to discharge, suspend, or formally discipline a teacher or as the ***sole reason*** for the nonrenewal of a teacher's contract.

The Substitute Amendment

The substitute amendment permits a school board to use ***value-added analyses of scores*** on the WKCE to evaluate teachers ***if*** the school board has developed a teacher evaluation plan that includes all of the provisions required under current law. The substitute amendment contains the same provisions of the bill relating to using the results of the WKCE to discharge, suspend, or formally discipline a teacher or nonrenew a teacher's contract.

High School Physical Education Credits

Current Law

Under current law, a school board may not grant a high school diploma to a pupil unless the pupil has earned a specified number of credits in specified subjects. Included in this requirement are 1.5 credits of physical education.

The Bill

The bill permits a school board to adopt a policy granting a pupil credit in physical education for completing a season in an extracurricular sport if the sport is sanctioned by the Wisconsin Interscholastic Athletic Association.

The Substitute Amendment

The substitute amendment permits a school board to allow a pupil who participates in sports or in another organized physical activity, as determined by the school board, to complete an additional 0.5 credit in English, social studies, mathematics, science, or health education in lieu of 0.5 credit of physical education.

Expulsion of Pupils and Enrollment of Expelled Pupils

Current Law

Current law permits a school board to expel a student for certain types of conduct while at school or under the supervision of a school authority. Prior to expelling a pupil, the school board must hold a hearing and follow other procedures as prescribed by statute.

A school district may provide early reinstatement to a pupil who has been expelled and may require the pupil to meet specified early reinstatement conditions before being reinstated or after being reinstated but before the expulsion expires.

Under current law, no school board is required to enroll a pupil during the term of his or her expulsion from another school district.

The Bill

The bill provides that a charter or contract for the establishment of a charter school may include grounds for expelling a student from the charter school, but the charter or contract may not include as a ground for expulsion any ground for expulsion other than those provided in current law for school districts. If the charter or contract includes grounds for expelling a pupil from the charter school, the charter or contract must include the procedures to be followed by the charter school prior to expelling a pupil. The procedures must conform to the procedures specified under current law for school districts.

Under the bill, no school board is required to enroll a pupil during the term of his or her expulsion from a public school ***in another state*** if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under Wisconsin statute. The bill further provides that no school board is required to enroll a pupil during the term of his or her expulsion from a ***charter school*** that is not an instrumentality of a school board.

The bill creates new provisions under which a school board, other than the school board that expelled a pupil, may specify in a written order one or more enrollment conditions instead of or in addition to any early reinstatement conditions imposed by the school board that expelled the pupil. The bill defines "enrollment condition" as a condition that a pupil is required to meet before he or she may

be granted conditional enrollment, as described below, or a condition that a pupil is required to meet after his or her conditional enrollment but before the expiration of the term of expulsion. Any enrollment conditions must relate to the reasons for the pupil's expulsion and may not extend the term of expulsion.

If a school district administrator, or his or her designee, of a school district other than the school district from which a pupil was expelled determines that the pupil has met the enrollment conditions established, the school district administrator or designee may grant the pupil conditional enrollment in a school in the school district. "Conditional enrollment" is defined as enrollment of an expelled pupil in a school district other than the school district that expelled the pupil before the expiration of the term of expulsion. The determination of a school district administrator or designee relating to whether to grant conditional enrollment is final.

If a pupil granted conditional enrollment violates an enrollment condition, the school district administrator of the school district in which the pupil is enrolled, or a designated principal or teacher, may revoke the conditional enrollment. The bill sets forth procedures for revocation and provides an opportunity for a conference with the school district administrator concerning the revocation.

The Substitute Amendment

The substitute amendment permits a charter or a contract for a charter school to have grounds and procedures for expulsion but does not require them to conform to the grounds and procedures under current law that school districts must use for expulsion.

Senate Amendment 1 to the substitute amendment provides that a school board is not required to enroll a pupil during a term of his or her expulsion from a charter school that is not an instrumentality of a school board if the school board determines the conduct giving rise to the pupil's expulsion would have been grounds for expulsion under current law relating to expulsion.

The amendment also clarifies that a school district may impose enrollment conditions on a pupil who is enrolled in the school district during a term of his or her expulsion from an out-of-state school.

SAGE Program

Current Law

Current law allows an eligible school district to receive \$2,250 for each low-income pupil enrolled in grades eligible for student achievement guarantee (SAGE) funding for schools with specified low-income enrollment. In order to receive this funding, the school district must enter into a five-year renewable contract with the Department of Public Instruction (DPI) to reduce class size in eligible schools to 18 pupils in grades Kindergarten to three over the first three years of the contract and, thereafter, maintain a class size of 18 in those grades.

The Bill

Under the bill, a school district that has entered into or renewed a SAGE contract may, in one or more years covered by the contract, choose not to comply with the requirement to reduce class size in

the manner required under current law in one or more of the grades covered by the contract in one or more schools in the district.

The Substitute Amendment

The substitute amendment allows a school district that has entered into or renewed a SAGE contract to, in one or more years covered by the contract, choose not to comply with the requirement to reduce class size in grades two or three, or both, in one or more schools in the district.

Tax Levy Determination Date

Current Law

Under current law, each school board must annually determine the tax amount necessary to be raised to operate and maintain the schools in the school district. The school district clerk must certify that amount to the municipal clerk on or before November 6 so that the clerk may assess the amount certified and enter it on the tax rolls.

The Bill

The bill provides that the school district clerk must certify the amount necessary to be raised to operate and maintain the schools on or before November 6, except that, in those years in which a November general election is held, the amount must be certified on or before November 10.

The Substitute Amendment

The substitute amendment requires the amount to be certified on or before November 10 each year.

Legislative History

Senator Olsen offered Senate Substitute Amendment 1 and Senate Amendment 1 to Senate Substitute Amendment 1. On June 7, 2011, the Senate Committee on Education unanimously recommended adoption of Senate Amendment 1 and recommended adoption of Senate Substitute Amendment 1, as amended, on a vote of Ayes, 6; Noes, 1. On that same date, the committee recommended passage of Senate Bill 95, as amended, on a vote of Ayes, 4; Noes, 3.

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