



2009 ASSEMBLY BILL 538

October 29, 2009 - Introduced by Representatives DAVIS, MONTGOMERY, VUKMIR, BALLWEG, BIES, GUNDERSON, HUEBSCH, KNODL, LEMAHIEU, LOTHIAN, NEWCOMER, J. OTT, TAUCHEN, TOWNSEND and VOS, cosponsored by Senators DARLING, LAZICH and A. LASEE. Referred to Committee on Education.

1 **AN ACT** *to repeal* 118.30 (2) (c); and *to create* 20.255 (3) (k) and 115.385 of the
2 statutes; **relating to:** awarding grants to school districts for pupil academic
3 achievement, allowing the results of pupil examinations to be used to evaluate
4 teacher performance, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the results of statewide standardized examinations administered to pupils may not be used to evaluate teacher performance; to discharge, suspend, or formally discipline a teacher; or as the reason for the nonrenewal of a teacher's contract. This bill eliminates these prohibitions.

The bill also directs the Department of Public Instruction (DPI) to award grants to school districts for improving or maintaining a high level of pupil academic achievement.

Under the bill, a school board applies for a grant on behalf of one or more schools in the school district. A school board is eligible for a grant only if one of the following applies in each school year for which it requests a grant:

1. The school board administers an examination in mathematics, science, social studies, and language arts at the beginning and at the end of the school year to pupils enrolled in the school, and average scores increase by at least 4 percent.

2. The school achieves or maintains a ranking among all public schools in the state of at least the 80th percentile on the statewide standardized examinations.

In addition, in order to receive a grant at least two of the following must occur in the school:

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1. The attendance rate increases at least 2 percent.
2. The dropout rate decreases at least 2 percent.
3. The achievement gap between minority pupils and nonminority pupils (as measured by scores on the statewide standardized exams) decreases by at least 3 percent.
4. The graduation rate increases at least 4 percent.
5. The number of pupils taking advanced placement exams increases at least 2 percent.
6. The number of pupils taking the ACT test increases at least 2 percent.

If a school meets the specified conditions, DPI must award to the school district, for payment to its employees, \$750 for each member of the school’s instructional staff and \$375 for each member of the school’s noninstructional staff. The school board must match the amounts.

To fund the grants, the bill directs DPI to reallocate moneys appropriated to DPI for other purposes.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.255 (3) (k) of the statutes is created to read:

2 20.255 (3) (k) *Grants for achievement.* All moneys transferred under s. 115.385
3 (6) (b) to award grants for academic achievement under s. 115.385.

4 **SECTION 2.** 115.385 of the statutes is created to read:

5 **115.385 Grants to schools for academic achievement. (1)** In this section:

6 (a) “Dropout” has the meaning given in s. 118.153 (1) (b).

7 (b) “Instructional staff” means professional employees who have as part of their
8 responsibility direct contact with pupils or with the instructional program of the
9 school.

10 (c) “Minority group pupil” has the meaning given in s. 121.845 (2).

11 **(2)** Beginning in the 2011–12 school year, the department shall award grants
12 to school districts for improving pupil academic achievement and for maintaining a
13 high level of pupil academic achievement.

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1 **(3)** A school board may apply to the department for a grant under this section
2 on behalf of one or more schools in the school district. The school board shall specify
3 the amount it is requesting and the number of years for which it is requesting the
4 grant. A school district is not eligible for a grant under this section unless one of the
5 following applies in each school year for which a grant is requested:

6 (a) The school board administers an examination in mathematics, science,
7 social studies, and language arts at the beginning of the school term and at the end
8 of the school term to all pupils enrolled in the school on whose behalf the school board
9 is applying, other than to pupils in kindergarten, and pupils' average scores on that
10 examination increase by at least 4 percent in that school year. Section 118.30 (2) (a)
11 and (b) 1. to 3., as it applies to the examinations under s. 118.30, applies to the
12 examination administered under this paragraph.

13 (b) The school on whose behalf the school board is applying achieves or
14 maintains a ranking among all public schools in the state of at least the 80th
15 percentile on the examinations administered to pupils under s. 118.30.

16 **(4)** (a) Except as provided in par. (b), the department shall award a grant to a
17 school district if, in the school year for which the grant was requested, the school
18 district satisfied the criterion under sub. (3) (a) or (b) and at least 2 of the following
19 occurred in the school on whose behalf the school board applied:

20 1. The pupil attendance rate increased at least 2 percent.

21 2. The pupil dropout rate decreased at least 2 percent.

22 3. The achievement gap between minority group pupils and nonminority group
23 pupils, as measured by scores on the examinations administered under s. 118.30,
24 decreased by at least 3 percent.

25 4. The graduation rate increased at least 4 percent.

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1 5. The number of pupils taking advanced placement examinations increased
2 at least 2 percent.

3 6. The number of pupils taking the ACT test, the standardized test for high
4 school achievement and college admissions produced by ACT, Inc., increased at least
5 2 percent.

6 (b) If the school on whose behalf the school board applied does not operate high
7 school grades, the department shall award a grant to the school district if, in the
8 school year for which the grant was requested, the school district satisfied the
9 criterion under sub. (3) (a) or (b) and at least 2 of the criteria under par. (a) 1. to 3.
10 occurred in the school.

11 **(5)** (a) Except as provided in par. (c), in each school year in which a school on
12 whose behalf a school board applied meets the required conditions under subs. (3)
13 and (4), the department shall award the following amounts to the school district:

14 1. An amount equal to the number of instructional staff at the school multiplied
15 by \$750.

16 2. An amount equal to the number of noninstructional staff at the school
17 multiplied by \$375.

18 (b) Except as provided in par. (c), the school board shall distribute the amounts
19 under par. (a) 1. and 2. to the instructional and noninstructional staff at the school
20 on whose behalf the school district applied and shall also award a matching grant to
21 each person receiving a grant.

22 (c) Amounts under pars. (a) and (b) shall be prorated for part-time and
23 part-year employees.

24 **(6)** (a) The department shall award the grants under this section from the
25 appropriation under s. 20.255 (3) (k).

