



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-1880/1  
PG:lmg:kjf

DOA:.....Fath - Board on education evaluation and accountability  
FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

soon

Don't  
GEN. CAT.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. The bill directs BEEA to collect data and publish reports relating to the assessment and evaluation of public educational institutions, including school districts, technical college districts, and UW System institutions. BEEA must also analyze and publish reports on, the effectiveness of student financial aid programs administered by the UW System and the higher educational aids board (HEAB).

Beginning on July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the student achievement guarantee program from DPI to BEEA.

Finally, the bill directs BEEA to award grants to nonprofit corporations to fund programs designed to reduce the incidence of illiteracy in this state.

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.** 15.105 (8) of the statutes is created to read:

2           **15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY.** There is  
3 created a board on education evaluation and accountability, attached to the  
4 department of administration under s. 15.03, consisting of 5 members appointed for  
5 4-year terms. At least one member shall be experienced in education evaluation and  
6 assessment. The board shall appoint an executive director outside the classified  
7 service to serve at its pleasure.

8           **SECTION 2.** 16.963 of the statutes is created to read:

9           **16.963 Education evaluation and accountability. (1)** In this section,  
10 "board" means the board on education evaluation and accountability.

11           **(2)** The board shall do all of the following:

12           **(a)** By December 1, 2003, and annually by December 1 thereafter, submit a  
13 report to the governor, the secretary of administration, and the legislature under s.  
14 13.172 (2), on the status of public postsecondary, educational institutions in this  
15 state. The report shall include information on admissions, enrollment, student body  
16 characteristics, retention and graduation rates, the transfer of students into the  
17 institutions, and the effectiveness of state-supported, student financial aid  
18 programs.

19           **(b)** Cooperate with the commissioner of education statistics in establishing  
20 national cooperative education statistics systems under 20 USC 9009.

21           **(c)** From the appropriation under s. 20.505 (4) (cg), beginning in the 2002-03  
22 fiscal year award grants on a competitive basis to nonprofit corporations to fund  
23 programs designed to reduce the incidence of illiteracy in this state. In order to be  
24 eligible for a grant, a nonprofit corporation shall collaborate on a literacy program  
25 with a school board, a University of Wisconsin System college campus or institution,

1 a technical college district board, a private school, a social services agency, or an  
2 employer.

3 (d) From the appropriation under s. 20.505 (4) (ch), beginning in the 2002-03  
4 fiscal year award grants on a competitive basis for the purpose of developing teacher  
5 training curricula in order to improve the quality of teacher training. The board may  
6 award grants under this paragraph only to consortia consisting of at least one 4-year  
7 public institution of higher education, one 4-year private institution of higher  
8 education, one technical college district board, one school district, and 2  
9 representatives from the private sector. The board shall promulgate rules to  
10 implement and administer this paragraph.

11 **SECTION 3.** 20.255 (1) (dw) of the statutes is renumbered 20.505 (4) (cw) and  
12 amended to read:

13 20.505 (4) (cw) *Pupil assessment.* The amounts in the schedule for the costs  
14 of the examinations developed and administered under s. 118.30 and for the review  
15 and modification of academic standards, as provided under 1997 Wisconsin Act 27,  
16 section 9140 (5r).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

17 **SECTION 4.** 20.255 (2) (cu) of the statutes is amended to read:

18 20.255 (2) (cu) *Achievement guarantee contracts.* The amounts in the schedule  
19 for aid to school districts and the program evaluation under s. 118.43. No funds may  
20 be encumbered from this appropriation after June 30, 2005.

21 **SECTION 5.** 20.505 (4) (ce) of the statutes is created to read:

Handwritten note: "N.S. 3-10" with an arrow pointing to line 11.

1           20.505 (4) (ce) *Board on education evaluation and accountability; general*  
2 *program operations.* The amounts in the schedule for general program operations  
3 of the board on education evaluation and accountability.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4           **SECTION 6.** 20.505 (4) (cf) of the statutes is created to read:

5           20.505 (4) (cf) *Achievement guarantee program evaluation.* The amounts in the  
6 schedule for the achievement guarantee program evaluation under s. 118.43 (7).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7           **SECTION 7.** 20.505 (4) (cg) of the statutes is created to read:

8           20.505 (4) (cg) *Literacy grants.* The amounts in the schedule for literacy grants  
9 under s. 16.963 (2) (c).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10          **SECTION 8.** 20.505 (4) (ch) of the statutes is created to read:

11          20.505 (4) (ch) *Teacher training curricula development.* The amounts in the  
12 schedule for grants for the development of teacher training curricula under s. 16.963  
13 (2) (d).

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INS.  
4-14

14          **SECTION 9.** 20.923 (4) (c) 2. of the statutes is created to read:

15          20.923 (4) (c) 2. Education evaluation and accountability, board on: executive  
16 director.

INS.  
4-16

17          **SECTION 10.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38  
18 (1r) (intro.), (b) 2. and (c), as renumbered, are amended to read:

1           115.38 (1r) (intro.) The state superintendent board shall develop a school and  
2 school district performance report for use by school districts under sub. (2). The  
3 report shall include all of the following by school and by school district:

4           (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils  
5 are suspended or expelled, reported according to categories specified by the state  
6 superintendent board; the length of time for which pupils are expelled, reported  
7 according to categories specified by the state superintendent board; whether pupils  
8 return to school after their expulsion; the educational programs and services, if any,  
9 provided to pupils during their expulsions, reported according to categories specified  
10 by the state superintendent board; the schools attended by pupils who are suspended  
11 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled  
12 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

13           (c) Staffing and financial data information, as determined by the state  
14 superintendent board, not to exceed 10 items. The state superintendent board may  
15 not request a school board to provide information solely for the purpose of including  
16 the information in the report under this paragraph.

17           **SECTION 11.** 115.38 (1g) of the statutes is created to read:

18           115.38 (1g) In this section, "board" means the board on education evaluation  
19 and accountability.

20           **SECTION 12.** 115.38 (2) of the statutes is amended to read:

21           115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January  
22 1, each school board shall distribute to the parent or guardian of each pupil enrolled  
23 in the school district, including pupils enrolled in charter schools located in the school  
24 district, or give to each pupil to bring home to his or her parent or guardian, a school

1 and school district performance report that includes the information specified by the  
2 ~~state superintendent board~~ under sub. ~~(1)~~ (1r).

3 SECTION 13. 115.38 (3) of the statutes is amended to read:

4 115.38 (3) Annually, the ~~state superintendent board~~ shall publish and  
5 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.  
6 (2).

7 SECTION 14. 115.38 (4) of the statutes is amended to read:

8 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter, the~~  
9 ~~state superintendent~~ Annually, the board shall identify those school districts that  
10 are low in performance and those schools in which there are pupils enrolled who do  
11 not meet the state minimum performance standards on the examinations  
12 administered under s. 118.30. The ~~state superintendent board~~ shall make  
13 recommendations regarding how the programs and operations of the identified  
14 school districts and schools may be improved and periodically assess school district  
15 implementation of the recommendations.

16 SECTION 15. 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended  
17 to read:

18 118.30 (1d) (a) The ~~state superintendent board~~ shall adopt or approve  
19 examinations designed to measure pupil attainment of knowledge and concepts in  
20 the 4th, 8th and 10th grades.

21 (b) The ~~department board~~ shall develop a high school graduation examination  
22 that is designed to measure whether pupils meet the pupil academic standards  
23 issued by the governor as executive order no. 326, dated January 13, 1998.

24 SECTION 16. 118.30 (1b) of the statutes is created to read:

1           118.30 (1b) In this section, "board" means the board on education evaluation  
2 and accountability.

3           **SECTION 17.** 118.30 (1g) (b) of the statutes is amended to read:

4           118.30 (1g) (b) Each school board operating high school grades and each  
5 operator of a charter school under s. 118.40 (2r) that operates high school grades shall  
6 adopt a high school graduation examination that is designed to measure whether  
7 pupils meet the pupil academic standards adopted by the school board or operator  
8 of the charter school under par. (a). If the school board or operator of the charter  
9 school has adopted the pupil academic standards issued as executive order no. 326,  
10 dated January 13, 1998, the school board or operator of the charter school may adopt  
11 the high school graduation examination developed by the ~~department~~ board under  
12 sub. (1) (1d) (b). If a school board or operator of a charter school develops and adopts  
13 its own high school graduation examination, it shall notify the ~~department~~ board  
14 annually by October 1 that it intends to administer the examination in the following  
15 school year.

16           **SECTION 18.** 118.30 (1g) (c) of the statutes is amended to read:

17           118.30 (1g) (c) Each school board operating elementary grades and each  
18 operator of a charter school under s. 118.40 (2r) that operates elementary grades may  
19 develop or adopt its own examination designed to measure pupil attainment of  
20 knowledge and concepts in the 4th grade and may develop or adopt its own  
21 examination designed to measure pupil attainment of knowledge and concepts in the  
22 8th grade. If the school board or operator of the charter school develops or adopts an  
23 examination under this paragraph, it shall notify the ~~department~~ board.

24           **SECTION 19.** 118.30 (1m) (a) 1. of the statutes is amended to read:

1           118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade  
2 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)  
3 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter  
4 schools located in the school district, in the 4th grade. Beginning on July 1, 2002, if  
5 the school board has not developed and adopted its own 4th grade examination, the  
6 school board shall provide a pupil with at least 2 opportunities to take the  
7 examination administered under this subdivision.

8           **SECTION 20.** 118.30 (1m) (am) 1. of the statutes is amended to read:

9           118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade  
10 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)  
11 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter  
12 schools located in the school district, in the 8th grade. Beginning on July 1, 2002, if  
13 the school board has not developed and adopted its own 8th grade examination, the  
14 school board shall provide a pupil with at least 2 opportunities to take the  
15 examination administered under this subdivision.

16           **SECTION 21.** 118.30 (1r) (a) 1. of the statutes is amended to read:

17           118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade  
18 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)  
19 (1d) (a) to all pupils enrolled in the charter school in the 4th grade. Beginning on  
20 July 1, 2002, if the operator of the charter school has not developed or adopted its  
21 own 4th grade examination, the operator of the charter school shall provide a pupil  
22 with at least 2 opportunities to take the examination administered under this  
23 subdivision.

24           **SECTION 22.** 118.30 (1r) (am) 1. of the statutes is amended to read:



1           118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade  
2 examination adopted or approved by the ~~state superintendent~~ board under sub. (1)  
3 (1d) (a) to all pupils enrolled in the charter school in the 8th grade. Beginning on  
4 July 1, 2002, if the operator of the charter school has not developed and adopted its  
5 own 8th grade examination, the operator of the charter school shall provide a pupil  
6 with at least 2 opportunities to take the examination administered under this  
7 subdivision.

8           **SECTION 23.** 118.30 (2) (b) 2. of the statutes is amended to read:

9           118.30 (2) (b) 2. According to criteria established by the ~~state superintendent~~  
10 board by rule, the school board or operator of the charter school under s. 118.40 (2r)  
11 may determine not to administer an examination under this section to a  
12 limited-English proficient pupil, as defined under s. 115.955 (7), may permit the  
13 pupil to be examined in his or her native language or may modify the format and  
14 administration of an examination for such pupils.

15           **SECTION 24.** 118.30 (3) of the statutes is amended to read:

16           118.30 (3) The ~~state superintendent~~ board shall make available upon request,  
17 within 90 days after the date of administration, any examination required to be  
18 administered under this section. This subsection does not apply while the  
19 examination is being developed or validated.

20           **SECTION 25.** 118.30 (4) of the statutes is amended to read:

21           118.30 (4) The ~~department~~ board shall study the utility of administering  
22 technology-based performance assessments to pupils.

23           **SECTION 26.** 118.30 (6) of the statutes is amended to read:

24           118.30 (6) A school board and an operator of a charter school under s. 118.40  
25 (2r) is not required to administer the 4th and 8th grade examinations adopted or

1 approved by the ~~state superintendent board~~ under sub. (1) (1d) if the school board  
2 or the operator of the charter school administers its own 4th and 8th grade  
3 examinations, the school board or operator of the charter school provides the state  
4 ~~superintendent board~~ with statistical correlations of those examinations with the  
5 examinations adopted or approved by the ~~state superintendent board~~ under sub. (1)  
6 (1d), and the federal department of education approves.

7 SECTION 27. 118.38 (1) (a) 8. of the statutes is created to read:

8 118.38 (1) (a) 8. The school performance report under s. 115.38.

9 ~~SECTION 28. 118.43 (7) of the statutes is amended to read:~~

10 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year, the department~~  
11 ~~The board on education evaluation and accountability~~ shall arrange for an  
12 evaluation of the program under this section and shall ~~allocate~~ pay the costs of the  
13 ~~evaluation~~ from the appropriation under s. ~~20.255 (2) (cu) \$250,000 for that purpose~~  
14 ~~20.505 (4) (cf).~~

15 SECTION 29. 121.02 (1) (r) of the statutes is amended to read:

16 121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer  
17 a standardized reading test developed by the ~~department board on education~~  
18 ~~evaluation and accountability~~ to all pupils enrolled in the school district in grade 3,  
19 including pupils enrolled in charter schools located in the school district.

20 SECTION 30. 230.08 (2) (vm) of the statutes is created to read:

21 230.08 (2) (vm) The executive director of the board on education evaluation and  
22 accountability.

23 SECTION 9101. Nonstatutory provisions; administration.

24 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding  
25 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of

1 the board on education evaluation and accountability shall serve for terms expiring  
2 on May 1, 2002; 2 of the initial members shall serve for terms expiring on May 1,  
3 2004; and one of the initial members shall serve for a term expiring on May 1, 2006.

4 **SECTION 9140. Nonstatutory provisions; public instruction.**

5 (1) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND  
6 ACCOUNTABILITY.

7 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
8 liabilities of the department of public instruction primarily related to the functions  
9 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as  
10 determined by the secretary of administration, become the assets and liabilities of  
11 the board on education evaluation and accountability.

12 (b) *Employee transfers.* All incumbent employees holding positions in the  
13 department of public instruction performing duties primarily related to the  
14 functions under sections 115.38, 118.30, 118.43 (7) and 121.02 (1) (r), 1999 stats., as  
15 determined by the secretary of administration, are transferred on the effective date  
16 of this paragraph to the board on education evaluation and accountability.

17 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
19 statutes in the board on education evaluation and accountability that they enjoyed  
20 in the department of public instruction immediately before the transfer.  
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
22 has attained permanent status in class is required to serve a probationary period.

23 (d) *Tangible personal property.* On the effective date of this paragraph, all  
24 tangible personal property, including records, of the department of public instruction  
25 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),

1 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is  
2 transferred to the board on education evaluation and accountability.

3 (e) *Contracts.* All contracts entered into by the department of public instruction  
4 in effect on the effective date of this paragraph that are primarily related to the  
5 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as  
6 determined by the secretary of administration, remain in effect and are transferred  
7 to the board on education evaluation and accountability. The board on education  
8 evaluation and accountability shall carry out any obligations under such a contract  
9 until the contract is modified or rescinded by the board on education evaluation and  
10 accountability to the extent allowed under the contract.

11 (f) *Rules and orders.* All rules promulgated by the department of public  
12 instruction that are in effect on the effective date of this paragraph and that relate  
13 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999  
14 stats., as determined by the secretary of administration, are transferred to the board  
15 on education evaluation and accountability and remain in effect until their specified  
16 expiration date or until amended or repealed by the board on education evaluation  
17 and accountability. All orders issued by the department of public instruction that are  
18 in effect on the effective date of this paragraph and that relate to the functions under  
19 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by  
20 the secretary of administration, are transferred to the board on education evaluation  
21 and accountability and remain in effect until their specified expiration date or until  
22 modified or rescinded by the board on education evaluation and accountability.

23 (g) *Pending matters.* Any matter pending with the department of public  
24 instruction on the effective date of this paragraph that is related to the functions  
25 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as

1 determined by the secretary of administration, is transferred to the board on  
2 education evaluation and accountability and all materials submitted to or actions  
3 taken by the department of public instruction with respect to the pending matter are  
4 considered as having been submitted to or taken by the board on education  
5 evaluation and accountability.

6 **SECTION 9440. Effective dates; public instruction.**

7 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of  
8 sections 16.963, 20.255 (1) (dw) and (2) (cu), 20.505 (4) (cf), (cg), ~~and~~ (ch), 115.38 (1),  
9 (1g), (2), (3), and (4), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. and (am) 1., (1r) (a)  
10 1. and (am) 1., (2) (b) 2., (3), (4), and (6), 118.38 (1) (a) 8., 118.43 (7), and 121.02 (1)  
11 (r) of the statutes and SECTION 9140 (1) of this act take effect on July 1, 2002.

12 (END)

and (ci),  
39.995(1),

(A)

The bill also requires ~~BEEA~~ BEEA to  
~~The BEEA must also~~ award grants to  
persons operating teacher <sup>prep</sup> or  
preparatory  
programs that are approved by DPI.

~~(B)~~

It currently, the higher educational ~~aid~~  
~~HEAB~~ HEAB  
~~board~~ administers a loan program to defray  
the costs of tuition for persons enrolled in a  
teacher preparatory program operated by the  
Milwaukee Teacher Education Center. This bill  
also authorizes HEAB to <sup>also</sup> make ~~such~~ such loans to  
persons enrolled in teacher ~~prep~~ preparatory  
programs operated by the recipients of the  
grants described above.

(B) ✓

~~if all of the following apply:~~

¶ 1. ~~The center is approved by the~~

~~department of public instruction. has approved~~  
operates<sup>s</sup>

~~the center~~ for a teacher preparatory

program approved by the department of public

instruction under s. 115.28(1)(a). ✓

¶ 2. ~~The~~ Annually by October 1, the

~~employ is under which of ch. III~~  
3-15.1

~~16. 563 (2) (e)~~ <sup>Q (B)</sup> (3)(a) From the appropriation under

s. 20.505 (4) (ci), ~~the~~ annually the board  
\$1,500,000 shall pay to the Milwaukee Teacher Education

Center if all of the following apply:

Address INSERT B  
Center to ~~enroll additional students in its~~  
~~education~~ ~~teacher training~~ ~~program~~ ~~Annually by~~ ~~October~~,  
#

~~the Milwaukee Teacher Education Center shall~~ submits

a report to the board on the center's  
operations, including the number of students

who successfully completed the ~~teacher training~~  
program in the previous school year.

Q (b) The Milwaukee Teacher Education  
Center shall use the funds received under  
par. (a) to enroll additional students in its  
preparatory  
teacher education program.



3-15:2

(B) (4) From the appropriation under s. 20.505 (4)(ci),  
annually the board shall  
award grants to persons operating  
teacher preparatory programs that are approved by  
the department of public instruction under s. 115.28(7)(a)  
and that are  
similar to the one funded under sub. (B). In

order to receive a grant, ~~the~~ an applicant  
school board of a  
shall ~~include~~ consist of a school district

that operates grades kindergarten to 12, ~~and~~ a  
representative from the private sector, and

at least 2 of the following:

1. The board of control of a  
cooperative educational service agency.

2. A ~~four-year~~ 4-year public institution of  
higher education.

3. A ~~four-year~~ 4-year private institution of  
higher education.

4. A technical college district board.

5. A representative of a labor organization  
recognized or certified to represent school district

3-W.3

employees under subch. IV of ch. III.

~~(b) The board may award no more than \$150,000 annually to all applicants under par. (a).  
The board~~

(b) If the board approves a grant under par. (a), it shall award the recipient up to \$150,000 annually for up to 5 years if the recipient does all of the following:

1. Continues to operate a teacher preparatory ~~submitting a report~~ program approved by the department of public instruction under s. 115.22 (1)(a).

2. Annually by October 1, submits a report to the board a report on the operations of the <sup>preparatory</sup> alternative teacher training program funded by the grant, including the number of students who successfully completed the program in the previous school year.

4-14

SEC. CR- 20-505 (4) (ci)

(I)

20-505 (4) (ci) ~~Alternative~~ Teacher training <sup>preparatory</sup>

(I) <sup>programs</sup> The amounts in the schedule for grants to ~~alternative teacher training~~ <sup>preparatory</sup> programs under s. 16.963 (3) and (4).

→ note ibid

4-18 ✓

Section #. 39.395 (1) of the statutes is amended to read:

39.395 (1) The board shall establish a loan program to defray the cost of tuition for persons enrolled in a teacher education program offered by the Milwaukee Teacher Education Center, a non-stock, nonprofit corporation organized under ch. 181. Loans shall be made from the appropriation under s. 20.235 (1) (cu).

History: 1997 a. 27.

or in a teacher preparatory  
program operated by a  
person that is receiving  
grant recipients under  
s. 16.963 (4)

## Grant, Peter

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**From:** Fath, Erin  
**Sent:** Friday, January 12, 2001 2:18 PM  
**To:** Grant, Peter  
**Subject:** LRB draft 1880/2

Peter,  
The Alternative Teacher Certification information that you added in /2 looks fine.

These are the changes we'd like for LRB-1880/2, which concern the grants for development of teacher training curricula.

**1) SECTION 8:** Please change the title of 20.505(4)(ch) to "PK-16 Coordination" (I know you don't like "PK-16", but the Gov's staff is really pushing this). Also, please change the language in 20.505(4)(ch) to show that the amount provided in this appropriation is for grants for the formation of local PK-16 coordinating councils.

**2) SECTION 2:** Please change the language under 16.963(2)(d) to show that the grants would be used to form local PK-16 coordinating councils. The councils could use the grants for the purpose of improving coordination between elementary and secondary education institutions and institutions of higher education, including (but not limited to):

- developing teacher training curricula around state standards
- addressing the issues of teacher supply/demand and the alignment of high school standards with admissions standards for postsecondary institutions.

The language pertaining to eligible consortia and promulgation of rules does not change.

I know this may make for convoluted language, but the Gov's policy staff wants to include specific examples of how the grants could be used.

Thanks again for all your help on this,

**Erin K. Fath**

State Budget Office  
Education and Training Team  
Erin.Fath@doa.state.wi.us  
(608) 266-2843 voice  
(608) 267-0372 fax

*sch. drafts ?*

## Grant, Peter

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**From:** Fath, Erin  
**Sent:** Saturday, January 13, 2001 3:21 PM  
**To:** Grant, Peter  
**Subject:** BEEA

Peter,

Per my voice mail message from Friday - during comebacks with the Governor, it was decided that the following items would not be included in the BEEA:

- grants to nonprofits to fund illiteracy reduction efforts [16.963(2)(c), 20.505(4)(cg)]
- grants to consortia to form local pre-kindergarten-college councils [16.963(2)(d), 20.505(4)(ch)]
- grants to consortia for operating teacher prep programs similar to MTEC [16.963(4)(a)]

At this point, we are still planning to retain 16.963(3)(a), payments to MTEC, that would come from 20.505(4)(ci); however, I think that, because it's such a small amount of funding, we should just put the funding for MTEC payments under the general program operations appropriation [20.505 (4)(ce)], and delete the 20.505(4)(ci) appropriation.

I apologize for making you do all this drafting, only to have it dropped out (we really thought this would go forward).

There may be further modifications to this draft - we may change the funding amount for MTEC - but I can't say until Monday or Tuesday when more final decision are made.

Thanks for all your help on this.

**Erin K. Fath**

State Budget Office  
Education and Training Team  
Erin.Fath@doa.state.wi.us  
(608) 266-2843 voice  
(608) 267-0372 fax

## Grant, Peter

---

**From:** Fath, Erin  
**Sent:** Tuesday, January 23, 2001 11:49 AM  
**To:** Grant, Peter  
**Subject:** FW: BEEA

Peter,

I just wanted to touch base with you on changes to the BEEA draft (1880/2). At this point, decisions still are not 100% final, so I'd caution you to hold off on any of the changes we had talked about last week until you hear from me again. I did want to let you know that further changes will likely occur. They include:

- 1) Executive Director: I believe I had you draft the Board's responsibilities to include hiring an Executive Director in FY02. A decision has since been made to allow the Board to hire an Executive Director effective 7/1/02 (i.e., along with the effective date of transfer of employees, etc., from DPI to the BEEA).
- 2) People at DOA have expressed concerns about the number of new appropriations associated with the BEEA. For this reason, we'd like to fold a couple of the new appropriations into the general program operations appropriation that you created for the BEEA. Would it be possible to include the funding for the Milwaukee Teacher Education Center [currently under s.16.963(3)(a)/20.505(4)(ci)], as well as the funding for the SAGE evaluation [currently under s.118.43(7)/20.505(4)(c)] in the BEEA's general program ops appropriation [s.20.505(4)(cd)]?
- 3) A decision has been made to not transfer FTE and budget authority from the UW to the BEEA for the purpose of conducting evaluation related to higher education; thus, the board will not be responsible for the duties specified under s.16.963(2)(a) and (b) (i.e., delete those paragraphs from the draft).

Bob Hanle is wondering if it would be possible to draft something (very brief) that would permit the BEEA to conduct evaluation of educational issues other than the K-12 assessment activities that are specified in the draft (whether K-12 or post-secondary), as the board sees fit?

As I noted previously, you may want to hold off on making these changes, since decisions are not 100% final. Our revised schedule, which assumes a budget introduction date of 2/14, has 1/26 as the last day for minor changes to LRB. I will certainly let you know as soon as I can what the final decision are for this draft, but just so you know, it may be Friday before that happens.

Thanks,  
-Erin Fath (6-2843)

-----Original Message-----

**From:** Fath, Erin  
**Sent:** Saturday, January 13, 2001 3:21 PM  
**To:** Grant, Peter  
**Subject:** BEEA

Peter,

Per my voice mail message from Friday - during comebacks with the Governor, it was decided that the following items would not be included in the BEEA:

- grants to nonprofits to fund illiteracy reduction efforts [16.963(2)(e), 20.505(4)(cg)]
- grants to consortia to form local pre-kindergarten-college councils [16.963(2)(d), 20.505(4)(ch)]
- grants to consortia for operating teacher prep programs similar to MTEC [16.963(4)(a)]

At this point, we are still planning to retain 16.963(3)(a), payments to MTEC, that would come from 20.505(4)(ci); however, I think that, because it's such a small amount of funding, we should just put the funding for MTEC payments under the general program operations appropriation [20.505 (4)(ce)], and delete the 20.505(4)(ci) appropriation.

I apologize for making you do all this drafting, only to have it dropped out (we really thought this would go forward).

There may be further modifications to this draft - we may change the funding amount for MTEC - but I can't say until Monday or Tuesday when more final decision are made.

Thanks for all your help on this.

**Erin K. Fath**

State Budget Office  
Education and Training Team  
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1/30/01 TC from ENR Fall

> - re app. states and agency - time from (4/10/01)

check + Δ p. 11 p. 25  
same no more than \$125,000 annually  
(by 02-03)

> 0891/1  
0910/5  
0888/1  
1702/1  
0958/1  
Neurosci w/ 1880

> add  
allow her to conduct a longitudinal  
study of MPCP IF get private funds to do so  
if a \$0, <sup>must</sup> open to leg. + ~~to~~ ~~the~~ ~~per.~~

> exec-dw. <sup>eff</sup> 7/1/02



TODAY  
DN

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DOA:.....Fath - Board on education evaluation and accountability

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

1

AN ACT <sup>DON'T</sup> <sup>EN. CAT.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. ~~The bill directs BEEA to collect data and publish reports relating to the assessment and evaluation of public educational institutions, including school districts, technical college districts, and UW System institutions. BEEA must also analyze and publish reports on, the effectiveness of student financial aid programs administered by the UW System and the higher educational aids board (HEAB). The bill directs BEEA to award grants to nonprofit corporations to fund programs designed to reduce the incidence of illiteracy in this state. The bill also requires BEEA to award grants to persons operating teacher preparatory programs that are approved by DPI.~~

Currently, HEAB administers a loan program to defray the costs of tuition for persons enrolled in a teacher preparatory program operated by the Milwaukee Teacher Education Center. This bill authorizes HEAB ~~to~~ also make such loans to persons enrolled in teacher preparatory programs operated by the recipients of the grants described above.

<sup>(w/)</sup> ~~Beginning~~ on July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the student achievement guarantee program from DPI to BEEA.

The bill <sup>also</sup> authorizes BEEA to conduct a study of the Milwaukee Parental Choice Program if ~~it~~ receives sufficient funds from private sources. <sup>to</sup> BEEA.

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. 15.105 (8) of the statutes is created to read:

2 15.105 (8) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. There is  
3 created a board on education evaluation and accountability, attached to the  
4 department of administration under s. 15.03, consisting of 5 members appointed for  
5 4-year terms. At least one member shall be experienced in education evaluation and  
6 assessment. ~~The board shall appoint~~ <sup>¶ (a) Appoint</sup> an executive director outside the classified  
7 service to serve at its pleasure.

8 SECTION 2. 16.963 of the statutes is created to read:

9 16.963 Education evaluation and accountability. (1) In this section,  
10 "board" means the board on education evaluation and accountability.

11 <sup>⑤ DUTIES.</sup> (2) The board shall do all of the following:

12 (a) By December 1, 2003, and annually by December 1 thereafter, submit a  
13 report to the governor, the secretary of administration, and the legislature under s.  
14 13.172 (2), on the status of public postsecondary, educational institutions in this  
15 state. The report shall include information on admissions, enrollment, student body  
16 characteristics, retention and graduation rates, the transfer of students into the  
17 institutions, and the effectiveness of state-supported, student financial aid  
18 programs.

19 (b) Cooperate with the commissioner of education statistics in establishing  
20 national cooperative education statistics systems under 20 USC 9009.

INS.  
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CS  
DEFINITION.

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(c) From the appropriation under s. 20.505 (4) (cg), beginning in the 2002-03 fiscal year award grants on a competitive basis to nonprofit corporations to fund programs designed to reduce the incidence of illiteracy in this state. ~~In order~~ to be eligible for a grant, a nonprofit corporation shall collaborate on a literacy program with a school board, a University of Wisconsin System college campus or institution, a technical college district board, a private school, a social services agency, or an employer.

(d) From the appropriation under s. 20.505 (4) (ch), beginning in the 2002-03 fiscal year award grants on a competitive basis for the purpose of ~~developing teacher training curricula in order to improve the quality of teacher training.~~ The board may award grants under this paragraph only to consortia consisting of at least one 4-year public institution of higher education, one 4-year private institution of higher education, one technical college district board, one school district, and 2 representatives from the private sector. ~~The board shall promulgate rules to implement and administer this paragraph.~~ INS. 3-14

(3) (a) From <sup>the</sup> appropriation under s. 20.505 (4) (cc), annually the board shall pay \$150,000 to the Milwaukee Teacher Education Center if all of the following apply:

1. The center operates a teacher preparatory program approved by the department of public instruction under s. 115.28 (7) (a).
2. Annually by October 1, the center submits a report to the board on the center's operations, including the number of students who successfully completed the program in the previous school year.

(b) The Milwaukee Teacher Education Center shall use the ~~funds~~ <sup>monies</sup> received under par. (a) to enroll additional students in its teacher preparatory program.

1 (4) (a) From the appropriation under s. 20.505 (4) (c), annually the board shall  
 2 award grants to persons operating teacher preparatory programs that are approved  
 3 by the department of public instruction under s. 115.28 (7) (a) and that are similar  
 4 to the one funded under sub. (3). In order to receive a grant, an applicant shall consist  
 5 of a school board of a school district that operates grades kindergarten to 12, a  
 6 representative from the private sector, and at least 2 of the following:

- 7 1. The board of control of a cooperative educational service agency.
- 8 2. A 4-year public institution of higher education.
- 9 3. A 4-year private institution of higher education.
- 10 4. A technical college district board.
- 11 5. A representative of a labor organization recognized or certified to represent  
 12 school district <sup>professional</sup> employees under subch. IV of ch. 111.

13 (b) If the board approves a grant under par. (a), it shall award the recipient up  
 14 to \$150,000 annually for up to 5 years if the recipient does all of the following:

- 15 1. Continues to operate a teacher preparatory program approved by the  
 16 department of public instruction under s. 115.28 (7) (a).
- 17 2. Annually by October 1, submits to the board a report on the operations of the  
 18 teacher preparatory program funded by the grant, including the number of students  
 19 who successfully completed the program in the previous school year.

*File Component*  
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20 SECTION 3. 20.255 (1) (dw) of the statutes is ~~renumbered 20.505 (4) (cw) and~~  
 21 ~~amended to read:~~ *repealed*

22 20.505 (4) (cw) *Pupil Assessment*. The amounts in the schedule for the costs  
 23 of the examinations developed and administered under s. 118.30 and for the review  
 24 and modification of academic standards, as provided under 1997 Wisconsin Act 27,  
 25 section 9140 (5r).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 SECTION 4. 20.255 (2) (cu) of the statutes is amended to read:

2 20.255 (2) (cu) *Achievement guarantee contracts*. The amounts in the schedule  
3 for aid to school districts and the program evaluation under s. 118.43. No funds may  
4 be encumbered from this appropriation after June 30, 2005.

5 SECTION 5. 20.505 (4) <sup>(cw)</sup> of the statutes is created to read:

6 20.505 (4) <sup>(cw)</sup> *Board on education evaluation and accountability; general*  
7 *program operations*. The amounts in the schedule for general program operations  
8 of the board on education evaluation and accountability.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 SECTION 6. 20.505 (4) (cf) of the statutes is created to read:

10 20.505 (4) (cf) *Achievement guarantee program evaluation*. The amounts in the  
11 schedule for the achievement guarantee program evaluation under s. 118.43 (7).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

12 SECTION 7. 20.505 (4) (cg) of the statutes is created to read:

13 20.505 (4) (cg) *Literacy grants*. The amounts in the schedule for literacy grants  
14 under s. 16.963 (2) (c).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 SECTION 8. 20.505 (4) (ch) of the statutes is created to read:

16 20.505 (4) (ch) ~~*Teacher training curricula development*~~. The amounts in the  
17 schedule for grants for the ~~development of teacher training curricula~~  
18 (2) (d). *establishment of prekindergarten through college*

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 SECTION 9. 20.505 (4) (ci) of the statutes is created to read:

*coordination councils*

1 ~~20.505 (4) (c) *Teacher preparatory programs.* The amounts in the schedule for~~  
2 ~~grants to teacher preparatory programs under s. 16.963 (3) and (4).~~

~~\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.~~

3 **SECTION 10.** 20.923 (4) (c) 2. of the statutes is created to read:

4 20.923 (4) (c) 2. Education evaluation and accountability, board on: executive  
5 director.

6 **SECTION 11.** 39.395 (1) of the statutes is amended to read:

7 ~~39.395 (1) The board shall establish a loan program to defray the cost of tuition~~  
8 ~~for persons enrolled in a teacher education program offered by the Milwaukee~~  
9 ~~Teacher Education Center, a nonstock, nonprofit corporation organized under ch.~~  
10 ~~181, or in a teacher preparatory program operated by a grant recipient under s.~~  
11 ~~16.963 (4). Loans shall be made from the appropriation under s. 20.235 (1) (cu).~~

12 **SECTION 12.** 115.38 (1) of the statutes is renumbered 115.38 (1r), and 115.38  
13 (1r) (intro.), (b) 2. and (c), as renumbered, are amended to read:

14 115.38 (1r) (intro.) The ~~state superintendent board~~ shall develop a school and  
15 school district performance report for use by school districts under sub. (2). The  
16 report shall include all of the following by school and by school district:

17 (b) 2. The numbers of suspensions and expulsions; the reasons for which pupils  
18 are suspended or expelled, reported according to categories specified by the ~~state~~  
19 ~~superintendent board~~; the length of time for which pupils are expelled, reported  
20 according to categories specified by the ~~state superintendent board~~; whether pupils  
21 return to school after their expulsion; the educational programs and services, if any,  
22 provided to pupils during their expulsions, reported according to categories specified  
23 by the ~~state superintendent board~~; the schools attended by pupils who are suspended

1 or expelled; and the grade, sex and ethnicity of pupils who are suspended or expelled  
2 and whether the pupils are children with disabilities, as defined in s. 115.76 (5).

3 (c) Staffing and financial data information, as determined by the state  
4 superintendent board, not to exceed 10 items. The state superintendent board may  
5 not request a school board to provide information solely for the purpose of including  
6 the information in the report under this paragraph.

7 SECTION 13. 115.38 (1g) of the statutes is created to read:

8 115.38 (1g) In this section, "board" means the board on education evaluation  
9 and accountability.

10 SECTION 14. 115.38 (2) of the statutes is amended to read:

11 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January  
12 1, each school board shall distribute to the parent or guardian of each pupil enrolled  
13 in the school district, including pupils enrolled in charter schools located in the school  
14 district, or give to each pupil to bring home to his or her parent or guardian, a school  
15 and school district performance report that includes the information specified by the  
16 state superintendent board under sub. ~~(1)~~ (1r).

17 SECTION 15. 115.38 (3) of the statutes is amended to read:

18 115.38 (3) Annually, the state superintendent board shall publish and  
19 distribute to the legislature under s. 13.172 (2) a summary of the reports under sub.  
20 (2).

21 SECTION 16. 115.38 (4) of the statutes is amended to read:

22 115.38 (4) ~~Beginning in the 1993-94 school year and annually thereafter, the~~  
23 state superintendent Annually, the board shall identify those school districts that  
24 are low in performance and those schools in which there are pupils enrolled who do  
25 not meet the state minimum performance standards on the examinations



1 administered under s. 118.30. The ~~state superintendent~~ board shall make  
2 recommendations regarding how the programs and operations of the identified  
3 school districts and schools may be improved and periodically assess school district  
4 implementation of the recommendations.

5 ~~SECTION 17. 118.30 (1) of the statutes is renumbered 118.30 (1d) and amended~~  
6 to read:

7 118.30 (1d) (a) The ~~state superintendent~~ board shall adopt or approve  
8 examinations designed to measure pupil attainment of knowledge and concepts in  
9 the 4th, 8th and 10th grades.

10 (b) The ~~department~~ board shall develop a high school graduation examination  
11 that is designed to measure whether pupils meet the pupil academic standards  
12 issued by the governor as executive order no. 326, dated January 13, 1998.

13 SECTION 18. 118.30 (1b) of the statutes is created to read:

14 118.30 (1b) In this section, "board" means the board on education evaluation  
15 and accountability.

16 SECTION 19. 118.30 (1g) (b) of the statutes is amended to read:

17 118.30 (1g) (b) Each school board operating high school grades and each  
18 operator of a charter school under s. 118.40 (2r) that operates high school grades shall  
19 adopt a high school graduation examination that is designed to measure whether  
20 pupils meet the pupil academic standards adopted by the school board or operator  
21 of the charter school under par. (a). If the school board or operator of the charter  
22 school has adopted the pupil academic standards issued as executive order no. 326,  
23 dated January 13, 1998, the school board or operator of the charter school may adopt  
24 the high school graduation examination developed by the ~~department~~ board under  
25 sub. ~~(1)~~ (1d) (b). If a school board or operator of a charter school develops and adopts

1 its own high school graduation examination, it shall notify the department board  
2 annually by October 1 that it intends to administer the examination in the following  
3 school year.

4 SECTION 20. 118.30 (1g) (c) of the statutes is amended to read:

5 ~~118.30 (1g) (c)~~ Each school board operating elementary grades and each  
6 operator of a charter school under s. 118.40 (2r) that operates elementary grades may  
7 develop or adopt its own examination designed to measure pupil attainment of  
8 knowledge and concepts in the 4th grade and may develop or adopt its own  
9 examination designed to measure pupil attainment of knowledge and concepts in the  
10 8th grade. If the school board or operator of the charter school develops or adopts an  
11 examination under this paragraph, it shall notify the department board.

12 SECTION 21. 118.30 (1m) (a) 1. of the statutes is amended to read:

13 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade  
14 examination adopted or approved by the state superintendent board under sub. (1)  
15 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter  
16 schools located in the school district, in the 4th grade. Beginning on July 1, 2002, if  
17 the school board has not developed and adopted its own 4th grade examination, the  
18 school board shall provide a pupil with at least 2 opportunities to take the  
19 examination administered under this subdivision.

20 SECTION 22. 118.30 (1m) (am) 1. of the statutes is amended to read:

21 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade  
22 examination adopted or approved by the state superintendent board under sub. (1)  
23 (1d) to all pupils enrolled in the school district, including pupils enrolled in charter  
24 schools located in the school district, in the 8th grade. Beginning on July 1, 2002, if  
25 the school board has not developed and adopted its own 8th grade examination, the

1 school board shall provide a pupil with at least 2 opportunities to take the  
2 examination administered under this subdivision.

3 SECTION 23. 118.30 (1r) (a) 1. of the statutes is amended to read:

4 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade  
5 ~~examination adopted or approved by the state superintendent board~~ under sub. (1)  
6 (1d) (a) to all pupils enrolled in the charter school in the 4th grade. Beginning on  
7 July 1, 2002, if the operator of the charter school has not developed or adopted its  
8 own 4th grade examination, the operator of the charter school shall provide a pupil  
9 with at least 2 opportunities to take the examination administered under this  
10 subdivision.

11 SECTION 24. 118.30 (1r) (am) 1. of the statutes is amended to read:

12 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade  
13 examination adopted or approved by the ~~state superintendent board~~ under sub. (1)  
14 (1d) (a) to all pupils enrolled in the charter school in the 8th grade. Beginning on  
15 July 1, 2002, if the operator of the charter school has not developed and adopted its  
16 own 8th grade examination, the operator of the charter school shall provide a pupil  
17 with at least 2 opportunities to take the examination administered under this  
18 subdivision.

19 SECTION 25. 118.30 (2) (b) 2. of the statutes is amended to read:

20 118.30 (2) (b) 2. According to criteria established by the ~~state superintendent~~  
21 ~~board~~ by rule, the school board or operator of the charter school under s. 118.40 (2r)  
22 may determine not to administer an examination under this section to a  
23 limited-English proficient pupil, as defined under s. 115.955 (7), may permit the  
24 pupil to be examined in his or her native language or may modify the format and  
25 administration of an examination for such pupils.

1 SECTION 26. 118.30 (3) of the statutes is amended to read:

2 118.30 (3) ~~The state superintendent board~~ shall make available upon request,  
3 within 90 days after the date of administration, any examination required to be  
4 administered under this section. This subsection does not apply while the  
5 examination is being developed or validated.

6 SECTION 27. 118.30 (4) of the statutes is amended to read:

7 118.30 (4) The ~~department~~ board shall study the utility of administering  
8 technology-based performance assessments to pupils.

9 SECTION 28. 118.30 (6) of the statutes is amended to read:

10 118.30 (6) A school board and an operator of a charter school under s. 118.40  
11 (2r) is not required to administer the 4th and 8th grade examinations adopted or  
12 approved by the ~~state superintendent board~~ under sub. (1) (1d) if the school board  
13 or the operator of the charter school administers its own 4th and 8th grade  
14 examinations, the school board or operator of the charter school provides the state  
15 superintendent board with statistical correlations of those examinations with the  
16 examinations adopted or approved by the ~~state superintendent board~~ under sub. (1)  
17 (1d), and the federal department of education approves.

18 SECTION 29. 118.38 (1) (a) 8. of the statutes is created to read:

19 118.38 (1) (a) 8. The school performance report under s. 115.38.

20 SECTION 30. 118.43 (7) of the statutes is amended to read:

21 118.43 (7) EVALUATION. ~~Beginning in the 1996-97 school year, the department~~  
22 The board on education evaluation and accountability shall arrange for an  
23 evaluation of the program under this section and shall allocate ~~pay the costs of the~~  
24 evaluation ~~from the appropriation under s. 20.255 (2) (cu) \$250,000~~ for that purpose

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25

~~20.505 (4) (cu)~~

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20.505 (4) (cu) \$125,000  
# 25,000

1           **SECTION 31.** 121.02 (1) (r) of the statutes is amended to read:

2           121.02 (1) (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer  
3 a standardized reading test developed by the ~~department~~ board on education  
4 evaluation and accountability to all pupils enrolled in the school district in grade 3,  
5 including pupils enrolled in charter schools located in the school district.

6           **SECTION 32.** 230.08 (2) (vm) of the statutes is created to read:

7           230.08 (2) (vm) The executive director of the board on education evaluation and  
8 accountability.

9           **SECTION 9101. Nonstatutory provisions; administration.**

10          (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. Notwithstanding  
11 section 15.105 (8) of the statutes, as created by this act, 2 of the initial members of  
12 the board on education evaluation and accountability shall serve for terms expiring  
13 on May 1, 2002; 2 of the initial members shall serve for terms expiring on May 1,  
14 2004; and one of the initial members shall serve for a term expiring on May 1, 2006.

15          **SECTION 9140. Nonstatutory provisions; public instruction.**

16          (1) TRANSFER OF FUNCTIONS TO BOARD ON EDUCATION EVALUATION AND  
17 ACCOUNTABILITY.

18          (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
19 liabilities of the department of public instruction primarily related to the functions  
20 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as  
21 determined by the secretary of administration, become the assets and liabilities of  
22 the board on education evaluation and accountability.

23          (b) *Employee transfers.* All incumbent employees holding positions in the  
24 department of public instruction performing duties primarily related to the  
25 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as

1 determined by the secretary of administration, are transferred on the effective date  
2 of this paragraph to the board on education evaluation and accountability.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
5 statutes in the board on education evaluation and accountability that they enjoyed  
6 in the department of public instruction immediately before the transfer.  
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Tangible personal property.* On the effective date of this paragraph, all  
10 tangible personal property, including records, of the department of public instruction  
11 that is primarily related to the functions under sections 115.38, 118.30, 118.43 (7),  
12 and 121.02 (1) (r), 1999 stats., as determined by the secretary of administration, is  
13 transferred to the board on education evaluation and accountability.

14 (e) *Contracts.* All contracts entered into by the department of public instruction  
15 in effect on the effective date of this paragraph that are primarily related to the  
16 functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as  
17 determined by the secretary of administration, remain in effect and are transferred  
18 to the board on education evaluation and accountability. The board on education  
19 evaluation and accountability shall carry out any obligations under such a contract  
20 until the contract is modified or rescinded by the board on education evaluation and  
21 accountability to the extent allowed under the contract.

22 (f) *Rules and orders.* All rules promulgated by the department of public  
23 instruction that are in effect on the effective date of this paragraph and that relate  
24 to the functions under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999  
25 stats., as determined by the secretary of administration, are transferred to the board

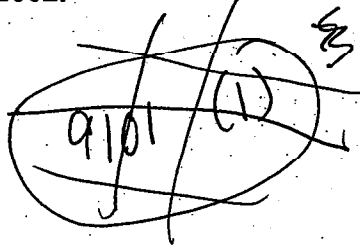
1 on education evaluation and accountability and remain in effect until their specified  
 2 expiration date or until amended or repealed by the board on education evaluation  
 3 and accountability. All orders issued by the department of public instruction that are  
 4 in effect on the effective date of this paragraph and that relate to the functions under  
 5 sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as determined by  
 6 the secretary of administration, are transferred to the board on education evaluation  
 7 and accountability and remain in effect until their specified expiration date or until  
 8 modified or rescinded by the board on education evaluation and accountability.

9 (g) *Pending matters.* Any matter pending with the department of public  
 10 instruction on the effective date of this paragraph that is related to the functions  
 11 under sections 115.38, 118.30, 118.43 (7), and 121.02 (1) (r), 1999 stats., as  
 12 determined by the secretary of administration, is transferred to the board on  
 13 education evaluation and accountability and all materials submitted to or actions  
 14 taken by the department of public instruction with respect to the pending matter are  
 15 considered as having been submitted to or taken by the board on education  
 16 evaluation and accountability.

20.923 (4)(c)2.

17 **SECTION 9440. Effective dates; public instruction.**

18 (1) BOARD ON EDUCATION EVALUATION AND ACCOUNTABILITY. The treatment of  
 19 sections 16.963, 20.255 (1) (dw) and (2) (cu), ~~20.505, 20.506, 20.507, 20.508, 20.509, 20.510, 20.511, 20.512, 20.513, 20.514, 20.515, 20.516, 20.517, 20.518, 20.519, 20.520, 20.521, 20.522, 20.523, 20.524, 20.525~~  
 20 ~~115.38~~ 115.38 (1), (1g), (2), (3), and (4), 118.30 (1), (1b), (1g) (b) and (c), (1m) (a) 1. and  
 21 (am) 1., (1r) (a) 1. and (am) 1., (2) (b) 2., (3), (4), and (6), 118.38 (1) (a) 8., 118.43 (7),  
 22 and 121.02 (1) (r) of the statutes and SECTION 9140 (1) of this act take effect on July  
 23 1, 2002.

24 

(END)

2-20 ✓

¶ (b) Administer the pupil assessment program under ~~a high school graduation~~ and develop ~~an examination~~ <sup>standardized</sup> for use <sup>under</sup> ~~s. 118.30 (1)(b) and~~ a reading test ~~under~~ s. 121.02 (1)(P).

¶ (c) Arrange for an evaluation of the student achievement guarantee <sup>✓</sup> program under s. 118.43 (7).

¶ (d) Administer the school performance ~~report~~ and educational program review program under s. 115.38.

③ (3) <sup>as powers</sup> The board may conduct a longitudinal study of the Milwaukee Parental Choice Program under s. 115.23 if the board receives sufficient

funds from private sources to do so. <sup>If</sup> The board conducts a study, it shall report the results of ~~any such study~~

to the governor ~~and~~ to the legislature under s. 13.172 (2) ~~and~~.



(DN)

: King:

As you know,

Erin:

because this draft ~~separates~~ <sup>transfers</sup> some of the statutory functions of the state superintendent of public

instruction to a DOJ-attached board, it may be <sup>subject to a</sup> challenge based on Article X, section 1,

of the Wisconsin Constitution, which requires that the <sup>supervision</sup> ~~supervision~~ of public instruction

be <sup>vested</sup> ~~vested~~ in the state superintendent.

See <sup>(I)</sup> Thompson v. Craney, 199 Wis.2d 679 (1996).

PG

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1880/3dn  
PG:king:rs

January 31, 2001

Erin:

As you know, because this draft transfers some of the statutory functions of the state superintendent of public instruction to a DOA-attached board, it may be subject to a challenge based on article X, section 1, of the Wisconsin Constitution, which requires that the supervision of public instruction be vested in the state superintendent. See *Thompson v. Craney*, 199 Wis. 2d 674 (1996).

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