

State of Wisconsin



2009 Senate Bill 437

Date of enactment: **April 29, 2010**
Date of publication*: **May 13, 2010**

2009 WISCONSIN ACT 215

AN ACT to amend 119.04 (1); and to create 118.24 (10), 118.42, 119.16 (3m), (9), and (11) to (14), 119.315, 121.006 (1) (c) and 121.006 (2) (d) of the statutes; **relating to:** low-performing schools and school districts, prohibiting tenure for principals and assistant principals, authorizing the state superintendent of public instruction to intervene in a school district under certain conditions, and requiring the exercise of rule-making authority.

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

SECTION 1. 118.24 (10) of the statutes is created to read:

118.24 (10) No principal or assistant principal may be granted tenure or permanent employment.

SECTION 2. 118.42 of the statutes is created to read:

118.42 Low-performing school districts and schools; state superintendent interventions. (1) If the state superintendent determines that a school district has been in need of improvement for 4 consecutive school years, the school board shall do all of the following:

(a) Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards, as determined by the state superintendent, and across grades in all schools.

(b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to differentiate instruction to meet individual pupil needs. To the extent practicable, the school board shall assess pupils in the language and form most likely to yield accurate data.

(c) Implement for all pupils a system of academic and behavioral supports and early interventions, including diagnostic assessments, instruction in core academic

subjects, different instructional strategies for different pupils, and strategies to improve reading and mathematics instruction and promote positive behavior.

(d) Provide additional learning time to address the academic needs of pupils who are struggling academically, including pupils whose proficiency in English is limited. The additional learning time may include an extended school day, an extended school year, summer school, or intersession courses.

(2) If the state superintendent determines that a public school was in the lowest performing 5 percent of all public schools in the state in the previous school year and is located in a school district that has been in need of improvement for 4 consecutive school years, the school board shall do all of the following in the school:

(a) Use rigorous and equitable performance evaluation systems for teachers and principals that include all of the following:

1. Annual performance evaluations; multiple rating categories; multiple rating criteria, including improvement in pupil academic achievement as a significant factor; observation-based performance assessments; and an up-to-date collection of professional practice materials. The school board shall ensure that improvement in pupil academic achievement is based on at least 2 measures.

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2. A method of identifying mitigating factors, such as a high rate of pupil mobility, large class size, insufficient preparation time, insufficient paraprofessional support, insufficient professional development, and insufficient resources or support, that could affect a teacher's or principal's performance.

(b) Adopt a policy establishing criteria for evaluating whether the distribution of teachers and principals within the affected schools relative to the distribution of teachers and principals throughout the school district, based upon their qualifications and effectiveness, is equitable. Using the criteria, the school board shall determine whether the distribution of principals and teachers is equitable. If the school board determines that the distribution is inequitable, the school board shall do all of the following:

1. Perform a comprehensive review of current policies and constraints that prevent low-performing schools from recruiting, placing, and retaining effective teachers and principals, and implement strategies to eliminate those policies and constraints.

2. Provide additional support to teachers and principals, which may include professional development that is incorporated into their work and tuition reimbursement for courses related to their professional duties.

(c) Establish teacher and principal improvement programs that include all of the following:

1. Supplemental mentoring for those with emergency licenses or permits.

2. Opportunities to pursue other professional certifications, including certification by the National Board for Professional Teaching Standards.

3. Annually, at least 60 hours of professional development that is incorporated into their work. The school board shall consult with teachers and principals on the content of the professional development.

4. A joint labor-management program designed to objectively identify teachers and principals who demonstrate serious performance deficiencies and provide them with opportunities for improvement, including weekly observation, mentoring, ongoing conferences, modeling, and professional development. The school board shall offer career counseling and other career transition benefits to those teachers and principals who continue to demonstrate performance deficiencies.

(d) Adopt placement criteria for principals that include performance evaluations and measures of pupil academic achievement.

(3) (a) If the state superintendent determines that a school district has been in need of improvement for 4 consecutive school years, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the school district:

1. Implement or modify activities described in sub. (1) (a) to (d).

2. Implement 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.

4. Implement changes in administrative and personnel structures that are consistent with applicable collective bargaining agreements.

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

(b) If the state superintendent determines that a public school is located in a school district that has been in need of improvement for 4 consecutive school years, and that the school has been in need of improvement for 5 consecutive school years or was among the lowest performing 5 percent of all public schools in the state in the previous school year, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the school:

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

2. Create a school improvement council consisting of the state superintendent or his or her designee, the school district or school board president or his or her designee, the school district administrator or his or her designee, the school principal or his or her designee, and representatives of each labor organization representing school district employees, to make recommendations to the state superintendent regarding improving the school.

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

a. Notify the legislature's education committees under s. 13.172 (3) and each legislator whose legislative district includes any portion of the school district.

b. Provide a system of support and improvement, including technical assistance, to the school board.

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.

(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.

(5) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and

school district employees under federal or state law or under the terms of any applicable collective bargaining agreement.

SECTION 3. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and 96, 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, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 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, 118.225, 118.24 (1), (2) (c) to (f), (6) and (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 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 4. 119.16 (3m), (9), and (11) to (14) of the statutes are created to read:

119.16 (3m) MASTER FACILITIES PLAN. (a) By July 1, 2011, the board shall evaluate all school buildings in the school district operating under this chapter according to the criteria established under par. (b), and shall develop a master plan governing the use, repair, renovation, and demolition of buildings in the school district.

(b) The board shall establish criteria to evaluate the safety, structural integrity, utility, and costs of maintenance and repair of school buildings in the school district. Subject to the requirements under sub. (10), the criteria shall include consideration of the advantages and disadvantages of repairing versus demolishing older buildings having high maintenance or operating costs.

(9) SCHOOL BUDGET. Annually, the board shall prepare a budget for each school in the school district operating under this chapter.

(11) COMPREHENSIVE PROGRAMS. The board shall collaborate with nonprofit organizations and government agencies to provide pupils with comprehensive social services and educational support, which may include a program that offers comprehensive services that address the needs of children and youth from before the time they are born through postsecondary education.

(12) ALTERNATIVE ROUTES TO GRADUATION. The board shall provide alternative methods of attaining a high school diploma for those pupils who are unlikely to graduate in the traditional manner, including a program allowing a pupil or former pupil to retake a course in which he or she was not initially successful.

(13) RESEARCH CONSORTIUM. If the board determines that sufficient state or federal aid or private funding is

available for this purpose, the board shall participate in an educational research consortium, similar to the Consortium on Chicago School Research and the Boston Plan for Excellence, to provide research and policy recommendations, including recommendations addressing pupil literacy and academic achievement, to the department, the board, and the legislature. In addition, the research consortium shall make its recommendations publicly available.

(14) PARENT SURVEY. Annually, the board shall conduct a survey of parents of pupils enrolled in the school district operating under this chapter and use the results of the survey to develop or modify parent involvement and school improvement plans, which may include school-based community resource centers, regularly scheduled public meetings, or parent education classes.

SECTION 5. 119.315 of the statutes is created to read:

119.315 Science, technology, engineering, and mathematics pilot programs for pupils in grades kindergarten to 5. If the board determines that state or federal aid is available, any school in the city that enrolls pupils in grades kindergarten to 5 is eligible to apply to the board for funding to participate in a pilot program designed to develop innovative instructional programs in science, technology, engineering, and mathematics; support pupils who are typically under-represented in these subjects; and increase the academic achievement of pupils in those subjects.

SECTION 6. 121.006 (1) (c) of the statutes is created to read:

121.006 (1) (c) If the state superintendent withholds state aid from a school district under this subsection, the school board may request a hearing under s. 227.42.

SECTION 7. 121.006 (2) (d) of the statutes is created to read:

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

SECTION 8. Nonstatutory provisions.

(1) RULES. In promulgating the rules required under section 118.42 (4) of the statutes, as created by this act, the state superintendent of public instruction shall consult with the school district or school board president, the school district administrator, and labor organizations representing employees, of each school district that the state superintendent determines is immediately affected by section 118.42 of the statutes, as created by this act, and legislators whose legislative districts include any portion of each such school district.

SECTION 9. Initial applicability.

(1) The treatment of section 118.24 (10) of the statutes first applies to contracts entered into, modified, or renewed on the effective date of this subsection.