



State of Wisconsin
2009 - 2010 LEGISLATURE

MONDAY FROM
LRB-3853/1
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A ~~from~~ SUBST. AMDT -
To 2009 SENATE BILL 437
ASSEMBLY 534

DN

December 22, 2009 - Introduced by COMMITTEE ON EDUCATION. Referred to Committee on Education.

SA ✓
new CE ✓
xref ✓

Regen
Cat

low-performing schools and school districts, prohibiting tenure for principals and assistant principals

- 1 AN ACT to renumber 121.006 (1) (a); and to create 115.292 and 121.006 (1) (a)
- 2 2. of the statutes; relating to: authorizing the state superintendent of public
- 3 instruction to ^{interfere in} ~~direct~~ a school district ~~to implement a new curriculum or~~
- 4 ~~instructional design, make personnel changes, or adopt accountability~~
- 5 ~~measures~~ ^{under certain conditions} and requiring the exercise of rule-making authority.

^{has been}
Analysis by the Legislative Reference Bureau

This bill provides that if the state superintendent of public instruction determines that a school is in need of improvement for five consecutive school years, ~~or~~ that a school district is in need of improvement for four consecutive school years, the state superintendent may direct the school board to do one or more of the following in the school or school district:

- 1. Implement a new curriculum.
- 2. Implement a new instructional design, including expanded school hours, additional pupil supports and services, and individual learning plans for pupils.
- 3. Implement professional development programs focused on improving pupil academic achievement.
- 4. ~~Make personnel changes that are consistent with~~ ^(A) applicable collective bargaining agreements.
- 5. ^(B) Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent.

The bill directs the state superintendent to promulgate rules establishing criteria and a procedure for determining whether a school or school district is in need

SENATE BILL 437

of improvement for the purpose of exercising this authority. The school board must seek input from school district staff on implementing any of the above directives.

The bill also authorizes the state superintendent to withhold state aid from any school district that fails to comply to the state superintendent's satisfaction with any of the above directives.

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

INSA
INSB

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

SECTION 1. ~~115.292~~ of the statutes is created to read:

~~115.292 State superintendent interventions.~~ (b) If the state

superintendent determines that ~~a school is in need of improvement for 3 consecutive~~

~~school years or that~~ a school district ^{has been} (is) in need of improvement for 4 consecutive

school years, the state superintendent may direct the school board to do one or more

of the following in the ~~school~~ school district:

1. (a) Implement a new ^{or modified} curriculum.

2. (b) Implement a new ^{or modified} instructional design, including expanded school hours,

additional pupil supports and services, and individual learning plans for pupils.

3. (c) Implement professional development programs focused on improving pupil academic achievement.

4. (d) ~~State personnel~~ ^{Implement} changes that are consistent with applicable collective bargaining agreements. _{in administrative and personnel structures}

5. (e) Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under ~~parts (a)~~

~~parts (a)~~ subds. 1. to 4

NOTE: should this subdivision be identical to par. (a) 1.?

SENATE BILL 437

1 (C) ~~(2)~~ If a school board receives a directive from the state superintendent under
2 ~~sub 11~~ par. (a) or (b), the school board shall seek input from school district staff on implementing
3 the directive.

4 (B) (4) ~~(3)~~ The state superintendent shall promulgate rules establishing criteria and
5 a procedure for determining whether a school or school district is in need of
6 improvement ~~under sub 10~~.

7 SECTION 2. 121.006 (1) (a) of the statutes is renumbered 121.006 (1) (a) 1.

8 SECTION 3. 121.006 (1) (a) 2. of the statutes is created to read:

9 121.006 (1) (a) 2. The state superintendent may withhold state aid from any
10 school district that fails to comply to the state superintendent's satisfaction with a
11 directive under s. ~~102.020~~ 118.42 (3) (a) or (b) ✓

12 (END)

whether a
and school is among the lowest performing
5 percent of all public schools in the
state, for the purposes of this section

- INS C
- INS D
- INS E

D NOTE

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INS B: 1

SEC. # CR; 118.42

districts and schools

118.42 Low-performing school; state superintendent intervention. (1) If the state superintendent determines that a school

district has been in need of improvement for 4 consecutive school years;

~~for a period of 4 consecutive school years in the state or the~~

~~previous school year~~ the school board ~~shall~~
~~shall do all of the following:~~

(a) Use pupil performance ~~and~~
~~growth~~ data to differentiate instruction to meet individual pupil needs.

*** NOTE: I deleted "growth data" because I'm not sure what it means.

(b) Provide early, effective assistance to pupils who are having difficulty learning.

*** NOTE: I didn't understand the material you wanted here, so I omitted it.

(c) Provide additional learning time, which may include an extended school day, an extended school year, summer school, or

INS B:2

⑨ (a) Employ a standard & consistent curriculum in literacy and mathematics that is aligned with the ^{state's} model academic standards and ~~are~~ ~~aligned~~ across grades in all schools. ○

⑨ (b) Use pupil ^{academic} performance data to differentiate ^{instruction} instruction to meet individual pupil needs. ○
 I also deleted ^{value-added analysis} value-added analysis again because the meaning is unclear.

⑨ → ***** NOTE: I deleted "growth data" because I'm not sure what it means in this context. Does it ^{mean} mean improvement in academic achievement? ○

⑨ (c) Provide early and effective ^{assistance} assistance to pupils who are having difficulty learning. ○

⑨ → ***** NOTE: I don't understand the material you wanted here. Does this language capture ^{your} your intent? ○

⑨ (d) Provide additional learning time, which may include an ^{extended} extended school day, an extended school year, summer school, or ^{intersession} intersession courses. ○

INS B:3

~~Sen~~~~Legislation~~(B)~~Bill Number~~(9)

(2) If the state superintendent determines

that a school district has been in ^{need} need ofimprovement for ^{4 consecutive} 4 consecutive school years, theschool board shall do all of the following in ^{public} public

any school located in the school district that

was in the lowest performing 5 percent of all

public schools in the ^{state} state in the ^{previous} previousschool year $\hat{\vdots}$

>

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

INS B:4

(2) If the state superintendent determines ^{one or more public} that 1 schools located in a school district that has been in need of improvement for 4 consecutive school years were in the lowest performing 5 percent of all public schools in the state in the previous school year, the school board of the school district shall do all of the following in those schools:

① (a) Use ^{rigorous} rigorous and equitable ^{performance} evaluation systems for teachers and principals that include all of the following:

① → *** NOTE: 1. This implies that other school districts may use lax and inequitable evaluation systems.

① → 2. Did I interpret "transparent" correctly?

are available to any person on request and

use 4 star note but component delete the characters "AAAA NOTE"

INS B:5

performance

⑧ 1. Annual 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.

⑨ → ~~NOTE~~ NOTE: 1. Does "ongoing" mean up-to-date?

⑩ 2. Note that "multiple" means more than one, not several.

⑪ 3. I deleted "classroom artifacts" because I'm unfamiliar with the term.

Use ~~NOTE~~ NOTE component but delete the characters ~~NOTE~~ NOTE!!

The school board shall ensure that improvement in pupil academic achievement is based on at least 2 measures.

⑫ 2. A method of identifying mitigating factors, ^a that could affect a teacher's or principal's performance.

such as ^{a high rate of} pupil mobility, ^{large} pupil ~~demographics~~ large class size, insufficient preparation time, insufficient paraprofessional support, insufficient professional development, and insufficient ^{resources or support} resources or support.

INS B:6

④

(L) Adopt and implement a policy that ensures the equitable distribution of teachers and principals among the district's schools based upon ^{their professional} qualifications and effectiveness.

~~**** NOTE: This sentence implies that~~
If the school board determines that the distribution is inequitable the school board shall do all of the following:

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

④ 2. In the second sentence above, is "distribution" intended to refer to the current equitable distribution that the school board is required to implement?

④ **** NOTE 1. The first sentence above implies that other districts may adopt inequitable distribution systems. Also, note that the introduction to this paragraph directs the school board to implement this item in the low-performing schools. ~~schools~~ Yet this item refers to distributing staff among the district's schools.
all of

use 4-star note component but delete the characters "**** NOTE:"

INS B-7

to teachers and principals,

(9)

2. Provide additional support including that is incorporated into their work professional development (and tuition reimbursement for courses related to their professional duties.

(9)

learning
 ****NOTE: I deleted "professional learning communities," being unsure of the meaning of the term.

~~meaning: Also, the "courses related to their licenses" mean "courses related to their professional~~

⑨

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

following:

other professional certifications, including

⑨

1. Supplemental ^{mentoring} ~~and principals~~ for those

~~teachers~~ with emergency licenses or permits.

⑨

2. Opportunities to pursue certification by the National Board for Professional Teaching Standards.

⑨

3. ^{Annually,} at least 60 hours of

professional ^{development} that is incorporated into

their work. ^{consult with} The school board shall ~~ensure that~~ ^{principals} ~~ensure that~~ teachers and principals on the ^{content} of the professional development.

⑨

→ ~~NOTE~~ NOTE: Is "annually" correct?

4. The ~~identification and removal of~~ ^{from employment} those whose ^{job performance} has not improved after opportunities for such improvement have been provided.

⑨

4. A joint labor-management program designed to objectively identify teachers and principals who

INS B:9

continue to demonstrate serious performance ~~transitions~~ deficiencies after opportunities for improvement have been provided. The school =

↑ including weekly observation; mentoring; ongoing conferences; modeling; and professional development;

board shall ensure that the program also offers career counseling and other career transition benefits.

INS B:10

(7)

principals

(d) Adopt ~~principals~~ placement criteria for

performance

measures of

that include ~~peer~~ evaluations and pupil

academic

achievement (1)

IN'S ~~1000~~~~1000~~ B:11

B

A

(3)(a) If the state superintendent determines that a public 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, and is located in a school district that has been in need of improvement for 4 consecutive school years, the state superintendent may direct the school board to do one or more of the following in the school:

A

1. Implement a new or modified ^(which may include) ~~existing~~ instructional design; ^{expanded} ~~increasing~~ school hours; additional pupil supports and services; ^{or} individual learning plans for pupils.

INS B:12

④

2. Create a school improvement council

consisting of

school board members

~~which may include~~

department employees, school

and community

district administrative personnel,

school administrators,

parents, teachers,

representatives of each collective bargaining unit in the school district,

~~school district to conduct an independent review~~

~~of the school or school district and to~~

to make recommendations

superintendent to the state superintendent

improving regarding improving the school or school district.

< END INS B >

INS D:1

INS AM
92
119.49(12)

⑨ SEC. #, CR- 119.16 (11) to (14) ✕

⑨ 119.16 (11) COMPREHENSIVE PROGRAMS. The board

shall collaborate with nonprofit organizations and government agencies to provide pupils with comprehensive social services and educational support.

⑨ (12) FAMILY AND COMMUNITY ENGAGEMENT.

The board shall provide regular forums for family and community engagement, which may include school councils, parental surveys, and parent education classes.

⑨ (13) ALTERNATIVE ROUTES TO GRADUATION.

The board shall collaborate with ~~the~~ Area Technical College to provide alternative methods of attaining a diploma ~~high school graduation~~ for those pupils who are unlikely to graduate in the traditional manner.

INTS D: 2

~~(14) CREDIT RECOVERY PROGRAM. The~~

→ including

~~board shall establish a credit recovery~~

or former pupil

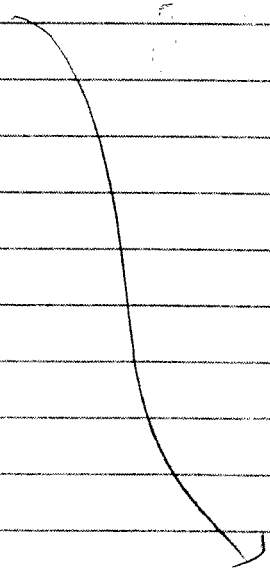
program ~~which~~ allowing a pupil to retake a

course in which he or she was not

initially successful.

~~for persons~~

~~participating in the Milwaukee
Job Corps~~



INS D: 3

~~SEC. 12.11(4) IR 119.48 (4)~~

④

③

CS

(14) RESEARCH CONSORTIUM. The

board may participate in an educational

research consortium, similar to the consortiumon Chicago School Research and the BostonPlan for Excellence, to provide policy recommendations

to the department and the board.

BILL

1 ~~(e) A description of the means by which the department will monitor~~
2 ~~compliance with the terms of the contract.~~

3 **SECTION 45.** 119.315 of the statutes is created to read:

INS E

4 **119.315 Science, technology, engineering, and mathematics pilot**
5 **programs for pupils in grades kindergarten to 5.** If the board determines that
6 state or federal aid is available, any school in the city that enrolls pupils in grades
7 kindergarten to 5 is eligible to apply to the board for funding to participate in a pilot
8 program designed to develop innovative instructional programs in science,
9 technology, engineering, and mathematics; support pupils who are typically
10 under-represented in these subjects; and increase the academic achievement of
11 pupils in those subjects.

12 **SECTION 46.** 119.32 (1) of the statutes is repealed and recreated to read:

13 ~~119.32 (1) (a) There is established a superintendent search advisory committee~~
14 ~~consisting of the mayor or his or her designee; the president of the common council~~
15 ~~or his or her designee; a representative of businesses located in the city, appointed~~
16 ~~by the mayor; and a teacher who is employed by the board, appointed by the head of~~
17 ~~the labor organization that represents public school teachers in the school district~~
18 ~~operating under this chapter. All committee members shall be residents of the city.~~

19 ~~(b) The board shall conduct a search for a superintendent of schools whenever~~
20 ~~that office becomes vacant. The board shall keep the committee under par. (a) fully~~
21 ~~informed about all applicants for the position.~~

22 ~~(c) 1. From the pool of applicants, the committee under par. (a) shall select one~~
23 ~~to recommend to the mayor.~~

24 ~~2. From the pool of applicants, the board shall select 3 to recommend to the~~
25 ~~mayor. The mayor may interview the 3 candidates.~~

no

2-7

~~curriculum~~ that is aligned with the
state's model academic standards and
across grades in all schools.

246

INS A

246

1 Insert

2 SECTION 1. 118.215 of the statutes is created to read:

3 **118.215 Principal tenure.** (1) Except as provided in sub. (2), no principal
4 or assistant principal of a public school appointed on or after the effective date of this
5 subsection ... [LRB inserts date], may be granted permanent employment.

6 (2) A principal or assistant principal whose employment is permanent under
7 any agreement entered into before the effective date of this subsection ... [LRB
8 inserts date], shall retain all of the rights and privileges of permanent employment
9 obtained under that agreement.

10 Insert

INS C

11 SECTION 2. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 60 and
12 96, is amended to read:

13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
15 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
16 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
17 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, ~~118.215~~ 118.225,
18 118.24 (1), (2) (c) to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51,
19 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14),
20 (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are
21 applicable to a 1st class city school district and board.

NOTE: NOTE: Sub. (1) is shown as affected by 2 acts of the 2009 Wisconsin legislature, eff. 2-1-10, and as merged by the legislative reference bureau under s. 13.92 (2) (i). Prior to 2-1-10 it reads: NOTE:

(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, 118.10, 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), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25),

¹/₂ 120.125, 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.

History: 1971 c. 152 s. 38; 1971 c. 154 s. 86; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186; 2005 a. 99, 290, 346; 2007 a. 20, 97, 220, 222; 2009 a. 28, 60, 96; s. 13.92 (2) (1).

DN

date

LRB 50387/PI

PG: cjs

This is a preliminary draft. Please see
the embedded notes.

PG

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

LRBs0387/P1dn
PG:cjs:ph

April 5, 2010

This is a preliminary draft. Please see the embedded notes.

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Grant, Peter

From: Pertl, Jeff DPI [Jeff.Pertl@dpi.wi.gov]
Sent: Thursday, April 08, 2010 11:01 AM
To: Grant, Peter
Subject: UPDATE: Preliminary Draft of Education Reform Legislation - Sub Amendment v 5.docx
Importance: High
Attachments: Preliminary Draft of Education Reform Legislation - Sub Amendment v 5.docx

Peter,

Sorry that I didn't get back to you yesterday, I was tied up in meetings all day on this bill. Here is an updated draft, based on those meetings with key players and legislators yesterday. I will call to discuss.

Thanks,

jeff

04/09/2010



3

4

5 **PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

6 **SENATE SUBSTITUTE AMENDMENT TO 2009 SENATE BILL 437**

7 *Note: this is a modified preliminary draft, which has been resubmitted to LRB for formal*
8 *drafting.*

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10

11 **AN ACT; to amend** 119.04 (1); and **to create** 118.246,

12 118.42, 119.16 (11) to (14), 119.315 and 121.006 (1) (c) and (2)(d). of the statutes; **relating to:**
13 **low-performing schools and school districts, prohibiting tenure for principals and assistant**
14 **principals, authorizing the state superintendent of public instruction to intervene in a school**
15 **district under certain conditions, and requiring the exercise of rule-making authority.**

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

18

19 **SECTION 1.** 118.246 of the statutes is created to read:

20 **118.246 Principal tenure. (1)** No principal or assistant principal of a public school may be
21 granted tenure or permanent employment.

22

23 **SECTION 2.** 118.42 of the statutes is created to read: **118.42 Low-performing school districts**
24 **and schools; state superintendent interventions.**

25 **(1)** If the state superintendent determines that a school district is in need of improvement for four
26 consecutive years, the school board shall do all of the following:

- 1 (a) Employ a standard, consistent curriculum that is aligned with the state's academic
2 standards and across grades in all schools.
- 3 (b) Use pupil academic performance data, including English acquisition data as well as data
4 showing the change in pupil academic achievement between two or more points in time, to
5 differentiate instruction to meet individual pupil needs.
- 6 (c) Implement a system of academic and behavioral supports and early interventions for
7 pupils, including English language learners, which includes diagnostic assessments, core
8 instruction to all students, differentiation strategies and interventions in reading,
9 mathematics and positive behavior.
- 10 (d) Provide additional learning time, specific to the needs of students such as but not limited to
11 English language learners, which may include an extended school day, an extended school
12 year, summer school, or intersession courses.
- 13 **(2)** If the state superintendent determines that a public school is among the lowest performing 5
14 percent of all public schools in the state in the previous school year and is located in a school
15 district that has been in need of improvement for four consecutive years the school board shall do
16 all of the following with regard to such school:
- 17 (a) Use rigorous and equitable performance evaluation systems for teachers and principals
18 that include all of the following:
- 19 1. Annual performance evaluations; multiple rating categories; multiple rating
20 criteria, including improvement in pupil academic achievement as a
21 significant factor; observation-based performance assessments; and an
22 up-to-date collection of professional practice materials. The school board
23 shall ensure that improvement in pupil academic achievement is based on at
24 least 2 measures.
- 25 2. A method of identifying mitigating factors, such as a high rate of pupil
26 mobility, large class size, insufficient preparation time, insufficient

1 paraprofessional support, insufficient professional development, and
2 insufficient resources or support, that could affect a teacher's or principal's
3 performance.

4 (b) Adopt and implement a district policy that ~~„measures the equitable distribution of teachers~~
5 and principals based upon their professional qualifications and effectiveness within the
6 schools affected relative to the distribution of such staff ~~throughout the school district. If~~
7 the school board determines that the distribution is inequitable, then the school board shall
8 do all of the following:

Deleted: ensures there is
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- 9 1. Perform a comprehensive review of current policies and constraints that
10 prevent low-performing schools from recruiting, placing, and retaining
11 effective teachers and principals, and implement strategies to eliminate those
12 policies and constraints.
- 13 2. Provide additional support to teachers and principals, which may include but
14 are not limited to, professional development that is incorporated into their
15 work or tuition reimbursement for courses related to their professional duties.

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

- 17 1. Supplemental mentoring for those with emergency licenses or permits.
- 18 2. Opportunities to pursue other advanced professional certifications, including
19 certification by the National Board for Professional Teaching Standards.
- 20 3. Annually, at least 60 hours of professional development that is incorporated into
21 their work. The school board shall consult with teachers and principals on the
22 content of the professional development.
- 23 4. A joint labor-management program designed to objectively identify teachers and
24 principals who continue to demonstrate serious performance deficiencies after
25 opportunities for improvement, including weekly observation, mentoring, ongoing
26 conferences, modeling, and professional development, have been provided. The

1 school board shall ensure that the program offers career counseling and other
2 career transition benefits.

3 (d) Adopt placement criteria for principals that include performance evaluations and
4 measures of pupil academic achievement.
5

6 **(3)** If the state superintendent determines that a school district has been in need of improvement
7 for 4 consecutive school years, the state superintendent, after consultation with the school board,
8 district superintendent and local union leadership, may direct the school board to do one or more
9 of the following:

10 (a) Implement or modify activities under sub (1)(a) through (d).

11 (b) Implement a new or modified instructional design, which may include but is not limited
12 to expanded school hours or additional pupil supports and services.

13 (c) Implement professional development programs, which focus on improving pupil
14 academic achievement.

15 (d) Implement changes in administrative and personnel structures, which are consistent
16 with applicable collective bargaining agreements.

17 (e) Adopt accountability measures to monitor the school district's finances or to monitor
18 other interventions under 3(a)-(d).

19 **(4)** If the state superintendent determines that a public school is located within a school district
20 that has been in need of improvement for 4 consecutive school years either and either has been in
21 need of improvement for 5 consecutive school years, or was among the lowest performing 5 percent
22 of all public schools in the state in the previous school year, then state superintendent may direct
23 the school board to do one or more of the following in the school:

Deleted: or is located in a school district that has been in need of improvement for 4 consecutive school years and

24 (a) Create a school improvement council consisting of the following or their designee: the state
25 superintendent, school board president, district superintendent, school principal,
26 representatives from local labor organizations, to make recommendations to the state

1 superintendent regarding improving the school.

2 (b) Implement a new or modified instructional design, which may include but are not
3 limited to expanded schools hours or additional pupil supports and services.

4 (5) If a school board receives a directive from the state superintendent under (3) or (4) the school
5 board shall seek input from school district staff, parent and community leaders on implementing
6 the directive.

7 (6) If the state superintendent issues a directive under (3) or (4), the state superintendent shall
8 provide a system of support and improvement, including technical assistance, to the district
9 affected.

10 (7) The state superintendent shall promulgate rules establishing criteria and procedures, aligned
11 to federal law, for determining whether a school or school district is in need of improvement and
12 whether a school is among the lowest performing 5 percent of all public schools in the state, for the
13 purposes of this section. In the development of the rule, the state superintendent shall consult
14 with a school board president, district superintendent, local labor leaders and legislators who
15 represent a district that would be affected under the legislation.

16 (8) Nothing in this section shall be construed to alter or otherwise affect the rights, remedies,
17 and procedures afforded school districts and school district employees under federal, state or
18 local law or under the terms of collective bargaining agreements.

19
20 SECTION 3. 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and 12 96, is amended
21 to read: 13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 14
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 15 115.345,
23 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045, 16 118.06, 118.07,
24 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 17 118.153, 118.16, 118.162,
25 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 18 (1), (2) (c) to (f), (6) and (8), 118.246,
26 118.255, 118.258, 118.291, 118.30 to 118.43, 19 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25),

1 120.125, 120.13 (1), (2) (b) to (g), 20 (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),
2 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

3

4 SECTION 4. 119.16 (11) to (14) of the statutes are created to read:

5 119.16 (11) COMPREHENSIVE PROGRAMS. The board shall collaborate with nonprofit
6 organizations and government agencies to provide pupils with comprehensive social services and
7 educational support.

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

Deleted: (12) FAMILY AND COMMUNITY ENGAGEMENT. The board shall provide regular forums for family and community engagement, which may include school councils, resource centers, parental surveys, and parent education classes. ¶

12 (14) RESEARCH CONSORTIUM. If the board determines that state or federal is available, the
13 district shall participate in an educational research consortium, similar to the Consortium on
14 Chicago School Research and the Boston Plan for Excellence, to provide policy recommendations
15 to the department and the board.

16

17 119.16 (15) PARENT SURVEY. Annually, the board shall conduct a survey of parents of pupils
18 enrolled in the school district operating under this chapter and use the results of the survey to
19 develop or modify parent involvement and school improvement plans, which may include school-
20 based community resource centers, regular public meetings or parent education classes. The board
21 shall provide the results of the survey to the.

22

23 119.16 (9) SCHOOL BUDGETING ACCOUNTABILITY. The board shall annually prepare a
24 budget for each school in the school district operating under this chapter.

25

1 119.16 (3m) MASTER FACILITIES PLAN. (a) No later than July 1, 2011, the board shall
2 evaluate all school buildings in the school district operating under this chapter according to the
3 criteria established under par. (b), and shall develop a master plan governing the use, repair,
4 renovation, and demolition of buildings in the school district.

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

9
10 **SECTION 5.** 119.315 of the statutes is created to read: **119.315 Science, technology,**
11 **engineering, and mathematics pilot programs for pupils in grades kindergarten to 5.** If
12 the board determines that state or federal aid is available, any school in the city that enrolls
13 pupils in grades kindergarten to 5 is eligible to apply to the board for funding to participate in a
14 pilot program designed to develop innovative instructional programs in science, technology,
15 engineering, and mathematics; support pupils who are typically underrepresented in these
16 subjects; and increase the academic achievement of pupils in those subjects.

17
18 **SECTION 6.** 121.006 (1)(c) of the statutes is created to read:

19 121.006(1)(c) Any action to withhold state aid under this section is subject to section 227.42.

20
21 **SECTION 7.** 121.006 (2) (d) of the statutes is created to read:

22 121.006 (2) (d). Comply with a directive from the state superintendent under s. 118.42 (3) and (4).

23
24 (END)

Grant, Peter

From: Grant, Peter
Sent: Wednesday, April 07, 2010 7:57 AM
To: 'Kammerud, Jennifer DPI'
Subject: RE: 09s0386P1- Jennifer edits 1.docx

What contract? Their most recent employment contract says they're permanent employees. Why would there be a renewal of that contract?

Or do you mean a collective bargaining contract? But aren't principals management and not subject to collective bargaining?

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, April 06, 2010 4:02 PM
To: Grant, Peter
Cc: Pertl, Jeff DPI
Subject: RE: 09s0386P1- Jennifer edits 1.docx

Yes, but it should probably occur on revision or renewal of the contract.

From: Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]
Sent: Tuesday, April 06, 2010 3:42 PM
To: Kammerud, Jennifer DPI
Subject: RE: 09s0386P1- Jennifer edits 1.docx

By deleting 118.242 (2), are you saying that the principals currently employed by MPS as permanent employees are to lose that status?

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, April 06, 2010 3:26 PM
To: Grant, Peter
Subject: RE: 09s0386P1- Jennifer edits 1.docx

Well those two I can answer. 118.245(2) was removed as the grandfathering provision was taken out. Model was deleted as we have national common core standards coming on line.

From: Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]
Sent: Tuesday, April 06, 2010 3:07 PM
To: Kammerud, Jennifer DPI
Subject: RE: 09s0386P1- Jennifer edits 1.docx

That's OK. A bigger problem is that I can't tell why the changes were made. Just to give you two quick examples, why remove 118.245 (2)? And in 118.42 (1) (a), why was "model" deleted? I'm sure I'll have numerous questions like this. Who should I talk to?

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, April 06, 2010 3:03 PM
To: Grant, Peter
Subject: RE: 09s0386P1- Jennifer edits 1.docx

I wish I did. People made edits off of multiple different documents over the last day. I'm really very sorry.

From: Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]
Sent: Tuesday, April 06, 2010 3:02 PM
To: Kammerud, Jennifer DPI
Subject: RE: 09s0386P1- Jennifer edits 1.docx

Jennifer, do you have a version that shows the changes?

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, April 06, 2010 2:59 PM
To: Grant, Peter
Cc: Ellefson, Sheila DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: 09s0386P1- Jennifer edits 1.docx

Peter,

We have all taken a look at the P draft you sent over and really appreciate the work you have put into this. Based on your document we have redrafted a number of pieces to further clarify our intent. Please let us know if you have any questions.

Jennifer

<< File: 09s0386P1- Jennifer edits 1.docx >>

Grant, Peter

From: Grant, Peter
Sent: Wednesday, April 07, 2010 10:55 AM
To: 'Kammerud, Jennifer DPI'; 'Pertl, Jeff DPI'
Subject: questions

Jennifer and Jeff -

Here are my questions about the redraft. I've already asked Jennifer about the principals and the academic standards in previous emails, so I won't repeat those questions here.

- I can't understand 118.42 (1)(c). First, could you write it without using the terms "core instruction" and "differentiation strategies"? Second, I thought this paragraph was about pupils who were having difficulty learning, but it says "core instruction to all students." Was my assumption incorrect? Finally, what is "positive behavior," and whose behavior does it refer to?
- I'm still confused by (2) (b). If the school board adopts a policy that ensures there is an equitable distribution (or that the distribution is not inequitable), why would it need to perform the additional duties in subds. 1 and 2? And if the school board determines that the distribution is in fact equitable, why would it need to adopt a policy ensuring that the distribution is equitable?

Would it make sense instead to first require the district to determine if the distribution is inequitable, and if it finds that it is, require the district to adopt the policy and perform the additional duties under subds. 1 and 2? Or perhaps you mean to say that the school board must do three things: adopt a policy ensuring the distribution is equitable, perform a comprehensive review and implement strategies, and provide additional support.

- I don't know why you reversed the order of (3) (a) and (b) and renumbered them (3) and (4), so I'll leave them as is unless there's some rationale for the changes.
- In your sub. (3) (e), why did you delete "directed by the state superintendent under subds. 1. to 4."?
- In your sub. (4) (intro.), I don't understand what is needed for the state superintendent to intervene because the sentence has no commas. It reads like this: "If the ss determines A or B and C, the ss may...." I can't tell if it means A, or B and C; or if it means A or B, and C.
- In sub. (6), what does "provide a system of support and improvement" mean? My inclination is to require the state superintendent to provide technical assistance to school boards and leave it at that. (I'm not going to include "and schools affected," because it implies that DPI may help individual schools without the school board's involvement.)
- I don't know what your intent is regarding sub. (8). What rights, remedies, or procedures under federal, state, or local (?) law could be altered or affected by 118.42? As for collective bargaining agreements, it would be unconstitutional to alter or affect them, so I'm not sure why we need to say so.
- Finally, is 119.16 (14) intended to be mandatory or discretionary? It should read "shall" instead of "may" if it's intended to be mandatory; otherwise, it should be moved to 119.18.

Thanks -

Peter

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.wisconsin.gov

Grant, Peter

From: Pertl, Jeff DPI [Jeff.Pertl@dpi.wi.gov]
Sent: Friday, April 09, 2010 1:26 PM
To: Grant, Peter
Subject: RE: Race to the top draft

Let's do shall and I would love you if we could get it in right now...

Jeff

J. Jeffrey Pertl
Policy Initiatives Advisor &
Federal Funds Trustee
Department of Public Instruction
(608) 267-9232 *office (NEW)*
(608) 772-2907 *cell*
jeff.pertl@dpi.wi.gov

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Friday, April 09, 2010 1:21 PM
To: Pertl, Jeff DPI
Subject: RE: Race to the top draft

Can't use "should." Do you mean "shall"?
Also, I'm tempted to put this in the next version, assuming there will be other changes.

From: Pertl, Jeff DPI [mailto:Jeff.Pertl@dpi.wi.gov]
Sent: Friday, April 09, 2010 1:04 PM
To: Grant, Peter
Subject: RE: Race to the top draft

On page 2.... Can you modify the language as follows?

- (b) Use pupil academic performance data, including English acquisition data as well as data showing the change in pupil academic achievement between two or more points in time, to differentiate instruction to meet individual pupil needs. Where appropriate, English language learners should be assessed shall in their native language.

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Grant, Peter

From: Pertl, Jeff DPI [Jeff.Pertl@dpi.wi.gov]
Sent: Friday, April 09, 2010 1:49 PM
To: Grant, Peter
Subject: Sorry... is this language better?
Importance: High

Peter, this may be clearer/more statutory:

To the extent practicable, students shall be assessments in the language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English language proficiency.

Jeff

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