



State of Wisconsin
2009 - 2010 LEGISLATURE

FROM
LRBs 0387/P2 P2
LRBs 0386/P1
PG:cjs:ph
8 days
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY
SENATE SUBSTITUTE AMENDMENT,
ASSEMBLY 534
TO 2009 SENATE BILL 437
DN

reger

1 AN ACT to renumber 121.006 (1) (a); to amend 119.04 (1); and to create 118.246,
2 118.42, 119.16 (11) to (14), 119.315 and 121.006 (1) (a) 2. of the statutes;
3 relating to: low-performing schools and school districts, prohibiting tenure for
4 principals and assistant principals, authorizing the state superintendent of
5 public instruction to intervene in a school district under certain conditions, and
6 requiring the exercise of rule-making authority.

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

7 (B) SECTION 1. ^{118.24(10)} ~~118.246~~ of the statutes is created to read:
8 ^{118.24(10)} ~~118.246~~ **Principal tenure.** (1) Except as provided in sub. (2), no principal
9 or assistant principal ~~of a public school appointed on or after the effective date of this~~
10 ~~subsection ... [LRB inserts date]~~ may be granted permanent employment.

tenure or

To the extent practicable, the school board shall assess pupils in the language and form most likely to yield accurate data.

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

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

(b) Use pupil academic performance data to differentiate instruction to meet individual pupil needs.

****NOTE: I deleted "growth data" because I'm not sure what it means in this context. Does it mean improvement in academic achievement? I also deleted "value-added analysis," again because the meaning is unclear.

including data indicating improvement in pupil academic achievement and in the acquisition of English

~~(c) Provide early and effective assistance to pupils who are having difficulty learning.~~

****NOTE: I didn't understand the material you wanted here. Does this language capture your intent?

to address the needs of pupils whose proficiency in English is limited. The additional learning time

(d) Provide additional learning time ~~which~~ may include an extended school day, an extended school year, summer school, or intersession courses.

(2) If the state superintendent determines that 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} ~~any public~~ school ~~located in the school district that was in the lowest performing 5 percent of all public schools in the state in the previous school year:~~

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

2-15

1 (a) Use rigorous and equitable performance evaluation systems for teachers
2 and principals that ~~are available to any person on request and~~ include all of the
3 following:

~~****NOTE: 1. This implies that other school districts may use lax and inequitable evaluation systems.
2. Did I interpret "transparent" correctly?~~

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

~~****NOTE: 1. Does "ongoing" mean up-to-date?
2. Note that "multiple" means more than one, not several.
3. I deleted "classroom artifacts" because I'm unfamiliar with the term.~~

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

13 (b) Adopt ~~and implement~~ a policy ~~that ensures the equitable distribution of~~
14 ~~teachers and principals among the district's schools based upon their professional~~
15 ~~qualifications and effectiveness.~~ ⁽³⁻¹⁵⁾ If the school board determines that the distribution
16 is inequitable, the school board shall do all of the following:

~~****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. Yet this item refers to distributing staff among all of the district's schools.
2. In the second sentence above, is "distribution" intended to refer to the current distribution or the equitable distribution that the school board is required to implement?~~

17 1. Perform a comprehensive review of current policies and constraints that
18 prevent low-performing schools from recruiting, placing, and retaining effective

1 teachers and principals, and implement strategies to eliminate those policies and
2 constraints.

3 2. Provide additional support to teachers and principals, including professional
4 development that is incorporated into their work and tuition reimbursement for
5 courses related to their professional duties.

which may include

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

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

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

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

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

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

14 4. A joint labor-management program designed to objectively identify teachers
15 and principals who continue to demonstrate serious performance deficiencies after
16 opportunities for improvement, including weekly observation, mentoring, ongoing
17 conferences, modeling, and professional development, have been provided. The
18 school board shall ensure that the program offers career counseling and other career
19 transition benefits.

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

22 (3) ~~(a)~~ ^(b) If the state superintendent determines that a public school has been in
23 need of improvement for 5 consecutive school years or was among the lowest

is located in a school district that has been in need of improvement for 4 consecutive school years, and that the school

INS FROM PP 5-6

1 performing 5 percent of all public schools in the state in the previous school year, and
2 is located in a school district that has been in need of improvement for 4 consecutive
3 school years, the state superintendent may direct the school board to do one or more
4 of the following in the school: *INS 5-15*

5 1. Implement a new or modified instructional design, which may include
6 expanded school hours, ^{or} additional pupil supports and services, ~~or individual~~
7 ~~learning plans for pupils~~ *the state superintendent or his or her designee*

8 2. Create a school improvement council consisting of ~~department employees,~~
9 ~~school board members,~~ ^{or school board} school district ~~administrative personnel,~~ ^{district president or his or her designee} school
10 ~~administrators,~~ ^{the school principal or his or her designee} representatives of each collective bargaining unit in the school
11 district, ~~parents, and community leaders,~~ ^{and} to make recommendations to the state
12 superintendent regarding improving the school.

13 *not (a)* If the state superintendent determines that a school district has been in
14 need of improvement for 4 consecutive school years, the state superintendent may
15 direct the school board to do one or more of the following in the school district: *5-15*

16 1. Implement ~~a new or modified curriculum that is aligned with the state's~~
17 ~~model academic standards and across grades in all schools.~~ *or modify activities described in sub. (1) (a) to (d)*

18 2. Implement a new or modified instructional design.
19 ~~***NOTE: Should this subdivision be identical to par. (a) 1.?~~ *that focus*
20 3. Implement professional development programs *focused* on improving pupil
21 academic achievement.

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

which may include expanded school hours or additional pupil supports and services, or individual learning plans for pupils

move to p. 4

move to
p 1

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

4.

INS. 6-4

(c) 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 on implementing the directive.

parents and community leaders

(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.

INS 6-101

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)} ~~118.246~~, 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:

~~119.18~~ (11) COMPREHENSIVE PROGRAMS. The board shall collaborate with nonprofit organizations and government agencies to provide pupils with comprehensive social services and educational support.

6-22

✓
✓
x

1 ~~(12) FAMILY AND COMMUNITY ENGAGEMENT. The board shall provide regular~~
2 ~~forums for family and community engagement, which may include school councils,~~
3 ~~parental surveys, and parent education classes.~~

4 ~~(12)~~ ~~(13)~~ ALTERNATIVE ROUTES TO GRADUATION. The board shall provide alternative
5 methods of attaining a high school diploma for those pupils who are unlikely to
6 graduate in the traditional manner, including a program allowing a pupil or former
7 pupil to retake a course in which he or she was not initially successful.

8 ~~(13)~~ ~~(14)~~ RESEARCH CONSORTIUM. ^{If the board determines that state or federal aid} The board ~~may~~ ^{shall} participate in an educational
9 research consortium, similar to the Consortium on Chicago School Research and the
10 Boston Plan for Excellence, to provide policy recommendations to the department
11 and the board.

INS
7-11 →

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

13 **119.315 Science, technology, engineering, and mathematics pilot**
14 **programs for pupils in grades kindergarten to 5.** If the board determines that
15 state or federal aid is available, any school in the city that enrolls pupils in grades
16 kindergarten to 5 is eligible to apply to the board for funding to participate in a pilot
17 program designed to develop innovative instructional programs in science,
18 technology, engineering, and mathematics; support pupils who are typically
19 under-represented in these subjects; and increase the academic achievement of
20 pupils in those subjects.

21 ~~SECTION 6. 121.006 (1) (a) of the statutes is renumbered 121.006 (1) (a) 1.~~
22 ~~SECTION 7. 121.006 (1) (a) 2. of the statutes is created to read:~~

7-22 →

is available for this
purpose

with a directive
issued by the

(B)

1 ~~121.006 (1) (a) 2. The state superintendent may withhold state aid from any~~

(9)

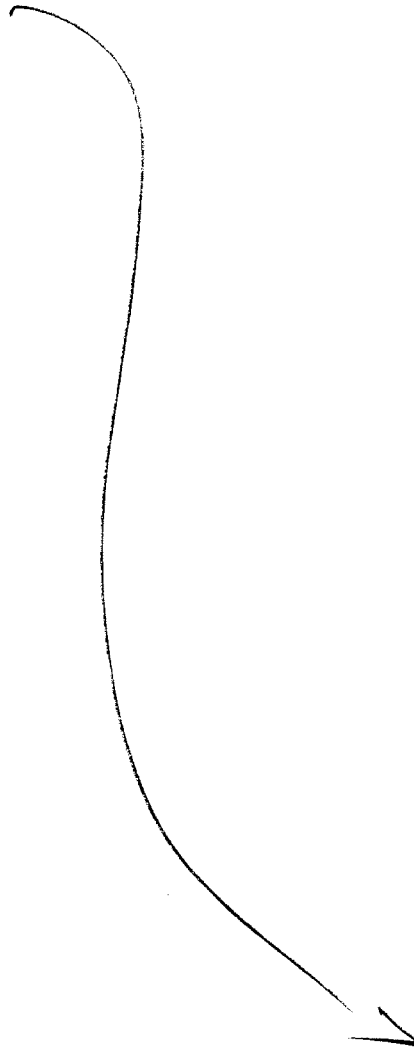
2 school district that fails to comply ~~with the~~ state superintendent's ~~satisfaction with a~~

→ 121.006 (2) (d)

3 ~~directive~~ under s. 118.42 (3) (a) or (b).

4

~~118.42~~



Nonstat File Sequence: **AAA**

LRB _____ / _____
_____ : _____ : _____

NONSTAT SESSLAW

1. In the component bar:

For the action phrase, execute: **create** → **action:** → *NS: → **nonstat**

For the budget action phrase, execute: **create** → **action:** → *NS: → **91XX**

For a subsection, execute: **create** → **text:** → *NS: → **sub**

For a paragraph, execute: **create** → **text:** → *NS: → **par**

For a subdivision, execute: **create** → **text:** → *NS: → **subd**

For a subdivision paragraph, execute: **create** → **text:** → *NS: → **subpar**

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the **9100** department code.

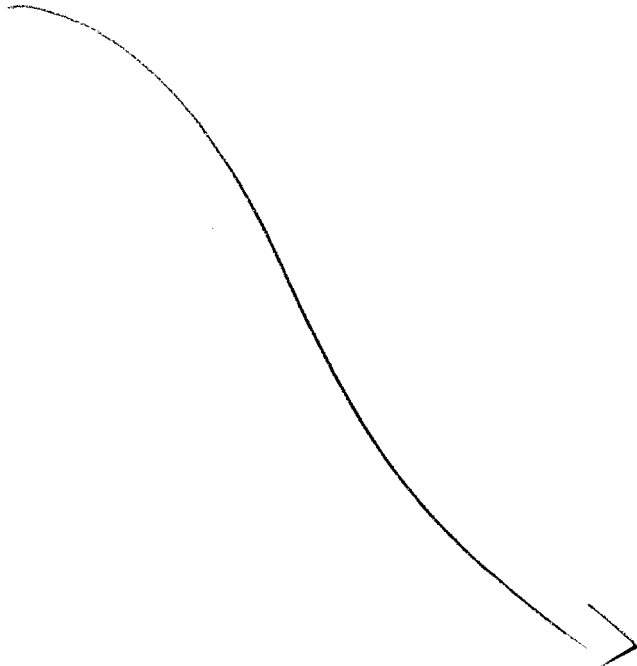
SECTION # _____

91 ~~XXXXXXXXXX~~

Nonstatutory provisions; ...

(#1) ()

^(CS)
RULES



no 9

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 a school district or
 school board president, a school district
 administrator, local labor leaders,
 administrators, local labor leaders, and
 legislators include any part
 state legislators whose districts include any part
 of a school district (the state superintendent)
 of a school district that determines is
 immediately affected by section 118.42 of
 the statutes, as created by this act.

INITIAL APPLICABILITY

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

SECTION # 93 **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.

(end)

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

SECTION # . **Initial applicability;**

(#1) () This act first

applies to

2-15

for all pupils

9

(c) Implement a system of academic and

behavioral supports and early interventions,

~~for all pupils, including pupils who have limited~~~~proficiency in English, which~~including diagnostic assessments, instruction in ^{core academic} core academic

subjects, different instructional strategies for

different pupils, ^{and} strategies to improvereading and mathematics ^{instruction} and promote

positive behavior.

3 - 15

no 9

~~no 9~~ establishing criteria
 for evaluating whether the distribution
 of teachers and principals within the
 affected schools 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.

5-15

Use 2x

after consulting with the school board,
 the school district superintendent, and

~~representatives from each labor organization~~

~~that is represented in the school~~

~~persons who are certified under~~

~~subch. IV of ch. III as representatives~~

representatives of each

of a collective bargaining unit in the

~~existing~~ school district ~~employees~~

6-4

no 11 1. If the state superintendent issues a directive under par (a) or (b), he or she shall provide a system of support and improvement, including technical assistance, to the school board. ~~to comply with the directive~~

11 2.

(A) (B) (6-10)
(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.

ASSEMBLY BILL 669

6-22-11

1 committee. The committee shall meet quarterly and may meet at other times on the
2 call of the cochairpersons.

3 (2) The committee shall foster collaboration between the school district and the
4 city. The committee shall seek grants for education purposes.

5 (3) The common council and the board shall each pay one-half of the
6 committee's costs.

7 SECTION 31. 119.16 (1c) of the statutes is created to read:

8 119.16 (1c) STANDARDS FOR LITERACY AND MATHEMATICS CURRICULA. The board
9 shall establish minimum standards for literacy and mathematics curricula
10 employed in schools in the school district. The board shall require each school in the
11 district to annually submit a report to the board regarding the literacy and
12 mathematics curricula employed in the school and shall annually evaluate the
13 efficacy of the curricula employed in schools in the district.

14 SECTION 32. 119.16 (3m) of the statutes is created to read:

15 119.16 (3m) MASTER FACILITIES PLAN. (a) ~~no later than December 17, 2010~~, the
16 board shall evaluate all school buildings in the school district operating under this
17 chapter according to the criteria established under par. (b), and shall develop a
18 master plan governing the use, repair, renovation, and demolition of buildings in the
19 school district. The master plan shall include procedures for notifying the
20 partnership for success committee, created under s. 119.11, in the event that the
21 board determines that one or more school buildings will be closed or demolished and
22 the pupils in those buildings reassigned to other buildings in the school district.

By July 1, 2011

23 (b) The board shall establish criteria to evaluate the safety, structural integrity,
24 utility, and costs of maintenance and repair of school buildings in the school district.

25 Subject to the requirements under sub. (10), the criteria shall include consideration

- 16 -
6-22-12

1 of the advantages and disadvantages of repairing versus demolishing older buildings
2 having high maintenance or operating costs.

3 ~~SECTION 33. 119.16 (7) of the statutes is created to read:~~

4 ~~119.16 (7) PARENT INVOLVEMENT COMMITTEE. The board shall establish a parent
5 involvement committee to handle parent issues and complaints and to foster
6 parental involvement in the schools.~~

7 ~~SECTION 34. 119.16 (9) of the statutes is created to read:~~

8 ~~119.16 (9) FINANCIAL REPORTING; BUDGETING; ACCOUNTABILITY. (a) The board
9 shall submit quarterly financial reports to all of the following and shall make the
10 financial reports available to the public on the school district's Internet Web site:~~

- 11 ~~1. The state superintendent.~~
- 12 ~~2. The mayor.~~
- 13 ~~3. The city comptroller.~~
- 14 ~~4. The personnel and finance committee of the common council.~~
- 15 ~~5. The joint committee on finance.~~

16 ~~(b) The board shall annually prepare a budget for each school in the school
17 district operating under this chapter.~~

18 ~~(c) The board shall maintain a chief accountability office to ensure financial
19 accountability.~~

20 ~~SECTION 35. 119.16 (11) of the statutes is created to read:~~

21 ~~119.16 (11) BOARD TRAINING. Each member of the board shall annually attend
22 a professional training program related to the duties of their position on the board
23 offered by a national or locally recognized association of school boards.~~

24 ~~SECTION 36. 119.16 (12) of the statutes is created to read:~~

6-22-3

119.16 (3m) MASTER FACILITIES PLAN.

The board shall

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

7-11

ASSEMBLY BILL 669

SECTION 38

1 (a) At least 50 percent of the school district's membership in the previous school
2 year was eligible for a free or reduced-price lunch under 42 USC 1758 (b). In this
3 paragraph, "membership" has the meaning given in s. 121.004 (5).

4 (b) 1. The school board has identified school buildings requiring significant
5 maintenance or improvements.

6 2. The school board proposes improvements to the buildings identified in subd.
7 1. that are cost effective, technically feasible, and meet nationally recognized green
8 building performance standards.

9 ~~SECTION 39. 119.16 (15) of the statutes is created to read.~~

10 ~~119.16(15)~~ ⁽¹⁴⁾ PARENT SURVEY. Annually, the board shall conduct a survey of
11 parents of pupils enrolled in the school district operating under this chapter and use
12 the results of the survey to develop or modify parent involvement and school
13 improvement plans. ~~The board shall provide the results of the survey to the~~
14 ~~partnership for success committee under s. 119.11 and the parent involvement~~
15 ~~committee under sub (7).~~ *which may include school-based
community resource centers, regularly*

16 ~~SECTION 40. 119.16 (16) of the statutes is created to read.~~

17 ~~119.16 (16) TRANSITION CAMPUSES. Beginning in the 2011-12 school year, the~~
18 ~~board shall designate at least 2 schools as transition campuses and provide for the~~
19 ~~assignment to a transition campus of disruptive pupils enrolled in the high school~~
20 ~~grades. The transition campuses shall provide the pupils with additional services~~
21 ~~and academic assistance in order to address their problems and facilitate their~~
22 ~~return to their previous schools. The board shall seek to establish partnerships~~
23 ~~between the transition campuses and local civic organizations or nonprofit~~
24 ~~corporations in order to provide comprehensive services to pupils attending a~~

*scheduled public meetings, or parent
education classes*

7-22

9

SEC. CR. 121.006 (1)(c)

X

9

121.006 (1)(c) ^(B) 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.

9

SEC. CR. 121.006 (2)(d)

X

LRB s0386/P2dn

PG: cjs

~~DN~~
DN

- date -

⑨

This substitute amendment prohibits a school board from granting tenure or permanent employment to a principal or assistant principal. ~~As I understand it, any~~ ~~entity~~ If (principal or assistant principal currently employed by a school district has an ~~an~~ employment contract granting him or her tenure or permanent employment, a court ^{court} ~~could~~ rule that the substitute amendment's prohibition constitutes an unconstitutional impairment of contract.

⑨

I have one other concern. Under current law the term of (an employment contract of a school district administrator, business manager, principal, or ^{any} assistant.

to such persons may not exceed
~~less~~ two years; although the ~~provision~~
 contract ^{may} provide for one or more
 extensions of one year each. ^{See s. 118.24(1)}
 Stats. ^{Because} ~~This~~ ^{substitute amendment} prohibits permanent
 employment only for principals and assistant
 principals; it may be interpreted to
^{impliedly allow} impliedly allow permanent employment for
 school district administrators and business
 managers and their assistants.

PG

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

LRBs0387/P2dn
PG:cjs:md

April 9, 2010

This substitute amendment prohibits a school board from granting tenure or permanent employment to a principal or assistant principal. If any principal or assistant principal currently employed by a school district has an employment contract granting him or her tenure or permanent employment, a court could rule that the substitute amendment's prohibition constitutes an unconstitutional impairment of contract.

I have one other concern. Under current law, the term of an employment contract of a school district administrator, business manager, principal, or any assistant to such persons may not exceed two years, although the contract "may provide for one or more extensions of one year each." See s. 118.24 (1), stats. Because this substitute amendment prohibits permanent employment only for principals and assistant principals, it may be interpreted to impliedly allow permanent employment for school district administrators and business managers and their assistants.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Grant, Peter

From: Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.wi.gov]
Sent: Friday, April 09, 2010 4:39 PM
To: Grant, Peter
Cc: Pertl, Jeff DPI; McCarthy, Tom; Dauscher, Sara
Subject: FW: modification to bill - language correction

Importance: High

Peter,

Please see the change below.

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

From: Pertl, Jeff DPI
Sent: Friday, April 09, 2010 4:34 PM
To: Kammerud, Jennifer DPI
Subject: modification to bill - language correction
Importance: High

4. A joint labor-management program designed to objectively identify teachers and principals that demonstrate serious performance deficiencies and provide them opportunities for improvement, including weekly observation, mentoring, ongoing conferences, modeling, and professional development, have been provided. If deficiencies continue, then the school board shall ensure that the program offers career counseling and other career transition benefits to those teachers and principals.

p. 2 ln 8

(b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to

Deleted: in the

Deleted: of English

p. 4 ln 9

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

Deleted: who continue to

Deleted: after

Deleted: , have been provided

Deleted:

p. 5 ln 14

and representatives of each labor organization in the school district:

Deleted: ¶

Deleted: collective bargaining unit

Grant, Peter

From: Pertl, Jeff DPI [Jeff.Pertl@dpi.wi.gov]
Sent: Friday, April 09, 2010 4:49 PM
To: Grant, Peter; Kammerud, Jennifer DPI
Cc: McCarthy, Tom; Dauscher, Sara
Subject: Follow up on edits

Importance: High

Attachments: Edits to Preliminary Draft.doc



Edits to Preliminary
Draft.doc...

Peter,

I have attached a few key edits, which are listed below. I corrected the typo you noted in your e-mail.

p. 2 ln 8

(b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition , to

p. 4 ln 9

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

p. 5 ln 14

and representatives of each labor organization in the

Grant, Peter

From: Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.wi.gov]
Sent: Saturday, April 10, 2010 7:12 AM
To: Grant, Peter
Subject: FW: collective bargaining unit language - SB 437/AB 534

From: Pertl, Jeff DPI
Sent: Friday, April 09, 2010 8:42 PM
To: Justman, Jessica C. DPI
Cc: Kammerud, Jennifer DPI; Thompson, Michael DPI
Subject: Re: collective bargaining unit language

It should be labor organizations.

Sent from my iPhone

On Apr 9, 2010, at 8:10 PM, "Justman, Jessica C. DPI" <Jessica.Justman@dpi.wi.gov> wrote:

If the state superintendent determines that a school district 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 district after consulting with the school board, the school district superintendent, and representatives of each collective bargaining unit in the school district:

Do we really mean that, or do we mean something broader than each collective bargaining unit (i.e. MTEA, AFT, etc.)? The "collective bargaining unit" language is repeated over and over in the draft.

Grant, Peter

From: Justman, Jessica C. DPI [Jessica.Justman@dpi.wi.gov]
Sent: Monday, April 12, 2010 12:26 PM
To: Grant, Peter
Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: Edits to LRB s0386/P2

Attachments: 4.12.10 - Edits to LRBs 0386 v P2.doc



4.12.10 - Edits to
LRBs 0386 v...

Hello, Peter,

I hope that this finds you doing well.

Jennifer Kammerud and Jeff Pertl asked that I share with you these edits to LRB s0386/P2, the Senate Substitute Amendment to 2009 Senate Bill 437. Based on feedback to the initial draft, the attached document provides red-lined edits with specific language suggestions. Senator Lehman's office has requested a revised draft by 4:30pm today, if possible.

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Wisconsin Department of Public Instruction
(608) 266-8009
Jessica.Justman@dpi.wi.gov

Edits and corrections to LRBs 0386/P2
Senate Substitute Amendment to 2009 Senate Bill 437
April 12, 2010

Rec'd 4/12
12:30 pm

p. 2 lns 5-7

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

p. 2 lns 8-9

(b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to

Deleted: of English

p. 2 lns 17-20

(d) Provide additional learning time to address the needs of pupils, including but not limited to 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.

p. 4 lns 9-14

4. A joint ~~labor~~ management program designed to objectively identify teachers and principals ~~that~~ demonstrate serious performance deficiencies and provide them opportunities for improvement, including weekly observation, mentoring, ongoing conferences, modeling, and professional development, if deficiencies continue, then the school board shall ensure that the program offers career counseling and other career transition benefits to those teachers and principals.

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Deleted: after

Deleted: , have been provided

Deleted:

p. 4 lns 17-21

(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 after consulting with the school board, the school district superintendent, and representatives of each labor organization representing employees of the school district, may direct the school board to do one or more of the following in the school district:

Deleted: after consulting with the school board, the school district superintendent, and representatives of each

Deleted: collective bargaining unit

Deleted: in the school district:

p. 5 lns 8-15

(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 direct the school board to do one or more of the following in the school after consulting with the school board, the school district superintendent, and representatives of each labor organization representing employees of the school district:

Deleted: collective bargaining unit

Deleted: in

p. 5 lns 18-23

2. Create a school improvement council consisting of the state superintendent or his or her designee, the 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 employees of the school district, to make recommendations to the state superintendent regarding improving the school.

Deleted: school district or

Deleted: in

p. 6 new language created starting after ln 6

(d) If the state superintendent issues a directive under par. (a) or (b), her or she shall provide notification to the legislators representing the school district affected by the directive and the education committees of the legislature.

p. 7 lns 13-15

(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 promise neighborhoods or similar initiatives.

p. 7 lns 20-24

(13) RESEARCH CONSORTIUM. If the board determines that sufficient funding, which may include but is not limited to state aid, federal aid or private funding, is available for this purpose, then board shall participate in an educational research consortium, similar to the Consortium on Chicago School Research and the Boston Plan for Excellence, to provide policy recommendations, including but not limited student literacy and achievement, to the department, board, the legislature and public.

Deleted: or

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p. 8-9. lns 23-25, 1-3

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

Deleted: a school district or

Deleted: a

Deleted: , local labor leaders

Grant, Peter

From: Grant, Peter
Sent: Monday, April 12, 2010 1:29 PM
To: Justman, Jessica C - DPI
Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

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Peter

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Sent: Monday, April 12, 2010 12:26 PM
To: Grant, Peter
Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: Edits to LRB s0386/P2

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To: Justman, Jessica C - DPI
Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

Oh, one more question. On page 5, lines 8 to 15, do you want to move the phrase "after consulting" up to line 12, after "may," as you did on page 4, lines 17 to 21?

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Subject: Edits to LRB s0386/P2

yes

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Grant, Peter

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Sent: Monday, April 12, 2010 2:50 PM
To: Grant, Peter
Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

Hi, Peter,

How about this for p. 2, lines 17-20:

(d) Provide additional learning time to address the academic needs of struggling pupils, which may include pupils whose proficiency in English is limited. The additional learning time may include ...

The idea would be to provide additional learning time to a subset of pupils (those who are struggling), which may include limited-English proficiency students.

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Sent: Monday, April 12, 2010 1:29 PM
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Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

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Sent: Monday, April 12, 2010 3:28 PM
To: Grant, Peter
Cc: Pertl, Jeff DPI; Kammerud, Jennifer DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

Re: Promise Neighborhoods...

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In fiscal year 2010, Congress provided initial funding for "Promise Neighborhoods" under the Fund for the Improvement of Education: Programs of National Significance. The Obama Administration proposes to authorize Promise Neighborhoods as a separate program in fiscal year 2011.

Under the proposal, Promise Neighborhoods will provide competitive grants to community-based organizations to support the development of a feasible, sustainable plan that combines a continuum of effective community services, strong family supports, and comprehensive education reform to improve the educational and life outcomes for children and youth, from birth through college. The core belief behind this initiative is that providing both effective, achievement-oriented schools and strong systems of support will offer children the best hope for a better life.

The purpose of the Promise Neighborhoods program is to significantly improve the educational and developmental outcomes of children in our most distressed communities and to transform those communities by (1) supporting efforts to improve child outcomes that are shared, communicated, and analyzed on an ongoing basis by leaders and members of the community; (2) identifying and increasing the capacity of community-based organizations that are focused on achieving results for children; (3) building a continuum of academic programs and community supports with a strong school or schools at the center; (4) integrating programs so that solutions are implemented effectively and efficiently across agencies; and (5) working with local governments to build the infrastructure of policies, practices, systems, and resources to sustain and "scale up" proven, effective solutions across the broader region, beyond the initial neighborhood. Each Promise Neighborhood grantee will serve a high-need geographic area, as demonstrated by multiple signs of distress. Each grantee will have as a goal attaining a dramatic increase in the number of children and youth from the service area who successfully enter college, though grantees will also pursue a range of comprehensive supports to reach that goal and other intermediate goals.

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Cc: Kammerud, Jennifer DPI; Pertl, Jeff DPI; Thompson, Michael DPI
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Grant, Peter

From: Justman, Jessica C. DPI [Jessica.Justman@dpi.wi.gov]
Sent: Monday, April 12, 2010 3:51 PM
To: Grant, Peter
Subject: RE: Edits to LRB s0386/P2

Work off this?

The HCZ project offers comprehensive services that address the needs of children and youth in the "zone" or identified region from before the time they are born through such time as they are able to attend and succeed in college and beyond.

From: Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]
Sent: Monday, April 12, 2010 3:43 PM
To: Justman, Jessica C. DPI
Cc: Pertl, Jeff DPI; Kammerud, Jennifer DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

Hows about ",which may include a program that supports the development of a combination of effective community services, strong family supports, and comprehensive education reform."

From: Justman, Jessica C. DPI [mailto:Jessica.Justman@dpi.wi.gov]
Sent: Monday, April 12, 2010 3:36 PM
To: Grant, Peter
Cc: Pertl, Jeff DPI; Kammerud, Jennifer DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

I've got a cite now, but it is sure to change when ESEA gets reauthorized. How about something like "promise neighborhoods, which provide a continuum of effective community services, strong family supports, and comprehensive education reform to improve the educational and life outcomes for children and youth, from birth through college."

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Sent: Monday, April 12, 2010 3:29 PM
To: Justman, Jessica C. DPI
Cc: Pertl, Jeff DPI; Kammerud, Jennifer DPI; Thompson, Michael DPI
Subject: RE: Edits to LRB s0386/P2

If you've got a federal citation to a definition, I could include that.

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BY 4:30
TODAY

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

A ~~SENATE~~ SUBSTITUTE AMENDMENT,

TO 2009 ~~SENATE~~ BILL ~~487~~ 534

A

SA

Carlat

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

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

7 SECTION 1. 118.24 (10) of the statutes is created to read:
8 118.24 (10) No principal or assistant principal may be granted tenure or
9 permanent employment.

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

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

research-based

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

English language

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

13 (c) Implement for all pupils a system of academic and behavioral supports and
14 early interventions, including diagnostic assessments, instruction in core academic
15 subjects, different instructional strategies for different pupils, and strategies to
16 improve reading and mathematics instruction and promote positive behavior.

17 (d) Provide additional learning time to address the needs of pupils whose
18 proficiency in English is limited. The additional learning time may include an
19 extended school day, an extended school year, summer school, or intersession
20 courses.

academic
~~and who are struggling academically~~

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

who are struggling academically including pupils

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

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

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

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

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

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

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

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

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

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

9 4. A joint labor-management program designed to objectively identify teachers
10 and principals who continue to demonstrate serious performance deficiencies after
11 opportunities for improvement, including weekly observation, mentoring, ongoing
12 conferences, modeling, and professional development, have been provided. The
13 school board shall ensure that the program offers career counseling and other career
14 transition benefits. *to those teachers and principals who continue to demonstrate
15 performance deficiencies*

and provide them with

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

18 (3) (a) If the state superintendent determines that a school district has been
19 in need of improvement for 4 consecutive school years, the state superintendent may

20 direct the school board to do one or more of the following in the school district after
21 consulting with the school board, the school district superintendent, and
22 representatives of each collective bargaining unit in the school district.
labor organizations representing

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

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

school district employees,

1 3. Implement professional development programs that focus on improving
2 pupil academic achievement.

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

5 5. Adopt accountability measures to monitor the school district's finances or to
6 monitor other interventions directed by the state superintendent under subs. 1. to
7 4.

8 (b) If the state superintendent determines that a public school is located in a
9 school district that has been in need of improvement for 4 consecutive school years,
10 and that the school has been in need of improvement for 5 consecutive school years
11 or was among the lowest performing 5 percent of all public schools in the state in the
12 previous school year, the state superintendent may direct the school board to do one
13 or more of the following in the school, after consulting with the school board, the
14 school district superintendent, and representatives of each collective bargaining
15 unit in the school district.

labor organization representing employees

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

18 2. Create a school improvement council consisting of the state superintendent
19 or his or her designee, the school district or school board president or his or her
20 designee, the school district administrator or his or her designee, the school principal
21 or his or her designee, and representatives of each collective bargaining unit in the
22 school district, to make recommendations to the state superintendent regarding
23 improving the school.

labor organization representing

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1 (c) 1. If the state superintendent issues a directive under par. (a) or (b), he or
2 she shall provide a system of support and improvement, including technical
3 assistance, to the school board.

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

7 (4) The state superintendent shall promulgate rules establishing criteria and
8 procedures for determining whether a school or school district is in need of
9 improvement and whether a school is among the lowest performing 5 percent of all
10 public schools in the state, for the purposes of this section.

11 (5) Nothing in this section alters or otherwise affects the rights or remedies
12 afforded school districts and school district employees under federal or state law or
13 under the terms of any applicable collective bargaining agreement.

14 **SECTION 3.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Acts 60 and
15 96, is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
18 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,
19 118.06, 118.07, 118.075, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
20 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24
21 (1), (2) (c) to (f), (6) ~~and~~, (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,
22 118.51, 118.52, 118.55, 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g),
23 (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and
24 120.25 are applicable to a 1st class city school district and board.

25 **SECTION 4.** 119.16 (3m), (9), and (11) to (14) of the statutes are created to read:

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

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

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

13 (11) COMPREHENSIVE PROGRAMS. The board shall collaborate with nonprofit
14 organizations and government agencies to provide pupils with comprehensive social
15 services and educational support.

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

20 (13) RESEARCH CONSORTIUM. If the board determines that ^{research and} state or federal aid ^{sufficient}
21 is available for this purpose, the board shall participate in an educational research
22 consortium, similar to the Consortium on Chicago School Research and the Boston

23 Plan for Excellence, to provide policy recommendations to the department ~~and~~ the
24 board.

and the legislature. In addition, the research consortium shall make its recommendations publicly available

or private funding

including recommendations addressing pupil literacy and academic achievement

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

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

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

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

16 121.006 (1) (c) If the state superintendent withholds state aid from a school
17 district under this subsection, the school board may request a hearing under s.
18 227.42.

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

20 121.006 (2) (d) Comply with a directive issued by the state superintendent
21 under s. 118.42 (3) (a) or (b).

22 **SECTION 8. Nonstatutory provisions.**

23 (1) RULES. In promulgating the rules required under section 118.42 (4) of the
24 statutes, as created by this act, the state superintendent of public instruction shall
25 consult with ^{the} school district or school board president, ^{the} school district

1 administrator, ~~local labor leaders, and state legislators whose districts include any~~
2 ~~part of a~~ school district that the state superintendent determines is immediately
3 affected by section 118.42 of the statutes, as created by this act.

4 **SECTION 9. Initial applicability.**

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

7 (END)

and labor organizations representing ~~school~~
~~district~~ employees ↑ of each

↑ and legislators whose legislative
districts include any portion of each
such ~~ex~~ school district

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do all of the following:

(9) 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.

(10) b.

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which may include a program that

~~grants to community based organizations~~

* supports the development of a combination of effective community services, strong family supports, and comprehensive education reform.

offers comprehensive services that address the needs of children and youth from before the time they are born until ~~they~~ ~~enter~~ ~~college~~ through postsecondary education.