



TODAY

LRBs0386/P1 P2  
PG:cjs:ph  
skys

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE SUBSTITUTE AMENDMENT,**  
**TO 2009 SENATE BILL 437**

DN

LPS:  
S0386/P2  
S0387/P2  
are identical  
(except title + LRB  
number)

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. ~~118.246~~ <sup>118.24 (10)</sup> of the statutes is created to read:

8 <sup>118.24 (10)</sup> ~~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 <sup>school</sup> 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.

gas determined by the state superintendent  
including data indicating improvement in pupil academic achievement and in the acquisition of English

\*\*\*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.

~~(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?

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

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

(2) If the state superintendent determines that a school district <sup>that</sup> has been in need of improvement for 4 consecutive school years, the school board shall do all of the following in <sup>the</sup> ~~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~~ <sup>which may include</sup> professional  
4 development that is incorporated into their work ~~and~~ tuition reimbursement for  
5 courses related to their professional duties.

~~\*\*\*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) ~~(b)~~ <sup>(b)</sup> If the state superintendent determines that a public school <sup>has</sup> been in  
23 need of improvement for 5 consecutive school years or was among the lowest

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

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, <sup>or</sup> additional pupil supports and services, ~~or individual~~  
 7 ~~learning plans for pupils.~~ *the state superintendent or his or her designee*

8 2. Create <sup>or school board</sup> a school improvement council consisting of ~~department employees,~~  
 9 ~~district president or his or her designee,~~ *the* school ~~board members,~~ *the school principal or his or her designee* school district ~~administrative personnel,~~ *administrators,* school  
 10 ~~administrators,~~ *and* representatives of each collective bargaining unit in the school  
 11 district, ~~parents, and community leaders,~~ 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 subs. 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  
6-1011

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), <sup>and (10)</sup> ~~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 <sup>(3m), (9), and</sup> (11) to (14) of the statutes are created to read:

~~119.19~~ (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

~~(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.~~

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

~~(13) (14) RESEARCH CONSORTIUM. <sup>If the board determines that state or federal aid is available</sup> The board ~~may~~ <sup>shall</sup> participate in an educational research consortium, similar to the Consortium on Chicago School Research and the Boston Plan for Excellence, to provide policy recommendations to the department and the board.~~

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

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

~~SECTION 6. 121.006 (1) (a) of the statutes is renumbered 121.006 (1) (a) 1.~~

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

INS  
7-11

7-22

is available for this  
purpose

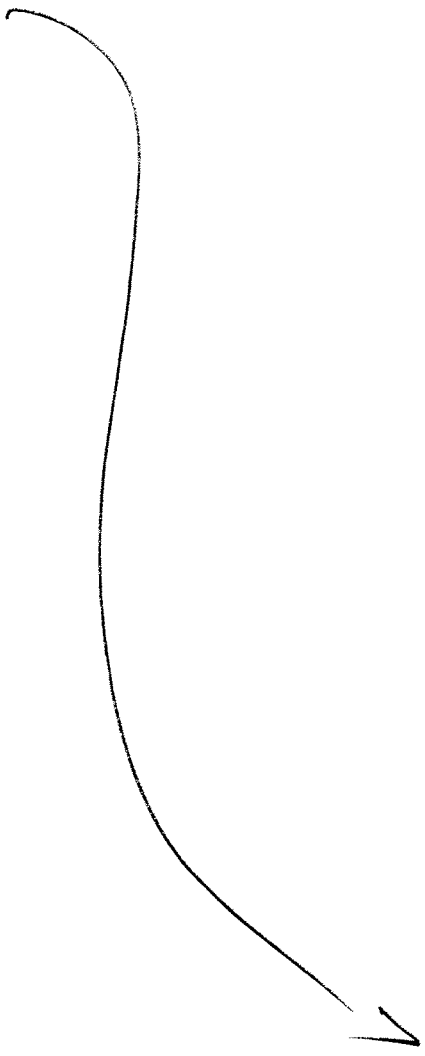
with a directive  
issued by the

(B)

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

(A)

121.006 (2) (d)





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 #** \_\_\_\_\_

~~9100~~

**Nonstatutory provisions; ...**

( #1 ) ( )

<sup>(CS)</sup>  
Rules  
=

(no #) ~~MEMORANDUM~~ 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,  
 administrator, 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 sections ..

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 <sup>core academic</sup> core academic subjects,

different instructional strategies for subjects, different instructional strategies for

pupils, <sup>and</sup> strategies to improve reading and mathematics instruction and promote

positive behavior.

3 - 15

no 9 ~~(b) ~~Adopting~~~~ establishing criteria  
 for evaluating whether the distribution  
 of teachers and principals within the  
 affected schools to the distribution  
 of teachers and principals throughout the  
 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  
 of a collective bargaining unit in the  
 school district

6-4

no 1. If the state superintendent issues a directive under par (a) or (b) <sup>he or she shall</sup> ~~provide a system of support and improvement~~ <sup>he or she shall</sup> provide a system of support and improvement,

including technical assistance, to the school

board @ ~~comply with the directive~~

2.

6-10

(B)  
(5)

(A)

Nothing in this section <sup>✓</sup> alters or  
 otherwise <sup>affects</sup> affects the rights <sup>or</sup> remedies  
 afforded <sup>and</sup> school districts <sup>and</sup> school  
 district employees under federal or state  
 law or under the terms of <sup>any</sup> 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 1, 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

By July 1, 2011

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.

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.

**ASSEMBLY BILL 669**

**SECTION 38**

7-11

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) 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

X

⑨

SEC. CR; 121.006 (1)(c)

⑨

121.006 (1)(c) <sup>ⓑ</sup> If the <sup>state superintendent</sup> ~~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 50386/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. ~~Am I undertake it, entain~~ If principal or assistant principal currently employed by a school district has an ~~employment contract~~ employment contract granting him or her tenure or permanent employment, a court <sup>court</sup> 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 <sup>any</sup> assistant.

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

PL

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

LRBs0386/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](mailto: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](mailto: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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman  
Senior Policy Advisor  
Office of the State Superintendent  
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

**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.

Deleted: who continue to

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

Deleted: and the

**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

Hi all. I have questions about the changes (surprise!). Here they are:

- We can't say "including but not limited to." The word "including," by itself, has that meaning.
- I'm confused by the second item. Does the school board have to provide additional learning time to *all* pupils, or only some of them? Is the school board *required* to provide additional learning time to limited-English proficiency pupils, and *may* provide additional learning time to other pupils?
- In the item regarding page 4, lines 9 to 14, someone keeps changing "teachers and principals *that*," when "teachers and principals *who*" is correct.
- In the item regarding page 5, lines 18 to 23: I wrote "school district or school board president" because the person is called the former in all school districts except MPS, where he or she is called the latter.
- In the item regarding page 7, lines 13 to 15, it's unclear what "promise neighborhoods" are. I need to provide a short description. Can you supply one? (I thought they were neighborhoods in which a variety of educational and social services are provided without charge, but to say that repeats what is already in the subsection: "provide pupils with comprehensive social services and educational support.")
- In the item regarding page 7, lines 20 to 24: I don't think it makes sense to provide policy recommendations to the public. I've never seen that before. How would they do that? (Recommendations are typically included in a report sent to someone.) Usually we just require recommendations be made to the public's elected representatives or to agency heads.
- In the item regarding pages 8-9, lines 23-25 and 1-3: do you mean that you want the state superintendent to consult with the school district administrator and the school board or school district president of *each* school district that will be affected?

Peter

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

**From:** Justman, Jessica C. DPI [<mailto: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

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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman



Senior Policy Advisor  
Office of the State Superintendent  
Wisconsin Department of Public Instruction  
(608) 266-8009  
Jessica.Justman@dpi.wi.gov

## Grant, Peter

---

**From:** Grant, Peter  
**Sent:** Monday, April 12, 2010 1:32 PM  
**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? *Yes*

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

**From:** Justman, Jessica C. DPI [mailto: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

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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman  
Senior Policy Advisor  
Office of the State Superintendent  
Wisconsin Department of Public Instruction  
(608) 266-8009  
Jessica.Justman@dpi.wi.gov

## Grant, Peter

---

**From:** Justman, Jessica C. DPI [Jessica.Justman@dpi.wi.gov]  
**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.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**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

Hi all. I have questions about the changes (surprise!). Here they are:

- We can't say "including but not limited to." The word "including," by itself, has that meaning.
- I'm confused by the second item. Does the school board have to provide additional learning time to *all* pupils, or only some of them? Is the school board *required* to provide additional learning time to limited-English proficiency pupils, and *may* provide additional learning time to other pupils?
- In the item regarding page 4, lines 9 to 14, someone keeps changing "teachers and principals *that*," when "teachers and principals *who*" is correct.
- In the item regarding page 5, lines 18 to 23: I wrote "school district or school board president" because the person is called the former in all school districts except MPS, where he or she is called the latter.
- In the item regarding page 7, lines 13 to 15, it's unclear what "promise neighborhoods" are. I need to provide a short description. Can you supply one? (I thought they were neighborhoods in which a variety of educational and social services are provided without charge, but to say that repeats what is already in the subsection: "provide pupils with comprehensive social services and educational support.")
- In the item regarding page 7, lines 20 to 24: I don't think it makes sense to provide policy recommendations to the public. I've never seen that before. How would they do that? (Recommendations are typically included in a report sent to someone.) Usually we just require recommendations be made to the public's elected representatives or to agency heads.
- In the item regarding pages 8-9, lines 23-25 and 1-3: do you mean that you want the state superintendent to consult with the school district administrator and the school board or school district president of *each* school district that will be affected?

Peter

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

**From:** Justman, Jessica C. DPI [mailto: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

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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman  
Senior Policy Advisor  
Office of the State Superintendent  
Wisconsin Department of Public Instruction  
(608) 266-8009  
Jessica.Justman@dpi.wi.gov

## Grant, Peter

---

**From:** Justman, Jessica C. DPI [Jessica.Justman@dpi.wi.gov]  
**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...

The following information is from the US Department of Education website. I think we could pull any number of lines from this to further describe a Promise Neighborhood, but I also wonder if we could simply call them Promise Neighborhoods, since it is a federally recognized program. What do you think?

-----  
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.

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**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

Hi all. I have questions about the changes (surprise!). Here they are:

- We can't say "including but not limited to." The word "including," by itself, has that meaning.
- I'm confused by the second item. Does the school board have to provide additional learning time to *all* pupils, or only some of them? Is the school board *required* to provide additional learning time to limited-English proficiency pupils, and *may* provide additional learning time to other pupils?
- In the item regarding page 4, lines 9 to 14, someone keeps changing "teachers and principals *that*," when "teachers and principals *who*" is correct.
- In the item regarding page 5, lines 18 to 23: I wrote "school district or school board president" because the person is called the *former* in all school districts except MPS,

where he or she is called the latter.

- In the item regarding page 7, lines 13 to 15, it's unclear what "promise neighborhoods" are. I need to provide a short description. Can you supply one? (I thought they were neighborhoods in which a variety of educational and social services are provided without charge, but to say that repeats what is already in the subsection: "provide pupils with comprehensive social services and educational support.")
- In the item regarding page 7, lines 20 to 24: I don't think it makes sense to provide policy recommendations to the public. I've never seen that before. How would they do that? (Recommendations are typically included in a report sent to someone.) Usually we just require recommendations be made to the public's elected representatives or to agency heads.
- In the item regarding pages 8-9, lines 23-25 and 1-3: do you mean that you want the state superintendent to consult with the school district administrator and the school board or school district president of *each* school district that will be affected?

Peter

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

From: Justman, Jessica C. DPI [mailto:[Jessica.Justman@dpi.wi.gov](mailto: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

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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman  
Senior Policy Advisor  
Office of the State Superintendent  
Wisconsin Department of Public Instruction  
(608) 266-8009  
[Jessica.Justman@dpi.wi.gov](mailto:Jessica.Justman@dpi.wi.gov)

## 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."

---

**From:** Grant, Peter [mailto:Peter.Grant@legis.wisconsin.gov]  
**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.

---

**From:** Justman, Jessica C. DPI [mailto:Jessica.Justman@dpi.wi.gov]  
**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...

The following information is from the US Department of Education website. I think we could pull any number of lines from this to further describe a Promise Neighborhood, but I also wonder if we could simply call them Promise Neighborhoods, since it is a federally recognized program. What do you think?

-----  
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.

---

**From:** Grant, Peter [<mailto:Peter.Grant@legis.wisconsin.gov>]  
**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

Hi all. I have questions about the changes (surprise!). Here they are:

- We can't say "including but not limited to." The word "including," by itself, has that meaning.
- I'm confused by the second item. Does the school board have to provide additional learning time to *all* pupils, or only some of them? Is the school board *required* to provide additional learning time to limited-English proficiency pupils, and *may* provide additional learning time to other pupils?
- In the item regarding page 4, lines 9 to 14, someone keeps changing "teachers and principals *that*," when "teachers and principals *who*" is correct.
- In the item regarding page 5, lines 18 to 23: I wrote "school district or school board president" because the person is called the former in all school districts except MPS, where he or she is called the latter.
- In the item regarding page 7, lines 13 to 15, it's unclear what "promise neighborhoods" are. I need to provide a short description. Can you supply one? (I thought they were neighborhoods in which a variety of educational and social services are provided without charge, but to say that repeats what is already in the subsection: "provide pupils with comprehensive social services and educational support.")
- In the item regarding page 7, lines 20 to 24: I don't think it makes sense to provide policy recommendations to the public. I've never seen that before. How would they do that? (Recommendations are typically included in a report sent to someone.) Usually we just require recommendations be made to the public's elected representatives or to agency heads.
- In the item regarding pages 8-9, lines 23-25 and 1-3: do you mean that you want the state superintendent to consult with the school district administrator and the school board or school district president of *each* school district that will be affected?

Peter



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

From: Justman, Jessica C. DPI [<mailto: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

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.

Given the short legislative timeline, we would greatly appreciate the opportunity to work with you to turn around these edits to us and the author today. Jennifer and I are able to assist you in any way that you might need. I can be reached at 608-266-8009, and Jennifer can be reached at 608-266-7073, or on her cell phone at 219-4553.

Thank you so much for your assistance. It is much appreciated!

Jessica Clark Justman  
Senior Policy Advisor  
Office of the State Superintendent  
Wisconsin Department of Public Instruction  
(608) 266-8009  
[Jessica.Justman@dpi.wi.gov](mailto:Jessica.Justman@dpi.wi.gov)



BY 4:30  
TODAY

I stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
**SENATE SUBSTITUTE AMENDMENT ,  
TO 2009 SENATE BILL 437**

Gov Cat

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:

5           (a) Employ a standard, consistent <sup>research-based</sup> 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.

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 <sup>academic</sup> 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.

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*

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

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

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

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

23 2. Implement a new or modified instructional design, which may include  
24 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.

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

6-2

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.

*INS. 7-15*

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 <sup>research and</sup> state or federal aid <sup>sufficient</sup>  
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 boards, 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 <sup>the</sup> school district or school board president, <sup>the</sup> 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 ~~a~~ school district

B-2

do all of the following:

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

#  
b.

7-15

which may include a program that

~~plans to community-based organizations~~

\* supports the development of a combination

~~continuum~~ 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~~ ~~finish~~ ~~college~~ through postsecondary education.