

## 2009 DRAFTING REQUEST

### Bill

Received: 11/23/2009

Received By: tkuczens

Wanted: As time permits

Identical to LRB:

For: Kristen Dexter (608) 266-9172

By/Representing: herself

This file may be shown to any legislator: NO

Drafter: tkuczens

May Contact:

Addl. Drafters:

Subject: Education - school boards

Extra Copies: pg

Submit via email: YES

Requester's email: Rep.Dexter@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

---

### Pre Topic:

No specific pre topic given

---

### Topic:

SAGE flexibility

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### Instructions:

See attached

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	tkuczens 12/04/2009	jdyer 12/07/2009	mduchek 12/07/2009	_____	lparisi 12/07/2009		S&L
	tkuczens 01/29/2010	jdyer 02/01/2010		_____			
/P2	tkuczens 02/23/2010	jdyer 02/24/2010	rschluet 02/01/2010	_____	lparisi 02/01/2010		S&L

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/P3	tkuczens 02/25/2010	jdye 02/26/2010	jfrantze 02/25/2010	_____	mbarman 02/25/2010		S&L
/1			mduchek 02/26/2010	_____	mbarman 02/26/2010	cduerst 03/01/2010	

FE Sent For: "/1" @ intro. 3/4/10

<END>

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/?		1 2/20/09	2/20	2/20			S&L
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/?		<i>P2 3/1 jld</i>		<i>[Signature]</i>			S&L
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FE Sent For:

*[Signature]*  
*[Signature]*  
<END>

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/?	tkuczens	pl 12/7 jld	12/7	12/7			

FE Sent For:

<END>

**School Finance Proposal Options**  
**Rural Democratic Caucus**

November 2009

*Do as separate bills.*

*11/17/09  
mtg. w/ Dwyer  
et. al.*

**SAGE Flexibility**

Allow schools currently enrolled in the SAGE program to meet the 15:1 student/teacher requirement by averaging the student/teacher ratios of all SAGE classes in the school. No class could exceed an 18:1 student/teacher ratio.



State of Wisconsin  
2009 - 2010 LEGISLATURE

PI  
LRB-3893/2  
TKK: A: ... JLD  
d-note  
RM Run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

12/4/09

DN

soon

4  
1  
2

<sup>Gen</sup>  
AN ACT ...; relating to: ~~Student~~ achievement guarantee in education program contracts.

*Analysis by the Legislative Reference Bureau*

\* Current law allows an eligible school board to enter into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (department) to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low-income enrollment. Eligible schools receive \$2,250 for each low-income pupil enrolled in grades eligible for SAGE funding.

This bill modifies the reduced class size requirement and permits a school board under an existing SAGE contract to receive SAGE funding if the average class size of all classes in the school is no more than 15 and if no single class in the school has a class size greater than 18.

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

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

3 SECTION 1. 118.43 (2) (g) of the statutes is amended to read:  
4 118.43 (2) (g) The department may renew an achievement guarantee contract  
5 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As <sup>✓</sup> Except as

1 provided in sub. (3m),<sup>✓</sup> as a condition of receiving payments under a renewal of an  
 2 achievement guarantee contract, a school board shall maintain the reduction of class  
 3 size achieved during the last school year of the original achievement guarantee  
 4 contract for the grades specified for the last school year of the contract.

5 History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16; 2005 a. 25, 125.

5 **SECTION 2. 118.43 (3m)** of the statutes is created to read:

6 118.43 (3m) ADJUSTMENT TO CLASS SIZE PERMITTED. Beginning in the 2010-11  
 7 school year, notwithstanding sub. (3) (a),<sup>✓</sup> (am),<sup>✓</sup> and (ar),<sup>✓</sup> a school board operating  
 8 under an achievement guarantee contract<sup>✓</sup> on the effective date of this ~~act~~ <sup>sub</sup>section<sup>✓</sup> ... [LRB  
 9 inserts date],<sup>✓</sup> may satisfy the class size limitation by reducing the average class size  
 10 in each school covered by the contract to no more than 15<sup>✓</sup> if no class subject to the  
 11 class size limitation in any school covered by the contract has a class size greater than  
 12 18.<sup>✓</sup>

13 (END)

d-note  
 ↓

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

LRB-3893/P1dn

TKK:.....

date

JLd

Representative Dexter: ✓

This draft requires a school district operating under a ✓ student achievement guarantee contract to achieve the class size average in each school subject to the contract and independently of any other school in the district that is subject to the terms of that contract. ✓ That is, a school district could not satisfy the class size average by reducing the class size of every class in one school ✓ and increasing the class size to ✓ 15 or more in every class in some other school.

Was that your intent? ✓

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

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

LRB-3893/P1dn  
TKK:jld:md

December 7, 2009

Representative Dexter:

This draft requires a school district operating under a student achievement guarantee contract to achieve the class size average in each school subject to the contract and independently of any other school in the district that is subject to the terms of that contract. That is, a school district could not satisfy the class size average by reducing the class size of every class in one school and increasing the class size to 15 or more in every class in some other school.

Was that your intent?

Tracy K. Kuczenski  
Legislative Attorney  
Phone: (608) 266-9867  
E-mail: [tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)

**Kuczenski, Tracy**

---

**From:** Peterson, Ilsa  
**Sent:** Monday, January 25, 2010 6:01 PM  
**To:** Kuczenski, Tracy  
**Subject:** LRB-3893/P1

Tracy-

I would like to make some changes to this Preliminary Draft of LRB 3893/P1.

1. Move base for SAGE from 1 teacher/15 students to 1 teacher/16 students
2. Create flexibility up to 18 students
  - a. Whole school SAGE must average to 16 students per room. The average is by building not district
3. Classroom can not be 2 teachers with 36 students
  - a. If there is a combined classroom it is the original limit of 2 teachers to 32 students
4. Average is calculated from the 3<sup>rd</sup> Friday count in September
  - a. Is there already a date in statute?

If we could just get it rewritten as a Preliminary that would be great. Please call or e-mail with any questions.

Thank you!  
Ilsa

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 1/29/2010  
by 2/4/2010

x

Regen

1 AN ACT *to amend* 118.43 (2) (g); and *to create* 118.43 (3m) of the statutes;  
2 **relating to:** student achievement guarantee in education program contracts.

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

Current law allows an eligible school board to enter into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low-income enrollment. Eligible schools receive \$2,250 for each low-income pupil enrolled in grades eligible for SAGE funding.

This bill modifies the reduced class size requirement and permits a school board under an existing SAGE contract to receive SAGE funding if the average class size of all classes in the school is no more than 15 and if no single class in the school has a class size greater than 18.

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

and no two classes when combined have a class size greater than 32

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

3 **SECTION 1.** 118.43 (2) (g) of the statutes is amended to read:  
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5 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As Except as

1 provided in sub. (3m),<sup>✓</sup> as a condition of receiving payments under a renewal of an  
2 achievement guarantee contract, a school board shall maintain the reduction of class  
3 size achieved during the last school year of the original achievement guarantee  
4 contract for the grades specified for the last school year of the contract.

5 SECTION 2. 118.43 (3m)<sup>x</sup> of the statutes is created to read:

6 118.43 (3m) ADJUSTMENT TO CLASS SIZE PERMITTED. Beginning in the 2010-11  
7 school year, notwithstanding sub. (3) (a), (am), and (ar), a school board operating  
8 under an achievement guarantee contract on the effective date of this subsection ...  
9 [LRB inserts date], may satisfy the class size limitation by reducing the average class  
10 size in each school covered by the contract to no more than <sup>16</sup>15 if <sup>✓</sup> ~~no~~ class subject to <sup>all of the following are satisfied</sup>  
11 the class size limitation in any school covered by the contract has a class size greater <sup>¶ (a) Ni ¶</sup>  
12 than 18.

13 (END)

13  
Insert 2-13 ✓

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3893/P2ins  
TKK:jld:md

1

Insert 2-13

2  
3

(b) No ~~two~~<sup>2</sup> classes subject to the class size limitation in any school covered by the contract having a total of ~~two~~<sup>2</sup> regular classroom teachers when the classes are combined have a combined class size greater than 32.✓

4

CS →  
→ \*\*\*\* NOTE: Does this create an incentive for a school to combine 3<sup>✓</sup> or more classes?

(end ins 2-13)

**Kuczenski, Tracy**

**From:** Kuczenski, Tracy  
**Sent:** Monday, February 15, 2010 3:42 PM  
**To:** Peterson, Ilsa  
**Subject:** RE: LRB-3893/P1

T. conf. w/ Ilsa 2/22/2010:  
 → ~~cap~~<sup>ratio</sup> for new 2010-11 SAGE contracts is 18:1  
 → permit s.d. to increase class size to 18 if under existing SAGE K  
 → permit s.d. to combine 2 classes if ratio is greater than 30:2.

Hi Ilsa -

I have a couple of questions:

1. Regarding your instruction item 2. below, "Move CAP from 15:1 to 18:1", I assume you are referring to the adjustment to the cap found on p. 2, line 10 of the /P2? If so, I am adjusting the 16:1 ratio on that line to 18:1?
2. Regarding your instructions in items 3. and 5.b., below, there is no program waiver under s. 118.38. Can you be more specific?
3. Regarding your instruction in item 5.b., what do you mean "allow DPI to continue waiver process through 10/11 school year?" Are you referring to existing contracts? If so, there are constitutional prohibitions on changing the terms of an existing contract. Again, can you be more specific?
4. Regarding item 5.a., what do you mean "implementation 18:1 cap for the 10/11 school year. Does this differ from your instruction in Item 2. or from the language in the /P2?

Thanks,  
 Tracy

→ eliminate waiver of SAGE provisions under s. 118.43(4)(d) (and add to list of prohibited waivers under s. 118.38)

Tracy K. Kuczenski  
 Legislative Attorney  
 Wisconsin Legislative Reference Bureau  
 (608) 266-9867  
[Tracy.Kuczenski@legis.wisconsin.gov](mailto:Tracy.Kuczenski@legis.wisconsin.gov)

→ conditions for new SAGE K:  
 • 1 school ins.d. has 50% low income  
 • participating school has ≥ 30% low income  
 • participating school is not receiving grant under s. 115.45  
 • participating school is not already a beneficiary of SAGE K.

**From:** Peterson, Ilsa  
**Sent:** Friday, February 12, 2010 4:12 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: LRB-3893/P1

Tracy-

So sorry. More changes and please make it a final draft.

1. 32:2 ratio change to 30:2 for classroom with two teachers
2. Move CAP from 15:1 to 18:1
3. Amend WI. statute 118.38 to remove the SAGE program waiver ability for DPI
4. Open Statewide SAGE enrollment to allow schools to enroll for the 11/12 school year
5. Implementation:
  - a. 18:1 cap for the 10/11 school year
  - b. Allow DPI to continue waiver process through the 10/11 School year, but end in the 11/12 school year

I know that this is another set of changes and that you are swamped right now, but if there is anyway that we can have this final draft to us by Tuesday that would be great.

Thank you for all your help!!

Ilsa

---

**From:** Kuczenski, Tracy  
**Sent:** Friday, January 29, 2010 3:04 PM  
**To:** Peterson, Ilsa  
**Subject:** RE: LRB-3893/P1

Hi Ilsa -

I should have this draft done today and it will make its way to you early next week. Regarding your item 4 below, "class size" is defined by 118.43 (1) (a) to mean the number of pupils assigned to a regular classroom teacher on the 3rd Friday of September.

I will be out of the office next week, returning on the 8th.

Tracy

*Tracy K. Kuczenski*  
*Legislative Attorney*  
*Wisconsin Legislative Reference Bureau*  
*(608) 266-9867*  
[Tracy.Kuczenski@legis.wisconsin.gov](mailto:Tracy.Kuczenski@legis.wisconsin.gov)

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**To:** Kuczenski, Tracy  
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  - a. If there is a combined classroom it is the original limit of 2 teachers to 32 students
4. Average is calculated from the 3<sup>rd</sup> Friday count in September
  - a. Is there already a date in statute?

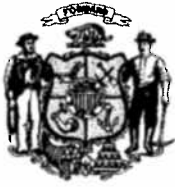
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Toll Free: (888) 534-0068

2/16/2010



State of Wisconsin  
2009 - 2010 LEGISLATURE

P3  
LRB-3893/P2  
TKK:jld:rs  
Insert  
RANK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 2/23/10  
wanted soon

Regen

✓

1 AN ACT *to amend* 118.43 (2) (g); and *to create* 118.43 (3m) of the statutes;  
2 *relating to:* student achievement guarantee in education program contracts. ✓

that has entered ✓

*Analysis by the Legislative Reference Bureau*

(DPI) ✓

Current law allows an eligible school board to enter into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction) to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low-income enrollment. Eligible schools receive \$2,250 for each low-income pupil enrolled in grades eligible for SAGE funding. ✓

to ✓

This bill modifies the reduced class size requirement and permits a school board under an existing SAGE contract to receive SAGE funding if the average class size of all classes in the school is no more than 16 and if no single class in the school has a class size greater than 18 and no two classes, when combined, have a class size greater than 32.

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

Insert 1-3 ✓

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4 118.43 (2) (g) The department may renew an achievement guarantee contract

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and (bt) ✓

Insert analysis ✓

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 2 achievement guarantee contract, a school board shall maintain the reduction of class  
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 4 contract for the grades specified for the last school year of the contract.

Insert 2-5

5 SECTION 2. 118.43 (3m) of the statutes is created to read:

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 7 school year, notwithstanding sub. (3) (a), (am), and (ar), a school board operating  
 8 under an achievement guarantee contract on the effective date of this subsection ....

9 [LRB inserts date], <sup>do any of the following (a)</sup> may satisfy the class size limitation by reducing <sup>each</sup> the average class  
 10 size in each school covered by the contract to no more than 16 if all of the following

11 are satisfied:

12 (a) No class subject to the class size limitation in any school covered by the  
 13 contract has a class size greater than 18.

14 (b) <sup>Combine</sup> ~~No~~ 2 classes subject to the class size limitation in any school covered by the  
 15 contract having <sup>at least</sup> a total of 2 regular classroom teachers when the classes are  
 16 combined <sup>if the</sup> have a combined class size <sup>is not</sup> greater than ~~32~~ <sup>30</sup>.

17 \*\*\*\*NOTE: Does this create an incentive for a school to combine 3 or more classes?

(END)

Insert 2-17

1 **Insert analysis**

\* ~~NO~~ Current law permits a school to renew and receive payments under a renewed SAGE contract if the school board maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract. Current law also permits DPI to waive requirements of the SAGE program in a contract entered into between DPI and a school board.

\* This bill changes the requirement that a school board maintain the reduced class size achieved during the last school year of the original SAGE contract as a condition for receiving payments under an existing SAGE contract, and permits a school board to do each of the following: 1) satisfy the class size requirement by reducing the class size to no more than 18 pupils and 2) combine two classes with two classroom teachers to achieve a total class size of 30 pupils. ;

The bill also authorizes a school board, in the 2010-11 school year, to enter into a new, renewable, five-year SAGE contract with DPI to reduce class size to 18 pupils in grades kindergarten to three in one or more schools in the school district if, in the previous school year, at least one school in the school district had an enrollment of at least 50 percent low income and all of the following are satisfied:

\* 1. In the previous school year, the school had an enrollment that was at least 30 percent low income.

\* 2. The school is not receiving a grant from DPI for a preschool to grade 5 program. the five

3. The school is not already a beneficiary of a SAGE contract.

Finally, under the bill, DPI may not waive any requirement of the SAGE program in any SAGE contract entered into or renewed after the effective date of the bill.

2 **Insert 1-3**

3 **SECTION 1.** 118.38 (1) (a) 9. of the statutes is created to read:

4 118.38 (1) (a) 9. The requirements established for achievement guarantee  
5 contracts under s. 118.43.

6 **SECTION 2.** 118.43 (2) (bt) of the statutes is created to read:

7 118.43 (2) (bt) In the 2010-11 school year, the school board of an eligible school  
8 district may enter into a 5-year achievement guarantee contract with the  
9 department on behalf of one or more schools in the school district if all of the following  
10 apply:





INS 1-3  
Cont

1 1. In the previous school year, each school had an enrollment that was at least  
2 30% <sup>e percent</sup> low <sup>e Δ</sup> income.

3 2. The school board is not receiving a grant under the preschool to grade 5 ✓  
4 program on behalf of any of the schools under s. 115.45. ✓

5 3. None of the schools is a beneficiary of a contract under this section. ✓

6 **SECTION 3.** 118.43 (2) (e) 1. ✓ of the statutes is amended to read:

7 118.43 (2) (e) 1. If the school board of an eligible school district does not enter  
8 into an achievement guarantee contract with the department, a school board that  
9 has entered into such a contract, other than the school board of the school district  
10 operating under ch. 119, may apply to the department to enter into such a contract  
11 on behalf of one or more schools that meet the requirements under par. (b), (bg) ~~or~~,  
12 (br), or (bt). ✓

History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16; 2005 a. 25, 125.

\*\*\*\*NOTE: Did you intend to amend this subdivision to permit schools with existing contracts to apply to enter additional schools into the SAGE program?

13 **Insert 2-5**

14 **SECTION 4.** 118.43 (3) (intro.) ✓ of the statutes is amended to read:

15 118.43 (3) CONTRACT REQUIREMENTS. (intro.) ✓ Except as provided in pars. (am)  
16 ~~and~~, (ar), and (at), ✓ an achievement guarantee contract shall require the school board  
17 to do all of the following in each participating school:

History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16; 2005 a. 25, 125.

18 **SECTION 5.** 118.43 (3) (at) ✓ of the statutes is created to read:

19 118.43 (3) (at) *Class size; additional contracts.* ✓ For contracts that begin in the  
20 2010-11 ✓ school year, reduce each class size to 18 ✓ in the following manner:

21 1. In the 2010-11 school year, in at least grades kindergarten ✓ and one. ✓

22 2. In the 2011-12 ✓ school year, in at least grades kindergarten to 2. ✓



INS 2-5  
CONT

1 3. In the 2012-13 to 2014-15 school years, in at least grades kindergarten to  
2 3. ✓

3 **Insert 2-17**

\*\*\*\*NOTE: As drafted, this subsection (3m) relating to the adjustment to class size will only apply upon the renewal of a SAGE contract; it will not apply to any contracts in effect at the time of the enactment of the bill. Is that your intent?

\*\*\*\*NOTE: Do you want to include under this sub. (3m) contracts entered into under sub. (3) (at) (as created in this bill)? Although s. 118.43 (3) (at) contracts will permit a school to reduce class size to 18, rather than 15, there is no reference under sub. (3) (at) to combining classes and the limit on class sizes if combined. If you do wish to permit school districts renewing contracts first entered into under s. 118.43 (3) (at) to combine classes, what will be the maximum class size?

4 **SECTION 6.** 118.43 (4) (d) of the statutes is renumbered 118.43 (4) (d) 1. and  
5 amended to read:

6 118.43 (4) (d) 1. ~~1.~~ Except as provided in subd. 2., a description of any statute  
7 or rule that is waived under s. 118.38 if the waiver is related to the contract.

History: 1995 a. 27; 1997 a. 27, 252; 1999 a. 9; 2001 a. 16; 2005 a. 25, 225.

8 **SECTION 7.** 118.43 (4) (d) 2. of the statutes is created to read:

9 118.43 (4) (d) 2. No achievement guarantee contract entered into or renewed  
10 under sub. (2) may include a waiver of any requirement of or rule promulgated under  
11 the authority of this section.

12 **SECTION 8. Initial applicability.**

13 (1) The treatment of sections 118.43 (4) (d) 2. of the statutes first applies to an  
14 achievement guarantee contract entered into or renewed on the effective date of this  
15 subsection.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3893/PS

TKK:jld:jf

RMNR  
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 2/25/10

wanted 2/26/10

Reger

X

- 1 AN ACT to renumber and amend 118.43 (4) (d); to amend 118.43 (2) (e) 1.,
- 2 118.43 (2) (g) and 118.43 (3) (intro.); and to create 118.38 (1) (a) 9., 118.43 (2)
- 3 (bt), 118.43 (3) (at), 118.43 (3m) and 118.43 (4) (d) 2. of the statutes; relating
- 4 to: student achievement guarantee in education program contracts. ✓

**Analysis by the Legislative Reference Bureau**

Current law allows an eligible school board that has entered into a five-year renewable student achievement guarantee (SAGE) contract with the Department of Public Instruction (DPI) to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low-income enrollment to receive \$2,250 for each low-income pupil enrolled in grades eligible for SAGE funding. Current law permits a school to renew and receive payments under a renewed SAGE contract if the school board maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract. Current law also permits DPI to waive requirements of the SAGE program in a contract entered into between DPI and a school board.

This bill changes the requirement that a school board maintain the reduced class size achieved during the last school year of the original SAGE contract as a condition for receiving payments under an existing SAGE contract, and permits a school board to do each of the following: 1) satisfy the class size requirement by reducing the class size to no more than 18 pupils; and 2) combine two classes with two classroom teachers to achieve a total class size of 30 pupils.

The bill also authorizes a school board, in the 2010-11 school year, to enter into a new, renewable, five-year SAGE contract with DPI to reduce class size to 18 pupils

✓ operating  
under an  
existing SAGE  
contract

in grades kindergarten to three in one or more schools in the school district if, in the previous school year, at least one school in the school district had an enrollment of at least 50 percent low income and all of the following are satisfied:

1. In the previous school year, the school had an enrollment that was at least 30 percent low income.
2. The school is not receiving a grant from DPI for a preschool to grade five program.
3. The school is not already a beneficiary of a SAGE contract.

Finally, under the bill, DPI may not waive any requirement of the SAGE program in any SAGE contract entered into or renewed after the effective date of the bill.

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

---

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

1           **SECTION 1.** 118.38 (1) (a) 9. of the statutes is created to read:

2           118.38 (1) (a) 9. The requirements established for achievement guarantee  
3 contracts under s. 118.43.

4           **SECTION 2.** 118.43 (2) (bt) of the statutes is created to read:

5           118.43 (2) (bt) In the 2010-11 school year, the school board of an eligible school  
6 district may enter into a 5-year achievement guarantee contract with the  
7 department on behalf of one or more schools in the school district if all of the following  
8 apply:

9           1. In the previous school year, each school had an enrollment that was at least  
10 30 percent low income.

11           2. The school board is not receiving a grant under the preschool to grade 5  
12 program on behalf of any of the schools under s. 115.45.

13           3. None of the schools is a beneficiary of a contract under this section.

14           **SECTION 3.** 118.43 (2) (e) 1. of the statutes is amended to read: ✓

Insert analysis ✓

1           118.43 (2) (e) 1. If the school board of an eligible school district does not enter  
2 into an achievement guarantee contract with the department, a school board that  
3 has entered into such a contract, other than the school board of the school district  
4 operating under ch. 119, may apply to the department to enter into such a contract  
5 on behalf of one or more schools that meet the requirements under par. (b), (bg) ~~or~~,  
6 (br), or (bt).

\*\*\*\*NOTE: Did you intend to amend this subdivision to permit schools with existing contracts to apply to enter additional schools into the SAGE program?

7           **SECTION 4.** 118.43 (2) (g) of the statutes is amended to read:

8           118.43 (2) (g) The department may renew an achievement guarantee contract  
9 under pars. (b), (bg), ~~and~~ (br), and (bt) for one or more terms of 5 school years. As  
10 Except as provided in sub. (3m), <sup>✓</sup> as a condition of receiving payments under a  
11 renewal of an achievement guarantee contract, a school board shall maintain the  
12 reduction of class size achieved during the last school year of the original  
13 achievement guarantee contract for the grades specified for the last school year of the  
14 contract.

15           **SECTION 5.** 118.43 (3) (intro.) of the statutes is amended to read:

16           118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am)  
17 ~~and~~, (ar), and (at), an achievement guarantee contract shall require the school board  
18 to do all of the following in each participating school:

19           **SECTION 6.** 118.43 (3) (at) of the statutes is created to read:

20           118.43 (3) (at) *Class size; additional contracts.* For contracts that begin in the  
21 2010-11 school year, reduce each class size to 18 in the following manner:

- 22           1. In the 2010-11 school year, in at least grades kindergarten and one.
- 23           2. In the 2011-12 school year, in at least grades kindergarten to 2.

1 3. In the 2012-13 to 2014-15 school years, in at least grades kindergarten to  
2 3.

3 SECTION 7. 118.43 (3m) of the statutes is created to read: (a)

4 118.43 (3m) ADJUSTMENT TO CLASS SIZE PERMITTED Beginning in the 2010-11  
5 school year, notwithstanding sub. (3) (a), (am), and (ar), a school board operating  
6 under an achievement guarantee contract on the effective date of this subsection ....  
7 [LRB inserts date], that applies to renew a contract under sub. (2) (g) may do any of  
8 the following:

- 9 1. (a) Satisfy the class size limitation by reducing each class size in each school  
10 covered by the contract to <sup>no more than</sup> 18.
- 11 2. (b) Combine 2 classes subject to the class size limitation in any school covered  
12 by the contract having at least 2 regular classroom teachers when the classes are  
13 combined if the combined class size is not greater than 30.

\*\*\*NOTE: As drafted, this subsection (3m) relating to the adjustment to class size will only apply upon the renewal of a SAGE contract; it will not apply to any contracts in effect at the time of the enactment of the bill. Is that your intent?

\*\*\*NOTE: Do you want to include under this sub. (3m) contracts entered into under sub. (3) (at) (as created in this bill)? Although s. 118.43 (3) (at) contracts will permit a school to reduce class size to 18, rather than 15, there is no reference under sub. (3) (at) to combining classes and the limit on class sizes if combined. If you do wish to permit school districts renewing contracts first entered into under s. 118.43 (3) (at) to combine classes, what will be the maximum class size?

Insert  
4-14

14 SECTION 8. 118.43 (4) (d) of the statutes is renumbered 118.43 (4) (d) 1. and  
15 amended to read:

16 118.43 (4) (d) 1. Except as provided in subd. 2., a description of any statute  
17 or rule that is waived under s. 118.38 if the waiver is related to the contract.

18 SECTION 9. 118.43 (4) (d) 2. of the statutes is created to read:



2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3893/1ins  
TKK:jld:md

1           **Insert analysis**

          The school board may combine two<sup>✓</sup> classes with two<sup>✓</sup> classroom teachers to  
2           achieve a total class size of 30 pupils.<sup>✓</sup>

2           **Insert 4-14**

3           (b) A school board<sup>✓</sup> operating under an achievement guarantee contract<sup>✓</sup> entered  
4           into under sub. (3) (at)<sup>✓</sup> may combine 2<sup>✓</sup> classes subject to the class size limitation in  
5           any school covered by the contract having at least 2<sup>✓</sup> regular classroom teachers when  
6           the classes are combined if the combined class size is not greater than 30.<sup>✓</sup>

(end ins 4-14)



**Duerst, Christina**

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**From:** Peterson, Ilsa

**Sent:** Monday, March 01, 2010 11:59 AM

**To:** LRB.Legal

**Subject:** Draft Review: LRB 09-3893/1 Topic: SAGE flexibility

Please Jacket LRB 09-3893/1 for the ASSEMBLY.