

State of Wisconsin



2011 Senate Bill 461

Date of enactment: **April 2, 2012**
Date of publication*: **April 16, 2012**

2011 WISCONSIN ACT 166

AN ACT *to repeal* 20.505 (4) (c); *to renumber and amend* 14.20 (2); *to amend* 14.20 (title), 20.525 (1) (f), 115.28 (7) (a), 115.28 (7) (e) 2., 119.04 (1) and 121.02 (1) (c) (intro.); *to repeal and recreate* 14.20 (1); and *to create* 13.94 (1) (dL), 13.94 (1s) (c) 6., 14.017 (5), 14.20 (1m), 14.20 (2) (b) and (c), 20.255 (1) (f), 20.255 (2) (q), 20.525 (1) (q), 25.17 (1) (ge), 25.79, 115.28 (7g), 115.28 (12) (ag), 115.415, 118.016, 118.19 (14), 120.12 (2m) and 121.02 (1) (c) 3. of the statutes; **relating to:** the governor's read to lead development fund, the Read to Lead Development Council, grants in support of literacy and early childhood development programs, teacher licensure, screening kindergarten pupils for reading readiness, interventions or remedial reading services for certain pupils, evaluating teacher preparatory programs and educator effectiveness, requiring the exercise of rule-making authority, and making an appropriation.

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

SECTION 1g. 13.94 (1) (dL) of the statutes is created to read:

13.94 (1) (dL) Annually, conduct a financial audit of the governor's read to lead development fund. The legislative audit bureau shall file a copy of the report of the audit under this paragraph with the distributees specified in par. (b).

SECTION 1m. 13.94 (1s) (c) 6. of the statutes is created to read:

13.94 (1s) (c) 6. The department of administration for the cost of the audit under sub. (1) (dL).

SECTION 1r. 14.017 (5) of the statutes is created to read:

14.017 (5) **READ TO LEAD DEVELOPMENT COUNCIL.** (a) There is created in the office of the governor a read to lead development council consisting of all of the following:

1. The governor or his or her designee, who shall serve as chairperson of the council.

2. The state superintendent of public instruction or his or her designee, who shall serve as vice-chair of the council.

3. The chairpersons of the committees in the assembly and the senate whose subject matter is elementary and secondary education or members of those committees designated by those chairpersons.

4. The ranking minority members of each of the committees under subd. 3. or members of those committees designated by the ranking minority members.

5. The following members appointed by the governor for 3-year terms:

a. Two practicing elementary and secondary education teachers or principals.

b. One practicing preschool teacher.

c. Three persons representing this state's philanthropic community.

d. Three persons representing this state's business community.

e. One person representing the Wisconsin State Reading Association.

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

- f. One person representing the Wisconsin Reading Coalition.
- g. One person representing the International Dyslexia Association.
- h. One person representing Wisconsin Literacy, Inc.
- i. One person representing the Wisconsin Library Association.
- j. One person representing this state's research community.
- k. One person representing an organization that has as its mission service to children with various types of disabilities.

(b) Section 15.09 applies to the read to lead development council.

SECTION 2. 14.20 (title) of the statutes is amended to read:

14.20 (title) Literacy improvement aids and early childhood development grants.

SECTION 3. 14.20 (1) of the statutes is repealed and recreated to read:

14.20 (1) In this section:

(a) "Council" means the read to lead development council.

(b) "State superintendent" means the state superintendent of public instruction.

SECTION 4. 14.20 (1m) of the statutes is created to read:

SECTION 7. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

20.255 Public instruction, department of

(1) EDUCATIONAL LEADERSHIP

(f) Assessments of reading readiness

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SECTION 8. 20.255 (1) (f) of the statutes is created to read:

20.255 (1) (f) *Assessments of reading readiness.* The amounts in the schedule to provide school districts and independent charter schools with the assessments of reading readiness under s. 118.016.

SECTION 9. 20.255 (2) (q) of the statutes is created to read:

20.255 (2) (q) *Grants for literacy and early childhood development programs.* From the governor's read to lead development fund, a sum sufficient for grants to support literacy and early childhood development programs under s. 14.20 (2) (c).

SECTION 10. 20.505 (4) (c) of the statutes, as created by 2011 Wisconsin Act 32, is repealed.

SECTION 11. 20.525 (1) (f) of the statutes is amended to read:

20.525 (1) (f) *Literacy improvement aids.* The amounts in the schedule for ~~the governor to provide grants for~~ to support literacy improvement under s. 14.20 (2) (a).

14.20 (1m) The council shall make recommendations to the governor and state superintendent regarding recipients of grants under sub. (2). The amount of each grant awarded shall be determined jointly by the governor and the state superintendent. In addition to reports required under s. 15.09 (7), annually the council shall submit a report on its operation to the appropriate standing committees of the legislature under s. 13.172 (3).

SECTION 5. 14.20 (2) of the statutes is renumbered 14.20 (2) (a) and amended to read:

14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may ~~provide award~~ award a grant to any ~~local governmental unit or nonprofit organization person other than a school board~~ for support of a literacy improvement program.

SECTION 6. 14.20 (2) (b) and (c) of the statutes are created to read:

14.20 (2) (b) From the appropriation under s. 20.525 (1) (q), the governor may award a grant to any person other than a school board for support of a literacy or early childhood development program.

(c) From the appropriation under s. 20.255 (2) (q), the state superintendent may award a grant to a school board for support of a literacy or early childhood development program.

SECTION 12. 20.525 (1) (q) of the statutes is created to read:

20.525 (1) (q) *Grants for literacy and early childhood development programs.* From the governor's read to lead development fund, a sum sufficient for grants to support literacy and early childhood development programs under s. 14.20 (2) (b).

SECTION 13. 25.17 (1) (ge) of the statutes is created to read:

25.17 (1) (ge) Governor's read to lead development fund.

SECTION 14. 25.79 of the statutes is created to read:

25.79 Governor's read to lead development fund. There is established a separate nonlapsible trust fund, designated the governor's read to lead development fund, consisting of all gifts, grants, bequests, and other contributions made to the fund.

SECTION 15. 115.28 (7) (a) of the statutes is amended to read:

115.28 (7) (a) License all teachers for the public schools of the state; ~~make rules establishing standards of~~

attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

SECTION 16. 115.28 (7) (e) 2. of the statutes is amended to read:

115.28 (7) (e) 2. Promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher. The rules shall include a requirement that each teacher education program described in this subdivision and located in this state shall, beginning on July 1, 2012, and annually thereafter, submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subdivision, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year. The rules shall encompass the teaching of multiple subjects or grade levels or both, as determined by the state superintendent. The rules may require teacher education programs to grant credit towards licensure as an alternative education program teacher for relevant experience or demonstrated proficiency in relevant skills and knowledge.

SECTION 17. 115.28 (7g) of the statutes is created to read:

115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.

(a) The department shall, in consultation with the governor's office, the chairpersons of the committees in the assembly and senate whose subject matter is elementary and secondary education and ranking members of those committees, the Board of Regents of the University of Wisconsin System, and the Wisconsin Association of Independent Colleges and Universities, do all of the following:

1. Determine how the performance of individuals who have recently completed a teacher preparatory program described in s. 115.28 (7) (a) and located in this state or a teacher education program described in s. 115.28 (7) (e) 2. and located in this state will be used to evaluate the teacher preparatory and education programs. The deter-

mination under this subdivision shall, at minimum, define "recently completed" and identify measures to assess an individual's performance, including the performance assessment made prior to making a recommendation for licensure.

2. Determine how the measures of performance of individuals who have recently completed a teacher preparatory or education program identified as required under subd. 1. will be made accessible to the public.

3. Develop a system to publicly report the measures of performance identified as required under subd. 1. for each teacher preparatory and education program identified in subd. 1.

(b) Beginning in the 2013–14 school year, the department shall use the system developed under par. (a) 3. to annually report for each program identified in par. (a) 1. the passage rate on first attempt of students and graduates of the program on examinations administered for licensure under s. 115.28 (7) and any other information required to be reported under par. (a) 1.

(c) Beginning in the 2013–14 school year, each teacher preparatory and education program shall prominently display and annually update the passage rate on first attempt of recent graduates of the program on examinations administered for licensure under s. 115.28 (7) and any other information required to be reported under par. (a) 1. on the program's Web site and provide this information to persons receiving admissions materials to the program.

SECTION 18. 115.28 (12) (ag) of the statutes is created to read:

115.28 (12) (ag) Beginning in the 2012–13 school year, each school district using the system under par. (a) shall include in the system the following information for each teacher teaching in the school district who completed a teacher preparatory program described in sub. (7) (a) and located in this state or a teacher education program described in sub. (7) (e) 2. and located in this state on or after January 1, 2012:

1. The name of the teacher preparatory program or teacher education program the teacher attended and completed.

2. The term or semester and year in which the teacher completed the program described in subd. 1.

SECTION 19. 115.415 of the statutes is created to read:

115.415 Educator effectiveness. (1) The department shall develop an educator effectiveness evaluation system and an equivalency process aligned with the department's evaluation system for the evaluation of teachers and principals of public schools, including teachers and principals of a charter school established under s. 118.40 (2r), as provided in this section. Each school board and the governing body of each charter school established under s. 118.40 (2r) shall evaluate teachers and principals in the school district or charter school beginning in the 2014–15 school year.

(2) The department shall develop an educator effectiveness evaluation system according to the following framework:

(a) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon measures of student performance, including performance on state assessments, district-wide assessments, student learning objectives, school-wide reading at the elementary and middle-school levels, and graduation rates at the high school level.

(b) Fifty percent of the total evaluation score assigned to a teacher or principal shall be based upon one of the following:

1. For a teacher, the extent to which the teacher's practice meets the core teaching standards adopted by the 2011 Interstate Teacher Assessment and Support Consortium.

2. For a principal, the extent to which the principal's practice meets the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards.

(c) A teacher or principal evaluated under this subsection shall be placed in one of multiple performance categories.

(3) (a) The department shall promulgate by rule an equivalency process aligned with the evaluation system established under sub. (2) for a school district or a charter school established under s. 118.40 (2r) seeking to utilize an alternative process for the evaluation of teacher and principal practice. The process under this subsection shall be based on the criteria established in the 2011 Interstate Teacher Assessment and Support Consortium and the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards, and a school district or charter school established under s. 118.40 (2r) that uses the process under this subsection shall evaluate the performance of teachers in the following domains:

1. Planning and preparation.
2. The classroom environment.
3. Instruction.
4. Professional responsibilities and development.

(b) A teacher or principal evaluated under this subsection shall be placed in one of multiple performance categories.

SECTION 20. 118.016 of the statutes is created to read:

118.016 Assessments of reading readiness. (1) Beginning in the 2012-13 school year, each school board and the governing body of each charter school established under s. 118.40 (2r) shall, using the appropriate, valid, and reliable assessment of literacy fundamentals selected by the department, annually assess each pupil enrolled in kindergarten in the school district or in the charter school for reading readiness. The department shall ensure that the assessment evaluates whether a pupil

possesses phonemic awareness and letter sound knowledge.

(1g) If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board or operator of the charter school under s. 118.40 (2r) shall comply with s. 115.77 (1m) (bg).

(1r) The school board or governing body of the charter school shall report the results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

(2) The school board of the school district or governing body of the charter school in which the pupil is enrolled shall provide a pupil whose assessment under sub. (1) indicates that he or she is at risk of reading difficulty with interventions or remedial reading services, as described under s. 121.02 (1) (c).

SECTION 21. 118.19 (14) of the statutes is created to read:

118.19 (14) (a) The department may not issue an initial teaching license that authorizes the holder to teach in grades kindergarten to 5 or in special education, an initial license as a reading teacher, or an initial license as a reading specialist, unless the applicant has passed an examination identical to the Foundations of Reading test administered in 2012 as part of the Massachusetts Tests for Educator Licensure. The department shall set the passing cut score on the examination at a level no lower than the level recommended by the developer of the test, based on this state's standards.

(c) Any teacher who passes the examination under par. (a) shall notify the department, which shall add a notation to the teacher's license indicating that he or she passed the examination.

SECTION 22. 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85, 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, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 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, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to (27), 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 23. 120.12 (2m) of the statutes is created to read:

120.12 (2m) EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014-15 school year, evaluate the effectiveness of each teacher and principal employed by the school district using either the system established under

s. 115.415 (2) or the equivalency process established by rule under s. 115.415 (3).

(b) Ensure that the results of evaluations conducted under this subsection are not subject to public inspection, copying, or disclosure under s. 19.35.

SECTION 24. 121.02 (1) (c) (intro.) of the statutes is amended to read:

121.02 (1) (c) (intro.) Provide interventions or remedial reading services for a pupil in grades kindergarten to 4 if any of the following occurs:

SECTION 25. 121.02 (1) (c) 3. of the statutes is created to read:

121.02 (1) (c) 3. The pupil’s reading assessment under s. 118.016 indicates that the pupil is at risk of reading difficulty. If this subdivision applies, the interventions or services provided the pupil shall be scientifically based and shall address all areas in which the pupil is deficient in a manner consistent with the state standards in reading and language arts.

SECTION 26. Nonstatutory provisions.

(1) Educator effectiveness evaluation system. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2013–15 biennial budget bill, the

department of public instruction shall submit information concerning the cost of developing and implementing the educator effectiveness evaluation system and equivalency process under section 115.415 of the statutes, as created by this act.

(2) READ TO LEAD DEVELOPMENT COUNCIL. Notwithstanding the length of terms specified in section 14.017 (5) (a) 5. of the statutes, as created by this act, 5 of the initial members under that section shall be appointed for 2–year terms, 6 of the initial members shall be appointed for 3–year terms, and 5 of the initial members shall be appointed for 4–year terms.

SECTION 27. Fiscal changes.

(1) TRANSFER TO GOVERNOR’S READ TO LEAD DEVELOPMENT FUND. There is transferred from the general fund to the governor’s read to lead development fund \$400,000 in the first fiscal year of the fiscal biennium in which this subsection takes effect.

SECTION 28. Initial applicability.

(1) TEACHING LICENSE. The treatment of section 118.19 (14) (a) of the statutes first applies to an application for a teaching license received by the department of public instruction on January 1, 2014.