



2011 SENATE BILL 461

February 10, 2012 – Introduced by Senators OLSEN, DARLING and SCHULTZ, cosponsored by Representatives KESTELL, BALLWEG, BROOKS, ENDSLEY, MARKLEIN and SPANBAUER. Referred to Committee on Education.

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

Analysis by the Legislative Reference Bureau

Read to lead

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This bill creates the Read to Lead Development Council in the Office of the Governor. The council consists of the governor, the state superintendent of public instruction, four legislators, and 15 additional members appointed by the governor.

The bill creates a segregated fund, designated the governor's read to lead development fund, consisting of all contributions made to the fund. The bill appropriates moneys in the fund to the governor and to the state superintendent to award grants in support of literacy and early childhood development programs. The governor may award a grant to any person other than a school board. The state superintendent may award a grant only to a school board. The governor and the state superintendent jointly determine the amount of each grant. The bill directs the Read to Lead Development Council to advise the governor and state superintendent on grant recipients.

Assessments of reading readiness

This bill directs each school board and each independent charter school annually to assess all pupils in five-year-old kindergarten programs for reading readiness. If the Department of Public Instruction (DPI) determines that sufficient moneys are available, the school board and the charter school must also assess all pupils in four-year-old kindergarten programs. The school board and charter school must use an assessment selected by DPI. The school board and charter school must provide a pupil whose assessment indicates that he or she is at risk of reading difficulty with remedial reading services. The bill appropriates moneys to DPI to provide school districts and independent charter schools with the assessments.

Teacher licensure

Beginning January 1, 2014, the bill prohibits DPI from issuing an initial teaching license that authorizes the holder to teach in grades kindergarten to five or in special education unless the applicant has passed an examination that tests the applicant's knowledge of specified facets of reading development and reading instruction. The bill provides that any teacher who passes the examination must notify DPI in order to have a notation added to the teacher's license indicating that he or she passed the examination.

Teacher preparatory programs

Under current law, DPI establishes standards and requirements for and approves education programs leading to licensure as a teacher, including programs leading to licensure as an alternative education program teacher. This bill requires each teacher education program located in this state to, beginning on July 1, 2012, and annually thereafter, provide DPI with a list of graduates, and their graduation dates, from each term or semester of the program's most recently completed academic year. The bill requires DPI to include this information about graduates of teacher education programs in the statewide student information system.

This bill requires DPI to work in consultation with the governor's office, the University or Wisconsin system, chairpersons and ranking members of the senate and assembly education committees, the technical college system, and the Wisconsin Association of Independent Colleges and Universities to determine how the performance of recent graduates of teacher education programs should be used to evaluate the teacher education programs and what measures of performance will be

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used to evaluate teacher performance. The bill also requires DPI to develop a system through which information about teacher performance and the evaluation of teacher education programs will be made available to the public. The bill requires DPI, beginning in the 2013–14 school year, to report for each teacher education program the rate of passage on first attempt of students and graduates of the program on examinations administered for licensure as a teacher and as an alternative education program teacher, and any other information recommended by DPI in consultation with the entities above, on the system developed as required in the bill. Beginning in the 2013–14 school year, each teacher education program must prominently display this information on the program's web site and provide this information to persons receiving admissions information to the program.

Educator effectiveness evaluations

This bill also requires DPI to develop an educator effectiveness evaluation system (state system) and to develop, by rule, an equivalency process aligned with the state system (equivalency process) to assist school districts in the evaluation of the performance of teachers and principals in the district. Under the state system, 50 percent of the total evaluation score assigned to a teacher or principal must be based on measures of student performance, and 50 percent of the total evaluation score must be based upon the extent to which the teacher's or principal's practice meets standards established under the 2011 Interstate Teacher Assessment and Support Consortium or under the 2008 Interstate School Leaders Licensure Consortium Educational Leadership Policy Standards, respectively. The equivalency process must be based upon the same interstate standards as the state system and must evaluate a teacher with reference to the following four domains: planning and preparation, the classroom environment, instruction, and professional responsibilities and development. Teachers and principals evaluated under both the state system and the equivalency process must be placed in one of multiple performance categories. Each school district must begin evaluating teachers and principals using either the state system or the equivalency process in the 2014–15 school year.

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.** 14.017 (5) of the statutes is created to read:
- 2 **14.017 (5) READ TO LEAD DEVELOPMENT COUNCIL.** (a) There is created in the office
- 3 of the governor a read to lead development council consisting of all of the following:
- 4 1. The governor or his or her designee, who shall serve as chairperson of the
- 5 council.

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

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

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

8 5. The following members appointed by and serving at the pleasure of the
9 governor:

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

11 b. One practicing preschool teacher.

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

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

14 e. One person representing the Wisconsin State Reading Association.

15 f. One person representing the Wisconsin Reading Coalition.

16 g. One person representing the International Dyslexia Association.

17 h. One person representing Wisconsin Literacy, Inc.

18 i. One person representing the Wisconsin Library Association.

19 j. One person representing this state's research community.

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

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

22 **14.20** (title) **Literacy improvement aids and early childhood**
23 **development grants.**

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

25 **14.20 (1)** In this section:

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1 (a) “Council” means the read to lead development council.

2 (b) “State superintendent” means the state superintendent of public
3 instruction.

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

5 14.20 (1m) The council shall make recommendations to the governor and state
6 superintendent regarding recipients of grants under sub. (2). The amount of each
7 grant awarded shall be determined jointly by the governor and the state
8 superintendent. In addition to reports required under s. 15.09 (7), annually the
9 council shall submit a report on its operation to the appropriate standing committees
10 of the legislature under s. 13.172 (3).

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

13 14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may
14 provide award a grant to any ~~local governmental unit or nonprofit organization~~
15 person other than a school board for support of a literacy improvement program.

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

17 14.20 (2) (b) From the appropriation under s. 20.525 (1) (q), the governor may
18 award a grant to any person other than a school board for support of a literacy or early
19 childhood development program.

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

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

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2011-12 2012-13

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20.255 Public instruction, department of

(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

(d) Assessments of reading readiness

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SECTION 8. 20.255 (2) (d) of the statutes is created to read:

20.255 (2) (d) *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).

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.

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

2 **25.79 Governor’s read to lead development fund.** There is established a
3 separate nonlapsible trust fund, designated the governor’s read to lead development
4 fund, consisting of all gifts, grants, bequests, and other contributions made to the
5 fund.

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

7 115.28 (7) (a) License all teachers for the public schools of the state; make rules
8 establishing standards of attainment and procedures for the examination and
9 licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192,
10 and 118.195; prescribe by rule standards, requirements, and procedures for the
11 approval of teacher preparatory programs leading to licensure, including a
12 requirement that, beginning on July 1, 2012, and annually thereafter, each teacher
13 preparatory program located in this state shall submit to the department a list of
14 graduates, together with their date of graduation, from each term or semester of the
15 program’s most recently completed academic year; file in the state superintendent’s
16 office all papers relating to state teachers’ licenses; and register each such license.

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

18 115.28 (7) (e) 2. Promulgate rules establishing requirements for licensure as
19 an alternative education program teacher and for the approval of teacher education
20 programs leading to licensure as an alternative education program teacher. The
21 rules shall include a requirement that each teacher education program described in
22 this subdivision and located in this state shall, beginning on July 1, 2012, and
23 annually thereafter, submit to the department a list of graduates, together with their
24 date of graduation, from each term or semester of the program’s most recently
25 completed academic year. The rules shall encompass the teaching of multiple

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1 subjects or grade levels or both, as determined by the state superintendent. The
2 rules may require teacher education programs to grant credit towards licensure as
3 an alternative education program teacher for relevant experience or demonstrated
4 proficiency in relevant skills and knowledge.

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

6 **115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.**

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

12 1. Determine how the performance of recent graduates of teacher preparatory
13 programs described in s. 115.28 (7) (a) and located in this state and teacher education
14 programs described in sub. 115.28 (7) (e) 2. and located in this state will be used to
15 evaluate the teacher preparatory and education programs, including by defining
16 "recent graduate" and identifying measures of performance.

17 2. Determine how the measures of performance of recent graduates identified
18 as required under subd. 1. will be made accessible to the public.

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

22 (b) Beginning in the 2013–14 school year, the department shall use the system
23 developed under par. (a) 3. to annually report for each program identified in par. (a)
24 1. the passage rate on first attempt of students and graduates of the program on

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1 examinations administered for licensure under s. 115.28 (7) and any other
2 information required to be reported under par. (a) 1.

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

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

10 115.28 **(12)** (ag) Beginning in the 2012–13 school year, each school district
11 using the system under par. (a) shall include in the system the following information
12 for each teacher teaching in the school district who graduated from a teacher
13 preparatory program described in sub. (7) (a) and located in this state or from a
14 teacher education program described in sub. (7) (e) 2. and located in this state on or
15 after January 1, 2012:

16 1. The name of the teacher preparatory program or teacher education program
17 the teacher attended and from which the teacher graduated.

18 2. The term or semester and year in which the teacher graduated from the
19 program described in subd. 1.

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

21 **115.415 Educator effectiveness. (1)** The department shall develop an
22 educator effectiveness evaluation system and an equivalency process aligned with
23 the department’s evaluation system for the evaluation of teachers and principals as
24 provided in this section, and shall require each school district to evaluate teachers
25 and principals in the district beginning in the 2014–15 school year.

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

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

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

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

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

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

18 **(3)** (a) The department shall promulgate by rule an equivalency process
19 aligned with the evaluation system established under sub. (2) for school districts
20 seeking to utilize an alternative process for the evaluation of teacher and principal
21 practice. The process under this subsection shall be based on the criteria established
22 in the 2011 Interstate Teacher Assessment and Support Consortium and the 2008
23 Interstate School Leaders Licensure Consortium Educational Leadership Policy
24 Standards, and a school district that uses the process under this subsection shall
25 evaluate the performance of teachers in the following 4 domains:

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

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

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

8 **118.016 Assessments of reading readiness. (1)** Beginning in the 2012–13
9 school year, each school board and the governing body of each charter school
10 established under s. 118.40 (2r) shall, using the appropriate assessment of literacy
11 fundamentals selected by the department, annually assess each pupil enrolled in
12 5–year–old kindergarten in the school district or in the charter school for reading
13 readiness. If the department determines that sufficient moneys are available, the
14 school board and governing body shall also assess each pupil enrolled in 4–year–old
15 kindergarten.

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

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

21 118.19 **(14)** (a) The department may not issue an initial teaching license that
22 authorizes the holder to teach in grades kindergarten to 5 or in special education
23 unless the applicant has passed an examination that evaluates the applicant’s
24 knowledge of reading development and scientifically based reading instruction;
25 integration of knowledge and understanding phonological and phonemic awareness;

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1 concepts of print and the alphabetic principles; the role of phonics in promoting
2 reading development; word analysis skills and strategies; vocabulary development;
3 the application of reading comprehension skills and strategies to imaginative,
4 literary, informational, and expository texts; formal and informal methods of
5 assessing reading development; multiple approaches to reading instruction;
6 development of reading curricula; and the evaluation of the results of instruments
7 used to screen pupils for reading acquisition skills.

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

11 **SECTION 22.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85,
12 is amended to read:

13 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
14 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
15 115.345, 115.365 (3), 115.38-(2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06,
16 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
17 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225,
18 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,
19 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to
20 (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m),
21 and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
22 and board.

23 **SECTION 23.** 120.12 (2m) of the statutes is created to read:

24 120.12 (2m) EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014–15 school
25 year, evaluate the effectiveness of each teacher and principal employed by the school

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1 district using either the system established under s. 115.415 (2) or the equivalency
2 process established by rule under s. 115.415 (3).

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

5 **SECTION 24.** 121.02 (1) (c) 3. of the statutes is created to read:

6 121.02 (1) (c) 3. The pupil's reading assessment under s. 118.016 indicates that
7 the pupil is at risk of reading difficulty. If this subdivision applies, the services
8 provided the pupil shall be evidence-based and shall address all areas in which the
9 pupil is deficient in a manner consistent with the state standards in reading and
10 language arts.

11 **SECTION 25. Nonstatutory provisions.**

12 (1) EDUCATOR EFFECTIVENESS EVALUATION SYSTEM. Notwithstanding section
13 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the
14 statutes for purposes of the 2013–15 biennial budget bill, the department of public
15 instruction shall submit information concerning the cost of developing and
16 implementing the educator effectiveness evaluation system and equivalency process
17 under section 115.415 of the statutes, as created by this act.

18 **SECTION 26. Fiscal changes.**

19 (1) TRANSFER TO GOVERNOR'S READ TO LEAD DEVELOPMENT FUND. There is
20 transferred from the general fund to the governor's read to lead development fund
21 \$400,000 in the first fiscal year of the fiscal biennium in which this subsection takes
22 effect.

23 **SECTION 27. Initial applicability.**

