




State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 02/09/2011 (Per: PG)

Compile Draft – Appendix C **... Part II**

A  The 2011 drafting file for
LRB-3476

C  The 2011 drafting file for
LRB-3740

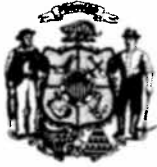
B  The 2011 drafting file for
LRB-3738

D  The 2011 drafting file for
LRB-3814

2011 LRB-3740

has been transferred to the drafting file for

2011 LRB-4017



State of Wisconsin
2011 - 2012 LEGISLATURE

TSOACT



LRB-3740/3
PG:med:jm

DN

stuffs

2011 BILL

establishing a school and
establishing a school district
school systems and
district accountability
and accountability

Reger

reger

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4

AN ACT to renumber and amend 115.38 (1); to amend 115.38 (2) and 119.04 (1); and to create 115.38 (1e), 115.38 (1m) (f), 115.38 (1s) and 115.38 (2m) of the statutes; relating to: providing a report card for every public school and for every private school participating in a parental choice program.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Public Instruction (DPI) must prepare a school and school district performance report for public schools in this state. The report must include various indicators of pupil academic achievement as well as other indicators of performance.

This bill requires DPI to prepare a report for private schools that are participating in a parental choice program as well as for public schools. The school performance report for a private school participating in a parental choice program must be based only on data relating to the pupils attending the private school under the parental choice program. The bill provides that the indicators of pupil academic achievement on the report must include measures of value-added growth, as shown by scores on the statewide assessments. The bill also provides that, beginning in the 2013-14 school year, the report for each school district and public school must identify the percentage of teachers in that school district and school identified as probationary, developing, effective, and exemplary.

The bill directs DPI to use the school performance report to create an annual report card for each school district and school. The report card must grade each

BILL

school district and school on a scale of zero to 100 and place each in one of six performance categories.

The bill requires that school district and school report cards be displayed prominently on the school district's and school's Web sites. The report cards must also be made available in the school's office.

A →

For further information see the *state* 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:

2-1) →

1 SECTION 1. 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38
2 (1m) (intro.), (a), (c) and (e), as renumbered, are amended to read:

3 115.38 (1m) (intro.) The ~~Annually, the~~ state superintendent shall develop
4 prepare a school and school district performance report ~~for use by school districts~~
5 ~~under sub. (2).~~ The report shall include all of the following by school and by school
6 district:

7 (a) Indicators of academic achievement, including the performance of pupils on
8 the tests administered under s. 121.02 (1) (r) and the performance of pupils, by
9 subject area, on the statewide assessment examinations administered under s.
10 118.30. The indicators under this paragraph shall include measures of value-added
11 growth.

12 (c) Staffing and financial data information, as determined by the state
13 superintendent, not to exceed 10 items. The state superintendent may not request
14 a school or school board to provide information solely for the purpose of including the
15 information in the report under this paragraph.

16 (e) The method of reading instruction used in the school or school district and
17 the textbook series used to teach reading in the school or school district.

18

SECTION 2. 115.38 (1e) ^{to (1k)} of the statutes ^{is} ~~is~~ ^{are} created to read:

BILL

1 115.38 **(1e)** In this section, "school" means a public school, a charter school, and
2 a private school participating in a parental choice program under s. 118.60 or 119.23.

3-2 →

3 **SECTION 3.** 115.38 (1m) (f) of the statutes is created to read:

4 115.38 **(1m)** (f) For public schools and school districts, beginning in the
5 2013-14 school year, the percentage of teachers in each category under s. 120.12 (2m)
6 (b).

7 **SECTION 4.** 115.38 (1s) of the statutes is created to read:

8 115.38 **(1s)** The governing body of a private school participating in a parental
9 choice program under s. 118.60 or 119.23 shall provide the state superintendent with
10 any information he or she requests for the purpose of preparing the school
11 performance report under sub. (1m). The state superintendent shall prepare the
12 report for each private school participating in a parental choice program under s.
13 118.60 or 119.23 using only information relating to the pupils who are attending the
14 private school under s. 118.60 or 119.23.

15 **SECTION 5.** 115.38 (2) of the statutes is amended to read:

16 115.38 **(2)** (a) Annually by January 1, each school board shall notify the parent
17 or guardian of each pupil enrolled in the school district of the right to request a school
18 and school district performance report under this subsection. Except as provided in
19 par. (b), annually by May 1, each school board shall, upon request, distribute to the
20 parent or guardian of each pupil enrolled in the school district, including pupils
21 enrolled in charter schools located in the school district, or give to each pupil to bring
22 home to his or her parent or guardian, a school and school district performance report
23 that includes the information specified by the state superintendent under sub. ~~(4)~~
24 (1m). The report shall also include a comparison of the school district's performance
25 under sub. ~~(4)~~ (1m) (a) and (b) with the performance of other school districts in the

BILL

1 same athletic conference under sub. ~~(1)~~ (1m) (a) and (b). If the school district
 2 maintains an Internet site, the report shall be ~~made available to the public at~~
 3 prominently displayed on that site.

4 (b) If a school board enters into an agreement with a federally recognized
 5 American Indian tribe or band in this state to establish a charter school, that school
 6 board shall, upon request, distribute to the parent or guardian of each pupil enrolled
 7 in the charter school a school and school district performance report that includes the
 8 information specified by the state superintendent under sub. ~~(1)~~ (1m), regardless of
 9 the location of the charter school.

10 **SECTION 6.** 115.38 (2m) of the statutes is created to read:

11 115.38 **(2m)** (a) The state superintendent shall use the performance report
 12 prepared under sub. (1m) to create an annual report card for each school district and
 13 each school. The report card shall grade each school district and each school on a
 14 scale of zero to 100 and place each in one of 6 performance categories.

15 (b) The school board shall ensure that the school district's report card and the
 16 report cards of all public schools in the school district are displayed prominently on
 17 the school district's Web site and that each public school's report card is displayed
 18 prominently on the public school's Web site. The governing body of each private
 19 school participating in a parental choice program under s. 118.60 or 119.23 shall
 20 display its report card prominently on its Web site.

21 (c) The governing body of each school shall ensure that the school's report card
 22 is available upon request in the school's office.

4-22 →

23 **SECTION 7.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85, is
 24 amended to read:

BILL

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
3 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
4 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
5 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24
6 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.30
7 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,
8 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),
9 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
10 board.

10

11

SECTION 8. Effective dates. This act takes effect on the day after publication,
12 except as follows:

12

13

(1) The treatment of sections 115.38 (1), (1e), (1m) (f), (1s), (2), and (2m) and
14 119.04 (1) of the statutes takes effect on September 1, 2012.

14

15

(END)

5-10 →

(A)

Under
 Under current law, if DPI determines that a ^{public} school or school district has been in need of improvement for a specified period or ^{ranks} is in the lowest ^{five} 5 percent, ~~of all schools~~, the school board must engage in certain specified activities designed to improve the ~~its~~ performance ^{of the school or school district}. ~~After a certain period,~~

If a ^{public} school or school district is determined to be in need of improvement for a longer period, DPI may direct the school board to ~~the certain~~ take certain actions, such as implementing a new curriculum; implementing changes in ^{administrative and personnel} personnel structures; or implementing a new or modified instructional design.

A: 2

This bill does not modify any of the provisions described above.

The bill directs DPI to establish a comprehensive school and school district accountability system beginning in the 2012-13 school year.

The system covers public schools; including charter schools; and private schools that are participating in ~~the~~ a parental choice program.

The bill requires that the system ^{be designed to} do all of the following:

1. Use multiple measures to determine performance; including pupil performance and growth in reading and mathematics; measures of college and career readiness; ^{and} gaps in pupil achievement;

A: 3

categorized by race, English language proficiency, disability, and income. (C)

2. Assign each school and school district to ~~one of~~ one of a number of performance categories.

3. Authorize DPI to ^{do} all of the following: (C)

c. Require a ^{public} school or school district to perform a ^{diagnostic} review of the school or school district. (C)

d. Impose a schedule for ^{the} school or school district to meet the performance benchmarks. (C)

e. ^{Intervene} Intervene in the operation of ^{a public} the school or school district in order to improve its performance. (C)

~~At the bill requires DPI to~~
~~board, charter school, and parental choice~~

A:4

f. Revoke a charter school's contract
 (if the contract allows) [^]; close a public school,
 or bar a private school from participating
 in a parental choice program if the
 school does not meet the performance
 benchmarks within the timeframe allowed.

¶ The bill requires DPI and each
 school board, charter school, and parental
 choice program school to publicize the
 performance category to which it has
 been assigned.

^{No 9} The bill provides ^{that} every contract
 establishing a charter school must authorize DPI
 to revoke the contract.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(C)

a. Establish performance benchmarks
for schools and school districts.

b. Identify schools and school districts
that are not meeting the benchmarks. ⊙

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

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LRB

2-1:1

SEC. # AM. 115-38 (tit 6)
③ 115.38 (tit 6) School accountability system,
③ performance report; report cards,
③ educational program renewal.

2-1:2 3-2:1

(lg)

~~SEC. # CR. 115.38 (lg) F (lk)~~

(B)

(lg) The department shall establish a comprehensive school and school district

accountability system beginning in the 2012-13

★

school year that ~~starts~~

does all of the following:

measures to determine performance, including all of the following:

1) Use multiple

STET - leave as subs. 1. to 5.

~~(1)~~ (1)

Pupil performance and growth in reading and mathematics.

~~(2)~~ (2)

Measures of college and career readiness.

~~(3)~~ (3)

Dropout Dropout rates.

~~(4)~~ (4)

High school graduation rates.

~~(5)~~ (5)

Gaps Gaps in pupil achievement;

categorized by race, English language proficiency

2-1:3 3-2:2

disability; and income level.

(b) ^{Annually} assign each school and school district to one of a number of performance categories.

This is par. (c)

(c) ~~The system shall~~ Authorize the department to do ^{INS. B} all of the following: 1. Require a ^{public} school or school district to perform a diagnostic review of the school or school district's performance.

4. ~~Based on the review under~~

~~subd. 1.~~ Impose a schedule for ~~the~~ a school or school district to meet the ^{performance} benchmarks established under subd. 1.

5. Intervene in the ^{operation of public} school or school district in order to improve its performance.

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LRB

(B)

1. Establish performance benchmarks for schools and school districts. The benchmarks shall be ~~that~~ as uniform as reasonably

possible for all schools other than those

serving predominantly ~~some~~⁹ children at risk,

as defined in s. 118.153(1)(a)

2. Identify schools and school districts that are not meeting the benchmarks.

3-2-3

6.

6. Revoke a charter school's contract, close a public school, or bar a private school from participating in the program under s. 118.60 or 119.23, if the school does not meet the performance benchmarks ~~within the~~ by the deadline specified under subd. 4. This subdivision

~~applies to a charter school only if the contract establishing the ^a charter school authorizes the department to revoke the contract for failure to meet the performance benchmarks.~~

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~~2-1.4~~ 3-2:4

In establishing the accountability system
under sub. (1g),
(B) (1i) The department shall consult with all
of the following:
(a) The governor.

2-1:5 3-2:5

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

8 (b) ~~3~~ The chairpersons of the committees in the assembly and the senate whose
9 subject matter is elementary and secondary education, ~~or members of those~~
10 ~~committees designated by those chairpersons.~~

11 (c) ~~4~~ The ranking minority members of each of the committees under ~~subd. 3. or~~
12 ~~members of those committees designated by the ranking minority members~~ ~~to~~ ~~par. (b)~~

13 5. The following members appointed by and serving at the pleasure of the
14 governor:

- 15 a. Two practicing elementary and secondary education teachers or principals.
- 16 b. One practicing preschool teacher.
- 17 c. Three persons representing this state's philanthropic community.
- 18 d. Three persons representing this state's business community.
- 19 e. One person representing the Wisconsin State Reading Association.
- 20 f. One person representing the Wisconsin Reading Coalition.
- 21 g. One person representing the International Dyslexia Association.

2-1-6 3-2:6

Members

(d) Members of educational groups representing school boards, school administrators, and teachers.

B

(k) (a) The department shall annually report to the appropriate standing committees of the legislature under s. 13.172(3) the performance category to which each school and school district has ^{been} assigned.

(b) Each school ^{board}, the governing body of each charter school under s. 118.45(2r), and the governing body of each private school participating in a program under s. 118.60 or 119.23 shall annually report to the parent parent of each pupil enrolled in the school or school district the performance category to which the school or school district has ^{been} assigned.

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Legal (608-266-3561)

LRB

4-22: 1

SEC. # CR; 118.40(3)(f)

α 118.40(3)(f)

~~effective date of this paragraph [LEB inserts date]~~

No charter school may be established by contract unless the contract authorizes the department to revoke the contract under ~~if the department determines~~ sub. (5)(b).

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4-22: 2

SEC. # RN. 118.40^d(5); 118.40(5)(a)

SE. # CR; 118.40(5)(b)

118.40⁽³⁾(5)(b) A charter may be

revoked by the department under

s. 115.38[✓](1g)(c) &

5-10-10

2005

Nonstat File Sequence: **AAA**

LRB _____/____

_____:____:____

NONSTAT SESSLAW

1. In the component bar:

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

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

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

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

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

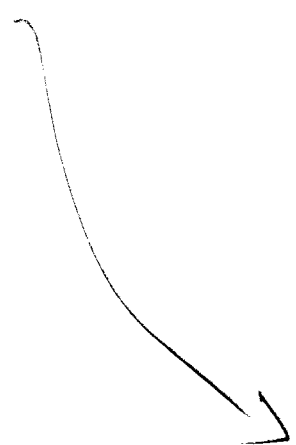
For a subdivision paragraph, execute: **create** → **text:** → *NS: → **subpar**

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

SECTION # **[91]** Nonstatutory provisions, ...

.....

(#1) ()



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

5-10:2

CS
(#) ^{CS} ACCOUNTABILITY SYSTEM. 16.42 (1)(e)
(#) (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
implementing the school and school
district accountability system under
section 115.38(1g) to (1k) of the statutes,
as created by this act.

5-10:3



Nonstat File Sequence: **EEE**

LRB _____ / _____
_____ : _____ : _____

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) () CHARTER SCHOOL CONTRACTS
 The treatment of sections ..
 115.38 (1.g)(c) 6., and 118.40 (3)(f) and
 (5)(b)

..... of the statutes
 first applies to a contract for the establishment of a
 charter school that is entered into, modified, or
 renewed on the effective date of this subsection. ()

- 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

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

-3740/4dn
PG:med:

DN
Date

Michael Brickman:

Please note that this draft amends s. 115.38 to add the new accountability provisions. The new provisions ^{are} placed there because DPI's proposal

puts them there. I raised the 118.42 issue with Jennifer ^{Kammerud} Kammerud, who asked to see the new language so DPI would work on resolving the issue.

PG

As I mentioned, I think the provisions are in conflict with s. 118.42, which this draft does not affect.

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

LRB-3740/4dn
PG:med:jf

February 1, 2012

Michael Brickman:

Please note that this draft amends s. 115.38 to add the new accountability provisions. The new provisions are placed there because DPI's proposal puts them there. As I mentioned, I think the provisions are in conflict with s. 118.42, which this draft does not affect. I raised the 118.42 issue with Jennifer Kammerud, who asked to see the new language so DPI could work on resolving the issue.

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

Issues to address somewhere in the stats:

- ✓ • [insert somewhere] Charter school contracts shall stipulate the application of 115.38
- N • Can we require authorizers to close charter schools identified for improvement under 118.40(5)(b) without necessitating a change to existing contracts?
- To accomplish the intent of removing a choice school from the program based on identification for improvement, can we cross reference 119.23(10)(m) and the companion section in 118.60 stipulating the areas where the state superintendent may issue an order barring the private school from participation in the program?
- ? • Align timelines in 118.42 to reflect 3 years for school and districts
- Insert language allowing DPI to collect data in a uniform fashion from all schools affected by the accountability system.

Sample language:

Under 115.38

- (1) The State Superintendent shall implement a comprehensive school and school district accountability system beginning in the 2012-13 school year.
- (2) The accountability system shall :
 - a. Apply to all public schools and school districts, including charter schools created under s.118.40, and schools participating in the choice program under s.118.60 and s.119.23.
 - b. Utilize multiple measures to determine a school's level of performance or a district's improvement status under 118.42. The measures shall include:
 - i. Student achievement
 - ii. Student growth
 - iii. Measures of college and career readiness at the high school level, and measures of being on track to college and career readiness at the elementary and middle school levels
 - iv. Closing achievement and graduation gaps disaggregated by race, English language proficiency, disability, and poverty status.
 - c. Establish an index system to determine a school's level of performance and shall establish multiple performance categories. A school's determination shall be based on multiple years of data.
 - i. For schools identified in the highest performance category, the state superintendent will collect and disseminate best practices from those schools.
 - ii. For schools identified in the lowest performance category, the state superintendent shall intervene.
 - d. Identify a full range of supports and interventions for schools in the lowest performance categories.
- (3) If the state superintendent determines that a public school is in the lowest performance category, the state superintendent shall direct a mandatory on-site diagnostic review.
 - a. After participation in the department-approved diagnostic review, the school must implement department-approved activities based on the diagnostic review, or close.

all schools ?

doesn't this include charters?

public

These activities may include state interventions and state support. The school shall have three years to implement the department-directed actions and demonstrate improved performance.

- b. If the state superintendent determines that after three years implementing (4)a, a school remains in the lowest performance category and has not demonstrated adequate progress, the State Superintendent shall use his or her intervention authority consistent with Ch. 118.42 to direct the activities of the school.

(4) If the State Superintendent determines that a charter school under s. 118.40 is in the lowest performance category, the charter school must implement one of the following:

- a. Implement activities outlined in (4)(a) and (b). If, after three years, the charter school remains in the lowest performance category, the State Superintendent will direct the authorizer to revoke the charter.
- b. Enter into a performance agreement with the department in which the charter school agrees to meet annual department-approved performance targets that demonstrate substantial academic improvement within three years. If annual performance targets are not met, the state superintendent will direct the authorizer to revoke the charter.
 - i. Performance targets must reflect adequate annual growth to advance out of the lowest performance category within three years.
- c. An authorizer that receives a direction from the State Superintendent to revoke a charter must revoke the charter.

(5) If the State Superintendent determines that a school participating in the choice program under s. 118.60 and 119.23 is in the lowest performance category, the school must implement one of the following options:

- a. Implement activities outlined in (5)(a) and (b). The private school is responsible for the cost of any activities, including diagnostic review. If, after three years, the choice school remains in the lowest performance category, the State Superintendent shall bar the school from participating in the program.
- b. Enter into a performance agreement with the department in which the choice school agrees to meet annual state-approved performance targets that demonstrate substantial academic improvement within three years. If annual performance targets are not met, the state superintendent shall bar the school from participating in the choice program.
 - i. Performance targets must reflect adequate annual growth to advance out of the lowest performance category within three years.

(6) The state superintendent shall consult with parties including the following in developing the system under (2)(a).

- a. The governor
- b. The chair of the Assembly Education Committee
- c. The chair of the Senate Education Committee
- d. The ranking minority member of the Assembly Education Committee

(3)?

charter

choice

> how so?

or what?

-
- e. The ranking minority member of the Senate Education Committee
 - f. Education groups representing administrators, teachers, and school boards.
 - g. Organizations representing students, parents, etc.
- (7) The state superintendent shall develop a biennial budget proposal outlining the resources necessary to implement the system described under (2).
 - (8) Beginning in the 2012-13 school year, and annually thereafter, the state superintendent shall publicly report the category in which all schools are placed annually.
 - (9) Each school board, the governing body of charter schools created under 118.40 (2r), and each school participating in the choice program under s.118.60 and s.119.23 shall annually report their performance category designation, as assigned under (5), to parents.

Grant, Peter

From: Kammerud, Jennifer DPI [Jennifer.Kammerud@dpi.wi.gov]
Sent: Thursday, February 02, 2012 10:02 AM
To: Brickman, Michael - DOA; Grant, Peter
Cc: Kulow, Chris; Archibald, Sarah; Liedl, Kimberly - GOV; Thompson, Michael DPI; Evers, Anthony S DPI; Justman, Jessica C - DPI; Bormett, Michael R. DPI
Subject: Accountability Draft Response
Attachments: 2.2.12- Accountability Draft with strikes and additions_FINAL.pdf

Michael,

Here you go. Tony and Mike have both seen this. This reflects the need to address 118.42. Given schedules today, I'm available later this afternoon. Otherwise, contact Mike Bormett in our office as he has been involved in this process on our end and can help answer any questions. Keep in mind that we are well aware that we aren't drafting attorneys and know we need to talk to Peter to clarify a few things.

Jennifer

2/2/2012

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

SECTION 1. 115.38 (title) of the statutes is amended to read:

115.38 (title) School accountability system; performance report; report cards; educational program review.

SECTION 2. 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38 (1m) (intro.), (a), (c) and (e), as renumbered, are amended to read:

115.38 (1m) (intro.) ~~The~~ Annually, the state superintendent shall ~~develop~~ prepare a school and school district performance report ~~for use by school districts under sub. (2)~~. The report shall include all of the following by school and by school district:

(a) Indicators of academic achievement, including the performance of pupils on the tests administered under s. 121.02 (1) (r) and the performance of pupils, by subject area, on the statewide assessment examinations administered under s. 118.30. The indicators under this paragraph shall include measures of value-added growth.

(c) Staffing and financial data information, as determined by the state superintendent, not to exceed 10 items. The state superintendent may not request a school or school board to provide information solely for the purpose of including the information in the report under this paragraph.

(e) The method of reading instruction used in the school or school district and the textbook series used to teach reading in the school or school district.

SECTION 3. 115.38 (1e) to (1k) of the statutes are created to read:

115.38 (1e) In this section, "school" means a public school, a charter school under 118.40, and a private school participating in a parental choice program under s. 118.60 or 119.23. No
see 115.001(1)

(1g) The department shall establish a comprehensive school and school district accountability system beginning in the 2012-13 school year that does all of the following:

(a) ~~Applies to all schools and school districts.~~ NB see def of "school"

(a)(b) Uses multiple measures to determine a school's level of performance or a district's improvement status under 118.42, including all of the following:

1. Pupil ~~performance~~ achievement and growth in reading and mathematics.

- 2. Measures of college and career readiness for high school students, and measures indicative of being on track to college and career readiness at the elementary and middle school levels, as determined by the department.
- 3. Dropout rates.
- 4. High School graduation rates.
- 5. Gaps in pupil achievement and graduation, categorized by race, English language proficiency, disability, and income level.

~~(b)~~(c) Establishes an index system to identify a school's level of performance and annually places each school into ~~Annually assign each school and school district to one of a number of~~ performance categories. A school's determination shall be based on multiple years of data.

6 *

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- 1. For schools identified in the highest performance category, the department will collect and disseminate best practices from those schools.
- 2. For schools identified in the lowest performance category, the state superintendent shall intervene. As part of the intervention, the state superintendent shall establish performance improvement benchmarks. Performance improvement benchmarks must reflect adequate annual growth to advance out of the lowest performance category within three years. The benchmarks shall be as uniform as reasonably possible for all schools other than those serving predominantly children at risk, as defined in s. 118.153 (1) (a).

→ ss shall provide opportunity to provide support to schools in the low perf. cat's.

(d) Identifies, at the state, district, and school levels, a full range of supports and interventions for schools in the low performing categories.

(e) Produces annual school and district reports that are transparent, timely, useful and understandable by students, parents, teachers, administrators, and the general public. Each school and school district shall ensure that reports developed by the department in accordance with this section are displayed prominently on the school and district's respective websites, and shall ensure that copies are available upon request in the school's office.

pub. charter

(f) If the state superintendent determines that a public school is in the lowest performance category, the state superintendent shall do the following:

- 1. Direct a mandatory, state-approved on-site diagnostic review to determine the cause(s) of the school's underperformance.
- 2. After participation in the department-approved diagnostic review, the school must implement department-approved improvement activities based on the diagnostic review, or the school board must close the school. If the school chooses to implement the department-approved improvement activities, these activities shall include state interventions and state support. The school shall have three years to implement the department-directed actions and meet performance benchmarks.
- 3. If the state superintendent determines that after three years implementing (f)(ii), a school remains in the lowest performance category and has not demonstrated adequate progress, the State Superintendent shall use his or her intervention authority consistent with Ch. 118.42 to direct the activities of the school.

*

(2)

4. If a school's diagnostic review identifies problems at the district level and the district is identified for improvement under 118.42, the state superintendent may use his or her intervention authority under 118.42 to direct a district-level diagnostic review and direct district-level interventions.

(g) If the state superintendent determines that a charter school under s. 118.40 is in the lowest performance category, the charter school must implement one of the following:

- 1. Activities outlined in (f)(1) and (2) above. If, after three years, the charter school remains in the lowest performance category, the State Superintendent will direct the authorizer to revoke the charter.
- 2. Enter into a performance agreement with the department in which the charter school agrees to meet annual department-approved performance benchmarks. If annual performance benchmarks are not met in any given year, the state superintendent will direct the authorizer to revoke the charter.
- 3. If an authorizer that receives a direction from the State Superintendent to revoke a charter based on (1) or (2), the authorizer must revoke the charter. [Note: Authority exists for authorizers to revoke charters based on insufficient academic performance in 118.40(5)(b)]

next tip

why not have pm?

(h) If the State Superintendent determines that a school participating in the choice program under s. 118.60 and 119.23 is in the lowest performance category, the school must implement one of the following:

- 1. Activities outlined in (f)(1) and (2) above; however, the private school is responsible for the additional cost of any activities, including diagnostic review. If, after three years, the choice school remains in the lowest performance category, the State Superintendent shall bar the school from participating in the program.
- 2. Enter into a performance agreement with the department in which the choice school agrees to meet annual state-approved performance benchmarks. If annual performance benchmarks are not met in any given year, the state superintendent shall bar the school from participating in the choice program.

why need?

[NOTE: Authority for the state superintendent to bar the school from participating in the choice program should also be placed in the appropriate sections in 118.60 and 119.23.]

(e)(e) Authorize the department to do all of the following:

- 1. Establish performance benchmarks for schools and school districts. The benchmarks shall be as uniform as reasonably possible for all schools other than those serving predominantly children at risk, as defined in s. 118.153 (1) (a).
- 2. Identify schools and school districts that are not meeting the benchmarks.
- 3. Require a public school or school district to perform a diagnostic review of the school or school district's performance.
- 4. Impose a schedule for a school or school district to meet the performance benchmarks established under subd. 1.

~~5. Intervene in the operation of a public school or school district in order to improve its performance.~~

~~6. Revoke a charter school's contract, close a public school, or bar a private school from participating in the program under s. 118.60 or 119.23, if the school does not meet the performance benchmarks by the deadline specified under subd. 4.~~

(1i) In establishing the accountability system under sub. (1g), the department shall consult with all of the following:

- (a) The governor.
- (b) The chairpersons of the committees in the assembly and the senate whose subject matter is elementary and secondary education.
- (c) The ranking minority members of each of the committees under par. (b).
- (d) Members of education groups representing school boards, school administrators, and teachers.

(f) Organizations representing students and parents.

(1k) (a) The department shall report annually to the appropriate standing committees of the legislature under s. 13.172 (3) the performance category to which each school has been assigned and the improvement status of each school district under 118.42.

118.42

(b) Each school board, the governing body of each charter school under s. 118.40 (2r), and the governing body of each private school participating in a program under s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the school or school district the performance category to which the school has been assigned and the improvement status of the school district under 118.42.

(c) 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 implementing the school and school district accountability system under section 115.38 (1g) to (1k) of the statutes, as created by this act.

From 118.42

~~SECTION 4. 115.38 (1m) (f) of the statutes is created to read:~~

~~115.38 (1m) (f) For public schools and school districts, beginning in the 2013-14 school year, the percentage of teachers in each category under s. 120.12 (2m)~~

SECTION 5. 115.38 (1s) of the statutes is created to read:

115.38 (1s) The governing body of a private school participating in a parental choice program under s. 118.60 or 119.23 shall provide the state superintendent with any information he or she requests for the purpose of preparing the school performance report under sub. (1m). The state superintendent shall prepare the report for each private school participating in a parental choice program under s. 118.60 or 119.23 using only information relating to the pupils who are attending the private school under s. 118.60 or 119.23.

SECTION 6. 115.38 (2) of the statutes is amended to read:

5

115.38 (2) (a) Annually by January 1, each school board shall notify the parent or guardian of each pupil enrolled in the school district of the right to request a school and school district performance report under this subsection. Except as provided in par. (b), annually by May 1, each school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools located in the school district, or give to each pupil to bring home to his or her parent or guardian, a school and school district performance report that includes the information specified by the state superintendent under sub. (1) (1m). The report shall also include a comparison of the school district's performance under sub. (1) (1m) (a) and (b) with the performance of other school districts in the same athletic conference under sub. (1) (1m) (a) and (b). If the school district maintains an Internet site, the report shall be ~~made available to the public at~~ prominently displayed on that site.

(b) If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, that school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the charter school a school and school district performance report that includes the information specified by the state superintendent under sub. (1) (1m), regardless of the location of the charter school.

SECTION 7. 115.38 (2m) of the statutes is created to read:

~~115.38 (2m) (a) The state superintendent shall use the performance report prepared under sub. (1m) to create an annual report card for each school district and each school. The report card shall grade each school district and each school on a scale of zero to 100 and place each in one of 6 performance categories.~~

~~(b) The school board shall ensure that the school district's report card and the report cards of all public schools in the school district are displayed prominently on the school district's Web site and that each public school's report card is displayed prominently on the public school's Web site. The governing body of each private school participating in a parental choice program under s. 118.60 or 119.23 shall display its report card prominently on its Web site.~~

~~(c) The governing body of each school shall ensure that the school's report card is available upon request in the school's office.~~

SECTION 8. 118.40 (3) (f) of the statutes is created to read:

118.40 (3) (f) No charter school may be established by contract unless the contract authorizes the department to revoke the contract under sub. (5) (b).

SECTION 9. 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

SECTION 10. 118.40 (5) (b) of the statutes is created to read:

118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g) (c) 6.

SECTION 11. 118.42 is amended to read:

- (1) If the state superintendent determines that a school district has been in need of improvement for 4 3 consecutive school years, the school board shall do all of the following:
- (2) If the state superintendent determines that a public school was in the lowest performing 5 percent of all public schools in the state in the previous year prior to 2012-13, or was in the lowest performance category under 115.38 (1e) in the 2012-13 school year and thereafter and is located in a school district that has been in need of improvement for 4-3 consecutive school years, the school board shall do all of the following in the school:
- (3) (a) If the state superintendent determines that a school district has been in need of improvement for 4 3 consecutive school years, the superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the district:
 (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 prior to 2012-13 and a school district in need of improvement for 3 consecutive school years in the 2012-13 school year and thereafter, and that the school was in need of improvement for 5 consecutive school years prior to 2012-13 or was among the lowest performing 5% of all public schools in the state in the previous school year prior to 2012-13, or was in the lowest performance category under 115.38(1e) in the 2012-13 school year and thereafter, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, do one or more of the following in the school:
- (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 5 percent of all public schools in the state prior to 2012-13, for purposes of this subsection. For the 2012-13 school year and thereafter, the state superintendent shall promulgate rules establishing criteria and procedures for determining whether a school district is in need of improvement for purposes of this subsection.

SECTION 12. 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), 115.445, 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 (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 12. Nonstatutory provisions:**~~

~~(1) ACCOUNTABILITY 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 implementing the school and school district accountability system under section 115.38 (1g) to (1k) of the statutes, as created by this act.~~

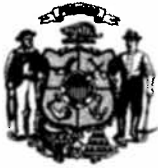
SECTION 13. Initial applicability.

(1) CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (c) 6. and 118.40 (3) (f) and (5) (b) of the statutes first applies to a contract for the establishment of a charter school that is entered into, modified, or renewed on the effective date of this subsection.

Drafting question: Can DPI direct a school district authorizer to revoke a charter using its existing authority under 118.40(5)(b) without running afoul of the charter school contract conflict?

SECTION 14. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 115.38 (1), (1e), (1m) (f), (1s), (2), and (2m) and 119.04 (1) of the statutes takes effect on September 1, 2012.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3740/4
PG:med:jf

2011 BILL

Analysis for
changes for
15 - keep in file
regen

1 AN ACT to renumber 118.40 (5); to renumber and amend 115.38 (1); to amend
2 115.38 (title), 115.38 (2) and 119.04 (1); and to create 115.38 (1e) to (1k), 115.38
3 (1m) (f), 115.38 (1s), 115.38 (2m), 118.40 (3) (f) and 118.40 (5) (b) of the statutes;
4 relating to: establishing a school and school district accountability system;
5 and providing a report card for every school.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Public Instruction (DPI) must prepare a school and school district performance report for public schools in this state. The report must include various indicators of pupil academic achievement as well as other indicators of performance.

This bill requires DPI to prepare a report for private schools that are participating in a parental choice program (PCP) as well as for public schools. The school performance report for a private school participating in a parental choice program must be based only on data relating to the pupils attending the private school under the parental choice program. The bill provides that the indicators of pupil academic achievement on the report must include measures of value-added growth, as shown by scores on the statewide assessments. The bill also provides that, beginning in the 2013-14 school year, the report for each school district and public school must identify the percentage of teachers in that school district and school identified as probationary, developing, effective, and exemplary.

The bill directs DPI to use the school performance report to create an annual report card for each school district and school. The report card must grade each

PCP

PCP

BILL

~~school district and school on a scale of zero to 100 and place each in one of six performance categories.~~

~~The bill requires that school district and school report cards be displayed prominently on the school district's and school's Web sites. The report cards must also be made available in the school's office.~~

Under current law, if DPI determines that a public school or school district has been in need of improvement for a specified period or ranks in the lowest five percent, the school board must engage in certain specified activities designed to improve the performance of the school or school district. If a public school or school district is determined to be in need of improvement for a longer period, DPI may direct the school board to take certain actions, such as implementing a new curriculum, implementing changes in administrative and personnel structures, or implementing a new or modified instructional design.

This bill ~~does not modify any of the provisions described above.~~ ^{(A) 4} The bill directs DPI to establish a comprehensive school and school district accountability system beginning in the 2012-13 school year. The system covers public schools, including charter schools, and private schools that are participating in a ~~parental choice program~~.

PCP

The bill requires that the system ^{include components} do all of the following:

1. ~~Use~~ multiple measures to determine performance, including pupil ^{achievement} performance and growth in reading and mathematics; measures of college and career readiness; and gaps in pupil achievement, categorized by race, English language proficiency, disability, and income. ^{and rates of graduation}

2. Assign each school and school district to one of a number of performance categories.

3. Authorize DPI to do all of the following:
a. Establish performance benchmarks for schools and school districts.
b. Identify schools and school districts that are not meeting the benchmarks.
c. Require a public school or school district to perform a diagnostic review of the school or school district.
d. Impose a schedule for a school or school district to meet the performance benchmarks.
e. Intervene in the operation of a public school or school district in order to improve its performance.
f. Revoke a charter school's contract (if the contract allows), close a public school, or bar a private school from participating in a parental choice program if the school does not meet the performance benchmarks within the timeframe allowed.

The bill provides that every contract establishing a charter school must authorize DPI to revoke the contract.

(B) →

The bill requires DPI and each school board, charter school, and parental choice program school to publicize the performance category to which it has been assigned.

move to B:1

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

(A)

~~phases out~~ ^{modifies} the current accountability
system for schools. For school districts
the bill makes the directed ^{improvements} and
interventions mandatory after three years
of being in need of improvement instead
of after four years.

(B) : 1

2. An index system to identify a school's level of performance and annually place each school into one of six performance categories - INS. sentence from the bottom of p. 2

3. The production of annual school and school district reports.

¶ Under the new accountability system, if DPI determines that a public school (other than a charter school) is in the lowest performance category, DPI must direct a diagnostic review of the school. Based on the review, ^{DPI} DPI must direct the school board choose to either to implement DPI-approved improvement activities or close the school. If the school board chooses to implement the improvement

B: 2
activities, but after ^{three} 3 years remains
in the lowest performance category, ^
DPI must direct the ~~anti~~ certain
specified activities, including annual
performance evaluations and the establishment
of teacher and principal improvement
programs.

If DPI determines that a charter
school is in the lowest performance
category, ^ the charter school must either
implement DPI-approved improvement
activities and improve its performance
ranking within three years or risk
having its charter revoked; ^ or enter
into a performance agreement with DPI

B: 3

in which the charter school agrees to meet annual, DPI-approved, performance benchmarks. If the school chooses the latter option and misses a benchmark in any year, DPI must revoke the school's charter. (The bill requires every charter school's charter include a provision authorizing DPI to revoke the school's charter under these circumstances.)

If DPI determines that a private school participating in a PCP ~~parental charter program~~ is in the lowest category, it must proceed as described above for charter schools except that, instead of revocation of the school's charter, the private school may be

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

barred B: 4
barred from participating in a PCP.