





State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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

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

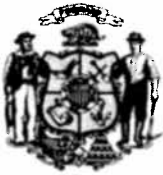
Compile Draft – Appendix C **... Part III**

- | | |
|---|---|
| A  The <u>2011</u> drafting file for
LRB-3476 | C  The <u>2011</u> drafting file for
LRB-3740 |
| B  The <u>2011</u> drafting file for
LRB-3738 | D  The <u>2011</u> drafting file for
LRB-3814 |

2011 LRB-3740

has been transferred to the drafting file for

2011 LRB-4017



2011 BILL

Additional changes
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1 AN ACT *to renumber* 118.40 (5); *to renumber and amend* 115.38 (1); *to amend*
2 115.38 (title), 115.38 (2), 118.42 (1) (intro.), 118.42 (2) (intro.), 118.42 (3) (a)
3 (intro.), 118.42 (3) (b) (intro.), 118.42 (4) and 119.04 (1); and *to create* 115.38
4 (1e) to (1k), 115.38 (1s), 118.40 (3) (f), 118.40 (5) (b) and 118.42 (3m) of the
5 statutes; **relating to:** establishing a school and school district accountability
6 system.

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.

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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 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. 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.

The bill requires that the system 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, categorized by race, English language proficiency, disability, and income.
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.

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.

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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:

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

2 **115.38** (title) **School accountability system; performance report; report**
3 **cards; educational program review.**

4 **SECTION 2.** 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38
5 (1m) (intro.), (c) and (e), as renumbered, are amended to read:

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

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

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

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

17 115.38 (1e) In this section, "school" means a public school, including a charter
18 school, and a private school participating in a parental choice program under s.
19 118.60 or 119.23.

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

4 (a) Multiple measures to determine a school's performance or a school district's
5 improvement status under s. 118.42, including all of the following:

6 1. Pupil achievement and growth in reading and mathematics.

7 2. Measures of college and career readiness for high school pupils and
8 measures indicative of being on track for college and career readiness in the
9 elementary grades.

10 3. Gaps in pupil achievement and ^{er rates} ~~rate~~ of graduation, categorized by race,
11 English language proficiency, disability, and income level.

12 (b) An index system to identify a school's level of performance and annually
13 place each school into one of 6 performance categories based on data derived from
14 multiple school years. The department shall collect and disseminate the best
15 practices from the schools placed in the highest performance category. For schools
16 placed in the lowest performance category, the department shall identify
17 opportunities to provide support and shall intervene as provided in pars. (d) to (f).
18 As part of that intervention, the department shall establish performance
19 improvement benchmarks, which shall reflect the annual improvement necessary to
20 remove the school from the lowest performance category within 3 years.
21 Performance improvement benchmarks shall be as uniform as reasonably possible
22 for all schools other than those serving predominantly children at risk, as defined in
23 s. 118.153 (1) (a).

24 (c) The production of annual school and school district reports that are timely,
25 useful, and understandable. Each school and school district shall display

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1 prominently on the school's and school district's Internet ^{e sites} (site) the reports produced
2 by the department under this section and make copies available upon request in the
3 school's office.

4 (d) If the department determines that a public school other than a charter
5 school is in the lowest performance category, the department shall do all of the
6 following:

7 1. Direct a department-approved, on-site, diagnostic review of the school to
8 determine the cause of the school's poor performance.

9 2. Direct the school board to implement department-approved improvement
10 activities, based on the diagnostic review, within 3 school years or close the school.

11 3. If the school board chooses to implement department-approved
12 improvement activities under subd. 2. but after 3 school years remains in the lowest
13 performance category, direct the activities of the school in a manner consistent with
14 s. 118.42 (2).

15 4. If the diagnostic review under subd. 1. reveals that the school district has
16 been in need of improvement for 3 consecutive school years, s. 118.42 (1) applies.

17 (e) If the department determines that a charter school is in the lowest
18 performance category, the charter school shall do one of the following:

19 1. After participating in a department-approved, on-site, diagnostic review,
20 implement ~~the~~ department-approved improvement activities. After 3 years, if the

21 ^{charter} school remains in the lowest performance category, the department shall revoke the
22 ~~charter~~ school's ^{charter} contract.

23 2. Enter into a performance agreement with the department in which the
24 charter school agrees to meet annual, department-approved, performance

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1 benchmarks. If a benchmark is not met in any year, the department shall revoke the
2 ~~charter~~ school's ~~contract~~ ^{a charter}.

3 (f) If the department determines that a private school participating in a
4 program under s. 118.60 or 119.23 is in the lowest performance category, the private
5 school shall do one of the following:

6 1. After participating in a department-approved on-site, diagnostic review
7 paid for by the private school, pay for and implement ^{the} department-approved
8 improvement activities. After 3 years, if the private school remains in the lowest
9 performance category, the department shall bar the school from participating in the
10 program under s. 118.60 or 119.23.

11 2. Enter into a performance agreement with the department in which the
12 private school agrees to meet annual, department-approved, performance
13 benchmarks. If a benchmark is not met in any year, the department shall bar the
14 school from participating in the program under s. 118.60 or 119.23.

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

17 (a) The governor.

18 (b) The chairpersons of the committees in the assembly and the senate whose
19 subject matter is elementary and secondary education.

20 (c) The ranking minority members of each of the committees under par. (b).

21 (d) Members of education groups representing school boards, school
22 administrators, and teachers.

23 (e) Members of organizations representing pupils and parents.

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

4 (b) Each school board, the governing body of each charter school under s. 118.40
5 (2r), and the governing body of each private school participating in a program under
6 s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the
7 school or school district the performance category to which the school or school
8 district has been assigned.

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

10 115.38 (1s) The governing body of a private school participating in a parental
11 choice program under s. 118.60 or 119.23 shall provide the state superintendent with
12 any information he or she requests for the purpose of preparing the school
13 performance report under sub. (1m). The state superintendent shall prepare the
14 report for each private school participating in a parental choice program under s.
15 118.60 or 119.23 using only information relating to the pupils who are attending the
16 private school under s. 118.60 or 119.23.

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

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

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1 (1m). The report shall also include a comparison of the school district's performance
2 under sub. ~~(1)~~ (1m) (a) and (b) with the performance of other school districts in the
3 same athletic conference under sub. ~~(1)~~ (1m) (a) and (b). If the school district
4 maintains an Internet site, the report shall be ~~made available to the public at~~
5 prominently displayed on that site.

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

12 **SECTION 6.** 118.40 (3) (f) of the statutes is created to read:

13 118.40 (3) (f) No charter school may be established by contract unless the
14 contract authorizes the department to revoke the contract under sub. (5) (b).

15 **SECTION 7.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

16 **SECTION 8.** 118.40 (5) (b) of the statutes is created to read:

17 118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g)

18 (e)^(r)

19 **SECTION 9.** 118.42 (1) (intro.) of the statutes is amended to read:

20 118.42 (1) (intro.) If the state superintendent determines that a school district
21 has been in need of improvement for ~~4~~ 3 consecutive school years, the school board
22 shall do all of the following:

23 **SECTION 10.** 118.42 (2) (intro.) of the statutes is amended to read:

24 118.42 (2) (intro.) If the state superintendent determines that a public school
25 was in the lowest performing 5 percent of all public schools in the state in the

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1 previous school year prior to the 2012-13 school year, or was in the lowest
2 performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any
3 school year thereafter, and is located in a school district that has been in need of
4 improvement for ~~4~~ 3 consecutive school years, the school board shall do all of the
5 following in the school:

6 **SECTION 11.** 118.42 (3) (a) (intro.) of the statutes is amended to read:

7 118.42 (3) (a) (intro.) If the state superintendent determines that a school
8 district has been in need of improvement for ~~4~~ 3 consecutive school years, the state
9 superintendent may, after consulting with the school board, the school district
10 superintendent, and representatives of each labor organization representing school
11 district employees, direct the school board to do one or more of the following in the
12 school district:

13 **SECTION 12.** 118.42 (3) (b) (intro.) of the statutes is amended to read:

14 118.42 (3) (b) (intro.) If the state superintendent determines that a public
15 school is located in a school district that has been in need of improvement for 4
16 consecutive school years, prior to the 2012-13 school year or in a school district that
17 has been in need of improvement for 3 consecutive school years beginning in the
18 2012-13 school year; and that the school has been in need of improvement for 5
19 consecutive school years prior to the 2012-13 school year or was among the lowest
20 performing 5 percent of all public schools in the state in the previous school year,
21 prior to the 2012-13 school year, or was in the lowest performance category under
22 s. 115.38 (1g) (b) in the 2012-13 school year or any school year thereafter; the state
23 superintendent may, after consulting with the school board, the school district
24 superintendent, and representatives of each labor organization representing school

BILL**SECTION 12**

1 district employees, direct the school board to do one or more of the following in the
2 school:

3 **SECTION 13.** 118.42 (3m) of the statutes is created to read:

4 118.42 (3m) (a) The department shall report annually to the appropriate
5 standing committees of the legislature under s. 13.172 (3) the improvement status
6 of each school district under this section.

7 (b) Each school board shall annually report to the parent of each pupil enrolled
8 in the school or school district the improvement status of the school district under
9 this section.

10 **SECTION 14.** 118.42 (4) of the statutes is amended to read:

11 118.42 (4) The state superintendent shall promulgate rules establishing
12 criteria and procedures for determining whether a school or school district is in need
13 of improvement and whether a school is among the lowest performing 5 percent of
14 all public schools in the state, prior to the 2012-13 school year for the purposes of this
15 section. Beginning in the 2012-13 school year, the state superintendent shall
16 promulgate rules establishing criteria and procedures for determining whether a
17 school district is in need of improvement for purposes of this section.

18 **SECTION 15.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85,
19 is amended to read:

20 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
21 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
22 115.345, 115.365 (3), 115.38 (2), 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07,
23 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
24 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225, 118.24
25 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292, 118.30

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1 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (4m), (5), and (15) to (27), 120.125,
2 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38),
3 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
4 board.

5 **SECTION 16. Nonstatutory provisions.**

6 (1) ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the
7 statutes, in submitting information under section 16.42 of the statutes for purposes
8 of the 2013-15 biennial budget bill, the department of public instruction shall submit
9 information concerning the cost of implementing the school and school district
10 accountability system under section 115.38 (1g) to (1k) of the statutes, as created by
11 this act.

12 **SECTION 17. Initial applicability.**

13 (1) CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (e) and
14 118.40 (3) (f) and (5) (b) of the statutes first applies to a contract for the establishment
15 of a charter school that is entered into, modified, or renewed on the effective date of
16 this subsection.

17 **SECTION 18. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) The treatment of sections 115.38 (1), (1e) to (1k), (1s) and (2) and 119.04 (1)
20 of the statutes takes effect on September 1, 2012.

21

(END)

11-41 →

11-4

Section #. 121.006 (2) (d) of the statutes is amended to read:

115.38 (1g) (d) or

121.006 (2) (d) Comply with a directive issued by the state superintendent under s. 118.42 (3)
(a) or (b).

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215.

(DN)
Date

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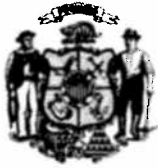
Michael Brickman:

(P) Because there was insufficient time allowed for drafting, I ~~am~~ am not confident that the bill actually works. ^{For example} I ~~think~~ think ~~that~~ there may be issues relating to the transition between the current accountability system and the system established in the bill.

~~In addition, lack of time for ^{meaningful} review of the bill will force any changes to the~~

(A) ^{result} Another result of the timeframe is that any changes you wish to make to this bill will have to be made to the compiled bill on Monday.

PG



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3740/4
PG:med:jf

2011 BILL

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 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.

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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 a parental choice program.

The bill requires that the system 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, categorized by race, English language proficiency, disability, and income.
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.

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.

BILL

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

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3 **cards; educational program review.**

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5 (1m) (intro.), (a) (c) and (e), as renumbered, are amended to read:

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

10 ~~(a) Indicators of academic achievement, including the performance of pupils on~~
11 ~~the tests administered under s. 121.02 (1) (r) and the performance of pupils, by~~
12 ~~subject area, on the statewide assessment examinations administered under s.~~
13 ~~118.30. The indicators under this paragraph shall include measures of value-added~~
14 ~~growth.~~

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

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

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

BILL

SECTION 3

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

3 (1g) The department shall establish a comprehensive school and school district
4 accountability system beginning in the 2012-13 school year that ^{includes} ~~does~~ all of the

5 following: ^{components}
6 (a) ~~that~~ = multiple measures to determine ^{a school's} performance, ^{or a school district's} including all of the ^{improvement status under} s. 118.42

7 following:

- 8 1. Pupil ~~performance~~ ^{achievement} and growth in reading and mathematics.
- 9 2. Measures of college and career readiness. ^{for high school pupils} ^{and measures} indicative of being on track for college and career readiness in the elementary grades
- 10 ~~3. Dropout rates.~~
- 11 ~~4. High School graduation rates.~~

12 3. Gaps in pupil achievement, ^{and rate of graduation} categorized by race, English language
13 proficiency, disability, and income level.

14 (b) Annually ~~assign~~ ^{into} each school and school district to ^{one} of a number of
15 performance categories. ^{based on data derived from multiple school years}

16 (c) Authorize the department to do all of the following:

17 1. Establish performance benchmarks for schools and school districts. The
18 benchmarks shall be as uniform as reasonably possible for all schools other than
19 those serving predominantly children at risk, as defined in s. 118.153 (1) (a). ⁴⁻¹⁸

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

21 3. Require a public school or school district to perform a diagnostic review of
22 the school or school district's performance.

23 4. Impose a schedule for a school or school district to meet the performance
24 benchmarks established under subd. 1.

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

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

5-5 →

6 **(1i)** In establishing the accountability system under sub. (1g), the department
7 shall consult with all of the following:

8 (a) The governor.

9 (b) The chairpersons of the committees in the assembly and the senate whose
10 subject matter is elementary and secondary education.

11 (c) The ranking minority members of each of the committees under par. (b).

12 (d) Members of education groups representing school boards, school
13 administrators, and teachers.

5-13 →

14 **(1k)** (a) The department shall report annually to the appropriate standing
15 committees of the legislature under s. 13.172 (3) the performance category to which
16 each school and school district has been assigned.

17 (b) Each school board, the governing body of each charter school under s. 118.40
18 (2r), and the governing body of each private school participating in a program under
19 s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the
20 school or school district the performance category to which the school or school
21 district has been assigned.

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

23 ~~115.38 (1m) (f) For public schools and school districts, beginning in the~~
24 ~~2013-14 school year, the percentage of teachers in each category under s. 120.12 (2m)~~
25 ~~(b)~~

BILL**SECTION 5**

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

2 **115.38 (1s)** The governing body of a private school participating in a parental
3 choice program under s. 118.60 or 119.23 shall provide the state superintendent with
4 any information he or she requests for the purpose of preparing the school
5 performance report under sub. (1m). The state superintendent shall prepare the
6 report for each private school participating in a parental choice program under s.
7 118.60 or 119.23 using only information relating to the pupils who are attending the
8 private school under s. 118.60 or 119.23.

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

10 **115.38 (2) (a)** Annually by January 1, each school board shall notify the parent
11 or guardian of each pupil enrolled in the school district of the right to request a school
12 and school district performance report under this subsection. Except as provided in
13 par. (b), annually by May 1, each school board shall, upon request, distribute to the
14 parent or guardian of each pupil enrolled in the school district, including pupils
15 enrolled in charter schools located in the school district, or give to each pupil to bring
16 home to his or her parent or guardian, a school and school district performance report
17 that includes the information specified by the state superintendent under sub. (1)
18 (1m). The report shall also include a comparison of the school district's performance
19 under sub. (1) (1m) (a) and (b) with the performance of other school districts in the
20 same athletic conference under sub. (1) (1m) (a) and (b). If the school district
21 maintains an Internet site, the report shall be ~~made available to the public at~~
22 prominently displayed on that site.

23 (b) If a school board enters into an agreement with a federally recognized
24 American Indian tribe or band in this state to establish a charter school, that school
25 board shall, upon request, distribute to the parent or guardian of each pupil enrolled

BILL

1 in the charter school a school and school district performance report that includes the
2 information specified by the state superintendent under sub. (1) (1m), regardless of
3 the location of the charter school.

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

5 115.38 (2m) (a) The state superintendent shall use the performance report
6 prepared under sub. (1m) to create an annual report card for each school district and
7 each school. The report card shall grade each school district and each school on a
8 scale of zero to 100 and place each in one of 6 performance categories.

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

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

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

18 118.40 (3) (f) No charter school may be established by contract unless the
19 contract authorizes the department to revoke the contract under sub. (5) (b).

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

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

22 118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g)

(c) 6 → (e)

23
24 **SECTION 11.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85, is
25 amended to read:

7-23 →

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.

SECTION 12. Nonstatutory provisions.

11 (1) ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the
12 statutes, in submitting information under section 16.42 of the statutes for purposes
13 of the 2013-15 biennial budget bill, the department of public instruction shall submit
14 information concerning the cost of implementing the school and school district
15 accountability system under section 115.38 (1g) to (1k) of the statutes, as created by
16 this act.
17

SECTION 13. Initial applicability.

18 (1) CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (c) 6^(e) and
19 118.40 (3) (f) and (5) (b) of the statutes first applies to a contract for the establishment
20 of a charter school that is entered into, modified, or renewed on the effective date of
21 this subsection.
22

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

BILL

SECTION 14

1

(1) The treatment of sections 115.38 (1), (1e), (1m) (f), (1s), (2), ~~(2m)~~ and

2

119.04 (1) of the statutes takes effect on September 1, 2012.

3

(END)

✓
to (1k)
same

4-17

(b) ~~As part of~~ ^{As part of} an ^{annual} index system to identify a school's level of performance and ^{annually} place each school into one of ~~a number of~~ ^a performance categories based on data derived from multiple school years. ~~For schools placed in the highest performance category,~~ ^{the} department shall collect and disseminate the best practices from ^{placed in the highest performance category} the schools. For schools placed in the lowest performance category, the department shall identify opportunities to provide support and shall intervene as provided in pars. (d) to (f).

As part of that intervention, the department shall establish performance improvement benchmarks, which shall reflect the annual improvement necessary to remove the school ~~out of~~ ^{from} the lowest performance category within 3 years. Performance improvement

5-5 : 1

(c) The production of annual school and school district reports that are timely, useful, and understandable. Each school and school district shall display prominently on the school's and school district's Internet site the reports produced by the department under this section and make copies available upon request in the school's office.

(f) If the department determines that a public school other than a charter school is in the lowest performance category, the department shall do ^{all} of the following:

1. Direct a department-approved, ^{review} on-site, diagnostic of the school to determine the cause of the school's poor performance. ~~If the~~

5-5.2

2. Direct the school ^{board} to implement

department-approved improvement activities ^{base} on the diagnostic ^{renew} for ^{within 3 school years} close the school.

3. If the school board ^{chooses to} implement

department-approved improvement activities under subd. 2. but ^{after 3 school years} remains in the lowest performance

category, ~~and has failed to demonstrate~~

~~adequate progress,~~ direct the activities of the school

in a manner consistent with s. 118.42 (2).

4. If the diagnostic review under subd. 1. reveals that the school district has been in need of improvement for 3 consecutive school years, s. 118.42 (1) applies.

S-S:3

(e) If the department determines that a charter school is in the lowest performance category, the charter school shall do ^{one} of the following:

1. After participating in a department-approved, on-site, diagnostic review, implement the department-approved improvement activities. After 3 years, if the school remains in the lowest performance category, the department shall ^{revoke} revoke the charter school's contract.

2. Enter into a performance agreement with the department in which the charter school agrees to meet annual, department-approved performance benchmarks.

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5-5:9

If a ~~annual~~ benchmark is not met in
any year, the department shall revoke
the charter school's contract.

5-5:5

(f) If the department determines that a private school participating in a program under s. 118.60 or 119.23 is in the lowest performance category, the private school shall do ^{one} of the following:

1. After participating in a department-approved $\$$, on-site diagnostic review ^{paid for} by the private school, ^{implement} and implement the department-approved improvement activities. After 3 years, if the ^{private} school remains in the lowest performance category, the department shall ^{bar} the school from participating in the program under s. 118.60 or 119.23.

2. Enter into a performance

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S-516

agreement with the department in which
the private school agrees to meet
annual, department-approved performance
benchmarks. If a benchmark is not met
in any year, the department shall ^{bar}
the school from participating in the
program under s. 118.60 or 119.23.

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5-13

(e) Members of organizations representing
pupils and parents.

7-23:1

Section #. 118.42 (1) (intro.) of the statutes is amended to read:

118.42 (1) (intro.) 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:

History: 2009 a. 215, 301; 2011 a. 10.

7-23:2

Section #. 118.42 (2) (intro.) of the statutes is amended to read:

118.42 (2) (intro.) 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 school year 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:

History: 2009 a. 215, 301; 2011 a. 10.

school year,
prior to ^{the} 2012-13
or was in the lowest
performance category
under s. 115.38(1g)(b)
in the 2012-13 school year
any school year thereafter

7-23:3

Section #. 118.42 (3) (a) (intro.) of the statutes is amended to read:

118.42 (3) (a) (intro.) If the state superintendent determines that a school district has been in need of improvement for ³ consecutive school years, the state 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 school district:

History: 2009 a. 215, 301; 2011 a. 10.

7-23:4

Section #. 118.42 (3) (b) (intro.) of the statutes is amended to read:

118.42 (3) (b) (intro.) If the state superintendent determines that a public school is located in a school district that has been in need of improvement for 4 consecutive school years, and that the school has been in need of improvement for 5 consecutive school years or was among the lowest performing 5 percent of all public schools in the state in the previous school year, the state superintendent may, 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 school:

History: 2009 a. 215, 301; 2011 a. 10.

prior to the 2012-13 school year

prior to the 2012-13 school year, or was in the lowest performance category under s. 115.38(1g)(b) in the 2012-13 school year or any school year thereafter.

prior to the 2012-13 school year or in a school district in need of improvement for 3 consecutive school years beginning in the 2012-13 school year;

that has been

7-23-15
-5-

BILL

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

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

6 (1i) In establishing the accountability system under sub. (1g), the department
7 shall consult with all of the following:

8 (a) The governor.

9 (b) The chairpersons of the committees in the assembly and the senate whose
10 subject matter is elementary and secondary education.

11 (c) The ranking minority members of each of the committees under par. (b).

12 (d) Members of education groups representing school boards, school
13 administrators, and teachers.

14 ~~(1k)~~ ^{118.42 (3m)} (a) The department shall report annually to the appropriate standing
15 committees of the legislature under s. 13.172 (3) the ~~performance category to which~~
16 ~~each school and school district has been assigned.~~ *the improvement status of*
each school district under

17 (b) Each school board, ~~the governing body of each charter school under s. 118.40~~
18 ~~(2r), and the governing body of each private school participating in a program under~~ *this*
19 ~~s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the~~ *section*
20 ~~school or school district the performance category to which the school or school~~ *status*
21 ~~district has been assigned.~~ *of the*
under this section'

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

23 115.38 (1m) (f) For public schools and school districts, beginning in the
24 2013-14 school year, the percentage of teachers in each category under s. 120.12 (2m)

25 (b).

SEC. # CR. 118.42 (3m)

7-23:6

Section #. 118.42 (4) of the statutes is amended to read:

118.42 (4) The state superintendent shall promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state, for the purposes of this section.

History: 2009 a. 215, 301; 2011 a. 10.

prior to the 2012-13
school year

Beginning in the 2012-13 school year,
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 section.

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

LRB-3740/5dn
PG:med:ph

February 3, 2012

Michael Brickman:

Because there was insufficient time allowed for drafting, I am not confident that the bill actually works. For example, I think there may be issues relating to the transition between the current accountability system and the system established in the bill.

Another result of the timeframe is that any changes you wish to make to this bill will have to be made to the compiled bill on Monday.

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



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3740/5
PG:med:ph

2011 BILL

AN ACT to renumber 118.40 (5); to renumber and amend 115.38 (1); to amend 115.38 (title), 115.38 (2), 118.42 (1) (intro.), 118.42 (2) (intro.), 118.42 (3) (a) (intro.), 118.42 (3) (b) (intro.), 118.42 (4), 119.04 (1) and 121.006 (2) (d); and to create 115.38 (1e) to (1k), 115.38 (1s), 118.40 (3) (f), 118.40 (5) (b) and 118.42 (3m) of the statutes; relating to: a school and school district accountability system.

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 PCP must be based only on data relating to the pupils attending the private school under the PCP.

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

BILL

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 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.

The bill directs DPI to establish a comprehensive school 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 PCP.

The bill requires that the system include all of the following components:

1. Multiple measures to determine performance, including pupil achievement and growth in reading and mathematics; measures of college and career readiness; and gaps in pupil achievement and rates of graduation, categorized by race, English language proficiency, disability, and income.
2. An index system to identify a school's level of performance and annually place each school into one of six performance categories. 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.
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 must direct the school board to choose to either implement DPI-approved improvement activities or close the school. If the school board chooses to implement the improvement activities, but after three years remains in the lowest performance category, DPI must direct 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 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 that 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 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 barred from participating in a PCP.

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:

BILL

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

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

SECTION 2. 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38 (1m) (intro.), (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:

(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, including a charter school, and a private school participating in a parental choice program under s. 118.60 or 119.23.

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

(a) Multiple measures to determine a school's performance or a school district's improvement status under s. 118.42, including all of the following:

1. Pupil achievement and growth in reading and mathematics.

BILL**SECTION 3**

2. Measures of college and career readiness for high school pupils and measures indicative of being on track for college and career readiness in the elementary grades.

3. Gaps in pupil achievement and rates of graduation, categorized by race, English language proficiency, disability, and income level.

(b) An index system to identify a school's level of performance and annually place each school into one of 6 performance categories based on data derived from multiple school years. The department shall collect and disseminate the best practices from the schools placed in the highest performance category. For schools placed in the lowest performance category, the department shall identify opportunities to provide support and shall intervene as provided in pars. (d) to (f). As part of that intervention, the department shall establish performance improvement benchmarks, which shall reflect the annual improvement necessary to remove the school from the lowest performance category within 3 years. Performance improvement 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).

(c) The production of annual school and school district reports that are timely, useful, and understandable. Each school and school district shall display prominently on the school's and school district's Internet sites the reports produced by the department under this section and make copies available upon request in the school's office.

(d) If the department determines that a public school other than a charter school is in the lowest performance category, the department shall do all of the following:

BILL

1. Direct a department-approved, on-site, diagnostic review of the school to determine the cause of the school's poor performance.
2. Direct the school board to implement department-approved improvement activities, based on the diagnostic review, within 3 school years or close the school.
3. If the school board chooses to implement department-approved improvement activities under subd. 2. but after 3 school years remains in the lowest performance category, direct the activities of the school in a manner consistent with s. 118.42.
4. If the diagnostic review under subd. 1. reveals that the school district has been in need of improvement for 3 consecutive school years, s. 118.42 applies.
 - (e) If the department determines that a charter school is in the lowest performance category, the charter school shall do one of the following:
 1. After participating in a department-approved, on-site, diagnostic review, implement department-approved improvement activities. After 3 years, if the charter school remains in the lowest performance category, the department shall revoke the school's charter.
 2. Enter into a performance agreement with the department in which the charter school agrees to meet annual, department-approved, performance benchmarks. If a benchmark is not met in any year, the department shall revoke the school's charter.
 - (f) If the department determines that a private school participating in a program under s. 118.60 or 119.23 is in the lowest performance category, the private school shall do one of the following:
 1. After participating in a department-approved, on-site, diagnostic review paid for by the private school, pay for and implement department-approved

BILL**SECTION 3**

improvement activities. After 3 years, if the private school remains in the lowest performance category, the department shall bar the school from participating in the program under s. 118.60 or 119.23.

2. Enter into a performance agreement with the department in which the private school agrees to meet annual, department-approved, performance benchmarks. If a benchmark is not met in any year, the department shall bar the school from participating in the program under s. 118.60 or 119.23.

(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.

(e) Members of organizations representing pupils and parents.

(1k) (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 has been assigned.

(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.

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

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

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

BILL**SECTION 5**

information specified by the state superintendent under sub. (1) (1m), regardless of the location of the charter school.

SECTION 6. 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 7. 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

SECTION 8. 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) (e).

SECTION 9. 118.42 (1) (intro.) of the statutes is amended to read:

118.42 (1) (intro.) 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:

SECTION 10. 118.42 (2) (intro.) of the statutes is amended to read:

118.42 (2) (intro.) 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 school year prior to the 2012-13 school year, or was in the lowest performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any school year 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:

SECTION 11. 118.42 (3) (a) (intro.) of the statutes is amended to read:

118.42 (3) (a) (intro.) If the state superintendent determines that a school district has been in need of improvement for ~~4~~ 3 consecutive school years, the state superintendent may, after consulting with the school board, the school district

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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 school district:

SECTION 12. 118.42 (3) (b) (intro.) of the statutes is amended to read:

118.42 (3) (b) (intro.) 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 the 2012-13 school year or in a school district that has been in need of improvement for 3 consecutive school years beginning in the 2012-13 school year; and that the school has been in need of improvement for 5 consecutive school years prior to the 2012-13 school year or was among the lowest performing 5 percent of all public schools in the state in the previous school year, prior to the 2012-13 school year, or was in the lowest performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any school year 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, direct the school board to do one or more of the following in the school:

SECTION 13. 118.42 (3m) of the statutes is created to read:

118.42 (3m) (a) The department shall report annually to the appropriate standing committees of the legislature under s. 13.172 (3) the improvement status of each school district under this section.

(b) Each school board shall annually report to the parent of each pupil enrolled in the school district the improvement status of the school district under this section.

SECTION 14. 118.42 (4) of the statutes is amended to read:

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118.42 (4) The state superintendent shall promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state, prior to the 2012-13 school year for the purposes of this section. Beginning in the 2012-13 school year, 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 section.

SECTION 15. 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 16. 121.006 (2) (d) of the statutes is amended to read:

121.006 (2) (d) Comply with a directive issued by the state superintendent under s. 115.38 (1g) (d) or 118.42 (3) (a) or (b).

SECTION 17. 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

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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 18. Initial applicability.

(1) CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (e) 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.

SECTION 19. Effective dates. This act takes effect on the day after publication, except as follows:

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

(END)