



State of Wisconsin
2011 – 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 461**

February 16, 2012 – Offered by COMMITTEE ON EDUCATION.

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

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 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 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.

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

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

15 b. One practicing preschool teacher.

16 c. Three persons representing this state’s philanthropic community.

17 d. Three persons representing this state’s business community.

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

19 f. One person representing the Wisconsin Reading Coalition.

20 g. One person representing the International Dyslexia Association.

21 h. One person representing Wisconsin Literacy, Inc.

22 i. One person representing the Wisconsin Library Association.

23 j. One person representing this state’s research community.

1 k. One person representing an organization that has as its mission service to
2 children with various types of disabilities.

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

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

5 **14.20 (title) Literacy improvement ~~aids~~ and early childhood**
6 **development grants.**

7 **SECTION 3.** 14.20 (1) of the statutes is repealed and recreated to read:

8 14.20 (1) In this section:

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

10 (b) “State superintendent” means the state superintendent of public
11 instruction.

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

13 14.20 (1m) The council shall make recommendations to the governor and state
14 superintendent regarding recipients of grants under sub. (2). The amount of each
15 grant awarded shall be determined jointly by the governor and the state
16 superintendent. In addition to reports required under s. 15.09 (7), annually the
17 council shall submit a report on its operation to the appropriate standing committees
18 of the legislature under s. 13.172 (3).

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

21 14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may
22 provide award a grant to any ~~local governmental unit or nonprofit organization~~
23 person other than a school board for support of a literacy improvement program.

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

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

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

4 20.525 (1) (q) *Grants for literacy and early childhood development programs.*
5 From the governor's read to lead development fund, a sum sufficient for grants to
6 support literacy and early childhood development programs under s. 14.20 (2) (b).

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

8 25.17 (1) (ge) Governor's read to lead development fund.

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

10 **25.79 Governor's read to lead development fund.** There is established a
11 separate nonlapsible trust fund, designated the governor's read to lead development
12 fund, consisting of all gifts, grants, bequests, and other contributions made to the
13 fund.

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

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

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

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

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

14 **115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.**

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

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

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

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

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

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

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

18 115.28 **(12)** (ag) Beginning in the 2012–13 school year, each school district
19 using the system under par. (a) shall include in the system the following information
20 for each teacher teaching in the school district who graduated from a teacher
21 preparatory program described in sub. (7) (a) and located in this state or from a
22 teacher education program described in sub. (7) (e) 2. and located in this state on or
23 after January 1, 2012:

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

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

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

4 **115.415 Educator effectiveness. (1)** The department shall develop an
5 educator effectiveness evaluation system and an equivalency process aligned with
6 the department's evaluation system for the evaluation of teachers and principals of
7 public schools, including teachers and principals of a charter school established
8 under s. 118.40 (2r), as provided in this section. Each school board and the governing
9 body of each charter school established under s. 118.40 (2r) shall evaluate teachers
10 and principals in the school district or charter school beginning in the 2014–15 school
11 year.

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

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

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

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

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

4 (c) A teacher or principal evaluated under this subsection shall be placed in one
5 of at least 4 performance categories.

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

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

19 (b) A teacher or principal evaluated under this subsection shall be placed in one
20 of at least 4 performance categories.

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

22 **118.016 Assessments of reading readiness.** **(1)** (a) Beginning in the
23 2012–13 school year, each school board and the governing body of each charter school
24 established under s. 118.40 (2r) shall, using the appropriate norm–referenced
25 assessment of literacy fundamentals selected by the department, annually assess

1 each pupil enrolled in 5-year-old kindergarten in the school district or in the charter
2 school for reading readiness. The department shall ensure that the assessment
3 evaluates whether a pupil possesses phonemic awareness, rapid naming, and letter
4 sound knowledge.

5 (b) If the department determines that sufficient moneys are available, the
6 school board and governing body shall also assess each pupil enrolled in 4-year-old
7 kindergarten.

8 **(1g)** (a) If a pupil is enrolled in a special education program under subch. V of
9 ch. 115, the school board or operator of the charter school under s. 118.40 (2r) shall
10 comply with s. 115.77 (1m) (bg).

11 (b) If a pupil's assessment indicates that he or she may have a disability, the
12 pupil shall be referred to the local educational agency, as defined in s. 115.76 (10),
13 in the manner described in s. 115.777 (2).

14 **(1r)** The school board or governing body of the charter school shall report the
15 results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

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

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

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

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

9 (b) 1. Points for questions relating to phonics, phonemic awareness, and
10 vocabulary shall constitute more than 50 percent of the maximum number of points
11 attainable on the examination under par. (a). The passing score on the examination
12 under par. (a) shall be 70.5 percent.

13 2. If the examination under par. (a) is part of a broader examination, the
14 requirements in subd. 1. apply to the portion of the broader examination that is
15 described in par. (a).

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

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

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
23 115.345, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06,
24 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
25 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225,

1 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,
2 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to
3 (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m),
4 and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
5 and board.

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

7 120.12 **(2m)** EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014–15 school
8 year, evaluate the effectiveness of each teacher and principal employed by the school
9 district using either the system established under s. 115.415 (2) or the equivalency
10 process established by rule under s. 115.415 (3).

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

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

14 121.02 **(1)** (c) (intro.) Provide interventions or remedial reading services for a
15 pupil in grades kindergarten to 4 if any of the following occurs:

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

17 121.02 **(1)** (c) 3. The pupil's reading assessment under s. 118.016 indicates that
18 the pupil is at risk of reading difficulty. If this subdivision applies, the interventions
19 or services provided the pupil shall be scientifically based and shall address all areas
20 in which the pupil is deficient in a manner consistent with the state standards in
21 reading and language arts.

22 **SECTION 26. Nonstatutory provisions.**

23 (1) EDUCATOR EFFECTIVENESS EVALUATION SYSTEM. Notwithstanding section
24 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the
25 statutes for purposes of the 2013–15 biennial budget bill, the department of public

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

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

9 **SECTION 27. Fiscal changes.**

10 (1) TRANSFER TO GOVERNOR'S READ TO LEAD DEVELOPMENT FUND. There is
11 transferred from the general fund to the governor's read to lead development fund
12 \$400,000 in the first fiscal year of the fiscal biennium in which this subsection takes
13 effect.

14 **SECTION 28. Initial applicability.**

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

18 (END)