



## ENGROSSED 2011 SENATE BILL 461

March 7, 2012 – Printed by direction of ASSEMBLY CHIEF CLERK.

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* 13.94 (1) (dL),  
4            13.94 (1s) (c) 6., 14.017 (5), 14.20 (1m), 14.20 (2) (b) and (c), 20.255 (1) (f), 20.255  
5            (2) (q), 20.525 (1) (q), 25.17 (1) (ge), 25.79, 115.28 (7g), 115.28 (12) (ag), 115.415,  
6            118.016, 118.19 (14), 120.12 (2m) and 121.02 (1) (c) 3. of the statutes; **relating**  
7            **to:** the governor's read to lead development fund, the Read to Lead  
8            Development Council, grants in support of literacy and early childhood  
9            development programs, teacher licensure, screening kindergarten pupils for  
10          reading readiness, interventions or remedial reading services for certain

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1 pupils, evaluating teacher preparatory programs and educator effectiveness,  
2 requiring the exercise of rule-making authority, and making an appropriation.

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***Analysis by the Legislative Reference Bureau******Engrossment information:***

The text of Engrossed 2011 Senate Bill 461 consists of the following documents adopted in the senate on March 6, 2012: Senate Substitute Amendment 1 as affected by Senate Amendment 3, Senate Amendment 4 (as affected by Senate Amendments 3 and 4 thereto), and Senate Amendment 5.

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

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

4 13.94 (1) (dL) Annually, conduct a financial audit of the governor's read to lead  
5 development fund. The legislative audit bureau shall file a copy of the report of the  
6 audit under this paragraph with the distributees specified in par. (b).

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

8 13.94 (1s) (c) 6. The department of administration for the cost of the audit  
9 under sub. (1) (dL).

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

11 14.017 (5) READ TO LEAD DEVELOPMENT COUNCIL. (a) There is created in the office  
12 of the governor a read to lead development council consisting of all of the following:

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

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

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

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

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

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

8           b. One practicing preschool teacher.

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

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

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

12          f. One person representing the Wisconsin Reading Coalition.

13          g. One person representing the International Dyslexia Association.

14          h. One person representing Wisconsin Literacy, Inc.

15          i. One person representing the Wisconsin Library Association.

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

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

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

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

21          **14.20** (title) **Literacy ~~improvement aids~~ and early childhood**  
22 **development grants.**

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

24          **14.20 (1)** In this section:

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

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

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

4 14.20 (1m) The council shall make recommendations to the governor and state  
5 superintendent regarding recipients of grants under sub. (2). The amount of each  
6 grant awarded shall be determined jointly by the governor and the state  
7 superintendent. In addition to reports required under s. 15.09 (7), annually the  
8 council shall submit a report on its operation to the appropriate standing committees  
9 of the legislature under s. 13.172 (3).

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

12 14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may  
13 provide award a grant to any ~~local governmental unit or nonprofit organization~~  
14 person other than a school board for support of a literacy improvement program.

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

16 14.20 (2) (b) From the appropriation under s. 20.525 (1) (q), the governor may  
17 award a grant to any person other than a school board for support of a literacy or early  
18 childhood development program.

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

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

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**2011-12      2012-13**

**20.255 Public instruction, department of**

(1) EDUCATIONAL LEADERSHIP

(f) Assessments of reading readi-  
ness

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

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

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

20.255 (2) (q) *Grants for literacy and early childhood development programs.*

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

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

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

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

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

20.525 (1) (q) *Grants for literacy and early childhood development programs.*

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

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

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

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

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

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

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

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

20           115.28 (7) (e) 2. Promulgate rules establishing requirements for licensure as  
21 an alternative education program teacher and for the approval of teacher education  
22 programs leading to licensure as an alternative education program teacher. The  
23 rules shall include a requirement that each teacher education program described in  
24 this subdivision and located in this state shall, beginning on July 1, 2012, and  
25 annually thereafter, submit to the department a list of individuals who have

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1 completed the program and who have been recommended by the program for  
2 licensure under this subdivision, together with each individual's date of program  
3 completion, from each term or semester of the program's most recently completed  
4 academic year. The rules shall encompass the teaching of multiple subjects or grade  
5 levels or both, as determined by the state superintendent. The rules may require  
6 teacher education programs to grant credit towards licensure as an alternative  
7 education program teacher for relevant experience or demonstrated proficiency in  
8 relevant skills and knowledge.

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

10 115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.

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

16 1. Determine how the performance of individuals who have recently completed  
17 a teacher preparatory program described in s. 115.28 (7) (a) and located in this state  
18 or a teacher education program described in s. 115.28 (7) (e) 2. and located in this  
19 state will be used to evaluate the teacher preparatory and education programs. The  
20 determination under this subdivision shall, at minimum, define "recently  
21 completed" and identify measures to assess an individual's performance, including  
22 the performance assessment made prior to making a recommendation for licensure.

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

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

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

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

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

16           115.28 (12) (ag) Beginning in the 2012–13 school year, each school district  
17 using the system under par. (a) shall include in the system the following information  
18 for each teacher teaching in the school district who completed a teacher preparatory  
19 program described in sub. (7) (a) and located in this state or a teacher education  
20 program described in sub. (7) (e) 2. and located in this state on or after January 1,  
21 2012:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

19 **118.016 Assessments of reading readiness. (1)** Beginning in the 2012–13  
20 school year, each school board and the governing body of each charter school  
21 established under s. 118.40 (2r) shall, using the appropriate, valid, and reliable  
22 assessment of literacy fundamentals selected by the department, annually assess  
23 each pupil enrolled in kindergarten in the school district or in the charter school for  
24 reading readiness. The department shall ensure that the assessment evaluates  
25 whether a pupil possesses phonemic awareness and letter sound knowledge.

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

4           **(1r)** The school board or governing body of the charter school shall report the  
5           results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

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

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

11           118.19 **(14)** (a) The department may not issue an initial teaching license that  
12           authorizes the holder to teach in grades kindergarten to 5 or in special education, an  
13           initial license as a reading teacher, or an initial license as a reading specialist, unless  
14           the applicant has passed an examination identical to the Foundations of Reading test  
15           administered in 2012 as part of the Massachusetts Tests for Educator Licensure. The  
16           department shall set the passing cut score on the examination at a level no lower  
17           than the level recommended by the developer of the test, based on this state's  
18           standards.

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

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

24           119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
25           66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

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1 115.345, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06,  
2 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,  
3 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225,  
4 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,  
5 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 (2m), (4m), (5), and (15) to  
6 (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m),  
7 and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district  
8 and board.

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

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

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

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

17 121.02 **(1)** (c) (intro.) Provide interventions or remedial reading services for a  
18 pupil in grades kindergarten to 4 if any of the following occurs:

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

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

25 **SECTION 26. Nonstatutory provisions.**

