



State of Wisconsin
2011 – 2012 LEGISLATURE



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

March 15, 2012 – Offered by Representatives POPE-ROBERTS, SINICKI, CLARK and HINTZ.

1 **AN ACT** *to repeal* 20.505 (4) (c); *to renumber* 118.40 (5); *to renumber and*
2 *amend* 14.20 (2) and 115.38 (1); *to amend* 14.20 (title), 20.525 (1) (f), 115.28
3 (7) (a), 115.28 (7) (e) 2., 115.38 (title), 115.38 (2), 118.42 (1) (intro.), 118.42 (2)
4 (intro.), 118.42 (3) (a) (intro.), 118.42 (3) (b) (intro.), 118.42 (4), 119.04 (1),
5 121.006 (2) (d) and 121.02 (1) (c) (intro.); *to repeal and recreate* 14.20 (1); and
6 *to create* 13.94 (1) (dL), 13.94 (1s) (c) 6., 14.017 (5), 14.20 (1m), 14.20 (2) (b) and
7 (c), 20.255 (1) (f), 20.255 (2) (q), 20.525 (1) (q), 25.17 (1) (ge), 25.79, 115.28 (7g),
8 115.28 (12) (ag), 115.38 (1e) to (1k), 115.38 (1s), 115.415, 118.016, 118.19 (14),
9 118.40 (3) (f), 118.40 (5) (b), 118.42 (3m), 120.12 (2m) and 121.02 (1) (c) 3. of the
10 statutes; **relating to:** the governor's read to lead development fund, the Read
11 to Lead Development Council, grants in support of literacy and early childhood
12 development programs, teacher licensure, screening kindergarten pupils for
13 reading readiness, interventions or remedial reading services for certain

1 pupils, evaluating teacher preparatory programs and educator effectiveness, a
2 school and school district accountability system, requiring the exercise of
3 rule-making authority, and making an appropriation.

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

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

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

8 **SECTION 2.** 13.94 (1s) (c) 6. of the statutes is created to read:

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

11 **SECTION 3.** 14.017 (5) of the statutes is created to read:

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

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

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

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

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

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

- 1 a. Two practicing elementary and secondary education teachers or principals.
- 2 b. One practicing preschool teacher.
- 3 c. Three persons representing this state’s philanthropic community.
- 4 d. Three persons representing this state’s business community.
- 5 e. One person representing the Wisconsin State Reading Association.
- 6 f. One person representing the Wisconsin Reading Coalition.
- 7 g. One person representing the International Dyslexia Association.
- 8 h. One person representing Wisconsin Literacy, Inc.
- 9 i. One person representing the Wisconsin Library Association.
- 10 j. One person representing this state’s research community.
- 11 k. One person representing an organization that has as its mission service to
- 12 children with various types of disabilities.

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

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

15 **14.20** (title) **Literacy ~~improvement~~ aids and early childhood**
16 **development grants.**

17 **SECTION 5.** 14.20 (1) of the statutes is repealed and recreated to read:

18 **14.20 (1)** In this section:

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

20 (b) “State superintendent” means the state superintendent of public
21 instruction.

22 **SECTION 6.** 14.20 (1m) of the statutes is created to read:

23 **14.20 (1m)** The council shall make recommendations to the governor and state
24 superintendent regarding recipients of grants under sub. (2). The amount of each
25 grant awarded shall be determined jointly by the governor and the state

1 superintendent. In addition to reports required under s. 15.09 (7), annually the
2 council shall submit a report on its operation to the appropriate standing committees
3 of the legislature under s. 13.172 (3).

4 **SECTION 7.** 14.20 (2) of the statutes is renumbered 14.20 (2) (a) and amended
5 to read:

6 14.20 (2) (a) From the appropriation under s. 20.525 (1) (f), the governor may
7 provide award a grant to any ~~local governmental unit or nonprofit organization~~
8 person other than a school board for support of a literacy improvement program.

9 **SECTION 8.** 14.20 (2) (b) and (c) of the statutes are created to read:

10 14.20 (2) (b) From the appropriation under s. 20.525 (1) (q), the governor may
11 award a grant to any person other than a school board for support of a literacy or early
12 childhood development program.

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

16 **SECTION 9.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
17 the following amounts for the purposes indicated:

18 **2011-12** **2012-13**

19 **20.255 Public instruction, department of**

20 (1) EDUCATIONAL LEADERSHIP

21 (f) Assessments of reading readi-
22 ness

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23 **SECTION 10.** 20.255 (1) (f) of the statutes is created to read:

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

4 **SECTION 11.** 20.255 (2) (q) of the statutes is created to read:

5 20.255 (2) (q) *Grants for literacy and early childhood development programs.*
6 From the governor's read to lead development fund, a sum sufficient for grants to
7 support literacy and early childhood development programs under s. 14.20 (2) (c).

8 **SECTION 12.** 20.505 (4) (c) of the statutes, as created by 2011 Wisconsin Act 32,
9 is repealed.

10 **SECTION 13.** 20.525 (1) (f) of the statutes is amended to read:

11 20.525 (1) (f) *Literacy improvement aids.* The amounts in the schedule for the
12 ~~governor to provide grants for~~ to support literacy improvement under s. 14.20 (2) (a).

13 **SECTION 14.** 20.525 (1) (q) of the statutes is created to read:

14 20.525 (1) (q) *Grants for literacy and early childhood development programs.*
15 From the governor's read to lead development fund, a sum sufficient for grants to
16 support literacy and early childhood development programs under s. 14.20 (2) (b).

17 **SECTION 15.** 25.17 (1) (ge) of the statutes is created to read:

18 25.17 (1) (ge) Governor's read to lead development fund.

19 **SECTION 16.** 25.79 of the statutes is created to read:

20 **25.79 Governor's read to lead development fund.** There is established a
21 separate nonlapsible trust fund, designated the governor's read to lead development
22 fund, consisting of all gifts, grants, bequests, and other contributions made to the
23 fund.

24 **SECTION 17.** 115.28 (7) (a) of the statutes is amended to read:

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

13 **SECTION 18.** 115.28 (7) (e) 2. of the statutes is amended to read:

14 115.28 (7) (e) 2. Promulgate rules establishing requirements for licensure as
15 an alternative education program teacher and for the approval of teacher education
16 programs leading to licensure as an alternative education program teacher. The
17 rules shall include a requirement that each teacher education program described in
18 this subdivision and located in this state shall, beginning on July 1, 2012, and
19 annually thereafter, submit to the department a list of individuals who have
20 completed the program and who have been recommended by the program for
21 licensure under this subdivision, together with each individual's date of program
22 completion, from each term or semester of the program's most recently completed
23 academic year. The rules shall encompass the teaching of multiple subjects or grade
24 levels or both, as determined by the state superintendent. The rules may require
25 teacher education programs to grant credit towards licensure as an alternative

1 education program teacher for relevant experience or demonstrated proficiency in
2 relevant skills and knowledge.

3 **SECTION 19.** 115.28 (7g) of the statutes is created to read:

4 **115.28 (7g) EVALUATION OF TEACHER PREPARATORY PROGRAMS.**

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

10 1. Determine how the performance of individuals who have recently completed
11 a teacher preparatory program described in s. 115.28 (7) (a) and located in this state
12 or a teacher education program described in s. 115.28 (7) (e) 2. and located in this
13 state will be used to evaluate the teacher preparatory and education programs. The
14 determination under this subdivision shall, at minimum, define “recently
15 completed” and identify measures to assess an individual’s performance, including
16 the performance assessment made prior to making a recommendation for licensure.

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

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

23 (b) Beginning in the 2013–14 school year, the department shall use the system
24 developed under par. (a) 3. to annually report for each program identified in par. (a)
25 1. the rate of passage of individuals who have recently completed a teacher

1 preparatory or education program and who have been recommended by the program
2 for licensure under s. 115.28 (7) on examinations administered for licensure under
3 s. 115.28 (7) and any other information required to be reported under par. (a) 1.

4 (c) Beginning in the 2013–14 school year, each teacher preparatory and
5 education program shall prominently display and annually update the rate of
6 passage of individuals who have recently completed a teacher preparatory or
7 education program and who have been recommended by the program for licensure
8 under s. 115.28 (7) on examinations administered for licensure under s. 115.28 (7)
9 and any other information required to be reported under par. (a) 1. on the program's
10 Web site and provide this information to persons receiving admissions materials to
11 the program.

12 **SECTION 20.** 115.28 (12) (ag) of the statutes is created to read:

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

19 1. The name of the teacher preparatory program or teacher education program
20 the teacher attended and completed.

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

23 **SECTION 21.** 115.38 (title) of the statutes is amended to read:

24 **115.38 (title) School accountability system; performance report;**
25 **educational program review.**

1 **SECTION 22.** 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38
2 (1m) (intro.), (c) and (e), as renumbered, are amended to read:

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

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

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

13 **SECTION 23.** 115.38 (1e) to (1k) of the statutes are created to read:

14 115.38 **(1e)** In this section, “school” means a public school, including a charter
15 school, and a private school participating in a parental choice program under s.
16 118.60 or 119.23.

17 **(1g)** The department shall establish a comprehensive school and school district
18 accountability system beginning in the 2012–13 school year that includes all of the
19 following components:

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

- 22 1. Pupil achievement and growth in reading and mathematics.
- 23 2. Measures of college and career readiness for high school pupils and measures
24 indicative of being on track for college and career readiness in the elementary grades.

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

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

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

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

23 1. Direct a department–approved, on–site, diagnostic review of the school to
24 determine the cause of the school’s poor performance.

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

3 3. If the school board chooses to implement department–approved
4 improvement activities under subd. 2. but after 3 school years remains in the lowest
5 performance category, direct the activities of the school in a manner consistent with
6 s. 118.42.

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

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

11 1. After participating in a department–approved, on–site, diagnostic review,
12 implement department–approved improvement activities. After 3 years, if the
13 charter school remains in the lowest performance category, the department shall
14 revoke the school’s charter.

15 2. Enter into a performance agreement with the department in which the
16 charter school agrees to meet annual, department–approved, performance
17 benchmarks. If a benchmark is not met in any year, the department shall revoke the
18 school’s charter.

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

22 1. After participating in a department–approved, on–site, diagnostic review
23 paid for by the private school, pay for and implement department–approved
24 improvement activities. After 3 years, if the private school remains in the lowest

1 performance category, the department shall bar the school from participating in the
2 program under s. 118.60 or 119.23.

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

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

9 (a) The governor.

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

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

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

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

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

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

24 **SECTION 24.** 115.38 (1s) of the statutes is created to read:

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

8 **SECTION 25.** 115.38 (2) of the statutes is amended to read:

9 **115.38 (2)** (a) Annually by January 1, each school board shall notify the parent
10 or guardian of each pupil enrolled in the school district of the right to request a school
11 and school district performance report under this subsection. Except as provided in
12 par. (b), annually by May 1, each school board shall, upon request, distribute to the
13 parent or guardian of each pupil enrolled in the school district, including pupils
14 enrolled in charter schools located in the school district, or give to each pupil to bring
15 home to his or her parent or guardian, a school and school district performance report
16 that includes the information specified by the state superintendent under sub. ~~(1)~~
17 (1m). The report shall also include a comparison of the school district's performance
18 under sub. ~~(1)~~ (1m) (a) and (b) with the performance of other school districts in the
19 same athletic conference under sub. ~~(1)~~ (1m) (a) and (b). If the school district
20 maintains an Internet site, the report shall be ~~made available to the public at~~
21 prominently displayed on that site.

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

1 information specified by the state superintendent under sub. ~~(4)~~ (1m), regardless of
2 the location of the charter school.

3 **SECTION 26.** 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 multiple 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 multiple performance categories.

21 **SECTION 27.** 118.016 of the statutes is created to read:

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

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

4 **(1g)** If a pupil is enrolled in a special education program under subch. V of ch.
5 115, the school board or operator of the charter school under s. 118.40 (2r) shall
6 comply with s. 115.77 (1m) (bg).

7 **(1r)** The school board or governing body of the charter school shall report the
8 results of a pupil's assessment under sub. (1) to the pupil's parent or guardian.

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

13 **SECTION 28.** 118.19 (14) of the statutes is created to read:

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

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

25 **SECTION 29.** 118.40 (3) (f) of the statutes is created to read:

1 118.40 (3) (f) No charter school may be established by contract unless the
2 contract authorizes the department to revoke the contract under sub. (5) (b).

3 **SECTION 30.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

4 **SECTION 31.** 118.40 (5) (b) of the statutes is created to read:

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

7 **SECTION 32.** 118.42 (1) (intro.) of the statutes is amended to read:

8 118.42 (1) (intro.) If the state superintendent determines that a school district
9 has been in need of improvement for ~~4~~ 3 consecutive school years, the school board
10 shall do all of the following:

11 **SECTION 33.** 118.42 (2) (intro.) of the statutes is amended to read:

12 118.42 (2) (intro.) If the state superintendent determines that a public school
13 was in the lowest performing 5 percent of all public schools in the state in the
14 previous school year prior to the 2012–13 school year, or was in the lowest
15 performance category under s. 115.38 (1g) (b) in the 2012–13 school year or any
16 school year thereafter, and is located in a school district that has been in need of
17 improvement for ~~4~~ 3 consecutive school years, the school board shall do all of the
18 following in the school:

19 **SECTION 34.** 118.42 (3) (a) (intro.) of the statutes is amended to read:

20 118.42 (3) (a) (intro.) If the state superintendent determines that a school
21 district has been in need of improvement for ~~4~~ 3 consecutive school years, the state
22 superintendent may, after consulting with the school board, the school district
23 superintendent, and representatives of each labor organization representing school
24 district employees, direct the school board to do one or more of the following in the
25 school district:

1 **SECTION 35.** 118.42 (3) (b) (intro.) of the statutes is amended to read:

2 118.42 **(3)** (b) (intro.) If the state superintendent determines that a public
3 school is located in a school district that has been in need of improvement for 4
4 consecutive school years, prior to the 2012–13 school year or in a school district that
5 has been in need of improvement for 3 consecutive school years beginning in the
6 2012–13 school year; and that the school has been in need of improvement for 5
7 consecutive school years prior to the 2012–13 school year or was among the lowest
8 performing 5 percent of all public schools in the state in the previous school year,
9 prior to the 2012–13 school year, or was in the lowest performance category under
10 s. 115.38 (1g) (b) in the 2012–13 school year or any school year thereafter; the state
11 superintendent may, after consulting with the school board, the school district
12 superintendent, and representatives of each labor organization representing school
13 district employees, direct the school board to do one or more of the following in the
14 school:

15 **SECTION 36.** 118.42 (3m) of the statutes is created to read:

16 118.42 **(3m)** (a) The department shall report annually to the appropriate
17 standing committees of the legislature under s. 13.172 (3) the improvement status
18 of each school district under this section.

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

21 **SECTION 37.** 118.42 (4) of the statutes is amended to read:

22 118.42 **(4)** The state superintendent shall promulgate rules establishing
23 criteria and procedures for determining whether a school or school district is in need
24 of improvement and whether a school is among the lowest performing 5 percent of
25 all public schools in the state, prior to the 2012–13 school year for the purposes of this

1 section. Beginning in the 2012–13 school year, the state superintendent shall
2 promulgate rules establishing criteria and procedures for determining whether a
3 school district is in need of improvement for purposes of this section.

4 **SECTION 38.** 119.04 (1) of the statutes, as affected by 2011 Wisconsin Act 85,
5 is amended to read:

6 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
7 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
8 115.345, 115.365 (3), 115.38 ~~(2)~~, 115.415, 115.445, 118.001 to 118.04, 118.045, 118.06,
9 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15,
10 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.223, 118.225,
11 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258, 118.291, 118.292,
12 118.30 to 118.43, 118.46, 118.51, 118.52, 118.55, 120.12 ~~(2m)~~, (4m), (5), and (15) to
13 (27), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m),
14 and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district
15 and board.

16 **SECTION 39.** 120.12 (2m) of the statutes is created to read:

17 120.12 (2m) EDUCATOR EFFECTIVENESS. (a) Beginning in the 2014–15 school
18 year, evaluate the effectiveness of each teacher and principal employed by the school
19 district using either the system established under s. 115.415 (2) or the equivalency
20 process established by rule under s. 115.415 (3).

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

23 **SECTION 40.** 121.006 (2) (d) of the statutes is amended to read:

24 121.006 (2) (d) Comply with a directive issued by the state superintendent
25 under s. 115.38 (1g) (d) or 118.42 (3) (a) or (b).

1 **SECTION 41.** 121.02 (1) (c) (intro.) of the statutes is amended to read:

2 121.02 (1) (c) (intro.) Provide interventions or remedial reading services for a
3 pupil in grades kindergarten to 4 if any of the following occurs:

4 **SECTION 42.** 121.02 (1) (c) 3. of the statutes is created to read:

5 121.02 (1) (c) 3. The pupil's reading assessment under s. 118.016 indicates that
6 the pupil is at risk of reading difficulty. If this subdivision applies, the interventions
7 or services provided the pupil shall be scientifically based and shall address all areas
8 in which the pupil is deficient in a manner consistent with the state standards in
9 reading and language arts.

10 **SECTION 43. Nonstatutory provisions.**

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

17 (2) ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the
18 statutes, in submitting information under section 16.42 of the statutes for purposes
19 of the 2013–15 biennial budget bill, the department of public instruction shall submit
20 information concerning the cost of implementing the school and school district
21 accountability system under section 115.38 (1g) to (1k) of the statutes, as created by
22 this act.

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

1 initial members shall be appointed for 3–year terms, and 5 of the initial members
2 shall be appointed for 4–year terms.

3 **SECTION 44. Fiscal changes.**

4 (1) TRANSFER TO GOVERNOR'S READ TO LEAD DEVELOPMENT FUND. There is
5 transferred from the general fund to the governor's read to lead development fund
6 \$400,000 in the first fiscal year of the fiscal biennium in which this subsection takes
7 effect.

8 **SECTION 45. Initial applicability.**

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

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

16 **SECTION 46. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

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

20 (END)