



State of Wisconsin
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 286**

March 12, 2014 – Offered by Representative STEINEKE.

1 **AN ACT to repeal** 115.38, 118.42 (2), 118.42 (3) (b) and 121.02 (1) (o); **to renumber**
2 115.28 (12) (title) and 118.40 (5); **to renumber and amend** 115.28 (12) (a),
3 115.28 (12) (ag) (intro.), 115.28 (12) (ag) 1. and 2. and 115.28 (12) (b); **to amend**
4 20.255 (1) (e), 20.255 (1) (he), 115.001 (1), 118.125 (4), 118.40 (2r) (b) 1. (intro.),
5 118.40 (2r) (b) 2., 118.40 (2r) (b) 2m., 118.40 (2r) (b) 4., 118.40 (2r) (bm), 118.40
6 (2r) (cm), 118.40 (2r) (d) (intro.), 118.40 (3) (b), 118.40 (3) (e), 118.40 (4) (c),
7 118.42 (title), 118.42 (3) (c) 1. (intro.), 118.42 (3) (c) 2., 118.42 (4), 118.60 (10) (c),
8 118.60 (10) (d), 119.04 (1), 119.23 (10) (c), 119.23 (10) (d) and 121.006 (2) (d); and
9 **to create** 15.377 (5), 20.255 (3) (fm), 115.383 (4), 115.383 (5), 115.385 (3),
10 115.39, 115.415 (5), 118.40 (4) (a) 3., 118.40 (5) (b), 118.425, 118.60 (9m), 119.23
11 (9m) and 120.12 (26) of the statutes; **relating to:** the student information
12 system, a school and school district accountability system, low-performing

- 1 schools, charter school contracts, pupil records, the educator effectiveness
2 program, and creating the academic accountability council.
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Analysis by the Legislative Reference Bureau

STUDENT INFORMATION SYSTEM

Current law directs the Department of Public Instruction (DPI) to develop a proposal for a multiple-vendor student information system (SIS). DPI must submit the proposal to the Joint Committee on Finance (JCF) for its approval. If JCF approves the proposal, DPI must implement it and must ensure that information about pupils enrolled in charter schools and about pupils enrolled in private schools participating in a parental choice program (PCP) is collected and maintained in the SIS. Current law also provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school is using the SIS, and that every private school participating in a PCP is either using the SIS or is using a system that is interoperable with the SIS. Current law authorizes DPI to promulgate rules establishing a fee for use of the SIS.

This substitute amendment provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school, other than an independent charter school, is using the system. The substitute amendment also provides that, beginning in the 2015–16 school year, or in the first school year in which the SIS is fully operational, whichever occurs later, DPI must ensure that every independent charter school and every private school participating in a PCP is either using the SIS or is using a system that is commercially available, capable of providing the information required, and able to obtain pupil identification numbers. If the SIS is established, the substitute amendment allows DPI to promulgate rules establishing a fee for using the SIS. However, the rules are not effective unless JCF approves.

The substitute amendment also provides that a private school participating in a PCP is not required to participate in the SIS or use a system described above if no accountability report is issued for the private school for various reasons, as described below.

Finally, the substitute amendment specifies that a private school participating in a PCP is not required to include in the SIS it is using information about pupils who are not attending the private school under the PCP.

SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY

Current law directs DPI, annually by September 1, to publish a school and school district accountability report that includes the following components:

1. Multiple measures to determine a school's performance or a school district's improvement, including pupil achievement and growth in reading and mathematics; measures of college and career readiness; and gaps in pupil achievement and graduation rates categorized by various factors.
2. An index system to identify a school's level of performance and annually place each school into one of five performance categories.

Current law provides that one year after an independent charter school or a private school participating in a PCP begins using the SIS or a system that is interoperable with the SIS, DPI must include the school in its school accountability report.

This substitute amendment eliminates all of the above provisions and establishes a school and school district accountability system, initially effective in the 2016-17 school year, that is applicable to school districts, public schools, charter schools, and private schools participating in a PCP. The substitute amendment directs DPI to determine a school's and school district's performance in the following areas:

1. Pupil achievement in reading and mathematics.
2. Growth in pupil achievement in reading and mathematics, calculated using a value-added methodology.
3. Gap closure in growth in pupil achievement in reading and mathematics and, when available, in graduation rates.
4. Rates of attendance or of high school graduation.

The substitute amendment specifies the information about a school or school district that DPI may use to measure performance in each of the above areas.

For a private school participating in a PCP, the substitute amendment directs DPI to use for each area only the information that pertains to pupils attending the private school under the PCP. The substitute amendment, however, allows a private school participating in a PCP to submit to DPI achievement data from a test administered to all of the pupils attending the private school if the test is a nationally recognized, norm-referenced test that has been approved for this use by DPI. (See below.) If a private school does so, its report card must display a grade derived from data generated by all pupils attending the school, but this grade may not be used to determine whether a sanction should be imposed. In addition, the private school may direct DPI to display on the school's report card the percentile rank of the pupil scores on the test instead of a grade.

The substitute amendment provides that if DPI determines that there is insufficient data about a school to grade its performance, or that a grade would be inappropriate because the school serves exclusively children at risk, pupils with a disability, or pupils who have other special needs, DPI must issue a report card but must grade the school as "satisfactory" or "needs improvement."

The substitute amendment requires DPI to issue an annual accountability report for each school and school district that grades the school's or school district's overall performance on the following scale:

1. Significantly exceeds expectations.
2. Exceeds expectations.
3. Meets expectations.
4. Meets few expectations.
5. Fails to meet expectations.

The substitute amendment directs DPI to provide a school or school district an opportunity to review a preliminary version of a report in order to correct errors.

The substitute amendment allows DPI to downgrade a school's rating if DPI determines that the percentage of pupils taking the statewide assessments is inadequate.

The substitute amendment creates an Academic Accountability Council in DPI to make recommendations to DPI on:

1. Whether a school that has been determined to be failing but demonstrates high-value added growth, as determined by the University of Wisconsin-Madison Value-Added Research Center, should be sanctioned.

2. How a school's and school district's grade should be affected whenever a pupil is excused from taking a statewide assessment.

3. Policies that address accommodations on statewide assessments for certain pupils attending a private school participating in a PCP that are similar to accommodations made for such pupils attending public schools.

4. Further clarifying the data that DPI may use for each measure used to determine a school's or school district's performance.

5. The methodology for calculating the performance of schools and school districts.

6. The weight to be given each measure used.

7. The qualifying score for each grade.

8. A list of nationally recognized, norm-referenced tests that a choice school may use as described above.

9. Modifying the sanctions imposed on schools for poor performance.

10. Accrediting agencies for DPI approval (see below for more information).

The substitute amendment directs the Legislative Audit Bureau annually to study DPI's methodology for calculating the performance of schools and school districts and report its findings each January to the Joint Legislative Audit Committee.

LOW-PERFORMING SCHOOLS AND SCHOOL DISTRICTS; INTERVENTIONS

Current law requires a school board and DPI to take certain steps if a school or school district is in need of improvement or among the lowest performing, as follows:

1. If DPI determines that a school district has been in need of improvement for four consecutive school years, the school board must:

a. Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards;

b. Use pupil academic performance data to differentiate instruction to meet individual needs;

c. Implement a system of academic and behavioral supports and early intervention for pupils; and

d. Provide additional learning time to address the academic needs of pupils who are struggling academically.

2. If DPI determines that a particular public school has been 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 four consecutive school years, the school board must do the following in the school:

a. Use rigorous and equitable performance evaluation systems for teachers and principals.

b. Adopt a policy establishing criteria for evaluating whether the distribution of teachers and principals within the affected schools relative to the distribution of teachers and principals throughout the school district, based on their qualifications and effectiveness, is equitable. If the school board determines that the distribution is inequitable, the school board must eliminate those policies and constraints that prevent low-performing schools from recruiting, placing, and retaining effective teachers and principals, and provide additional support to teachers and principals.

c. Establish teacher and principal improvement programs.

d. Adopt placement criteria for principals that include performance evaluations and measures of pupil academic achievement.

3. If DPI determines that a school district has been in need of improvement for four consecutive school years, DPI may direct the school board to do one or more of the following in the school district:

a. Implement or modify activities enumerated for low-performing school districts above.

b. Implement a new or modified instructional design.

c. Implement professional development programs.

d. Implement changes in administrative and personnel structures.

e. Adopt accountability measures to monitor the school district's finances or to monitor other interventions.

4. If DPI determines that a public school is located in a school district that has been in need of improvement for four consecutive school years, and that the school has been in need of improvement for five consecutive school years or was among the lowest performing 5 percent of all public schools in the state in the previous school year, DPI may direct the school board to do one or both of the following in the school:

a. Implement a new or modified instructional design.

b. Create a school improvement council to make recommendations to DPI regarding improving the school.

This substitute amendment eliminates all of the above provisions (except those applicable to low-performing school districts), effective at the end of the 2018-19 school year, and substitutes the following:

Public schools

The substitute amendment provides that if DPI determines that a public school has received a grade of "fails to meet expectations" for any school year, the school board must seek (and maintain) accreditation for the school from an accrediting agency approved by DPI.

If DPI determines that a public school has received a grade of "fails to meet expectations" for three consecutive school years, or has received a grade of "fails to meet expectations" in three of five consecutive school years and a grade no higher than "meets few expectations" in the other two school years, the school board must permanently close the school or contract with a person to operate the school as a charter school.

If a school board determines to contract with a person to operate the school as a charter school, the operator of the charter school must do all of the following in the school:

1. Replace the school's principal.
2. Implement a rigorous staff evaluation and development system.
3. Reward staff who increase pupil academic achievement or high school graduation rates.
4. Institute comprehensive instructional reform.
5. Increase the time provided for pupil instruction.
6. Apply community-oriented school strategies.
7. Provide greater operational flexibility and support for the school.

All teachers who have been assigned to the school are dismissed and must reapply in order to be rehired. Any teacher who scores in the lowest 20 percent in the educator effectiveness program statewide (see below) may not be rehired. The substitute amendment specifies that the new principal of the school, not the school board or school district administrator, must select the teachers employed for the school if the charter school is an instrumentality of the school district. The school board must pay the charter school operator, for each full-time equivalent pupil attending the school, at least 90 percent of the average per-pupil cost for the school district.

The requirement to close a public school or contract with a person to operate the school as a charter school does not apply if DPI determines, based on information provided by the University of Wisconsin-Madison Value-Added Research Center, that the school demonstrates high-value added growth. In addition, a newly constructed school may not be sanctioned based on the grades received during its first two school years of operation.

These sanctions (and the sanctions described below for charter schools and choice schools) take effect in the school year following the school year in which the accountability report for the third (or fifth) school year is issued by DPI. Accountability reports are expected to be issued in September.

Charter schools

The substitute amendment provides that if DPI determines that a charter school has received a grade of "fails to meet expectations" for any school year, the charter school operator must seek (and maintain) accreditation for the school from an accrediting agency approved by DPI.

If DPI determines that a charter school has received a grade of "fails to meet expectations" for three consecutive school years, or has received a grade of "fails to meet expectations" in three of five consecutive school years and a grade no higher than "meets few expectations" in the other two school years, the school board or entity that contracted for the establishment of the charter school must revoke the contract. If the charter school reopens as a private school, it may not participate in a PCP.

The substitute amendment provides, however, that a charter school's contract may not be revoked on the basis of grades received during the school's initial two school years. The substitute amendment also provides that a charter school's

contract may not be revoked if DPI determines, based on information provided by the University of Wisconsin-Madison Value-Added Research Center, that the school demonstrates high-value added growth.

Choice schools

If DPI determines that a private school participating in a PCP has received a grade of “fails to meet expectations” for three consecutive school years, or has received a grade of “fails to meet expectations” in three of five consecutive school years and a grade no higher than “meets few expectations” in the other two school years, DPI must issue an order permanently barring the private school from accepting any new pupils under the PCP. This requirement does not apply, however, if DPI determines, based on information provided by the University of Wisconsin-Madison Value-Added Research Center, that the school demonstrates high-value added growth. A private school barred from accepting new pupils may not reopen as a charter school. In addition, a choice school may not be sanctioned based on grades received during the school’s first two years of participating in a PCP.

Applicability of sanctions

The substitute amendment provides that none of the sanctions described above for failing public schools, charter schools, and choice schools apply unless another state law requires that they be imposed.

CHARTER SCHOOLS; CONTRACTS

Under current law, an entity authorized to establish an independent charter school may do so itself or by contracting with a third party. This substitute amendment allows charter schools to be established by contract only.

Currently, a contract with a charter school may be for any term not exceeding five school years and may be renewed for one or more terms not exceeding five school years. This bill provides that the initial contract with a charter school must be for a term of five years if the charter school requests it.

TRANSFER OF PUPIL RECORDS

Currently, school districts and private schools participating in a PCP are subject to various requirements relating to the transfer of a pupil’s records when the pupil transfers to another school. This substitute amendment subjects all charter schools to the same requirements.

EDUCATOR EFFECTIVENESS

Current law directs DPI to develop an educator effectiveness evaluation system for the evaluation of teachers and principals of public schools, including independent charter schools. The system must be designed to place a teacher or principal in one of multiple performance categories.

This substitute amendment directs the Academic Accountability Council to make recommendations to DPI on modifications to the educator effectiveness program.

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

1 20.255 (1) (e) *Student information system*. As a continuing appropriation, the
2 amounts in the schedule for the student information system under s. ~~115.28 (12)~~
3 115.383.

4 **SECTION 4.** 20.255 (1) (he) of the statutes, as created by 2013 Wisconsin Act 20,
5 is amended to read:

6 20.255 (1) (he) *Student information system; fees*. All moneys received from fees
7 charged as authorized under s. ~~115.28 (12) (b)~~ 115.383 (3) (c) to be used for the student
8 information system established under s. ~~115.28 (12) (a)~~ 115.383 (1).

9 **SECTION 5.** 20.255 (3) (fm) of the statutes is created to read:

10 20.255 (3) (fm) *Value-Added Research Center*. The amounts in the schedule to
11 pay the costs of the University of Wisconsin-Madison Value-Added Research
12 Center under ss. 115.39 (4m) (b), 118.40 (5) (b) 4., 118.425 (4) (d) 1., 118.60 (9m) (a)
13 4., and 119.23 (9m) (a) 4.

14 **SECTION 6.** 115.001 (1) of the statutes is amended to read:

15 115.001 (1) CHARTER SCHOOL. “Charter school” means a school under contract
16 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
17 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
18 ~~118.40 (2r) (b)~~.

19 **SECTION 7.** 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

20 **SECTION 8.** 115.28 (12) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
21 is renumbered 115.383 (1), and 115.383 (1) (a) and (c), as renumbered, are amended
22 to read:

23 115.383 (1) (a) Develop a proposal for a multiple-vendor student information
24 system for the standardized collection of pupil data. The proposal shall allow schools
25 and school districts to use their vendor of choice and include reporting requirements

1 that can reasonably be met by multiple vendors. The state superintendent may not
2 establish a student information system unless the proposal is approved by the joint
3 committee on finance under ~~subd. 2~~ par. (b).

4 (c) ~~If Except as provided in sub. (4) (b), if~~ the proposal is approved under ~~subd.~~
5 ~~2. par. (b)~~, the state superintendent shall ensure that information about pupils
6 enrolled in charter schools and about pupils enrolled in private schools participating
7 in a parental choice program under s. 118.60 or 119.23, including their academic
8 performance and demographic information, ~~aggregated by school district, school,~~
9 ~~and teacher~~, is collected and maintained in the student information system.

10 **SECTION 9.** 115.28 (12) (ag) (intro.) of the statutes, as affected by 2013
11 Wisconsin Act 20, is renumbered 115.383 (2) (intro.) and amended to read:

12 115.383 (2) (intro.) If the student information system is established under ~~par.~~
13 ~~(a) sub. (1)~~, each school district, charter school, and private school using the system
14 under ~~par. (a) sub. (1)~~ shall include in the system the following information for each
15 teacher teaching in the school district or school who completed a teacher ~~preparatory~~
16 education program described in ~~sub. s. 115.28 (7) (a) or (e) 2.~~ and located in this state
17 ~~or a teacher education program described in sub. (7) (e) 2. and located in this state~~
18 on or after January 1, 2012:

19 **SECTION 10.** 115.28 (12) (ag) 1. and 2. of the statutes are renumbered 115.383
20 (2) (a) and (b) and amended to read:

21 115.383 (2) (a) The name of the teacher ~~preparatory program or teacher~~
22 education program the teacher attended and completed.

23 (b) The term or semester and year in which the teacher completed the teacher
24 education program ~~described in subd. 1.~~

1 **SECTION 11.** 115.28 (12) (b) of the statutes, as affected by 2013 Wisconsin Act
2 20, is renumbered 115.383 (3) (a) and amended to read:

3 115.383 **(3)** (a) If the student information system is established under ~~par. (a),~~
4 sub. (1), the state superintendent shall ensure that within 5 years of the
5 establishment of the system ~~under par. (a),~~ every school district and every charter
6 school, other than a charter school established under s. 118.40 (2r), is using the
7 system, ~~and that.~~

8 (b) Except as provided in sub. (4) (b), beginning in the 2015-16 school year or
9 in the first school year in which the department determines that the student
10 information system is fully operational, whichever occurs later, the state
11 superintendent shall ensure that every charter school established under s. 118.40
12 (2r) and every private school participating in a parental choice program under s.
13 118.60 or 119.23 is either using the system under ~~par. (a) sub. (1)~~ or is using a system
14 that is interoperable ~~with the system under par. (a).~~ The commercially available,
15 capable of providing the information required under s. 115.39, and able to obtain
16 pupil identification numbers under sub. (5).

17 (c) If the student information system is established under sub. (1), the state
18 superintendent may promulgate rules authorizing the department to charge a fee to
19 any person that uses the system. The rules may not go into effect, however, unless
20 the joint committee on finance approves. All fees shall be credited to the
21 appropriation account under s. 20.255 (1) (he).

22 **SECTION 12.** 115.38 of the statutes, as affected by 2013 Wisconsin Act 20, is
23 repealed.

24 **SECTION 13.** 115.383 (4) of the statutes is created to read:

1 115.383 (4) (a) A private school participating in a parental choice program
2 under s. 118.60 or 119.23 is not required to include information about pupils who are
3 not attending the private school under s. 118.60 or 119.23 in the system it is using
4 under sub. (3).

5 (b) Subsections (1) (c) and (3) (b) do not apply to a private school participating
6 in a parental choice program under s. 118.60 or 119.23 if no accountability report is
7 issued for the school under s. 115.39 as a result of s. 115.39 (3) (e) or if the department
8 determines under s. 115.39 (6) (a) that there is insufficient data about the school to
9 grade its performance or that a grade is inappropriate.

10 **SECTION 14.** 115.383 (5) of the statutes is created to read:

11 115.383 (5) The state superintendent shall assign to each pupil attending a
12 public school or charter school, and to each pupil attending a private school under
13 s. 118.60 or 119.23, a unique identification number for use in the student information
14 system. The state superintendent shall not assign to any pupil an identification
15 number that is identical to or incorporates the pupil's social security number or that
16 uses any other personally identifying information. The state superintendent may
17 not use a pupil's identification number for any purpose other than the student
18 information system without the written consent of the pupil, if he or she is an adult,
19 or the parent or guardian of the pupil, if the pupil is a minor.

20 **SECTION 15.** 115.385 (3) of the statutes is created to read:

21 115.385 (3) This section does not apply after September 30, 2016.

22 **SECTION 16.** 115.39 of the statutes is created to read:

23 **115.39 School and school district accountability system.** (1) In this
24 section, "school" means a public school, including a charter school, and a private
25 school participating in a parental choice program under s. 118.60 or 119.23.

1 **(2)** The department shall establish a comprehensive school and school district
2 accountability system beginning in the 2016-17 school year that includes all of the
3 following components:

4 (a) Multiple measures to determine a school's and school district's performance,
5 including all of the following categorized by English language proficiency, disability,
6 income level, and race or ethnicity:

7 1. Pupil achievement in reading and mathematics.

8 2. Growth in pupil achievement in reading and mathematics, calculated using
9 a value-added methodology that includes demographic controls.

10 3. Gap closure in growth in pupil achievement in reading and mathematics
11 and, when available, in graduation rates.

12 4. Rates of attendance or of high school graduation. The measure under this
13 subdivision shall include a measure of improvement in addition to a measure of
14 attainment.

15 (b) Measures to ensure that all applicable data elements collected and
16 calculations performed are done consistently and in a uniform manner for all schools
17 and school districts.

18 (c) A grading system to rate a school's and a school district's level of
19 performance as one of the following:

20 1. Significantly exceeds expectations.

21 2. Exceeds expectations.

22 3. Meets expectations.

23 4. Meets few expectations.

24 5. Fails to meet expectations.

25 **(3)** The department shall do all of the following:

1 (a) Except as provided in sub. (6), annually grade the performance of each
2 school and school district under sub. (2) (c) and issue an accountability report for the
3 school or school district that is clear and easily understandable. Except with regard
4 to pupil achievement and attendance and high school graduation status, the
5 department shall base the grade on data derived from at least 2 consecutive school
6 years, and from at least 3 consecutive school years when feasible.

7 (c) Collect and disseminate the best practices from schools, except that the
8 department may not collect information for this purpose from a private school
9 participating in a parental choice program under s. 118.60 or 119.23 without the
10 private school's consent.

11 (d) On the accountability report for a private school participating in a parental
12 choice program under s. 118.60 or 119.23, identify the grade derived from data
13 generated by pupils attending the private school under s. 118.60 or 119.23 as a choice
14 pupil report and, if the private school submits achievement data as provided in sub.
15 (4m) (b), include a grade derived from data generated by all pupils attending the
16 private school and identify it as a private school report. The department may use
17 only the former grade in determining when a sanction under s. 118.60 (9m) or 119.23
18 (9m) may be imposed. The report shall also specify the number and percentage of
19 pupils attending the private school under s. 118.60 or 119.23.

20 (e) Include a data component in a school accountability report for a school year
21 only if the component includes data from at least 20 pupils in that school year.

22 (f) At least 30 days before issuing an accountability report for a school or school
23 district under this section, provide the school or school district an opportunity to
24 review a preliminary version of the report and correct errors.

1 (g) If a private school participating in a parental choice program under s. 118.60
2 or 119.23 submits achievement data as provided in sub. (4m) (b), include on the first
3 page of the school's accountability report the private school's grade derived from data
4 generated by all pupils attending the private school, displayed as prominently on the
5 page as the private school's grade derived solely from data generated by pupils
6 attending the private school under s. 118.60 or 119.23.

7 (4) Subject to sub. (4m) (a), the department may use only the following
8 information for each measure specified in sub. (2) (a):

9 (a) For measuring pupil achievement in reading and mathematics under sub.
10 (2) (a) 1.:

11 1. Scores on the reading and mathematics examinations administered under
12 s. 118.30, including scores on the alternate reading and mathematics examinations
13 administered to children with significant cognitive disabilities.

14 2. The disability status of pupils taking the examinations under s. 118.30.

15 3. The grade level of pupils taking the examinations under s. 118.30.

16 4. The race or ethnicity of pupils taking the examinations under s. 118.30.

17 5. The English proficiency status of pupils taking the examinations under s.
18 118.30.

19 6. The economic status of pupils taking the examinations under s. 118.30.

20 7. The enrollment status and history of pupils attending the school or school
21 district.

22 (b) For measuring growth in pupil achievement in reading and mathematics
23 under sub. (2) (a) 2., the information under par. (a).

24 (c) For measuring gap closure in growth in pupil achievement in reading and
25 mathematics and in graduation rates under sub. (2) (a) 3., the information under par.

1 (a) and the information under par. (d). When measuring gap closure, the department
2 shall ensure that a subgroup with a sufficient number of pupils within a school or
3 school district is compared to the statewide performance of pupils who are not in that
4 subgroup.

5 (d) For measuring rates of attendance and of high school graduation under sub.
6 (2) (a) 4., the information under par. (a); attendance data; data about pupils who
7 graduate from high school with a regular diploma within 4 school years, within 5
8 school years, and within 6 school years; and data about pupils identified in sub. (6)
9 (a) who graduate from high school with a regular diploma within 6 school years.

10 **(4m)** (a) Except as provided in par. (b), for a private school participating in a
11 parental choice program under s. 118.60 or 119.23, the department may use for each
12 measure specified in sub. (2) (a) only the information specified in sub. (4) that
13 pertains to pupils attending the private school under the program.

14 (b) If a private school participating in a parental choice program under s. 118.60
15 or 119.23 administers a nationally recognized, norm-referenced test that has been
16 approved by the department to pupils attending the private school, the private school
17 may submit to the department achievement data derived from the test. The
18 department shall submit the data to the University of Wisconsin-Madison
19 Value-Added Research Center, which shall statistically equate the scores so that the
20 data may be used to measure the achievement and growth of pupils attending the
21 private school. The department shall then use the data to do so. The department
22 shall pay the center's costs from the appropriation under s. 20.255 (3) (fm).

23 (c) To the extent practicable, the department shall use existing data obtained
24 through the student information system under s. 115.383 for the purposes of this
25 section and develop data collection procedures that reduce the administrative

1 burden and cost for private schools participating in a parental choice program under
2 s. 118.60 or 119.23.

3 **(6)** (a) If the department determines that there is insufficient data about a
4 school to grade its performance under sub. (3) (a) or that a grade under sub. (2) (c)
5 is inappropriate because the school serves exclusively pupils in any of the following
6 categories, the department shall issue an accountability report for the school but
7 grade the school as “satisfactory” or “needs improvement”:

8 1. A child at risk, as defined in s. 118.153 (1) (a).

9 2. A pupil for whom an individualized education program or individualized
10 family service plan is in effect.

11 3. A pupil who has provided the school with a letter from a physician, a
12 psychologist licensed under s. 455.04, or a professional counselor licensed under s.
13 457.12 that specifies the pupil’s special needs and the accommodations necessary in
14 order to enable the pupil to take standardized assessments.

15 (b) If sub. (4m) (b) applies to a private school participating in a parental choice
16 program under s. 118.60 or 119.23, the private school may direct the department to
17 display on the school’s accountability report the percentile rank of pupil scores on the
18 test instead of a grade under sub. (2) (c).

19 (c) If the department determines that the percentage of pupils in a school who
20 participate in the examinations administered under s. 118.30 is inadequate, the
21 department may use that as a factor in determining the school’s grade under sub. (3)
22 (a).

23 **(7)** The legislative audit bureau shall study the department’s methodology for
24 calculating the performance of schools and school districts for the most recently
25 issued accountability reports under this section and submit its findings to the joint

1 legislative audit committee under s. 13.172 (3) in January 2019 and annually
2 thereafter.

3 (8) (a) By July 1 of each odd-numbered year, the academic accountability
4 council shall make recommendations to the department, and provide a copy of the
5 recommendations to the appropriate standing committees of the legislature under
6 s. 13.172 (3), on all of the following:

7 1. Whether a school, determined by the University of Wisconsin-Madison
8 Value-Added Research Center to demonstrate high-value added growth under s.
9 118.40 (5) (b) 4., 118.425 (4) (d) 1., 118.60 (9m) (a) 4., or 119.23 (9m) (a) 4., should be
10 sanctioned under s. 118.40 (5) (b), 118.425 (4), 118.60 (9m), or 119.23 (9m), and
11 defining “high-value added growth” for the purposes of this subdivision.

12 2. How a school’s and school district’s grade should be affected whenever a pupil
13 is excused from taking an examination under s. 118.30 (2) (b) 3. to 6.

14 3. Policies that address appropriate accommodations on statewide
15 assessments for a pupil attending a private school participating in a parental choice
16 program under s. 118.60 or 119.23 who is a child with a disability, a limited-English
17 proficient pupil, or economically disadvantaged, as defined in federal law, that are
18 similar to the accommodations made for such pupils attending public schools.

19 4. Further clarifying the data specified in sub. (4) that the department may use
20 for each measure specified in sub. (2) (a).

21 5. The methodology for calculating the performance of schools and school
22 districts under this section.

23 6. The appropriate weight to be given each of the measures under sub. (2) (a)
24 for the grades issued under sub. (2) (c).

25 7. The qualifying score for each grade under sub. (2) (c).

1 8. A list of nationally recognized, norm-referenced tests that a private school
2 participating in a parental choice program under s. 118.60 or 119.23 may use under
3 sub. (4m) (b).

4 9. Modifying the sanctions under ss. 118.40 (5) (b), 118.425 (4), 118.60 (9m), and
5 119.23 (9m).

6 10. Accrediting agencies for department approval for the purposes of ss. 118.40
7 (4) (a) 3. and 118.425 (3).

8 (b) The academic accountability council annually shall publish a list of the
9 schools being sanctioned and a list of the schools eligible to be sanctioned under ss.
10 118.40 (5) (b), 118.425 (4), 118.60 (9m), and 119.23 (9m).

11 **SECTION 17.** 115.415 (5) of the statutes is created to read:

12 115.415 (5) By July 1 of each odd-numbered year, the academic accountability
13 council shall recommend to the state superintendent, and provide a copy of the
14 recommendations to the appropriate standing committees of the legislature under
15 s. 13.172 (3), modifications to the educator effectiveness program developed under
16 this section.

17 **SECTION 18.** 118.125 (4) of the statutes is amended to read:

18 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a
19 charter school, including a charter school established under s. 118.40 (2r), and a
20 private school participating in the a parental choice program under s. 118.60 or in
21 the program under s. 119.23 shall transfer to another school, including a private,
22 charter, or tribal school, or school district, all pupil records relating to a specific pupil
23 if the transferring school district or private school has received written notice from
24 the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor
25 that the pupil intends to enroll in the other school or school district or written notice

1 from the other school or school district that the pupil has enrolled or from a court that
2 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02
3 (10p), or a secured residential care center for children and youth, as defined in s.
4 938.02 (15g). In this subsection, “school” and “school district” include any juvenile
5 correctional facility, secured residential care center for children and youth, adult
6 correctional institution, mental health institute, or center for the developmentally
7 disabled that provides an educational program for its residents instead of or in
8 addition to that which is provided by public, private, and tribal schools.

9 **SECTION 19.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

10 118.40 (2r) (b) 1. (intro.) ~~All~~ Any of the following entities may establish by
11 ~~charter and operate a charter school or, on behalf of their respective entities, may~~
12 ~~initiate a contract with an individual or group~~ a person to operate ~~a school as a~~
13 charter school:

14 **SECTION 20.** 118.40 (2r) (b) 2. of the statutes is amended to read:

15 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
16 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
17 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
18 school on the liability of the contracting entity under this paragraph. The contract
19 may include other provisions agreed to by the parties. The chancellor of the
20 University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may
21 not ~~establish or~~ enter into a contract for the establishment of a charter school under
22 this paragraph without the approval of the board of regents of the University of
23 Wisconsin System.

24 **SECTION 21.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

1 118.40 **(2r)** (b) 2m. a. A ~~charter or~~ contract may include grounds for expelling
2 a pupil from the charter school.

3 b. If the ~~charter or~~ contract includes grounds for expelling a pupil from the
4 charter school as permitted under subd. 2m. a., the ~~charter or~~ contract shall include
5 the procedures to be followed by the charter school prior to expelling a pupil.

6 **SECTION 22.** 118.40 (2r) (b) 4. of the statutes is amended to read:

7 118.40 **(2r)** (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may
8 ~~establish or~~ enter into a contract for the establishment of a virtual charter school.

9 **SECTION 23.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
10 20, is amended to read:

11 118.40 **(2r)** (bm) The common council of the city of Milwaukee and the
12 Milwaukee area technical college district board may ~~establish or enter into a~~
13 contract for the establishment of a charter school located only in the school district
14 operating under ch. 119. The chancellor of the University of Wisconsin-Milwaukee
15 may ~~establish or enter into a~~ contract for the establishment of a charter school
16 located only in Milwaukee County or in an adjacent county. The chancellor of the
17 University of Wisconsin-Parkside may only ~~establish or enter into a~~ contract for the
18 establishment of a charter school located in a unified school district that is located
19 in the county in which the University of Wisconsin-Parkside is situated or in an
20 adjacent county.

21 **SECTION 24.** 118.40 (2r) (cm) of the statutes is amended to read:

22 118.40 **(2r)** (cm) The chancellor of the University of Wisconsin-Parkside may
23 ~~establish or enter into a~~ contract for the establishment of only one charter school
24 under this subsection, which may not operate high school grades and which may not
25 accommodate more than 480 pupils.

1 **SECTION 25.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

2 118.40 **(2r)** (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
3 do all of the following:

4 **SECTION 26.** 118.40 (3) (b) of the statutes is amended to read:

5 118.40 **(3)** (b) A contract under par. (a) or under ~~subs.~~ sub. (2m) or (2r) may be
6 for any term not exceeding 5 school years and may be renewed for one or more terms
7 not exceeding 5 school years, except that upon request of the charter school operator,
8 the initial contract shall be for a term of 5 years. The contract shall specify the
9 amount to be paid to the charter school during each school year of the contract.

10 **SECTION 27.** 118.40 (3) (e) of the statutes is amended to read:

11 118.40 **(3)** (e) When ~~establishing or~~ contracting for the establishment of a
12 charter school under this section, a school board or entity specified under sub. (2r)
13 (b) shall consider the principles and standards for quality charter schools established
14 by the National Association of Charter School Authorizers.

15 **SECTION 28.** 118.40 (4) (a) 3. of the statutes is created to read:

16 118.40 **(4)** (a) 3. If the department determines under s. 115.39 (3) that the
17 charter school has received the grade under s. 115.39 (2) (c) 5. for any school year,
18 seek and maintain accreditation for the school from an accrediting agency approved
19 by the department.

20 **SECTION 29.** 118.40 (4) (c) of the statutes is amended to read:

21 118.40 **(4)** (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
22 ~~contract for, and an~~ or entity under sub. (2r) ~~(b)~~ may ~~establish or enter into a~~ contract
23 for; the establishment of a charter school that enrolls only one sex or that provides
24 one or more courses that enroll only one sex if the school board or entity under sub.

1 (2r) (b) makes available to the opposite sex, under the same policies and criteria of
2 admission, schools or courses that are comparable to each such school or course.

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) 1. Except as provided in subds. 3. to 4m., a school board or entity
6 under sub. (2r) that has contracted for the establishment of a charter school shall
7 revoke the contract if the department determines under s. 115.39 (3) that the charter
8 school has received the grade under s. 115.39 (2) (c) 5. for 3 consecutive school years.

9 2. Except as provided in subds. 3. to 4m., a school board or entity under sub.
10 (2r) that has contracted for the establishment of a charter school shall revoke the
11 contract if the department determines under s. 115.39 (3) that the charter school has
12 received the grade under s. 115.39 (2) (c) 5. in at least 3 of 5 consecutive school years
13 and a grade no higher than the grade under s. 115.39 (2) (c) 4. in the other 2 school
14 years.

15 3. A school board or entity under sub. (2r) may not revoke a contract under
16 subd. 1. or 2. based on the grades received by the charter school during the school's
17 first 2 school years.

18 4. A school board or entity under sub. (2r) may not revoke a contract under
19 subd. 1. or 2. if the department determines, based on the recommendation of the
20 academic accountability council under s. 115.39 (8) (a) 1. and on information
21 provided by the University of Wisconsin-Madison Value-Added Research Center,
22 that the school demonstrates high-value added growth.

23 4m. A school board or entity under sub. (2r) may not revoke a contract under
24 subd. 1. or 2. unless it is otherwise required to do so by state law.

1 5. The revocation of a contract under subd. 1. or 2. is initially effective on the
2 July 1 following the issuance of the school's accountability report under s. 115.39 (3)
3 containing the department's determination under subd. 1. or 2.

4 6. If a charter school that has had its contract revoked under subd. 1. or 2.
5 reopens as a private school, it may not participate in a parental choice program under
6 s. 118.60 or 119.23.

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

8 **118.42 (title) Low-performing school districts and schools; state**
9 **superintendent interventions.**

10 **SECTION 33.** 118.42 (2) of the statutes is repealed.

11 **SECTION 34.** 118.42 (3) (b) of the statutes is repealed.

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

13 **118.42 (3) (c) 1. (intro.)** If the state superintendent issues a directive under par.
14 (a) ~~or (b)~~, he or she shall do all of the following:

15 **SECTION 36.** 118.42 (3) (c) 2. of the statutes is amended to read:

16 **118.42 (3) (c) 2.** If a school board receives a directive from the state
17 superintendent under par. (a) ~~or (b)~~, the school board shall seek input from school
18 district staff, parents, and community leaders on implementing the directive.

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

20 **118.42 (4)** The state superintendent shall promulgate rules establishing
21 criteria and procedures for determining whether a school ~~or school district~~ is in need
22 of improvement ~~and whether a school is among the lowest performing 5 percent of~~
23 ~~all public schools in the state~~, for the purposes of this section.

24 **SECTION 38.** 118.425 of the statutes is created to read:

1 **118.425 Low-performing public schools. (2) APPLICABILITY.** This section
2 applies beginning on July 1, 2019.

3 **(3) ACCREDITATION.** If the department determines under s. 115.39 (3) that a
4 public school has received the grade under s. 115.39 (2) (c) 5. for any school year, the
5 school board shall seek and maintain accreditation for the school from an accrediting
6 agency approved by the department.

7 **(4) SANCTIONS.** (a) Except as provided in par. (d), if the department determines
8 under s. 115.39 (3) that a public school has received the grade under s. 115.39 (2) (c)
9 5. for 3 consecutive school years, or has received the grade under s. 115.39 (2) (c) 5.
10 in at least 3 of 5 consecutive school years and a grade no higher than the grade under
11 s. 115.39 (2) (c) 4. in the other 2 school years, the school board shall determine
12 whether to permanently close the school or contract under s. 118.40 with a person
13 to operate the school as a charter school.

14 (b) 1. If the school board determines to contract with a person to operate the
15 school as a charter school, it shall enter into the contract by the February 1 following
16 the department's determination under par. (a). The contract shall provide for the
17 attendance of pupils beginning in the following school year. The contract may not
18 require the person operating the school to purchase or lease the school. The contract
19 shall require the operator of the charter school to do all of the following in the school:

- 20 a. Replace the school's principal.
- 21 b. Implement a rigorous staff evaluation and development system.
- 22 c. Reward staff who increase pupil academic achievement or high school
23 graduation rates.
- 24 d. Institute comprehensive instructional reform.
- 25 e. Increase the time provided for pupil instruction.

1 f. Apply community-oriented school strategies.

2 g. Provide greater operational flexibility and support for the school.

3 2. A school board that contracts with a person to operate the school as a charter
4 school under subd. 1. shall dismiss the teachers who had been assigned to the school.
5 Any teacher who scores in the lowest 20 percent in the educator effectiveness
6 program under s. 115.415 among all teachers statewide may not be rehired.

7 3. Notwithstanding ss. 118.24 (2) (a) and (c), 119.16 (1m), 119.18 (1g) and (10),
8 119.32 (2) (b), 120.12 (1), and 120.44 (2), if the charter school is an instrumentality
9 of the school district, the new principal of the charter school shall determine the
10 teachers employed for the school under this paragraph, subject to subd. 2.

11 (c) If the school board determines to permanently close the school under par.
12 (a), the school closing takes effect on the July 1 following the issuance of the school's
13 accountability report under s. 115.39 (3) containing the department's determination
14 under par. (a).

15 (d) 1. Paragraph (a) does not apply if the department determines, based on the
16 recommendation of the academic accountability council under s. 115.39 (8) (a) 1. and
17 on information provided by the University of Wisconsin–Madison Value–Added
18 Research Center, that the school demonstrates high–value added growth.

19 2. A newly constructed school may not be sanctioned under par. (a) based on
20 the grades received by the school during the school's first 2 school years of operation.

21 3. A school board is not required to close a school or contract under s. 118.40
22 with a person to operate the school as a charter school under par. (a) unless it is
23 otherwise required to do so by state law.

24 (e) Notwithstanding s. 118.40 (3) (b), the school board shall pay the operator
25 of a charter school established under par. (b), for each full–time equivalent pupil

1 attending the charter school, an amount equal to at least 90 percent of the average
2 per-pupil cost for the school district.

3 **SECTION 39.** 118.60 (9m) of the statutes is created to read:

4 118.60 **(9m)** (a) 1. Except as provided in subds. 3. to 5., if the department
5 determines under s. 115.39 (3) that a private school participating in the program
6 under this section has received the grade under s. 115.39 (2) (c) 5. for 3 consecutive
7 school years, the state superintendent shall issue an order permanently barring the
8 private school from accepting any pupils under this section who were not attending
9 the private school under this section in the school year in which the order was issued.

10 2. Except as provided in subds. 3. to 5., if the department determines under s.
11 115.39 (3) that a private school participating in the program under this section has
12 received the grade under s. 115.39 (2) (c) 5. in at least 3 of 5 consecutive school years
13 and a grade no higher than the grade under s. 115.39 (2) (c) 4. in the other 2 school
14 years, the state superintendent shall issue an order permanently barring the private
15 school from accepting any pupils under this section who were not attending the
16 private school under this section in the school year in which the order was issued.

17 3. A private school participating in the program under this section may not be
18 sanctioned under subd. 1. or 2. based on the grades received by the private school
19 during the school's first 2 school years of participating in the program under this
20 section.

21 4. If the department determines, based on the recommendation of the academic
22 accountability council under s. 115.39 (8) (a) 1. and on information provided by the
23 University of Wisconsin-Madison Value-Added Research Center, that the school
24 demonstrates high-value added growth, the state superintendent may not issue an
25 order under subd. 1. or 2.

1 5. The state superintendent may not issue an order under subd. 1. or 2. unless
2 he or she is otherwise required to do so by state law.

3 (b) A private school that has been barred from accepting new pupils under par.
4 (a) may not reopen as a charter school.

5 **SECTION 40.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
6 20, is amended to read:

7 118.60 (10) (c) Whenever the state superintendent issues an order under par.
8 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
9 guardian of each pupil attending the private school under this section.

10 **SECTION 41.** 118.60 (10) (d) of the statutes is amended to read:

11 118.60 (10) (d) The state superintendent may withhold payment from a private
12 school under subs. (4) and (4m) if the private school violates this section or fails to
13 participate in the student information system if required under s. 115.383 (3).

14 **SECTION 42.** 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20,
15 is amended to read:

16 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
17 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
18 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001
19 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
20 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
21 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,
22 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,
23 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)
24 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
25 and 120.25 are applicable to a 1st class city school district and board.

1 **SECTION 43.** 119.23 (9m) of the statutes is created to read:

2 119.23 **(9m)** (a) 1. Except as provided in subds. 3. to 5., if the department
3 determines under s. 115.39 (3) that a private school participating in the program
4 under this section has received the grade under s. 115.39 (2) (c) 5. for 3 consecutive
5 school years, the state superintendent shall issue an order permanently barring the
6 private school from accepting any pupils under this section who were not attending
7 the private school under this section in the school year in which the order was issued.

8 2. Except as provided in subds. 3. to 5., if the department determines under s.
9 115.39 (3) that a private school participating in the program under this section has
10 received the grade under s. 115.39 (2) (c) 5. in at least 3 of 5 consecutive school years
11 and a grade no higher than the grade under s. 115.39 (2) (c) 4. in the other 2 school
12 years, the state superintendent shall issue an order permanently barring the private
13 school from accepting any pupils under this section who were not attending the
14 private school under this section in the school year in which the order was issued.

15 3. A private school participating in the program under this section may not be
16 sanctioned under subd. 1. or 2. based on the grades received by the private school
17 during the school's first 2 school years of participating in the program under this
18 section.

19 4. If the department determines, based on the recommendation of the academic
20 accountability council under s. 115.39 (8) (a) 1. and on information provided by the
21 University of Wisconsin-Madison Value-Added Research Center, that the school
22 demonstrates high-value added growth, the state superintendent may not issue an
23 order under subd. 1. or 2.

24 5. The state superintendent may not issue an order under subd. 1. or 2. unless
25 he or she is otherwise required to do so by state law.

1 (b) A private school that has been barred from accepting new pupils under par.
2 (a) may not reopen as a charter school.

3 **SECTION 44.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
4 20, is amended to read:

5 119.23 (10) (c) Whenever the state superintendent issues an order under par.
6 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
7 guardian of each pupil attending the private school under this section.

8 **SECTION 45.** 119.23 (10) (d) of the statutes is amended to read:

9 119.23 (10) (d) The state superintendent may withhold payment from a private
10 school under subs. (4) and (4m) if the private school violates this section or fails to
11 participate in the student information system if required under s. 115.383 (3).

12 **SECTION 46.** 120.12 (26) of the statutes is created to read:

13 120.12 (26) STAFFING AND FINANCIAL DATA. Upon request, provide to the
14 department any staffing or financial data that the department needs to comply with
15 state or federal reporting requirements.

16 **SECTION 47.** 121.006 (2) (d) of the statutes is amended to read:

17 121.006 (2) (d) Comply with a directive issued by the state superintendent
18 under s. 118.42 (3) (a) ~~or (b)~~.

19 **SECTION 48.** 121.02 (1) (o) of the statutes is repealed.

20 **SECTION 49. Nonstatutory provisions.**

21 (1) ACADEMIC ACCOUNTABILITY COUNCIL.

22 (a) *Members.* Notwithstanding section 15.377 (5) (a) of the statutes, as created
23 by this act, the initial members of the academic accountability council shall be
24 appointed for terms expiring as follows:

