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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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regen.

the student information systems  
charter school contracts ↑

1 **AN ACT to repeal** 115.28 (12) (title), 118.42 (2), 118.42 (3) (a) (intro.), 118.42 (3)  
 2 (b) and (c) and 118.42 (4) and (5); **to renumber** 118.42 (1) (a) to (d) and 118.42  
 3 (3) (a) 2. to 5.; **to renumber and amend** 115.28 (12) (a), 115.28 (12) (ag), 115.28  
 4 (12) (b) and 118.42 (3) (a) 1.; **to amend** 20.255 (1) (e), 118.125 (4), 118.42 (1)  
 5 (intro.), 118.60 (10) (c), 118.60 (10) (d), 119.04 (1), 119.23 (10) (c), 119.23 (10) (d)  
 6 and 121.006 (2) (d); and **to create** 115.383 (title), 115.383 (4), 115.39, 118.40 (3)  
 7 (f), 118.40 (5) (e), 118.42 (1) (am) (intro.) and 1., 118.42 (1) (bm) (intro.), 118.42  
 8 (2m), 118.60 (10) (bg) and 119.23 (10) (bg) of the statutes; **relating to** a school  
 9 and school district accountability system and making an appropriation.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

1 SECTION 1. 20.255 (1) (e) of the statutes is amended to read:

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

2-3 →

4 SECTION 2. 115.28 (12) (title) of the statutes is repealed.

5 SECTION 3. 115.28 (12) (a) of the statutes is renumbered 115.383 (1) and  
6 amended to read:

7 115.383 (1) Working with the office of the governor, the state superintendent  
8 shall establish a student information system to collect and maintain information  
9 about pupils enrolled in public schools, including charter schools, and private schools  
10 participating in a parental choice program under s. 118.60 or 119.23, including their  
11 academic performance and demographic information, aggregated by school district,  
12 school, and teacher.

13 SECTION 4. 115.28 (12) (ag) of the statutes is renumbered 115.383 (2), and  
14 115.383 (2) (intro.) and (b), as renumbered, are amended to read:

15 <sup>plain</sup> 115.383 (2) (intro.) Beginning in the ~~2012-13~~ ~~2013-14~~ school year, each school  
16 district, charter school, and private school using the system under ~~par. (a)~~ sub. (1)  
17 shall include in the system the following information for each teacher teaching in the  
18 school district or school who completed a teacher preparatory program described in  
19 ~~sub. s. 115.28~~ (7) (a) and located in this state or a teacher education program  
20 described in ~~sub. s. 115.28~~ (7) (e) 2. and located in this state on or after January 1,

21 <sup>plain</sup> ~~2012~~ ~~2013~~:

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

24 SECTION 5. 115.28 (12) (b) of the statutes is renumbered 115.383 (3) and  
25 amended to read:

1           115.383 (3) ~~Ensure~~ The state superintendent shall ensure that within 5 years  
2 of the establishment of the system under ~~par. (a) sub. (1)~~, every school district and  
3 every charter school under contract with a school board under s. 118.40 is using the  
4 system and that, beginning in the ~~2014-15~~<sup>e 2013-14</sup> school year, every charter school  
5 established under s. 118.40 (2r) and every private school participating in a parental  
6 choice program under s. 118.60 or 119.23 is either using the system under sub. (1)  
7 or using a system that is interoperable with the system under sub. (1). The state  
8 superintendent may promulgate rules authorizing the department to charge a fee to  
9 any person that uses the system. All fees shall be credited to the appropriation  
10 account under s. 20.255 (1) (jm).

11           **SECTION 6.** 115.383 (title) of the statutes is created to read:

12           **115.383 (title) Student information system.**

13           **SECTION 7.** 115.383 (4) of the statutes is created to read:

14           115.383 (4) A private school participating in a parental choice program under  
15 s. 118.60 or 119.23 is not required to include information about pupils who are not  
16 attending the private school under s. 118.60 or 119.23 in the system it is using under  
17 sub. (3). Information included in the system by a private school participating in a  
18 parental choice program under s. 118.60 or 119.23 may be used by the department  
19 only to issue school reports under s. 115.39.

20           **SECTION 8.** 115.39 of the statutes is created to read:

21           **115.39 School and school district accountability system.** (1) In this  
22 section:

23           (a) "Child with a disability" has the meaning given in s. 115.76 (5).

24           (b) "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 2014-15 school year that includes all of the  
3 following components:

4 (a) Multiple measures to determine a school's performance or a school district's  
5 improvement status under s. 118.42, including all of the following categorized by  
6 English language proficiency, disability, income level, and race or ethnicity:

- 7 1. Pupil achievement in reading and mathematics.
- 8 2. Growth in pupil achievement in reading and mathematics.
- 9 3. Measures of college and career readiness for high school pupils and measures  
10 indicative of being on track for college and career readiness in the elementary grades.
- 11 4. Gaps in pupil academic achievement and rates of graduation.

\*\*\*\*NOTE: This paragraph requires data to be categorized by English language proficiency, disability, income level, and race or ethnicity. In subsection (4), however, other pupil characteristics, such as residence in the U.S. and enrollment for less than a full school year, are mentioned. Should this paragraph required data to be categorized by those characteristics as well?

12 (b) Measures to ensure that all data used is in the same format, calculated in  
13 the same way, and weighted the same for all pupils.

14 (c) Methodology that is consistent with the methodology used by the  
15 Value-Added Research Center at the University of Wisconsin-Madison School of  
16 Education.

17 (d) An index system to identify a school's and a school district's level of  
18 performance as one of the following:

- 19 1. Significantly exceeds expectations.
- 20 2. Exceeds expectations.
- 21 3. Meets expectations.
- 22 4. Meets few expectations.

1           5. Fails to meet expectations.

~~\*\*\*\*NOTE: The five performance levels refer to "expectations" without specifying whose expectations. Are they the expectations of the state superintendent? The school's governing body? Parents of pupils enrolled in the school or school district?~~

2           (3) The department shall do all the following:

3           (a) Based on data derived from multiple school years, annually identify each  
4 school and school district as falling into one of the categories under sub. (2) (d) and  
5 issue an accountability report for the school or school district that is clear and easily  
6 understandable.

7           (b) Collect and disseminate the best practices from the schools that  
8 significantly exceed expectations and identify opportunities to support and  
9 intervene in the public schools and school districts that fail to meet expectations.

10          (c) Specify in the report for a private school participating in a parental choice  
11 program under s. 118.60 or 119.23 the percentage of pupils attending the school  
12 under the parental choice program.

13          (d) Ensure that if there are too few pupils with the same characteristics within  
14 a school or school district to make comparisons with other groups of dissimilar pupils,  
15 the performance of the pupils shall be compared to the statewide average of similar  
16 groups of pupils.

17          (4) The department may use only the following information for each measure  
18 specified in sub. (2) (a):

19           (a) For pupil achievement under sub. (2) (a) 1.:

20           1. Scores on the reading and mathematics examinations administered under  
21 s. 118.30.

22           2. Scores on the alternate reading and mathematics examinations  
23 administered under s. 118.30 to children with disabilities.

5-16 →

1           3. The percentage of pupils taking the examinations under s. 118.30 who are  
2 children with disabilities.

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

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

5           6. The percentage of pupils taking the examinations under s. 118.30 in the  
6 previous 3 school years who were limited-English proficient pupils.

7           7. The percentage of pupils taking the examinations under s. 118.30 who are  
8 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

9           8. The percentage of pupils taking the examinations under s. 118.30 who have  
10 resided in the United States for less than one year.

11           9. The percentage of pupils who attended the school, and the percentage of  
12 pupils who were enrolled in the school district, for the entire school term.

13           (b) For growth in pupil achievement under sub. (2) (a) 2.:

14           1. The information under par. (a) 1. for the current and previous school years.

~~\*\*\*\*NOTE: Should this refer, instead, to the previous 2 school years?~~

2. Information under pars. (a) 3. and 5. to 7. *for the current and previous school years*

\*\*\*\*NOTE: ① I did not include "value added growth" because I did not know what data to cite for that indicator. ★

~~2. Should all of the items under this paragraph require data for the previous and current (or 2 previous) school years?~~

★ (15) This part of note stays →

16           (c) For college and career readiness under sub. (2) (a) 3.:

17           1. The information under par. (a).

18           2. The percentage of pupils who are dropouts, as defined in s. 118.153 (1) (b).

19           3. The percentage of pupils who graduate from high school within 4 school years  
20 and the percentage of pupils who graduate from high school within 5 or 6 school  
21 years.

~~\*\*\*\*NOTE: It was unclear what was intended by "cohort-based graduation indicator" and "cohort-based graduation eligibility indicator."~~

- 1           4. Of those pupils who are eligible to take the examinations administered under  
2 s. 118.30, the percentage that take them.

~~\*\*\*\*NOTE: It was unclear what was intended by "Fast participation, at least one year."~~

- 3           5. Pupil attendance data.

~~\*\*\*\*NOTE: The instructions for this item are unclear.~~

- 4           6. Scores on the ACT examinations administered to pupils in the 9th, 10th, and  
5 11th grades.

6           (d) For gaps in pupil academic achievement under sub. (2) (a) 4.:

- 7           1. The information under par. (a) 1., 2., 8., and 9. for the previous 3 school years.  
8           2. The information under par. (a) 3. and 5. to 7.  
9           3. The percentage of 12th grade pupils who are eligible for a free or  
10 reduced-price lunch under 42 USC 1758 (b).  
11           4. The percentage of 12th grade pupils who are are children with disabilities.  
12           5. The percentage of 12th grade pupils who are limited-English proficient  
13 pupils.  
14           6. The race or ethnicity of 12th grade pupils.  
15           7. The information under par. (c) 3.  
16           8. The percentage of pupils who are suspended or expelled from school.

17           (5) Each school and school district shall display prominently on the school's and  
18 school district's Internet site the reports issued by the department under this section.

19           (6) A private school participating in a parental choice program under s. 118.60  
20 or 119.23 may request the department not to issue a report under this section for the  
21 school because the school is an alternative education school. If the department  
22 determines that the private school offers an alternative educational program that

1 would not be accurately reflected in its report, the department may approve the  
2 school's request.

\*\*\*\*NOTE: You may wish to refine the criteria that must be met in order to be excluded from the school report.

3 **SECTION 9.** 118.125 (4) of the statutes is amended to read:

4 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a  
5 charter school established under s. 118.40 (2r), and a private school participating in  
6 ~~the a parental choice program under s. 118.60 or in the program under s. 119.23~~ shall  
7 transfer to another school, including a private, charter, or tribal school, or school  
8 district all pupil records relating to a specific pupil if the transferring school district  
9 or ~~private~~ school has received written notice from the pupil if he or she is an adult  
10 or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll  
11 in the other school or school district or written notice from the other school or school  
12 district that the pupil has enrolled or from a court that the pupil has been placed in  
13 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential  
14 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,  
15 "school" and "school district" include any juvenile correctional facility, secured  
16 residential care center for children and youth, adult correctional institution, mental  
17 health institute, or center for the developmentally disabled that provides an  
18 educational program for its residents instead of or in addition to that which is  
19 provided by public, private, and tribal schools.

20 **SECTION 10.** 118.40 (3) (f) of the statutes is created to read:

21 118.40 (3) (f) 1. A contract with a school board or an entity under sub. (2r) (b)  
22 shall specify that if the state superintendent determines under s. 115.39 (3) that the  
23 charter school has performed at the lowest performance level for 3 consecutive school



1 years, the school board or entity under sub. (2r) (b) shall require that a remedial plan,  
 2 approved by the school board or entity, be implemented by the charter school  
 3 operator.

4 2. The school board or entity under sub. (2r) (b) shall provide the department  
 5 with a copy of any remedial plan approved under subd. 1.

6 3. The school board or entity under sub. (2r) (b) shall review the  
 7 implementation of the remedial plan using the methodology it uses for determining  
 8 whether to renew a contract with a charter school operator.

9 **SECTION 11.** 118.40 (5) (e) of the statutes is created to read:

10 118.40 (5) (e) The charter school implemented a remedial plan under sub. (3)  
 11 (f) but its academic performance has failed to sufficiently improve within 3 years.

\*\*\*\*NOTE: 1. Is the draft correct in including all charter schools under contract with  
 either a school board or (2r) entity? Note that s. 118.42 (2m) also covers such charters.  
 2. ~~Current statutes do not mention the appeal of a contract revocation, so I did not include  
 that part of the instructions. Do you want to provide for an appeal under the current  
 revocation provisions in s. 118.40 (5)? To whom would such an appeal be made?~~

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

13 118.42 (1) (intro.) If the state superintendent determines that a school district  
 14 has been in need of improvement performed at the lowest performance level under  
 15 s. 115.39 for 4 3 consecutive school years, the school board shall do all of the following  
 16 apply:

17 **SECTION 13.** 118.42 (1) (a) to (d) of the statutes are renumbered 118.42 (1) (am)

18 2. to 5.

19 **SECTION 14.** 118.42 (1) (am) (intro.) and 1. of the statutes are created to read:

20 118.42 (1) (am) (intro.) The school board shall do all of the following:

1           1. Complete a department-approved diagnostic review of the school district to  
2 determine the causes of the school district's poor performance and relevant  
3 mitigating factors.

4           **SECTION 15.** 118.42 (1) (bm) (intro.) of the statutes is created to read:

5           118.42 (1) (bm) (intro.) After consulting with the school board, the school  
6 district administrator, and school district employees, the state superintendent shall  
7 direct the school board to do one or more of the following in the school district:

8           **SECTION 16.** 118.42 (2) of the statutes is repealed.

9           **SECTION 17.** 118.42 (2m) of the statutes is created to read:

10          118.42 (2m) If the state superintendent determines that a public school,  
11 ~~including a charter school under contact with a school board and~~ excluding a charter  
12 school ~~established under s. 118.40 (2m)~~, has performed at the lowest performance  
13 level under s. 115.39 for 3 consecutive school years, all of the following apply:

14          (a) The school board shall do all of the following:

15           1. Complete a department-approved, on-site, diagnostic review of the school  
16 to determine the causes of the school's poor performance and relevant mitigating  
17 factors.

18           2. Based on the results of the diagnostic review under subd. 1., implement  
19 department-approved improvement activities that are consistent with federal  
20 improvement requirements or close the school.

21          (b) After consulting with the school board, the school district administrator,  
22 and school district employees, the state superintendent shall direct the school board  
23 to do one or more of the following in the school:

24           1. Implement or modify activities described in par. (a).

1           2. Implement a new or modified instructional design, which may include  
2 expanded school hours or additional pupil supports and services.

3           3. Implement professional development programs that focus on improving  
4 pupil academic achievement.

5           4. Implement changes in administrative and personnel structures.

6           5. Adopt accountability measures to monitor the school district's finances or to  
7 monitor other interventions directed by the state superintendent under subds. 1. to  
8 4.

\*\*\*NOTE: Is it your intent that this section cover charter schools under contract  
with a school board? Note that such charter schools are also included in s. 118.40 (5) (e),  
as created by this draft.

9           **SECTION 18.** 118.42 (3) (a) (intro.) of the statutes is repealed.

10          **SECTION 19.** 118.42 (3) (a) 1. of the statutes is renumbered 118.42 (bm) 1. and  
11 amended to read:

12          **118.42** (bm) 1. Implement ~~or modify~~ activities described in ~~sub. (1) (a) to (d)~~  
13 par. (am).

14          **SECTION 20.** 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)  
15 2. to 5.

16          **SECTION 21.** 118.42 (3) (b) and (c) of the statutes are repealed.

17          **SECTION 22.** 118.42 (4) and (5) of the statutes are repealed.

18          **SECTION 23.** 118.60 (10) (bg) of the statutes is created to read:

19          118.60 (10) (bg) The state superintendent may issue an order <sup>permanently</sup> barring a private  
20 school from participating in the program under this section and from reopening as  
21 a charter school if the state superintendent determines that the private school has  
22 performed at the lowest performance level under s. 115.39 for 3 consecutive school  
23 years.

~~\*\*\*\*NOTE: Is it your intent that this penalty be permanent?~~

1           **SECTION 24.** 118.60 (10) (c) of the statutes is amended to read:

2           118.60 (10) (c) Whenever the state superintendent issues an order under par.  
3 (a), (am), ~~or (b), or (bg)~~, he or she shall immediately notify the parent or guardian of  
4 each pupil attending the private school under this section.

5           **SECTION 25.** 118.60 (10) (d) of the statutes is amended to read:

6           118.60 (10) (d) The state superintendent may withhold payment from a private  
7 school under subs. (4) and (4m) if the private school violates this section or fails to  
8 participate in the student information system as required under s. 115.383 (3).

9           **SECTION 26.** 119.04 (1) of the statutes is amended to read:

10           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
11 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
12 115.345, 115.363, 115.365 (3), 115.38 (2), 115.383, 115.39, 115.415, 115.445, 118.001  
13 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to  
14 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
15 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,  
16 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,  
17 118.55, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),  
18 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25  
19 are applicable to a 1st class city school district and board.

20           **SECTION 27.** 119.23 (10) (bg) of the statutes is created to read:

21           119.23 (10) (bg) The state superintendent may issue an order <sup>permanently</sup> ~~barring~~ a private  
22 school from participating in the program under this section and from reopening as  
23 a charter school if the state superintendent determines that the private school has

1 performed at the lowest performance level under s. 115.39 for 3 consecutive school  
2 years.

~~NOTE: Is this your intent that this penalty be permanent?~~

3 SECTION 28. 119.23 (10) (c) of the statutes is amended to read:

4 119.23 (10) (c) Whenever the state superintendent issues an order under par.  
5 (a), (am), ~~or~~ (b), or (bg), he or she shall immediately notify the parent or guardian of  
6 each pupil attending the private school under this section.

7 SECTION 29. 119.23 (10) (d) of the statutes is amended to read:

8 119.23 (10) (d) The state superintendent may withhold payment from a private  
9 school under subs. (4) and (4m) if the private school violates this section or fails to  
10 participate in the student information system as required under s. 115.383 (3).

11 SECTION 30. 121.006 (2) (d) of the statutes is amended to read:

12 121.006 (2) (d) Comply with a directive issued by the state superintendent  
13 under s. 118.42 (3) ~~(a) or~~ (1) (bm) or (2m) (b).

14 SECTION 31. Initial applicability.

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

18 # (END)

9

(2) ACT EXAMINATIONS. The treatment of section  
20.255(2) (fw) and 115.39 (3) (e) of the statutes first  
applies to examinations administered in the 2013-14 school  
year.

(END)

J-note

INIT APP

2-3:1



20.255(2)(fw)

④

SEC. # CR. 20.255(2)(fw)

④

20.255 (2)(fw) <sup>③</sup> ACT examinations, <sup>I</sup> A sum

sufficient for the costs of administering and

as provided

scoring the ACT examinations under

115.39 (3) (e)

s. 115.39 (3) (e) ②

2-3:2

✓

Section #. 115.001 (1) of the statutes is amended to read:

115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract with a school board under s. 118.40 or with ~~one of the entities~~ <sup>an entity</sup> under s. 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s. 118.40 (2r) (b).~~

History: 1983 a. 189 ss. 172, 173, 175 to 177; 1983 a. 512; 1985 a. 225; 1985 a. 332 s. 151; 1987 a. 264; 1989 a. 114; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 3846, 9145 (1); 1997 a. 27, 164; 1999 a. 22, 83; 2007 a. 222; 2009 a. 160, 302; 2011 a. 86.

5-16

(4)

(e) From the appropriation under

s. 20.255 (2)(fw)

s. 20.255 (2)(fw) <sup>1</sup> pay the costs of administering  
and scoring the TCT examinations } administered under sub. (4)(c) 6-  
to pupils attending

a private school under s. 118.60 or 119.23.

to the



8-19: 1

(intro.)

Section #. 118.40 (2r) (b) 1 (of the statutes is amended to read:

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

- a. The common council of the city of Milwaukee.
- b. The chancellor of the University of Wisconsin-Milwaukee.
- c. On a pilot basis, the chancellor of the University of Wisconsin-Parkside.
- d. The Milwaukee area technical college district board.

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105.

8-19:2



Section #. 118.40 (2r) (b) 2. of the statutes is amended to read:

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

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105.

8-19:3

Section #. 118.40 (2r) (b) 2m. <sup>a</sup> of the statutes is amended to read:

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

History: 1993 a. 16, 490; 1995 a. 27 ss. 3983m to 3992m, 9145 (1); 1997 a. 27, 238, 252; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 105; 2003 a. 33, 156; 2005 a. 25, 111, 346; 2007 a. 222; 2009 a. 28, 61, 276; 2011 a. 10, 32, 105.

8-19:4

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

118.40(2)(b)

2m. a. A ~~charter or~~ contract may include grounds for expelling a pupil from the charter school.

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

~~3. If the chancellor of the University of Wisconsin-Parkside contracts for the establishment of a charter school, the contract shall also provide that the charter school must be operated by a governing board and that the chancellor or his or her designee must be a member of the governing board. In addition, if the contract provides that the instructional staff of the charter school shall consist of employees of the board of regents of the University of Wisconsin System, the contract shall also include provisions that do all of the following:~~

~~a. Delegate to the governing board of the charter school the board of regents' authority to establish and adjust all compensation of instructional staff, subject to the terms of any collective bargaining agreement under subch. V of ch. 111 that covers the instructional staff. In the absence of a collective bargaining agreement, the governing board may establish and adjust all compensation of the instructional staff only with the approval of the chancellor of the University of Wisconsin-Parkside.~~

(9)

SEC. # AM; 118.40(2r)(b) 4.  
118.40(2v)(b) 4.



8-19:5

~~b. Authorize the governing board of the charter school to perform specified duties for the board of regents with respect to the instructional staff. This authorization may include duties related to supervising the instructional staff, taking disciplinary actions with respect to the instructional staff, recommending new hires or layoffs, collective bargaining, claims, complaints, or benefits and records administration.~~

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

→ ① SEC. # AM: 118.40 (2r) (bm)

① 118.40 (2r) (b) The common council of the city of Milwaukee, the chancellor of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college district board may only ~~establish or enter into a~~ contract for the establishment of a charter school located in the school district operating under ch. 119. The chancellor of the University of Wisconsin-Parkside may only ~~establish or enter into a~~ contract for the establishment of a charter school located in a unified school district that is located in the county in which the University of Wisconsin-Parkside is situated or in an adjacent county.

(c) 1. Except as provided in subd. 3., only pupils who reside in the school district in which a charter school established under this subsection is located may attend the charter school.

3. A pupil may attend Woodlands School, a charter school established in the school district operating under ch. 119 under this subsection, regardless of the pupil's school district of residence, if any of the following applies:

a. The pupil attended Woodlands School in the 2003-04 school year and, beginning in the 2005-06 school year, in the previous school year.

b. A member of the pupil's family who resides in the same household as the pupil attended Woodlands School in the 2003-04 school year.



8-19:7

unified school district in which the charter school is located, from the appropriation under s. 20.255 (2) (fm), an amount equal to the amount of school aid per pupil to which the unified school district is eligible in the current school year multiplied by the number of pupils attending the charter school who were previously enrolled in the unified school district, except that the payment may not exceed \$1,000,000 in the 2011–12 school year and may not exceed \$750,000 in the 2012–13 school year. No aid may be paid under this subdivision after the 2012–13 school year.

**(3) CONTRACT.** (a) If the school board grants the petition under sub. (2), the school board shall contract with the person named in the petition under sub. (1m) (b) 1. to operate the school as a charter school under this section. The contract shall include all of the provisions specified in the petition and may include other provisions agreed to by the parties.

(b) A contract under par. (a) or under subs. (2m) or (2r) may be for any term not exceeding 5 school years and may be renewed for one or more terms not exceeding 5 school years. The contract shall specify the amount to be paid to the charter school during each school year of the contract.

(c) 1. A school board may not enter into a contract for the establishment of a charter school located outside the school district, except as follows:

a. If 2 or more school boards enter into an agreement under s. 66.0301 to establish a charter school, the charter school shall be located within one of the school districts.

b. If one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish a charter school, the charter school shall be located within the boundaries of the cooperative educational service agency.

c. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the charter school shall be located within the school district or within the boundaries of the tribe's or band's reservation.

~~1m. Subdivision 1. does not apply to the establishment of a virtual charter school.~~

~~2. A school board may not enter into a contract that would result in the conversion of a private, sectarian school to a charter school.~~

~~(d) A school board or an entity under sub. (2r) (b) shall give preference in awarding contracts for the operation of charter schools to those charter schools that serve children at risk, as defined in s. 118.153 (1) (a).~~

SEC. # AM, 118.40 (3) (e)

9

118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a charter school under this section,

(b) a school board or entity specified under sub. (2r) (b) shall consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

~~(4) CHARTER SCHOOL DUTIES AND RESTRICTIONS. (a) Duties. A charter school shall do all of the following:~~

~~1. If the charter school replaces a public school in whole or in part, give preference in admission to any pupil who resides within the attendance area or former attendance area of that public school.~~

~~2. Be nonsectarian in its programs, admissions policies, employment practices and all other operations.~~

~~(b) Restrictions. A charter school may not do any of the following:~~

~~1. Charge tuition, except as otherwise provided in s. 121.83 (4).~~

~~2. Except as provided in par. (c), discriminate in admission or deny participation in any program or activity on the basis of a person's sex, race, religion, national origin, ancestry, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.~~



9-8

SEC. # AM. 118.40 (4)(c)

strike comma

or

118.40 (4)(c) Single-sex schools and courses. A school board ~~may enter into a contract for, and an entity~~ under sub. (2r) may ~~establish or enter into a contract for,~~ the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

(5) CHARTER REVOCATION. A charter may be revoked by the school board or the entity under sub. (2r) (b) that contracted with the charter school if the school board or, if applicable, the entity under sub. (2r) (b) finds that any of the following occurred:

- (a) The charter school violated its contract with the school board or the entity under sub. (2r) (b).
- (b) The pupils enrolled in the charter school failed to make sufficient progress toward attaining the educational goals under s. 118.01.
- (c) The charter school failed to comply with generally accepted accounting standards of fiscal management.
- (d) The charter school violated this section.

(6) PROGRAM VOLUNTARY. No pupil may be required to attend a charter school without his or her approval, if the pupil is an adult, or the approval of his or her parents or legal guardian, if the pupil is a minor.

(7) LEGAL STATUS; APPLICABILITY OF SCHOOL LAWS. (a) Except as provided in par. (am), the school board of the school district in which a charter school is located shall determine whether or not the charter school is an instrumentality of the school district. If the school board determines that the charter school is an instrumentality of the school district, the school board shall employ all personnel for the charter school. If the school board determines that the charter school is not an instrumentality of the school district, the school board may not employ any personnel for the charter school.

DN

DN - date -

⑧ Chris:

⑧ This draft requires all charter schools to operate under a <sup>contract</sup> contract with a school board or (2r) (2r) entity -

⑧ ①. Although the draft directs DPI to pay for the ACT tests administered to voucher pupils attending choice schools, there is no requirement that the

choice schools administer the exams. If you'd like to add <sup>a</sup> requirement <sup>to administer</sup> please let me know the specific name or names of the exams <sup>the pupils to whom the exams will be administered, and the</sup> grades in which they are to be administered. ☺

Will all voucher pupils be required to take the examination? If not, the draft should specify which pupils DPI must pay for.

and make other revisions based on your April 9th email. Two more questions for you about the ACT tests:

(DN, cont.)

115.28 (12) (ag)

2. In s. 115.28 (12) (ag) ~~and (b)~~

115.383 (2)

[renumbered 115.383 (2) ~~and (2)~~] ↑ you asked thatI <sup>restore</sup> restore the references to the 2012-13

school year. If a charter school or private

is ~~not~~ currently using the <sup>SIS</sup> SIS but not

including teacher information in the system ↑

it will probably be violating ~~the~~ <sup>the</sup> requirement  
to do so upon enactment <sup>of this bill</sup> Similarly in

s. 115.28 (12) (b) [renumbered 115.383 (3)] ↑

~~if~~ a (2r) charter school or a choice <sup>school</sup> may

be in violation of this subsection upon

enactment.

→ PL ←

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

LRB-2020/P2dn

PG:cjs:jm

April 12, 2013

Chris:

This draft requires all charter schools to operate under a contract with a school board or (2r) entity and makes other revisions based on your April 9th email. Two more questions for you:

1. Although the draft directs DPI to pay for the ACT tests administered to voucher pupils attending choice schools, there is no requirement that the choice schools administer the exams. Will all voucher pupils be required to take the examination? If not, the draft should specify which pupils DPI must pay for. If you'd like to add a requirement to administer, please let me know the specific name or names of the exams, the pupils to whom the exams will be administered, and the grades in which they are to be administered.

2. In s. 115.28 (12) (ag) [renumbered 115.383 (2)], you asked that I restore the references to the 2012-13 school year. If a charter school or private is currently using the SIS but not including teacher information in the system, it will probably be violating the requirement to do so upon enactment of this bill. Similarly, in s. 115.28 (12) (b) [renumbered 115.383 (3)], a (2r) charter school or a choice school may be in violation of the subsection upon enactment.

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

DPI Recommended Changes  
For 4-23-13 Discussion

1 **AN ACT to repeal** 115.28 (12) (title), 118.42 (2), 118.42 (3) (a) (intro.), 118.42 (3)  
2 (b) and (c) and 118.42 (4) and (5); **to renumber** 118.42 (1) (a) to (d) and 118.42  
3 (3) (a) 2. to 5.; **to renumber and amend** 115.28 (12) (a), 115.28 (12) (ag), 115.28  
4 (12) (b) and 118.42 (3) (a) 1.; **to amend** 20.255 (1) (e), 115.001 (1), 118.125 (4),  
5 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2., 118.40 (2r) (b) 2m., 118.40 (2r) (b) 4.,  
6 118.40 (2r) (bm), 118.40 (2r) (cm), 118.40 (2r) (d) (intro.), 118.40 (2r) (e) 4., 118.40  
7 (3) (e), 118.40 (4) (c), 118.42 (1) (intro.), 118.60 (10) (c), 118.60 (10) (d), 119.04  
8 (1), 119.23 (10) (c), 119.23 (10) (d) and 121.006 (2) (d); and **to create** 20.255 (2)  
9 (fw), 115.383 (title), 115.383 (4), 115.39, 118.40 (3) (f), 118.40 (5) (e), 118.42 (1)  
10 (am) (intro.) and 1., 118.42 (1) (bm) (intro.), 118.42 (2m), 118.60 (10) (bg) and  
11 119.23 (10) (bg) of the statutes; **relating to:** the student information system,

1 charter school contracts, a school and school district accountability system, and  
2 making an appropriation.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

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

3 SECTION 1. 20.255 (1) (e) of the statutes is amended to read:

4 20.255 (1) (e) *Student information system.* Biennially, the amounts in the  
5 schedule for the student information system under s. ~~115.28 (12)~~ 115.383.

6 ~~SECTION 2. 20.255 (2) (fw) of the statutes is created to read:~~

7 ~~20.255 (2) (fw) *ACT examinations.* A sum sufficient for the costs of~~  
8 ~~administering and scoring the ACT examinations as provided under s. 115.39 (3) (e).~~

9 SECTION 3. 115.001 (1) of the statutes is amended to read:

10 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract  
11 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.  
12 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~  
13 118.40 (2r) (b).

14 SECTION 4. 115.28 (12) (title) of the statutes is repealed.

15 SECTION 5. 115.28 (12) (a) of the statutes is renumbered 115.383 (1) and  
16 amended to read:

17 115.383 (1) Working with the office of the governor, the state superintendent  
18 shall establish a student information system to collect and maintain information

*authorized under 118.40(2r) OK*

\*1  
2  
\*3

about pupils enrolled in public schools, including charter schools, and private schools participating in a parental choice program under s. 118.60 or 119.23, including their academic performance and demographic information, <sup>OK</sup> ~~aggregated~~ by school district, school, and teacher.

SECTION 6. 115.28 (12) (ag) of the statutes is renumbered 115.383 (2), and 115.383 (2) (intro.) and (b), as renumbered, are amended to read:

7  
\*8

115.383 (2) (intro.) Beginning in the 2012-13 school year, each school district, <sup>created under 118.40(2r) OK</sup> charter school, and private school using the system under ~~par. (a) sub. (1)~~ shall include in the system the following information for each teacher teaching in the school district <sup>or school</sup> who completed a teacher preparatory program <sup>or Master's or Bachelor's degree</sup> described in sub. s. 115.28 (7) (a) and located in this state, or a teacher education program described in sub. s. 115.28 (7) (e) 2. and located in this state on or after January 1, 2012: <sup>or obtained a Bach degree</sup>

13

(b) The term or semester and year in which the teacher completed the program described in subd. 1 par. (a).

SECTION 7. 115.28 (12) (b) of the statutes is renumbered 115.383 (3) and amended to read:

18  
19  
\*20  
\*21  
\*22

115.383 (3) ~~Ensure~~ The state superintendent shall ensure that within 5 years of the establishment of the system under par. (a) sub. (1), every school district and every charter school, <sup>authorized under 118.40(2r)</sup> ~~under contract with a school board under s. 118.40~~ is using the system and that, beginning in the <sup>2014-15</sup> 2013-14 school year, every charter school established under s. 118.40 (2r) and every private school participating in a parental choice program under s. 118.60 or 119.23 is either using the system under sub. (1)

\*24

or using a system that is interoperable with the system under sub. (1). The state superintendent may promulgate rules authorizing the department to charge a fee to

*as determined by*  
*OK*  
*INSERT*  
*9/10/14*

1 any person that uses the system. All fees shall be credited to the appropriation  
2 account under s. 20.255 (1) (jm).

3 SECTION 8. 115.383 (title) of the statutes is created to read:

4 115.383 (title) Student information system.

5 SECTION 9. 115.383 (4) of the statutes is created to read:

6 115.383 (4) A private school participating in a parental choice program under  
7 s. 118.60 or 119.23 is not required to include information about pupils who are not  
8 attending the private school under s. 118.60 or 119.23 in the system it is using under  
9 ~~sub. (3). Information included in the system by a private school participating in a~~  
10 ~~parental choice program under s. 118.60 or 119.23 may be used by the department~~  
11 ~~only to issue school reports under s. 115.39.~~ 2. replace lang.

12 SECTION 10. 115.39 of the statutes is created to read:

13 115.39 School and school district accountability system. (1) In this  
14 section:

15 (a) "Child with a disability" has the meaning given in s. 115.76 (5).

16 (b) "School" means a public school, including a charter school, and a private  
17 school participating in a parental choice program under s. 118.60 or 119.23.

18 (2) The department shall establish a comprehensive school and school district  
19 accountability system beginning in the 2014-15 school year that includes all of the  
20 following components:

21 (a) Multiple measures to determine a school's performance or a school district's  
22 ~~improvement~~ <sup>performance</sup> status under s. 118.42, including all of the following categorized by  
23 English language proficiency, disability, income level, and race or ethnicity:

24 1. Pupil achievement in reading and mathematics.

25 2. Growth in pupil achievement in reading and mathematics.

calculate using a value-added methodology



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

3           4. Gaps in pupil academic achievement and rates of graduation.

4           5. Student Engagement Indicators. *inclusion*

5           ~~(b) Measures to ensure that all data used is in the same format, calculated in  
the same way, and weighted the same for all pupils.~~ *(absenteeism, test participation, dropout rate & disaggregated data)*  
*see DPI's version for (b)*

6           ~~(c) Methodology that is consistent with the methodology used by the  
Value Added Research Center at the University of Wisconsin-Madison.~~

7  
8           (c) (d) An index system to identify a school's and a school district's level of  
9 performance as one of the following:

- 10           1. Significantly exceeds expectations.
- 11           2. Exceeds expectations.
- 12           3. Meets expectations.
- 13           4. Meets few expectations.
- 14           5. Fails to meet expectations.

15           (3) The department shall do all the following:

16           (a) Based on data derived from multiple school years, annually identify each  
17 school and school district as falling into one of the categories under sub. (2) (d) and  
18 issue an accountability report for the school or school district that is clear and easily  
19 understandable, *unless sufficient data does not exist OK as shall be*

20           (b) Collect and disseminate the best practices from the schools that  
21 significantly exceed expectations, *those that need not provide site (must agree)* and identify opportunities to support and  
22 intervene in the public schools and school districts that fail to meet expectations.

23           (c) Specify in the report for a private school participating in a parental choice  
24 program under s. 118.60 or 119.23 the percentage of pupils attending the school  
25 *who are attending* under the parental choice program.

*substitute  
DPI's lang.*

1 (d) Ensure that if there are too few pupils with the same characteristics within  
2 a school or school district to make comparisons with other groups of dissimilar pupils,  
3 the performance of the pupils shall be compared to the statewide average of similar  
4 groups of pupils.

*compare to other group statewide  
for all schools*

\* 5 ~~(e) From the appropriation under s. 20.255 (2) (fw), pay the costs of~~  
\* 6 ~~administering and scoring the ACT examinations administered under sub. (4) (c) 6-~~  
\* 7 ~~to pupils attending a private school under s. 118.60 or 119.23.~~

8 (4) The department may use only the following information for each measure  
9 specified in sub. (2) (a):

10 (a) For pupil achievement under sub. (2) (a) 1.:

11 1. Scores on the reading and mathematics examinations administered under  
12 s. 118.30.

13 2. Scores on the alternate reading and mathematics examinations  
\* 14 administered under s. 118.30 to children with <sup>significant cognitive</sup> disabilities.

\* 15 3. The <sup>disability status</sup> ~~percentage~~ of pupils taking the examinations under s. 118.30 ~~who are~~  
\* 16 ~~children with disabilities.~~

17 4. The grade level of pupils taking the examinations under s. 118.30.

18 5. The race or ethnicity of pupils taking the examinations under s. 118.30.

\* 19 6. The <sup>English proficiency status</sup> ~~percentage~~ of pupils taking the examinations under s. 118.30 ~~in the~~  
\* 20 ~~previous 3 school years who were limited-English-proficient pupils.~~

\* 21 7. ~~The percentage of pupils taking the examinations under s. 118.30 who are~~  
\* 22 ~~eligible for a free or reduced-price lunch~~ <sup>eligibility</sup> under 42 USC 1758 (b) ~~of students taking~~  
~~the examinations under 118.3~~

\* 23 8. The ~~percentage of~~ pupils taking the examinations under s. 118.30 who have  
24 resided in the United States for less than one year.

*more by 15 is  
committed by other*

*Johnnie will contact us.*

The enrollment ~~and~~ <sup>and</sup> history of pupils

\* 1

9. The percentage of pupils who attended the school, and the percentage of

\* 2

enrolled in the school and school district.  
~~pupils who were enrolled in the school district, for the entire school term.~~

*for choice  
schools  
of  
choice  
pupils*

3

(b) For growth in pupil achievement under sub. (2) (a) 2.:

4

1. The information under par. (a) 1. for the current and previous school years.

\* 5

2. Information under pars. (a) 3. ~~and 5.~~ <sup>9.</sup> for the current and previous school

6

years.

\*\*\*\*NOTE: I did not include "value added growth" because I did not know what data to cite for that indicator.

7

(c) For college and career readiness under sub. (2) (a) 3.:

8

1. The information under par. (a).

\* 9

2. The ~~percentage~~ <sup>number</sup> of pupils who are dropouts, as defined in s. 118.153 (1) (b).

\* 10

3. The ~~percentage~~ <sup>number</sup> of pupils who graduate from high school within 4 school years

\* 11

and the ~~percentage~~ <sup>number</sup> of pupils who graduate from high school within 5 or 6 school

\* 12

years, <sup>with a regular diploma</sup>

*(i.e. HSED, CED)*

13

4. Of those pupils who are eligible to take the examinations administered under

\* 14

s. 118.30, the ~~percentage~~ <sup>number of</sup> that take them.

*for ch. choice of kids att. under choice program*

15

5. Pupil attendance data.

\* 16

6. Scores on the ~~ACT~~ <sup>ACT</sup> examinations administered to pupils in the 9th, 10th, and

\* 17

11th grades <sup>under 118.30.</sup>

18

(d) For gaps in pupil academic achievement under sub. (2) (a) 4.:

\* 19

1. The information under par. (a) 1., ~~2., 8., and 9.~~ <sup>to</sup> for ~~the previous~~ <sup>at least</sup> 3 school years.

\* 20

~~2. The information under par. (a) 3. and 5. to 7.~~

\* 21

~~3. The percentage of 12th grade pupils who are eligible for a free or~~

\* 22

~~reduced-price lunch under 42 USC 1758 (b):~~

\* 23

~~4. The percentage of 12th grade pupils who are are children with disabilities.~~

\* 1 ~~5. The percentage of 12th grade pupils who are limited-English proficient~~  
\* 2 ~~pupils.~~

\* 3 ~~6. The race or ethnicity of 12th grade pupils.~~

4 7. The information under par. (c) 3.

\* 5 8. The ~~percentage~~ of pupils who are suspended or expelled from school.

*all  
base to (c)  
as well*

6 (5) Each school and school district shall display prominently on the school's and  
\* 7 school district's Internet site <sup>on home page</sup> the reports issued by the department under this section.

\* 8 (6) ~~A private school participating in a parental choice program under s. 118.60~~  
\* 9 <sup>Schools</sup> or 119.23 may request the department not to issue a <sup>rating 115.39 (1)(a)</sup> report under this section for the  
10 school because the school is an alternative education school. If the department  
\* 11 determines that the ~~private~~ school offers an alternative educational program that  
12 would not be accurately reflected in its report, the department may approve the  
13 school's request.

14 SECTION 11. 118.125 (4) of the statutes is amended to read:

15 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a  
16 charter school established under s. 118.40 (2r), and a private school participating in  
17 the a parental choice program under s. 118.60 or in the program under s. 119.23 shall  
\* 18 transfer to another school, <sup>district, a charter school established under 118.40 (2r), a private</sup> including a private, charter, or tribal school, or school  
\* 19 ~~district~~ all pupil records relating to a specific pupil if the transferring school district <sup>school</sup>  
20 or private school has received written notice from the pupil if he or she is an adult <sup>participating</sup>  
21 or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll <sup>in a parental</sup>  
22 in the other school or school district or written notice from the other school or school <sup>choice program</sup>  
23 district that the pupil has enrolled or from a court that the pupil has been placed in <sup>under 118.60</sup>  
24 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential <sup>or 119.23,</sup>  
25 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,

1 “school” and “school district” include any juvenile correctional facility, secured  
2 residential care center for children and youth, adult correctional institution, mental  
3 health institute, or center for the developmentally disabled that provides an  
4 educational program for its residents instead of or in addition to that which is  
5 provided by public, private, and tribal schools.

6 SECTION 12. 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

7 118.40 (2r) (b) 1. (intro.) ~~All~~ Any of the following entities may establish by  
8 ~~charter and operate a charter school or, on behalf of their respective entities, may~~  
9 ~~initiate a~~ contract with ~~an individual or group~~ a person to operate ~~a school as a~~  
10 charter school:

11 SECTION 13. 118.40 (2r) (b) 2. of the statutes is amended to read:

12 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~  
13 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under  
14 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter  
15 school on the liability of the contracting entity under this paragraph. The contract  
16 may include other provisions agreed to by the parties. The chancellor of the  
17 University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may  
18 not ~~establish or~~ enter into a contract for the establishment of a charter school under  
19 this paragraph without the approval of the board of regents of the University of  
20 Wisconsin System.

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

22 118.40 (2r) (b) 2m. a. ~~A charter or~~ contract may include grounds for expelling  
23 a pupil from the charter school.

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

4           **SECTION 15.** 118.40 (2r) (b) 4. of the statutes is amended to read:

5           118.40 (2r) (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may  
6 ~~establish or~~ enter into a contract for the establishment of a virtual charter school.

7           **SECTION 16.** 118.40 (2r) (bm) of the statutes is amended to read:

8           118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor  
9 of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college  
10 district board may only ~~establish or enter into a~~ contract for the establishment of a  
11 charter school located in the school district operating under ch. 119. The chancellor  
12 of the University of Wisconsin-Parkside may only ~~establish or enter into a~~ contract  
13 for the establishment of a charter school located in a unified school district that is  
14 located in the county in which the University of Wisconsin-Parkside is situated or  
15 in an adjacent county.

16           **SECTION 17.** 118.40 (2r) (cm) of the statutes is amended to read:

17           118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may  
18 ~~establish or enter into a~~ contract for the establishment of only one charter school  
19 under this subsection, which may not operate high school grades and which may not  
20 accommodate more than 480 pupils.

21           **SECTION 18.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

22           118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall  
23 do all of the following:

24           **SECTION 19.** 118.40 (2r) (e) 4. of the statutes is amended to read:

1           118.40 (2r) (e) 4. If the chancellor of the University of Wisconsin-Parkside  
2 ~~establishes or~~ contracts for the establishment of a charter school under this  
3 subsection, in March the department shall pay to the unified school district in which  
4 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an  
5 amount equal to the amount of school aid per pupil to which the unified school district  
6 is eligible in the current school year multiplied by the number of pupils attending the  
7 charter school who were previously enrolled in the unified school district, except that  
8 the payment may not exceed \$1,000,000 in the 2011-12 school year and may not  
9 exceed \$750,000 in the 2012-13 school year. No aid may be paid under this  
10 subdivision after the 2012-13 school year.

11           **SECTION 20.** 118.40 (3) (e) of the statutes is amended to read:

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

16           **SECTION 21.** 118.40 (3) (f) of the statutes is created to read:

17           118.40 (3) (f) 1. A contract with a ~~school board or~~ an entity under sub. (2r) (b)  
18 shall specify that if the state superintendent determines under s. 115.39 (3) that the  
19 charter school has performed at the lowest performance level for 3 consecutive school  
20 years, the ~~school board or~~ entity under sub. (2r) (b) shall require that a <sup>remediation</sup> remedial plan,  
21 approved by the ~~school board or~~ entity, be implemented by the charter school  
22 operator.

23           2. The ~~school board or~~ entity under sub. (2r) (b) shall provide the department  
24 with a copy of <sup>a remediation</sup> any remedial plan approved under subd. 1.

\*1  
\*2

3. The ~~school board~~<sup>or</sup> ~~or~~ entity under sub. (2r) (b) shall review the implementation of the ~~remedial~~<sup>remediation</sup> plan using the methodology it uses for determining whether to renew a contract with a charter school operator.

SECTION 22. 118.40 (4) (c) of the statutes is amended to read:

118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a contract for, and an~~ or entity under sub. (2r) may ~~establish or enter into a~~ contract for, the establishment of a charter school that enrolls only one sex or that provides one or more courses that enroll only one sex if the school board or entity under sub. (2r) makes available to the opposite sex, under the same policies and criteria of admission, schools or courses that are comparable to each such school or course.

SECTION 23. 118.40 (5) (e) of the statutes is created to read:

118.40 (5) (e) The charter school implemented a remedial plan under sub. (3) (f) but its academic performance has failed to sufficiently improve within 3 years.

SECTION 24. 118.42 (1) (intro.) of the statutes is amended to read:

118.42 (1) (intro.) If the state superintendent determines that a school district has been in need of improvement performed at the lowest performance level under s. 115.39 for 4 ~~3~~ consecutive school years, ~~the school board shall~~ do all of the following apply:

except  
MPS  
?

SECTION 25. 118.42 (1) (a) to (d) of the statutes are renumbered 118.42 (1) (am)

2. to 5.

SECTION 26. 118.42 (1) (am) (intro.) and 1. of the statutes are created to read:

118.42 (1) (am) (intro.) The school board shall do all of the following:

1. Complete a department-approved diagnostic review of the school district to determine the causes of the school district's poor performance and relevant mitigating factors.

only for  
incomplete  
part of  
charter  
(with bid  
chart

\*24



1           **SECTION 27.** 118.42 (1) (bm) (intro.) of the statutes is created to read:

2           118.42 (1) (bm) (intro.) After consulting with the school board, the school  
3 district administrator, and school district employees, the state superintendent shall  
4 direct the school board to do one or more of the following in the school district:

5           **SECTION 28.** 118.42 (2) of the statutes is repealed.

6           **SECTION 29.** 118.42 (2m) of the statutes is created to read:

7           118.42 (2m) If the state superintendent determines that a public school,  
8 ~~excluding a charter school established under s. 118.40(2r),~~ has performed at the lowest performance level under s.  
9 115.39 for 3 consecutive school years, all of the following apply:

(Ns)

10           (a) The school board shall do all of the following:

11           1. Complete a department-approved, on-site, diagnostic review of the school  
12 to determine the causes of the school's poor performance and relevant mitigating  
13 factors.

14           2. Based on the results of the diagnostic review under subd. 1., implement  
15 department-approved improvement activities that are consistent with federal  
16 improvement requirements or close the school.

17           (b) After consulting with the school board, the school district administrator,  
18 and school district employees, the state superintendent shall direct the school board  
19 to do one or more of the following in the school:

20           1. Implement or modify activities described in par. (a).

21           2. Implement a new or modified instructional design, which may include  
22 expanded school hours or additional pupil supports and services.

23           3. Implement professional development programs that focus on improving  
24 pupil academic achievement.

25           4. Implement changes in administrative and personnel structures.

1           5. Adopt accountability measures to monitor the school district's finances or to  
2 monitor other interventions directed by the state superintendent under subs. 1. to  
3 4.

4           **SECTION 30.** 118.42 (3) (a) (intro.) of the statutes is repealed.

5           **SECTION 31.** 118.42 (3) (a) 1. of the statutes is renumbered 118.42 (bm) 1. and  
6 amended to read:

7           **118.42 (bm) 1.** Implement ~~or modify~~ activities described in sub. ~~(1)(a) to (d) par.~~

8 ~~(am).~~

9           **SECTION 32.** 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)  
10 2. to 5.

11           **SECTION 33.** 118.42 (3) (b) and (c) of the statutes are repealed.

12           **SECTION 34.** 118.42 (4) and (5) of the statutes are repealed.

13           **SECTION 35.** 118.60 (10) (bg) of the statutes is created to read:

14           118.60 (10) (bg) The state superintendent ~~may~~ <sup>shall</sup> issue an order permanently  
15 barring a private school from participating in the program under this section and  
16 from reopening as a charter school if the state superintendent determines that the  
17 private school has performed at the lowest performance level under s. 115.39 for 3  
18 consecutive school years.

19           **SECTION 36.** 118.60 (10) (c) of the statutes is amended to read:

20           118.60 (10) (c) Whenever the state superintendent issues an order under par.  
21 (a), (am), ~~or~~ (b), or (bg), he or she shall immediately notify the parent or guardian of  
22 each pupil attending the private school under this section.

23           **SECTION 37.** 118.60 (10) (d) of the statutes is amended to read:

1           118.60 (10) (d) The state superintendent may withhold payment from a private  
2 school under subs. (4) and (4m) if the private school violates this section or fails to  
3 participate in the student information system as required under s. 115.383 (3).

4           **SECTION 38.** 119.04 (1) of the statutes is amended to read:

5           119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
6 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
7 115.345, 115.363, 115.365 (3), 115.38 (2), 115.383, 115.39, 115.415, 115.445, 118.001  
8 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to  
9 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,  
10 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,  
11 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,  
12 118.55, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),  
13 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25  
14 are applicable to a 1st class city school district and board.

15           **SECTION 39.** 119.23 (10) (bg) of the statutes is created to read:

16           119.23 (10) (bg) The state superintendent <sup>shall</sup> ~~may~~ issue an order permanently  
17 barring a private school from participating in the program under this section and  
18 from reopening as a charter school if the state superintendent determines that the  
19 private school has performed at the lowest performance level under s. 115.39 for 3  
20 consecutive school years.

21           **SECTION 40.** 119.23 (10) (c) of the statutes is amended to read:

22           119.23 (10) (c) Whenever the state superintendent issues an order under par.  
23 (a), (am), ~~or~~ (b), or (bg), he or she shall immediately notify the parent or guardian of  
24 each pupil attending the private school under this section.

25           **SECTION 41.** 119.23 (10) (d) of the statutes is amended to read:

1           119.23 (10) (d) The state superintendent may withhold payment from a private  
2 school under subs. (4) and (4m) if the private school violates this section or fails to  
3 participate in the student information system as required under s. 115.383 (3).

4           **SECTION 42.** 121.006 (2) (d) of the statutes is amended to read:

5           121.006 (2) (d) Comply with a directive issued by the state superintendent  
6 under s. 118.42 (3) (a) ~~or (1) (bm) or (2m) (b).~~

7           **SECTION 43. Initial applicability.**

8           (1) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (3) (f) and (5)  
9 (e) of the statutes first applies to a contract for the establishment of a charter school  
10 that is entered into, modified, or renewed on the effective date of this subsection.

\* 11           ~~(2) ACT EXAMINATIONS. The treatment of section 20.255 (2) (fw) and 115.39 (3)~~  
\* 12 ~~(e) of the statutes first applies to examinations administered in the 2013-14 school~~  
\* 13 ~~year.~~

14

(END)

MITG. n/  
Sancho Chris 5/2/13

p 14 l 14-19

§ 15 l. 16-20

~~A to make it like charters; i.e. get 3 years  
to work under renewal plan (?)  
then must re-eval.~~

~~beg. 17-18 sch. yr. if ss det. priv. sch. put at lowest  
level for 3 years, can't be choice school.~~

CHOICE  
SCHOOLS

⇔ after 3 yr. in lowest category,  
accred. agcy must ~~perform~~ review  
w/ sch. out of program  
if no review  
or if review  
inconclusive

if review  
reviews + conditional accred  
if accred agcy puts on ~~renewal plan~~ <sup>rem.</sup> plan

(then get 2 yrs to achieve accred.  
+ move out of lowest perf. category.  
otherwise out

add DPI language

reopening as ~~choice sch~~  
priv. school

\*

5/2/13

mtg w/ Sarah & Chris

CHARTERS

if score D or F 3 yrs,  
new rem. plan

after 3 yrs (rem plan)

~~authorities~~

if not suff imp.

~~authorities can't authorize~~

~~existing charter schools~~

~~who doesn't revoke  
the charter~~

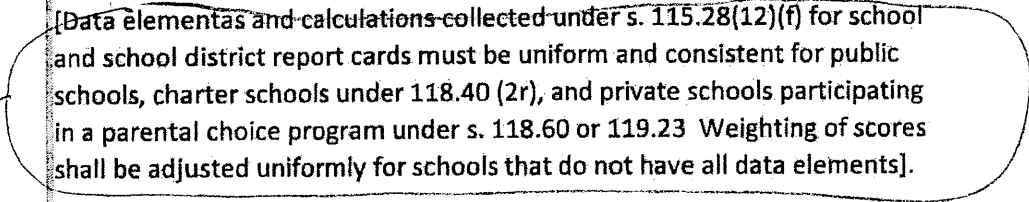
"suff. improve" means getting out of  
lowest perf. level

if don't → 4th → 3 yrs,  
have to revoke

✓ P. 12 (15-18) → except MPS  
(Sarah will call Jennifer)

### LRB-2020/P2 School and School District Accountability System

Section	Page, Line(s)	Requested Change and Rationale
2	p. 2, 6-8	Strike ACT appropriation. ACT costs for all publicly funded schools already included in the budget. Opens up JFC action with appropriation.
5	p.3, 1	Charter schools authorized by school boards are already part of the five year timeline to be part of the SSIS. Drafting oversight that (2r) charters are not on the same timeline. We have been treating them as if they are.
5	p.3, 3	Strike the word aggregated as we collect information on an individual basis.
6	p.3, 8	Add language referencing charter schools authorized under 118.40 (2r). Other charter schools are already covered as they are considered part of a school district.
7	p. 3, 20-22	Charter schools authorized by school boards are already part of the five year timeline to be part of the SSIS. Drafting oversight that (2r) charters are not on the same timeline. We have been treating them as if they are. Additional language and strikethroughs clarify this.
7	p.3, 24	Add language allowing DPI to determine interoperability. This is critical to the system working. Clarify the state does not pay for the interoperability. Also need changes to Chapter 20 to allow allocation to be spent on choice schools.
9	p. 4, 9-11	Strike language. Language would prohibit the DPI from providing transparency for parents. DPI would be unable to make data available to parents on WISEDASH on individual elements. Language would also prohibit DPI from analyzing data to pair schools in sharing best practices.
10	p. 4, 19	Note that DPI will already be issuing district report cards in 13-14.
10	p.4, 21	Add student engagement indicators to (a).
10	p. 4, 22	Change "improvement status" to "performance"
10	p.5, 4-5	Strike "the same for all pupils". The current report cards can not meet this standard and weight students individually. Two options: 1. Add the word "consistently" prior to "weighted" in line 5 or use the DPI proposed language [Data elements and calculations collected under s. 115.28(12)(f) for school and school district report cards must be uniform and consistent for public schools, charter schools under 118.40 (2r), and private schools participating in a parental choice program under s. 118.60 or 119.23 Weighting of scores shall be adjusted uniformly for schools that do not have all data elements].
10	p.5, 6-7	Need a discussion around value-added and what this language means.



10	p.5, 19	Add language, "unless sufficient data does not exist" to recognize the flexibility DPI will need to address not rated schools.
10	p.5, 21	DPI wants to provide best practices from all schools that are exceeding expectations.
10	p.6, 5-7	Budget already includes funding for students in choice schools to take the ACT. Can make our program appropriation sum sufficient in budget.
10	p.6, 13-23	Strikethroughs and additions to align language to allow DPI to acquire information needed to calculate report cards.
10	p.7, 1-5	Strikethroughs and additions to align language to allow DPI to acquire information needed to calculate report cards.
10	p.7, 9-14	Strikethroughs and additions to align language to allow DPI to acquire information needed to calculate report cards.
10	p. 7, 16-17	Remove "ACT" and simply reference exams under 118.30. Consistent with the budget for RFP purposes. We also need to look at earlier exams under 118.30 in this priority area.
10	p. 7, 19-23 and p. 8, 1-3	Change line 1 to include all elements needed to allow DPI to acquire information needed to calculate report cards. Lines 20-23 on page 7 and lines 1-3 on page 8 can thus be deleted.
10	p. 8, 5	Remove "percentage" and move 8. to (c) as this is used to calculate college and career readiness.
10	p.8, 8-13	Strike language relating solely to private schools. Apply provision to all alternative education schools.
11	p.8, 18-196	Clean up language to ensure the same entities are listed as sending and receiving records.
21	p.11, 17-24 and p. 12, 1-2	Remove references to school boards as this would prohibit any district wide improvement efforts, such as those occurring in MPS
21	p. 11	What happens to a charter school if it continues in the lowest category? Recommend charter shall be revoked or contract shall not be renewed.
24	p.12	Need to recognize MPS DIP status. Grandfather in MPS. <i>(dist id'ed for improvement)</i>
29	p.13, 8	Separate accountability provisions apply to charter schools established under 118.40 (2r).
31	p.14, 8	Clarification that need a reference (1)
35	p.14, 14	Change may to shall.
39	p. 15, 16-20	Language should be added preventing a charter school from reopening as a private school. Add language to prevent a charter school from reopening as a private choice school.
43	p.16, 11-13	Strike language. Language no longer needed given earlier strikethroughs.

Add language to say "No Score" for new schools.



DPI

**Additional Changes Requested to LRB 2020/P2**

**April 29, 2013**

1. Page three, line 24.

After talking with our technical staff, it is clear that the SIF standard is one that is changing and may not suffice. Our proposed language would recognize more than the SIF standard and would be as follows:

[Insert at the end of sentence on line 24] In order to meet the interoperability standard the system shall:

- a. Be a commercially available student information system capable of meeting State of Wisconsin reporting requirements under s. 115.39.
- b. Be able to export data to the statewide student information system under s. 115.383 on a daily basis.
- c. Be able to obtain unique student identification numbers for pupils enrolled under s. 118.60 and s. 119.23

✓ P. 3, L. 24

M: (A)

2. Page four, lines 9-11

DPI would prefer this language be removed as this data is a public record that anyone can request access to and use. This language only means the department can't use the data. If language is needed, however, we would suggest the following:

Information included in the system by a private school participating in a parental choice program under s.118.60 or 119.23 may be used by the department only to issue school reports under s. 115.39, to report to the public on the report cards, make information available to parents and the public through data dashboards in the same fashion as is done for public schools, and to identify and share best practices.

There may also need to be a cross-reference to provisions under 118.60 and 119.23 to ensure there is no statutory conflict between this section and those that allow DPI to terminate choice schools from the program if they continue to perform in the lowest category after three years.

3. Page six, lines 1-4

DPI wants to make sure the language is doing what we believe it is intended to do – measure gaps so we suggest the following:

Ensure that if there are too few pupils with the same characteristics within a school or a school district to make comparisons with other groups of dissimilar pupils, the performance of the pupils shall be compared to the statewide performance of dissimilar pupils.

Or more succinctly:

Ensure that subgroups with sufficient pupils within a school or school district are compared to the statewide performance of pupils not in that subgroup.

✓ P. 6 L. 14

4. Page 7, lines 9-14

On further review all references to percentages should simply be struck. The reference should simply be to the pupils to ensure we can continue to receive the data on an individual student basis.

# ALL Data

506

The department shall release data related to the statewide report card, ~~including, but not limited to, standardized test results, graduation rates, attendance rates and test participation rates~~, uniformly and completely with the public release of the report cards. This data, in whole or in part, may not be released to any entity, except to:

- a) school districts and individual schools, prior to the time that all data becomes available to the public
- b) entities requesting information for specific schools or districts that obtain official data releases from those schools or districts

## Kulow, Chris

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**From:** Jim Bender <bender@parentchoice.org>  
**Sent:** Wednesday, May 01, 2013 1:49 PM  
**To:** Kulow, Chris  
**Subject:** SSIS

Chris,

The language regarding defining interoperability with the SSIS is mixed. A and c are good. B is problematic for two reasons. Daily reporting seems a bit much. That is a lot of labor for data that is never tabulated daily. Second, "Be able to export data to the SIS.." means DPI would be defining those parameters. We would prefer using the SIF standard.

For example:

*compatible w/ the SIF standard  
current version*

by maintaining a system that complies with the Schools Interoperability Framework (SIF) version ~~2.5~~ specification, or any updated versions of the specifications. The state superintendent shall ensure that the system under sub. (1) is interoperable with any system that is compliant with the Schools Interoperability Framework (SIF) version 2.5 specification, or any updated versions of the specifications.

A

This language would assure our schools that if they buy a commercially available system that is SIF compliant, it will be able to transmit data correctly with DPI and assures that DPI makes that system viable. Otherwise, DPI could change parameters at will and ultimately force schools onto the state vendor.

I have a meeting this afternoon on this subject and will follow up with any additional information then.

Thank you,

**Jim Bender**  
President  
School Choice Wisconsin  
414.319.9160  
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