



State of Wisconsin
2013 - 2014 LEGISLATURE

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LRB-2020/08

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT *to repeal* 115.38, 118.42 (2), 118.42 (3) (a) (intro.), 118.42 (3) (b) and (c)
2 and 118.42 (4) and (5); *to renumber* 115.28 (12) (title), 118.40 (5), 118.42 (1) (a)
3 to (d) and 118.42 (3) (a) 2. to 5.; *to renumber and amend* 115.28 (12) (a), 115.28
4 (12) (ag), 115.28 (12) (b) and 118.42 (3) (a) 1.; *to amend* 20.255 (1) (e), 115.001
5 (1), 118.125 (4), 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2., 118.40 (2r) (b) 2m.,
6 118.40 (2r) (b) 4., 118.40 (2r) (bm), 118.40 (2r) (cm), 118.40 (2r) (d) (intro.), 118.40
7 (2r) (e) 4., 118.40 (3) (e), 118.40 (4) (c), 118.42 (1) (intro.), 118.60 (10) (c), 118.60
8 (10) (d), 119.04 (1), 119.23 (10) (c), 119.23 (10) (d), 121.006 (2) (d) and 121.02 (1)
9 (o); and *to create* 115.383 (4), 115.383 (5), 115.39, 118.40 (3) (f), 118.40 (5) (b),
10 118.42 (1) (am) (intro.) and 1., 118.42 (1) (bm) (intro.), 118.42 (1) (cm), 118.42
11 (2m), 118.60 (9m), 119.23 (9m) and 120.12 (26) of the statutes; **relating to:** the

1 student information system, charter school contracts, and a school and school
2 district accountability system.

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:

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

7 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
8 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
9 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
10 ~~118.40 (2r) (b).~~

11 **SECTION 3.** 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

12 **SECTION 4.** 115.28 (12) (a) of the statutes is renumbered 115.383 (1) and
13 amended to read:

14 115.383 (1) Working with the office of the governor, the state superintendent
15 shall establish a student information system to collect and maintain information
16 about pupils enrolled in public schools, including charter schools, and private schools
17 participating in a parental choice program under s. 118.60 or 119.23, including their

1 academic performance and demographic information, aggregated by school district,
2 school, and teacher.

3 SECTION 5. 115.28 (12) (ag) of the statutes is renumbered 115.383 (2) and
4 amended to read:

5 115.383 (2) Beginning in the 2012-13 school year, each school district, charter
6 school, and private school using the system under ~~par. (a) sub. (1)~~ shall include in the
7 system the following information for each teacher teaching in the school district or
8 school who completed a teacher preparatory education program described in sub. s.
9 115.28 (7) (a) or (e) 2. and located in this state ~~or a teacher education program~~
10 ~~described in sub. (7) (e) 2. and located in this state~~ on or after January 1, 2012, or
11 for each teacher teaching in a private school participating in a parental choice
12 program under s. 118.60 or 119.23, who obtained a bachelor's degree on or after

13 July 2010
January 1, 2012

from an institution
located in this state

14 (a) The name of the teacher preparatory program or teacher education program
15 the teacher attended and completed or the name of the institution from which the
16 teacher obtained a bachelor's degree.

17 (b) The term or semester and year in which the teacher completed the program
18 described in ~~sub. 1 par. (a)~~ or obtained a bachelor's degree.

****NOTE: In sub. (2) (intro.), (a), and (b) I assumed that the reference to obtaining a bachelor's degree should apply only to teachers in the choice schools. Is that correct? Is the addition of the date for obtaining the degree correct? Should it require such information only for a teacher who obtained his or her degree from an institution located in this state?
yes

19 SECTION 6. 115.28 (12) (b) of the statutes is renumbered 115.383 (3) and
20 amended to read:

21 115.383 (3) ~~Ensure~~ The state superintendent shall ensure that within 5 years
22 of the establishment of the system under ~~par. (a) sub. (1)~~, every school district and

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1 every charter school is using the system and that, beginning in the 2014-15 school
2 year, every private school participating in a parental choice program under s. 118.60
3 or 119.23 is either using the system under sub. (1) or using a system that is
4 commercially available, capable of providing the information required under s.
5 115.39, able to obtain pupil identification numbers under sub. (5), and compatible
6 with the most recent version of the Schools Interoperability Framework. The state
7 superintendent may promulgate rules authorizing the department to charge a fee to
8 any person that uses the system. All fees shall be credited to the appropriation
9 account under s. 20.255 (1) (jm).

✓ (10) SECTION 7. 115.38 of the statutes is repealed, as affected by 2013 Wisconsin Act 20,

11 SECTION 8. 115.383 (4) of the statutes is created to read:

12 115.383 (4) A private school participating in a parental choice program under
13 s. 118.60 or 119.23 is not required to include information about pupils who are not
14 attending the private school under s. 118.60 or 119.23 in the system it is using under
15 sub. (3). Information included in the system by a private school participating in a
16 parental choice program under s. 118.60 or 119.23 may be used by the department
17 only to issue school reports under s. 115.39, make information available to parents
18 and to the public via the Internet in the same fashion as information about public
19 schools is made available, and identify and share best practices from schools that
20 significantly exceed expectations under s. 115.39.

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

22 115.383 (5) The state superintendent shall assign to each pupil attending a
23 public school, charter school, or private school participating in a parental choice
24 program under s. 118.60 or 119.23 a unique identification number for use in the
25 student information system. The state superintendent shall not assign to any pupil

1 an identification number that is identical to or incorporates the pupil's social security
2 number.

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

4 115.39 School and school district accountability system. (1) In this
5 section:

6 ~~(a) "Dropout" has the meaning given in s. 118.153 (1) (b).~~
7 (b) "School" means a public school, including a charter school, and a private
8 school participating in a parental choice program under s. 118.60 or 119.23.

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

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

15 1. Pupil achievement in reading and mathematics.
16 2. Growth in pupil achievement in reading and mathematics, calculated using
17 a value-added methodology.

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

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

21 5. Measures of pupil engagement in school.

22 (b) Measures to ensure that all data elements collected and calculations
23 performed are done consistently and in a uniform manner for all schools. The
24 department shall uniformly adjust the weighting of scores for schools that do not
25 generate all of the data elements.

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→ (1) →

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1 (c) An index system to rate a school's and a school district's level of performance
2 as one of the following:

3 1. Significantly exceeds expectations.

4 2. Exceeds expectations.

5 3. Meets expectations.

6 4. Meets few expectations.

7 5. Fails to meet expectations.

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

9 (a) Except as provided in sub. (6), based on data derived from multiple school
10 years, annually rate the performance of each school and school district under sub.

11 (2) (c) and issue an accountability report for the school or school district that is clear
12 and easily understandable unless there is insufficient data to do so.

~~****NOTE: Is the phrase "unless there is insufficient data" intended to modify only
the issuance of an accountability report? Or is it intended to modify that as well as rating
the school or school district under sub. (2) (c)?~~ P 2711

13 (b) 1. Collect and disseminate the best practices from the schools that
14 significantly exceed expectations, except that the department may not collect
15 information for this purpose from a private school participating in a parental choice
16 program under s. 118.60 or 119.23 without the private school's consent.

17 2. Identify opportunities to support and intervene in the public schools and
18 school districts that fail to meet expectations.

19 (c) Specify in the report for a private school participating in a parental choice
20 program under s. 118.60 or 119.23 the percentage of pupils attending the school who
21 are attending under the parental choice program.

1 (d) Ensure that a subgroup with a sufficient number of pupils within a school
2 or school district is compared to the statewide performance of pupils who are not in
3 that subgroup.

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

6 (a) For ^{measuring} pupil achievement ^{in reading and mathematics} under sub. (2) (a) 1.:

7 1. Scores on the reading and mathematics examinations administered under
8 s. 118.30. ^{↑ other than the scores under subd. 2}

9 2. Scores on the alternate reading and mathematics examinations
10 administered under s. 118.30 to children with significant cognitive disabilities.

11 3. The disability status of pupils taking the examinations under s. 118.30.

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

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

14 6. The English proficiency status of pupils taking the examinations under s.
15 118.30.

16 7. The eligibility of pupils taking the examinations under s. 118.30 for a free
17 or reduced-price lunch under 42 USC 1758 (b).

18 8. The United States ^{status and} residency status of pupils taking the examinations under
19 s. 118.30.

20 9. The enrollment history of pupils attending the school or school district.

21 (b) For ^{measuring} growth in pupil achievement ^{in reading and mathematics} under sub. (2) (a) 2., the information under
22 par. (a) 1. and 3. to 9. for ^{at least 2 consecutive} ~~the current and previous~~ school years.

23 (c) For ^{measuring} college and career readiness under sub. (2) (a) 3.:

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

25 2. The number of pupils who are dropouts. ^{↑ as defined in s. 118.153 (1)(b)}

1 3. The number of pupils who graduate from high school with a regular diploma
 2 within 4 school years and the number of pupils who graduate from high school within
 3 5 or 6 school years with a regular diploma.

4 4. Of those pupils who are eligible to take the examinations administered under
 5 s. 118.30, the number who take them.

6 ~~5. Pupil attendance data.~~

7 5. Scores on the examinations administered to pupils under s. 118.30.

8 6. The number of pupils who are suspended or expelled from school.

9 7. The number of pupils and the number of high school graduates enrolled in
 10 postsecondary educational programs.

11 8. The number of pupils participating in advanced placement courses.

12 9. The number of high school graduates entering the workforce.

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

14 1. The information under par. (a) for at least 3 consecutive school years.

15 2. The information under par. (c) 3. and 6.

16 (e) For measuring pupil engagement in school under sub. (2) (a) 5.:

17 1. Pupil absenteeism. The information under pars. (a) 9. and (c) 2.

****NOTE: Given that this list includes numbers of dropouts and habitual truants, is "pupil absenteeism" necessary? Also, all other items in the list refer to the number of pupils. This one does not. Okay?

18 2. The number of pupils participating in advanced placement courses.

19 3. The number of dropouts.

20 3. The number of pupils who are suspended or expelled, the reasons for the
 21 suspension or expulsion, and the educational services and programs provided to
 22 expelled pupils.

23 4. The number of pupils participating in art and music classes.

- 1 5. ~~5.~~ The number of pupils who attain industry-recognized certifications. ✓
- 2 6. ~~6.~~ The number of habitual truants, as defined in s. 118.16 (1) (a). ✓
- 3 7. ~~7.~~ The number of pupils participating in extracurricular and community ✓
- 4 activities.
- 5 8. ~~8.~~ The number of pupils taking the military readiness examination. ✓

6 (4m) For a private school participating in a parental choice program under s.
7 118.60 or 119.23, the department may use for each measure specified in sub. (2) (a)
8 only the information specified in sub. (4) that pertains to pupils attending the private
9 school under the program.

10 (5) Each school and school district shall display prominently on the home page
11 of the school's and school district's ^{or its} Internet site the reports issued by the department
12 under this section.

13 (6) A school board, a charter school established under s. 118.40 (2r), or a private
14 school participating in a parental choice program under s. 118.60 or 119.23 may
15 request the department not to rate a school under sub. (3) (a) because the school is
16 an alternative education school. If the department determines that the school offers
17 an alternative educational program that would not be accurately reflected in its
18 rating, the department may approve the request.

The department shall nevertheless issue an accountability report for the school.

****NOTE: If the department does not rate a school, must it nevertheless issue an accountability report for the school? If not, this subsection should be modified.

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

20 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, a
21 charter school established under s. 118.40 (2r), and a private school participating in
22 the a parental choice program under s. 118.60 or ~~in the program under s. 119.23~~ shall
23 transfer to another school, including a private, charter, or tribal school, or school

1 district all pupil records relating to a specific pupil if the transferring school district
 2 or private school has received written notice from the pupil if he or she is an adult
 3 or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll
 4 in the other school or school district or written notice from the other school or school
 5 district that the pupil has enrolled or from a court that the pupil has been placed in
 6 a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential
 7 care center for children and youth, as defined in s. 938.02 (15g). In this subsection,
 8 "school" and "school district" include any juvenile correctional facility, secured
 9 residential care center for children and youth, adult correctional institution, mental
 10 health institute, or center for the developmentally disabled that provides an
 11 educational program for its residents instead of or in addition to that which is
 12 provided by public, private, and tribal schools.

****NOTE: I did not make the changes in this section that were requested by DPI
 because I think it's clear as is. Note that the entities initially spelled out in the first 3 lines
 are not spelled out each time they are referred to throughout the subsection.

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

14 118.40 (2r) (b) 1. (intro.) ~~All Any~~ of the following ~~entities~~ may establish by
 15 ~~charter and operate a charter school or, on behalf of their respective entities, may~~
 16 ~~initiate a contract with an individual or group a person~~ to operate a school as a
 17 charter school:

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

19 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
 20 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
 21 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
 22 school on the liability of the contracting entity under this paragraph. The contract
 23 may include other provisions agreed to by the parties. The chancellor of the

1 University of Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may
2 not ~~establish or~~ enter into a contract for the establishment of a charter school under
3 this paragraph without the approval of the board of regents of the University of
4 Wisconsin System.

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

6 118.40 (2r) (b) 2m. a. A ~~charter or~~ contract may include grounds for expelling
7 a pupil from the charter school.

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

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

12 118.40 (2r) (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may
13 ~~establish or~~ enter into a contract for the establishment of a virtual charter school.

14 SECTION 16. 118.40 (2r) (bm) of the statutes ^{as affected by 2013 Wisconsin Act 20} is amended to read:

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

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

24 118.40 (2r) (cm) The chancellor of the University of Wisconsin-Parkside may
25 ~~establish or enter into a~~ contract for the establishment of only one charter school

1 under this subsection, which may not operate high school grades and which may not
2 accommodate more than 480 pupils.

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

4 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
5 do all of the following:

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

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

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

18 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
19 charter school under this section, a school board or entity specified under sub. (2r)
20 (b) shall consider the principles and standards for quality charter schools established
21 by the National Association of Charter School Authorizers.

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

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

1 the school board or entity under sub. (2r) (b) shall require that a remediation 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 remediation plan approved under subd. 1.

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

***NOTE: Is the provision (review of the remediation plan) necessary? Mandatory revocation of a school's charter depends only on whether it improves within 3 years to "meets few expectations." Or would you like to add a provision authorizing a school board or (2r) entity to revoke a charter if the school board or (2r) entity determines, upon reviewing the implementation of the remediation plan, that the school's performance has not improved sufficiently?

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

10 118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
11 ~~contract for, and an~~ or entity under sub. (2r) ~~may establish or enter into a~~ contract
12 for; the establishment of a charter school that enrolls only one sex or that provides
13 one or more courses that enroll only one sex if the school board or entity under sub.
14 (2r) makes available to the opposite sex, under the same policies and criteria of
15 admission, schools or courses that are comparable to each such school or course.

16 SECTION 23. 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

17 SECTION 24. 118.40 (5) (b) of the statutes is created to read:

18 118.40 (5) (b) A school board or entity under sub. (2r) that has contracted for
19 the establishment of a charter school shall revoke the school's charter if the operator
20 of the charter school implemented a remediation plan under sub. (3) (f) 1. but the
21 school failed to improve to at least the performance level specified in s. 115.39 (2) (c)
22 4. within 3 school years. If a charter school that has had its charter revoked under

1 this paragraph reopens as a private school, it may not participate in a parental choice
2 program under s. 118.60 or 119.23.

****NOTE: DPT's notes suggest prohibiting the charter school "from reopening as a private choice school." This provision does not prohibit the school from reopening as a private school, but precludes such a private school from participating in a parental choice program. Okay?

3 **SECTION 25.** 118.42 (1) (intro.) of the statutes is amended to read:

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

8 **SECTION 26.** 118.42 (1) (a) to (d) of the statutes are renumbered 118.42 (1) (am)
9 2. to 5.

10 **SECTION 27.** 118.42 (1) (am) (intro.) and 1. of the statutes are created to read:

11 118.42 (1) (am) (intro.) The school board shall do all of the following:

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

15 **SECTION 28.** 118.42 (1) (bm) (intro.) of the statutes is created to read:

16 118.42 (1) (bm) (intro.) After consulting with the school board, the school
17 district administrator, and school district employees, the state superintendent shall
18 direct the school board to do one or more of the following in the school district:

19 **SECTION 29.** 118.42 (1) (cm) of the statutes is created to read:

20 118.42 (1) (cm) Nothing in this subsection authorizes the department to
21 require, or a school board to implement, an action that would result in an impairment
22 of the school board's contract with a charter school operator.

****NOTE: Although the instructions for this provision were to prevent DPI from directing a school board to take any action that would supersede the school board's contract with a noninstrumentality charter school, it seemed to make sense to prohibit any action that would impair a contract with any charter school. Okay?

1 **SECTION 30.** 118.42 (2) of the statutes is repealed.

2 **SECTION 31.** 118.42 (2m) of the statutes is created to read:

3 **118.42 (2m)** If the state superintendent determines that a public school,
4 excluding a charter school, has performed at the lowest performance level under s.
5 115.39 for 3 consecutive school years, all of the following apply:

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

7 1. Complete a department–approved, on–site, diagnostic review of the school
8 to determine the causes of the school's poor performance and relevant mitigating
9 factors.

10 2. Based on the results of the diagnostic review under subd. 1., implement
11 department–approved improvement activities that are consistent with federal
12 improvement requirements or close the school.

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

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

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

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

21 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 32. 118.42 (3) (a) (intro.) of the statutes is repealed.

5 SECTION 33. 118.42 (3) (a) 1. of the statutes is renumbered 118.42 (1) (bm) 1.
6 and amended to read:

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

9 SECTION 34. 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)
10 2. to 5.

11 SECTION 35. 118.42 (3) (b) and (c) of the statutes are repealed.

12 SECTION 36. 118.42 (4) and (5) of the statutes are repealed.

13 SECTION 37. 118.60 (9m) of the statutes is created to read:

14 118.60 (9m) (a) If the department determines under s. 115.39 (3) that a private
15 school participating in the program under this section has performed at the lowest
16 performance level for 3 consecutive school years, the private school shall request its
17 accrediting agency to review the school's accreditation. If the accrediting agency
18 refuses to do so, or if the accrediting agency agrees to do so and as a result revokes
19 the private school's accreditation, the state superintendent shall issue an order
20 ^{effective on the succeeding July 1st} permanently barring the private school from participating in the program under this
21 section.

****NOTE: 1. Do you want to specify when the permanent expulsion from the program takes effect? Is it immediate, or may the school continue until the end of the school year? *yes*

2. Current law does not require expulsion from the program for loss of accreditation. If a bill requiring expulsion for loss of accreditation is not enacted, preferably before this bill is enacted, the provision above may be problematic.

1 (b) If the accrediting agency agrees to review the private school's accreditation
 2 and develops a plan that will enable the private school to maintain its accreditation,
 3 the private school shall implement the plan. The state superintendent shall issue
 4 an order ^{effective on the succeeding July 1st} permanently barring the private school from participating in the program
 5 under this section unless, within 3 school years, the accrediting agency reaffirms the
 6 private school's accreditation and the private school improves to at least the
 7 performance level specified in s. 115.39 (2) (c) 4.

****NOTE: 1. Do you want to specify when the permanent expulsion from the program takes effect? *can finish current year*

2. The provision allows 3 school years for the school's accreditation to be affirmed and for the school's performance to improve. But it may take some time for the accrediting agency to review the school's accreditation and develop an improvement plan and for the school to implement the plan. Do you want to specify in which school year the 3-school-year period begins?

3. You may wish to address what should occur if the accrediting agency determines that the school's current program is sufficient to continue its accreditation and no improvement plan is necessary. *see (a) - if accreditation is not refused to renew, ss must begin the school*

8 (c) A private school that has been barred from participating in the program
 9 under this section under par. (a) or (b) may not reopen as a charter school.

10 SECTION 38. 118.60 (10) (c) of the statutes ^{as affected by 2013 Wisconsin Act 20} is amended to read:

11 118.60 (10) (c) Whenever the state superintendent issues an order under par.
 12 (a), (am), ^(ar) or (b), or sub. (9m), he or she shall immediately notify the parent or
 13 guardian of each pupil attending the private school under this section.

14 SECTION 39. 118.60 (10) (d) of the statutes is amended to read:

15 118.60 (10) (d) The state superintendent may withhold payment from a private
 16 school under subs. (4) and (4m) if the private school violates this section or fails to
 17 participate in the student information system as required under s. 115.383 (3).

18 SECTION 40. 119.04 (1) of the statutes ^y is amended to read:

as affected by 2013 Wisconsin Act 20

1 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
 2 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
 3 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001
 4 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
 5 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
 6 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,
 7 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,
 8 ^{118.53} ^{118.56} (118.55, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),
 9 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25
 10 are applicable to a 1st class city school district and board.

11 SECTION 41. 119.23 (9m) of the statutes is created to read:

12 119.23 (9m) (a) If the department determines under s. 115.39 (3) that a private
 13 school participating in the program under this section has performed at the lowest
 14 performance level for 3 consecutive school years, the private school shall request its
 15 accrediting agency to review the school's accreditation. If the accrediting agency
 16 refuses to do so, or if the accrediting agency agrees to do so and as a result revokes
 17 the private school's accreditation, the state superintendent shall issue an order
 18 ^{effective on the succeeding July 1st} permanently barring the private school from participating in the program under this
 19 section.

20 (b) If the accrediting agency agrees to review the private school's accreditation
 21 and develops a plan that will enable the private school to maintain its accreditation,
 22 the private school shall implement the plan. The state superintendent shall issue
 23 ^{effective on the succeeding July 1st} an order permanently barring the private school from participating in the program
 24 under this section unless, within 3 school years, the accrediting agency reaffirms the

1 private school's accreditation and the private school improves to at least the
2 performance level specified in s. 115.39 (2) (c) 4.

3 (c) A private school that has been barred from participating in the program
4 under this section under par. (a) or (b) may not reopen as a charter school.

****NOTE: Please see the notes inserted after the creation of s. 118.60 (9m).

has affected by 2013 Wisconsin Act 20,

5 SECTION 42. 119.23 (10) (c) of the statutes is amended to read:

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

9 SECTION 43. 119.23 (10) (d) of the statutes is amended to read:

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

13 SECTION 44. 120.12 (26) of the statutes is created to read:

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

****NOTE: I inserted this as a school board duty instead of authorizing DPI to obtain the information it needs - Okay? Note that current law [s. 120.18 (1) (s)] requires a school board to include in its annual report "... such other facts and statistics in relation to the public, private or tribal schools, in the school district as the department requires," so this provision may not be necessary.

17 SECTION 45. 121.006 (2) (d) of the statutes is amended to read:

18 121.006 (2) (d) Comply with a directive issued by the state superintendent
19 under s. 118.42 (3) ~~(a)~~ (1) (bm) or (2m) (b).

20 SECTION 46. 121.02 (1) (o) of the statutes is amended to read:

1 121.02 (1) (o) Annually comply with the requirements of s. ~~115.38 (2)~~. The
2 ~~school board may include additional information in the report under s. 115.38 (2)~~
3 115.39 (5).

4 **SECTION 47. Nonstatutory provisions.**

5 (1) MILWAUKEE PUBLIC SCHOOLS. Notwithstanding section 118.42 (1) (intro.) and
6 (am) of the statutes, as affected by this act, for the purpose of section 118.42 of the
7 statutes, as affected by this act, the department of public instruction shall treat the
8 school district operating under chapter 119 of the statutes as if performed at the
9 lowest performance level under section 115.39 of the statutes, as created by this act,
10 for the 3 consecutive school years immediately preceding the school year in which
11 this subsection takes effect.

12 **SECTION 48. Initial applicability.**

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

17 (END)

d-note

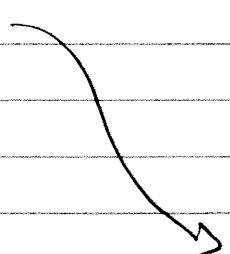
DN

Sarah and Chris

(A) Please note that the ~~drafts~~ ^{previous version's} school and school district accountability provisions are retained ~~within~~ ^{draft (with ^{only} minor changes) in this draft,} and the provisions in the budget act relating to school and school district

accountability are ^{repealed} ~~repealed~~ ^{in this draft}. However, the ~~draft~~ ^{draft does not resolve the} ~~conflicts~~ ^{SIS} between the ~~SIS~~ ^{SIS} as enacted by the budget ~~act~~ and the ~~SIS~~ ^{SIS} in this draft ~~are not resolved~~. The ~~draft~~ ^{draft} ~~directs~~ ^{to} ~~DPI~~ ^{DPI} ~~to~~ ^{to} establish an ~~SIS~~ ^{SIS} and ensure ^{ensure} that by the 2014-15 school year, every choice school is either using that system or using a system that is commercially available and capable of providing the necessary

information; and compatible with the
 most recent version of the Schools
Interoperability Framework ~~Framework~~ $\text{\textcircled{#}}$ Under the
 budget act, ^{however,} DPI must develop a
proposal _{scored} for an SIS that allows
 schools to use their own vendors. DPI
 may not establish an SIS unless ~~JCF~~ JCF
 approves the proposal. If approved, DPI
 must ensure that within five years, every
 school district and charter school is using
 the system, and every choice school is
 either using the system or one that's
 interoperable with the system.



⑨ Please note the treatment of s. 118.125(4).

I did not make the changes to that subsection that were requested by DPI because the language is clear currently. Note that the entities initially spelled out in the first 3 lines are not spelled out each time they are referred to throughout the subsection.

⑩ Finally, please see the note embedded in the draft following s. 115.39(4)(c)5.

P.G.

5-2

⑨ sec. #. RP; 115-385, as created by
2013 Wisconsin Act 20,

X

8-7

91

***NOTE: Should this subdivision refer only to scores on the reading and mathematics

examinations? See sub. (4) (a) 1. ↑ (b) ↑ (c) 1. ↑ and (d) 1.

Note that subd. 1. specifies that the department may use information under par. (a) ↑ which

includes ^{scores} scores on the reading and mathematics

examinations administered under s. 118.30. ✓

12-18

hyph,
no space
before or after

no ¶

The chancellor of the University of ^{strike}
Wisconsin - Milwaukee may ~~establish or enter~~
~~into a~~ ^{strike} contract for the establishment of a
 charter school located only in Milwaukee County
 or in an adjacent county.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2020/P4dn
PG:cjs:ph

July 10, 2013

Sarah and Chris,

Please note that the previous version's school and school district accountability provisions are retained (with only minor changes) in this draft, and the provisions in the budget act relating to school and school district accountability are repealed.

However, the draft does not resolve the conflicts between the SIS as enacted by the budget and the SIS in this draft. The draft directs DPI to establish an SIS and ensure that by the 2014-15 school year, every choice school is either using that system or using a system that is commercially available, capable of providing the necessary information, and compatible with the most recent version of the Schools Interoperability Framework.

Under the budget act, however, DPI must develop a proposal for an SIS that allows schools to use their own vendors. DPI may not establish an SIS unless JCF approves the proposal. If approved, DPI must ensure that within five years, every school district and charter school is using the system and every choice school is either using the system or one that's interoperable with the system.

Please note the treatment of s. 118.125 (4). I did not make the changes to that subsection that were requested by DPI because the language is clear currently. Note that the entities initially spelled out in the first 3 lines are not spelled out each time they are referred to throughout the subsection.

Finally, please see the note embedded in the draft following s. 115.39 (4) (c) 5.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Grant, Peter

From: Archibald, Sarah
Sent: Wednesday, July 10, 2013 2:11 PM
To: Grant, Peter
Cc: Kulow, Chris
Subject: FW: Virtual Charter Schools and the District Report Card

Hi Peter,

Thanks for the recent draft. As you know, we will be meeting with stakeholders next Tuesday morning (it would be great if you can join us) to get any final changes before we release the final draft. Since we know we are going to have to make some changes, we would also like to include the language below, but you can just put it on the list for after the meeting rather than make any changes to the bill at this point.

Let me know if you have questions.

Thanks!
Sarah

From: Kammerud, Jennifer DPI [<mailto:Jennifer.Kammerud@dpi.wi.gov>]
Sent: Tuesday, May 21, 2013 9:45 AM
To: Archibald, Sarah
Cc: Soldner, Robert DPI; Thompson, Michael DPI; Pinsonneault, Laura S - DPI
Subject: Virtual Charter Schools and the District Report Card

Sarah,

After discussing the issues raised at the meeting the other week on virtual charter schools and how they are treated in the district report card, the department remains opposed to excluding virtual charter schools from the district report cards. If, however, a decision is made to move forward on this we would ask that you do the following:

1. Require all virtual charter schools who are excluded from the district report card to be rated on the school report card in one of the five rating categories.
2. Apply the provision to remove virtual charter schools from the district report card only to those virtual charter schools who have over 50 percent of their students open enrolled.

I will drop off the virtual charter school enrollment so you can see who the schools are that meet the 50 percent threshold.

Jennifer

Jennifer Kammerud
Legislative Liaison
Department of Public Instruction
125 South Webster Street
Madison, WI 53707
(608) 266-7073 - jennifer.kammerud@dpi.wi.gov

<http://dpi.wi.gov>
<https://www.facebook.com/WisDPI>
<https://twitter.com/WisconsinDPI>

Grant, Peter

From: Archibald, Sarah
Sent: Thursday, July 11, 2013 1:54 PM
To: Grant, Peter
Subject: RE: Virtual Charter Schools and the District Report Card

Yes and yes.

Sent from my U.S. Cellular® Smartphone

----- Original message -----

From: "Grant, Peter" <Peter.Grant@legis.wisconsin.gov>
Date: 07/11/2013 1:47 PM (GMT-06:00)
To: "Archibald, Sarah" <Sarah.Archibald@legis.wisconsin.gov>
Subject: RE: Virtual Charter Schools and the District Report Card

Sorry, I'm still confused. It looks like you want to "exclude certain virtual charter schools from the district report card." Does that mean that *data* from those schools could not be used to rate the performance of the school district?

DPI would still rate *all* virtual charter schools individually and issue an accountability report for each, right?

Date: July 16, 2013
To: State Senator Luther Olsen
State Representative Steve Kestell
From: Laura Pinsonneault, Director of OEA
Subject: Barriers to including value-added in the state accountability system

In response to ongoing questions around including value-added in the state accountability system under the federal NCLB waiver, the Department of Public Instruction (DPI) consulted with the U.S. Department of Education (ED), the Council of Chief State School Officers (CCSSO) and other waiver states on the use of a value-added growth model in accountability systems.

According to ED's ESEA Flexibility FAQ, "the Department anticipates that it will approve only growth targets... that do not take into account student background characteristics." (p. 36)

Six states use a value-added growth model: Louisiana, North Carolina, South Carolina, New Mexico, Ohio and Tennessee. **However, states were required to remove the demographic controls from their value-added model in order to qualify for the federal waiver.**

Specifically, New Mexico notes in its IMPROVEMENTS MADE BY NEW MEXICO TO ITS ESEA FLEXIBILITY REQUEST: "New Mexico will no longer condition school status or student growth on student background characteristics and will instead weight growth based on prior student achievement." This is essentially how Student Growth Percentiles (SGPs) are calculated.

The primary argument in favor of using value-added in the accountability system is that demographic controls would help mitigate the high correlation of school report card scores and poverty. However:

1. ED will not allow demographic controls in growth models;
2. Using value-added without demographic controls does not make sense, would introduce new costs, and would be less helpful for school improvement efforts than SGPs, which offer student-level growth projections; and
3. School report cards are a multi-measure system with growth accounting for 25 percent of the score. Even with demographic controls, incorporating value-added into the accountability system would only marginally reduce the poverty correlation.

Based on the evidence, it is clear that ED will not approve waivers that use demographic controls in their growth model. **As such the DPI recommends against replacing SGPs with a value-added approach within the accountability system at this time.** However, DPI does support publicly providing value-added data to schools and parents through WISEdash.

1. p. 4, l. 18: where in Act 25 is this?
 Imp. 5 l. 18: "Gap closures"?
2. what does yellow mean? p. 6 (8 2)
3. p. 6 l. 20-22: what's the "gap-closing section"?
4. p. 7 l. 21: so (c) wd be ~~RM~~ to (d) & include

"For measuring white and lower
 readiness, under sub (2) (a) 3 are
 pupil engagement ~~under~~ in school under
 sub. (2)(a) 5."

(then also Δ p. 5 l. 13-19 to
 include only 4 categories?)
 - see page -

5. p. 8: yellow means...?

6. see note p. 8 l. 6 ... ?

7. p. 8 l. 7
 all references to "number of pupils"
 have been deleted. (Note that I added numbers
 at DA's request.)

Other what does it mean
 to identify each of these items as "information"
 (see p. 6 l. 23-24)? "Is" "Pupils who are dependent"
 "information"?

DRB

LRB

arrive Mon on 7/31

1 pm

4 pm

8 h.

10 pm

8w - 900 m. NY - call

8-

9-

Ryan 31st?

\$400 more in fee cash check



at home

838

529

mail AARP card?

atlas discur
PA centralia

where pass go?

(c) For measuring c. + c. activities under (2)(a) 3
and (d) + pupil eng. in rel. under (2)(a) 5:

- | <u>c + c</u> | <u>pupil eng.</u> |
|----------------------------------|------------------------------------|
| 1. Info under (a) | 1. (a) 9 + (c) 2. |
| 2. DDO's | 2. AP |
| 3. grade from h.s. w/ # of years | 3. susp / exp. + reasons et |
| 4. 118.35 exams | 4. Art a music |
| 5. " | 5. industry certifications |
| 6. susp. / exp. | 6. habitual truants |
| 7. h.s. grade improvement | 7. extracurricular comm activities |
| 8. AP | 8. military record |
| 9. grade entering w/f | |

TC w/ Jeff Pentel, DP1

① p. 4 l 13-18 ok, delete; see 1857m. of Act 20

② Im Gap done

③ ④ -

p 5 l. 14-15 add.

3.

can report or include other message will send to Karen

⑤ p 6 l 20-22

make more specific to gap closing

⑥

> { p 7, l 22
p 8, l 16

(a) & (c) 2 ok

> use (c) 3

> use (c) 10

~~has p 8 l 16~~

Jeff cell 772-2907