



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2020/05

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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

1 information system, charter school contracts, and a school and school district
 2 accountability system. *low-performing schools and school districts, and charter school contracts*

Analysis by the Legislative Reference Bureau

INSERT ANALYSIS

~~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, as affected by 2013 Wisconsin Act 20,
 4 is amended to read:

5 20.255 (1) (e) *Student information system.* As a continuing appropriation, the
 6 amounts in the schedule for the student information system under s. ~~115.28 (12)~~
 7 115.383.

8 SECTION 2. 20.255 (1) (he) of the statutes, as created by 2013 Wisconsin Act 20,
 9 is amended to read:

10 20.255 (1) (he) *Student information system; fees.* All moneys received from fees
 11 charged as authorized under s. ~~115.28 (12) (b)~~ 115.383 (3) (c) to be used for the student
 12 information system established under s. ~~115.28 (12) (a)~~ 115.383 (1).

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

14 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
 15 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.
 16 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
 17 ~~118.40 (2r) (b).~~

18 SECTION 4. 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

1 **SECTION 5.** 115.28 (12) (a) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is renumbered 115.383 (1), and 115.383 (1) (a) and (c), as renumbered, are amended
3 to read:

4 115.383 (1) (a) Develop a proposal for a multiple-vendor student information
5 system for the standardized collection of pupil data. The proposal shall allow schools
6 and school districts to use their vendor of choice and include reporting requirements
7 that can reasonably be met by multiple vendors. The state superintendent may not
8 establish a student information system unless the proposal is approved by the joint
9 committee on finance under ~~subd. 2~~ par. (b).

10 (c) If the proposal is approved under ~~subd. 2~~ par. (b), the state superintendent
11 shall ensure that information about pupils enrolled in charter schools and about
12 pupils enrolled in private schools participating in a parental choice program under
13 s. 118.60 or 119.23, including their academic performance and demographic
14 information, aggregated by school district, school, and teacher, is collected and
15 maintained in the student information system.

16 **SECTION 6.** 115.28 (12) (ag) (intro.) of the statutes, as affected by 2013
17 Wisconsin Act 20, is renumbered 115.383 (2) (intro.) and amended to read:

18 115.383 **(2)** (intro.) If the student information system is established under ~~par.~~
19 ~~(a)~~ sub. (1), each school district, charter school, and private school using the system
20 under ~~par. (a)~~ sub. (1) shall include in the system the following information for each
21 teacher teaching in the school district or school who completed a teacher ~~preparatory~~
22 education program described in ~~sub. s. 115.28 (7) (a) or (e) 2.~~ and located in this state
23 ~~or a teacher education program described in sub. (7) (e) 2. and located in this state~~
24 on or after January 1, 2012, or, for each teacher teaching in a private school

1 participating in a parental choice program under s. 118.60 or 119.23, who obtained
2 a bachelor's degree from an institution located in this state on or after July 1, 2010:

3 SECTION 7. 115.28 (12) (ag) 1. and 2. of the statutes are renumbered 115.383
4 (2) (a) and (b) and amended to read:

5 115.383 (2) (a) The name of the teacher ~~preparatory program or teacher~~
6 education program the teacher attended and completed or the name of the institution
7 from which the teacher obtained a bachelor's degree.

8 (b) The term or semester and year in which the teacher completed the teacher
9 education program described in subd. 1 or obtained a bachelor's degree.

10 SECTION 8. 115.28 (12) (b) of the statutes, as affected by 2013 Wisconsin Act 20,
11 is renumbered 115.383 (3) (a) and amended to read:

12 115.383 (3) (a) If the student information system is established under ~~par. (a),~~
13 sub. (1), the state superintendent shall ensure that within 5 years of the
14 establishment of the system under par. (a), every school district and every charter
15 school, other than a charter school established under s. 118.40 (2r), is using the
16 system, and that.

17 (b) Beginning in the 2014-15 school year, the state superintendent shall ensure
18 that every charter school established under s. 118.40 (2r) and every private school
19 participating in a parental choice program under s. 118.60 or 119.23 is either using
20 the system under par. (a) sub. (1) or is using a system that is interoperable with the
21 system under par. (a). The commercially available, capable of providing the
22 information required under s. 115.39, able to obtain pupil identification numbers
23 under sub. (5), and compatible with the most recent version of the Schools
24 Interoperability Framework.

1 (c) Upon the approval of the joint committee on finance, the state
2 superintendent may promulgate rules authorizing the department to charge a fee to
3 any person that uses the system. All fees shall be credited to the appropriation
4 account under s. 20.255 (1) (he).

5 **SECTION 9.** 115.38 of the statutes, as affected by 2013 Wisconsin Act 20, is
6 repealed.

7 **SECTION 10.** 115.383 (4) of the statutes is created to read:

8 115.383 (4) A private school participating in a parental choice program under
9 s. 118.60 or 119.23 is not required to include information about pupils who are not
10 attending the private school under s. 118.60 or 119.23 in the system it is using under
11 sub. (3).

12 **SECTION 11.** 115.383 (5) of the statutes is created to read:

13 115.383 (5) The state superintendent shall assign to each pupil attending a
14 public school or charter school, and to each pupil attending a private school under
15 s. 118.60 or 119.23, a unique identification number for use in the student information
16 system. The state superintendent shall not assign to any pupil an identification
17 number that is identical to or incorporates the pupil's social security number.

18 **SECTION 12.** 115.385 of the statutes, as created by 2013 Wisconsin Act 20, is
19 repealed.

20 **SECTION 13.** 115.39 of the statutes is created to read:

21 **115.39 School and school district accountability system.** (1) In this
22 section, "school" means a public school, including a charter school, and a private
23 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 and school district's performance
5 under s. 118.42, including all of the following categorized by English language
6 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, calculated using
9 a value-added methodology that includes demographic controls.

10 3. College and career readiness for high school pupils and being on track for
11 college and career readiness ^{for pupils} in the elementary grades.

12 4. Gap closure in pupil academic achievement and rates of graduation. ✓

13 5. Pupil engagement in school.

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

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

18 1. Significantly exceeds expectations.

19 2. Exceeds expectations.

20 3. Meets expectations.

21 4. Meets few expectations.

22 5. Fails to meet expectations.

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

24 (a) Except as provided in sub. (6), based on data derived from multiple school
25 years, unless there is insufficient data to do so, annually rate the performance of each

1 school and school district under sub. (2) (c) and issue an accountability report for the
2 school or school district that is clear and easily understandable.

3 (b) 1. Collect and disseminate the best practices from schools, except that the
4 department may not collect information for this purpose from a private school
5 participating in a parental choice program under s. 118.60 or 119.23 without the
6 private school's consent.

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

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

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

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

16 1. Scores on the reading and mathematics examinations administered under
17 s. 118.30, other than the scores under subd. 2.

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

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

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

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

23 6. The English proficiency status of pupils taking the examinations under s.
24 118.30.

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

3 8. The United States residency status of pupils taking the examinations under
4 s. 118.30.

5 9. The enrollment status and history of pupils attending the school or school
6 district.

7 (b) For measuring growth in pupil achievement in reading and mathematics
8 under sub. (2) (a) 2., the information under par. (a) 1. and 3. to 9. for at least 2
9 consecutive school years.

10 (c) For measuring gap closure in pupil academic achievement and ^{graduation} rates of
11 graduation under sub. (2) (a) 4., the information under par. (a) ~~for at least 2~~
12 ~~consecutive school years~~ and the information under par. (d) 2. and 6. When
13 measuring gap closure in pupil academic achievement and rates of graduation, the
14 department shall ensure that a subgroup with a sufficient number of pupils within
15 a school or school district is compared to the statewide performance of pupils who are
16 not in that subgroup.

17 (d) For measuring college and career readiness under sub. (2) (a) 3. and pupil
18 engagement in school under sub. (2) (a) 5., the information under par. (a) the
19 assessment records of pupils who are eligible to take the examinations administered
20 under s. 118.30, scores on the examinations administered to pupils under s. 119.30,
21 pupil performance on postsecondary entrance or placement examinations, the
22 number of minutes of direct pupil instruction provided in language arts,
23 mathematics, science, and social studies, and pupil-level data about all of the
24 following:

- 25 1. Pupils who are dropouts, as defined in s. 118.153 (1) (b).

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

4 3. Pupils and high school graduates enrolled in postsecondary educational
5 programs.

6 4. Pupils participating in courses in which they can earn postsecondary credit
7 and their pass rates and performance in those courses.

8 5. High school graduates entering the workforce.

9 6. Pupils who are suspended or expelled, the reasons for the suspension or
10 expulsion, and, except for pupils attending a parental choice program under s. 118.60
11 or 119.23, the educational services and programs provided to expelled pupils.

12 7. Pupils participating in art and music classes and physical education.

13 8. Pupils who attain industry-recognized certifications.

14 9. Habitual truants, as defined in s. 118.16 (1) (a).

15 10. Pupils participating in extracurricular activities.

16 11. Pupils taking the military readiness examination.

17 12. Pupils who concentrate in career and technical education.

18 **(4m)** For a private school participating in a parental choice program under s.
19 118.60 or 119.23, the department may use for each measure specified in sub. (2) (a)
20 only the information specified in sub. (4) that pertains to pupils attending the private
21 school under the program.

22 **(5)** Each school and school district shall display prominently on the home page
23 of its Internet site the reports issued by the department under this section.

24 **(6)** (a) If the department determines that there is insufficient data about a
25 school to rate its performance under sub. (3) (a) or that a rating under sub. (2) (c) is

1 inappropriate because the school serves children at risk, as defined under s. 118.153

2 (1) (a), the department may rate the school as satisfactory or needs improvement.

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

4 (b) The department may not use data derived from a virtual charter school to
5 rate a school district under sub. (3) (a) if more than 50 percent of the pupils attending
6 the virtual charter school are attending under the open enrollment program under
7 s. 118.51.

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

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

25 SECTION 15. 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

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

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

6 118.40 (2r) (b) 2. ~~A charter shall include all of the provisions specified under~~
7 ~~sub. (1m) (b) 3. to 14.~~ A contract shall include all of the provisions specified under
8 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
9 school on the liability of the contracting entity under this paragraph. The contract
10 may include other provisions agreed to by the parties. The chancellor of the
11 University of Wisconsin–Milwaukee or of the University of Wisconsin–Parkside may
12 not ~~establish or~~ enter into a contract for the establishment of a charter school under
13 this paragraph without the approval of the board of regents of the University of
14 Wisconsin System.

15 **SECTION 17.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

16 118.40 (2r) (b) 2m. a. ~~A charter or~~ contract may include grounds for expelling
17 a pupil from the charter school.

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

21 **SECTION 18.** 118.40 (2r) (b) 4. of the statutes is amended to read:

22 118.40 (2r) (b) 4. No ~~chartering or~~ contracting entity under subd. 1. may
23 ~~establish or~~ enter into a contract for the establishment of a virtual charter school.

24 **SECTION 19.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
25 20, is amended to read:

1 118.40 (2r) (bm) The common council of the city of Milwaukee and the
2 Milwaukee area technical college district board may ~~establish or enter into a~~
3 contract for the establishment of a charter school located only in the school district
4 operating under ch. 119. The chancellor of the University of Wisconsin–Milwaukee
5 may ~~establish or enter into a~~ contract for the establishment of a charter school
6 located only in Milwaukee County or in an adjacent county. The chancellor of the
7 University of Wisconsin–Parkside may only ~~establish or enter into a~~ contract for the
8 establishment of a charter school located in a unified school district that is located
9 in the county in which the University of Wisconsin–Parkside is situated or in an
10 adjacent county.

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

12 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
13 ~~establish or enter into a~~ contract for the establishment of only one charter school
14 under this subsection, which may not operate high school grades and which may not
15 accommodate more than 480 pupils.

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

17 118.40 (2r) (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
18 do all of the following:

19 **SECTION 22.** 118.40 (2r) (d) 3. of the statutes is created to read:

20 118.40 (2r) (d) 3. If the department determines under s. 115.39 (3) that a
21 charter school established under this subsection has performed at the lowest
22 performance level for 3 consecutive school years, annually submit to the department
23 the following information until the charter school improves to at least the
24 performance level specified in s. 115.39 (2) (c) 4.:

1 a. The charter school's operating costs, detailed in an audited financial
2 statement.

3 b. The services provided by the contracting entity to the charter school and an
4 itemized accounting of the cost of such services.

5 **SECTION 23.** 118.40 (3) (e) of the statutes is amended to read:

6 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
7 charter school under this section, a school board or entity specified under sub. (2r)
8 (b) shall consider the principles and standards for quality charter schools established
9 by the National Association of Charter School Authorizers.

10 **SECTION 24.** 118.40 (3) (f) of the statutes is created to read:

11 118.40 (3) (f) 1. A contract with a school board or an entity under sub. (2r) (b)
12 shall specify that if the department determines under s. 115.39 (3) that the charter
13 school has performed at the lowest performance level for 3 consecutive school years,
14 the school board or entity under sub. (2r) (b) shall require that a remediation plan,
15 approved by the school board or entity, be implemented by the charter school
16 operator.

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

19 **SECTION 25.** 118.40 (4) (c) of the statutes is amended to read:

20 118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
21 ~~contract for, and an or~~ entity under sub. (2r) may ~~establish or enter into a~~ contract
22 for, the establishment of a charter school that enrolls only one sex or that provides
23 one or more courses that enroll only one sex if the school board or entity under sub.
24 (2r) makes available to the opposite sex, under the same policies and criteria of
25 admission, schools or courses that are comparable to each such school or course.

1 SECTION 26. 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

2 SECTION 27. 118.40 (5) (b) of the statutes is created to read:

3 118.40 (5) (b) A school board or entity under sub. (2r) that has contracted for
4 the establishment of a charter school shall revoke the school's charter if the operator
5 of the charter school implemented a remediation plan under sub. (3) (f) 1. but the
6 school failed to improve to at least the performance level specified in s. 115.39 (2) (c)
7 4. within 3 school years. If a charter school that has had its charter revoked under
8 this paragraph reopens as a private school, it may not participate in a parental choice
9 program under s. 118.60 or 119.23.

10 SECTION 28. 118.42 (1) (intro.) of the statutes is amended to read:

11 118.42 (1) (intro.) If the state superintendent determines that a school district
12 ~~has been in need of improvement performed at the lowest performance level under~~
13 s. 115.39 for 4 3 consecutive school years, the school board shall do all of the following
14 apply:

15 SECTION 29. 118.42 (1) (a) to (d) of the statutes are renumbered 118.42 (1) (am)
16 2. to 5.

17 SECTION 30. 118.42 (1) (am) (intro.) and 1. of the statutes are created to read:

18 118.42 (1) (am) (intro.) The school board shall do all of the following:

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

22 SECTION 31. 118.42 (1) (bm) (intro.) ^{and 1.} of the statutes ^{are} created to read:

23 118.42 (1) (bm) (intro.) After consulting with the school board, the school
24 district administrator, and school district employees, the state superintendent shall
25 direct the school board to do one or more of the following in the school district:

14-25 →

1 SECTION 32. 118.42 (1) (cm) of the statutes is created to read:

2 118.42 (1) (cm) Nothing in this subsection authorizes the department to
3 require, or a school board to implement, an action that would result in an impairment
4 of the school board's contract with a charter school operator.

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

6 SECTION 34. 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~~ ^{other than} a charter school, has performed at the lowest performance level under s.

9 115.39 for 3 consecutive school years, all of the following apply:

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., do one of the
15 following:

16 a. Implement department-approved improvement activities that are
17 consistent with federal improvement requirements and that significantly transform
18 the school.

19 b. Convert the school to a charter school.

20 c. 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~~ ^{M one or more of the} par. (a).

performed by the school board under

SECTION 34

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

3 Implement professional development programs that focus on improving
 4 pupil academic achievement. ^{in the school}

5 Implement changes in administrative and personnel structures. ^{in the school}

6 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.

SECTION 35. 118.42 (3) (a) (intro.) of the statutes is repealed.

9 SECTION 36. 118.42 (3) (a) 1. of the statutes is ~~renumbered 118.42 (1) (bm) 1.~~

10 ~~and amended to read:~~ repealed

11 118.42 (1) (bm) 1. ~~Implement or modify activities described in sub. (1) (a) to (d)~~ ^{Modify the} ^{performed by}
 12 par. (am). ^{the} ^{school} ^{board} ^{under}

13 SECTION 37. 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)
 14 2. to 5.

15 SECTION 38. 118.42 (3) (b) and (c) of the statutes are repealed.

16 SECTION 39. 118.42 (4) and (5) of the statutes are repealed.

17 SECTION 40. 118.60 (9m) of the statutes is created to read:

18 118.60 (9m) (a) If the department determines under s. 115.39 (3) that a private
 19 school participating in the program under this section has performed at the lowest
 20 performance level for 3 consecutive school years, the private school shall ~~request~~ ^{notify} its

21 accrediting agency to review the school's accreditation. ~~If the accrediting agency~~

22 ~~refuses to do so, or if the accrediting agency agrees to do so and as a result revokes~~

23 ~~the private school's accreditation, the state superintendent shall issue an order,~~

24 ^{of the determination and request}
^{the agency}

fix component

1 effective on the succeeding July 1, permanently barring the private school from
2 participating in the program under this section.

3 (b) If the accrediting agency agrees to review the private school's accreditation
4 and develops a plan that will enable the private school to maintain its accreditation,

5 ~~the private school shall implement the plan.~~ ^{¶ (b)} The state superintendent shall issue

6 an order, effective on the succeeding July 1, permanently barring the private school

7 from participating in the program under this section unless, within 3 school years,

8 ~~the accrediting agency reaffirms the private school's accreditation and~~ the private

9 school improves to at least the performance level specified in s. 115.39 (2) (c) 4.

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

12 SECTION 41. 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
13 20, is amended to read:

14 118.60 (10) (c) Whenever the state superintendent issues an order under par.
15 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
16 guardian of each pupil attending the private school under this section.

17 SECTION 42. 118.60 (10) (d) of the statutes is amended to read:

18 118.60 (10) (d) The state superintendent may withhold payment from a private
19 school under subs. (4) and (4m) if the private school violates this section or fails to
20 participate in the student information system as required under s. 115.383 (3).

21 SECTION 43. 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20,
22 is amended to read:

23 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
24 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
25 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001

1 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
2 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
3 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,
4 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,
5 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)
6 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
7 and 120.25 are applicable to a 1st class city school district and board.

8 SECTION 44. 119.23 (9m) of the statutes is created to read:

9 119.23 (9m) (a) If the department determines under s. 115.39 (3) that a private
10 school participating in the program under this section has performed at the lowest
11 performance level for 3 consecutive school years, the private school shall ~~request~~ ^{notify} its

12 accrediting agency) to review the school's accreditation. If the accrediting agency
13 refuses to do so, or if the accrediting agency agrees to do so and as a result revokes
14 the private school's accreditation, the state superintendent shall issue an order,
15 effective on the succeeding July 1, permanently barring the private school from
16 participating in the program under this section.

17 (b) If the accrediting agency agrees to review the private school's accreditation
18 and develops a plan that will enable the private school to maintain its accreditation,
19 the private school shall implement the plan. ^{¶ (b)} (The state superintendent shall issue

20 an order, effective on the succeeding July 1, permanently barring the private school
21 from participating in the program under this section unless, within 3 school years,
22 ~~the accrediting agency reaffirms the private school's accreditation and~~ the private
23 school improves to at least the performance level specified in s. 115.39 (2) (c) 4.

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

of the determination and
request the agency

notify

18-21

1 **SECTION 45.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

3 119.23 (10) (c) Whenever the state superintendent issues an order under par.
4 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
5 guardian of each pupil attending the private school under this section.

6 **SECTION 46.** 119.23 (10) (d) of the statutes is amended to read:

7 119.23 (10) (d) The state superintendent may withhold payment from a private
8 school under subs. (4) and (4m) if the private school violates this section or fails to
9 participate in the student information system as required under s. 115.383 (3).

10 **SECTION 47.** 120.12 (26) of the statutes is created to read:

11 120.12 (26) STAFFING AND FINANCIAL DATA. Upon request, provide to the
12 department any staffing or financial data that the department needs to comply with
13 state or federal reporting requirements.

14 **SECTION 48.** 121.006 (2) (d) of the statutes is amended to read:

15 121.006 (2) (d) Comply with a directive issued by the state superintendent
16 under s. 118.42 (3) ~~(a)~~ or (1) (bm) or (2m) (b).

17 **SECTION 49.** 121.02 (1) (o) of the statutes is amended to read:

18 121.02 (1) (o) Annually comply with the requirements of s. ~~115.38 (2).~~ ~~The~~
19 ~~school board may include additional information in the report under s. 115.38 (2)~~
20 115.39 (5).

21 **SECTION 50. Nonstatutory provisions.**

22 (1) MILWAUKEE PUBLIC SCHOOLS. Notwithstanding section 118.42 (1) (intro.) and
23 (am) of the statutes, as affected by this act, for the purpose of section 118.42 of the
24 statutes, as affected by this act, the department of public instruction shall treat the
25 school district operating under chapter 119 of the statutes as if it performed at the

1 lowest performance level under section 115.39 of the statutes, as created by this act,
2 for the 3 consecutive school years immediately preceding the school year in which
3 this subsection takes effect.

4 **SECTION 51. Initial applicability.**

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

9 (END)

(A)

(A) This bill provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school, other than an independent charter school, is using the system. The bill also provides that, beginning in the ²⁰¹⁴⁻¹⁵ 2014-15 school year, DPI must ensure that

B

(A) The bill provides that on its effective date, DPI must treat the Milwaukee Public schools as if it has performed at the lowest performance level for the three immediately preceding school years.

Inserts

one or more
of

14-25

+

18-21

9

1. Mobility the activities performed by the school board under par. (am).

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

17-7 + 18-21

(use
this
insert
2x)

no 9

of the department's determination

described under par. (a)

ANALYSIS

115.32
115.32
sub 2

④ Student information system

④ Current law directs the Department of Public Instruction (DPI) to develop a proposal for a multiple-vendor student information system (SIS). DPI must submit the proposal to the Joint Committee on Finance (JCF) for its approval. If JCF approves the proposal, DPI must implement it and must ensure that information about pupils enrolled in charter schools and about ^{pupils} pupils enrolled in private schools participating in a parental choice program (PCP) is collected and maintained in the SIS. Current law also provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

SIS
school is using the SIS ¹ and that
every private school participating in a
PCP is either using the SIS or is using
a system that is ^{interoperable}
^{interoperable} with the
SIS.
SIS. Current law authorizes DPI to
promulgate rules establishing a fee for use
of the SIS ^{SIS} [⊙]

INS
A →

~~This bill provides that if the
SIS is established, DPI must ensure that,
beginning in the 2014-15 school year,
every independent charter school and every
private school participating in an SIS is either
using the SIS or is using a system that
is commercially available ¹ capable of providing
the information required ¹ able to obtain
pupil identification numbers, and compatible with~~

the most recent version of the ^{Schools} Schools
Interoperability Framework
Interoperability Framework.

④ The bill allows DPI to change a
fee for using the ^{SIS} SIS only if JCF

approves.

④ Finally, the bill specifies that a private
school participating in a PCP is not required
to include information about pupils who are
not attending the private school under the
PCP. in the SIS it is using.

④

~~Section 19.46~~
 sub
 School and school district accountability

④

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

①

1. Multiple measures to determine a school's performance or a school district's improvement, including pupil achievement and growth in reading and mathematics, measures of college and career readiness ~~and being on track for college~~

~~and career readiness~~ and gaps in pupil achievement and ^{graduation} rates ~~progression~~, categorized by ~~score~~ various factors.

②

2. An index system to identify a school's level of performance and annually place each

school into one of five performance categories.

① Current law provides that one year after an independent charter school or a private school participating in a PCP begins using the SIS ^{SIS} or a system that is interoperable with the SIS, DPI must include the school in its school accountability report.

⑨ This bill eliminates all of the above provisions and establishes a school and school district accountability system ^{initially effective in the 2014-15} that is applicable to public schools, charter schools, and private schools participating in a PCP. The bill directs DPI to ~~develop~~ ~~establish~~ ~~a~~ ~~system~~ ~~that~~ ~~includes~~ school years

~~the following measures~~ to determine a school's and school district's performance in the following areas:

⑨ 1. Pupil achievement in reading and mathematics.

⑨ 2. Growth in pupil achievement in reading and mathematics, calculated using a value-added methodology.

⑨ 3. College and career readiness.

⑨ 4. Gap closure in pupil academic

achievement and graduation rates.

⑨

5. Pupil engagement in school.

⑨ The bill specifies the information about a school or school district that DPI may use to measure performance in each of the above areas.

⑨ The bill requires DPI to issue an annual accountability report for each school and school district that indicates the school's or school district's ^{overall} performance on the following

scale ↑
↓

⑩
⑨
⑧
⑦
⑥

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

(NO ⑨) For a private school participating in a PEP, the bill directs DPI to use for each

move to
next
page

area
means only information that pertains
to pupils attending the private school
under the PCP.

insert
from
previous
page →

~~Low performing schools and school districts~~

sub
↓

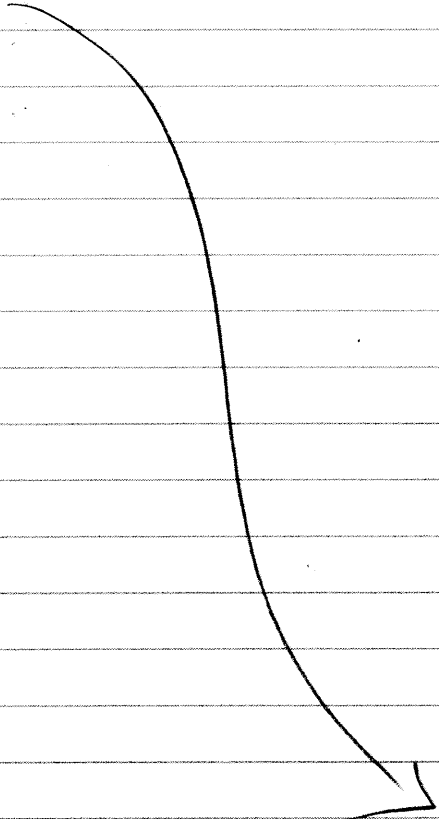
9

Low-performing schools and school districts interventions

9

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

1. low performing school districts





WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 215
[2009 Senate Bill 437]

State Superintendent's Powers

2009 Wisconsin Act 215 relates to low-performance schools and, school districts, prohibiting tenure for principals and assistant principals, and authorizing the State Superintendent of Public Instruction to intervene with the school district under certain conditions.

Low-Performing School Districts

1. If ~~the State Superintendent~~ ^(DPI) determines that a ^{plain} school district has been in need of improvement for four consecutive school years, the ^{plain} school board ~~shall do all of the following:~~ ^{must}

- a. Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards.
- b. Use pupil academic performance data, ~~including data indicating improvement in pupil academic achievement and acquisition of English~~ to differentiate instruction to meet individual needs.
- c. Implement a system of academic and behavioral supports and early intervention for pupils.
- d. Provide additional learning time to address the academic needs of pupils who are struggling academically, ~~including pupils whose proficiency in English is limited. The additional learning time may include an extended school day, an extended school year, summer school, or inter-session courses.~~

2. If ~~the State Superintendent~~ ^(DPI) determines that a particular ^{PLAIN} public school ^a ~~is~~ ^{has been} in the lowest performing ^{5%} of all public schools in the state in the previous school year and is located in ^{PLAIN} the school district that has been in need of improvement for four consecutive years, the ^{PLAIN} school board ^{school} ~~shall do all of the following in the school:~~ ^{PLAIN} the following in the school: ^{must}

5 percent

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

a. Use vigorous and equitable performance evaluation systems for teachers and principals that include annual performance evaluations; multiple rating categories; multiple rating criteria, including improvement in pupil academic achievement as a significant factor; observation-based performance assessments; and an up-to-date collection of professional practice materials. School boards must ensure that improvement in academic achievement is based on at least two measures. A school board shall include a method of identifying mitigating factors that could affect a teacher's or principal's performance.

b. Adopt a policy establishing criteria for evaluating whether the distribution of teachers and principals within the affected schools relative to the distribution of teachers and principals throughout the school district, based on their qualifications and effectiveness, is equitable. Using this criteria, the school board must determine whether the distribution of principals and teachers is equitable and if the board determines that distribution is inequitable, the school board must do the following:

(1) Perform a comprehensive review of current policies and constraints that prevent low-performing schools from recruiting, placing, and retaining effective teachers and principals, and implement strategies to eliminate those policies and constraints.

(2) Provide additional support to teachers and principals, which may include professional development that is incorporated into their work and tuition reimbursement for courses related to their professional duties.

c. Establish teacher and principal improvement programs that include supplemental mentoring for those with emergency licenses or permits; opportunities to pursue other professional certifications; at least 60 hours of professional development, annually, that is incorporated into their work; and a joint labor-management program designed to objectively identify teachers and principals who demonstrate serious performance deficiencies and provide them with opportunities for improvement. The school board must offer career counseling and other career transition benefits to those teachers and principals who continue to demonstrate performance deficiencies.

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

3. If ~~the school superintendent~~ ^(School) determines that a ^(DPI) school district has been in need of improvement for four consecutive years, ^{PLAIN} the State Superintendent may direct the school board to do one or more of the following in the school district after consulting with the school board, school superintendent, and collective bargaining units in the school district:

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

b. Implement a new or modified instructional design which may include expanded hours or additional pupil support or services.

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

d. Implement changes in administrative and personnel structures ~~that are consistent with applicable collective bargaining agreements.~~

e. Adopt accountability measures to monitor the school district's finances or to monitor other interventions ~~directed by the State Superintendent.~~

4. If ~~the State Superintendent~~ ^{DPJ} determines that a ^{PLAIN} ~~public school~~ ^{school} is located in ^{that} the school district that has been in need of improvement for four consecutive years, and ^a ~~the school~~ has been in need of improvement for five consecutive school years or was among the lowest performing ^{15 percent} ~~of~~ all public schools in the state in the previous school year, ~~the State Superintendent~~ ^{DPJ} may ~~after consulting with the school board, the school district superintendent, and the collective bargaining units,~~ direct the ~~school board~~ ^{PLAIN} to do one or ~~more~~ ^{both} of the following in the school:

a. Implement a new or modified instructional design ~~which may include expanded hours or additional pupil support and services.~~

b. Create a school improvement council ~~consisting of the State Superintendent, school board president, school district administrator, school district principal, and representatives of each collective bargaining unit in the school district (or their designees),~~ to make recommendations to ~~the State Superintendent~~ ^{DPJ} regarding improving the school.

c. If ~~the State Superintendent~~ ^{DPJ} issues a directive to a school or school district, he or she must notify each legislator whose district includes any portion of the school district and must provide a system of support and improvement, including technical assistance, to the board. If a school district receives a directive from the State Superintendent under the legislation, the school board must seek input from school district staff, parents, and community leaders on implementing the directive.

Tenure Provisions

Under Act 215, no principal or assistant principal may be granted tenure or permanent employment. The Act provides that this provision first applies to contracts entered into, modified, or renewed on the effective date of the Act.

Collective Bargaining Agreements

Act 215 provides that nothing in the section regarding school improvement powers and interventions alters or otherwise affects the rights or remedies afforded school districts or school employees under federal or state law or under the terms of any applicable collective bargaining agreement.

Provisions Applicable to Milwaukee

Act 215 amends the applicable sections of ch. 119, Stats., to specify the provisions that apply to the Milwaukee public schools, as follows:

1. The Act provides that by July 1, 2011, the Milwaukee Public Schools school board (MPS) must evaluate all school buildings in the school district operating under ch. 119, Stats., according to the criteria adopted by MPS and must develop a master plan governing the use, repair, renovation, and demolition of buildings in the school district. MPS is directed, under the Act, to establish criteria to

¶ This bill makes various changes to the provisions[§] above provisions[§] including the following:

¶

school districts ← sub-sub

¶

≡ If DPI determines that a school district has performed at the lowest performance level for three consecutive school years, the school board must:

¶

1. Complete a DPI-approved diagnostic review of the school district.

¶

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

¶

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

¶

4. Implement a system of academic

and behavioral supports and early intervention for pupils.

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

In addition, DPI must direct the school board to do one or more of the following:

1. Implement ^{Modify one or more of} the activities ^{performed} ~~described~~ by the school board, ^{above} described above.

2. Implement a new or modified instructional design.

3. Implement professional development programs.

4. Implement changes in administrative and personnel structures.

5. Adopt accountability measures to

monitor the school district's finances or to

INS.
B

monitor other interventions so

Public schools ← sub-sub

Ⓢ If DPI determines that a public

school, other than a charter school, has

performed at the lowest performance level for

three consecutive school years, the school

board must

Ⓢ complete a DPI-approved diagnostic

review of the school and

Ⓢ based on the results of the

review, complete one of the following:

Ⓢ

1. Implement DPI-approved

improvement activities that significantly
transform the school.

Ⓢ

2. Convert the school to a
charter school.

Ⓢ

3. Close the school.

(9) In addition, DPI must direct the school board to do one or more of the following ~~in~~ [↑] _↓

~~the school~~

(9)

1. Implement Modify of the one or more activities performed by the school board, described ~~above~~ above. ~~in the school~~

(9)

2. Implement a new or modified instructional design in the school.

(9)

3. Implement professional development programs in the school.

(9)

4. Implement changes in administrative and personnel structures in the school.

(9)

5. Adopt accountability measures to monitor the school district's finances or to

monitor other interventions.

(9)

Charter schools ← sub-sub

(9)

3. The bill provides that a contract for the establishment of a charter school must provide that if DPI determines that a charter

school has performed at the lowest performance level for three consecutive school years; the school board or other entity that has contracted for the ^{operation} operation of the charter school must require ^{that} a remediation plan, approved by the school board or other entity, be implemented by the charter school operator.

~~the bill requires the school board or other entity to revoke~~

~~the school's charter~~

If the charter school operator implements a remediation plan but the school's ^{performance} fails to improve to ^{at least} the

level of "meets few expectations" within ^{three} 3 school

years, the school board or other entity must ^{revoke} revoke the ~~the~~ school's charter. If a charter school's charter is revoked, the bill prohibits it from participating in a PCP. ^{as a private school}

⑨ Choice schools ← sub-sub

⑨ If DPI determines that a private school participating in a PCP has performed at the lowest level for three consecutive school years, ^{the bill requires} the private school ~~must~~ to notify its accrediting agency of their ~~sub-determination~~ ^{sub-determination}.

If the accrediting agency refuses to do so, or upon review rescinds the school's accreditation, DPI must issue an order barring the private school from participating in the PCP.

If the accrediting agency reviews the school's accreditation and develops a plan that will enable the school to maintain its accreditation, the school must implement the plan. ^{issue an order barring} DPI must issue an order barring

the private school from participating in
 the PCP unless, within three school
 years of DPI's determination, the
~~the school's accreditation and~~ ~~the~~
 school's performance ^{at least} improves to ~~at least~~ the level
 of "meets few expectations." A private
 school barred from participating in the
 PCP may not reopen as a charter school.

~~Milwaukee Public Schools~~

~~The bill provides that on its effective
 date, DPI must treat the Milwaukee
 Public Schools~~

④ Charter schools ; contracts (per PG)
 sub

④ Under current law, an entity authorized to establish an independent charter school may do so itself or by contracting with a third party. This bill allows charter schools to be established by contract only.

④ Currently, ↑ school districts, ↑ and private schools participating in a PCP, ↑ are subject to various requirements relating to the transfer of (a) pupil's records when the pupil transfers to another school. This bill subjects independent charter schools to the same requirements.

8/8/13

TC w/ Chris Kukulow

① Ensure that 118.42 begins in 14-15 &
 ✓ that DPI can't look back at previous
 years (except for MPS)

- ② delete virtual schools lang.

✓ ③ delete reporting of minutes of
 instruction

* ④ don't want DPI to lower
 standards - LAB involvement?

Chris will get back to me

⑤ change sanctions for trad. pub.
 schools ∴ if sch. bc. chooses to

✓ implement DPI-approved activities, but if still

no improvement after additional 3 years,

sch. bc. must convert school to charter or close school.

8/8/13

TC w/ Sarah Archibute

RE LAB :

have it do a report to ed.

standing committees on DPI's methodology
in calculating performance

report in Jan. each year

last report : 1/16

(2m) (a) If the state superintendent determines under s. 115.39 (3) that a public school, other than a charter school, has performed at the lowest performance level for 3 consecutive school years, the school board shall complete a department-approved, on-site, diagnostic review of the school to determine the causes of the school's poor performance and relevant mitigating factors. Based on the results of the diagnostic review, the school shall do one of the following:

1. Implement department-approved improvement activities that are consistent with federal improvement requirements and that significantly transform the school.
2. Convert the school to a charter school.
3. Close the school.

(b) If a school board implements department-approved improvement activities under par. (a) 1., the state superintendent shall direct the school board to do one or more of the following after consulting with the school board, the school district administrator, and school district employees:

1. Implement or modify activities described in par. (a) 1. in the school.
2. Implement in the school a new or modified instructional design, which may include expanded school hours or additional pupil supports and services.
3. Implement professional development programs that focus on improving pupil academic achievement in the school.
4. Implement changes in administrative and personnel structures in the school.
5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under subs. 1. to 4.

(c) If a school board implements department-approved activities under par. (a) 1., but the school fails to improve to at least the performance level specified in s. 115.39 (2) (c) 4. within 3 school years, the school board shall convert the school to a charter school or close the school.