



State of Wisconsin
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 379**

February 10, 2014 – Offered by Representatives KESTELL and STEINEKE.

1 **AN ACT** *to repeal* 115.38, 118.42 (2) and 118.42 (3) (b); *to renumber* 115.28 (12)
2 (title) and 118.40 (5); *to renumber and amend* 115.28 (12) (a), 115.28 (12) (ag)
3 (intro.), 115.28 (12) (ag) 1. and 2. and 115.28 (12) (b); *to amend* 20.255 (1) (e),
4 20.255 (1) (he), 115.001 (1), 115.775 (1), 118.125 (1) (bL), 118.125 (2) (intro.), (c)
5 1., (cg), (ch), (ck), (cm), (d), (g), (i), (j) 2. and 3., (k), (L), (n) 1. and 2. and (p) and
6 (3) to (5) and (7), 118.40 (2r) (b) 1. (intro.), 118.40 (2r) (b) 2., 118.40 (2r) (b) 2m.,
7 118.40 (2r) (b) 4., 118.40 (2r) (bm), 118.40 (2r) (cm), 118.40 (2r) (d) (intro.), 118.40
8 (3) (b), 118.40 (3) (e), 118.40 (4) (c), 118.42 (title), 118.42 (3) (c) 1. (intro.), 118.42
9 (3) (c) 2., 118.42 (4), 118.60 (10) (c), 118.60 (10) (d), 119.04 (1), 119.23 (10) (c),
10 119.23 (10) (d), 121.006 (2) (d) and 121.02 (1) (o); and *to create* 15.377 (5),
11 20.255 (3) (fm), 115.383 (4), 115.383 (5), 115.385 (3), 115.39, 118.125 (1) (bc),
12 118.125 (1) (f), 118.125 (1m), 118.40 (5) (b), 118.425, 118.60 (9m), 119.23 (9m)
13 and 120.12 (26) of the statutes; **relating to:** the student information system,

1 a school and school district accountability system, low-performing schools,
2 charter school contracts, pupil records, and creating the academic
3 accountability council.

Analysis by the Legislative Reference Bureau

STUDENT INFORMATION SYSTEM

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

This substitute amendment provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school, other than an independent charter school, is using the system. The substitute amendment also provides that, beginning in the 2015–16 school year, DPI must ensure that every independent charter school and every private school participating in a PCP is either using the SIS or is using a system that is commercially available, capable of providing the information required, and able to obtain pupil identification numbers. If the SIS is established, the substitute amendment allows DPI to promulgate rules establishing a fee for using the SIS.

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

SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY

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

1. Multiple measures to determine a school's performance or a school district's improvement, including pupil achievement and growth in reading and mathematics; measures of college and career readiness; and gaps in pupil achievement and graduation rates categorized by various factors.

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

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

This substitute amendment eliminates all of the above provisions and establishes a school and school district accountability system, initially effective in the 2017–18 school year, that is applicable to school districts, public schools, charter schools, and private schools participating in a PCP. The substitute amendment directs DPI to determine a school’s and school district’s performance in the following areas:

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

The substitute amendment specifies the information about a school or school district that DPI may use to measure performance in each of the above areas. To the extent feasible, DPI’s rating for each school and school district must be calculated with 25 percent of the weight given to each item listed above.

For a private school participating in a PCP, the substitute amendment directs DPI to use for each area only the information that pertains to pupils attending the private school under the PCP.

The substitute amendment requires DPI to issue an annual accountability report for each school and school district that grades the school’s or school district’s overall performance from A to F.

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

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

The substitute amendment creates an Academic Accountability Council in DPI to make recommendations to the state superintendent of public instruction (and provide a copy to the appropriate standing committees of the legislature) on the format and makeup of the school accountability report and qualifying score for each grade, on whether a school that has been determined to be failing but demonstrates high-value added growth, as determined by the University of Wisconsin–Madison Value-Added Research Center, should be sanctioned, and on sanction waivers for public schools, described below.

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

LOW-PERFORMING SCHOOLS AND SCHOOL DISTRICTS; INTERVENTIONS

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

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

- a. Employ a standard, consistent, research–based curriculum that is aligned with the state’s model academic standards;
- b. Use pupil academic performance data to differentiate instruction to meet individual needs;
- c. Implement a system of academic and behavioral supports and early intervention for pupils; and
- d. Provide additional learning time to address the academic needs of pupils who are struggling academically.

2. If DPI determines that a particular public school has been in the lowest performing 5 percent of all public schools in the state in the previous school year and is located in a school district that has been in need of improvement for four consecutive school years, the school board must do the following in the school:

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

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

- c. Establish teacher and principal improvement programs.

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

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

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

- b. Implement a new or modified instructional design.

- c. Implement professional development programs.

- d. Implement changes in administrative and personnel structures.

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

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

- a. Implement a new or modified instructional design.

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

This substitute amendment eliminates all of the above provisions (except those applicable to low–performing school districts), effective at the end of the 2019–20 school year, and substitutes the following:

Public schools

If DPI determines that a public school, other than a charter school, has received a grade of F for three consecutive school years, or has received a grade of F in three of five consecutive school years and a grade no higher than D in the other two school years, the school board must permanently close the school or contract with a high-quality charter management organization (CMO) to operate the school as a charter school.

If a school board determines to contract with a CMO, but cannot reach an agreement with any CMO, it may request the state superintendent to waive the requirement to contract with a CMO or close the school. The state superintendent may waive that requirement if the school board demonstrates that it engaged in a good-faith effort to contract with the CMO. If the state superintendent grants the waiver, the school board must convert the school to a charter school that is organized as an instrumentality of the school district and must do all of the following in the school:

1. Replace the school's principal.
2. Implement a rigorous staff evaluation and development system.
3. Reward staff who increase pupil academic achievement or high school graduation rates and remove staff who have not improved in these areas after being given an ample opportunity to do so.
4. Institute comprehensive instructional reform.
5. Increase the time provided for pupil instruction.
6. Apply community-oriented school strategies.
7. Provide greater operational flexibility and support for the school.

If the school board contracts with a CMO, the charter school may not be an instrumentality of the school district and the school board may not employ any personnel for the school. The school board must pay the charter school operator, for each full-time equivalent pupil attending the school, at least 90 percent of the average per pupil cost for the school district.

The requirement to close a public school or contract with a CMO to operate the school as a charter school does not apply if DPI determines, based on information provided by the University of Wisconsin-Madison Value-Added Research Center, that the school demonstrates high-value added growth.

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

Charter schools

The substitute amendment provides that if DPI determines that a charter school has received a grade of F for three consecutive school years, or has received a grade of F in three of five consecutive school years and a grade no higher than D in the other two school years, the school board or entity that contracted for the establishment of the charter school must revoke the contract. If the charter school reopens as a private school, it may not participate in a PCP.

The substitute amendment provides, however, that a charter school's contract may not be revoked on the basis of grades received during the school's initial five school years. The substitute amendment also provides that a charter school's contract may not be revoked if DPI determines, based on information provided by the University of Wisconsin–Madison Value–Added Research Center, that the school demonstrates high–value added growth.

Choice schools

If DPI determines that a private school participating in a PCP has received a grade of F for three consecutive school years, or has received a grade of F in three of five consecutive school years and a grade no higher than D in the other two school years, DPI must issue an order permanently barring the private school from accepting any new pupils under the PCP. This requirement does not apply, however, if DPI determines, based on information provided by the University of Wisconsin–Madison Value–Added Research Center, that the school demonstrates high–value added growth. A private school barred from accepting new pupils may not reopen as a charter school.

CHARTER SCHOOLS; CONTRACTS

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

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

PUPIL RECORDS

Under current law, all pupil records maintained by a public school are confidential unless explicitly allowed to be disclosed. This substitute amendment makes the pupil records law applicable to pupils attending private schools under a PCP and to charter schools.

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

- 1 **SECTION 1.** 15.377 (5) of the statutes is created to read:
- 2 15.377 (5) ACADEMIC ACCOUNTABILITY COUNCIL. (a) There is created in the
- 3 department of public instruction an academic accountability council consisting of the
- 4 state superintendent of public instruction or his or her designee and the following
- 5 members appointed for 3–year terms:
- 6 1. Two persons appointed by the president of the senate.

1 2. One person appointed by the minority leader of the senate.

2 3. Two persons appointed by the speaker of the assembly.

3 4. One person appointed by the minority leader of the assembly.

4 5. Two persons appointed by the governor.

5 (b) The members appointed under par. (a) 1. to 4. shall have experience in
6 elementary and secondary education. They may not be legislators.

7 (c) The state superintendent of public instruction or his or her designee shall
8 serve as chairperson of the academic accountability council. Beginning in 2015, the
9 council shall meet at least twice each year.

10 **SECTION 2.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
11 the following amounts for the purposes indicated:

	2013–14	2014–15
20.255 Public instruction, department of		

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13
14 (3) EDUCATIONAL LEADERSHIP

15 (fm) Value–Added Research Center	GPR	A	–0–	–0–
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16 **SECTION 3.** 20.255 (1) (e) of the statutes, as affected by 2013 Wisconsin Act 20,
17 is amended to read:

18 20.255 (1) (e) *Student information system.* As a continuing appropriation, the
19 amounts in the schedule for the student information system under s. ~~115.28~~ (12)
20 115.383.

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

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

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

5 20.255 (3) (fm) *Value-Added Research Center.* The amounts in the schedule to
6 pay the costs of the University of Wisconsin-Madison Value-Added Research Center
7 under ss. 115.39 (4m) (b), 118.40 (5) (b) 4., 118.425 (4) (d), 118.60 (9m) (a) 3., and
8 119.23 (9m) (a) 3.

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

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

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

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

18 115.383 (1) (a) Develop a proposal for a multiple-vendor student information
19 system for the standardized collection of pupil data. The proposal shall allow schools
20 and school districts to use their vendor of choice and include reporting requirements
21 that can reasonably be met by multiple vendors. The state superintendent may not
22 establish a student information system unless the proposal is approved by the joint
23 committee on finance under ~~subd. 2~~ par. (b).

24 (c) If the proposal is approved under ~~subd. 2~~ par. (b), the state superintendent
25 shall ensure that information about pupils enrolled in charter schools and about

1 pupils enrolled in private schools participating in a parental choice program under
2 s. 118.60 or 119.23, including their academic performance and demographic
3 information, aggregated by school district, school, and teacher, is collected and
4 maintained in the student information system.

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

7 115.383 (2) (intro.) If the student information system is established under ~~par.~~
8 ~~(a) sub. (1)~~, each school district, charter school, and private school using the system
9 under ~~par. (a) sub. (1)~~ shall include in the system the following information for each
10 teacher teaching in the school district or school who completed a teacher ~~preparatory~~
11 education program described in ~~sub. s. 115.28 (7) (a) or (e) 2.~~ and located in this state
12 ~~or a teacher education program described in sub. (7) (e) 2. and located in this state~~
13 ~~on or after January 1, 2012, or, for each teacher teaching in a private school~~
14 participating in a parental choice program under s. 118.60 or 119.23, who obtained
15 a bachelor's degree from an institution located in this state on or after July 1, 2010:

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

18 115.383 (2) (a) The name of the teacher ~~preparatory program or teacher~~
19 ~~education program the teacher attended and completed~~ or the name of the institution
20 from which the teacher obtained a bachelor's degree.

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

23 **SECTION 11.** 115.28 (12) (b) of the statutes, as affected by 2013 Wisconsin Act
24 20, is renumbered 115.383 (3) (a) and amended to read:

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

6 (b) Beginning in the 2015–16 school year, the state superintendent shall ensure
7 that every charter school established under s. 118.40 (2r) and every private school
8 participating in a parental choice program under s. 118.60 or 119.23 is either using
9 the system under ~~par. (a) sub. (1)~~ or is using a system that is ~~interoperable with the~~
10 ~~system under par. (a).~~ The commercially available, capable of providing the
11 information required under s. 115.39, and able to obtain pupil identification
12 numbers under sub. (5).

13 (c) If the student information system is established under sub. (1), the state
14 superintendent may promulgate rules authorizing the department to charge a fee to
15 any person that uses the system. All fees shall be credited to the appropriation
16 account under s. 20.255 (1) (he).

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

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

20 115.383 (4) A private school participating in a parental choice program under
21 s. 118.60 or 119.23 is not required to include information about pupils who are not
22 attending the private school under s. 118.60 or 119.23 in the system it is using under
23 sub. (3).

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

1 115.383 (5) The state superintendent shall assign to each pupil attending a
2 public school or charter school, and to each pupil attending a private school under
3 s. 118.60 or 119.23, a unique identification number for use in the student information
4 system. The state superintendent shall not assign to any pupil an identification
5 number that is identical to or incorporates the pupil’s social security number or that
6 uses any other personally identifying information.

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

8 115.385 (3) This section does not apply after September 30, 2017.

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

10 **115.39 School and school district accountability system.** (1) In this
11 section, “school” means a public school, including a charter school, and a private
12 school participating in a parental choice program under s. 118.60 or 119.23.

13 (2) The department shall establish a comprehensive school and school district
14 accountability system beginning in the 2017–18 school year that includes all of the
15 following components:

16 (a) Multiple measures to determine a school’s and school district’s performance,
17 including all of the following categorized by English language proficiency, disability,
18 income level, and race or ethnicity:

19 1. Pupil achievement in reading and mathematics.

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

22 3. Gap closure in growth in pupil achievement in reading and mathematics and
23 in graduation rates.

1 4. Rates of attendance and of high school graduation. The measure under this
2 subdivision shall include a measure of improvement in addition to a measure of
3 attainment.

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

7 (c) A grading system to rate a school's and a school district's level of
8 performance as A, B, C, D, or F.

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

10 (a) Except as provided in sub. (6), annually grade the performance of each
11 school and school district under sub. (2) (c) and issue an accountability report for the
12 school or school district that is clear and easily understandable. Except with regard
13 to pupil achievement and attendance and high school graduation status, the
14 department shall base the grade on data derived from at least 2 consecutive school
15 years, and from 3 consecutive school years when feasible. To the extent feasible, the
16 grade shall be calculated with 25 percent of the weight given to each of the measures
17 under sub. (2) (a).

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

22 (d) On the accountability report for a private school participating in a parental
23 choice program under s. 118.60 or 119.23, identify the grade derived from data
24 generated by pupils attending the private school under s. 118.60 or 119.23 as a choice
25 pupil report and, if the private school submits achievement data as provided in sub.

1 (4m) (b), include a grade derived from data generated by all pupils attending the
2 private school and identify it as a choice school report. The department may use only
3 the former grade in determining when a sanction under s. 118.60 (9m) or 119.23 (9m)
4 may be imposed. The report shall also specify the number and percentage of pupils
5 attending the private school under s. 118.60 or 119.23.

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

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

12 (g) Include on the first page of a school's or school district's accountability report
13 all of the following:

- 14 1. Data about pupils who are dropouts, as defined in s. 118.153 (1) (b).
- 15 2. Data about pupils who are suspended or expelled from school.
- 16 3. The number of advanced placement courses that are offered.
- 17 4. The industry certifications that are offered.
- 18 5. If a private school participating in a parental choice program under s. 118.60
19 or 119.23 submits achievement data as provided in sub. (4m) (b), the private school's
20 grade derived from data generated by all pupils attending the private school,
21 displayed just as prominently on the page as the private school's grade derived solely
22 from data generated by pupils attending the private school under s. 118.60 or 119.23.

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

1 (a) For measuring pupil achievement in reading and mathematics under sub.

2 (2) (a) 1.:

3 1. Scores on the reading and mathematics examinations administered under
4 s. 118.30, including scores on the alternate reading and mathematics examinations
5 administered to children with significant cognitive disabilities.

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

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

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

9 5. The English proficiency status of pupils taking the examinations under s.
10 118.30.

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

13 7. The enrollment status and history of pupils attending the school or school
14 district.

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

17 (c) For measuring gap closure in growth in pupil achievement in reading and
18 mathematics and in graduation rates under sub. (2) (a) 3., the information under par.
19 (a) and the information under par. (d). When measuring gap closure, the department
20 shall ensure that a subgroup with a sufficient number of pupils within a school or
21 school district is compared to the statewide performance of pupils who are not in that
22 subgroup.

23 (d) For measuring rates of attendance and of high school graduation under sub.
24 (2) (a) 4., the information under par. (a), attendance data, and data about pupils who

1 graduate from high school with a regular diploma within 4 school years, within 5
2 school years, and within 6 school years.

3 (4m) (a) Except as provided in par. (b), for a private school participating in a
4 parental choice program under s. 118.60 or 119.23, the department may use for each
5 measure specified in sub. (2) (a) only the information specified in sub. (4) that
6 pertains to pupils attending the private school under the program.

7 (b) If a private school participating in a parental choice program under s. 118.60
8 or 119.23 administers a nationally recognized, norm-referenced test to all pupils
9 attending the private school, the private school may submit to the department
10 achievement data derived from the test. The department shall submit the data to
11 the University of Wisconsin-Madison Value-Added Research Center, which shall
12 statistically equate the scores so that the department may use the data to measure
13 the achievement and growth of pupils attending the private school. The department
14 shall pay the center's costs from the appropriation under s. 20.255 (3) (fm).

15 (c) To the extent practicable, the department shall coordinate and integrate
16 data collection processes for private schools participating in a parental choice
17 program under s. 118.60 or 119.23.

18 (5) Each school and school district shall provide a link on the home page of its
19 Internet site to the report issued by the department under this section.

20 (6) (a) If the department determines that there is insufficient data about a
21 school to grade its performance under sub. (3) (a) or that a grade under sub. (2) (c)
22 is inappropriate because the school serves exclusively children at risk, as defined
23 under s. 118.153 (1) (a), the department may grade the school as “satisfactory” or
24 “needs improvement.” The department shall issue an accountability report for the
25 school.

1 (b) If the department determines that the percentage of pupils in a school who
2 participate in the examinations administered under s. 118.30 is inadequate, the
3 department may use that as a factor in determining the school's grade under sub. (3)
4 (a).

5 (7) The legislative audit bureau shall study the department's methodology for
6 calculating the performance of schools and school districts for the most recently
7 issued accountability reports under this section and annually in January submit its
8 findings to the joint legislative audit committee under s. 13.172 (3).

9 (8) The academic accountability council shall make recommendations to the
10 department, and provide a copy of the recommendations to the appropriate standing
11 committees of the legislature under s. 13.172 (3), on all of the following:

12 (a) The format and makeup of the school accountability report and qualifying
13 score for each grade. The council shall make recommendations on revising the
14 qualifying score for each grade at least biennially.

15 (b) Whether a school, determined by the University of Wisconsin–Madison
16 Value–Added Research Center to demonstrate high–value added growth under s.
17 118.40 (5) (b) 4., 118.425 (4) (d), 118.60 (9m) (a) 3., or 119.23 (9m) (a) 3., should be
18 sanctioned under s. 118.40, 118.425, 118.60, or 119.23.

19 (c) Whether a school board's request for a waiver under s. 118.425 (4) (b) 2.
20 should be granted.

21 **SECTION 17.** 115.775 (1) of the statutes is amended to read:

22 115.775 (1) Except as provided in sub. (2), ~~an~~ the operator of a charter school
23 under s. 118.40 (2r) or 118.425 (4) is a local educational agency, as defined in 20 USC
24 1401 (19), and shall comply with 20 USC 1400 to 1482.

25 **SECTION 18.** 118.125 (1) (bc) of the statutes is created to read:

1 118.125 (1) (bc) “Governing body” means the governing body of a school.

2 **SECTION 19.** 118.125 (1) (bL) of the statutes is amended to read:

3 118.125 (1) (bL) “Law enforcement unit” means any individual, office,
4 department, division, or other component of a school district that is authorized or
5 designated by the ~~school board~~ governing body to do any of the following:

6 1. Enforce any law or ordinance, or refer to the appropriate authorities a matter
7 for enforcement of any law or ordinance, against any person other than the ~~school~~
8 ~~district~~ governing body.

9 2. Maintain the physical security and safety of a ~~public~~ school.

10 **SECTION 20.** 118.125 (1) (f) of the statutes is created to read:

11 118.125 (1) (f) “School” means a public school; a charter school; or a private
12 school that is participating in a parental choice program under s. 118.60 or 119.23.

13 **SECTION 21.** 118.125 (1m) of the statutes is created to read:

14 118.125 (1m) APPLICABILITY. Subsections (2), (2m), (3), and (5) to (7) do not
15 apply to a pupil who is attending a private school participating in a parental choice
16 program under s. 118.60 or 119.23 but who is not attending the private school under
17 s. 118.60 or 119.23.

18 **SECTION 22.** 118.125 (2) (intro.), (c) 1., (cg), (ch), (ck), (cm), (d), (g), (i), (j) 2. and
19 3., (k), (L), (n) 1. and 2. and (p) and (3) to (5) and (7) of the statutes are amended to
20 read:

21 118.125 (2) CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS. (intro.) All
22 pupil records maintained by a ~~public~~ school shall be confidential, except as provided
23 in pars. (a) to (p) and sub. (2m). ~~The school board~~ governing body shall adopt policies
24 to maintain the confidentiality of such records and may adopt policies to promote the

1 disclosure of pupil records and information permitted by law for purposes of school
2 safety.

3 (c) 1. The judge of any court of this state or of the United States shall, upon
4 request, be provided by the ~~school-district~~ governing body clerk, or his or her
5 designee, with a copy of all progress records of a pupil who is the subject of any
6 proceeding in such court.

7 (cg) The ~~school-district~~ governing body clerk, or his or her designee, shall
8 provide a law enforcement agency with a copy of a pupil's attendance record if the
9 law enforcement agency certifies in writing that the pupil is under investigation for
10 truancy or for allegedly committing a criminal or delinquent act and that the law
11 enforcement agency will not further disclose the pupil's attendance record except as
12 permitted under s. 938.396 (1) (a). A ~~school-district~~ governing body clerk, or his or
13 her designee, who discloses a copy of a pupil's attendance record to a law enforcement
14 agency for purposes of a truancy investigation shall notify the pupil's parent or
15 guardian of that disclosure as soon as practicable after that disclosure.

16 (ch) The ~~school-district~~ governing body clerk, or his or her designee, shall
17 provide a fire investigator under s. 165.55 (15) with a copy of a pupil's attendance
18 record if the fire investigator certifies in writing that the pupil is under investigation
19 under s. 165.55, that the pupil's attendance record is necessary for the fire
20 investigator to pursue his or her investigation and that the fire investigator will use
21 and further disclose the pupil's attendance record only for the purpose of pursuing
22 that investigation.

23 (ck) The ~~school-district~~ governing body clerk, or his or her designee, shall make
24 pupil records available for inspection or, upon request, disclose the contents of pupil
25 records to authorized representatives of the department of corrections, the

1 department of health services, the department of justice, or a district attorney for use
2 in the prosecution of any proceeding or any evaluation conducted under ch. 980, if
3 the pupil records involve or relate to an individual who is the subject of the
4 proceeding or evaluation. The court in which the proceeding under ch. 980 is pending
5 may issue any protective orders that it determines are appropriate concerning pupil
6 records made available or disclosed under this paragraph. Any representative of the
7 department of corrections, the department of health services, the department of
8 justice, or a district attorney may disclose information obtained under this
9 paragraph for any purpose consistent with any proceeding under ch. 980.

10 (cm) If school attendance is a condition of a child’s dispositional order under s.
11 48.355 (2) (b) 7. or 938.355 (2) (b) 7., the ~~school board~~ governing body shall notify the
12 county department that is responsible for supervising the child within 5 days after
13 any violation of the condition by the child.

14 (d) Pupil records shall be made available to persons employed by the school
15 ~~district which~~ governing body of the school that the pupil attends who are required
16 by the department under s. 115.28 (7) to hold a license, law enforcement officers who
17 are individually designated by the ~~school board~~ governing body and assigned to the
18 school district, and other ~~school district~~ governing body officials who have been
19 determined by the ~~school board~~ governing body to have legitimate educational
20 interests, including safety interests, in the pupil records. Law enforcement officers’
21 records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s.
22 118.127. A ~~school board member~~ of a governing body or an employee of a school
23 ~~district~~ governing body may not be held personally liable for any damages caused by
24 the nondisclosure of any information specified in this paragraph unless the member
25 or employee acted with actual malice in failing to disclose the information. A ~~school~~

1 ~~district governing body~~ may not be held liable for any damages caused by the
2 nondisclosure of any information specified in this paragraph unless the school
3 ~~district governing body~~ or its agent acted with gross negligence or with reckless,
4 wanton, or intentional misconduct in failing to disclose the information.

5 (g) 1. The ~~school board~~ governing body may provide any public officer with any
6 information required to be maintained under chs. 115 to 121.

7 2. Upon request by the department, the ~~school board~~ governing body shall
8 provide the department with any information contained in a pupil record that relates
9 to an audit or evaluation of a federal or state–supported program or that is required
10 to determine compliance with requirements under chs. 115 to 121.

11 (i) Upon request, the ~~school district~~ governing body clerk, or his or her designee,
12 shall provide the names of pupils who have withdrawn from the public school prior
13 to graduation under s. 118.15 (1) (c) to the technical college district board in which
14 the public school is located or, for verification of eligibility for public assistance under
15 ch. 49, to the department of health services, the department of children and families,
16 or a county department under s. 46.215, 46.22, or 46.23.

17 (j) 2. If a school has notified the parent, legal guardian or guardian ad litem that
18 a pupil's name and address has been designated as directory data, has informed the
19 parent, legal guardian or guardian ad litem of the pupil that he or she has 14 days
20 to inform the school that the pupil's name and address may not be released without
21 the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14
22 days for the parent, legal guardian or guardian ad litem of the pupil to inform the
23 school that the pupil's name and address may not be released without the prior
24 consent of the parent, legal guardian or guardian ad litem and the parent, legal
25 guardian or guardian ad litem has not so informed the school, the ~~school district~~

1 governing body clerk or his or her designee, upon request, shall provide a technical
2 college district board with the name and address of each such pupil who is expected
3 to graduate from high school in the current school year.

4 3. If a school has notified the parent, legal guardian or guardian ad litem of the
5 information that it has designated as directory data with respect to any pupil, has
6 informed the parent, legal guardian or guardian ad litem of the pupil that he or she
7 has 14 days to inform the school that such information may not be released without
8 the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14
9 days for the parent, legal guardian or guardian ad litem of the pupil to inform the
10 school that such information may not be released without the prior consent of the
11 parent, legal guardian or guardian ad litem and the parent, legal guardian or
12 guardian ad litem has not so informed the school, the ~~school district~~ governing body
13 clerk or his or her designee, upon request, shall provide any representative of a law
14 enforcement agency, district attorney, city attorney or corporation counsel, county
15 department under s. 46.215, 46.22 or 46.23 or a court of record or municipal court
16 with such information relating to any such pupil enrolled in the school ~~district~~
17 operated by the governing body for the purpose of enforcing that pupil's school
18 attendance, investigating alleged criminal or delinquent activity by the pupil or
19 responding to a health or safety emergency.

20 (k) A ~~school board~~ governing body may disclose personally identifiable
21 information from the pupil records of an adult pupil to the parents or guardian of the
22 adult pupil, without the written consent of the adult pupil, if the adult pupil is a
23 dependent of his or her parents or guardian under 26 USC 152, unless the adult pupil
24 has informed the ~~school~~ governing body, in writing, that the information may not be
25 disclosed.

1 (L) A ~~school board~~ governing body shall disclose the pupil records of a pupil in
2 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),
3 938.396 (1) (d), or 938.78 (2) (b) 2. after making a reasonable effort to notify the
4 pupil's parent or legal guardian.

5 (n) 1. A ~~school board~~ governing body may disclose pupil records to a city
6 attorney, corporation counsel, agency, as defined in s. 938.78 (1), intake worker under
7 s. 48.067 or 938.067, court of record, municipal court, private school, or another
8 school board if disclosure is pursuant to an interagency agreement and the person
9 to whom the records are disclosed certifies in writing that the records will not be
10 disclosed to any other person except as otherwise authorized by law. For the purpose
11 of providing services to a pupil before adjudication, a ~~school board~~ governing body
12 may disclose pupil records to a tribal school if disclosure is pursuant to an agreement
13 between the ~~school board~~ school's governing body and the governing body of the tribal
14 school and if the ~~school board~~ school's governing body determines that enforceable
15 protections are provided by a tribal school policy or tribal law that requires the tribal
16 school official to whom the records are disclosed not to disclose the records to any
17 other person except as permitted under this subsection.

18 2. A ~~school board~~ governing body shall disclose pertinent pupil records to an
19 investigating law enforcement agency or district attorney if the person to whom the
20 records are disclosed certifies in writing that the records concern the juvenile justice
21 system and the system's ability to effectively serve the pupil, relate to an ongoing
22 investigation or pending delinquency petition, and will not be disclosed to any other
23 person except as otherwise authorized by law.

1 (p) A ~~school board~~ governing body may disclose pupil records to appropriate
2 parties in connection with an emergency if knowledge of the information is necessary
3 to protect the health or safety of any individual.

4 **(3) MAINTENANCE OF RECORDS.** Each ~~school board~~ governing body shall adopt
5 rules in writing specifying the content of pupil records and the time during which
6 pupil records shall be maintained. No behavioral records may be maintained for
7 more than one year after the pupil ceases to be enrolled in the school operated by the
8 governing body, unless the pupil specifies in writing that his or her behavioral
9 records may be maintained for a longer period. A pupil's progress records shall be
10 maintained for at least 5 years after the pupil ceases to be enrolled in the school. A
11 ~~school board~~ governing body may maintain the records on microfilm, on an optical
12 disk, or in electronic format if authorized under s. 19.21 (4) (c), or in such other form
13 as the ~~school board~~ governing body deems appropriate. A ~~school board~~ governing
14 body shall maintain law enforcement officers' records obtained under s. 48.396 (1)
15 or 938.396 (1) (b) 2. or (c) 3. separately from a pupil's other pupil records. Rules
16 adopted under this subsection shall be published by the ~~school board~~ governing body
17 as a class 1 notice under ch. 985.

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

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

11 (5) USE FOR SUSPENSION OR EXPULSION. (a) Except as provided in par. (b), nothing
12 in this section prohibits a ~~school district~~ governing body from using a pupil’s records
13 in connection with the suspension or expulsion of the pupil or the use of such records
14 by a multidisciplinary team under ch. 115.

15 (b) Law enforcement officers’ records obtained under s. 48.396 (1) or 938.396
16 (1) (b) 2. or (c) 3. and records of the court assigned to exercise jurisdiction under chs.
17 48 and 938 or of a municipal court obtained under s. 938.396 (2g) (m) may not be used
18 by a ~~school district~~ governing body as the sole basis for expelling or suspending a
19 pupil or as the sole basis for taking any other disciplinary action against a pupil, but
20 may be used as the sole basis for taking action against a pupil under the ~~school~~
21 ~~district’s~~ governing body’s athletic code.

22 (7) DISCLOSURE OF LAW ENFORCEMENT UNIT RECORDS. A ~~school board~~ governing
23 body shall treat law enforcement unit records of juveniles in the same manner as a
24 law enforcement agency is required to treat law enforcement officers’ records of
25 juveniles under s. 938.396 (1) (a).

1 **SECTION 23.** 118.40 (2r) (b) 1. (intro.) of the statutes is amended to read:

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

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

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

16 **SECTION 25.** 118.40 (2r) (b) 2m. of the statutes is amended to read:

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

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

22 **SECTION 26.** 118.40 (2r) (b) 4. of the statutes is amended to read:

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

1 **SECTION 27.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act
2 20, is amended to read:

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

13 **SECTION 28.** 118.40 (2r) (cm) of the statutes is amended to read:

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

18 **SECTION 29.** 118.40 (2r) (d) (intro.) of the statutes is amended to read:

19 118.40 **(2r)** (d) (intro.) The ~~chartering or~~ contracting entity under par. (b) shall
20 do all of the following:

21 **SECTION 30.** 118.40 (3) (b) of the statutes is amended to read:

22 118.40 **(3)** (b) A contract under par. (a) or under ~~subs. sub.~~ sub. (2m) or (2r) may be
23 for any term not exceeding 5 school years and may be renewed for one or more terms
24 not exceeding 5 school years, except that upon request of the charter school operator,

1 the initial contract shall be for a term of 5 years. The contract shall specify the
2 amount to be paid to the charter school during each school year of the contract.

3 **SECTION 31.** 118.40 (3) (e) of the statutes is amended to read:

4 118.40 (3) (e) When ~~establishing or~~ contracting for the establishment of a
5 charter school under this section, a school board or entity specified under sub. (2r)
6 (b) shall consider the principles and standards for quality charter schools established
7 by the National Association of Charter School Authorizers.

8 **SECTION 32.** 118.40 (4) (c) of the statutes is amended to read:

9 118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
10 ~~contract for, and an or~~ entity under sub. (2r) (b) may ~~establish or enter into a~~ contract
11 for, the establishment of a charter school that enrolls only one sex or that provides
12 one or more courses that enroll only one sex if the school board or entity under sub.
13 (2r) (b) makes available to the opposite sex, under the same policies and criteria of
14 admission, schools or courses that are comparable to each such school or course.

15 **SECTION 33.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

16 **SECTION 34.** 118.40 (5) (b) of the statutes is created to read:

17 118.40 (5) (b) 1. Except as provided in subds. 3. and 4., a school board or entity
18 under sub. (2r) that has contracted for the establishment of a charter school shall
19 revoke the contract if the department determines under s. 115.39 (3) that the charter
20 school has received a grade of F under s. 115.39 (2) (c) for 3 consecutive school years.

21 2. Except as provided in subds. 3. and 4., a school board or entity under sub.
22 (2r) that has contracted for the establishment of a charter school shall revoke the
23 contract if the department determines under s. 115.39 (3) that the charter school has
24 received a grade of F in at least 3 of 5 consecutive school years and a grade no higher
25 than D in the other 2 school years under s. 115.39 (2) (c).

1 3. A school board or entity under sub. (2r) may not revoke a contract under
2 subd. 1. or 2. based on the grades received by the charter school during the school's
3 first 5 years.

4 4. A school board or entity under sub. (2r) may not revoke a contract under
5 subd. 1. or 2. if the department determines, based on the recommendations of the
6 academic accountability council under s. 115.39 (8) (b) and on information provided
7 by the University of Wisconsin–Madison Value–Added Research Center, that the
8 school demonstrates high–value added growth.

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

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

15 **SECTION 35.** 118.42 (title) of the statutes is amended to read:

16 **118.42 (title) Low–performing school districts and schools; state**
17 **superintendent interventions.**

18 **SECTION 36.** 118.42 (2) of the statutes is repealed.

19 **SECTION 37.** 118.42 (3) (b) of the statutes is repealed.

20 **SECTION 38.** 118.42 (3) (c) 1. (intro.) of the statutes is amended to read:

21 118.42 (3) (c) 1. (intro.) If the state superintendent issues a directive under par.
22 (a)–~~(b)~~, he or she shall do all of the following:

23 **SECTION 39.** 118.42 (3) (c) 2. of the statutes is amended to read:

1 118.42 (3) (c) 2. If a school board receives a directive from the state
2 superintendent under par. (a) ~~or (b)~~, the school board shall seek input from school
3 district staff, parents, and community leaders on implementing the directive.

4 **SECTION 40.** 118.42 (4) of the statutes is amended to read:

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

9 **SECTION 41.** 118.425 of the statutes is created to read:

10 **118.425 Low-performing public schools. (1) DEFINITION.** In this section,
11 “charter management organization” means a person that operates multiple charter
12 schools.

13 **(2) APPLICABILITY.** This section applies beginning on July 1, 2020.

14 **(3) CHARTER MANAGEMENT ORGANIZATIONS.** The department shall establish and
15 maintain a list of high-quality charter management organizations. A charter
16 management organization is a high-quality charter management organization if, in
17 each of the 2 immediately preceding school years, the average growth rate in reading
18 and mathematics of pupils attending each charter school operated by the
19 organization, wherever located, was greater than the average growth rate in reading
20 and mathematics of pupils attending public schools in the school district in which the
21 charter school established under sub. (4) will be located.

22 **(4) SANCTIONS.** (a) Except as provided in par. (d), if the department determines
23 under s. 115.39 (3) that a public school, other than a charter school, has received a
24 grade of F under s. 115.39 (2) (c) for 3 consecutive school years, or has received a grade
25 of F in at least 3 of 5 consecutive school years and a grade no higher than D in the

1 other 2 school years under s. 115.39 (2) (c), the school board shall determine whether
2 to permanently close the school or contract under s. 118.40 with a charter
3 management organization that is included in the list under sub. (3) to operate the
4 school as a charter school.

5 (b) 1. If the school board determines to contract with a charter management
6 organization under par. (a), it shall issue a request for proposals and publish a class
7 1 notice under ch. 985 of the statutes within 30 days of the department's
8 determination under par. (a). The school board shall enter into the contract with the
9 charter management organization by the February 1 following the department's
10 determination under par. (a). The contract shall provide for the attendance of pupils
11 beginning in the following school year. The contract may not require the charter
12 management organization to purchase or lease the school.

13 2. If the school board determines to contract with a charter management
14 organization under par. (a) but is unable to reach an agreement with any charter
15 management organization, the school board may request the state superintendent
16 to waive the requirement under par. (a). The state superintendent shall refer the
17 request to the academic accountability council for its recommendation. The state
18 superintendent may waive the requirement under par. (a) if the school board
19 demonstrates that it engaged in a good-faith effort to reach an agreement with a
20 charter management organization.

21 3. If the state superintendent grants the waiver, effective in the school year
22 following the date of the department's determination under par. (a), the school board
23 shall convert the school to a charter school and do all of the following in the school:

24 a. Replace the school's principal.

25 b. Implement a rigorous staff evaluation and development system.

1 c. Reward staff who increase pupil academic achievement or high school
2 graduation rates and remove staff who have not improved in these areas after being
3 given an ample opportunity to do so.

4 d. Institute comprehensive instructional reform.

5 e. Increase the time provided for pupil instruction.

6 f. Apply community-oriented school strategies.

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

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

12 (d) Paragraph (a) does not apply if the department determines, based on the
13 recommendations of the academic accountability council under s. 115.39 (8) (b) and
14 on information provided by the University of Wisconsin-Madison Value-Added
15 Research Center, that the school demonstrates high-value added growth.

16 **(5) CHARTER SCHOOL LEGAL STATUS; PAYMENT.** (a) 1. Notwithstanding s. 118.40
17 (7) (a) and (am), a charter school established under sub. (4) (b) 1. may not be an
18 instrumentality of the school district and the school board may not employ any
19 personnel for the charter school.

20 2. Notwithstanding s. 118.40 (7) (a) and (am), a charter school established
21 under sub. (4) (b) 3. is an instrumentality of the school district and the school board
22 shall employ all personnel for the charter school.

23 (b) Notwithstanding s. 118.40 (3) (b), the school board shall pay the operator
24 of a charter school established under sub. (4) (b) 1., for each full-time equivalent

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

3 **SECTION 42.** 118.60 (9m) of the statutes is created to read:

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

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

17 3. If the department determines, based on the recommendations of the
18 academic accountability council under s. 115.39 (8) (b) and on information provided
19 by the University of Wisconsin–Madison Value–Added Research Center, that the
20 school demonstrates high–value added growth, the state superintendent may
21 determine not to issue an order under subd. 1. or 2.

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

24 **SECTION 43.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
25 20, is amended to read:

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
3 guardian of each pupil attending the private school under this section.

4 **SECTION 44.** 118.60 (10) (d) of the statutes is amended to read:

5 118.60 (10) (d) The state superintendent may withhold payment from a private
6 school under subs. (4) and (4m) if the private school violates this section or fails to
7 participate in the student information system as required under s. 115.383 (3).

8 **SECTION 45.** 119.04 (1) of the statutes, as affected by 2013 Wisconsin Act 20,
9 is amended to read:

10 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
11 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
12 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001
13 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to
14 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
15 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,
16 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,
17 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)
18 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
19 and 120.25 are applicable to a 1st class city school district and board.

20 **SECTION 46.** 119.23 (9m) of the statutes is created to read:

21 119.23 (9m) (a) 1. Except as provided in subd. 3., if the department determines
22 under s. 115.39 (3) that a private school participating in the program under this
23 section has received a grade of F under s. 115.39 (2) (c) for 3 consecutive school years,
24 the state superintendent shall issue an order permanently barring the private school

1 from accepting any pupils under this section who were not attending the private
2 school under this section in the school year in which the order was issued.

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

10 3. If the department determines, based on the recommendations of the
11 academic accountability council under s. 115.39 (8) (b) and on information provided
12 by the University of Wisconsin–Madison Value–Added Research Center, that the
13 school demonstrates high–value added growth, the state superintendent may
14 determine not to issue an order under subd. 1. or 2.

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

17 **SECTION 47.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
18 20, is amended to read:

19 119.23 (10) (c) Whenever the state superintendent issues an order under par.
20 (a), (am), (ar), or (b), or sub. (9m), he or she shall immediately notify the parent or
21 guardian of each pupil attending the private school under this section.

22 **SECTION 48.** 119.23 (10) (d) of the statutes is amended to read:

23 119.23 (10) (d) The state superintendent may withhold payment from a private
24 school under subs. (4) and (4m) if the private school violates this section or fails to
25 participate in the student information system as required under s. 115.383 (3).

1 **SECTION 49.** 120.12 (26) of the statutes is created to read:

2 120.12 **(26)** STAFFING AND FINANCIAL DATA. Upon request, provide to the
3 department any staffing or financial data that the department needs to comply with
4 state or federal reporting requirements.

5 **SECTION 50.** 121.006 (2) (d) of the statutes is amended to read:

6 121.006 **(2)** (d) Comply with a directive issued by the state superintendent
7 under s. 118.42 (3) (a) ~~or (b)~~.

8 **SECTION 51.** 121.02 (1) (o) of the statutes is amended to read:

9 121.02 **(1)** (o) Annually comply with the requirements of s. ~~115.38 (2)~~. The
10 school board may include additional information in the report under s. ~~115.38 (2)~~
11 115.39 (5).

12 **SECTION 52. Nonstatutory provisions.**

13 (1) PROSPECTIVE PERFORMANCE. No data derived from a school year prior to the
14 2017–18 school year may be used by the department of public instruction to
15 determine a school’s performance under section 115.39 of the statutes, as created by
16 this act.

17 (2) LEGISLATIVE AUDIT BUREAU REPORT. The legislative audit bureau shall submit
18 its initial report under section 115.39 (7) of the statutes, as created by this act, in
19 January 2019.

20 (3) ACADEMIC ACCOUNTABILITY COUNCIL. Notwithstanding section 15.377 (5) (a)
21 of the statutes, as created by this act, the initial members of the academic
22 accountability council shall be appointed for terms expiring as follows:

23 (a) One member appointed under section 15.377 (5) (a) 1., 3., and 5. of the
24 statutes, as created by this act, for terms expiring on July 1, 2015.

1 (b) The members appointed under section 15.377 (5) (a) 2. and 4. of the statutes,
2 as created by this act, for terms expiring on July 1, 2016.

3 (c) One member appointed under section 15.377 (5) (a) 1., 3., and 5. of the
4 statutes, as created by this act, for terms expiring on July 1, 2017.

5 **SECTION 53. Initial applicability.**

6 (1) PUPIL RECORDS. The treatment of section 118.125 (1) (bc), (bL), and (f), (2)
7 (intro.), (c) 1., (cg), (ch), (ck), (cm), (d), (g), (i), (j) 2. and 3., (k), (L), (n), and (p), (3), (4),
8 (5), and (7) of the statutes first applies to a request for disclosure received on the
9 effective date of this subsection.

10 (2) CHARTER SCHOOL CONTRACTS. The treatment of section 118.40 (3) (b) of the
11 statutes first applies to contracts entered into on the effective date of this subsection.

12 **SECTION 54. Effective dates.** This act takes effect on the day after publication,
13 except as follows:

14 (1) LOW-PERFORMING SCHOOLS. The treatment of sections 118.42 (title), (2), (3)
15 (b) and (c) 1. (intro.) and 2., and (4) and 121.006 (2) (d) of the statutes takes effect on
16 July 1, 2020.

17 **(END)**