

**2013 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB379)**

Received: 2/7/2014 Received By: pgrant  
Wanted: As time permits Same as LRB:  
For: Steve Kestell (608) 266-8530 By/Representing: Chris Kestell  
May Contact: Drafter: pgrant  
Subject: Education - charter schools Addl. Drafters:  
Education - choice programs Education - school boards Extra Copies: TKK  
Education - state superintendent FFK

Submit via email: YES  
Requester's email: Rep.Kestell@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

School and school district accountability

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 2/7/2014	evinz 2/10/2014		_____			
/1			jfrantze 2/10/2014	_____	lparisi 2/10/2014	lparisi 2/10/2014	

FE Sent For:

<END>

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/?	pgrant	1 rev 2/7/14	1 rev 2/11/14 10	<i>Jan</i> 2/10			
FE Sent For:							

<END>

2/6/14

Chris Kulow 2014 N.  
Steinicker etc.

need  
By Monday

✓ ① Council mishap p. 7  
add 2 by governor, 2 by sen pres, 2 by speaker  
+ delete 5 & 6

✓ ② p. 28 etc re pub schools  
make 'can go to CMO or chose school'  
if can't reach k, w/ CMO,  
cd apply for waiver thru council  
to do turnaround  
(from the choice)

alternative is → mil → p. 29 l. 5-13.  
can reopen as instrumentality charter  
+ do  
make rec's to SS.

must demonstrate ~~not~~ exist. of good faith effort  
by contracting w/ CMO  
do RFP by 4/1/14 30 days  
of 3rd (4 5th)  
SS report  
(class 1 notice)

✓ ③ ~~charter~~ delete MPS p. 34 l. 1-10

④ just charter not take state tests → sanctions  
displayed on report card  
(on name or equivalent)

~~but~~ sch. may provide data on rest of 11th  
if so, must display scores just as prominently

~~with~~ to 2 separate grades for race  
mg state test data about grades

call it "choice pupil report"  
or  
either (one) choice  
sch. report

How to #  
20  
1  
likes

✓ (5) add to council duties:  
re-evaluate ~~the~~ <sup>the</sup> scores every 2 years  
make mis  
~~the sanctions for state parks~~

~~7 of child care~~

✓ (6) p. 15 l. 3-7 children at risk  
up to school - we. gov. for designation as a  
sch that serves C.A.R.  
→ Chris K will get back to me

~~7 about opt out - special event on~~

~~7 virtual charter sch.  
SLS~~

~~choice schools w/  $\leq$  20 pupils exempt?  
→ Chris will get back to me~~

Choice Student Report  
(25 students) 9% student body

C 72.2

Full School Report (optional)  
(265 students) 99% student body

B 83.6

## Grant, Peter

---

**From:** Kulow, Chris  
**Sent:** Saturday, February 08, 2014 4:22 PM  
**To:** Grant, Peter  
**Subject:** RE: Outstanding

No objection

Sent from my U.S. Cellular® Smartphone

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

**From:** "Grant, Peter"  
**Date:** 02/08/2014 3:10 PM (GMT-06:00)  
**To:** "Kulow, Chris"  
**Subject:** RE: Outstanding

Hi Chris,

In the interest of eliminating some educational jargon from the draft, I'd like to substitute the phrase "qualifying score for each grade" for the term "cut score." Any objection?

Peter

---

**From:** Kulow, Chris  
**Sent:** Friday, February 07, 2014 9:26 AM  
**To:** Grant, Peter  
**Subject:** RE: Outstanding

Let's specify that.

---

**From:** Grant, Peter  
**Sent:** Friday, February 07, 2014 9:24 AM  
**To:** Kulow, Chris  
**Subject:** RE: Outstanding

Chris, at yesterday's meeting, you mentioned that you wanted the council to reevaluate the cut scores every 2 years. Is the language on p. 15, line 19 of P7 sufficient, or do you want to single out cut scores from the other items and specify that for the cut scores, the council has to report recommendation every 2 years?

---

**From:** Kulow, Chris  
**Sent:** Thursday, February 06, 2014 4:44 PM  
**To:** Grant, Peter; Probst, Nick; Turke, Jon; Steineke, Jim  
**Cc:** Kestell, Steve  
**Subject:** RE: Outstanding

Yes please make that change.

Sent from my U.S. Cellular® Smartphone

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

From: "Grant, Peter"

Date:02/06/2014 4:40 PM (GMT-06:00)

To: "Kulow, Chris" ,"Probst, Nick" ,"Turke, Jon" ,"Steineke, Jim"

Cc: "Kestell, Steve"

Subject: RE: Outstanding

Yes, the language on page 15, lines 3 to 7 requires DPI to treat all schools the same.

You may want to change line 5 to "the school *exclusively* serves children at risk."

Peter

---

**From:** Kulow, Chris

**Sent:** Thursday, February 06, 2014 3:49 PM

**To:** Probst, Nick; Turke, Jon; Steineke, Jim

**Cc:** Kestell, Steve; Grant, Peter

**Subject:** Outstanding

I talked to Jennifer at DPI about our outstanding issues. Currently public schools that either do not have more than 20 student cell size or serve *exclusively* children at risk as defined by current law receive a "not rated" report card. Starting with the next report card DPI is changing that setup to one where schools under the aforementioned scenarios will set their own goals going into a school year then be rated "satisfactory" or "needs improvement" based on how they meet these goals. She said private schools with under 20 choice students would operate under the same setup of setting their own goals and receiving 1 of those 2 designations (without sanctions). Peter, does our bill on page 15 line 3-7 require DPI to treat all schools the same in this area?

She did stress the importance of those choice schools still reporting the data through some kind of SIS software. They want historical data for when schools meet and exceed the 20 student threshold. She also said there are many different vendors (some working on a pay per pupil basis or cost-sharing arrangements within an archdiocese for example) where it would not be cost prohibitive to report data for a relatively small amount of students.

Does anyone feel we need to make any changes based on this information?



State of Wisconsin  
2013 - 2014 LEGISLATURE

MONDAY  
NOON



LRBs0206/P8  
PG:eev&kjfrs

LRBs0272/  
PG:eev:

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

~~Assembly~~ SENATE SUBSTITUTE AMENDMENT,

TO ~~SENATE~~ BILL ~~286~~ 379  
Assembly

PB

reger

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)



1 and 120.12 (26) of the statutes; **relating to:** the student information system,  
2 a school and school district accountability system, low-performing schools,  
3 charter school contracts, pupil records, and creating the academic  
4 accountability council.

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

**STUDENT INFORMATION SYSTEM**

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

This substitute amendment provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school, other than an independent charter school, is using the system. The substitute amendment also provides that, beginning in the 2015–16 school year, 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 cut scores and 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.\*

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:

↑ and on sanction waivers for public schools, described below

qualifying score for each grade

- 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's contract with a high-quality charter management organization (CMO) to operate the school as a charter school, ~~or do all of the following in the school.~~ <sup>or</sup>

- 5AA →
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.

A CMO is considered high-quality if, in each of the two preceding school years, the average growth rate in reading and mathematics of pupils attending each charter school operated by the CMO, wherever located, was greater than the average growth rate in reading and mathematics of pupils attending public schools in the school district in which the charter school will be located.

A charter school established under these provisions 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

✓ If the school board contracts with a CMO, 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.

**Public schools in Milwaukee**

~~In general, the accountability system created by this substitute amendment begins operating in the 2017-18 school year, with initial sanctions possible in the 2021-22 school year. The substitute amendment provides, however, that if a public school located in MPS is in the lowest-performing 5 percent of all public schools in the state in the 2016-17 school year (under the existing school accountability system) and receives a grade of F in the 2017-18 and 2018-19 school years (under the new system), it is treated as if it had received a grade of F under the new system for three consecutive school years and may be sanctioned beginning in the 2020-21 school year.~~

**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

1 state superintendent of public instruction or his or her designee and the following  
2 members appointed for 3-year terms:

3

1. <sup>Two</sup> ~~One~~ person <sup>S</sup> ~~A~~ appointed by the president of the senate.

4

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

5

3. <sup>Two</sup> ~~One~~ person <sup>S</sup> ~~A~~ appointed by the speaker of the assembly.

6

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

7

5. One representative of the University of Wisconsin-Madison Value-Added  
8 Research Center, appointed by the head of the center  
9  
6. One member of the University of Wisconsin System faculty who has expertise  
10 in educational testing, appointed by the Board of Regents of the University of  
11 Wisconsin System.

7-11

12

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

14

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

17

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

19

2013-14      2014-15

20

**20.255 Public instruction, department of**

21

(3) EDUCATIONAL LEADERSHIP

22

(fm) Value-Added Research Center      GPR      A      -0-      -0-

23

SECTION 3. 20.255 (1) (e) of the statutes, as affected by 2013 Wisconsin Act 20,

24

is amended to read:

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

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

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

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

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

13           **SECTION 6.** 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 7.** 115.28 (12) (title) of the statutes is renumbered 115.383 (title).

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

22           115.383 (1) (a) Develop a proposal for a multiple-vendor student information  
23 system for the standardized collection of pupil data. The proposal shall allow schools  
24 and school districts to use their vendor of choice and include reporting requirements  
25 that can reasonably be met by multiple vendors. The state superintendent may not

1 establish a student information system unless the proposal is approved by the joint  
2 committee on finance under ~~subd. 2 par. (b)~~.

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

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

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

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

22 115.383 (2) (a) The name of the teacher ~~preparatory program or teacher~~  
23 education program the teacher attended and completed or the name of the institution  
24 from which the teacher obtained a bachelor's degree.



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

3 **SECTION 11.** 115.28 (12) (b) of the statutes, as affected by 2013 Wisconsin Act  
4 20, is renumbered 115.383 (3) (a) and amended to read:

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

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

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

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

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

24 115.383 (4) A private school participating in a parental choice program under  
25 s. 118.60 or 119.23 is not required to include information about pupils who are not

1 attending the private school under s. 118.60 or 119.23 in the system it is using under  
2 sub. (3).

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

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

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

11 115.385 (3) This section does not apply after September 30, 2017.

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

13 **115.39 School and school district accountability system.** (1) In this  
14 section, "school" means a public school, including a charter school, and a private  
15 school participating in a parental choice program under s. 118.60 or 119.23.

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

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

22 1. Pupil achievement in reading and mathematics.

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

1           3. Gap closure in growth in pupil achievement in reading and mathematics and  
2 in graduation rates.

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

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

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

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

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

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

24           (d) <sup>On</sup> Identify the accountability report for a private school participating in a  
25 parental choice program under s. 118.60 or 119.23 ~~as a choice school report and~~

12 - 25

① specify ~~in the report~~ the number and percentage of pupils attending the school <sup>private</sup> who  
 ② ~~are attending under the parental choice program.~~ under s. 118.60 or 119.23

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

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

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

- 11 1. Data about pupils who are dropouts, as defined in s. 118.153 (1) (b).
- 12 2. Data about pupils who are suspended or expelled from school.
- 13 3. The number of advanced placement courses that are offered.
- 14 4. The industry certifications that are offered.

13-14 →

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

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

18 (2) (a) 1.:

19 1. Scores on the reading and mathematics examinations administered under  
 20 s. 118.30, including scores on the alternate reading and mathematics examinations  
 21 administered to children with significant cognitive disabilities.

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

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

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

1           5. The English proficiency status of pupils taking the examinations under s.  
2 118.30.

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

5           7. 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).

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

15           (d) For measuring rates of attendance and of high school graduation under sub.  
16 (2) (a) 4., the information under par. (a), attendance data, and data about pupils who  
17 graduate from high school with a regular diploma within 4 school years, within 5  
18 school years, and within 6 school years.

19           (4m) (a) <sup>Except as provided in par. (b),</sup> For a private school participating in a parental choice program under  
20 s. 118.60 or 119.23, the department may use for each measure specified in sub. (2)  
21 (a) only the information specified in sub. (4) that pertains to pupils attending the  
22 private school under the program.

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

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

3 (6) (a) If the department determines that there is insufficient data about a  
4 school to grade its performance under sub. (3) (a) or that a grade under sub. (2) (c)  
5 is inappropriate because the school serves <sup>exclusively</sup> children at risk, as defined under s.  
6 118.153 (1) (a), the department may grade the school as "satisfactory" or "needs  
7 improvement." The department shall issue an accountability report for the school.

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

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

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

19 (a) The format and makeup of the school accountability report and cut scores.

20 (b) Whether a school, determined by the University of Wisconsin-Madison  
21 Value-Added Research Center to demonstrate high-value added growth under s.  
22 118.40 (5) (b) 4., 118.425 (4) (d), 118.60 (9m) (a) 3., or 119.23 (9m) (a) 3., should be  
23 sanctioned under s. 118.40, 118.425, 118.60, or 119.23.

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

15-19

15-23

quality score for each grade

1           115.775 (1) Except as provided in sub. (2), ~~an~~ the operator of a charter school  
2 under s. 118.40 (2r) or 118.425 (4) is a local educational agency, as defined in 20 USC  
3 1401 (19), and shall comply with 20 USC 1400 to 1482.

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

5           118.125 (1) (bc) “Governing body” means the governing body of a school.

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

7           118.125 (1) (bL) “Law enforcement unit” means any individual, office,  
8 department, division, or other component of a school ~~district~~ that is authorized or  
9 designated by the ~~school board~~ governing body to do any of the following:

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

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

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

15           118.125 (1) (f) “School” means a public school; a charter school; or a private  
16 school that is participating in a parental choice program under s. 118.60 or 119.23.

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

18           118.125 (1m) APPLICABILITY. Subsections (2), (2m), (3), and (5) to (7) do not  
19 apply to a pupil who is attending a private school participating in a parental choice  
20 program under s. 118.60 or 119.23 but who is not attending the private school under  
21 s. 118.60 or 119.23.

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

1           118.125 (2) CONFIDENTIALITY AND DISCLOSURE OF PUPIL RECORDS. (intro.) All  
2 pupil records maintained by a public school shall be confidential, except as provided  
3 in pars. (a) to (p) and sub. (2m). The ~~school board~~ governing body shall adopt policies  
4 to maintain the confidentiality of such records and may adopt policies to promote the  
5 disclosure of pupil records and information permitted by law for purposes of school  
6 safety.

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

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

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



1 and further disclose the pupil's attendance record only for the purpose of pursuing  
2 that investigation.

3 (ck) The ~~school district~~ governing body clerk, or his or her designee, shall make  
4 pupil records available for inspection or, upon request, disclose the contents of pupil  
5 records to authorized representatives of the department of corrections, the  
6 department of health services, the department of justice, or a district attorney for use  
7 in the prosecution of any proceeding or any evaluation conducted under ch. 980, if  
8 the pupil records involve or relate to an individual who is the subject of the  
9 proceeding or evaluation. The court in which the proceeding under ch. 980 is pending  
10 may issue any protective orders that it determines are appropriate concerning pupil  
11 records made available or disclosed under this paragraph. Any representative of the  
12 department of corrections, the department of health services, the department of  
13 justice, or a district attorney may disclose information obtained under this  
14 paragraph for any purpose consistent with any proceeding under ch. 980.

15 (cm) If school attendance is a condition of a child's dispositional order under s.  
16 48.355 (2) (b) 7. or 938.355 (2) (b) 7., the ~~school board~~ governing body shall notify the  
17 county department that is responsible for supervising the child within 5 days after  
18 any violation of the condition by the child.

19 (d) Pupil records shall be made available to persons employed by the ~~school~~  
20 ~~district which~~ governing body of the school that the pupil attends who are required  
21 by the department under s. 115.28 (7) to hold a license, law enforcement officers who  
22 are individually designated by the ~~school board~~ governing body and assigned to the  
23 school ~~district~~, and other ~~school district~~ governing body officials who have been  
24 determined by the ~~school board~~ governing body to have legitimate educational  
25 interests, including safety interests, in the pupil records. Law enforcement officers'

1 records obtained under s. 938.396 (1) (c) 3. shall be made available as provided in s.  
2 118.127. A ~~school board~~ member of a governing body or an employee of a ~~school~~  
3 ~~district~~ governing body may not be held personally liable for any damages caused by  
4 the nondisclosure of any information specified in this paragraph unless the member  
5 or employee acted with actual malice in failing to disclose the information. A ~~school~~  
6 ~~district~~ governing body may not be held liable for any damages caused by the  
7 nondisclosure of any information specified in this paragraph unless the ~~school~~  
8 ~~district~~ governing body or its agent acted with gross negligence or with reckless,  
9 wanton, or intentional misconduct in failing to disclose the information.

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

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

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

22 (j) 2. If a school has notified the parent, legal guardian or guardian ad litem that  
23 a pupil's name and address has been designated as directory data, has informed the  
24 parent, legal guardian or guardian ad litem of the pupil that he or she has 14 days  
25 to inform the school that the pupil's name and address may not be released without

1 the prior consent of the parent, legal guardian or guardian ad litem, has allowed 14  
2 days for the parent, legal guardian or guardian ad litem of the pupil to inform the  
3 school that the pupil's name and address may not be released without the prior  
4 consent of the parent, legal guardian or guardian ad litem and the parent, legal  
5 guardian or guardian ad litem has not so informed the school, the ~~school district~~  
6 governing body clerk or his or her designee, upon request, shall provide a technical  
7 college district board with the name and address of each such pupil who is expected  
8 to graduate from high school in the current school year.

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

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

7           (L) A ~~school board~~ governing body shall disclose the pupil records of a pupil in  
8 compliance with a court order under s. 48.236 (4) (a), 48.345 (12) (b), 938.34 (7d) (b),  
9 938.396 (1) (d), or 938.78 (2) (b) 2. after making a reasonable effort to notify the  
10 pupil's parent or legal guardian.

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

24           2. A ~~school board~~ governing body shall disclose pertinent pupil records to an  
25 investigating law enforcement agency or district attorney if the person to whom the

1 records are disclosed certifies in writing that the records concern the juvenile justice  
2 system and the system's ability to effectively serve the pupil, relate to an ongoing  
3 investigation or pending delinquency petition, and will not be disclosed to any other  
4 person except as otherwise authorized by law.

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

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

22 (4) TRANSFER OF RECORDS. Within 5 working days, a ~~school district and a private~~  
23 ~~school participating in the program under s. 118.60 or in the program under s. 119.23~~  
24 governing body shall transfer to another school, ~~including a private or governing~~  
25 body, including the governing body of a tribal school, or school district all pupil

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

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

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

1           (7) DISCLOSURE OF LAW ENFORCEMENT UNIT RECORDS. A school board governing  
2 body shall treat law enforcement unit records of juveniles in the same manner as a  
3 law enforcement agency is required to treat law enforcement officers' records of  
4 juveniles under s. 938.396 (1) (a).

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

6           118.40 (2r) (b) 1. (intro.) ~~All~~ Any of the following entities may establish by  
7 ~~charter and operate a charter school or, on behalf of their respective entities, may~~  
8 ~~initiate a~~ contract with an individual or group a person to operate ~~a school as a~~  
9 charter school:

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

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

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

21           118.40 (2r) (b) 2m. a. A ~~charter or~~ contract may include grounds for expelling  
22 a pupil from the charter school.

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

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

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

4           **SECTION 27.** 118.40 (2r) (bm) of the statutes, as affected by 2013 Wisconsin Act  
5 20, is amended to read:

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

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

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

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

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

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



1           118.40 (3) (b) A contract under par. (a) or under ~~subs.~~ sub. (2m) or (2r) may be  
2 for any term not exceeding 5 school years and may be renewed for one or more terms  
3 not exceeding 5 school years, except that upon request of the charter school operator,  
4 the initial contract shall be for a term of 5 years. The contract shall specify the  
5 amount to be paid to the charter school during each school year of the contract.

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

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

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

12           118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~  
13 ~~contract for, and an~~ or entity under sub. (2r) (b) ~~may establish or enter into a~~ contract  
14 for, the establishment of a charter school that enrolls only one sex or that provides  
15 one or more courses that enroll only one sex if the school board or entity under sub.  
16 (2r) (b) makes available to the opposite sex, under the same policies and criteria of  
17 admission, schools or courses that are comparable to each such school or course.

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

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

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

24           2. Except as provided in subds. 3. and 4., a school board or entity under sub.  
25 (2r) that has contracted for the establishment of a charter school shall revoke the

1 contract if the department determines under s. 115.39 (3) that the charter school has  
2 received a grade of F in at least 3 of 5 consecutive school years and a grade no higher  
3 than D in the other 2 school years under s. 115.39 (2) (c).

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

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

12 5. The revocation of a contract under subd. 1. or 2. is initially effective on <sup>the</sup> July  
13 1 following the issuance of the school's accountability report under s. 115.39 (3)  
14 containing the department's determination under subd. 1. or 2.

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

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

19 **118.42 (title) Low–performing school districts ~~and schools~~; state**  
20 **superintendent interventions.**

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

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

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

24 118.42 (3) (c) 1. (intro.) If the state superintendent issues a directive under par.  
25 (a)–~~or~~ (b), he or she shall do all of the following:

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

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

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

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

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

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

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

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

23          (4) SANCTIONS. (a) Except as provided in par. (d), if the department determines  
24 under s. 115.39 (3) that a public school, other than a charter school, has received a  
25 grade of F under s. 115.39 (2) (c) for 3 consecutive school years, or has received a grade

1 of F in at least 3 of 5 consecutive school years and a grade no higher than D in the  
 2 other 2 school years under s. 115.39 (2) (c), the school board shall determine whether  
 3 to permanently close the school <sup>or</sup> contract under s. 118.40 with a charter management  
 4 organization that is included in the list under sub. (3) to operate the school as a  
 5 charter school <sup>or do all of the following in the school.</sup>

- 6 1. Replace the school's principal.
- 7 2. Implement a rigorous staff evaluation and development system.
- 8 3. Reward staff who increase pupil academic achievement or high school
- 9 graduation rates and remove staff who have not improved in these areas after being
- 10 given an ample opportunity to do so.
- 11 4. Institute comprehensive instructional reform.
- 12 5. Increase the time provided for pupil instruction.
- 13 6. Apply community-oriented school strategies.
- 14 7. Provide greater operational flexibility and support for the school.
- 15 (c) 1. If the school board determines to contract with a charter management
- 16 organization under par. (a), the school board shall enter into the contract by the

✓  
29-16

17 February 1 following the department's determination under par. (a). The contract  
 18 shall provide for the attendance of pupils beginning in the following school year. The  
 19 contract may not require the charter management organization to purchase or lease  
 20 the school.

✓  
29-20

21 (c) 2. If the school board determines to permanently close the school under par. (a)  
 22 ~~or take the actions specified in par. (a) 1 to 7,~~ the school closing ~~actions~~ <sup>actions</sup> take effect  
 23 on <sup>the</sup> July 1 following the issuance of the school's accountability report under s. 115.39  
 24 (3) containing the department's determination under par. (a).

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

3 **SECTION 47.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act  
4 20, is amended to read:

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

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

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

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

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

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

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

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

20 121.02 (1) (o) Annually comply with the requirements of s. ~~115.38 (2).~~ ~~The~~  
21 ~~school board may include additional information in the report under s. 115.38 (2)~~  
22 115.39 (5).

23 **SECTION 52. Nonstatutory provisions.**

24 (1) PROSPECTIVE PERFORMANCE.

NOT

1

(a) Except as provided in par. (b), no data derived from a school year prior to

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4

the 2017-18 school year may be used by the department of public instruction to determine a school's performance under section 115.39 of the statutes, as created by this act.

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(b) Notwithstanding section 118.425 (1) of the statutes, as created by this act, if a public school, including a charter school, that is located in the school district operating under chapter 119 of the statutes is in the lowest-performing 5 percent of all public schools in the state in the 2016-17 school year under section 118.42 (2) of the statutes and receives a grade of F under section 115.39 (2) (c) of the statutes, as created by this act, in the 2017-18 and 2018-19 school years, section 118.40 (5) (b), as created by this act, or section 118.425 (4) and (5) of the statutes, as created by this act, as appropriate, is applicable to the school in the 2020-21 school year as if the school received a grade of F under section 115.39 (2) (c) of the statutes, as created by this act, for the 2016-17, 2017-18, and 2018-19 school years.

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17

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

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19  
20

(3) ACADEMIC ACCOUNTABILITY COUNCIL. Notwithstanding section 15.377 (5) (a) of the statutes, as created by this act, the initial members of the academic accountability council shall be appointed for terms expiring as follows: 1, 3, and 5.

21

(a) <sup>One</sup> The members appointed under section 15.377 (5) (a) 1. <sup>✓</sup> and <sup>✓</sup> 4 of the statutes,

22

as created by this act, for terms expiring on July 1, 2015.

23

(b) The members appointed under section 15.377 (5) (a) 2. and <sup>✓</sup> 3. <sup>✓</sup> of the statutes,

24

as created by this act, for terms expiring on July 1, 2016.

✓ ✓  
1, 3, and

①

(c) <sup>One</sup> ~~The~~ members appointed under section 15.377 (5) (a) ~~5. and~~ of the statutes,  
as created by this act, for terms expiring on July 1, 2017.

**SECTION 53. Initial applicability.**

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

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

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

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

(END)

(5A)

If a school board determines to contract with a CMO, but cannot reach an agreement with ~~the~~ <sup>any</sup> CMO, it may request the <sup>state</sup> 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 <sup>convert</sup> 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:



STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

7-11

¶ 5. Two persons appointed by the governor.

12-25

, identify the grade derived from data generated ~~for~~ by pupils attending the private school under s. 118.60 or 119.23 as a choice pupil report and,

~~identify~~ the grade derived from data generated by all pupils attending the private school <sup>and identify it</sup> as a choice school report. The department may use only

§ 2. Use ~~only~~ the <sup>former</sup> grade derived from data generated by pupils attending the private school under s. 118.60 or ~~119.23~~ in determining when a sanction under s. 118.60 (9m) or 119.23 (9m) may be imposed. The report shall also

→ if the private school submits achievement data as provided in sub. (4m) (b), include a

§. Equity

13-14

participating in a  
parental choice program

119.23 ✓  
 1 ✓  
 ¶ 5. If a private school <sup>participating in a parental choice program</sup> under s. 118.60 or  
 submits  
 achievement data as provided in sub. (4m)(b),  
 private school's  
 the grade derived from data generated by all  
 pupils attending the private school, displayed  
 just as prominently on the page as the  
 private school's grade <sup>derived solely from data generated</sup> by pupils attending  
 the private school under s. 118.60 or 119.23.

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

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

12 ~~(5) Each school shall provide a link on the home page of its Internet site to the~~  
13 ~~report issued by the department under this section.~~

14 ~~(6) (a) If the department determines that there is insufficient data about a~~  
15 ~~school to grade its performance under sub. (3) (a) or that a grade under sub. (2) (c)~~  
16 ~~is inappropriate because the school serves children at risk, as defined under s.~~  
17 ~~118.153 (1) (a), the department may grade the school as satisfactory or needs~~  
18 ~~improvement. The department shall issue an accountability report for the school.~~

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

23 ~~(7) The legislative audit bureau shall study the department's methodology for~~  
24 ~~calculating the performance of schools and school districts for the most recently~~  
25 ~~issued accountability reports under this section and annually in January submit its~~

15-19

(w 4) The council shall make <sup>recommendations</sup> recommendations  
on <sup>revising</sup> the cut scores / cut scores at least biennially.

qualitying score for each grade

✓  
15-23

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

29-16

1.  
 (b) If the school board determines to contract with a charter management organization under par. (a), it shall issue a request for proposals and publish a class 1 notice under ch. 985 of the statutes ~~request~~ within 30 days of the department's determination under par. (a) (2). The school board shall enter into the contract with the charter management organization by the

~~2. If the school board is unable to reach an agreement with a charter management organization - under par.~~

29-20:1

determines to contract with a charter management organization under par. (a) but

# 2. If the school board is unable to reach an agreement with ~~any~~ any charter management organization, ~~under subd. 1.~~, the school board may request the state superintendent to waive the requirement under par. (a). The state superintendent shall refer the request to the academic accountability council for its recommendation. The state superintendent may waive the requirement under par. (a) if the school board demonstrates that it engaged in a good-faith effort to reach an agreement with a charter management organization.

3. If the state superintendent



29-20:2

grants the waiver, the school board shall convert the school to a charter school, ~~organized as an instrumentality of the school district,~~ and ~~shall~~ do all of the following in the school:

effective in the school year following the date of the department's determination under par. (a),

29-20:3

1 of F in at least 3 of 5 consecutive school years and a grade no higher than D in the  
2 other 2 school years under s. 115.39 (2) (c), the school board shall determine whether  
3 to permanently close the school, contract under s. 118.40 with a charter management  
4 organization that is included in the list under sub. (3) to operate the school as a  
5 charter school, or do all of the following in the school:

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

15 (c) 1. If the school board determines to contract with a charter management  
16 organization under par. (a), the school board shall enter into the contract by the  
17 February 1 following the department's determination under par. (a). The contract  
18 shall provide for the attendance of pupils beginning in the following school year. The  
19 contract may not require the charter management organization to purchase or lease  
20 the school.

21 2. If the school board determines to permanently close the school under par. (a)  
22 or take the actions specified in par. (a) 1. to 7., the school closing or actions take effect  
23 on July 1 following the issuance of the school's accountability report under s. 115.39  
24 (3) containing the department's determination under par. (a).

30-8

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

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

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

9 (b) Notwithstanding s. 118.40 (3) (b), the school board shall pay the operator  
10 of a charter school established under sub. (4), for each full-time equivalent pupil  
11 attending the charter school, an amount equal to at least 90 percent of the average  
12 per pupil cost for the school district.

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

14 118.60 (9m) (a) 1. Except as provided in subd. 3., if the department determines  
15 under s. 115.39 (3) that a private school participating in the program under this  
16 section has received a grade of F under s. 115.39 (2) (c) for 3 consecutive school years,  
17 the state superintendent shall issue an order permanently barring the private school  
18 from accepting any pupils under this section who were not attending the private  
19 school under this section in the school year in which the order was issued.

20 2. Except as provided in subd. 3., if the department determines under s. 115.39  
21 (3) that a private school participating in the program under this section has received  
22 a grade of F in at least 3 of 5 consecutive school years and a grade no higher than D  
23 in the other 2 school years under s. 115.39 (2) (c), the state superintendent shall issue  
24 an order permanently barring the private school from accepting any pupils under

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

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

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

10 **SECTION 43.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act  
11 20, is amended to read:

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

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

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

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

21 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
22 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
23 115.345, 115.363, 115.365 (3), ~~115.38 (2)~~, 115.383, 115.39, 115.415, 115.445, 118.001  
24 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to  
25 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,

1 118.19, 118.20, 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245,  
2 118.255, 118.258, 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52,  
3 118.53, 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2)  
4 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),  
5 and 120.25 are applicable to a 1st class city school district and board.

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

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

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

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