



State of Wisconsin
2013 - 2014 LEGISLATURE



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2013 SENATE BILL 286

September 5, 2013 – Introduced by Senator OLSEN, cosponsored by Representatives KESTELL, BIES and A. OTT. Referred to Committee on Education.

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

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- 1 information system, a school and school district accountability system,
2 low-performing schools and school districts, and charter school contracts.
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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 bill provides that if the SIS is established, DPI must ensure that within five years, every school district and every charter school, other than an independent charter school, is using the system. The bill also provides that, beginning in the 2014-15 school year, DPI must ensure that every independent charter school and every private school participating in an SIS is either using the SIS or is using a system that is commercially available, capable of providing the information required, able to obtain pupil identification numbers, and compatible with the most recent version of the Schools Interoperability Framework. If the SIS is established, the bill allows DPI to promulgate rules establishing a fee for using the SIS.

Finally, the bill 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 bill eliminates all of the above provisions and establishes a school and school district accountability system, initially effective in the 2014-15 school year,

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that is applicable to public schools, charter schools, and private schools participating in a PCP. The bill 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. College and career readiness.
4. Gap closure in pupil academic achievement and graduation rates.
5. Pupil engagement in school.

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

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

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

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

The bill 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 appropriate standing committees of the legislature.

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.
- 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.

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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 bill makes various changes to the above provisions, including the following:

School districts

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

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

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

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

4. Implement a system of academic and behavioral supports and early intervention for pupils.

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

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

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

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2. Implement a new or modified instructional design.
3. Implement professional development programs.
4. Implement changes in administrative and personnel structures.
5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions.

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

Public schools

If DPI determines that a public school, other than a charter school, has performed at the lowest performance level for three consecutive school years, the school board must complete a DPI-approved, diagnostic review of the school and, based on the results of the review, do one of the following:

1. Implement DPI-approved improvement activities that significantly transform the school.
2. Convert the school to a charter school.
3. Close the school.

In addition, if the school board implements DPI-approved improvement activities, DPI must direct the school board to do one or more of the following:

1. Modify one or more of the activities performed by the school board, described above.
2. Implement a new or modified instructional design in the school.
3. Implement professional development programs in the school.
4. Implement changes in administrative and personnel structures in the school.
5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions.

If the school board implements DPI-approved improvement activities, as described above, but the school fails to improve to at least the performance level of "meets few expectations" within three school years, the school board must convert the school to a charter school or close the school.

Charter schools

The bill provides that a contract for the establishment of a charter school must provide that if DPI determines that a charter school has performed at the lowest performance level for three consecutive school years, the school board or other entity that has contracted for the operation of the charter school must require that a remediation plan, approved by the school board or other entity, be implemented by the charter school operator. If the charter school operator implements a remediation plan but the school's performance fails to improve to at least the level of "meets few expectations" within three school years, the school board or other entity must revoke the school's charter. If a charter school's charter is revoked, the bill prohibits it from participating as a private school in a PCP.

Choice schools

If DPI determines that a private school participating in a PCP has performed at the lowest level for three consecutive school years, the bill requires the private

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school to notify its accrediting agency of the determination. If the private school's performance fails to improve to at least the level of "meets few expectations" within three school years of DPI's determination, DPI must issue an order barring the private school from participating in a PCP. A private school barred from participating in a PCP 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 bill allows charter schools to be established by contract only.

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

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

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

1 **SECTION 1.** 20.255 (1) (e) of the statutes, as affected by 2013 Wisconsin Act 20,
2 is amended to read:

3 20.255 (1) (e) *Student information system.* As a continuing appropriation, the
4 amounts in the schedule for the student information system under s. ~~115.28 (12)~~
5 115.383.

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

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

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

12 115.001 (1) CHARTER SCHOOL. "Charter school" means a school under contract
13 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.

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1 118.40 (2r) (b), ~~or a school established and operated by one of the entities under s.~~
2 118.40 (2r) (b).

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

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

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

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

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

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

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1 ~~or a teacher education program described in sub. (7) (e) 2. and located in this state~~
2 ~~on or after January 1, 2012, or, for each teacher teaching in a private school~~
3 ~~participating in a parental choice program under s. 118.60 or 119.23, who obtained~~
4 ~~a bachelor's degree from an institution located in this state on or after July 1, 2010:~~

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

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

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

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

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

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

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1 under sub. (5), and compatible with the most recent version of the Schools
2 Interoperability Framework.

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

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

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

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

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

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

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

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

23 **115.39 School and school district accountability system.** (1) In this
24 section, "school" means a public school, including a charter school, and a private
25 school participating in a parental choice program under s. 118.60 or 119.23.

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1 **(2)** The department shall establish a comprehensive school and school district
2 accountability system beginning in the 2014–15 school year that includes all of the
3 following components:

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

7 1. Pupil achievement in reading and mathematics.

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

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

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

13 5. Pupil engagement in school.

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

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

18 1. Significantly exceeds expectations.

19 2. Exceeds expectations.

20 3. Meets expectations.

21 4. Meets few expectations.

22 5. Fails to meet expectations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (d) For measuring college and career readiness under sub. (2) (a) 3. and pupil
17 engagement in school under sub. (2) (a) 5., the information under par. (a); the
18 assessment records of pupils who are eligible to take the examinations administered
19 under s. 118.30; scores on the examinations administered to pupils under s. 118.30;
20 pupil performance on postsecondary entrance or placement examinations; and
21 pupil-level data about all of the following:

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

23 2. Pupils who graduate from high school with a regular diploma within 4 school
24 years and pupils who graduate from high school with a regular diploma within 5 or
25 6 school years.

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1 3. Pupils and high school graduates enrolled in postsecondary educational
2 programs.

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

5 5. High school graduates entering the workforce.

6 6. Pupils who are suspended or expelled; the reasons for the suspension or
7 expulsion; the length of time for which pupils are expelled; whether pupils return to
8 school after being expelled; the educational programs and services provided to
9 expelled pupils, except for pupils attending a private school under s. 118.60 or 119.23;
10 and the schools attended by pupils who are suspended or expelled.

11 7. Pupils participating in art and music classes and physical education classes
12 offered by the school or school district.

13 8. Pupils who attain industry-recognized certifications.

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

15 10. Pupils participating in extracurricular activities.

16 11. Pupils taking the military readiness examination.

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

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

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

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

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1 inappropriate because the school serves children at risk, as defined under s. 118.153
2 (1) (a), the department may rate the school as satisfactory or needs improvement.
3 The department shall issue an accountability report for the school.

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

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

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

SENATE BILL 286**SECTION 15**

1 **SECTION 15.** 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 16.** 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 17.** 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 18.** 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.

SENATE BILL 286**SECTION 19**

1 **SECTION 19.** 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 contract~~
5 for the establishment of a charter school located only in the school district operating
6 under ch. 119. The chancellor of the University of Wisconsin–Milwaukee may
7 ~~establish or enter into a contract~~ for the establishment of a charter school located
8 only in Milwaukee County or in an adjacent county. The chancellor of the University
9 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 20.** 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 21.** 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 22.** 118.40 (2r) (d) 3. of the statutes is created to read:

22 118.40 **(2r)** (d) 3. If the department determines under s. 115.39 (3) that a
23 charter school established under this subsection has performed at the lowest
24 performance level for 3 consecutive school years, annually submit to the department

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1 the following information until the charter school improves to at least the
2 performance level specified in s. 115.39 (2) (c) 4.:

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

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

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

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

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

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

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

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

22 118.40 (4) (c) *Single-sex schools and courses.* A school board ~~may enter into a~~
23 ~~contract for, and an~~ or entity under sub. (2r) may ~~establish or enter into a~~ contract
24 for; the establishment of a charter school that enrolls only one sex or that provides
25 one or more courses that enroll only one sex if the school board or entity under sub.

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1 (2r) makes available to the opposite sex, under the same policies and criteria of
2 admission, schools or courses that are comparable to each such school or course.

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

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

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

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

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

17 **SECTION 29.** 118.42 (1) (a) to (d) of the statutes are renumbered 118.42 (1) (am)
18 2. to 5.

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

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

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

24 **SECTION 31.** 118.42 (1) (bm) (intro.) and 1. of the statutes are created to read:

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

4 1. Modify one or more of the activities performed by the school board under par.
5 (am).

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

7 118.42 (1) (cm) Nothing in this subsection authorizes the department to
8 require, or a school board to implement, an action that would result in an impairment
9 of the school board's contract with a charter school operator.

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

11 **SECTION 34.** 118.42 (2m) of the statutes is created to read:

12 118.42 (2m) (a) If the state superintendent determines under s. 115.39 (3) that
13 a public school, other than a charter school, has performed at the lowest performance
14 level for 3 consecutive school years, the school board shall complete a
15 department-approved, on-site, diagnostic review of the school to determine the
16 causes of the school's poor performance and relevant mitigating factors. Based on
17 the results of the diagnostic review, the school board shall do one of the following:

18 1. Implement department-approved improvement activities that are
19 consistent with federal improvement requirements and that significantly transform
20 the school.

21 2. Convert the school to a charter school.

22 3. Close the school.

23 (b) If a school board implements department-approved improvement activities
24 under par. (a) 1., the state superintendent shall direct the school board to do one or

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1 more of the following after the state superintendent consults with the school board,
2 the school district administrator and school district employees:

3 1. Modify one or more of the activities performed by the school board under par.

4 (a) 1.

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

7 3. Implement professional development programs that focus on improving
8 pupil academic achievement in the school.

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

11 5. Adopt accountability measures to monitor the school district's finances or to
12 monitor other interventions directed by the state superintendent under subds. 1. to
13 4.

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

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

19 **SECTION 36.** 118.42 (3) (a) 1. of the statutes is repealed.

20 **SECTION 37.** 118.42 (3) (a) 2. to 5. of the statutes are renumbered 118.42 (1) (bm)
21 2. to 5.

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

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

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

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1 118.60 **(9m)** (a) If the department determines under s. 115.39 (3) that a private
2 school participating in the program under this section has performed at the lowest
3 performance level for 3 consecutive school years, the private school shall notify its
4 accrediting agency of the determination and request the agency to review the school's
5 accreditation.

6 (b) If the private school fails to improve to at least the performance level
7 specified in s. 115.39 (2) (c) 4. within 3 school years of the department's determination
8 under par. (a), the state superintendent shall issue an order, effective on the
9 succeeding July 1, permanently barring the private school from participating in the
10 program under this section and the program under s. 119.23.

11 (c) A private school that has been barred under par. (b) may not reopen as a
12 charter school.

13 **SECTION 41.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
14 20, is amended to read:

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

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

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

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

24 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
25 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,

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

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

10 119.23 **(9m)** (a) If the department determines under s. 115.39 (3) that a private
11 school participating in the program under this section has performed at the lowest
12 performance level for 3 consecutive school years, the private school shall notify its
13 accrediting agency of the determination and request the agency to review the school's
14 accreditation.

15 (b) If the private school fails to improve to at least the performance level
16 specified in s. 115.39 (2) (c) 4. within 3 school years of the department's determination
17 under par. (a), the state superintendent shall issue an order, effective on the
18 succeeding July 1, permanently barring the private school from participating in the
19 program under this section and the program under s. 118.60.

20 (c) A private school that has been barred under par. (b) may not reopen as a
21 charter school.

22 **SECTION 45.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act
23 20, is amended to read:

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1 119.23 (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 46.** 119.23 (10) (d) of the statutes is amended to read:

5 119.23 (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 47.** 120.12 (26) of the statutes is created to read:

9 120.12 (26) STAFFING AND FINANCIAL DATA. Upon request, provide to the
10 department any staffing or financial data that the department needs to comply with
11 state or federal reporting requirements.

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

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

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

16 121.02 (1) (o) Annually comply with the requirements of s. ~~115.38 (2).~~ ~~The~~
17 ~~school board may include additional information in the report under s. 115.38 (2)~~
18 115.39 (5).

19 **SECTION 50. Nonstatutory provisions.**

20 (1) MILWAUKEE PUBLIC SCHOOLS. (a) Except as provided under paragraph (b),
21 no data derived from a school year prior to the 2014–15 school year may be used by
22 the department of public instruction to determine a school’s or a school district’s
23 performance under section 115.39 of the statutes, as created by this act.

24 (b) For the purpose of section 118.42 of the statutes, as affected by this act, the
25 department of public instruction shall treat the school district operating under

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1 chapter 119 of the statutes as if it had performed at the lowest performance level
2 under section 115.39 (2) (c) of the statutes, as created by this act, for the 3 consecutive
3 school years immediately preceding the school year in which this subsection takes
4 effect.

5 (2) LEGISLATIVE AUDIT BUREAU REPORT. The legislative audit bureau shall submit
6 its initial report under section 115.39 (7) of the statutes, as created by this act, in
7 January 2016.

8 **SECTION 51. Initial applicability.**

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

13 (END)