

2013 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB286)

Received: 2/7/2014 Received By: pgrant
Wanted: As time permits Same as LRB:
For: Luther Olsen (608) 266-0751 By/Representing: Sarah Archibald
May Contact: Drafter: pgrant
Subject: Education - charter schools Addl. Drafters:
Education - choice programs Extra Copies: TKK
Education - school boards FFK
Education - state superintendent

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

Pre Topic:

No specific pre topic given

Topic:

Student information system

Instructions:

See attached

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>
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/1			rschluet 2/7/2014	_____	lparisi 2/7/2014	lparisi 2/7/2014	

FE Sent For:

<END>

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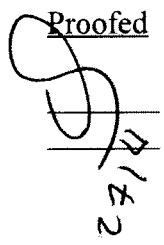
Topic:

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FE Sent For:

<END>

Grant, Peter

From: Archibald, Sarah
Sent: Friday, February 07, 2014 12:40 PM
To: Grant, Peter
Subject: Drafting request

Hi Peter,

As I feared would happen, we're now at a point where Luther wants a /1 that is dramatically different from the one that you are drafting for the Assembly. That's the bad news.

The good news for you is that it is very simple. It would simply contain Sections 3-15. I think – I'm not sure what 15 does. Basically, just bring the choice and 2r in to the SIS by 15-16 and create pupil id#s for choice kids.

Thanks!
Sarah

Sarah Archibald, Ph.D.
Education Policy Advisor
Office of Senator Luther Olsen
319 South, State Capitol
Madison, WI 53707
(608) 266-0751
[Senator Olsen on Facebook](#)

Sarah Archibald

2/7/17

~~draft~~
~~OPEN~~

check @ in 15-16

unique id sec 3-14

inst to SB 276



Monday



LRBs0208/P8
PG.eev&kjf:rs

LRBs 0275/1
PG:eev:

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 286**

regen

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.)~~

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:

- 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, 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:

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

University of Wisconsin-Madison Value-Added Research Center, that the school demonstrates high-value added growth.

Choice schools

INDPI 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. One person appointed by the president of the senate.
- 4 2. One person appointed by the minority leader of the senate.
- 5 3. One person 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.

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:

	2013-14	2014-15
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20 **20.255 Public instruction, department of**

21 (3) EDUCATIONAL LEADERSHIP

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

End