



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRBs0023/2  
TKK:wlj&kjf:wj

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

March 10, 2015 - Offered by Representative THIESFELDT.

1     **AN ACT to repeal** 118.60 (10) (a) 4., 119.23 (10) (a) 4. and 121.006 (2) (d); **to**  
2     **renumber and amend** 115.385 (1) (b); **to amend** 115.385 (1) (a) (intro.),  
3     115.385 (1) (a) 1., 115.385 (1) (a) 3., 115.385 (2), 118.153 (1) (a) 5., 118.30 (1),  
4     118.30 (2) (b) 3., 118.30 (2) (b) 4., 118.30 (2) (b) 5., 118.30 (2) (b) 6., 118.30 (5m),  
5     118.30 (7), 118.33 (6) (a) 1., 118.33 (6) (b) 1., 118.33 (6) (c) 1., 118.33 (6) (cr) 1.,  
6     118.40 (2r) (b) 2., 118.40 (2r) (bm), 118.40 (2r) (d) 2., 118.60 (7) (e) and 119.23  
7     (7) (e); **to repeal and recreate** 118.42; and **to create** 20.255 (1) (fm), 20.255  
8     (2) (ca), 115.28 (54m), 115.28 (62), 115.293, 115.385 (1) (a) 1m., 115.385 (1) (a)  
9     4., 115.385 (1) (b) 1., 115.385 (1) (b) 2., 115.385 (1) (b) 3., 115.385 (1) (b) 4.,  
10     115.385 (1) (b) 5., 115.385 (1) (c), 115.385 (1m), 115.385 (1r), 115.385 (3), 115.385  
11     (4), 115.385 (5), 115.385 (6), 115.385 (7), 115.385 (8), 115.385 (9), 115.385 (10),  
12     118.301, 118.40 (2r) (b) 1. e., 118.40 (2r) (b) 1. f., 118.57 and 120.12 (13) of the  
13     statutes; **relating to:** a school accountability report, providing an exemption

1 from emergency rule procedures, providing an exemption from rule-making  
2 procedures, granting rule-making authority, and making appropriations.

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

This substitute amendment makes a number of changes to the laws governing pupil assessments, pupil academic standards, and school accountability.

#### **PUPIL ASSESSMENTS**

Current law requires the State Superintendent of Public Instruction (state superintendent) to approve examinations for measuring pupil attainment of knowledge and concepts. With certain exceptions, current law requires school districts, private schools participating in a parental choice program (participating private schools), and independent charter schools to administer the examination approved by the state superintendent. This substitute amendment prohibits the state superintendent from approving examinations developed by the Smarter Balanced Assessment Consortium.

This substitute amendment requires an entity or organization with expertise to evaluate alternative examinations (research center) to recommend alternative examinations determined to be acceptable for statistical comparison with the examinations approved by the state superintendent. The substitute amendment requires the Department of Public Instruction (DPI) to approve three alternative examinations by rule, and permits a school to administer an alternative examination approved by DPI by rule instead of the examination approved by the state superintendent. The research center must provide DPI with a list of alternative examinations within 90 days after the effective date of the substitute amendment.

#### **ACADEMIC STANDARDS**

Current law requires each school district, participating private school, and independent charter school to adopt pupil academic standards, and permits the schools to adopt academic standards approved by the state superintendent. The state superintendent has adopted academic standards, in mathematics and in English and language arts, developed by the Common Core State Standards Initiative (common core standards). This substitute amendment prohibits the state superintendent from giving effect to any common core standards currently in effect, and prohibits the state superintendent from adopting or implementing any new common core standards. The bill also prohibits the state superintendent from requiring a school district to adopt or implement any common core standard.

#### **ACCOUNTABILITY REPORTS**

Current law requires DPI to annually prepare accountability reports that evaluate the performance and improvement of each school and school district in the state and, beginning in the 2015-16 school year, of each participating private school and independent charter school. DPI must place each school and school district into one of five performance categories based on certain measures, including pupil achievement in reading and mathematics.

This substitute amendment replaces the performance categories with grade levels; each grade level includes a letter grade. The substitute amendment requires DPI to establish the qualifying score for each grade level by rule. The substitute amendment also provides more specificity with respect to the measures used to determine school performance and school district improvement. For example, under the substitute amendment, in determining a school's performance or a school district's improvement, DPI must take into account the percentage of economically disadvantaged pupils enrolled in the school or school district and the length of time a pupil was enrolled in the school or school district. The substitute amendment establishes a sliding scale under which DPI must weigh growth in pupil achievement depending upon the percentage of economically disadvantaged pupils in the membership of the school or school district; the weight accorded to growth in pupil achievement increases as the percentage of economically disadvantaged pupils in the membership increases. The substitute amendment also requires DPI to give greater weight to the assessment scores of pupils who have been enrolled in a school or school district for three or more years.

For purposes of measuring a school district's improvement, the substitute amendment prohibits DPI from using information or scores derived from a virtual charter school that is considered to be located in the school district if at least 50 percent of the pupils are attending the virtual charter school under the open enrollment program.

The substitute amendment permits a participating private school either to submit pupil assessment scores only for pupils attending the school under a parental choice program (PCP) or to submit pupil assessment scores for all pupils attending the participating private school. If the school submits achievement data only for PCP pupils, DPI must identify the grade level of the participating private school as a choice pupil grade. If the school submits scores for all pupils attending the participating private school, DPI must also identify a grade level for the private school and identify the grade as a private school grade. DPI may not require a participating private school to submit achievement data for any school year in which fewer than 20 pupils are attending the participating private school under a PCP. DPI may not publish an accountability report for a participating private school that is exempt from reporting achievement data under the substitute amendment.

### **INTERVENTIONS FOR LOW-PERFORMING SCHOOLS AND SCHOOL DISTRICTS**

Current law provides that if the state superintendent of public instruction determines that a school is in need of improvement for five consecutive school years or that a school district is in need of improvement for four consecutive school years, the state superintendent may direct the school board to, after seeking input from school district staff, do one or more of the following in the school or school district:

1. Implement a new curriculum.
2. Implement a new instructional design, including expanded school hours, additional pupil supports and services, and individual learning plans for pupils.
3. Implement professional development programs focused on improving pupil academic achievement.

4. Make personnel changes.

5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent.

Current law also authorizes the state superintendent to withhold state aid from any school district that fails to comply to the state superintendent's satisfaction with any of the above directives.

This substitute amendment repeals these provisions.

The substitute amendment replaces current law requirements for low-performing schools with the following interventions:

1. Use rigorous and equitable performance evaluation systems for teachers and principals. The evaluation systems must include annual performance evaluations; multiple rating categories and criteria; observation-based performance assessments; and a method of identifying mitigating factors, such as a high rate of pupil mobility, insufficient preparation time, insufficient paraprofessional support, insufficient professional development, and insufficient resources or support, that could affect a teacher's or principal's performance.

2. 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 upon their qualifications and effectiveness, is equitable, and take corrective action if necessary.

3. Establish teacher and principal improvement programs that include supplemental mentoring for those with emergency licenses or permits; opportunities to pursue other professional certifications; and, annually, at least 60 hours of professional development that is incorporated into their work.

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

These interventions must be implemented by the school board or operator of a charter school subject to step one sanctions, described below.

### **SANCTIONS FOR LOW-PERFORMING SCHOOLS**

The substitute amendment requires DPI to impose sanctions upon a school that receives a letter grade of "D — Meets Few Expectations" or "F — Fails to Meet Expectations" on the third accountability report of any three consecutive accountability reports, beginning with the accountability report published for the 2016-17 school year. The substitute amendment imposes different sanctions upon public schools and participating private schools, and increases the severity of sanctions imposed upon all schools in two steps.

#### **STEP ONE SANCTIONS — PUBLIC SCHOOLS, INCLUDING INDEPENDENT CHARTER SCHOOLS**

The school board of a school, or operator of a charter school, subject to step one sanctions must comply for three school years with the requirements for low-performing schools, described above. Under the substitute amendment, DPI must make payments to school districts for the purpose of implementing the interventions. In addition, the school board or operator of a charter school other than an independent charter school must authorize the school district administrator to act, unilaterally and on matters related to the operation and administration of the

school that is subject to sanctions, contrary to policies and procedures adopted by the school board. The substitute amendment prohibits the school board from retaliating against the school district administrator for any lawful actions undertaken pursuant to this authority.

If a public school subject to step one sanctions receives a grade level of “D — Meets Few Expectations” on the third accountability report after the school becomes subject to step one sanctions, the school must comply with the step one requirements for two additional school years, and must pay for the costs of implementing the interventions.

#### **STEP ONE SANCTIONS — PARTICIPATING PRIVATE SCHOOLS**

A participating private school with 20 or more pupils attending the school under a PCP and subject to step one sanctions may not accept any additional pupils under a PCP, other than siblings of pupils already attending the school under a PCP, for three consecutive school years.

#### **STEP TWO SANCTIONS — PUBLIC SCHOOLS, OTHER THAN INDEPENDENT CHARTER SCHOOLS**

If a public school, other than an independent charter school, subject to step one sanctions receives a grade level of “F — Fails to Meet Expectations” on the third accountability report after the school becomes subject to step one sanctions, the school board or operator of the charter school must take certain actions from a selection of actions. These actions include reorganizing the school, converting the school to an independent or instrumentality charter school for at least one five-year contract term, and contracting with an education management agency for at least one five-year contract term. The substitute amendment authorizes the chancellors and deans of any university or college in the University of Wisconsin System and the boards of any technical college district to establish and operate an independent charter school for a school subject to step two sanctions.

If the school board or operator of a charter school, other than an independent charter school, fails to take any of the actions on behalf of the school subject to step two sanctions within the 12 months after the school becomes subject to step two sanctions, the state superintendent must freeze the amount of state aid paid to the school district in the next school year at the amount paid in the previous school year. For each subsequent school year in which the school district fails to take any action, the state superintendent must reduce the amount of state aid paid to the school district by 1 percent.

#### **STEP TWO SANCTIONS — INDEPENDENT CHARTER SCHOOLS**

An independent charter school that receives a grade level of “F — Fails to Meet Expectations” at the end of the three-year step one sanctions period must fulfill any contractual obligations with DPI as soon as practicable. DPI must discontinue payments to the independent charter school as soon as practicable.

#### **STEP TWO SANCTIONS — PARTICIPATING PRIVATE SCHOOLS**

A private school that receives a grade level of “F — Fails to Meet Expectations” at the end of the three-year step one sanctions period must fulfill any contractual obligations with DPI as soon as practicable and may not accept any new pupils under

a PCP for four school years. DPI must discontinue payments to the participating private school as soon as practicable.

#### **EXITING SANCTIONS**

Under the substitute amendment, the state superintendent may release a school subject to step one sanctions if the school receives a grade level of “C — Meets Expectations” or better on an accountability report published for the school within the three-year step one sanctions period. The state superintendent may release a public school subject to step two sanctions if the school receives a grade level of “C — Meets Expectations” or better on two consecutive accountability reports. The state superintendent may release a public school that has been converted to an instrumentality charter school or an independent charter school, or that has entered into a contract with an education management agency, from exiting sanctions at the end of the five-year contract term.

#### **NOTICES AND DECLARATIONS**

Under the substitute amendment, each school must provide a copy of the school’s accountability report to the parent or guardian of each pupil enrolled in the school. The substitute amendment also requires each school board to annually publish as a class 1 notice and send by U.S. mail a letter to the parent or guardian of each child who resides within the school district of the educational options available to that child and the most recent accountability report published for each school within the school district. The substitute amendment requires each school board to provide the parent or guardian of each child enrolled in a public school in the school district a written summary of information about the examinations required or permitted to be administered to pupils that will be administered to pupils enrolled in a public school in the school district. Finally, the substitute amendment requires each school board to annually convene in the month of May to vote on the pupil academic standards to be adopted by the school board. The school board of a common or union high school district must include as an item on the agenda of the annual meeting a resolution to be considered regarding the pupil academic standards adopted by the school board in the month of May.

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

- 1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2 the following amounts for the purposes indicated:

1 **2015-16**      **2016-17**

2 **20.255 Public instruction, department of**

3 (1) EDUCATIONAL LEADERSHIP

4 (fm) Statistical evaluation of alterna-

5 tive examinations GPR    A            -0-            -0-

6 (2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

7 (ca) Interventions in low-performing

8 schools GPR    A            -0-            -0-

9 **SECTION 2.** 20.255 (1) (fm) of the statutes is created to read:

10 20.255 (1) (fm) *Statistical evaluation of alternative examinations.* The  
11 amounts in the schedule to pay the costs of the entity or organization under s.  
12 118.301.

13 **SECTION 3.** 20.255 (2) (ca) of the statutes is created to read:

14 20.255 (2) (ca) *Interventions in low-performing schools.* The amounts in the  
15 schedule for the purpose of implementing interventions under s. 115.385 (6) (a) 2.

16 **SECTION 4.** 115.28 (54m) of the statutes is created to read:

17 115.28 (54m) NOTICE OF EDUCATIONAL OPTIONS. Include on the home page of the  
18 department's Internet site a link to information about all of the educational options  
19 available to children in the state who are at least 3 years old but not yet 18 years old,  
20 including public schools, private schools participating in a parental choice program,  
21 charter schools, virtual schools, full-time open enrollment, youth options, course  
22 options, and options for pupils enrolled in a home-based private educational  
23 program.

24 **SECTION 5.** 115.28 (62) of the statutes is created to read:

1           115.28 **(62)** ALTERNATIVE TESTS. Publish on the department's Internet site a list  
2 of alternative tests approved by rule under s. 118.301.

3           **SECTION 6.** 115.293 of the statutes is created to read:

4           **115.293 Smarter Balanced Assessment Consortium; Common Core**  
5 **State Standards Initiative; prohibition.** (1) Beginning on the effective date of  
6 this subsection ... [LRB inserts date], the state superintendent shall cease all  
7 participation in the Smarter Balanced Assessment Consortium.

8           (2) The state superintendent may not give effect to any academic standard  
9 developed by the Common Core State Standards Initiative and adopted and  
10 implemented in this state before the effective date of this subsection ... [LRB inserts  
11 date]. The state superintendent may not require any school board to give effect to  
12 any such academic standard.

13           (3) Beginning on the effective date of this subsection ... [LRB inserts date], the  
14 state superintendent may not take any action to adopt or implement any academic  
15 standard developed by the Common Core State Standards Initiative, and may not  
16 direct any school board to adopt or implement any such standard.

17           **SECTION 7.** 115.385 (1) (a) (intro.) of the statutes is amended to read:

18           115.385 (1) (a) (intro.) Multiple measures to determine a school's performance  
19 or a school district's improvement, including all of the following categorized by  
20 English language proficiency, disability, income level, and race or ethnicity:

21           **SECTION 8.** 115.385 (1) (a) 1. of the statutes is amended to read:

22           115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.  
23 The department may use only scores on the reading and mathematics examinations  
24 administered under s. 118.30 or alternative examinations approved under s.  
25 118.301, including scores on the alternate reading and mathematics examinations



1 administered to children with significant cognitive disabilities, to measure pupil  
2 achievement under this subdivision.

3 **SECTION 9.** 115.385 (1) (a) 1m. of the statutes is created to read:

4 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,  
5 calculated using a value-added methodology.

6 **SECTION 10.** 115.385 (1) (a) 3. of the statutes is amended to read:

7 115.385 (1) (a) 3. ~~Gaps~~ Gap closure in pupil achievement in reading and  
8 mathematics and, when available, rates of graduation, ~~categorized by race, English~~  
9 ~~language proficiency, disability, and income level.~~

10 **SECTION 11.** 115.385 (1) (a) 4. of the statutes is created to read:

11 115.385 (1) (a) 4. Rates of attendance or of high school graduation.

12 **SECTION 12.** 115.385 (1) (b) of the statutes is renumbered 115.385 (1) (b) (intro.)  
13 and amended to read:

14 115.385 (1) (b) (intro.) An index system to identify a school's level of  
15 performance and a school district's level of improvement and to annually place assign  
16 to each school into and school district one of ~~5 performance categories.~~ the following  
17 grade levels:

18 **SECTION 13.** 115.385 (1) (b) 1. of the statutes is created to read:

19 115.385 (1) (b) 1. "A — Significantly Exceeds Expectations."

20 **SECTION 14.** 115.385 (1) (b) 2. of the statutes is created to read:

21 115.385 (1) (b) 2. "B — Exceeds Expectations."

22 **SECTION 15.** 115.385 (1) (b) 3. of the statutes is created to read:

23 115.385 (1) (b) 3. "C — Meets Expectations."

24 **SECTION 16.** 115.385 (1) (b) 4. of the statutes is created to read:

25 115.385 (1) (b) 4. "D — Meets Few Expectations."

1           **SECTION 17.** 115.385 (1) (b) 5. of the statutes is created to read:

2           115.385 (1) (b) 5. “F — Fails to Meet Expectations.”

3           **SECTION 18.** 115.385 (1) (c) of the statutes is created to read:

4           115.385 (1) (c) A qualitative definition for each of the 5 grade levels in par. (b).

5           **SECTION 19.** 115.385 (1m) of the statutes is created to read:

6           115.385 (1m) For purposes of determining a school’s performance or a school  
7 district’s improvement under sub. (1), all of the following apply:

8           (a) The department may not include the following pupils or pupil assessment  
9 scores:

10           1. A pupil who attended a private school under the program under s. 118.60 or  
11 119.23 in the 8th grade and who transfers to a public school, including a charter  
12 school, for the 9th grade.

13           2. A pupil who was enrolled in a public school, including a charter school, in the  
14 8th grade and who transfers to a private school under the program under s. 118.60  
15 or 119.23 for the 9th grade.

16           3. A pupil, other than a pupil enrolled in the 9th grade, who was enrolled in the  
17 school or school district for less than one year prior to taking the pupil assessment.

18           (b) If, in any school year, the department determines that fewer than 20 pupils  
19 are attending a private school under a program under s. 118.60 or 119.23, the  
20 department may not require the private school to submit achievement data for that  
21 school year, may not determine the performance of the school for that school year, and  
22 may not publish an accountability report for the private school for that school year.

23           (c) 1. Subject to subd. 2., if the department uses pupil assessment scores to  
24 determine a school’s performance or a school district’s improvement, the department

1 shall account for the length of time a pupil was enrolled in the school or school district  
2 prior to taking the pupil assessment by weighting pupil assessment scores as follows:

3 a. For a pupil who was enrolled in the school or school district for at least one  
4 year but less than 2 years prior to taking the pupil assessment, multiply by 1.

5 b. For a pupil who was enrolled in the school or school district for at least 2 years  
6 but less than 3 years prior to taking the pupil assessment, multiply by 2.

7 c. For a pupil who was enrolled in the school or school district for more than 3  
8 years prior to taking the pupil assessment, multiply by 3.

9 2. The department may not, for purposes of determining a school's  
10 performance, account for the length of time a 9th grade pupil was enrolled in the  
11 school.

12 (d) The department shall consider the impact of poverty on pupil achievement  
13 and growth by adjusting the importance given to the measures under sub. (1) (a) 1.  
14 and 1m. based on the percentage of pupils in the school or school district who are  
15 economically disadvantaged. In this paragraph, an economically disadvantaged  
16 pupil is a pupil who satisfies either the income eligibility criteria for a free or  
17 reduced-price lunch under 42 USC 1758 (b) (1) or other measures of poverty, as  
18 determined by the department. Of the total weight the department allocates to the  
19 measures under sub. (1) (a) 1. and 1m. for the purpose of determining a school's  
20 performance or a school district's improvement, the department shall do as follows:

21 1. If 5 percent or less of the school or school district membership is comprised  
22 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 90  
23 percent and the measure under sub. (1) (a) 1m. at 10 percent.

1           2. If 65 percent or more of the school or school district membership is comprised  
2 of economically disadvantaged pupils, weight the measure under sub. (1) (a) 1. at 10  
3 percent and the measure under sub. (1) (a) 1m. at 90 percent.

4           3. If the percentage of economically disadvantaged pupils in the school or school  
5 district membership is more than 5 percent but less than 65 percent, determine the  
6 weight of the measures under sub. (1) (a) 1m. as follows:

7           a. Divide 80 by 60.

8           b. Multiply the quotient determined under subd. 3. a. by the percentage of  
9 economically disadvantaged pupils in the school or school district membership.

10          c. Add 3.35 to the result under subd. 3. b.

11          4. If the percentage of economically disadvantaged pupils in the school or school  
12 district membership is more than 5 percent but less than 65 percent, determine the  
13 weight of the measures under sub. (1) (a) 1. by subtracting the weight given to the  
14 measures under sub. (1) (a) 1m. as determined under subd. 3. from 100.

15          (e) The measures related to college and career readiness under sub. (1) (a) 2.  
16 may account for not more than 5 percent of the school's performance or school  
17 district's improvement.

18          (f) The department may consider the impact of up to 3 days of inclement  
19 weather on the school's performance or school district's improvement on the measure  
20 related to rates of attendance under sub. (1) (a) 4.

21          **SECTION 20.** 115.385 (1r) of the statutes is created to read:

22          115.385 (1r) For purposes of measuring a school district's improvement under  
23 sub. (1), the department may not include information or scores derived from a virtual  
24 charter school that is considered to be located in the school district under s. 118.51

1 (18) if at least 50 percent of the pupils are attending the virtual charter school under  
2 s. 118.51.

3 **SECTION 21.** 115.385 (2) of the statutes is amended to read:

4 115.385 (2) ~~Beginning one year after a charter school established under s.~~  
5 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~  
6 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~  
7 ~~(b), or begins using a system that is interoperable with that system, the~~ with the  
8 accountability report published for the 2015-16 school year, the department shall  
9 include ~~the school~~ in its annual school accountability report under sub. (1) charter  
10 schools established under s. 118.40 (2r) and private schools participating in a  
11 program under s. 118.60 or 119.23. The department shall use the same criteria to  
12 measure the performance of all schools included in the annual school accountability  
13 report.

14 **SECTION 22.** 115.385 (3) of the statutes is created to read:

15 115.385 (3) (a) On an accountability report published for a private school  
16 participating in a program under s. 118.60 or 119.23, the department shall specify  
17 the percentage of pupils attending the private school under the program and comply  
18 with one of the following:

19 1. For a private school that submits achievement data only for those pupils  
20 attending the private school under the program, identify the grade level determined  
21 from data about those pupils as the choice pupil grade.

22 2. For a private school that submits achievement data for those pupils  
23 attending the private school under s. 118.60 or 119.23 and achievement data for all  
24 other pupils attending the private school, identify the grade level determined from  
25 data about pupils attending the school under s. 118.60 or 119.23 as the choice pupil

1 grade. The department shall also identify a 2nd grade level, determined from data  
2 about all pupils attending the private school, including pupils attending the private  
3 school under s. 118.60 or 119.23, as the private school grade.

4 (b) For a private school participating in a program under s. 118.60 or 119.23,  
5 the department may use for each measure specified in sub. (1) (a) only the  
6 information in this subsection that pertains to pupils attending the private school  
7 under the program unless the private school submits achievement data under par.  
8 (a) 2. for pupils attending the private school other than under the parental choice  
9 program.

10 **SECTION 23.** 115.385 (4) of the statutes is created to read:

11 115.385 (4) Annually, each public school, including a charter school, and each  
12 private school participating in a program under s. 118.60 or 119.23 shall provide to  
13 the parent or guardian of each pupil enrolled in or attending the school a copy of the  
14 school's accountability report or, if impractical, a summary of the accountability  
15 report accompanied by a link to the school's Internet site where the full report may  
16 be accessed. Each school shall simultaneously provide to the parent or guardian of  
17 each pupil enrolled in the school a list of the educational options available to children  
18 who reside in the pupil's resident school district, including public schools, private  
19 schools participating in a parental choice program, charter schools, virtual schools,  
20 full-time open enrollment, youth options, course options, and options for pupils  
21 enrolled in a home-based private educational program.

22 **SECTION 24.** 115.385 (5) of the statutes is created to read:

23 115.385 (5) A school may not avoid sanctions under sub. (6) or (7) by closing and  
24 reopening under a different name or in a different location, or by merging or

1 consolidating with another school if the result is a substantially similar population  
2 of pupils.

3 **SECTION 25.** 115.385 (6) of the statutes is created to read:

4 115.385 (6) (a) Beginning with an accountability report published under sub.  
5 (1) for the 2016-17 school year, if a public school, including a charter school  
6 established under s. 118.40 (2r), receives a grade level of “D — Meets Few  
7 Expectations” or “F — Fails to Meet Expectations” in the 3rd school year of any 3  
8 consecutive school years, the state superintendent shall do all of the following:

9 1. Require the school board or operator of the charter school to immediately do  
10 all of the following:

11 a. Comply for 3 consecutive school years with the requirements under s. 118.42  
12 to undertake interventions for low-performing schools.

13 b. For a public school other than a charter school established under s. 118.40  
14 (2r), authorize the school district administrator to act unilaterally, on matters  
15 related to the operation and administration of the school subject to sanctions under  
16 this subsection and in a manner that is not otherwise in violation of the law, in  
17 contravention of policies and procedures adopted by the school board and to adopt  
18 new policies and procedures. The school board may not retaliate against the school  
19 district administrator for any lawful action taken by the school district  
20 administrator under this subd. 1. b. The school district administrator may bring an  
21 action in circuit court against the school board if the school board retaliates against  
22 the school district administrator, by engaging in a disciplinary action against or  
23 terminating the employment of the school district administrator, because of any  
24 lawful action taken by the school district administrator under this subd. 1. b.

1           2. From the appropriation under s. 20.255 (2) (ca), make payments to school  
2 districts for the purpose of implementing interventions required under s. 118.42 in  
3 schools subject to sanctions under subd. 1. a.

4           (b) Beginning with an accountability report published under sub. (1) for the  
5 2016-17 school year, if the state superintendent determines that a private school  
6 that has 20 or more pupils participating in a program under s. 118.60 or 119.23 has  
7 received a grade level of “D — Meets Few Expectations” or “F — Fails to Meet  
8 Expectations” in the 3rd school year of any 3 consecutive school years in which the  
9 school has both participated in a parental choice program and had 20 or more pupils  
10 attending the school under a parental choice program, the private school may not  
11 accept any additional pupils under a parental choice program, other than siblings of  
12 pupils attending the school under a parental choice program, for the next 3  
13 consecutive school years following the state superintendent’s determination under  
14 this paragraph.

15           **SECTION 26.** 115.385 (7) of the statutes is created to read:

16           115.385 (7) (a) If, on the accountability report published under sub. (1) at the  
17 end of the 3-year period under sub. (6) (a), the state superintendent determines that  
18 a public school, other than a charter school established under s. 118.40 (2r), that is  
19 subject to sanctions under sub. (6) (a) has received a grade level of “F — Fails to Meet  
20 Expectations,” the school board, or operator of the charter school if applicable, shall,  
21 as soon as practicable, undertake one or more of the following:

22           1. Elect to comply with both of the following steps towards reorganizing the  
23 administration of the school:

24           a. As soon as practicable, replace the principal and, if applicable, administrator  
25 of the school. The school board is not required to replace the principal or



1 administrator as provided in this subd. 1. a. if the principal was hired within the  
2 immediately preceding 15 months.

3 b. As soon as practicable, give notice of refusal to renew the contract of any  
4 teacher in the school who received a score of less than proficient on an evaluation  
5 conducted within the immediately preceding 2 school years under s. 115.415. The  
6 school board is not required to take action under this subd. 1. b. for any teacher who  
7 has 3 or fewer years of classroom experience. The school board may not rehire or  
8 reassign within the school district a teacher whose contract is not renewed under this  
9 subd. 1. b. for 3 consecutive school years, except that this prohibition does not apply  
10 to a teacher whose nonrenewal under this subd. 1. b. is found to be unlawful under  
11 subch. II of ch. 111.

12 2. a. For a public school that is not a charter school, request the department to  
13 publish a request for proposals that shall direct interested applicants to submit to  
14 the department a proposal to convert the public school to a charter school under the  
15 authority of a college campus or institute in the University of Wisconsin System  
16 under s. 118.40 (2r) (b) 1. e. or of a technical college district board under s. 118.40 (2r)  
17 (b) 1. f. The department shall submit any proposal it receives to one or more deans,  
18 chancellors, or district boards for review. If any such dean, chancellor, or district  
19 board finds a proposal acceptable, or if any such dean, chancellor, or district board  
20 elects to establish and operate the school as a charter school under s. 118.40 (2r), that  
21 entity shall authorize the conversion of the public school to a charter school under  
22 s. 118.40 (2r). The department shall establish, by rule, a process for selecting the  
23 most appropriate dean or chancellor of a college campus or institution in the  
24 University of Wisconsin System or technical college district board to receive a  
25 proposal submitted to the department under this subd. 2. a.

1           b. If the school board selects conversion to a charter school under s. 118.40 (2r)  
2 under this subdivision, the school board shall lease the school building, the school  
3 premises, and the furniture, fixtures, and equipment within the school building to  
4 the operator of the charter school up to fair market value.

5           c. If the department does not receive any proposal under subd. 2. a., the public  
6 school shall follow the procedures under subd. 3.

7           d. The operator of a school that is converted to a charter school under this  
8 subdivision shall enter into a 5-school-year contract with the entity that authorized  
9 the charter school under subd. 2. a. If, at the end of the 5-school-year term, the  
10 school receives a grade level of “C — Meets Expectations” or better on the  
11 accountability report published under sub. (1), the authorizing entity and the  
12 operator may agree to renew the contract for an additional 5-school-year term. The  
13 contract shall include a process for determining whether the school is making  
14 measurable progress towards improving the school’s grade level. The contract shall  
15 include a provision governing the transportation of pupils to the school. The contract  
16 shall also include a process by which the transfer of the management and operations  
17 of the school may be returned to the school board at the end of the contract term.

18           3. For a public school that is not a charter school, enter into a 5-school-year  
19 contract with a person to operate the school as a charter school under s. 118.40 (2m)  
20 if the school board has not already done so. If, at the end of the 5-school-year term,  
21 the school receives a grade level of “C — Meets Expectations” or better on the  
22 accountability report published under sub. (1), the school board may but is not  
23 required to renew the contract with the operator for an additional 5-school-year  
24 term. The contract shall include a process by which the transfer of the management  
25 and operations of the school may be returned to the school board.

1           4. For a public school that is not a charter school, authorize the school district  
2 administrator to enter into a 5-school-year contract with an educational  
3 management agency under which the educational management agency agrees to  
4 operate the school. The contract under this subdivision shall require the educational  
5 management agency to follow the laws applicable to public schools under chs. 115 to  
6 121 and the administrative rules promulgated by the department. The contract shall  
7 permit the school district administrator and the educational management agency to  
8 renew the contract for a second 5-school-year term.

9           (ag) 1. If the school board, or, if applicable, the operator of a charter school other  
10 than a charter school under s. 118.40 (2r), fails to take any action under par. (a) with  
11 respect to a school that is subject to sanctions under this subsection within the 12  
12 months after the state superintendent's determination under par. (a) (intro.), the  
13 state superintendent shall adjust the state aid paid to the school district under s.  
14 121.08 for the school year immediately following the school year in which the school  
15 becomes subject to sanctions under par. (a) in the following manner:

16           a. Determine the amount of state aid received by the school district under s.  
17 121.08 in the school year in which the school becomes subject to sanctions under par.  
18 (a).

19           b. Determine the amount of state aid the school district would be eligible to be  
20 paid under s. 121.08 in the school year immediately following the school year  
21 described under subd. 1. a.

22           c. If the amount determined under subd. 1. a. is less than the amount  
23 determined under subd. 1. b., the amount of state aid to be paid under s. 121.08 to  
24 the school district for the school year immediately following the school year described  
25 under subd. 1. a. shall be the amount determined under subd. 1. a. If the amount

1 determined under subd. 1. a. is greater than the amount determined under subd. 1.  
2 b., the amount of state aid to be paid under s. 121.08 to the school district for the  
3 school year immediately following the school year described under subd. 1. a. shall  
4 be the amount determined under subd. 1. b.

5 2. For each school year following the school year described under subd. 1. b. that  
6 the school board or operator of a charter school, other than a charter school under s.  
7 118.40 (2r), fails to take any action under par. (a), the state superintendent shall  
8 reduce by 1 percent the amount of state aid paid to the school district under subd.  
9 1. c.

10 (ar) If, on the accountability report published under sub. (1) at the end of the  
11 3-year period under sub. (6) (a), the state superintendent determines that a public  
12 school that is a charter school established under s. 118.40 (2r) and that is subject to  
13 sanctions under sub. (6) (a) has received a grade level of “F — Fails to Meet  
14 Expectations,” the charter school shall fulfill any contractual or other requirements  
15 with the department as soon as practicable, and the department shall discontinue  
16 payments to the charter school under s. 118.40 (2r) (e) as soon as practicable under  
17 the terms of the contract.

18 (b) If, on the accountability report published under sub. (1), at the end of the  
19 3-year period under sub. (6) (b), the state superintendent determines that a private  
20 school subject to sanctions under sub. (6) (b) has received a grade level of “F — Fails  
21 to Meet Expectations,” the private school shall fulfill any contractual or other  
22 requirements with the department as soon as practicable, and the department shall  
23 discontinue payments to the private school as soon as practicable. The private school  
24 may not accept any new pupils under a parental choice program for 4 school years.  
25 Subject to sub. (8) (b), the private school may reapply to participate in a parental

1 choice program at the end of the 4 school years following the state superintendent's  
2 determination under this paragraph.

3 **SECTION 27.** 115.385 (8) of the statutes is created to read:

4 115.385 (8) (a) The state superintendent may release a school subject to  
5 sanctions under sub. (6) from the requirements imposed upon the school by sub. (6)  
6 if the school receives a grade level of "C — Meets Expectations" or better on the  
7 accountability report published for the school under sub. (1) within the 36 months  
8 immediately following the imposition of sanctions under sub. (6).

9 (b) The state superintendent may release a school subject to sanctions under  
10 sub. (7) from the requirements imposed upon the school by sub. (7) in any of the  
11 following circumstances:

12 1. For a school subject to sanctions under sub. (7) (a) 1., if the school receives  
13 a grade level of "C — Meets Expectations" or better on 2 consecutive accountability  
14 reports published for the school under sub. (1).

15 2. For a school subject to sanctions under sub. (7) (a) 2., 3., or 4., in the last year  
16 of any 5-school-year contract entered into under sub. (7).

17 (c) 1. If a school subject to sanctions under sub. (6) receives on the final  
18 accountability report published within 36 months immediately following the  
19 imposition of sanctions under sub. (6) a grade level of "D — Meets Few Expectations,"  
20 the state superintendent shall require the school to comply with the requirements  
21 under sub. (6) for an additional 2 school years. The school district shall be  
22 responsible for the costs of and associated with implementing any plan.

23 2. If a school subject to sanctions under sub. (6) receives on the final  
24 accountability report published within the 36 months immediately following the  
25 imposition of sanctions under sub. (6) a grade level of "F — Fails to Meet

1       Expectations,” the school shall first complete the requirements to which the school  
2       is subject under sub. (6) and the state superintendent shall then require the school  
3       to comply with the requirements imposed upon a school under sub. (7).

4               **SECTION 28.** 115.385 (9) of the statutes is created to read:

5               115.385 (9) The department shall develop, by rule, the qualifying score for each  
6       grade level under sub. (1) (b).

7               **SECTION 29.** 115.385 (10) of the statutes is created to read:

8               115.385 (10) Beginning in 2017, in each odd-numbered year, no later than 60  
9       days after the department publishes accountability reports for schools under sub. (1),  
10       the department shall compile and evaluate information about the implementation  
11       of the school accountability system and make recommendations to the appropriate  
12       standing committees of the legislature under s. 13.172 (3). The department shall be  
13       prepared to make a presentation to a hearing or joint hearing of the appropriate  
14       standing committees of the legislature on all of the following:

15               (a) Policies that address appropriate accommodations on statewide  
16       assessments for a pupil attending a private school participating in a program under  
17       s. 118.60 or 119.23 who is a child with a disability, a limited-English proficient pupil,  
18       or economically disadvantaged, as defined in federal law, that are similar to the  
19       accommodations made for such pupils attending public schools.

20               (b) Refining the data to be used by the department for each measure specified  
21       in sub. (1) (a).

22               (c) The methodology for measuring the performance of schools under this  
23       section.

24               (d) The appropriate weight to be given each of the measures under sub. (1) (a)  
25       for the grade levels under sub. (1) (b).

1 (e) The qualifying score for each grade level under sub. (1) (b).

2 (f) Sanctions imposed upon, or lifted from, schools by the state superintendent  
3 under subs. (6) and (7).

4 **SECTION 30.** 118.153 (1) (a) 5. of the statutes is amended to read:

5 118.153 (1) (a) 5. Eighth grade pupils whose score in each subject area on the  
6 examination administered under s. 118.30 (1m) (am) 1. or 118.301 (4) was below the  
7 basic level, 8th grade pupils who failed the examination administered under s.  
8 118.30 (1m) (am) 2. or 118.301 (4), and 8th grade pupils who failed to be promoted  
9 to the 9th grade.

10 **SECTION 31.** 118.30 (1) of the statutes is amended to read:

11 118.30 (1) The state superintendent shall adopt or approve examinations  
12 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th, 9th,  
13 10th, and 11th grades. Beginning in the 2015-16 school year, the state  
14 superintendent may not adopt or approve assessments developed by the Smarter  
15 Balanced Assessment Consortium.

16 **SECTION 32.** 118.30 (2) (b) 3. of the statutes is amended to read:

17 118.30 (2) (b) 3. Upon the request of a pupil's parent or guardian, the school  
18 board shall excuse the pupil from taking an examination administered under sub.  
19 (1m) or s. 118.301 (4).

20 **SECTION 33.** 118.30 (2) (b) 4. of the statutes is amended to read:

21 118.30 (2) (b) 4. Upon the request of a pupil's parent or guardian, the operator  
22 of a charter school under s. 118.40 (2r) shall excuse the pupil from taking an  
23 examination administered under sub. (1r) or s. 118.301 (4).

24 **SECTION 34.** 118.30 (2) (b) 5. of the statutes is amended to read:

1           118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
2 body of a private school participating in the program under s. 119.23 shall excuse the  
3 pupil from taking an examination administered under sub. (1s) (a) to (cm) or s.  
4 118.301 (4).

5           **SECTION 35.** 118.30 (2) (b) 6. of the statutes is amended to read:

6           118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing  
7 body of a private school participating in the program under s. 118.60 shall excuse the  
8 pupil from taking an examination administered under sub. (1t) (a) to (cm) or s.  
9 118.301 (4).

10          **SECTION 36.** 118.30 (5m) of the statutes is amended to read:

11          118.30 (5m) When determining the percentage of pupils participating in the  
12 program under s. 119.23 who performed at designated proficiency levels on the  
13 examinations administered as required under sub. (1s) or as permitted under s.  
14 118.301 (4), the department shall consider only the pupils participating in the  
15 program under s. 119.23 to whom the examinations were administered at each grade  
16 level, and shall exclude from consideration those pupils participating in the program  
17 under s. 119.23 who were excused from taking the examinations under sub. (2) (b)  
18 5.

19          **SECTION 37.** 118.30 (7) of the statutes is amended to read:

20          118.30 (7) If a school board enters into an agreement with a federally  
21 recognized American Indian tribe or band in this state to establish a charter school,  
22 that school board shall administer the examinations under sub. (1m) or under s.  
23 118.301 (4) regardless of the location of the charter school.

24          **SECTION 38.** 118.301 of the statutes is created to read:



1           **118.301 Alternative assessments. (1) DEFINITION.** In this section, “research  
2 center” means an entity or organization with expertise to evaluate alternative  
3 examinations.

4           **(2) RESPONSIBILITIES OF THE DEPARTMENT.** Within 30 days after the effective date  
5 of this subsection .... [LRB inserts date], the department shall request from the  
6 research center a list of nationally recognized, norm-referenced alternative  
7 examinations determined by the research center to be acceptable for statistical  
8 comparison with examinations adopted or approved under s. 118.30 (1). The  
9 department shall evaluate and approve 3 of the examinations by rule. The  
10 department may approve under this subsection only those examinations that the  
11 research center has determined are consistent with the parameters identified under  
12 sub. (3).

13           **(3) EVALUATION OF ALTERNATIVE EXAMINATIONS.** Within 90 days after the effective  
14 date of this subsection .... [LRB inserts date], the research center shall submit to the  
15 department a list of nationally recognized, norm-referenced alternative  
16 examinations determined by the research center to be acceptable for statistical  
17 comparison with examinations adopted or approved under s. 118.30 (1). The  
18 research center shall submit under this subsection only those examinations that are  
19 consistent with the following parameters:

20           (a) The examination aligns sufficiently with content standards established for  
21 examinations adopted or approved under s. 118.30 (1).

22           (b) The examination is comprised of a variety of testing methodologies,  
23 including multiple choice and short answer, to assess a range of student skills.

24           (c) The examination includes accommodations or alternative assessments for  
25 students enrolled in a special education program under subch. V of ch. 115.

1 (d) The examination provider makes available translations for  
2 limited-English proficient pupils, as defined in s. 115.955 (7).

3 (e) The examination may be administered in a variety of modes, including with  
4 paper and pencil, in an online format, in a fixed form format, and in an adaptive  
5 format.

6 (f) The examination has internal consistency reliability coefficients of at least  
7 0.8.

8 **(4) ALTERNATIVE EXAMINATIONS PERMITTED.** (a) Notwithstanding s. 118.30 (1m),  
9 (1r), (1s), and (1t), a school board, an operator of a charter school under s. 118.40 (2r),  
10 and the governing body of a private school participating in a program under s. 118.60  
11 or 119.23 are not required to administer an examination adopted or approved by the  
12 state superintendent under s. 118.30 (1) in any grade for which an examination is  
13 required to be administered under s. 118.30 if the school board, operator, or  
14 governing body administers instead an alternative examination approved by the  
15 department under sub. (2).

16 (b) If a school elects to administer in any grade an alternative examination  
17 approved by the department under sub. (2), all of the following apply:

18 1. The school shall use the alternative examination for 5 consecutive school  
19 years. The school may request from the department a waiver of the requirement  
20 under this subdivision. The department may grant or deny the request.

21 2. If the cost of the alternative examination exceeds the cost of the examination  
22 adopted or approved by the state superintendent under s. 118.30 (1) for that grade,  
23 the school board, operator, or governing body of the school is responsible for the  
24 difference between the cost of the examination adopted or approved by the state  
25 superintendent for that grade and the cost of the alternative examination for that

1 grade. If the cost of the alternative examination is less than the costs of the  
2 examination adopted or approved by the state superintendent under s. 118.30 (1), the  
3 department shall pay only the cost of the less expensive examination.

4 (c) If the governing body of a private school administers in any grade an  
5 alternative examination approved by the department under sub. (2), and if the cost  
6 of the alternative examination for that grade exceeds the cost of the examination  
7 adopted or approved for that grade by the state superintendent under s. 118.30 (1),  
8 the governing body may apply payments received under ss. 118.60 (4) (bg) and (4m)  
9 and 119.23 (4) (bg) and (4m) towards the difference between the costs of the  
10 alternative examinations procured for the pupils attending the private school  
11 participating in a program under s. 118.60 or 119.23 and the cost the governing body  
12 would have paid for the examination adopted or approved by the state  
13 superintendent under s. 118.30 (1).

14 **SECTION 39.** 118.33 (6) (a) 1. of the statutes is amended to read:

15 118.33 (6) (a) 1. Each school board shall adopt a written policy specifying the  
16 criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th  
17 grade to the 9th grade. The criteria shall include the pupil's score on the examination  
18 administered under s. 118.30 (1m) (a) or (am) or 118.301 (4), unless the pupil has  
19 been excused from taking the examination under s. 118.30 (2) (b); the pupil's  
20 academic performance; the recommendations of teachers, which shall be based solely  
21 on the pupil's academic performance; and any other academic criteria specified by  
22 the school board. Except as provided in par. (b) 1. and 3., the criteria apply to pupils  
23 enrolled in charter schools located in the school district.

24 **SECTION 40.** 118.33 (6) (b) 1. of the statutes is amended to read:

1           118.33 (6) (b) 1. Each operator of a charter school under s. 118.40 (2r) shall  
2 adopt a written policy specifying the criteria for promoting a pupil from the 4th grade  
3 to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include  
4 the pupil's score on the examination administered under s. 118.30 (1r) (a) or (am) or  
5 118.301 (4), unless the pupil has been excused from taking the examination under  
6 s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers,  
7 which shall be based solely on the pupil's academic performance; and any other  
8 academic criteria specified by the operator of the charter school.

9           **SECTION 41.** 118.33 (6) (c) 1. of the statutes is amended to read:

10           118.33 (6) (c) 1. The governing body of each private school participating in the  
11 program under s. 119.23 shall adopt a written policy specifying criteria for promoting  
12 a pupil who is attending the private school under s. 119.23 from the 4th grade to the  
13 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
14 pupil's score on the examination administered under s. 118.30 (1s) (a) or (b) or  
15 118.301 (4), unless the pupil has been excused from taking the examination under  
16 s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers,  
17 which shall be based solely on the pupil's academic performance; and any other  
18 academic criteria specified by the governing body of the private school.

19           **SECTION 42.** 118.33 (6) (cr) 1. of the statutes is amended to read:

20           118.33 (6) (cr) 1. The governing body of each private school participating in the  
21 program under s. 118.60 shall adopt a written policy specifying criteria for promoting  
22 a pupil who is attending the private school under s. 118.60 from the 4th grade to the  
23 5th grade and from the 8th grade to the 9th grade. The criteria shall include the  
24 pupil's score on the examination administered under s. 118.30 (1t) (a) or (b) or  
25 118.301 (4), unless the pupil has been excused from taking the examination under

1 s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers,  
2 which shall be based solely on the pupil's academic performance; and any other  
3 academic criteria specified by the governing body of the private school.

4 **SECTION 43.** 118.40 (2r) (b) 1. e. of the statutes is created to read:

5 118.40 (2r) (b) 1. e. A chancellor or dean of any university or college in the  
6 University of Wisconsin System under s. 115.385 (7) (a) 2.

7 **SECTION 44.** 118.40 (2r) (b) 1. f. of the statutes is created to read:

8 118.40 (2r) (b) 1. f. A technical college district board under s. 115.385 (7) (a) 2.

9 **SECTION 45.** 118.40 (2r) (b) 2. of the statutes is amended to read:

10 118.40 (2r) (b) 2. A charter shall include all of the provisions specified under  
11 sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under  
12 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter  
13 school on the liability of the contracting entity under this paragraph. A contract with  
14 an entity under subd. 1. e. or f. shall include the provisions specified in s. 115.385 (7)  
15 (a) 2. d. The contract may include other provisions agreed to by the parties. The  
16 chancellor of the University of Wisconsin-Milwaukee or of the University of  
17 Wisconsin-Parkside may not establish or enter into a contract for the establishment  
18 of a charter school under this paragraph without the approval of the board of regents  
19 of the University of Wisconsin System.

20 **SECTION 46.** 118.40 (2r) (bm) of the statutes is amended to read:

21 118.40 (2r) (bm) The common council of the city of Milwaukee and the  
22 Milwaukee area technical college district board may establish or enter into a contract  
23 for the establishment of a charter school located only in the school district operating  
24 under ch. 119. The chancellor of the University of Wisconsin-Milwaukee may  
25 establish or enter into a contract for the establishment of a charter school located

1 only in Milwaukee County or in an adjacent county. The chancellor of the University  
2 of Wisconsin-Parkside may only establish or enter into a contract for the  
3 establishment of a charter school located in a unified school district that is located  
4 in the county in which the University of Wisconsin-Parkside is situated or in an  
5 adjacent county. A chancellor or dean of any university or college in the University  
6 of Wisconsin System or a technical college district board under s. 115.385 (7) (a) 2.  
7 may establish or enter into a contract for the establishment of a charter school under  
8 this paragraph only for a public school subject to sanctions under s. 115.385 (7) (a)  
9 2.

10 **SECTION 47.** 118.40 (2r) (d) 2. of the statutes is amended to read:

11 118.40 (2r) (d) 2. Administer the examinations under ss. s. 118.30 (1r) or  
12 118.301 (4) and the examinations under s. 121.02 (1) (r) to pupils enrolled in charter  
13 schools under this subsection.

14 **SECTION 48.** 118.42 of the statutes is repealed and recreated to read:

15 **118.42 Interventions for low-performing schools.** The school board or  
16 operator of a charter school, other than a charter school established under s. 118.40  
17 (2r), that is subject to sanctions under s. 115.385 (6) (a) shall do all of the following  
18 in the school:

19 (1) Use rigorous and equitable performance evaluation systems for teachers  
20 and principals that include all of the following:

21 (a) Annual performance evaluations; multiple rating categories; multiple  
22 rating criteria, including improvement in pupil academic achievement as a  
23 significant factor; observation-based performance assessments; and an up-to-date  
24 collection of professional practice materials. The school board shall ensure that  
25 improvement in pupil academic achievement is based on at least 2 measures.

1 (b) A method of identifying mitigating factors, such as a high rate of pupil  
2 mobility, insufficient preparation time, insufficient paraprofessional support,  
3 insufficient professional development, and insufficient resources or support, that  
4 could affect a teacher's or principal's performance.

5 (2) Adopt a policy establishing criteria for evaluating whether the distribution  
6 of teachers and principals within the affected schools relative to the distribution of  
7 teachers and principals throughout the school district, based upon their  
8 qualifications and effectiveness, is equitable. Using the criteria, the school board  
9 shall determine whether the distribution of principals and teachers is equitable. If  
10 the school board determines that the distribution is inequitable, the school board  
11 shall do all of the following:

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

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

19 (3) Establish teacher and principal improvement programs that include all of  
20 the following:

21 (a) Supplemental mentoring for those with emergency licenses or permits.

22 (b) Opportunities to pursue other professional certifications, including  
23 certification by the National Board for Professional Teaching Standards.

1 (c) Annually, at least 60 hours of professional development that is incorporated  
2 into their work. The school board shall consult with teachers and principals on the  
3 content of the professional development.

4 (4) Adopt placement criteria for principals that include performance  
5 evaluations and measures of pupil academic achievement.

6 **SECTION 49.** 118.57 of the statutes is created to read:

7 **118.57 Notice of educational options; accountability report grade**  
8 **level; pupil assessments.** (1) Annually, by January 31, each school board shall  
9 publish as a class 1 notice, under ch. 985, and send by U.S. mail a letter to the parent  
10 or guardian of each child who is at least 3 years old but not yet 18 years old who  
11 resides in the school district that provides a description of the educational options  
12 available to the child, including public schools, private schools participating in a  
13 parental choice program under s. 118.60 or 119.23, charter schools, virtual schools,  
14 full-time open enrollment, youth options, and course options.

15 (2) The school board shall include in the notice under sub. (1) either the most  
16 recent accountability report published under s. 115.385 (1) for each school within the  
17 school district boundaries, including charter schools established under s. 118.40 (2r)  
18 and private schools participating in a parental choice program under s. 118.60 or  
19 119.23, or, if impractical, a summary of the accountability report accompanied by a  
20 link to the school district's Internet site where the most recent accountability report  
21 may be accessed.

22 (3) Annually, by August 1, each school board shall provide the parent or  
23 guardian of each child enrolled in a public school in the school district a written  
24 summary of all of the following:



1 (a) Each examination required or permitted to be administered under s. 118.30  
2 that will be administered to pupils enrolled in a public school in the school district.

3 (b) The grade level to which each examination identified under par. (a) will be  
4 administered.

5 (c) The expected date on which each examination identified under par. (a) will  
6 be administered.

7 (d) The duration of each examination identified under par. (a).

8 (e) The instructional time required to prepare pupils for the examinations  
9 identified under par. (a).

10 (f) The instructional time dedicated to administering each examination  
11 identified under par. (a).

12 (g) The school district's policy regarding opting out of any examination  
13 identified under par. (a).

14 **SECTION 50.** 118.60 (7) (e) of the statutes is amended to read:

15 118.60 (7) (e) Each private school participating in the program under this  
16 section shall administer either the examinations required under s. 118.30 (1t) or the  
17 examinations permitted under s. 118.301 (4) to pupils attending the school under the  
18 program. The private school may administer additional standardized tests to such  
19 pupils.

20 **SECTION 51.** 118.60 (10) (a) 4. of the statutes is repealed.

21 **SECTION 52.** 119.23 (7) (e) of the statutes is amended to read:

22 119.23 (7) (e) Each private school participating in the program under this  
23 section shall administer either the examinations required under s. 118.30 (1s) or the  
24 tests permitted under s. 118.301 (4) to pupils attending the school under the

1 program. The private school may administer additional standardized tests to such  
2 pupils.

3 **SECTION 53.** 119.23 (10) (a) 4. of the statutes is repealed.

4 **SECTION 54.** 120.12 (13) of the statutes is created to read:

5 120.12 (13) DECLARATION OF EDUCATIONAL STANDARDS. (a) Annually, in the  
6 month of May, convene to vote on the pupil academic standards to be adopted by the  
7 school board as required by s. 118.30 (1g) (a) 1.

8 (b) Annually, include as an item on the agenda of the annual meeting a  
9 resolution to be considered by the annual meeting regarding the pupil academic  
10 standards adopted by the school board under s. 118.30 (1g) (a) 1.

11 **SECTION 55.** 121.006 (2) (d) of the statutes is repealed.

12 **SECTION 56. Nonstatutory provisions.**

13 (1) RULES.

14 (a) *Submission to legislative council.* The department of public instruction  
15 shall submit in proposed form the rules required under sections 115.385 (9) and  
16 118.301 (2) of the statutes, as created by this act, to the legislative council staff under  
17 section 227.15 (1) of the statutes no later than the first day of the 6th month  
18 beginning after the effective date of this paragraph.

19 (b) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the  
20 department of public instruction is not required to present the statement of the scope  
21 of the rules required under sections 115.385 (9) and 118.301 (2) of the statutes, as  
22 created by this act, to the governor for approval.

23 (c) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the  
24 statutes, the department of public instruction is not required to prepare an economic  
25 impact report for the rules required under sections 115.385 (9) and 118.301 (2) of the

1 statutes, as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3)  
2 (e) of the statutes, the department of public instruction is not required to submit the  
3 proposed rules required under sections 115.385 (9) and 118.301 (2) of the statutes,  
4 as created by this act, to the small business regulatory review board and is not  
5 required to prepare a final regulatory flexibility analysis for those rules.

6 (d) *Approval of rules in final draft form.* Notwithstanding section 227.185 of  
7 the statutes, the department of public instruction is not required to present the rules  
8 required under sections 115.385 (9) and 118.301 (2) of the statutes, as created by this  
9 act, in final draft form to the governor for approval.

10 (e) *Emergency rules.* Using the procedure under section 227.24 of the statutes,  
11 the department of public instruction may promulgate rules under sections 115.385  
12 (9) and 118.301 (2) of the statutes, as created by this act, for the period before the  
13 effective date of the rules submitted under paragraph (a), but not to exceed the period  
14 authorized under section 227.24 (1) (c) of the statutes, subject to extension under  
15 section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and  
16 (3) of the statutes, the department of public instruction is not required to provide  
17 evidence that promulgating a rule under this paragraph as an emergency rule is  
18 necessary for the preservation of the public peace, health, safety, or welfare and is  
19 not required to provide a finding of emergency for a rule promulgated under this  
20 paragraph.

21 **SECTION 57. Effective date.**

22 (1) This act takes effect on the day after publication, or on the 2nd day after  
23 publication of the 2015-17 biennial budget act, whichever is later.

24 (END)