



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0047(P2) P3
FFK:cjs:cs
Stans RMR

In 4-2
out 4-3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 1

Fuller
SA

Gov Cat

1 **AN ACT to repeal** 115.385 (1) (a), 118.42 (2), 118.42 (3), 118.42 (4) and 121.006
2 (2) (d); **to amend** 115.385 (1) (a) (intro.), 115.385 (1) (b), 115.385 (2), 118.42
3 (title) and 118.42 (1); and **to create** 13.94 (1) (n), 13.94 (1s) (c) 9., 115.385 (1)
4 (am), 115.385 (1) (c), 115.385 (1g), 115.385 (1m), 115.385 (3), 118.42 (1) (e) and
5 118.57 of the statutes; **relating to:** school and school district accountability
6 reports, interventions for low-performing school districts, providing an
7 exemption from emergency rule procedures, providing an exemption from
8 rule-making procedures, and granting rule-making authority.

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

9 **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:
10 13.94 (1) (n) No later than January 1, 2019, and biennially thereafter, perform
11 a performance evaluation audit of the school and school district accountability report

1 system under s. 115.385, including an evaluation of whether the index system used
2 to identify a school or school district's performance is being consistently applied. The
3 legislative audit bureau shall file a copy of the report of the audit under this
4 paragraph with the distributees specified in par. (b).

5 **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

6 13.94 (1s) (c) 9. The department of public instruction for the cost of an audit
7 performed under sub. (1) (n).

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

9 115.385 (1) (a) (intro.) Multiple For a school and school district accountability
10 report published for the 2015–16 school year or any previous school year, multiple
11 measures to determine a school's performance or a school district's improvement,
12 including all of the following:

13 **SECTION 4.** 115.385 (1) (a) of the statutes, as affected by 2015 Wisconsin Act ...
14 (this act), is repealed.

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

16 115.385 (1) (am) Beginning with the school and school district accountability
17 report published for the 2016–17 school year, multiple measures to determine a
18 school's performance or a school district's improvement, as determined by the
19 department by rule.

20 **SECTION 6.** 115.385 (1) (b) of the statutes is amended to read:

21 115.385 (1) (b) An index system to identify a school's level of performance and
22 a school district's level of improvement and annually place each school and school
23 district into one of 5 performance categories.

24 **SECTION 7.** 115.385 (1) (c) of the statutes is created to read:

25 115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

1 **SECTION 8.** 115.385 (1g) of the statutes is created to read:

2 115.385 (1g) For purposes of measuring a school district's improvement under
3 sub. (1), the department may not include data derived from a virtual charter school
4 that is considered to be located in the school district under s. 118.51 (18) if at least
5 50 percent of the pupils attending the virtual charter school are attending under s.
6 118.51.

INS
3-6 → 7 **SECTION 9.** 115.385 (1m) of the statutes is created to read:

INS
3-8 8 115.385 (1m) Annually, by January 15, the department shall notify, in writing,
9 the parents of each pupil enrolled in a school that was placed in the lowest
10 performance category in the most recent school and school district accountability
11 report that the pupil's school was placed in the lowest performance category in that
12 school and school district accountability report.

13 **SECTION 10.** 115.385 (2) of the statutes is amended to read:

14 115.385 (2) ~~Beginning one year after a charter school established under s.~~
15 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
16 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
17 ~~(b), or begins using a system that is interoperable with that system, the~~ with the
18 report published for the 2015-16 school year, the department shall include the school
19 in its annual school accountability report under sub. (1) charter schools established
20 under s. 118.40 (2r) and private schools participating in a parental choice program
21 under s. 118.60 or 119.23. The department shall use the same criteria to measure
22 the performance of all schools included in the annual school accountability report.

23 **SECTION 11.** 115.385 (3) of the statutes is created to read:

24 115.385 (3) Within 90 days of publishing the school and school district
25 accountability report for the 2019-2020 school year and at least once every four years

1 thereafter, the department shall review the measures promulgated by rule under
2 sub. (1) (am) and evaluate whether the measures accurately reflect school
3 performance and school district improvement. The department shall report the
4 results of its review to the appropriate standing committees of the legislature under
5 s. 13.172 (3).

6 SECTION 12. 118.42 (title) of the statutes is amended to read:

7 118.42 (title) **Low-performing school districts and schools; state**
8 **superintendent; interventions.**

9 SECTION 13. 118.42 (1) of the statutes is amended to read:

10 118.42 (1) ~~If the state superintendent determines that~~ The school board of a
11 school district has been in need of improvement for 4- that is placed in the lowest
12 performance category under s. 115.385 in 3 consecutive school years, the school board
13 published school and school district accountability reports shall do, by April 30
14 following its 3rd consecutive placement in the lowest performance category, submit
15 to the state superintendent for approval an improvement plan that does all of the
16 following:

17 (a) ~~Employ~~ Employs a standard, consistent, research-based curriculum that
18 is aligned with the state's model academic standards, as determined by the state
19 superintendent, and across grades in all schools.

20 (b) ~~Use~~ Uses pupil academic performance data, including data indicating
21 improvement in pupil academic achievement and English language acquisition, to
22 differentiate instruction to meet individual pupil needs. To the extent practicable,
23 the school board shall assess pupils in the language and form most likely to yield
24 accurate data.

1 (c) ~~Implement~~ Implements for all pupils a system of academic and behavioral
2 supports and early interventions, including diagnostic assessments, instruction in
3 core academic subjects, different instructional strategies for different pupils, and
4 strategies to improve reading and mathematics instruction and promote positive
5 behavior.

6 (d) ~~Provide~~ Provides additional learning time to address the academic needs
7 of pupils who are struggling academically, including pupils whose proficiency in
8 English is limited. The additional learning time may include an extended school day,
9 an extended school year, summer school, or intersession courses.

10 **SECTION 14.** 118.42 (1) (e) of the statutes is created to read:

11 118.42 (1) (e) Implements other strategies and interventions, as appropriate
12 to improve school district performance.

13 **SECTION 15.** 118.42 (2) of the statutes is repealed.

14 **SECTION 16.** 118.42 (3) of the statutes is repealed.

15 **SECTION 17.** 118.42 (4) of the statutes is repealed.

16 **SECTION 18.** 118.57 of the statutes is created to read:

17 **118.57 Notice of educational options.** Annually, by January 31, a school
18 board shall post on its Internet site the educational options available to children who
19 reside in the school district and 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, full-time open enrollment, youth options, and course options.

22 **SECTION 19.** 121.006 (2) (d) of the statutes is repealed.

23 **SECTION 20. Nonstatutory provisions.**

24 (1) ACCOUNTABILITY REPORT; REVIEW OF CURRENT MEASURES. Before promulgating
25 rules under section 115.385 (1) (am) of the statutes, as created by this act, the

1 department of public instruction shall review the most recent school and school
2 district accountability report. When reviewing the most recent school and school
3 district accountability report, the state superintendent of public instruction shall
4 consider all of the following:

5 (a) Pupil achievement in reading and mathematics.

6 (b) Growth in pupil achievement in reading and mathematics, calculated using
7 a value-added methodology.

8 (c) Gap closure in pupil achievement in reading and mathematics and, when
9 available, rates of graduation.

10 (d) The amount of time a pupil is enrolled in a school or school district before
11 data used for a measure is collected.

12 (e) The impact of poverty on pupil achievement and growth, including the
13 percentage of pupils enrolled in the school or school district who satisfy the income
14 eligible criteria for a free or reduced-price lunch under 42 USC 1758 (b) or any other
15 measure of poverty determined by the department of public instruction.

16 (f) Career and technical education readiness for high school pupils and
17 indications that elementary pupils are on track for career and technical education
18 readiness.

19 (2) ACCOUNTABILITY REPORT MEASURES; RULES.

20 ~~(a) *Emergency rules.* Using the procedure under section 227.24 of the statutes,~~
21 the department of public instruction shall promulgate rules under section 115.385
22 (1) (am) of the statutes, as created by this act, for the period before the effective date
23 of the rules submitted under paragraph (b), but not to exceed the period authorized
24 under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24
25 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the

1 statutes, the department of public instruction is not required to provide evidence
2 that promulgating a rule under this paragraph as an emergency rule is necessary for
3 the preservation of the public peace, health, safety, or welfare and is not required to
4 provide a finding of emergency for a rule promulgated under this paragraph.
5 Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department of
6 public instruction is not required to prepare a statement of the scope of the rules
7 promulgated under this paragraph or present the rules to the governor for approval.
8 The department of public instruction shall promulgate the rules under this
9 paragraph no later than December 15, 2015.

10 (b) *Submission to legislative council.* The department of public instruction
11 shall submit in proposed form the rules required under section 115.385 (1) (am) of
12 the statutes, as created by this act, to the legislative council staff under section
13 227.15 (1) of the statutes no later than the first day of the 9th month beginning after
14 the effective date of this paragraph.

15 (c) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the
16 department of public instruction is not required to present the statement of the scope
17 of the rules required under section 115.385 (1) (am) of the statutes, as created by this
18 act, to the governor for approval.

19 (d) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the
20 statutes, the department of public instruction is not required to prepare an economic
21 impact report for the rules required under section 115.385 (1) (am) of the statutes,
22 as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the
23 statutes, the department of public instruction is not required to submit the proposed
24 rules required under section 115.385 (1) (am) of the statutes, as created by this act,

1 to the small business regulatory review board and is not required to prepare a final
2 regulatory flexibility analysis for those rules.

3 (e) *Approval of rules in final draft form.* Notwithstanding section 227.185 of
4 the statutes, the department of public instruction is not required to present the rules
5 required under section 115.385 (1) (am) of the statutes, as created by this act, in final
6 draft form to the governor for approval.

Re-order by sub. H?

7 **SECTION 21. Initial applicability.**

8 (1) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
9 as created by this act, first applies to notice that a pupil's school was placed in the
10 lowest performance category in the school and school district accountability report
11 published for the 2016-17 school year.

12 (2) VIRTUAL SCHOOL DATA. The treatment of section 115.385 (1g) of the statutes
13 as created by this act, first applies to measuring a school district's improvement for
14 the 2015-16 school year.

*IAS
8-14*

15 **SECTION 22. Effective date.** This act takes effect on the day after publication,
16 except as follows:

17 (1) ACCOUNTABILITY REPORT; MEASURES. The repeal of section 115.385 (1) (a) of
18 the statutes takes effect on October 1, 2016.

19 (2) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
20 takes effect on January 1, 2017.

21 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

INS 3-6

1 SECTION 1. 118.385 (1m) of the statutes is created to read:

2 5 118.385 (1m) (a) For purposes of sub. (1), a private school participating in a
3 program under s. 118.60 or 119.23 shall submit to the department data for pupils
4 attending the private school under the program under s. 118.60 or 119.23. A private
5 school participating in a program under s. 118.60 or 119.23 may also submit to the
6 department data for pupils attending the private school who are not attending under
7 a program under s. 118.60 or 119.23. If a private school submits data for all pupils
8 attending the private school, the department shall determine the private school's
9 performance twice in the school and school district accountability report under sub.
10 (1): once using the data submitted for only pupils attending the private school under
11 the program under s. 118.60 or 119.23 and once for using the data submitted for all
12 pupils attending the private school. If a private school submits data for all pupils
13 attending the private school, the department shall also place the private school into
14 a performance category twice: once using the data submitted for only pupils
15 attending the private school under the program under s. 118.60 or 119.23 and once
16 using the data submitted for all pupils attending the private school.

END INS 3-6

INS 5-17

17 (a) Annually, by January 15, for each school in a school district that was placed
18 in the lowest performance category in the most recent school and school district
19 accountability report under s. 115.385, the school board shall notify, in writing,
20 the parent or guardian of each pupil that is enrolled in that school.

of the school district in which the public school is

NS
TO
INS
LINE 16

B
1

1

(A)



(b)
9
2

(B)

END INS 5-17

END INS 5-17

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0047/P2ins2
FFK:.....

INS TO INS LINE 16

no 11

1 If a private school participating in a parental choice program under s. 118.60
2 or 119.23 is included twice in a school and school district accountability report, the
3 department shall clearly identify which determination and placement is based on
4 data for only pupils attending the private school under a parental choice program
5 under s. 118.60 or 119.23 and which determination and placement is based on data
6 for all pupils attending the private school.

END INS TO INS LINE 16

INS 3-8

no 9

7 ~~(1m)~~ Annually, by January 15, all of the following shall notify the parent or
8 guardian of each pupil enrolled in a school that was placed in the lowest performance
9 category in the most recent school and school district accountability report of the
10 school's placement in that report:

11 (a) For a public school other than a charter school established under s. 118.40
12 (2r), the school board of the school district in which the public school is located.

13 (b) For a charter school established under s. 118.40 (2r), the operator of the
14 charter school.

15 (c) For a private school participating in a parental choice program under s.
16 ~~118.60 or 119.23, the governing body of the private school~~

END INS 3-8

INS 8-14

#

1 (3) DATA FOR SCHOOLS PARTICIPATING IN A PARENTAL CHOICE PROGRAM. The
2 treatment of sections 115.385 (1k) of the statutes first applies to the school and school
3 district accountability report published in the 2015-16 school year.

END INS 8-14

4

Knepp, Fern

From: Zantow, Jenna
Sent: Friday, April 10, 2015 1:41 PM
To: Knepp, Fern
Subject: SSA1 to SB1
Attachments: 118.42.docx

Hi Fern,

As promised here are the (hopefully) final changes to the Sen. Sub Amendment. Let me know if you have any questions at all!

Senate Substitute Amendment 1 to Senate Bill 1:

- Please remove the section on virtual school districts ✓
- Please add the 118.42(3) (a) back in, but we would like to take out the part about consulting representatives of each labor organization representing school district employees. Here is what the current statutes would look like after being revised (see attached doc) ✓
- In section 115.385 (1m) we would like to specify that the notice that a school or school district has been placed in the lowest category that parents are notified via a letter being mailed home. ✓
- 118.57 Notice of educational options: please add in that it's a **public** school board on page 6 line 19 rather than just leaving it as a school board. ✓

Thanks again,

Jenna Zantow

Policy Advisor / Committee Clerk
Office of Senator Paul Farrow
608.266.9174
jenna.zantow@legis.wi.gov

(d) Provide additional learning time to address the academic needs of pupils who are struggling academically, including pupils whose proficiency in English is limited. The additional learning time may include an extended school day, an extended school year, summer school, or intersession courses.

(2) If the state superintendent determines that a public school was 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 4 consecutive school years, the school board shall do all of the following in the school:

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

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

0. A method of identifying mitigating factors, such as a high rate of pupil mobility, large class size, insufficient preparation time, insufficient paraprofessional support, insufficient professional development, and insufficient resources or support, that could affect a teacher's or principal's performance.

(-) 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. Using the criteria, the school board shall determine whether the distribution of principals and teachers is equitable. If the school board determines that the distribution is inequitable, the school board shall do all of the following:

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

0. Provide additional support to teachers and principals, which may include professional development that is incorporated into their work and tuition reimbursement for courses related to their professional duties.

(-) Establish teacher and principal improvement programs that include all of the following:

0. Supplemental mentoring for those with emergency licenses or permits.

0. Opportunities to pursue other professional certifications, including certification by the National Board for Professional Teaching Standards.

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

0. A joint labor-management program designed to objectively identify teachers and principals who demonstrate serious performance deficiencies and provide them with opportunities for improvement, including weekly observation, mentoring, ongoing conferences, modeling, and professional development. The school board shall offer career counseling and other career transition benefits to those teachers and principals who continue to demonstrate performance deficiencies.

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

SECTION 11.

118.42 (title) of the statutes is amended to read:

118.42 Low-performing school districts; interventions. (Revised)

(1) ^{board of} The school of a school district that is placed in the lowest performance category under s. 115.385 for 3 consecutive school years, shall, by April 30 following its 3rd consecutive placement in the lowest performance category, do all of the following:

- (a) Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards, as determined by the state superintendent, and across grades in all schools.
- (b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to differentiate instruction to meet individual pupil needs. To the extent practicable, the school board shall assess pupils in the language and form most likely to yield accurate data.
- (c) Implement for all pupils a system of academic and behavioral supports and early interventions, including diagnostic assessments, instruction in core academic subjects, different instructional strategies for different pupils, and strategies to improve reading and mathematics instruction and promote positive behavior.
- (d) Provide additional learning time to address the academic needs of pupils who are struggling academically, including pupils whose proficiency in English is limited. The additional learning time may include an extended school day, an extended school year, summer school, or intersession courses.

(2) If a school district has been placed in the lowest performance category under s. 115.385 for 3 consecutive school years, the state superintendent may direct the school board to do one or more of the following in the school district:

- (a) Implement or modify activities described in sub. (1) (a) to (d).
- (b) Implement a new or modified instructional design, which may include expanded school hours or additional pupil supports and services.
- (c) Implement professional development programs that focus on improving pupil academic achievement.
- (d) Implement changes in administrative and personnel structures.
- (e) Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under subs. 1. to 4.

118.42 Low-performing school districts and schools; state superintendent interventions. (Edits)

(1) ~~If the state superintendent determines that a~~ The school or a school district has been in need of improvement for 4 ~~that is placed in the lowest performance category under s. 115.385 for 3~~ consecutive school years, ~~shall the school board shall~~ do all of the following:

- (a) Employ a standard, consistent, research-based curriculum that is aligned with the state's model academic standards, as determined by the state superintendent, and across grades in all schools.
- (b) Use pupil academic performance data, including data indicating improvement in pupil academic achievement and English language acquisition, to differentiate instruction to meet individual pupil needs. To the extent practicable, the school board shall assess pupils in the language and form most likely to yield accurate data.
- (c) Implement for all pupils a system of academic and behavioral supports and early interventions, including diagnostic assessments, instruction in core academic subjects, different instructional strategies for different pupils, and strategies to improve reading and mathematics instruction and promote positive behavior.

Per Jenna school district only

Per Jenna leave in consult w/ school board & superintendent

- ~~(15)(2)~~ If the state superintendent determines that a school district has been placed in the lowest performance category under s. 115.385 for 3 consecutive school years in need of improvement or 4 consecutive school years, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the school district:
- (a) Implement or modify activities described in sub. (1) (a) to (d).
 - (b) Implement a new or modified instructional design, which may include expanded school hours or additional pupil supports and services.
 - (c) Implement professional development programs that focus on improving pupil academic achievement.
 - (d) Implement changes in administrative and personnel structures.
 - (e) Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under subs. 1. to 4.
 - (f) If the state superintendent determines that a public school is located in a school district that has been in need of improvement for 4 consecutive school years, and that the school has been in need of improvement for 5 consecutive school years or was among the lowest performing 5 percent of all public schools in the state in the previous school year, the state superintendent may, after consulting with the school board, the school district superintendent, and representatives of each labor organization representing school district employees, direct the school board to do one or more of the following in the school:
 1. Implement a new or modified instructional design, which may include expanded school hours or additional pupil supports and services.
 2. Create a school improvement council consisting of the state superintendent or his or her designee, the school district or school board president or his or her designee, the school district administrator or his or her designee, the school principal or his or her designee, and representatives of each labor organization representing school district employees, to make recommendations to the state superintendent regarding improving the school.
- (c)
1. If the state superintendent issues a directive under par. (a) or (b), he or she shall do all of the following:
 - a. Notify the legislature's education committees under s. 13.172 (3) and each legislator whose legislative district includes any portion of the school district.
 - b. Provide a system of support and improvement, including technical assistance, to the school board.
 2. If a school board receives a directive from the state superintendent under par. (a) or (b), the school board shall seek input from school district staff, parents, and community leaders on implementing the directive.
- (3) The state superintendent shall promulgate rules establishing criteria and procedures for determining whether a school or school district is in need of improvement and whether a school is among the lowest performing 5 percent of all public schools in the state, for the purposes of this section.
- (4) Nothing in this section alters or otherwise affects the rights or remedies afforded school districts and school district employees under federal or state law.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0047/P3

FFK:cjs:cs

Stays

In 4-10
out 4-13, by noon if possible

1/14
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 1

SA
etc

Get Cat

1 **AN ACT to repeal** 115.385 (1) (a), 118.42 (2), 118.42 (3), 118.42 (4) and 121.006
2 (2) (d); **to amend** 115.385 (1) (a) (intro.), 115.385 (1) (b), 115.385 (2), 118.42
3 (title) and 118.42 (1); and **to create** 13.94 (1) (n), 13.94 (1s) (c) 9., 115.385 (1)
4 (am), 115.385 (1) (c), 115.385 (1g), 115.385 (1k), 115.385 (1m), 115.385 (3),
5 118.42 (1) (e) and 118.57 of the statutes; **relating to:** school and school district
6 accountability reports, interventions for low-performing school districts,
7 providing an exemption from emergency rule procedures, providing an
8 exemption from rule-making procedures, and granting rule-making authority.

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

9 **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:
10 13.94 (1) (n) No later than January 1, 2019, and biennially thereafter, perform
11 a performance evaluation audit of the school and school district accountability report

1 system under s. 115.385, including an evaluation of whether the index system used
2 to identify a school or school district's performance is being consistently applied. The
3 legislative audit bureau shall file a copy of the report of the audit under this
4 paragraph with the distributees specified in par. (b).

5 **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

6 13.94 (1s) (c) 9. The department of public instruction for the cost of an audit
7 performed under sub. (1) (n).

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

9 115.385 (1) (a) (intro.) Multiple For a school and school district accountability
10 report published for the 2015–16 school year or any previous school year, multiple
11 measures to determine a school's performance or a school district's improvement,
12 including all of the following:

13 **SECTION 4.** 115.385 (1) (a) of the statutes, as affected by 2015 Wisconsin Act ...
14 (this act), is repealed.

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

16 115.385 (1) (am) Beginning with the school and school district accountability
17 report published for the 2016–17 school year, multiple measures to determine a
18 school's performance or a school district's improvement, as determined by the
19 department by rule.

20 **SECTION 6.** 115.385 (1) (b) of the statutes is amended to read:

21 115.385 (1) (b) An index system to identify a school's level of performance and
22 a school district's level of improvement and annually place each school and school
23 district into one of 5 performance categories.

24 **SECTION 7.** 115.385 (1) (c) of the statutes is created to read:

25 115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

1 **SECTION 8.** 115.385 (1g) of the statutes is created to read:

2 115.385 (1g) For purposes of measuring a school district's improvement under
3 sub. (1), the department may not include data derived from a virtual charter school
4 that is considered to be located in the school district under s. 118.51 (18) if at least
5 50 percent of the pupils attending the virtual charter school are attending under s.
6 118.51.

7 **SECTION 9.** 115.385 (1k) of the statutes is created to read:

8 115.385 (1k) For purposes of sub. (1), a private school participating in a
9 program under s. 118.60 or 119.23, shall submit to the department data for pupils
10 attending the private school under the program under s. 118.60 or 119.23. A private
11 school participating in a program under s. 118.60 or 119.23 may also submit to the
12 department data for pupils attending the private school who are not attending under
13 a program under s. 118.60 or 119.23. If a private school submits data for all pupils
14 attending the private school, the department shall determine the private school's
15 performance twice in the school and school district accountability report under sub.
16 (1): once using the data for only pupils attending the private school under the
17 program under s. 118.60 or 119.23 and once using the data for all pupils attending
18 the private school. If a private school submits data for all pupils attending the
19 private school, the department shall also place the private school into a performance
20 category twice: once using the data for only pupils attending the private school under
21 the program under s. 118.60 or 119.23 and once using the data for all pupils attending
22 the private school. If a private school participating in a parental choice program
23 under s. 118.60 or 119.23 is included twice in a school and school district
24 accountability report, the department shall clearly identify which determination
25 and placement is based on data for only pupils attending the private school under a

1 parental choice program under s. 118.60 or 119.23 and which determination and
2 placement is based on data for all pupils attending the private school.

3 SECTION 10. 115.385 (1m) of the statutes is created to read:

mail a letter to

x

4

4 115.385 (1m) Annually, by January 15, all of the following shall ~~notify~~ the
5 parent or guardian of each pupil enrolled in a school that was placed in the lowest
6 performance category in the most recent school and school district accountability
7 report ^{*to notify the parents or guardian*} of the school's placement in that report:

8 (a) For a public school other than a charter school established under s. 118.40
9 (2r), the school board of the school district in which the public school is located.

10 (b) For a charter school established under s. 118.40 (2r), the operator of the
11 charter school.

12 (c) For a private school participating in a parental choice program under s.
13 118.60 or 119.23, the governing body of the private school

14 SECTION 11. 115.385 (2) of the statutes is amended to read:

15 115.385 (2) ~~Beginning one year after a charter school established under s.~~
16 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
17 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
18 ~~(b), or begins using a system that is interoperable with that system, the with the~~
19 ~~report published for the 2015-16 school year, the department shall include the school~~

20 in its annual school accountability report under sub. (1) charter schools established
21 under s. 118.40 (2r) and private schools participating in a parental choice program
22 under s. 118.60 or 119.23. The department shall use the same criteria to measure
23 the performance of all schools included in the annual school accountability report.

24 SECTION 12. 115.385 (3) of the statutes is created to read:

1 115.385 (3) Within 90 days of publishing the school and school district
2 accountability report for the 2019–2020 school year and at least once every four years
3 thereafter, the department shall review the measures promulgated by rule under
4 sub. (1) (am) and evaluate whether the measures accurately reflect school
5 performance and school district improvement. The department shall report the
6 results of its review to the appropriate standing committees of the legislature under
7 s. 13.172 (3).

8 **SECTION 13.** 118.42 (title) of the statutes is amended to read:

9 118.42 (title) **Low-performing school districts and schools; state**
10 **superintendent; interventions.**

11 **SECTION 14.** 118.42 (1) of the statutes is amended to read:

12 118.42 (1) ~~If the state superintendent determines that~~ The school board of a
13 school district has been in need of improvement for 4 ~~that is placed in the lowest~~
14 performance category under s. 115.385 in 3 consecutive school years, the school board
15 published school and school district accountability reports shall do, by April 30
16 following its 3rd consecutive placement in the lowest performance category, submit
17 to the state superintendent for approval an improvement plan that does all of the
18 following:

19 (a) ~~Employ~~ Employs a standard, consistent, research-based curriculum that
20 is aligned with the state's model academic standards, as determined by the state
21 superintendent, and across grades in all schools.

22 (b) ~~Use~~ Uses pupil academic performance data, including data indicating
23 improvement in pupil academic achievement and English language acquisition, to
24 differentiate instruction to meet individual pupil needs. To the extent practicable,

1 the school board shall assess pupils in the language and form most likely to yield
2 accurate data.

3 (c) ~~Implement~~ Implements for all pupils a system of academic and behavioral
4 supports and early interventions, including diagnostic assessments, instruction in
5 core academic subjects, different instructional strategies for different pupils, and
6 strategies to improve reading and mathematics instruction and promote positive
7 behavior.

8 (d) ~~Provide~~ Provides additional learning time to address the academic needs
9 of pupils who are struggling academically, including pupils whose proficiency in
10 English is limited. The additional learning time may include an extended school day,
11 an extended school year, summer school, or intersession courses.

12 ~~SECTION 15.~~ 118.42 (1) (e) of the statutes is created to read:

13 118.42 (1) (e) Implements other strategies and interventions, as appropriate
14 to improve school district performance.

15 **SECTION 16.** 118.42 (2) of the statutes is repealed.

16 **SECTION 17.** 118.42 (3) of the statutes is repealed.

17 **SECTION 18.** 118.42 (4) of the statutes ~~is~~ ^{and (5)} ~~are~~ repealed.

18 **SECTION 19.** 118.57 of the statutes is created to read:

19 **118.57 Notice of educational options.** Annually, by January 31, a school
20 board shall post on its Internet site the educational options available to children who
21 reside in the school district and are at least 3 years old but not yet 18 years old,
22 including public schools, private schools participating in a parental choice program,
23 charter schools, full-time open enrollment, youth options, and course options.

24 ~~SECTION 20.~~ 121.006 (2) (d) of the statutes is repealed.

25 **SECTION 21. Nonstatutory provisions.**

xx
Ins
6-15

xx
Ins
6-23

1 (1) ACCOUNTABILITY REPORT; REVIEW OF CURRENT MEASURES. Before promulgating
2 rules under section 115.385 (1) (am) of the statutes, as created by this act, the
3 department of public instruction shall review the most recent school and school
4 district accountability report. When reviewing the most recent school and school
5 district accountability report, the state superintendent of public instruction shall
6 consider all of the following:

7 (a) Pupil achievement in reading and mathematics.

8 (b) Growth in pupil achievement in reading and mathematics, calculated using
9 a value-added methodology.

10 (c) Gap closure in pupil achievement in reading and mathematics and, when
11 available, rates of graduation.

12 (d) The amount of time a pupil is enrolled in a school or school district before
13 data used for a measure is collected.

14 (e) The impact of poverty on pupil achievement and growth, including the
15 percentage of pupils enrolled in the school or school district who satisfy the income
16 eligible criteria for a free or reduced-price lunch under 42 USC 1758 (b) or any other
17 measure of poverty determined by the department of public instruction.

18 (f) Career and technical education readiness for high school pupils and
19 indications that elementary pupils are on track for career and technical education
20 readiness.

21 (2) ACCOUNTABILITY REPORT MEASURES; RULES.

22 (a) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
23 the department of public instruction shall promulgate rules under section 115.385
24 (1) (am) of the statutes, as created by this act, for the period before the effective date
25 of the rules submitted under paragraph (b), but not to exceed the period authorized

1 under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24
2 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
3 statutes, the department of public instruction is not required to provide evidence
4 that promulgating a rule under this paragraph as an emergency rule is necessary for
5 the preservation of the public peace, health, safety, or welfare and is not required to
6 provide a finding of emergency for a rule promulgated under this paragraph.
7 Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department of
8 public instruction is not required to prepare a statement of the scope of the rules
9 promulgated under this paragraph or present the rules to the governor for approval.
10 The department of public instruction shall promulgate the rules under this
11 paragraph no later than December 15, 2015.

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

17 (c) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the
18 department of public instruction is not required to present the statement of the scope
19 of the rules required under section 115.385 (1) (am) of the statutes, as created by this
20 act, to the governor for approval.

21 (d) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the
22 statutes, the department of public instruction is not required to prepare an economic
23 impact report for the rules required under section 115.385 (1) (am) of the statutes,
24 as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the
25 statutes, the department of public instruction is not required to submit the proposed

1 rules required under section 115.385 (1) (am) of the statutes, as created by this act,
2 to the small business regulatory review board and is not required to prepare a final
3 regulatory flexibility analysis for those rules.

4 (e) *Approval of rules in final draft form.* Notwithstanding section 227.185 of
5 the statutes, the department of public instruction is not required to present the rules
6 required under section 115.385 (1) (am) of the statutes, as created by this act, in final
7 draft form to the governor for approval.

8 **SECTION 22. Initial applicability.**

9 (1) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
10 first applies to notice that a pupil's school was placed in the lowest performance
11 category in the school and school district accountability report published for the
12 2016–17 school year.

13 (2) VIRTUAL SCHOOL DATA. The treatment of section 115.385 (1g) of the statutes
14 first applies to measuring a school district's improvement for the 2015–16 school
15 year.

16 (2) (3) DATA FOR SCHOOLS PARTICIPATING IN A PARENTAL CHOICE PROGRAM. The
17 treatment of sections 115.385 (1k) of the statutes first applies to the school and school
18 district accountability report published in the 2015–16 school year.

19 **SECTION 23. Effective date.** This act takes effect on the day after publication,
20 except as follows:

21 (1) ACCOUNTABILITY REPORT; MEASURES. The repeal of section 115.385 (1) (a) of
22 the statutes takes effect on October 1, 2016.

23 (2) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
24 takes effect on January 1, 2017.

25 (END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0047/P4
FFK:.....

INS 5-10

X 1 **SECTION 1.** 118.42 (1) (intro.) of the statutes is amended to read:
2 118.42 (1) (intro.) ~~If the state superintendent determines that a A school~~
3 ~~district has been in need of improvement that is placed in the lowest performance~~
4 ~~category under s. 115.385 for 4 3 consecutive school years, the school board shall do~~
5 all of the following:

History: 2009 a. 215; 2011 a. 10.

END INS 5-10

and (e)

INS 6-15

X 6 **SECTION 2.** 118.42 (3) (a) of the statutes is renumbered 118.42 (2m) and 118.42
7 (2m) (intro.), as renumbered, ^{e are} ~~is~~ amended to read:
8 118.42 (2m) (intro.) ~~If the state superintendent determines that a school~~
9 ~~district has been in need of improvement for 4 consecutive~~ is placed in the lowest
10 performance category under s. 115.385 for 3 consecutive school years, the state
11 superintendent may, after consulting with the school board, and the school district
12 superintendent, ~~and representatives of each labor organization representing school~~
13 ~~district employees,~~ direct the school board to do one or more of the following in the
14 school district:

History: 2009 a. 215; 2011 a. 10.

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

END INS 6-15

INS 6-23

16 **SECTION 4.** 121.006 (2) (d) of the statutes is amended to read:

INS
X

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

History: 1973 c. 90, 157; 1977 c. 26; 1977 c. 29 s. 1097; 1977 c. 178, 203, 206, 273, 447; Stats. 1977 s. 121.006; 1979 c. 221; 1995 a. 27 ss. 4031, 9145 (1); 1997 a. 27; 2009 a. 215; 2013 a. 257.

END INS 6-23

Section #. 118.42 (3) (a) 5. of the statutes is amended to read:

INS X

9 **118.42 (2m)** (e) Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent under subds. 1. to 4.

plain
rewrote

History: 2009 a. 215; 2011 a. 10.

pars. (a) to
(d)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBs0047/P4 /1
FFK:cjs:cs
LMA

In 4-14
TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT,
TO SENATE BILL 1

stays

GA ✓

for
Cut

1 **AN ACT to repeal** 115.385 (1) (a), 118.42 (2), 118.42 (3) (b) and (c) and 118.42 (4)
2 and (5); **to renumber and amend** 118.42 (3) (a); **to amend** 115.385 (1) (a)
3 (intro.), 115.385 (1) (b), 115.385 (2), 118.42 (title), 118.42 (1) (intro.) and 121.006
4 (2) (d); and **to create** 13.94 (1) (n), 13.94 (1s) (c) 9., 115.385 (1) (am), 115.385 (1)
5 (c), 115.385 (1k), 115.385 (1m), 115.385 (3) and 118.57 of the statutes; **relating**
6 **to:** school and school district accountability reports, interventions for
7 low-performing school districts, providing an exemption from emergency rule
8 procedures, providing an exemption from rule-making procedures, and
9 granting rule-making authority.

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

10 **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:

1 13.94 (1) (n) No later than January 1, 2019, and biennially thereafter, perform
2 a performance evaluation audit of the school and school district accountability report
3 system under s. 115.385, including an evaluation of whether the index system used
4 to identify a school or school district's performance is being consistently applied. The
5 legislative audit bureau shall file a copy of the report of the audit under this
6 paragraph with the distributees specified in par. (b).

7 **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

8 13.94 (1s) (c) 9. The department of public instruction for the cost of an audit
9 performed under sub. (1) (n).

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

11 115.385 (1) (a) (intro.) ~~Multiple~~ For a school and school district accountability
12 report published for the 2015–16 school year or any previous school year, multiple
13 measures to determine a school's performance or a school district's improvement,
14 including all of the following:

15 **SECTION 4.** 115.385 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
16 (this act), is repealed.

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

18 115.385 (1) (am) Beginning with the school and school district accountability
19 report published for the 2016–17 school year, multiple measures to determine a
20 school's performance or a school district's improvement, as determined by the
21 department by rule.

22 **SECTION 6.** 115.385 (1) (b) of the statutes is amended to read:

23 115.385 (1) (b) An index system to identify a school's level of performance and
24 a school district's level of improvement and annually place each school and school
25 district into one of 5 performance categories.

1 **SECTION 7.** 115.385 (1) (c) of the statutes is created to read:

2 115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

3 **SECTION 8.** 115.385 (1k) of the statutes is created to read:

4 115.385 (1k) For purposes of sub. (1), a private school participating in a
5 program under s. 118.60 or 119.23 shall submit to the department data for pupils
6 attending the private school under the program under s. 118.60 or 119.23. A private
7 school participating in a program under s. 118.60 or 119.23 may also submit to the
8 department data for pupils attending the private school who are not attending under
9 a program under s. 118.60 or 119.23. If a private school submits data for all pupils
10 attending the private school, the department shall determine the private school's
11 performance twice in the school and school district accountability report under sub.
12 (1): once using the data for only pupils attending the private school under the
13 program under s. 118.60 or 119.23 and once using the data for all pupils attending
14 the private school. If a private school submits data for all pupils attending the
15 private school, the department shall also place the private school into a performance
16 category twice: once using the data for only pupils attending the private school under
17 the program under s. 118.60 or 119.23 and once using the data for all pupils attending
18 the private school. If a private school participating in a parental choice program
19 under s. 118.60 or 119.23 is included twice in a school and school district
20 accountability report, the department shall clearly identify which determination
21 and placement is based on data for only pupils attending the private school under a
22 parental choice program under s. 118.60 or 119.23 and which determination and
23 placement is based on data for all pupils attending the private school.

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

1 115.385 (1m) Annually, by January 15, all of the following shall mail a letter
2 to the parent or guardian of each pupil enrolled in a school that was placed in the
3 lowest performance category in the most recent school and school district
4 accountability report to notify the parent or guardian of the school's placement in
5 that report:

6 (a) For a public school other than a charter school established under s. 118.40
7 (2r), the school board of the school district in which the public school is located.

8 (b) For a charter school established under s. 118.40 (2r), the operator of the
9 charter school.

10 (c) For a private school participating in a parental choice program under s.
11 118.60 or 119.23, the governing body of the private school

12 **SECTION 10.** 115.385 (2) of the statutes is amended to read:

13 115.385 (2) ~~Beginning one year after a charter school established under s.~~
14 ~~118.40 (2r) or a private school participating in a parental choice program under s.~~
15 ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~
16 ~~(b), or begins using a system that is interoperable with that system, the~~ with the
17 report published for the 2015-16 school year, the department shall include the school
18 in its annual school accountability report under sub. (1) charter schools established
19 under s. 118.40 (2r) and private schools participating in a parental choice program
20 under s. 118.60 or 119.23. The department shall use the same criteria to measure
21 the performance of all schools included in the annual school accountability report.

22 **SECTION 11.** 115.385 (3) of the statutes is created to read:

23 115.385 (3) Within 90 days of publishing the school and school district
24 accountability report for the 2019-^{le}2020 school year and at least once every four years
25 thereafter, the department shall review the measures promulgated by rule under

1 sub. (1) (am) and evaluate whether the measures accurately reflect school
2 performance and school district improvement. The department shall report the
3 results of its review to the appropriate standing committees of the legislature under
4 s. 13.172 (3).

5 **SECTION 12.** 118.42 (title) of the statutes is amended to read:

6 **118.42 (title) Low-performing school districts and schools; state**
7 **superintendent interventions.**

8 **SECTION 13.** 118.42 (1) (intro.) of the statutes is amended to read:

9 118.42 (1) (intro.) ~~If the state superintendent determines that a~~ A school
10 district ~~has been in need of improvement that is placed in the lowest performance~~
11 category under s. 115.385 for 4-3 consecutive school years, the school board shall do
12 all of the following:

13 **SECTION 14.** 118.42 (2) of the statutes is repealed.

14 **SECTION 15.** 118.42 (3) (a) of the statutes is renumbered 118.42 (2m), and 118.42
15 (2m) (intro.) and (e), as renumbered, are amended to read:

16 118.42 (2m) (intro.) ~~If the state superintendent determines that a school~~
17 district ~~has been in need of improvement for 4 consecutive~~ is placed in the lowest
18 performance category under s. 115.385 for 3 consecutive school years, the state
19 superintendent may, after consulting with the school board, and the school district
20 superintendent, ~~and representatives of each labor organization representing school~~
21 ~~district employees,~~ direct the school board to do one or more of the following in the
22 school district:

23 (e) Adopt accountability measures to monitor the school district's finances or
24 to monitor other interventions directed by the state superintendent under subds. 1.
25 ~~to 4~~ pars. (a) to (d).

1 **SECTION 16.** 118.42 (3) (b) and (c) of the statutes are repealed.

2 **SECTION 17.** 118.42 (4) and (5) of the statutes are repealed.

3 **SECTION 18.** 118.57 of the statutes is created to read:

4 **118.57 Notice of educational options.** Annually, by January 31, a school
5 board shall post on its Internet site the educational options available to children who
6 reside in the school district and are at least 3 years old but not yet 18 years old,
7 including public schools, private schools participating in a parental choice program,
8 charter schools, full-time open enrollment, youth options, and course options.

9 **SECTION 19.** 121.006 (2) (d) of the statutes is amended to read:

10 121.006 (2) (d) Comply with a directive issued by the state superintendent
11 under s. 118.42 (3) ~~(a) or (b)~~ (2m).

12 **SECTION 20. Nonstatutory provisions.**

13 (1) **ACCOUNTABILITY REPORT; REVIEW OF CURRENT MEASURES.** Before promulgating
14 rules under section 115.385 (1) (am) of the statutes, as created by this act, the
15 department of public instruction shall review the most recent school and school
16 district accountability report. When reviewing the most recent school and school
17 district accountability report, the state superintendent of public instruction shall
18 consider all of the following:

19 (a) Pupil achievement in reading and mathematics.

20 (b) Growth in pupil achievement in reading and mathematics, calculated using
21 a value-added methodology.

22 (c) Gap closure in pupil achievement in reading and mathematics and, when
23 available, rates of graduation.

24 (d) The amount of time a pupil is enrolled in a school or school district before
25 data used for a measure is collected.

1 (e) The impact of poverty on pupil achievement and growth, including the
2 percentage of pupils enrolled in the school or school district who satisfy the income
3 eligible criteria for a free or reduced-price lunch under 42 USC 1758 (b) or any other
4 measure of poverty determined by the department of public instruction.

5 (f) Career and technical education readiness for high school pupils and
6 indications that elementary pupils are on track for career and technical education
7 readiness.

8 (2) ACCOUNTABILITY REPORT MEASURES; RULES.

9 (a) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
10 the department of public instruction shall promulgate rules under section 115.385
11 (1) (am) of the statutes, as created by this act, for the period before the effective date
12 of the rules submitted under paragraph (b), but not to exceed the period authorized
13 under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24
14 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
15 statutes, the department of public instruction is not required to provide evidence
16 that promulgating a rule under this paragraph as an emergency rule is necessary for
17 the preservation of the public peace, health, safety, or welfare and is not required to
18 provide a finding of emergency for a rule promulgated under this paragraph.
19 Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department of
20 public instruction is not required to prepare a statement of the scope of the rules
21 promulgated under this paragraph or present the rules to the governor for approval.
22 The department of public instruction shall promulgate the rules under this
23 paragraph no later than December 15, 2015.

24 (b) *Submission to legislative council.* The department of public instruction
25 shall submit in proposed form the rules required under section 115.385 (1) (am) of

1 the statutes, as created by this act, to the legislative council staff under section
2 227.15 (1) of the statutes no later than the first day of the 9th month beginning after
3 the effective date of this paragraph.

4 (c) *Scope statement.* Notwithstanding section 227.135 (2) of the statutes, the
5 department of public instruction is not required to present the statement of the scope
6 of the rules required under section 115.385 (1) (am) of the statutes, as created by this
7 act, to the governor for approval.

8 (d) *Economic impact analysis.* Notwithstanding section 227.137 (2) of the
9 statutes, the department of public instruction is not required to prepare an economic
10 impact report for the rules required under section 115.385 (1) (am) of the statutes,
11 as created by this act. Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the
12 statutes, the department of public instruction is not required to submit the proposed
13 rules required under section 115.385 (1) (am) of the statutes, as created by this act,
14 to the small business regulatory review board and is not required to prepare a final
15 regulatory flexibility analysis for those rules.

16 (e) *Approval of rules in final draft form.* Notwithstanding section 227.185 of
17 the statutes, the department of public instruction is not required to present the rules
18 required under section 115.385 (1) (am) of the statutes, as created by this act, in final
19 draft form to the governor for approval.

20 **SECTION 21. Initial applicability.**

21 (1) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
22 first applies to notice that a pupil's school was placed in the lowest performance
23 category in the school and school district accountability report published for the
24 2016–17 school year.

1 (2) DATA FOR SCHOOLS PARTICIPATING IN A PARENTAL CHOICE PROGRAM. The
2 treatment of sections 115.385 (1k) of the statutes first applies to the school and school
3 district accountability report published in the 2015–16 school year.

4 **SECTION 22. Effective date.** This act takes effect on the day after publication,
5 except as follows:

6 (1) ACCOUNTABILITY REPORT; MEASURES. The repeal of section 115.385 (1) (a) of
7 the statutes takes effect on October 1, 2016.

8 (2) NOTICE TO PARENTS. The treatment of section 115.385 (1m) of the statutes
9 takes effect on January 1, 2017.

10

(END)