

2017 DRAFTING REQUEST

Bill

For: Jonathan Brostoff (608) 266-0650 Drafter: tkuczens
By: Rebecca Secondary Drafters:
Date: 12/5/2016 May Contact:

Same as LRB:

Submit via email: YES
Requester's email: Rep.Brostoff@legis.wisconsin.gov
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Pre Topic:

No specific pre topic given

Topic:

End parental choice programs and expand the SAGE program

Instructions:

Same as 2015 AB 918

Drafting History:

Table with 6 columns: Vers., Drafted, Reviewed, Submitted, Jacketed, Required. It contains three rows of drafting history data.

FE Sent For: 6/15/2017

<END>

Handwritten notes: ("1") with an arrow pointing to "At Intro, ("2")"



State of Wisconsin
2015 - 2016 LEGISLATURE

2017-2018

0996/1

LRB-2144/1
TKK:js&klm

2017

Kaup

2015 ASSEMBLY BILL 918

in 12/4 wanted 12/12

February 15, 2016 – Introduced by Representatives BROSTOFF, CONSIDINE, BERCEAU, GOYKE and BARNES, cosponsored by Senator C. LARSON. Referred to Committee on Education.

Repeal act

1 AN ACT *to repeal* 118.44; *to amend* 20.255 (2) (cu), 118.38 (1) (a) 9., 118.43 (6)
2 (b) 11., 118.43 (7), 118.60 (2) (a) (intro.) and 119.23 (2) (a) (intro.); *to repeal and*
3 *recreate* 118.43 (9); and *to create* 118.435, 118.60 (12) and 119.23 (12) of the
4 statutes; **relating to:** terminating parental choice programs, repealing the
5 achievement gap reduction program, expanding the student achievement
6 guarantee program, granting rule-making authority, and making an
7 appropriation.

Analysis by the Legislative Reference Bureau

This bill repeals the Achievement Gap Reduction (AGR) program created in 2015 Wisconsin Act 53, reinstates an expanded Student Achievement Guarantee in Education (SAGE) program, and phases out the Milwaukee, Racine, and statewide parental choice programs (together, choice programs).

Both the AGR and SAGE programs are categorical aid programs that provide funding to participating schools for low-income pupils enrolled in participating grades if the participating school complies with a five-year contract entered into between a school board, on behalf of the participating school, and the Department of Public Instruction (DPI). Under the AGR program repealed in this bill, a participating grade is a grade from kindergarten to third grade that is subject to an AGR contract. The expanded SAGE program established under this bill applies to all grades, from four-year-old kindergarten through grade 12.

ASSEMBLY BILL 918

Under the AGR program repealed in this bill, a school board must implement one or more of the following strategies in each class in each participating grade at each participating school:

1. Reduce the class size to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils, and provide professional development on small group instruction.

2. Provide instructional coaching for teachers.

3. Provide one-to-one tutoring to pupils who struggle with reading or math. Under the expanded SAGE program created in this bill, each participating school must reduce the class size of each class in the school to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils. In addition, the school board must:

(a) Ensure that certain education and human services are available in each participating school.

(b) Ensure that a rigorous curriculum is provided in each participating school.

(c) Provide staff development and require professional staff accountability for staff in each participating school.

Under the AGR program repealed in this bill, DPI must pay to a school board under an AGR contract a per pupil amount determined by dividing the amount appropriated to the AGR program by the total number of pupils enrolled in a participating class. Under the expanded SAGE program created in this bill, DPI must pay \$2,250 for each pupil in a participating class. Under the bill, DPI must annually adjust the per pupil payment to reflect the percentage change in the consumer price index, if that change is positive. The repeal of the AGR takes effect immediately; the bill permits school boards to enter into contracts under the expanded SAGE program in the 2016-17 school year. ~~2018-19 (2x)~~

2017-18
2017-18

Also under this bill, beginning in the 2016-17 school year, no private school may participate in a choice program unless the school was participating in the program in the 2015-16 school year. Also under the bill, no pupil may attend a private school under a choice program unless the pupil was attending that private school under the program in the 2015-16 school year.

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

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

1

SECTION 1. 20.255 (2) (cu) of the statutes, as affected by 2015 Wisconsin Act 53,

2 is amended to read:

ASSEMBLY BILL 918

1 20.255 (2) (cu) ~~Achievement gap reduction guarantee~~ contracts. The amounts
2 in the schedule A sum sufficient for aid to school districts under s. 118.435 and for
3 aid to school districts and the program evaluation under ss. s. 118.43 and 118.44.

4 **SECTION 2.** 118.38 (1) (a) 9. of the statutes, as affected by 2015 Wisconsin Act

5 53, is amended to read:

6 118.38 (1) (a) 9. The requirements established for achievement guarantee
7 contracts under s. 118.43 and for ~~achievement gap reduction~~ contracts the expanded
8 student achievement guarantee program under s. ~~118.44~~ 118.435.

9 **SECTION 3.** 118.43 (6) (b) 11. of the statutes, as created by 2015 Wisconsin Act

10 53, is amended to read:

11 118.43 (6) (b) 11. For the ~~2016-17~~ ²⁰¹⁸⁻¹⁹ school year and any subsequent school year,
12 the amount determined under s. ~~118.44 (6)~~ 118.435 multiplied by the number of
13 low-income pupils enrolled in a grade eligible for funding, and in a class in which the
14 class size has been reduced in the manner required under sub. (3) (a), (am), (ar), or
15 (at) or permitted under sub. (3m), in each school in the school district covered by
16 renewals of contracts under sub. (2) (g).

17 **SECTION 4.** 118.43 (7) of the statutes, as affected by 2015 Wisconsin Act 53, is
18 amended to read:

19 118.43 (7) EVALUATION. Beginning in the 1996-97 school year and ending in the
20 ~~2014-2015~~ 2015-16 school year, the department shall arrange for an evaluation of
21 the program under this section and shall allocate from the appropriation under s.
22 20.255 (2) (cu) \$250,000 for that purpose.

23 **SECTION 5.** 118.43 (9) of the statutes, as created by 2015 Wisconsin Act 53, is

24 repealed and recreated to read:

ASSEMBLY BILL 918

SECTION 5

1 118.43 (9) SUNSET. No contract may be entered into or renewed under this
2 section after the 2015-16 school year.

3 SECTION 6. 118.435 of the statutes is created to read:

4 **118.435 Expanded student achievement guarantee program; state aid.**

5 (1) LEGISLATIVE FINDINGS. The legislature finds that the voucher program
6 established under ss. 118.60, ^{e 2015} (2013) stats., and 119.23, ^{e 2015} (2013) stats., is a failed
7 experiment. The legislature further finds that the student achievement guarantee
8 in education program established under s. 118.43 has had measurable impacts on
9 pupils enrolled in schools that have entered into contracts with the department
10 under that section as compared to pupils who were enrolled in schools not
11 participating in the program established under s. 118.43. These impacts include
12 improved reading academic growth in kindergarten, improved mathematics and
13 reading academic growth from kindergarten through 3rd grade, and a positive effect
14 on students from economically disadvantaged backgrounds completing high school.
15 The legislature finds that the student achievement guarantee in education program
16 should be expanded under this section and that state resources allocated to the
17 voucher program should be redirected to the program under this section.

18 (2) DEFINITIONS. In this section:

19 (a) "Class size" means the number of pupils assigned to a regular classroom
20 teacher on the 3rd Friday of September.

21 (b) "Low-income pupils" means pupils who satisfy the income eligibility
22 criteria under 42 USC 1758 (b) (1).

23 (c) "Participating school" means an eligible school that is subject to a contract
24 under this section.

ASSEMBLY BILL 918

or s. 118.44, 2015 stats. ↑

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(3) ELIGIBILITY. (a) *Eligible school districts.* A school district that has a contract under s. 118.43 on the effective date of this paragraph ... [LRB inserts date], is an eligible school district and may enter into a contract with the department under sub. (4).

(b) *Individual school under student achievement guarantee contract.* A school is eligible to participate in the program under this section if the school is subject to a contract under s. 118.43 on the effective date of this paragraph ... [LRB inserts date].

or s. 118.44, 2015 stats. ↑

(c) *Low-income schools.* A school is eligible to participate in the program under this section if, in the previous school year, the school had an enrollment that was at least 30 percent low-income pupils.

(4) CONTRACT. (a) *Contract with eligible school district.* In the 2016-17 school year, the school board of an eligible school district may enter into a 5-year contract with the department on behalf of one or more schools in the school district that are eligible under sub. (3) (b).

2018-19

(b) *Contract with school district of eligible school.* Beginning in the 2016-17 school year and in any school year thereafter, the school board of a school district may enter into a 5-year contract with the department on behalf of one or more schools in the school district that are eligible under sub. (3) (c).

2018-19

(c) *Waiver of contract terms prohibited.* No contract entered into under this section may include a waiver of any requirement of or rule promulgated under the authority of this section.

(5) CONTRACT REQUIREMENTS. The department shall require each school board that has entered into a contract under sub. (4) to do all of the following in each participating school:

ASSEMBLY BILL 918**SECTION 6**

1 (a) *Reduction in class size.* Reduce class size in one of the following manners:

2 1. Reduce the class size in each class in the school to 18 in the following manner:

3 a. In the first school year of the contract, in at least the 2 lowest grades taught

4 in the school. For a school that offers elementary grades, the lowest grade is

5 4-year-old kindergarten.

6 b. In the 2nd school year of the contract, in at least the 3 lowest grades taught

7 in the school.

8 c. In the 3rd school year of the contract and in every other school year of the

9 contract, in each grade taught in the school.

10 2. Combine 2 classes subject to the class size limitation under subd. 1. in any

11 school covered by the contract if all of the following apply to that combined class:

12 a. The combined class size is not greater than 30.

13 b. At least 2 regular classroom teachers are assigned to the combined class.

14 (b) *Education and human services.* 1. Keep the school open every day from

15 early in the morning until late in the day, as specified in the contract.

16 2. Collaborate with community organizations to make educational and

17 recreational opportunities, as well as a variety of community and social services,

18 available in the school to all school district residents.

19 (c) *Curriculum.* 1. Provide a rigorous academic curriculum designed to

20 improve pupil academic achievement.

21 2. In consultation with the department and with the participation of the

22 school's teachers and administrators and school district residents, review the

23 school's current curriculum to determine how well it promotes pupil academic

24 achievement.

ASSEMBLY BILL 918

1 3. If necessary, outline any changes to the curriculum to improve pupil
2 academic achievement.

3 (d) *Staff development and accountability.* 1. Develop a one-year program for
4 all newly hired employees that helps them make the transition from their previous
5 employment or school to their current employment.

6 2. Provide time for employees to collaborate and plan.

7 3. Require that each teacher and administrator submit to the school board a
8 professional development plan that focuses on how the individual will help improve
9 pupil academic achievement. The plan shall include a method by which the
10 individual will receive evaluations on the success of his or her efforts from a variety
11 of sources.

12 4. Regularly review staff development plans to determine if they are effective
13 in helping to improve pupil academic achievement.

14 5. Establish an evaluation process for professional staff members that does all
15 of the following:

16 a. Identifies individual strengths and weaknesses.

17 b. Clearly describes areas in need of improvement.

18 (e) *Additional contract provisions.* Prepare all of the following:

19 1. A description of how the school will implement each of the elements under
20 pars. (a) to (d), including any alternative class configurations for specific educational
21 activities that may be used to meet the class size requirement under par. (a).

22 2. A description of the method that the school district will use to evaluate the
23 academic achievement of the pupils enrolled in the school.

24 3. A description of the school's performance objectives for the academic
25 achievement of the pupils enrolled in the school and the means that will be used to

ASSEMBLY BILL 918**SECTION 6**

1 evaluate success in attaining the objectives. Performance objectives shall include all
2 of the following:

3 a. Where applicable, improvement in the scores on the examination
4 administered to pupils under s. 121.02 (1) (r).

5 b. The attainment of any educational goals adopted by the school board.

6 c. Professional development with the objective of improving pupil academic
7 achievement.

8 d. Methods by which the school involves pupils, parents or guardians of pupils,
9 and other school district residents in decisions affecting the school.

10 4. Subject to subs. (4) (c) and (6) (a), a description of any statute or rule that is
11 waived under s. 118.38 if the waiver is related to the contract.

12 5. A description of the means by which the department will monitor compliance
13 with the terms of the contract.

14 **(6) CONTRACT RENEWALS.** (a) Except as provided in par. (b), a contract under this
15 section may be renewed for one or more terms of 5 school years. No contract renewed
16 under this section may include a waiver of any requirement of or rule promulgated
17 under the authority of this section.

18 (b) The department may not renew a contract with a school district on behalf
19 of a participating school if the department determines that the school board has
20 failed to comply with the terms of the contract under sub. (5).

21 **(7) STATE AID.** (a) *Payment.* From the appropriation under s. 20.255 (2) (cu),
22 the department shall annually make the following payments:

23 1. Subject to par. (b), for each school district that has entered into a contract
24 with the department under this section, the department shall pay to the school

ASSEMBLY BILL 918

1 district \$2,250 for each low-income pupil assigned to a classroom in which the class
2 size has been reduced in the manner required under sub (5) (a).

3 2. Subject to par. (b), for each school district to which the department is required
4 to make a payment under s. 118.43 (6) (b) 11., the department shall pay \$2,250 for
5 each low-income pupil described in that subdivision.

6 (b) *Per pupil adjustment.* Beginning in the ²⁰¹⁹⁻²⁰ ~~2017-18~~ school year, the
7 department shall annually modify the per pupil amount specified under par. (a) 1.
8 and 2. by the percentage difference between the consumer price index for the
9 12-month period ending on December 31 of the preceding school year and the
10 consumer price index for the 12-month period ending on December 31 of the school
11 year before the preceding school year, if positive.

12 (c) *Use of payment to fulfill contract.* The school board shall use the aid under
13 this section to satisfy the terms of the contract.

14 (d) *Limitations on payment.* The department shall cease payments under this
15 section to any school district if the school board withdraws from the contract before
16 expiration of the contract.

17 (e) *Rules.* The department shall promulgate rules to implement and
18 administer the payment of state aid under this subsection.

19 (8) EVALUATION. Beginning in the ²⁰¹⁸⁻¹⁹ ~~2016-17~~ school year, the department shall
20 arrange for an evaluation of the program under this section and shall allocate from
21 the appropriation under s. 20.255 (2) (cu) \$250,000 for that purpose.

22 SECTION 7. 118.44 of the statutes, as affected by 2015 Wisconsin Acts 53 and
23 71, is repealed.

24 SECTION 8. 118.60 (2) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 918

SECTION 8

1 118.60 (2) (a) (intro.) Subject to pars. (ag) and (ar) and sub. (12), any pupil in
2 grades kindergarten to 12 who resides within an eligible school district may attend
3 any private school under this section and, subject to pars. (ag), (ar), (be), (bm), and
4 (bs) and sub. (12), any pupil in grades kindergarten to 12 who resides in a school
5 district, other than an eligible school district or a 1st class city school district, may
6 attend any private school under this section if all of the following apply:

7 **SECTION 9.** 118.60 (12) of the statutes is created to read:

8 118.60 (12) (a) Beginning in the ~~2016-17~~^{e 2018-19} school year, a pupil may not attend
9 a participating private school under this section unless the pupil attended that
10 participating private school under this section in the ~~2015-16~~^{e 2017-18} school year.

11 (b) Beginning in the ~~2016-17~~^{e 2018-19} school year, a private school may not participate
12 in the program under this section unless the private school was participating in the
13 program under this section in the ~~2015-16~~^{e 2017-18} school year.

14 **SECTION 10.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

15 119.23 (2) (a) (intro.) Subject to pars. (ag) and (ar) and sub. (12), any pupil in
16 grades kindergarten to 12 who resides within the city may attend any private school
17 if all of the following apply:

18 **SECTION 11.** 119.23 (12) of the statutes is created to read:

19 119.23 (12) (a) Beginning in the ~~2016-17~~^{e 2018-19} school year, a pupil may not attend
20 a participating private school under this section unless the pupil attended that
21 participating private school under this section in the ~~2015-16~~^{e 2017-18} school year.

22 (b) Beginning in the ~~2016-17~~^{e 2018-19} school year, a private school may not participate
23 in the program under this section unless the private school was participating in the
24 program under this section in the ~~2015-16~~^{e 2017-18} school year.

25 (END)

Kohn, Hanna

From: Sanchez Sandoval2, Anahi
Sent: Wednesday, May 31, 2017 9:37 AM
To: LRB.Legal
Subject: Draft Review: LRB -0996/1

Good morning,

Please Jacket LRB -0996/1 for the ASSEMBLY.

Thank you,
Anahí

Fiscal Estimate - 2017 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 17-0996/1	Introduction Number
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Description
 terminating parental choice programs, repealing the achievement gap reduction program, expanding the student achievement guarantee program, granting rule-making authority, and making an appropriation

Fiscal Effect

State:

No State Fiscal Effect
 Indeterminate

<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs

Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
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Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By DPI/ Carl Bryan (608) 267-9127	Authorized Signature Erin Fath (608) 266-2804	Date 6/15/2017
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** 6-16-17 copy to Rep. Brostoff.
 FE is for old /1 version.
 Draft is now a /2.*

Fiscal Estimate Narratives

DPI 6/15/2017

LRB Number	17-0996/1	Introduction Number	Estimate Type	Original
Description terminating parental choice programs; repealing the achievement gap reduction program, expanding the student achievement guarantee program, granting rule-making authority, and making an appropriation				

Assumptions Used in Arriving at Fiscal Estimate

This bill repeals the Achievement Gap Reduction (AGR) program created in 2015 Wisconsin Act 53, reinstates an expanded Student Achievement Guarantee in Education (SAGE) program, and phases out the Milwaukee, Racine, and the Wisconsin (aka, statewide) parental choice programs (together, the state's three choice programs).

Both the AGR and SAGE programs are categorical aid programs that provide funding to participating schools for low-income pupils enrolled in participating grades if the participating school complies with a five-year contract entered into between a school board, on behalf of the participating school, and the Department of Public Instruction (DPI). Under the AGR program repealed in this bill, a participating grade is a grade from kindergarten to third grade that is subject to an AGR contract. The expanded SAGE program established under this bill applies to all grades, from four-year-old kindergarten through grade 12.

Under the AGR program repealed in this bill, a school board must implement one or more of the following strategies in each class in each participating grade at each participating school:

1. Reduce the class size to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils, and provide professional development on small group instruction.
2. Provide instructional coaching for teachers.
3. Provide one-to-one tutoring to pupils who struggle with reading or math.

Under the expanded SAGE program created in this bill, each participating school must reduce the class size of each class in the school to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils. In addition, the school board must:

- (a) Ensure that certain education and human services are available in each participating school.
- (b) Ensure that a rigorous curriculum is provided in each participating school.
- (c) Provide staff development and require professional staff accountability for staff in each participating school.

Under the AGR program repealed in this bill, DPI must pay to a school board under an AGR contract a per pupil amount determined by dividing the amount appropriated to the AGR program by the total number of pupils enrolled in a participating class. Under the expanded SAGE program created in this bill, DPI must pay \$2,250 for each pupil in a participating class. Under the bill, DPI must annually adjust the per pupil payment to reflect the percentage change in the consumer price index, if that change is positive. The repeal of the AGR takes effect immediately; the bill permits school boards to enter into contracts under the expanded SAGE program in the 2018-19 school year.

Also under this bill, beginning in the 2018-19 school year, no private school may participate in a parental choice program unless the school was participating in the program in the 2017-18 school year. Also under the bill, no pupil may attend a private school under a parental choice program unless the pupil was attending that private school under the program in the 2017-18 school year.

Local: Indeterminate

"Continuing Pupils" under Parental Choice Programs

Because the costs of payments for continuing choice pupils are borne directly by the state's general fund, there would be no fiscal impact on a school district as the continuing pupils exit the program.

"Incoming Pupils" under Parental Choice Programs

The bill does not alter the funding mechanism for incoming choice pupils (revenue limit exemption, general aid reduction). Thus, under the bill, school districts would experience a gradual decrease in the reduction to their general aid payments, as the "incoming" choice pupils exit the program. Additionally, the amount a school district would receive in the form of a non-recurring revenue limit exemption that can be used in setting the tax levy will also decrease, eventually to zero. Because the rate at which the incoming pupils will exit the Wisconsin and Racine choice programs is unknown, the local fiscal impact as a result of this bill is indeterminate.

The Expanded SAGE Program/AGR Elimination

Under the expanded SAGE program created in this bill, DPI must pay \$2,250 for each pupil in a participating class. DPI must also annually adjust the per pupil payment to reflect the percentage change in the consumer price index, if that change is positive. Estimating the costs is difficult since it is unknown how many schools and eligible students would participate in the expanded SAGE program as well as the number of additional grade levels those schools would include in the program. Information regarding the percentage changes in the consumer price index in future years is also unknown. For those reasons the costs are indeterminate.

State: Indeterminate

"Continuing Pupils" under Parental Choice Programs

Because "continuing" pupils would continue to be funded through a separate general purpose revenue appropriation, the exit of the continuing pupils from the choice program will result in lower expenditures for the Parental Choice program over time. The rate at which continuing choice pupils exit the statewide choice program is unknown, thus, the rate at which the state's expenditures will decrease is indeterminate.

"Incoming Pupils" under Parental Choice Programs

The cost to the state for pupils who enrolled in the Wisconsin and Racine parental choice programs during or after 2015-16 (incoming pupils) is completely offset by a reduction to the general aid payment of the public school districts in which the incoming choice pupils reside. Therefore, the exit of incoming pupils from the statewide program will have no net effect on the state's general fund. "Incoming" pupils with a non-recurring revenue limit exemption is borne completely by the local tax levy,; thus, the phase out and eventual elimination of this non-recurring revenue limit exemption would have no impact on the state's general fund.

The Expanded SAGE Program/AGR Elimination

The bill would utilize savings derived by the phase-out of the state's three parental choice programs and redirect those funds to pay for an expanded SAGE program. The rate at which pupils would exit the parental choice programs, if this bill were to become law, is unknown. Further, the number of schools that would participate in an expanded SAGE program, and the number of pupils for whom payments would be made, is unknown.. Thus, the net impact of repealing the state's parental choice programs and the AGR program, and expanding the SAGE program, is indeterminate.

Long-Range Fiscal Implications

Under the bill, DPI must annually adjust the per pupil payment under the SAGE program to reflect the percentage change in the consumer price index, if that change is positive.



State of Wisconsin
2017 - 2018 LEGISLATURE

2
LRB-09964
TKK:klm

insert
RANK

2017 BILL

in 6/15 Today

1 AN ACT *to repeal* 118.44; *to amend* 20.255 (2) (cu), 118.38 (1) (a) 9., 118.43 (6)
2 (b) 11., 118.60 (2) (a) (intro.) and 119.23 (2) (a) (intro.); and *to create* 118.435,
3 118.60 (12) and 119.23 (12) of the statutes; **relating to:** terminating parental
4 choice programs, ^{and the Special Needs Scholarship Program} repealing the achievement gap reduction program, expanding
5 the student achievement guarantee program, granting rule-making authority,
6 and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill repeals the Achievement Gap Reduction (AGR) program created in 2015 Wisconsin Act 53, reinstates an expanded Student Achievement Guarantee in Education (SAGE) program, and phases out the Milwaukee, Racine, and statewide parental choice programs (together, choice programs) ^{and the Special Needs Scholarship Program}

Both the AGR and SAGE programs are categorical aid programs that provide funding to participating schools for low-income pupils enrolled in participating grades if the participating school complies with a five-year contract entered into between a school board, on behalf of the participating school, and the Department of Public Instruction (DPI). Under the AGR program repealed in this bill, a participating grade is a grade from kindergarten to third grade that is subject to an AGR contract. The expanded SAGE program established under this bill applies to all grades, from four-year-old kindergarten through grade 12.

BILL

Under the AGR program repealed in this bill, a school board must implement one or more of the following strategies in each class in each participating grade at each participating school:

1. Reduce the class size to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils, and provide professional development on small group instruction.

2. Provide instructional coaching for teachers.

3. Provide one-to-one tutoring to pupils who struggle with reading or math. Under the expanded SAGE program created in this bill, each participating school must reduce the class size of each class in the school to 18 pupils or, if a classroom has at least two regular classroom teachers, to 30 pupils. In addition, the school board must:

(a) Ensure that certain education and human services are available in each participating school.

(b) Ensure that a rigorous curriculum is provided in each participating school.

(c) Provide staff development and require professional staff accountability for staff in each participating school.

Under the AGR program repealed in this bill, DPI must pay to a school board under an AGR contract a per pupil amount determined by dividing the amount appropriated to the AGR program by the total number of pupils enrolled in a participating class. Under the expanded SAGE program created in this bill, DPI must pay \$2,250 for each pupil in a participating class. Under the bill, DPI must annually adjust the per pupil payment to reflect the percentage change in the consumer price index, if that change is positive. The repeal of the AGR takes effect immediately; the bill permits school boards to enter into contracts under the expanded SAGE program in the 2018-19 school year.

Also under this bill, beginning in the 2018-19 school year, no private school may participate in a choice program unless the school was participating in the program in the 2017-18 school year. Also under the bill, no pupil may attend a private school under a choice program unless the pupil was attending that private school under the program in the 2017-18 school year.

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

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

- 1 **SECTION 1.** 20.255 (2) (cu) of the statutes is amended to read:
- 2 20.255 (2) (cu) *Achievement gap reduction guarantee contracts.* The amounts
- 3 in the schedule A sum sufficient for aid to school districts under s. 118.435 and for
- 4 aid to school districts and the program evaluation under ss. s. 118.43 and 118.44.

JWSA
Analysis

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Insert 3-1

1 **SECTION 2.** 118.38 (1) (a) 9. of the statutes is amended to read:

2 118.38 (1) (a) 9. The requirements established for achievement guarantee
3 contracts under s. 118.43 and for ~~achievement gap reduction contracts~~ the expanded
4 student achievement guarantee program under s. ~~118.44~~ 118.435.

5 **SECTION 3.** 118.43 (6) (b) 11. of the statutes is amended to read:

6 118.43 (6) (b) 11. For the ~~2016-17~~ 2018-19 school year and any subsequent
7 school year, the amount determined under s. ~~118.44 (6)~~ 118.435 multiplied by the
8 number of low-income pupils enrolled in a grade eligible for funding, and in a class
9 in which the class size has been reduced in the manner required under sub. (3) (a),
10 (am), (ar), or (at) or permitted under sub. (3m), in each school in the school district
11 covered by renewals of contracts under sub. (2) (g).

12 **SECTION 4.** 118.435 of the statutes is created to read:

13 **118.435 Expanded student achievement guarantee program; state aid.**

14 **(1) LEGISLATIVE FINDINGS.** The legislature finds that the voucher program
15 established under ss. 118.60, 2015 stats., and 119.23, 2015 stats., is a failed
16 experiment. The legislature further finds that the student achievement guarantee
17 in education program established under s. 118.43 has had measurable impacts on
18 pupils enrolled in schools that have entered into contracts with the department
19 under that section as compared to pupils who were enrolled in schools not
20 participating in the program established under s. 118.43. These impacts include
21 improved reading academic growth in kindergarten, improved mathematics and
22 reading academic growth from kindergarten through 3rd grade, and a positive effect
23 on students from economically disadvantaged backgrounds completing high school.
24 The legislature finds that the student achievement guarantee in education program

BILL**SECTION 4**

1 should be expanded under this section and that state resources allocated to the
2 voucher program should be redirected to the program under this section.

3 **(2) DEFINITIONS.** In this section:

4 (a) "Class size" means the number of pupils assigned to a regular classroom
5 teacher on the 3rd Friday of September.

6 (b) "Low-income pupils" means pupils who satisfy the income eligibility
7 criteria under 42 USC 1758 (b) (1).

8 (c) "Participating school" means an eligible school that is subject to a contract
9 under this section.

10 **(3) ELIGIBILITY.** (a) *Eligible school districts.* A school district that has a contract
11 under s. 118.43 or s. 118.44, 2015 stats., on the effective date of this paragraph
12 [LRB inserts date], is an eligible school district and may enter into a contract with
13 the department under sub. (4).

14 (b) *Individual school under student achievement guarantee contract.* A school
15 is eligible to participate in the program under this section if the school is subject to
16 a contract under s. 118.43 or s. 118.44, 2015 stats., on the effective date of this
17 paragraph [LRB inserts date].

18 (c) *Low-income schools.* A school is eligible to participate in the program under
19 this section if, in the previous school year, the school had an enrollment that was at
20 least 30 percent low-income pupils.

21 **(4) CONTRACT.** (a) *Contract with eligible school district.* In the 2018-19 school
22 year, the school board of an eligible school district may enter into a 5-year contract
23 with the department on behalf of one or more schools in the school district that are
24 eligible under sub. (3) (b).

BILL

1 (b) *Contract with school district of eligible school.* Beginning in the 2018-19
2 school year and in any school year thereafter, the school board of a school district may
3 enter into a 5-year contract with the department on behalf of one or more schools in
4 the school district that are eligible under sub. (3) (c).

5 (c) *Waiver of contract terms prohibited.* No contract entered into under this
6 section may include a waiver of any requirement of or rule promulgated under the
7 authority of this section.

8 **(5) CONTRACT REQUIREMENTS.** The department shall require each school board
9 that has entered into a contract under sub. (4) to do all of the following in each
10 participating school:

11 (a) *Reduction in class size.* Reduce class size in one of the following manners:

12 1. Reduce the class size in each class in the school to 18 in the following manner:

13 a. In the first school year of the contract, in at least the 2 lowest grades taught
14 in the school. For a school that offers elementary grades, the lowest grade is
15 4-year-old kindergarten.

16 b. In the 2nd school year of the contract, in at least the 3 lowest grades taught
17 in the school.

18 c. In the 3rd school year of the contract and in every other school year of the
19 contract, in each grade taught in the school.

20 2. Combine 2 classes subject to the class size limitation under subd. 1. in any
21 school covered by the contract if all of the following apply to that combined class:

22 a. The combined class size is not greater than 30.

23 b. At least 2 regular classroom teachers are assigned to the combined class.

24 (b) *Education and human services.* 1. Keep the school open every day from
25 early in the morning until late in the day, as specified in the contract.

BILL**SECTION 4**

1 2. Collaborate with community organizations to make educational and
2 recreational opportunities, as well as a variety of community and social services,
3 available in the school to all school district residents.

4 (c) *Curriculum.* 1. Provide a rigorous academic curriculum designed to
5 improve pupil academic achievement.

6 2. In consultation with the department and with the participation of the
7 school's teachers and administrators and school district residents, review the
8 school's current curriculum to determine how well it promotes pupil academic
9 achievement.

10 3. If necessary, outline any changes to the curriculum to improve pupil
11 academic achievement.

12 (d) *Staff development and accountability.* 1. Develop a one-year program for
13 all newly hired employees that helps them make the transition from their previous
14 employment or school to their current employment.

15 2. Provide time for employees to collaborate and plan.

16 3. Require that each teacher and administrator submit to the school board a
17 professional development plan that focuses on how the individual will help improve
18 pupil academic achievement. The plan shall include a method by which the
19 individual will receive evaluations on the success of his or her efforts from a variety
20 of sources.

21 4. Regularly review staff development plans to determine if they are effective
22 in helping to improve pupil academic achievement.

23 5. Establish an evaluation process for professional staff members that does all
24 of the following:

25 a. Identifies individual strengths and weaknesses.

BILL

1 b. Clearly describes areas in need of improvement.

2 (e) *Additional contract provisions.* Prepare all of the following:

3 1. A description of how the school will implement each of the elements under
4 pars. (a) to (d), including any alternative class configurations for specific educational
5 activities that may be used to meet the class size requirement under par. (a).

6 2. A description of the method that the school district will use to evaluate the
7 academic achievement of the pupils enrolled in the school.

8 3. A description of the school's performance objectives for the academic
9 achievement of the pupils enrolled in the school and the means that will be used to
10 evaluate success in attaining the objectives. Performance objectives shall include all
11 of the following:

12 a. Where applicable, improvement in the scores on the examination
13 administered to pupils under s. 121.02 (1) (r).

14 b. The attainment of any educational goals adopted by the school board.

15 c. Professional development with the objective of improving pupil academic
16 achievement.

17 d. Methods by which the school involves pupils, parents or guardians of pupils,
18 and other school district residents in decisions affecting the school.

19 4. Subject to subs. (4) (c) and (6) (a), a description of any statute or rule that is
20 waived under s. 118.38 if the waiver is related to the contract.

21 5. A description of the means by which the department will monitor compliance
22 with the terms of the contract.

23 **(6) CONTRACT RENEWALS.** (a) Except as provided in par. (b), a contract under this
24 section may be renewed for one or more terms of 5 school years. No contract renewed

BILL**SECTION 4**

1 under this section may include a waiver of any requirement of or rule promulgated
2 under the authority of this section.

3 (b) The department may not renew a contract with a school district on behalf
4 of a participating school if the department determines that the school board has
5 failed to comply with the terms of the contract under sub. (5).

6 (7) STATE AID. (a) *Payment.* From the appropriation under s. 20.255 (2) (cu),
7 the department shall annually make the following payments:

8 1. Subject to par. (b), for each school district that has entered into a contract
9 with the department under this section, the department shall pay to the school
10 district \$2,250 for each low-income pupil assigned to a classroom in which the class
11 size has been reduced in the manner required under sub (5) (a).

12 2. Subject to par. (b), for each school district to which the department is required
13 to make a payment under s. 118.43 (6) (b) 11., the department shall pay \$2,250 for
14 each low-income pupil described in that subdivision.

15 (b) *Per pupil adjustment.* Beginning in the 2019-20 school year, the
16 department shall annually modify the per pupil amount specified under par. (a) 1.
17 and 2. by the percentage difference between the consumer price index for the
18 12-month period ending on December 31 of the preceding school year and the
19 consumer price index for the 12-month period ending on December 31 of the school
20 year before the preceding school year, if positive.

21 (c) *Use of payment to fulfill contract.* The school board shall use the aid under
22 this section to satisfy the terms of the contract.

23 (d) *Limitations on payment.* The department shall cease payments under this
24 section to any school district if the school board withdraws from the contract before
25 expiration of the contract.

BILL

1 (e) *Rules.* The department shall promulgate rules to implement and
2 administer the payment of state aid under this subsection.

3 (8) **EVALUATION.** Beginning in the 2018-19 school year, the department shall
4 arrange for an evaluation of the program under this section and shall allocate from
5 the appropriation under s. 20.255 (2) (cu) \$250,000 for that purpose.

6 **SECTION 5.** 118.44 of the statutes is repealed.

7 **SECTION 6.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

8 118.60 (2) (a) (intro.) Subject to pars. (ag) and (ar) and sub. (12), any pupil in
9 grades kindergarten to 12 who resides within an eligible school district may attend
10 any private school under this section and, subject to pars. (ag), (ar), (be), (bm), and
11 (bs) and sub. (12), any pupil in grades kindergarten to 12 who resides in a school
12 district, other than an eligible school district or a 1st class city school district, may
13 attend any private school under this section if all of the following apply:

14 **SECTION 7.** 118.60 (12) of the statutes is created to read:

15 118.60 (12) (a) Beginning in the 2018-19 school year, a pupil may not attend
16 a participating private school under this section unless the pupil attended that
17 participating private school under this section in the 2017-18 school year.

18 (b) Beginning in the 2018-19 school year, a private school may not participate
19 in the program under this section unless the private school was participating in the
20 program under this section in the 2017-18 school year.

21 **SECTION 8.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

22 119.23 (2) (a) (intro.) Subject to pars. (ag) and (ar) and sub. (12), any pupil in
23 grades kindergarten to 12 who resides within the city may attend any private school
24 if all of the following apply:

25 **SECTION 9.** 119.23 (12) of the statutes is created to read:

INSERT ANALYSIS

Finally, under this bill, beginning in the 2018-19 school year, no private school may accept pupils under the SNSP unless the school was participating in the program in the 2017-18 school year, and no pupil may attend a private school under the SNSP unless the pupil was attending that private school under the program in the 2017-18 school year. Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship of \$12,000 to attend a private school participating in the SNSP.

INSERT 3-1

1 **SECTION 1.** 115.7915 (2) (intro.) of the statutes is amended to read:

2 115.7915 (2) SCHOLARSHIP REQUIREMENTS. (intro.) Beginning in the 2016-17
3 school year, the department shall, subject to sub. (11), provide to a child with a
4 disability a scholarship under sub. (4m) (a) to attend a private school if all of the
5 following apply:

6 History: 2015 a. 55, 289, 297; s. 13.92 (2) (i).

6 **SECTION 2.** 115.7915 (11) of the statutes is created to read:

7 115.7915 (11) SUNSET. (a) Beginning in the 2018-19 school year, a child with
8 a disability may not receive a scholarship under this section to attend a private school
9 unless the child attended that private school under a scholarship under this section
10 in the 2017-18 school year.

11 (b) Beginning in the 2018-19 school year, a private school may not participate
12 in the program under this section unless the private school was participating in the
13 program under this section in the 2017-18 school year.