



**SENATE AMENDMENT 1,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2011 SENATE BILL 461**

February 21, 2012 – Offered by Senator C. LARSON.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 11: after “effectiveness,” insert “a school and school district  
3 accountability system,”.

4 **2.** Page 8, line 2: after that line insert:

5 “**SECTION 18c.** 115.38 (title) of the statutes is amended to read:

6 **115.38** (title) **School accountability system; performance report;**  
7 **educational program review.**

8 **SECTION 18g.** 115.38 (1) of the statutes is renumbered 115.38 (1m), and 115.38  
9 (1m) (intro.), (c) and (e), as renumbered, are amended to read:

10 115.38 (**1m**) (intro.) The Annually, the state superintendent shall develop  
11 prepare a school and school district performance report ~~for use by school districts~~

1 ~~under sub. (2).~~ The report shall include all of the following by school and by school  
2 district:

3 (c) Staffing and financial data information, as determined by the state  
4 superintendent, not to exceed 10 items. The state superintendent may not request  
5 a school or school board to provide information solely for the purpose of including the  
6 information in the report under this paragraph.

7 (e) The method of reading instruction used in the school or school district and  
8 the textbook series used to teach reading in the school or school district.

9 **SECTION 18n.** 115.38 (1e) to (1k) of the statutes are created to read:

10 115.38 (1e) In this section, “school” means a public school, including a charter  
11 school, and a private school participating in a parental choice program under s.  
12 118.60 or 119.23.

13 (1g) The department shall establish a comprehensive school and school district  
14 accountability system beginning in the 2012–13 school year that includes all of the  
15 following components:

16 (a) Multiple measures to determine a school’s performance or a school district’s  
17 improvement status under s. 118.42, including all of the following:

- 18 1. Pupil achievement and growth in reading and mathematics.
- 19 2. Measures of college and career readiness for high school pupils and measures  
20 indicative of being on track for college and career readiness in the elementary grades.
- 21 3. Gaps in pupil achievement and rates of graduation, categorized by race,  
22 English language proficiency, disability, and income level.

23 (b) An index system to identify a school’s level of performance and annually  
24 place each school into one of 6 performance categories based on data derived from  
25 multiple school years. The department shall collect and disseminate the best

1 practices from the schools placed in the highest performance category. For schools  
2 placed in the lowest performance category, the department shall identify  
3 opportunities to provide support and shall intervene as provided in pars. (d) to (f).  
4 As part of that intervention, the department shall establish performance  
5 improvement benchmarks, which shall reflect the annual improvement necessary to  
6 remove the school from the lowest performance category within 3 years.  
7 Performance improvement benchmarks shall be as uniform as reasonably possible  
8 for all schools other than those serving predominantly children at risk, as defined in  
9 s. 118.153 (1) (a).

10 (c) The production of annual school and school district reports that are timely,  
11 useful, and understandable. Each school and school district shall display  
12 prominently on the school's and school district's Internet sites the reports produced  
13 by the department under this section and make copies available upon request in the  
14 school's office.

15 (d) If the department determines that a public school other than a charter  
16 school is in the lowest performance category, the department shall do all of the  
17 following:

18 1. Direct a department-approved, on-site, diagnostic review of the school to  
19 determine the cause of the school's poor performance.

20 2. Direct the school board to implement department-approved improvement  
21 activities, based on the diagnostic review, within 3 school years or close the school.

22 3. If the school board chooses to implement department-approved  
23 improvement activities under subd. 2. but after 3 school years remains in the lowest  
24 performance category, direct the activities of the school in a manner consistent with  
25 s. 118.42.

1           4. If the diagnostic review under subd. 1. reveals that the school district has  
2 been in need of improvement for 3 consecutive school years, s. 118.42 applies.

3           (e) If the department determines that a charter school is in the lowest  
4 performance category, the charter school shall do one of the following:

5           1. After participating in a department-approved, on-site, diagnostic review,  
6 implement department-approved improvement activities. After 3 years, if the  
7 charter school remains in the lowest performance category, the department shall  
8 revoke the school's charter.

9           2. Enter into a performance agreement with the department in which the  
10 charter school agrees to meet annual, department-approved, performance  
11 benchmarks. If a benchmark is not met in any year, the department shall revoke the  
12 school's charter.

13           (f) If the department determines that a private school participating in a  
14 program under s. 118.60 or 119.23 is in the lowest performance category, the private  
15 school shall do one of the following:

16           1. After participating in a department-approved, on-site, diagnostic review  
17 paid for by the private school, pay for and implement department-approved  
18 improvement activities. After 3 years, if the private school remains in the lowest  
19 performance category, the department shall bar the school from participating in the  
20 program under s. 118.60 or 119.23.

21           2. Enter into a performance agreement with the department in which the  
22 private school agrees to meet annual, department-approved, performance  
23 benchmarks. If a benchmark is not met in any year, the department shall bar the  
24 school from participating in the program under s. 118.60 or 119.23.

1           **(1i)** In establishing the accountability system under sub. (1g), the department  
2 shall consult with all of the following:

3           (a) The governor.

4           (b) The chairpersons of the committees in the assembly and the senate whose  
5 subject matter is elementary and secondary education.

6           (c) The ranking minority members of each of the committees under par. (b).

7           (d) Members of education groups representing school boards, school  
8 administrators, and teachers.

9           (e) Members of organizations representing pupils and parents.

10          **(1k)** (a) The department shall annually report to the appropriate standing  
11 committees of the legislature under s. 13.172 (3) the performance category to which  
12 each school has been assigned.

13          (b) Each school board, the governing body of each charter school under s. 118.40  
14 (2r), and the governing body of each private school participating in a program under  
15 s. 118.60 or 119.23 shall annually report to the parent of each pupil enrolled in the  
16 school or school district the performance category to which the school has been  
17 assigned.

18          **SECTION 18r.** 115.38 (1s) of the statutes is created to read:

19          115.38 **(1s)** The governing body of a private school participating in a parental  
20 choice program under s. 118.60 or 119.23 shall provide the state superintendent with  
21 any information he or she requests for the purpose of preparing the school  
22 performance report under sub. (1m). The state superintendent shall prepare the  
23 report for each private school participating in a parental choice program under s.  
24 118.60 or 119.23 using only information relating to the pupils who are attending the  
25 private school under s. 118.60 or 119.23.

1           **SECTION 18w.** 115.38 (2) of the statutes is amended to read:

2           115.38 **(2)** (a) Annually by January 1, each school board shall notify the parent  
3 or guardian of each pupil enrolled in the school district of the right to request a school  
4 and school district performance report under this subsection. Except as provided in  
5 par. (b), annually by May 1, each school board shall, upon request, distribute to the  
6 parent or guardian of each pupil enrolled in the school district, including pupils  
7 enrolled in charter schools located in the school district, or give to each pupil to bring  
8 home to his or her parent or guardian, a school and school district performance report  
9 that includes the information specified by the state superintendent under sub. ~~(1)~~  
10 (1m). The report shall also include a comparison of the school district's performance  
11 under sub. ~~(1)~~ (1m) (a) and (b) with the performance of other school districts in the  
12 same athletic conference under sub. ~~(1)~~ (1m) (a) and (b). If the school district  
13 maintains an Internet site, the report shall be ~~made available to the public at~~  
14 prominently displayed on that site.

15           (b) If a school board enters into an agreement with a federally recognized  
16 American Indian tribe or band in this state to establish a charter school, that school  
17 board shall, upon request, distribute to the parent or guardian of each pupil enrolled  
18 in the charter school a school and school district performance report that includes the  
19 information specified by the state superintendent under sub. ~~(1)~~ (1m), regardless of  
20 the location of the charter school.”.

21           **3.** Page 11, line 18: after that line insert:

22           “**SECTION 21b.** 118.40 (3) (f) of the statutes is created to read:

23           118.40 **(3)** (f) No charter school may be established by contract unless the  
24 contract authorizes the department to revoke the contract under sub. (5) (b).

1           **SECTION 21e.** 118.40 (5) of the statutes is renumbered 118.40 (5) (a).

2           **SECTION 21f.** 118.40 (5) (b) of the statutes is created to read:

3           118.40 (5) (b) A charter may be revoked by the department under s. 115.38 (1g)  
4 (e).

5           **SECTION 21h.** 118.42 (1) (intro.) of the statutes is amended to read:

6           118.42 (1) (intro.) If the state superintendent determines that a school district  
7 has been in need of improvement for ~~4~~ 3 consecutive school years, the school board  
8 shall do all of the following:

9           **SECTION 21L.** 118.42 (2) (intro.) of the statutes is amended to read:

10           118.42 (2) (intro.) If the state superintendent determines that a public school  
11 was in the lowest performing 5 percent of all public schools in the state in the  
12 previous school year prior to the 2012-13 school year, or was in the lowest  
13 performance category under s. 115.38 (1g) (b) in the 2012-13 school year or any  
14 school year thereafter, and is located in a school district that has been in need of  
15 improvement for ~~4~~ 3 consecutive school years, the school board shall do all of the  
16 following in the school:

17           **SECTION 21p.** 118.42 (3) (a) (intro.) of the statutes is amended to read:

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

24           **SECTION 21r.** 118.42 (3) (b) (intro.) of the statutes is amended to read:

1           118.42 (3) (b) (intro.) If the state superintendent determines that a public  
2 school is located in a school district that has been in need of improvement for 4  
3 consecutive school years, prior to the 2012-13 school year or in a school district that  
4 has been in need of improvement for 3 consecutive school years beginning in the  
5 2012-13 school year; and that the school has been in need of improvement for 5  
6 consecutive school years prior to the 2012-13 school year or was among the lowest  
7 performing 5 percent of all public schools in the state in the previous school year,  
8 prior to the 2012-13 school year, or was in the lowest performance category under  
9 s. 115.38 (1g) (b) in the 2012-13 school year or any school year thereafter; the state  
10 superintendent may, after consulting with the school board, the school district  
11 superintendent, and representatives of each labor organization representing school  
12 district employees, direct the school board to do one or more of the following in the  
13 school:

14           **SECTION 21u.** 118.42 (3m) of the statutes is created to read:

15           118.42 (3m) (a) The department shall report annually to the appropriate  
16 standing committees of the legislature under s. 13.172 (3) the improvement status  
17 of each school district under this section.

18           (b) Each school board shall annually report to the parent of each pupil enrolled  
19 in the school district the improvement status of the school district under this section.

20           **SECTION 21y.** 118.42 (4) of the statutes is amended to read:

21           118.42 (4) The state superintendent shall promulgate rules establishing  
22 criteria and procedures for determining whether a school or school district is in need  
23 of improvement and whether a school is among the lowest performing 5 percent of  
24 all public schools in the state, prior to the 2012-13 school year for the purposes of this  
25 section. Beginning in the 2012-13 school year, the state superintendent shall



1 promulgate rules establishing criteria and procedures for determining whether a  
2 school district is in need of improvement for purposes of this section.”.

3 **4.** Page 11, line 23: delete “115.38 (2)” and substitute “115.38 (2)”.

4 **5.** Page 12, line 12: after that line insert:

5 “**SECTION 23m.** 121.006 (2) (d) of the statutes is amended to read:

6 121.006 (2) (d) Comply with a directive issued by the state superintendent  
7 under s. 115.38 (1g) (d) or 118.42 (3) (a) or (b).”.

8 **6.** Page 13, line 3: after that line insert:

9 “(1m) ACCOUNTABILITY SYSTEM. Notwithstanding section 16.42 (1) (e) of the  
10 statutes, in submitting information under section 16.42 of the statutes for purposes  
11 of the 2013-15 biennial budget bill, the department of public instruction shall submit  
12 information concerning the cost of implementing the school and school district  
13 accountability system under section 115.38 (1g) to (1k) of the statutes, as created by  
14 this act.”.

15 **7.** Page 13, line 17: after that line insert:

16 “(1m) CHARTER SCHOOL CONTRACTS. The treatment of sections 115.38 (1g) (e) and  
17 118.40 (3) (f) and (5) (b) of the statutes first applies to a contract for the establishment  
18 of a charter school that is entered into, modified, or renewed on the effective date of  
19 this subsection.

20 **SECTION 28m. Effective dates.** This act takes effect on the day after  
21 publication, except as follows:

22 (1) The treatment of sections 115.38 (1), (1e) to (1k), (1s) and (2) and 119.04 (1)  
23 of the statutes takes effect on September 1, 2012.”.

24 (END)