

1 **AN ACT** *to amend* 20.255 (2) (cu) and 118.38 (3); and *to create* 118.38 (3m), 118.43
2 (9) and 118.44 (intro.), and (1) to (6) of the statutes; **relating to:** achievement gap
3 reduction contracts requiring one-to-one tutoring for low-income pupils,
4 instructional coaching for teachers, or small class size and professional development.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Study Committee on Student Achievement Guarantee in Education (SAGE) Program.

SAGE is a categorical state aid program that provides funding to schools for low-income students in primary grades (K–3) if certain statutory requirements are met. The contractual requirements include: (a) class sizes no larger than 18 students to one classroom teacher, or 30 students to two classroom teachers; (b) provision of education and human services available in the school; (c) ensuring a rigorous curriculum; and (d) providing staff development and accountability.

Before an eligible school may participate in SAGE, the school board of the district must enter into a contract with the Department of Public Instruction (DPI) on behalf of the school. SAGE contracts are for five years and may be renewed for additional five-year terms.

This draft creates a program entitled “Achievement Gap Reduction” (AGR) under a new section of the statutes. The new program is similar to the SAGE program and incorporates many existing aspects of the SAGE program; however, it ends the SAGE program as it currently exists.

The new AGR program is **similar to** SAGE in the following key aspects:

- The AGR program targets funding to low-income students in participating schools subject to a five-year contract between the school district and DPI which requires the school to meet contractual conditions.
- The AGR program makes a school district eligible to sign an AGR contract on behalf of a school that is currently participating in SAGE when the existing SAGE contract expires.

- The AGR program allows a participating school to meet the obligations of its contract by maintaining small class sizes of 18:1 or 30:2, in addition to requiring professional development for teachers.
- The AGR program maintains the appropriation and level of funding that currently applies to the SAGE program. The program is also subject to a required evaluation.

The new AGR program **differs from** the existing SAGE program in the following key aspects:

- The AGR program allows a school to meet its obligations under the contract by using one of three interventions, or a combination of these interventions: (a) one-to-one tutoring provided by a licensed teacher; (b) instructional coaching for teachers provided by a licensed teacher; or (c) maintaining 18:1 or 30:2 classroom ratios and providing professional development on small group instruction. Unlike SAGE, the AGR program does not require all participating grades to meet the 18:1 or 30:2 classroom ratios in order to receive funding.
- The AGR program requires a participating school to create performance goals, including reduction of the achievement gap between low-income students in that school and the statewide average.
- A school district may request a waiver of AGR requirements from DPI on behalf of a participating school. School districts are currently prohibited from requesting waivers of SAGE requirements.

1 **SECTION 1.** 20.255 (2) (cu) of the statutes is amended to read:

2 20.255 (2) (cu) *Achievement guarantee gap reduction contracts*. The amounts in the
3 schedule for aid to school districts and the program evaluation under ss. 118.43 and 118.44.

NOTE: Amends the name of the existing SAGE appropriation and expands the appropriation to cover the new achievement gap reduction contracts which are authorized by the draft.

4 **SECTION 2.** 118.38 (3) of the statutes is amended to read:

5 118.38 (3) A Except as provided in sub. (3m), a waiver is effective for 4 years. The
6 department shall renew the waiver for additional 4-year periods if the school board has
7 evaluated the educational and financial effects of the waiver over the previous 4-year period,
8 except that the department is not required to renew a waiver if the department determines that

1 the school district is not making adequate progress toward improving pupil academic
2 performance.

3 **SECTION 3.** 118.38 (3m) of the statutes is created to read:

4 118.38 **(3m)** A waiver by the department of requirements established for achievement
5 gap reduction contracts under s. 118.44 granted to a school district on behalf of a participating
6 school is effective for the period of the 5-year contract.

NOTE: Allows school districts to request that DPI waive AGR program requirements under the existing waiver procedure appearing in s. 118.38, stats. Under the existing procedure, waivers are effective for four years. The section provides that waivers granted for AGR requirements are for the length of the five-year contract.

7 **SECTION 4.** 118.43 (9) of the statutes is created to read:

8 118.43 **(9)** No contract may be entered into or renewed under this section after the
9 effective date of this act [LRB inserts date].

NOTE: Prohibits the creation or renewal of SAGE contracts after the effective date of the bill. Contracts will be available to schools currently participating in SAGE under a new section of the statutes entitled “Achievement Gap Reduction”, which is created in the following section.

10 **SECTION 5.** 118.44 (intro.), and (1) to (6) of the statutes are created to read:

11 **118.44 Achievement gap reduction; state aid.**

12 **(1) DEFINITIONS.** In this section:

13 (a) “Achievement gap” means the difference between the academic performance of
14 low-income pupils in a particular school and the academic performance of all pupils
15 statewide.

16 (b) “Class size” means the number of pupils assigned to a regular classroom teacher on
17 the 3rd Friday of September.

1 (c) “Low income” means the measure of low income that is used by the school district
2 under 20 USC 2723.

3 (d) “Participating grade” means any grade level 5–year–old kindergarten to 3rd grade
4 complying with contractual requirements in sub. (3) (a) in a school subject to a contract under
5 this section.

6 (e) “Participating school” means a school subject to a contract under this section.

NOTE: Maintains definitions of “class size” and “low income” from the
SAGE statute and creates new definitions for “achievement gap”,
“participating grade”, and “participating school”.

COMMENT: The definition of “class size” retains the count date on the
3rd Friday in September.

7 (2) **ELIGIBILITY.** (a) *School districts.* The school board of any school district that has
8 a contract under s. 118.43 on the effective date of this act [LRB inserts date], is eligible to enter
9 into a 5–year contract with the department under this section on behalf of any school eligible
10 under par. (b).

11 (b) *Individual schools.* A school is eligible to participate in the program under this
12 section if the school is subject to a contract under s. 118.43 on the effective date of this act
13 [LRB inserts date].

NOTE: The draft creates a new “Achievement Gap Reduction” program
section of the statutes to replace the existing framework of the SAGE
program. This section provides that school districts and schools that are
currently participating in SAGE will be eligible to sign an AGR contract
provided that they create locally determined goals to reduce the
achievement gap.

COMMENT: The draft limits eligibility for the AGR program to only
those districts and schools currently participating in SAGE.

COMMENT: Does the committee wish to allow a participating school to
decide **each year** which grade levels will comply with AGR–required
interventions and receive funding only for those grade levels?

14 (3) **CONTRACT REQUIREMENTS.** A contract under this section must require:

1 (a) *Class size; instructional coaching; tutoring.* The contract shall require the school
2 board to do one or more of the following in each participating grade in each participating
3 school:

4 1. Provide professional development related to small group instruction and reduce each
5 class size to one of the following:

6 a. No more than 18.

7 b. No more than 30 in a combined classroom having at least 2 regular classroom
8 teachers.

9 2. Provide instructional coaching for teachers that is data-driven and offered by
10 licensed teachers who possess appropriate content knowledge to assist classroom teachers in
11 improving instruction in math or reading and possess expertise in reducing the achievement
12 gap.

13 3. Provide data-informed one-to-one tutoring using an instructional program found to
14 be effective by the What Works Clearinghouse for pupils at risk of difficulty with reading,
15 mathematics, or both, within regular school hours by a licensed teacher.

16 (b) *Annual reporting.* The school district shall annually report all of the following to
17 the department:

18 1. Before November 1 of each school year, a brief description of how the school district
19 intends to satisfy the contract requirement under par. (a) in each participating grade in each
20 school for which it entered into a contract.

21 2. Before the last day of each school year, a brief description of how the school district
22 did satisfy the requirement under par. (a) in each participating grade in each school for which
23 it entered into a contract.

1 (c) *Term*. Contracts under this section are for 5 years and may be renewed for one or
2 more 5-year terms subject to sub. (4).

3 (d) *Goals*. Each contract shall include a description of the school's performance
4 objectives for the academic achievement of the pupils enrolled in the school and the formative
5 assessments that will be used to evaluate success in attaining the objectives. Performance
6 objectives shall be specific, measurable, and achievable and shall include reducing the
7 achievement gap in math and reading.

8 (e) *School board review*. The school district shall require each participating school to
9 annually present the school's performance objectives under par. (d) and its success in attaining
10 the objectives to the school board.

NOTE: Contracts signed under the AGR program must require that a participating school implement one of three interventions, or a combination of the three. The three interventions include: (a) small class sizes of 18:1 or 30:2 and professional development related to small group instruction; (b) data-driven instructional coaching for teachers; or (c) data-informed one-to-one tutoring for students at risk of difficulty with math or reading.

An AGR contract must also require annual reporting to DPI. A school district must report at the beginning of the school year what interventions it intends to use, and must report by the end of the year what interventions it did use.

Further, an AGR contract must require a school to set performance objectives that include reducing the achievement gap for low-income pupils in math and reading and to specify the assessments the school will use to determine if it achieved the objectives.

Finally, an AGR contract must require a school to report its objectives and its success in achieving them to the school board every year.

COMMENT: Does this reflect the intent of the committee?

11 (4) **CONTRACT RENEWALS**. The department shall not renew a contract with a school
12 district on behalf of a participating school if the department determines that the school board
13 has failed to fully implement the provisions under sub. (3).

NOTE: Prohibits DPI from renewing an AGR contract with a school district on behalf of any school that fails to comply with the contractual requirements.

COMMENT: Does this reflect the preference of the committee?

1 **(5) STATE AID.** (a) In this subsection, “amount appropriated” means the amount under
2 s. 20.255 (2) (cu) in any fiscal year less \$250,000.

3 (b) From the appropriation under s. 20.255 (2) (cu), the department shall pay to each
4 school district that has entered into a contract with the department under this section \$2,250
5 multiplied by the number of low-income pupils enrolled in a participating grade.

6 (c) The school board shall use the aid under this section to satisfy the terms of the
7 contract.

8 (d) The department shall cease payments under this section to any school district if the
9 school board withdraws from the contract before expiration of the contract.

10 (e) The department shall promulgate rules to implement and administer the payment of
11 state aid under sub. (5).

NOTE: Largely maintains language related to state funding and evaluation from the SAGE statute. The section applies the existing appropriation and funding for the SAGE program to the newly created AGR program. As in the SAGE statute, the section maintains the \$250,000 allocation for evaluation of the program and requires DPI to promulgate rules regarding payment of state aid.

COMMENT: Does the committee wish to make a sum sufficient allocation for the new program? This would ensure that participating schools receive \$2,250 per eligible low-income student, rather than a prorated amount, and would require a larger appropriation.

12 **(6) EVALUATION.** Beginning in the 2017–18 school year, the department shall arrange
13 for an annual evaluation of the program under this section and shall allocate from the
14 appropriation under s. 20.255 (2) (cu) \$250,000 for that purpose.

NOTE: Requires DPI to arrange for yearly evaluation of the AGR program following the first year of implementation. As in the SAGE

statute, the section requires evaluation and budgets \$250,000 for this evaluation.

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(END)