



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1312/1
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2015 SENATE BILL 32

February 13, 2015 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to
Committee on Education.

1 **AN ACT** *to amend* 20.255 (2) (cu) and 118.38 (1) (a) 9.; and *to create* 118.43 (9)
2 and 118.44 of the statutes; **relating to:** achievement gap reduction contracts
3 requiring participating schools to implement strategies for improving academic
4 performance of low-income pupils in reading and mathematics, granting
5 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the Notes provided by the Joint Legislative Council in
the bill.

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:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill 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 with
low-income students in primary grades (K-3) if certain statutory requirements are met.
The statutory requirements include: (a) reducing class sizes to no larger than 18 students

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to one classroom teacher, or 30 students to two classroom teachers; (b) ensuring that certain education and human services are available in the school; (c) ensuring that a rigorous curriculum is provided; and (d) providing staff development and requiring professional staff 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 bill 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 prevents DPI from entering into any new SAGE contracts or renewing any existing SAGE contracts.

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

- The AGR program targets funding to schools with low-income students. Participating schools are subject to a five-year contract between the school district and DPI. The contract requires the school to meet certain conditions.

- The AGR program makes a school district eligible to sign an AGR contract on behalf of a school that is subject to a SAGE contract on the effective date of the bill. It does not authorize any AGR contracts for schools not currently in SAGE.

- The AGR program allows a participating school to meet the obligations of its contract by limiting classroom ratios to 18:1 or 30:2, provided the school district also provides professional development for teachers on small group instruction.

- The AGR program is also subject to a required annual evaluation.

- No AGR contract may contain a waiver of AGR requirements. School districts are currently prohibited from requesting waivers of SAGE requirements.

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 strategies, or a combination of these strategies: (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 students in the same grade and subject statewide.

- The AGR program requires school board review of implementation and progress toward achieving performance objectives in each participating school every semester.

- The AGR program is funded by a sum sufficient appropriation at the per-pupil level currently received by SAGE participants (\$2,027).

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
 3 in the schedule for A sum sufficient for aid to school districts and the program
 4 evaluation under s. ss. 118.43 and 118.44.

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NOTE: Amends the name of the existing SAGE appropriation and appropriates a sum sufficient to fund the new achievement gap reduction contracts authorized by the bill.

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 under s.
4 118.44.

5 **SECTION 3.** 118.43 (9) of the statutes is created to read:

6 118.43 (9) SUNSET. No contract may be entered into or renewed under this
7 section after the effective date of this subsection [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.

8 **SECTION 4.** 118.44 of the statutes is created to read:

9 **118.44 Achievement gap reduction; state aid. (1) DEFINITIONS.** In this
10 section:

11 (a) “Achievement gap” means the difference between the academic
12 performance of low-income pupils in a particular school in a particular grade in a
13 particular subject area and the academic performance of all pupils enrolled in public
14 schools statewide in that same grade level and in that same subject area.

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

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

19 (d) “Participating grade” means grade 5-year-old kindergarten and grades 1
20 to 3 in a school subject to a contract under this section.

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1 (e) “Participating school” means a school that has entered into a contract under
2 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.”

3 **(2) ELIGIBILITY.** (a) *School districts.* The school board of any school district that
4 has a contract under s. 118.43 on the effective date of this paragraph [LRB inserts
5 date], is eligible to enter into a contract with the department under sub. (3).

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

NOTE: The bill creates a new “Achievement Gap Reduction” program section of the statutes to replace the SAGE program. This subsection provides that school districts and schools that are currently participating in SAGE will be eligible to participate in the AGR program.

9 **(3) CONTRACT.** The school board of an eligible school district may enter into a
10 5–year contract with the department on behalf of one or more schools in the school
11 district that are eligible under sub. (2) (b). No achievement gap reduction contract
12 entered into under this section may include a waiver of any requirement of or rule
13 promulgated under the authority of this section.

14 **(4) REQUIREMENTS.** (a) *Strategies: class size; instructional coaching; tutoring.*
15 The department shall require a school board that has entered into a contract under
16 sub. (3) to implement one or more of the following strategies in each participating
17 school:

18 1. Provide professional development related to small group instruction and
19 reduce the class size in one or more classes in one or more participating grades to one
20 of the following:

21 a. No more than 18.

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

3 2. Provide data-driven instructional coaching for one or more teachers of one
4 or more participating grades. The instruction shall be provided by licensed teachers
5 who possess appropriate content knowledge to assist classroom teachers in
6 improving instruction in math or reading and possess expertise in reducing the
7 achievement gap.

8 3. Provide data-informed, one-to-one tutoring to pupils in one or more classes
9 in one or more participating grades who are struggling with reading or mathematics
10 or both subjects. Tutoring shall be provided during regular school hours by a licensed
11 teacher using an instructional program found to be effective by the What Works
12 Clearinghouse of the Institute of Education Sciences.

13 (b) *Annual reporting.* The department shall require a school board that has
14 entered into a contract under sub. (3) to annually report all of the following to the
15 department:

16 1. Before November 1 of each school year, a brief description of the strategies
17 identified under par. (a) that the school board intends to implement in each
18 participating grade in each participating school.

19 2. Before the last day of each school year, a brief description of the strategies
20 identified under par. (a) that the school board did implement in each participating
21 grade in each participating school.

22 (c) *Goals.* Each contract entered into under sub. (3) shall include a description
23 of the performance objectives for the academic achievement of the pupils enrolled in
24 participating grades in each participating school and the formative and summative
25 assessments that will be used to evaluate success in attaining those objectives. The

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1 school board and participating schools shall identify specific, measurable, and
2 achievable performance objectives, including reducing the achievement gap in math
3 and reading in each participating grade.

4 (d) *School board review.* The school district shall require each participating
5 school to present information regarding the school's implementation of the contract
6 requirements under par. (a), its performance objectives under par. (c), and its success
7 in attaining the objectives to the school board at the end of every semester of the
8 contract.

NOTE: Contracts signed under the AGR program must require a participating school to implement one of three strategies, or a combination of the three. The three strategies 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 strategies it intends to use, and must report by the end of the year what strategies 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 describe its implementation of the program and report its objectives and its success in achieving them to the school board every semester.

9 (5) **CONTRACT RENEWALS.** (a) Except as provided in par. (b), a contract under this
10 section may be renewed for one or more terms of 5 school years. No achievement gap
11 reduction contract renewed under this section may include a waiver of any
12 requirement of or rule promulgated under the authority of this section.

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

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.

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1 **(6) STATE AID.** (a) In this subsection, “amount appropriated” means the amount
2 under 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
4 to each school district that has entered into a contract with the department under
5 this section \$2,027.25 multiplied by the number of low-income pupils enrolled in a
6 participating grade.

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

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

12 (e) The department shall promulgate rules to implement and administer the
13 payment of state aid under this subsection.

14 (f) *Limitations on payment.* If a school fails to implement the requirements
15 under sub. (4) (a) in a participating grade for which the department has made
16 payment, the school board of the district shall, upon the request of the department,
17 reimburse the department the amount paid for the participating grade on the
18 school’s behalf for the school year in which the requirements were not implemented.

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, but changes the appropriation from a sum certain to a sum sufficient to provide the per-pupil amount awarded to schools participating in SAGE in the 2013–14 school year. While current law establishes a maximum per-pupil payment of \$2,250 for each low-income SAGE pupil, the current appropriation of \$108.9 million was not sufficient to provide the full per-pupil payment and therefore payments were prorated for 2013–14 at 90.1 percent, resulting in a per-pupil payment of \$2,027.25.

Unlike the SAGE program, the AGR program requires the school district to return the funds paid for a participating grade for any school year in which the school does not implement the strategies required under the AGR contract under sub. (4) in that grade.

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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.

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

4 (b) The entity performing the evaluation under this subsection shall distribute
5 each such evaluation to each school district that has entered into a contract under
6 sub. (3).

NOTE: Requires DPI to arrange for yearly evaluation of the AGR program following the first year of implementation. As in the SAGE statute, the subsection also budgets \$250,000 for this evaluation. Unlike the SAGE statute, the subsection requires the evaluation to be sent to each participating school district.

7

(END)