

PUBLIC INSTRUCTION

K-12 Omnibus Motion

Motion:

Move to adopt the follow provisions:

**General School Aids and Revenue Limits**

1. *General School Aids and Revenue Limit Per Pupil Adjustment (Paper #505)*. Adopt Alternative A1, which would approve the Governor's recommendation to provide \$108,137,500 in 2016-17 for general school aids.

2. *Integration Aid/Chapter 220 Program (Paper #506)*. Adopt Alternatives 2 and 3, which would modify the Governor's recommendation to phase out the Chapter 220 program by allowing K-8 pupils to continue into their related UHS district and allow pupils to participate in the 2015-16 school year. In addition, create a hold harmless provision under which a district's integration aid entitlement in a given year could not be less than an amount equal to their 2014-15 aid entitlement multiplied by the following amounts in the indicated year: (a) 87.5% in 2015-16; (b) 75% in 2016-17; (c) 62.5% in 2017-18; (d) 50% in 2018-19; (e) 37.5% in 2019-20; (f) 25% in 2020-21; and (g) 12.5% in 2021-22.

3. *School Levy Tax Credit (Paper #595)*. Adopt Alternative 4, which would modify the Governor's proposal by deleting the creation of a payment on the fourth Monday of June, beginning in 2017 and set the credit distribution at \$853,000,000 in 2016-17 and thereafter.

4. *Environmental Remediation on School District Property*. Allow a school district to issue to up \$2,000,000 in debt for the costs associated with an environmental remediation project on district-owned property under a DNR and EPA approved remediation plan. Specify that the debt issuance would not be subject to current law referendum requirements, that the associated debt service costs would not be subject to the district's revenue limit, and that any debt service costs would be excluded from shared costs for the equalization aid formula.

5. *Revenue Limit for Consolidated School Districts*. Specify that the current law provisions related to consolidation aid remain in effect for districts that consolidated beginning in the 2009-10 school year. Delete the current law provisions related to consolidation aid for school districts that consolidated beginning in the 2010-11 school year or any year thereafter, and instead specify that these districts would, instead, receive a recurring revenue limit adjustment in the sixth year after consolidation equal to 75% of the consolidation aid that is outside of revenue limits received by the district in the fifth year after consolidation.

## Categorical Aids

6. *Per Pupil Aid (Paper #510)*. Provide \$126,842,300 GPR in 2016-17 for per pupil aid payments based on 2015-16 enrollments. Specify that, on a one-time basis, this aid be paid on a delayed basis on the second Monday in July of 2016. Specify that this delayed payment would be considered as moneys appropriated in 2015-16 for the purposes of calculating an increase in categorical aid funding per pupil. Provide an additional \$69,340,400 GPR in 2016-17 for per pupil aid payments based on 2016-17 enrollments. Specify that this aid be paid on a current year basis, as under current law. Also, adopt Alternative B2 and C2, which would maintain the current law aid calculation and specify that the aid would be ongoing. This item would fund \$150 in per pupil aid in 2015-16 and \$250 in per pupil aid in 2016-17 on an ongoing basis.

7. *Sparsity Aid (Paper #511)*. Adopt Alternative 1, which would approve the Governor's recommendation.

8. *High Cost Transportation Aid (Paper #512)*. Adopt Alternative 1, which would approve the Governor's recommendation.

9. *Cooperative Educational Service Agencies (Paper #513)*. Adopt Alternative 2c, which modify the Governor's recommendation by deleting statutory language requiring each CESA's Board of Control to determine each school district's proportional share of the cost of the maintenance and operation of the office of the Board of Control and CESA administrator and to match any federal funds received by the agency for vocational administration.

10. *Supplemental Special Education Aid for District With Special Circumstances*. Specify that funds remaining in the appropriation for supplemental special education aid at the end of the 2014-15 fiscal year would be distributed to a school district that meets the following requirements: (a) a revenue limit per pupil below the state average; (b) a membership of less than 2,000 pupils; (c) the district qualified for supplemental special education aid in 2013-14; and (d) the district experienced unforeseen and extenuating circumstances, including a fire or a natural disaster, that caused the district's total costs to increase such that special education costs were less than 16% of the district's total costs in that year.

Specify that a district could qualify for supplemental special education aid in the 2015-16 school year if it meets the following criteria: (a) a revenue limit per pupil below the state average; (b) a membership of less than 2,000 pupils; (c) the district qualified for supplemental special education aid in 2013-14; and (d) the district experienced unforeseen and extenuating circumstances, including a fire or a natural disaster, that caused the district's total costs to increase such that special education costs were less than 16% of the district's total costs in that year.

11. *Special Education Transitions Incentive Grants*. Move to provide \$100,000 GPR beginning in 2016-17 in a new appropriation for special education transitions incentive grants.

Specify that school districts or independent "2r" charter schools would receive \$1,000 for each pupil who was enrolled in a school in the district or in the charter school with an individualized education program (IEP) in place, and who meets one of the following criteria at the time the school district or charter school operator applies for an incentive grant: (a) the individual enrolled in a

higher education program within one year of leaving high school; (b) the individual is, or was, competitively employed within one year of leaving high school; or (c) the individual enrolled in other postsecondary education or training within one year of leaving high school. Define higher education program as a four-year program at a college or university, a two-year program at a college or community college, or a two-year program at a technical college. Define competitively employed as 90 days of cumulative or consecutive work paying minimum wage or greater for an average of at least 20 hours per week in a setting with others who are not disabled. Define other postsecondary education or training as a high school completion or equivalency program, vocational school, apprenticeship or short-term training program, on-the-job training program, adult education program, or program other than a two-year program at a vocational or technical school.

Specify that aid would be prorated if the appropriation were insufficient to meet the eligible district claims.

12. *High Cost Special Education Aid.* Provide \$5,000,000 GPR in 2016-17 for high cost special education aid for school districts, CESAs, CCDEBs, and independent charter schools. Specify that the amount of aid received by a district could not exceed 70% of that district's expenses eligible for high cost aid.

### **Choice, Charter, and Open Enrollment**

13. *Private School Choice Program Expansion (Paper #520).* Specify that pupils who begin participating in the Racine or statewide private school choice programs in the 2015-16 school year or thereafter, or "incoming pupils," could be counted by their school district of residence for general aids and revenue limit purposes. Specify that pupils would be fully counted by their school district of residence under revenue limits in the first year of their participation in the programs, and would no longer be counted following their last year in the program. Specify that districts could not levy to backfill the aid reduction.

Specify that an amount equal to the per pupil payment for Racine and statewide choice program pupils for continuing pupils, defined as pupils who participated in the programs in the 2014-15 school year, would be paid from the current GPR sum sufficient appropriation for these programs. Provide \$18,400,000 GPR in 2015-16 and \$29,400,000 GPR in 2016-17 in this appropriation.

Specify that each district's equalization aid would be reduced by an amount equal to the total amount paid by the state to Racine or statewide choice schools attributable to incoming pupils residing in that district in each year. If the district did not receive an equalization aid payment sufficient to cover the aid reduction, the balance would be reduced from other state aid received by the district. Estimate GPR lapses at \$18,400,000 in 2015-16 and \$29,400,000 in 2016-17.

Provide that the total number of pupils who could participate in the choice program from each district in any year would be limited to no more than 1% of the district's prior year enrollment. Require each school to report the following to DPI following the close of the application period in each year: (a) the number of pupils who have applied to attend the school under the statewide choice program; and (b) the applicants who are siblings of pupils who have applied. If the number of applications from any district exceeds the number of available slots from that district, require DPI to

select pupils from that district by random draw, with preference given to pupils according to the pupil order of preference established in the bill. Specify that the enrollment limit would increase by one percentage point in each year beginning in 2017-18 until the enrollment limit reaches 10% of the district's prior year enrollment. In the year following the school year in which enrollment is limited to 10% of prior year enrollment, no enrollment limit would apply.

Specify that the prior year attendance requirements in the bill would first apply to pupils participating in the program beginning in 2016-17.

14. *Per Pupil Payments for Private School Choice Programs.* Delete the bill provision delaying the current law indexing mechanism that would increase the choice payment in each year by the revenue limit per pupil adjustment, if positive, provided to school districts in the current year plus the change in total categorical aid funding per pupil, if positive, from the prior year to the current year, beginning in 2015-16.

Reestimate payments from the appropriation for the Milwaukee choice program based on the increased per pupil payment in 2015-16 and 2016-17 relative to the bill. Payments would increase by an estimated \$322,900 GPR in 2015-16 and \$3,013,700 GPR in 2016-17, while the aid reduction would increase by approximately \$93,000 in 2015-16 and \$771,500 in 2016-17. The estimated net GPR effect is \$229,900 in 2015-16 and \$2,242,200 in 2016-17.

Reestimate payments from the appropriation for the Racine and statewide choice programs based on the increased per pupil payment in 2015-16 and 2016-17. Payments would increase by an estimated \$62,400 GPR in 2015-16 and \$615,600 GPR in 2016-17 relative to the bill, while the aid reduction to the school districts of residence of incoming choice pupils would increase by approximately \$30,000 in 2015-16 and \$432,000 in 2016-17. The estimated net GPR effect is \$32,400 in 2015-16 and \$183,600 in 2016-17.

The total net GPR effect of the increased payments for the Milwaukee, Racine, and statewide choice programs equals \$262,300 in 2015-16 and \$2,425,800 in 2016-17.

15. *Independent Financial Audits for Private Choice Schools.* Require that the independent financial audit submitted by a private school participating in the Milwaukee, Racine, or statewide choice programs fairly presents the private school's eligible education expenses, and beginning in the second school year a private school participates in the program, includes a copy of a management letter prepared by the auditor. Require that the independent auditor must also review any concerns raised in the private school's management letter. Specify that a negative reserve balance alone is not evidence that the private school does not have the financial ability to continue operating or that the private school does not follow sound fiscal and internal control practices.

Provide that if an independent auditor engaged to evaluate the private school's fiscal and internal control practice determines that the governing body of the private school has not taken reasonable actions to remedy any concerns raised in the management letter, the private school must submit a report to DPI prepared by the independent auditor that includes the auditor's findings related to the governing body's actions to remedy any concerns raised in the management letter for the previous school year. The report would be submitted with the school's independent financial audit.

Require that the independent financial audit be prepared in accordance with generally accepted accounting principles, with allowable modifications for long-term fixed assets acquired before 2014. Require that the audit include a calculation of the private school's net eligible education expenses and a calculation of the balance of the private school's fund for future eligible education expenses. Define eligible education expenses as all direct and indirect costs associated with a private school's educational programming for pupils enrolled in grades kindergarten through 12 that are reasonable for the private school to achieve its educational purposes, as determined by the governing body of the private school and reviewed by an independent auditor. Specify that these expenses could include expenses related to management, insurance, transportation, extracurricular programming and activities, facility and equipment costs, development expenses, and programming that provides child care services before school, after school, or both before and after school.

Specify that if a private school participating in a choice program is part of an organization and the private school and the organization share assets, liabilities, or eligible education expenses, the private school may submit an audit of the private school or of the organization of which it is a part. If a private school that is part of an organization with which it shares assets, liabilities, or educational expenses and submits an audit of only the private school, specify that the independent auditor must use his or her professional judgment to allocate any shared assets, liabilities, and eligible education expenses between the organization and the private school.

Specify that each private school participating in a choice program would be required to submit the independent financial audit by October 15 following a school year in which the school participated in the program. Require DPI to certify the financial audit within 90 days after receiving the audit. Specify that during the 90 day period between receipt and certification, DPI's contact with the auditor would be required to be limited to a single written communication that may include only matters that individually impact the private school's financial statement by an amount that is greater than 1% of the total amount the private school received in choice program payments in the previous school year. Require that an auditor who receives a written communication from DPI respond within 15 days of receiving the communication.

Specify that if a private school participating in a choice program has a cash or investment reserve balance that is greater than 50% of the total amount the private school received in choice program payments in the previous school year, the governing body of the private school would be required to approve a plan for how it would use the amount of cash or investment reserve that exceeds 50% of the total amount the private school received in choice program payments in the previous school year.

Delete language in the bill that would require that a financial audit shall be prepared in accordance with generally accepted accounting principles as modified by DPI. Delete language specifying that the audit must include a calculation of the private school's net eligible educational programming costs and a calculation of the balance of the private school's fund for future educational programming costs.

16. *Milwaukee Choice Program Research.* Require the Department of Workforce Development, the Department of Children and Families, and the Department of Health Services Office of Vital Records to allow qualified independent researches to cross-match databases already

in their possession containing information regarding pupils participating in the Milwaukee private school choice program with other databases maintained by the agencies for purposes of evaluating the effects of the Milwaukee choice program.

Define a qualified independent researcher as a faculty member of a university who meets the following criteria: (a) has an approved protocol from an institutional review board for human subjects research to work with data containing personal information for the purposes of evaluating the Milwaukee choice program; and (b) has already received and properly managed data with personal information from the state for the same purposes.

Specify that the agencies could not charge a fee to the researchers greater than the cost incurred by the agencies for providing the data.

17. *Teachers' Aides in Private Choice Schools.* Specify that a private school participating in a private school choice program can employ a teacher's aide who has been granted a high school diploma by the administrator of a home-based private educational program.

18. *Regional or National Accreditation of Teacher Education Programs.* Require that all teachers in a private school participating in the Milwaukee, Racine, or statewide private school choice programs have a bachelor's degree or a degree or educational credential higher than a bachelor's degree from a nationally or regionally accredited institution of higher education. Require that all administrators in a private school participating in the Milwaukee, Racine, or statewide private school choice programs have at least a bachelor's degree from a nationally or regionally accredited institution of higher education.

19. *Statewide Choice Program School Eligibility.* Specify that a private school participating in the statewide choice program would be required to have been in continual operation as a private school since prior to May 1, 2013.

20. *Eliminate Occupancy Permit Requirement for Statewide Choice Program.* Delete current law requiring a private school participating in the statewide choice program to submit to DPI a current certificate of occupancy issued by the municipality within which the school.

21. *Document Retention Policy for Choice Schools.* Specify that private schools participating in the Milwaukee, Racine, or statewide choice programs could maintain pupil applications and correspondence electronically, rather than maintaining original applications and correspondence with applicants. Specify that schools would be required to maintain documentation related to pupil applications for a period of at least five years.

22. *Charter School Oversight Board (Paper #521).* Delete the provisions specifically associated with the Charter School Oversight Board. Delete \$4,037,500 GPR in 2016-17 related to estimated payments for pupils under this provision. Delete the associated aid reduction of an equal amount in that year, resulting in no net change in GPR expenditures.

23. *Contract Requirements for Independent "2r" Charter Schools (Paper #522).* Adopt Alternatives 2a and 3, which would specify that a "2r" operator could open additional schools if all of the schools operated by the governing board have received one of the top two ratings on the most

recent school accountability reports, and specify that this provision would apply to future "2r" contracts.

24. *Independent "2r" Charter School Per Pupil Payment.* Delete the bill provision setting the per pupil payment for independent "2r" charter schools at \$8,075 in 2015-16 and 2016-17 and restoring the current law indexing adjustment beginning in 2017-18. Under the revenue limit and categorical aid provisions of the motion, it is estimated that the "2r" payment would be \$8,087 per pupil in 2015-16 and \$8,195 in 2016-17. Under this provision, the "2r" appropriation would increase by \$108,000 GPR in 2015-16 and \$1,140,000 GPR in 2016-17. The "2r" aid reduction would increase by an equal amount, resulting in no net GPR effect.

25. *Open Enrollment Transfer Amount.* Delete the bill provision setting the open enrollment transfer amount at \$6,635 in 2015-16 and 2016-17 and restoring the current law indexing adjustment beginning in 2017-18. Under the revenue limit and categorical aid provisions of the motion, it is estimated that the open enrollment transfer amount would be \$6,647 in 2015-16 and \$6,755 in 2016-17.

26. *Open Enrollment for Pupils with Disabilities.* Make the following changes to the open enrollment program as it relates to children with disabilities beginning in 2016-17:

a. Delete the ability of a resident school district to deny an open enrollment application on the basis of undue financial burden.

b. Delete the requirement that a nonresident district provide to the resident district an estimate of the costs to provide the special education services required in the individualized education program (IEP) for a child with disabilities who applies under the program.

c. Set a per pupil aid transfer amount of \$12,000 per special education pupil in 2016-17 and specify that the amount be adjusted in a manner similar to the transfer amount for a regular education pupil.

d. Delete the statutory requirement that the resident school board pay tuition to the nonresident school board for a special education pupil attending under open enrollment.

27. *Special Education Voucher Program.* Create a special needs voucher program, beginning in 2016-17, to allow a child with a disability to attend a participating private school of the child or the child's parent's choice, if that child has previously been rejected from attending school in a nonresident district under the open enrollment program.

Provide that, beginning in 2016-17, a child with a disability could attend an eligible school, if the eligible private school has notified DPI of its intent to participate in the program, and the notice specifies the number of pupils who may participate in the program for whom the school has space. Under the new program, define an eligible school as a private school located in this state.

To be eligible for the program, require that a child have an individualized education plan (IEP) or services plan in place, and that the child attended a public school in Wisconsin for the entire school year immediately preceding the school year for which the child first participates.

Additionally, an eligible child would be required to have applied to attend a public school in one or more nonresident school districts under the open enrollment program in the same school year and was rejected by the school boards of each district or prohibited from attending public school in the nonresident districts. If the child's parent appealed any school board decision, require that DPI affirmed the school board's decision. Specify that, if a pupil applied for the special needs open enrollment program within 30 days of the effective date of the bill, the pupil would be eligible for the program if he or she had applied to attend a public school in one or more nonresident school districts in at least one of the previous five school years and was rejected by the school boards of each district or prohibited from attending public school in the nonresident districts. Specify that a pupil would not be required to meet the income eligibility requirements that would otherwise apply for a pupil participating in the statewide private school choice program.

Provide that if an IEP team unanimously determines that the child is no longer a child with a disability, the child would become ineligible to participate in the program beginning the school term following the determination. If the child continued to attend a private school that he or she had attended under the program, provide that DPI would pay to the private school an amount equal to the private school choice program per pupil payment applicable to the choice program in the child's school district of residence in the same year.

Require the child or the child's parent to submit an application to the eligible school, on a form prepared by DPI. Allow an application to be made, and a child to begin attending an eligible school, at any time during the school year. Require the application to include a copy of a document, to be prepared by DPI, about the child's rights, as described below. If an eligible school receives more applications than the number of pupils for whom the school has space, require the school to select pupils on a random basis, except that it may give preference to siblings of pupils who are already attending the school.

For a private school to be eligible for the program, require that the school be approved by the State Superintendent as a private school under state requirements, or the private school is accredited by the Wisconsin North Central Association, Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod School Accreditation, National Lutheran School Accreditation, the diocese or archdiocese within which the private school is located, or any other organization recognized by the National Council for Private School Accreditation, as of the August 1 preceding the school term in which pupils first attend the school under the program.

Require DPI to develop a document and revise it as necessary, for inclusion with an application to an eligible school, comparing the rights of a child with a disability and of his or her parent under state law and the Individuals with Disabilities Education Act (IDEA, the federal special education law), with the rights of a child with a disability and of his or her parent under the program and IDEA. Provide that receipt of this document by an applicant, acknowledged in a format prescribed by DPI, would constitute notice that the applicant has been informed of his or her rights under state law and under IDEA. Subsequent participation in the program would constitute the applicant's informed consent to the rights specified in the document.

Require the governing body of an eligible school to notify DPI when the school accepts a pupil under the program. Upon being notified, require that DPI notify the school board of the pupil's district of residence that the pupil will participate in the program. Require the school board, within three days of receiving notice, provide DPI and the governing body of the eligible school that accepted the pupil with a copy of the pupil's IEP.

A pupil attending a private school participating in a private school choice program under the program could not be counted as a pupil attending the school under the private school choice program.

Require DPI, on behalf of the child's parent, to pay an amount equal to \$12,000 in 2016-17 on behalf of each child participating in the program to the private school that the pupil attends, from the appropriation for transfer payments for special education pupils. Beginning in 2017-18, specify that the payment would be equal to the maximum payment in the previous school year plus the revenue limit per pupil adjustment, if positive, provided to school districts in the current year plus the change in total categorical aid funding per pupil, if positive, from the prior year to the current year.

Specify that the pupils participating in the program could be counted by their school district of residence for general aids and revenue limit purposes. Specify that the equalization aid paid to a pupil's district of residence would be reduced by an amount equal to the total amount paid eligible schools on behalf of special education pupils attending from that district. If the district did not receive an equalization aid payment sufficient to cover the aid reduction, the balance would be reduced from other state aid received by the district.

If the pupil is attending a private school, specify that DPI would pay the school in four payments, with 25% of the total provided in September, 25% in November, 25% in February, and 25% in May. The pupil could participate in the program for as long as the pupil attends an eligible school, until the pupil graduates from high school, or until the end of the school term in which the pupil attains the age of 21, whichever comes first. Specify that DPI could not make payments to a private school unless the pupil's parent has acknowledged receiving a profile of the private school's special education program as described below.

Require each school board annually to notify the parents of each child with a disability enrolled in the school district of the program. Upon the request of a parent of a child participating in the program, require the pupil's resident school district to administer the appropriate state standardized pupil assessment to the pupil, at no cost, if the school attended by the pupil does not administer them. If a child attends a private school under the program, require the district of residence to ensure that the child's IEP team reevaluates the child at least every three years, unless the parent and school district agree otherwise. If the IEP team determines that the child is no longer a child with a disability, then the child would become ineligible to participate, beginning in the school term following the determination. The resident school district is not otherwise required to reimburse a parent of child with a disability who is parentally placed in a private school, if enrolled under the special needs voucher program.

Require each private school participating in the program to: (a) comply with all health and safety laws or codes that apply to private schools; (b) hold a valid certificate of occupancy, if

required by the municipality in which the school is located or, if the municipality does not issue certificates of occupancy, obtain a certificate of occupancy issued by the local or regional governmental unit with authority to issue certificates of occupancy; (c) comply with federal law that prohibits discrimination on the basis of race, color, or national origin by any program or activity that receives federal financial assistance; and (d) conduct criminal background checks of its employees, and exclude from employment any person not permitted to hold a teaching license as the result of an offense and any person who might reasonably be believed to pose a threat to the safety of others. Further, require private schools annually to submit to DPI a school financial information report, prepared by a certified public accountant, that complies with uniform financial accounting standards established by DPI by rule. The report would have to be accompanied by an auditor's statement that the report is free of material misstatements and fairly represents pupil costs. Require the report to be limited in scope to those records that are necessary for DPI to make payments to the private school.

Require that, if a private school expects to receive at least \$50,000 in payments during a school year, then the school would have to do one of the following before the beginning of the school year: (a) file with DPI a surety bond payable to the state in an amount equal to 25% of the total amount of special needs payments expected to be received by the private school during the school year; or (b) file with DPI financial information demonstrating that the private school has the ability to pay an amount equal to the total amount of payments expected to be received by the private school during the school year.

Require the private school to provide each applicant under the program a profile of the private school's special education program, in a form prescribed by DPI, that includes the methods of instruction that will be used by the school to provide special education and related services to the child and the qualifications of the teachers and other persons who will be providing special education and related services to the child.

Require that the private school implement the child's most recent IEP or services plan, as modified by agreement between the private school and the child's parent, and related services agreed to by the private school and the child's parent that are not included in the IEP or services plan. Require the private school to provide a record of the implementation of the child's IEP or services plan, including an evaluation of the child's progress, to the school board of the school district in which the child resides, in a form and manner prescribed by DPI. Require that the school regularly report to child's parent on the child's progress.

Specify that state law related to the physical restraint of pupils would apply to private schools participating in the program.

Provide that, for a child attending a private school under the program, the current state law governing pupil transportation by school districts would apply.

Provide that DPI could bar a private school from participating in the program if the Department determines that the district, charter school, or private school has done any of the following: (a) intentionally and substantially misrepresented information in required private school reports to DPI and to parents; (b) routinely failed to comply with the standards for a private school annual financial information report or financial information demonstrating that the

private school has the ability to repay an amount equal to the amount received under the program for the school year; (c) used payments under the program for any purpose other than educational purposes, or rebated, refunded, or shared a pupil's payment with a parent or pupil; or (d) failed to refund to the state, in a timely manner, any overpayments.

If DPI would bar a private school from participating in the program, require that it notify all pupils eligible to participate in the program and their parents as quickly as possible. A pupil who is attending a private school barred from the program could attend another participating school district, charter school, or private school under the program.

Require the Legislative Audit Bureau to contract for a study of the program, with one or more researchers who have experience evaluating school choice programs. Require the study evaluate the following: (a) the level of satisfaction with the program expressed by participating pupils and their parents; (b) the percentage of participating pupils who were victimized because of their special needs at their resident school district and the percentage of such pupils at their participating school; (c) the percentage of participating pupils who exhibited behavioral problems at their resident school district and the percentage of such pupils at their participating school; (d) the average class size at participating pupils' resident school district and at their participating school; and (e) the fiscal impact of the program on the state and on resident school districts. The contract would require the researchers who conduct the study to do all of the following: (a) apply appropriate analytical and behavioral science methodologies to ensure public confidence in the study; (b) protect the identity of participating schools and pupils; and (c) require that the results of the study be reported to the appropriate standing committees of the Legislature by January 9, 2019.

Require DPI to promulgate rules to implement and administer these provisions, including rules relating to all of the following: (a) the eligibility and participation of eligible schools, including timelines that maximize pupil and school participation; (b) the calculation and distribution of payments; and (c) the application and approval procedures for pupils and eligible schools.

28. *Course Options Program.* Delete the current law provisions related to the course options program and restore the prior law provisions creating the part-time open enrollment program.

29. *Participation in Athletics and Extra-Curricular Activities.* Require a school board to permit a pupil who resides in the school district to participate in interscholastic athletics or extracurricular activities on the same basis and to the same extent as pupils enrolled in the district, if the pupil is enrolled in one of the following: (a) a home-based private educational program; (b) a private school located in the district; (c) an independent "2r" charter school located in the district; or (d) a virtual charter school. Provide that a pupil who is enrolled in a home-based private educational program and is determined by the public school or school board to be ineligible to participate in interscholastic athletics because of inadequate academic performance would be considered ineligible to participate. Specify that a pupil attending a private school or an independent "2r" charter school could only participate in a sport that the private school or charter school does not offer.

Provide that a school district could not be a member of an athletic association unless the association required member school districts to permit home-based, private, charter, and virtual charter pupils to participate in athletic activities in the district.

Provide that a school board may charge participation fees to a non-public pupil who participates in interscholastic athletics or extracurricular activities, including fees for uniforms, equipment, and musical instruments, on the same basis and to the same extent as these fees are charged to pupils enrolled in the district.

30. *Tuition for Pupils Attending a School Out-Of-State.* Specify that if the school board of a pupil's district of residence and the school board of a pupil's district of attendance enter a written agreement to permit a pupil to attend a public school outside the school district of residence, including an out-of-state school, the school district of residence would be required to pay the school district of attendance an amount of tuition specified in a written agreement between the two districts. Provide that the school district of residence would be paid state aid for the pupil in an amount up to the amount specified in the written agreement.

Delete current law requiring that if a school board provides for the enrollment of a pupil in a public school located outside of this state, the school must be at least 1.5 miles nearer to the pupil's home than any public school in Wisconsin. Delete current law requiring that the school board pay for the transportation of a pupil who resides two or more miles from an out of state school, and specifying that the school district is eligible for state aid for the transportation of the pupil as if the pupil were transported to a school in the district of residence.

Specify that these provisions would first apply to pupils attending a non-resident school in the 2015-16 school year.

### **District Operations and Standards**

31. *Educational Standards (Paper #530).* Adopt Alternative 1, which would approve the Governor's recommendation. Specify that school districts could notify parents of the district's selected academic standards electronically, including on the district's Internet site.

32. *School Accountability Report (Paper #531).* Adopt Alternative 2, which would approve the Governor's recommendation, with two technical corrections requested by the Department of Administration in the errata materials sent to the Committee: (a) correct the weighting formula for measures of pupil achievement and growth based on each school or district's percentage of economically disadvantaged pupils; and (b) delete a reference to a letter sent to parents by each school board regarding educational options.

Additionally, delete the language in the bill requiring that a school's level of performance and a school district's level of improvement is identified using a letter grade. Require that a school's level of performance and a school district's level of improvement be identified using between one and five stars out of five, with one star out of five assigned to a school that fails to meet expectations and five stars out of five assigned to a school that significantly exceeds expectations, with the phrase "out of five" used in every instance.

33. *Whole Grade Sharing*. Modify the whole grade sharing proposal with the following changes:

a. Specify that the terms of a whole grade sharing agreement must be for one or more entire school years.

b. Specify that a whole grade sharing agreement may include prekindergarten programs.

c. Specify that school boards may not enter into, renew, or extend a whole grade sharing agreement after January 10 of the school year preceding the school year in which the agreement would take effect.

d. Specify that a school board must adopt a resolution stating its intention to enter into, extend, or renew a whole grade sharing agreement at least 150 days before doing so.

e. Require the school district clerk to file a certified copy of a whole grade sharing agreement with the State Superintendent within 10 days of entering into, extending, or renewing a whole grade sharing agreement.

f. Specify that a pupil's resident school district is responsible for providing transportation for pupils to and from the school district that they are attending under a whole grade sharing agreement, unless the agreement specifies otherwise. Specify that if a school district provides transportation for resident pupils to attend summer classes in the school district, transportation must also be provided to pupils who attend summer classes in the district under a whole grade sharing agreement. Require that a whole grade sharing agreement specify which school board would be responsible for providing summer school transportation.

g. Provide that the provisions of the bill related to additional state aid for districts in the first seven years following a whole grade sharing agreements would apply for new whole grade sharing agreements only, not for renewals.

h. Specify that if a whole grade sharing agreement provides for a pupil to attend a grade in a nonresident school district and the pupil is already enrolled in that district under the open enrollment plan, the pupil's open enrollment status would be held in abeyance.

i. Specify that the district attended by a pupil under a whole grade sharing agreement would be considered the pupil's resident school district for the purposes of reviewing and approving or denying course options applications.

j. Specify that DPI could promulgate rules to implement and administer the whole grade sharing program.

k. In 2016-17, require a resident school district to pay an amount equal to \$12,000 for a pupil with a disability attending a non-resident school under a whole grade sharing agreement. Provide that, beginning in the 2017-18 school year, the amount would equal the sum of the following, as determined annually by DPI: (a) the amount for the previous school year; (b) the amount of the per pupil revenue limit adjustment for the current school year, if positive; and (c) the change in the amount of statewide categorical aid per pupil between the previous school year and

the current school year, if positive. The payment would be prorated if a pupil attended the school district under a whole grade sharing agreement for less than a full school year. Specify that the district of attendance could submit eligible special education costs to DPI for reimbursement under state special education categorical aid programs.

34. *Geographic Representation for School Board of Unified School Districts.* Require that school board members in a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and that encompasses at least two villages on the effective date of the bill are elected by a plurality of electors in election districts established through a representation plan. Specify that school board members in a unified school district that meets the above criteria after the effective date of the bill could adopt a resolution providing for the election of members from representative election districts.

Require that such a school district establish a representation plan that meets the following requirements: (a) provide for nine election districts within the school district of substantially similar population; (b) ensure that, to the extent practicable, each election district is compact and contiguous; and (c) ensure that, to the extent practicable, the boundaries of each election district and the boundaries of municipalities encompassed within the school district are congruent. Require that the election districts are numbered and divided into three classes such that one-third of the members of the school board are elected in each year.

Require that the school board adopt a district apportionment plan that apportions the territory of the district into election districts pursuant to the representation plan within 60 days after establishing the representation plan. Decennially thereafter, require the school board to adopt an apportionment plan within 60 days after the population count by census block, established in the decennial federal census of population, and maps showing the location and numbering of census blocks become available in printed form from the federal government or are published for distribution by state agency.

Require that after the apportionment plan is adopted, candidates for school board file as a candidate for an identified election district. Require that school board members reside in the election district from which they are elected.

Specify that at the first election in which a district apportionment plan was implemented, the following would apply: (a) the first class of election districts from which members of the school board are elected would be elected to serve a term of one year; (b) the second class of election districts from which members of the school board are elected would be elected to serve a term of two years; and (c) the third class of election districts from which members of the school board are elected would be elected to serve a term of three years. Specify that the incumbent members of the school board who hold office at the time of the first election would cease to hold office at the time the members elected in that first election take office.

Specify that a district apportionment plan adopted after the spring election and before November 1 in any year would be implemented in the spring election following adoption of the plan. A district apportionment plan adopted after November 1 in any year would be implemented at the second following spring election.

Require that the school board of a district that encompasses a city with a population between 75,000 and 100,000 and at least two villages on the effective date of the bill establish a representation plan and adopt an apportionment plan before November 1, 2015, and specify that the members of such a school board who hold office on the effective date of the bill would cease to hold office on the 4<sup>th</sup> Monday in April, 2016. Require that the district elect nine members at the election held in the spring of 2016 for terms established pursuant to the district apportionment plan and beginning on the 4<sup>th</sup> Monday in April, 2016.

35. *Sale of Excess Property.* Specify that the school board of a common or union high school district may sell any property belonging to and not needed by the district.

36. *Teacher and Administrator Contract Renewals.* Modify the date by which a school board must give a teacher or administrator written notice of renewal or refusal to renew the teacher or administrator's contract to be 15 days after the passage of the state budget in odd-numbered years, and May 15<sup>th</sup> in even-numbered years. Specify that the teacher or administrator must accept or reject the contract no later than 30 days after the renewal notification deadline.

37. *High School Graduation Standards.* Allow school districts to create a process through which a high school pupil could earn credit through demonstrating competency or creating a learning portfolio. Specify that if a pupil meets criteria defined by the school board, the course could be listed on the pupil's high school transcript and could be used to meet the requirements for high school graduation. Specify that a pupil could earn no more than half of the credits required for high school graduation through this process. Require that a high school diploma earned through this process would be equivalent to a diploma earned through course completion, and would be treated equivalently by institutions of higher education.

Specify that a school board can waive state law requiring pupils to participate in a class or an activity approved by the school board during each class period of each class day.

38. *Virtual Charters and School District Accountability Reports.* Prohibit DPI from including data from a virtual charter school when measuring a school district's improvement under the school district accountability reports if at least 50% of the pupils in the virtual charter school are attending through the open enrollment program.

39. *Opportunity Schools and Partnership Program.* Create an Opportunity Schools and Partnership Program (OSPP) within the Milwaukee Public Schools under the management and control of a Commissioner. Provide that the Commissioner shall exercise the powers, duties, and functions prescribed by law independently of the MPS Board and under the supervision of the Milwaukee County Executive. Require that budgeting, program coordination, and related management functions for the schools transferred to the OSPP be performed by the Commissioner. Specify that the OSPP comprises individual eligible schools transferred by the Commissioner under the procedure established under the motion. Require the Commissioner to develop and manage partnership programs to more efficiently and effectively deploy wraparound services to residents of the County.

Specify that the Governor, the Mayor of the City of Milwaukee and the County Executive shall each appoint a person who is not an elected official to compile a list of candidates for the

position of Commissioner. Specify that, within 120 days after the effective date of the bill, the County Executive must select an individual to serve as the Commissioner of the OSPP from that list. Specify that the Commissioner report to the County Executive and may only be removed from the position for cause. Provide that the County Executive would establish the salary for the Commissioner. Specify that the Commissioner may either: (a) enter into an memorandum of understanding with MPS to purchase health care and retirement benefits for the Commissioner and all OSPP employees; (b) enter into a memorandum of understanding with ETF to allow the Commissioner to purchase health care and retirement benefits, with statutory contributions, from WRS for all OSPP employees; or (c) require an individual or organization with a contract to manage and administer a school within the OSPP to either self-insure or purchase benefits in the private market.

Require the State Superintendent, by October 15, 2015, and annually thereafter, to submit a report to the Commissioner that identifies the schools in Milwaukee County that are operated by a school district that has received the lowest rating on the most recent school district accountability report and that either received the lowest rating on the most recent school accountability report or was identified as a vacant or underutilized building. Specify that the report disaggregate the schools by elementary school, middle school, junior high school, high school, senior high school.

Create parallel provisions under which a program substantially similar to the OSPP could be created in another school district. Specify that the program would apply to any district that: (a) received intradistrict transfer aid in the years considered under (c); (b) has a pupil membership of over 15,000; and (c) the school district received the lowest rating on the most recent school district accountability report in any two consecutive years.

Require the Commissioner to establish policies for providing qualitative analysis of each eligible school identified in the annual report submitted by the State Superintendent to determine whether the school is suitable for transfer to the OSPP. Require the Commissioner to include as criteria the interest within the school and the school's community of transferring the school to the OSPP, as determined from community engagement as evaluated by the Commissioner.

Require the Commissioner to select the following number of eligible schools from the report submitted by the State Superintendent, using the policies established above by the Commissioner, to be transferred to the OSPP in the following school year for operation in the subsequent year: (a) no less that one and no more than three during the 2015-16 school year; (b) no more than three during the 2016-17 school year; (c) no more than five during the 2017-18 school year and in each school year thereafter. Require the Commissioner to develop a request-for-proposal (RFP) process for soliciting proposals from individuals, organizations, and governing bodies of private schools to operate and manage an eligible school upon transfer of the school to the OSPP. Require the Commissioner to initiate the RFP process for each selected school and, upon receipt of the proposals, may engage the families of pupils enrolled in the school and community members and organizations to cultivate support for the transfer of the school to the OSPP, and make a determination regarding the entity that will operate the school. Specify that if the Commissioner enters into a lease for a building that is vacant or underutilized with an educational operator, but does not intend to operate the campus, then the facility shall

count towards the above number of schools, but not for the OSPP performance benchmarking.

Require the Commissioner to determine which of the following will be responsible for the operation and general management of the school upon its transfer to the OSPP: (a) an individual or group operating an independent "2r" charter school; (b) the governing body of a nonsectarian private school participating in a private school choice program; or (c) an individual or group not currently operating a school. Specify that the Commissioner could transfer a school to the individual or group operating a charter school or the governing body of a choice school only if either of the following apply: (a) the performance of pupils attending a school operated by the individual, group, or governing body on pupil assessments exceeds the performance on the pupil assessments of pupils attending the school being transferred to the individual, group, or governing body; and (b) the performance category assigned to a school operated by the individual, group, or governing body on the accountability reports for each such school in each of the three preceding consecutive school years exceeds the performance category assigned to the school being transferred to the individual, group, or governing body in each of the three preceding consecutive school years. Provide that if fewer than three accountability reports have been published for the charter or choice schools, the Commissioner must determine an alternative method for comparing the schools' performance. Allow the Commissioner to make use of a vacant or underutilized school.

Specify that the MPS Superintendent would have parallel powers as the Commissioner with respect to transferring operation and general management to the same set of operators as the Commissioner. The Commissioner would select schools from the list first, and that the Superintendent would select listed schools second.

Create a sum sufficient appropriation for payments to the operators of schools in the OSPP. Specify that the per pupil payment for a school operated by an individual or group under the OSPP would be equal to \$8,075 and adjusted annually similarly to the per pupil payments for K-12 programs. Specify that the general school aid that would otherwise be paid to MPS would be reduced by an amount equal to the payments from the OSPP appropriation. Specify that MPS would not be able to levy to backfill that aid reduction. Provide that MPS would count these pupils for revenue limit and equalization aid purposes. Specify that the Commissioner could charge to OSPP schools a fee up to 3% of the per pupil payment amount beginning in 2017-18. Specify that the total amount of fee revenue could not exceed \$750,000 in a given year.

Require the Commissioner to provide alternative public school attendance arrangements for pupils who do not wish to attend a school that has been transferred to the OSPP. Require a school in the OSPP to use random selection if the number of applicants exceeds the number of seats. Prohibit an OSPP school from charging tuition.

Require the Commissioner to annually submit to the MPS Board and to the County Executive a report of the total number of pupils enrolled in all schools transferred to the OSPP in the current school year. For each school transferred to the OSPP, require the Commissioner to indicate the number of pupils enrolled in the school and whether the school is under the operation and general management of an individual or group under the charter program, the governing body of a private school in a private school choice program, or another individual or

group.

Require the Commissioner, under the direction of the County Executive, to assume general supervision over public schools transferred to the OSPP, including a charter school authorized by the Commissioner. Provide that the Commissioner and the schools operated by the Commissioner be subject to state and federal special education law and to statutory provisions pertaining to pupil assessments, reading readiness assessments, pupil nondiscrimination, and the waiver of laws and rules, with the exception of achievement guarantee contracts. Provide that the Commissioner or a school in the OSPP could not abrogate an existing contract.

Provide that, if the Commissioner transfers a school to a "2r" operator, he or she enter into a five-year contract authorizing the individual or group to be responsible for the operation and general management of the school. Provide that Commissioner may only contract with a not-for-profit group under this procedure. Require that, under the terms of the contract: (a) the individual or group, and schools operated by the individual or group, be subject to the statutory provisions pertaining to pupil nondiscrimination and the waiver of laws and rules, with the exception of achievement guarantee contracts; (b) the individual or group must submit achievement data of pupils attending the school directly to the Commissioner, who shall submit that data to the MPS Board and specify for statewide reporting purposes to DPI, the Board may not modify the Commissioner's report; and (c) the Commissioner must evaluate the performance of the school at the end of the third school year under the contract to determine whether the school is demonstrating adequate growth in pupil achievement, and that if the Commissioner determines that the school is not demonstrating adequate growth in pupil achievement, he or she may select an alternative individual or group operating a "2r" charter school or a governing body of a choice school, under the procedures outlined above, to be responsible for the operation and general management of the school. Specify that similar provisions would apply for schools transferred to the governing board of a choice school, except that the statutory provisions under (a) above would apply to the governing body of the private school and the schools in the OSPP operated by the governing body, and that the provision under (b) above would include a provision that the governing body administer the assessment of reading readiness and the assessments required of schools participating in the Milwaukee private school choice program.

Require the Commissioner to forward any pupil achievement and assessment data received from an individual, group, or governing body operating a school under these provisions to the MPS Board.

Provide that that Commissioner may select, hire staff, employ, and terminate staff if appropriate. Require the Commissioner to determine the compensation, duties, and qualifications for staff. Allow the Commissioner to delegate school staffing decisions to an individual or organization with a contract to operate a school. Specify that these staff would not be subject to the statutory provisions regarding civil service for a city of the first class. Provide that if the Commissioner transfers a school to the OSPP, he or she may reassign the school's staff members out of the school without regard to seniority in service. Require the Commissioner to terminate all employees of the school who are MPS employees and require any individual seeking to remain employed at the school to reapply for employment at the school. Specify that employees of the OSPP are not employees of the MPS Board. Upon transfer of a school out of

the OSPP, require the Commissioner to reassign staff members of the school only in consultation with the Board.

Require the Commissioner to identify broad yearly objectives and assess priorities for education in the OSPP. Require the Commissioner to issue an annual report to the County Executive and such additional reports as the Commissioner deems desirable on the progress of pupils enrolled in schools in the OSPP. Specify that the Legislative Audit Bureau would monitor the schools relative to the benchmarks and biennially report to JFC beginning in 2017. Specify that the Commissioner may form advisory councils as needed or desired.

Require the Commissioner to become the agent of a lease with the City to take possession and exercise care, control, and management of all land, buildings, facilities, and other property that is part of a school being transferred under the OSPP. Specify that each principal have general supervision of and be custodian of all school premises over which the principal presides.

Require the Commissioner to prepare an annual budget for each public school transferred to the OSPP, including a charter school authorized by the Commissioner. Require the Commissioner to annually transmit its proposed budget to the MPS Board on forms furnished by the auditing officer of the City. Require the MPS Board to notify the Commissioner of the date, time, and place of the public hearing on the MPS budget at least 45 days before the hearing.

Require the Commissioner to provide for the transportation of pupils to and from any school transferred to the OSPP. Upon written request from the parent or guardian of a pupil attending a school transferred to the OSPP who is displaced from his or her residence while enrolled in that school, require the Commissioner to provide transportation assistance to ensure that the pupil may continue to attend the school.

Provide that the Commissioner may do all things reasonable to promote the cause of education in schools transferred to the OSPP, including establishing, providing, and improving school district programs, functions, and activities for the benefit of pupils. Provide that the Commissioner may enter into a contract for cooperative action under the statutory provisions for intergovernmental cooperation. Provide that the Commissioner may adopt and modify or repeal rules for the operation of the OSPP and for the organization, discipline, and management of the public schools transferred to the OSPP which shall promote the good order and public usefulness of the public schools.

Specify that the MPS Superintendent may enter into a contract for cooperative action under the statutory provisions for intergovernmental cooperation without the approval of the MPS Board.

Provide that the Commissioner be subject to all restrictions, liabilities, punishments, and limitations, other than recall, prescribed by law for members of the Milwaukee Common Council.

Specify that the Corporation Counsel of the County would be the legal adviser of and attorney for the Commissioner and the OSPP, except that the Commissioner would retain an attorney in any matter if the County Executive, the County Corporation Counsel, or the

Commissioner determines that any of the following applies: (a) the Commissioner or the OSPP requires specialized legal expertise not possessed by the County Corporation Counsel; (b) the County Corporation Counsel does not have sufficient staff to adequately represent the interests of the Commissioner or the OSPP; or (c) a conflict of interest exists. Require the County Corporation Counsel to notify the Commissioner as soon as a determination is made. Require the Commissioner to provide the County Corporation Counsel with reasonable notice of any meeting at which the Commissioner will consider retention of an attorney.

Create parallel provisions for the duties of the Commissioner as exist for the duties of the MPS Board with respect to the custodian of school premises, competitive bidding, comprehensive programs, and alternative routes to graduation. Create parallel provisions for the powers of the Commissioner as exist for the powers of the MPS Board with respect to rules, distribution of printed proceedings, accident insurance, textbooks for indigent pupils, school calendar, school hours, days for closed schools, pupil enrollment under their legal name, employees, bonded officers and employees, sales and charges, gifts and grants, copyright materials, fences, rules on conduct and dress, and records custodians. Specify that the Commissioner and the County Executive would be able to solicit private gifts and grants for use by the Commissioner for the OSPP. Specify that the County Executive and Commissioner would be able to spend the gift and grant money without oversight from the MPS Board and prohibit the County Board from having oversight or access to the gift and grant money.

Specify that the Commissioner may transfer a school out of the OSPP if the Commissioner determines that the school has been placed in a performance category of "meets expectations" or higher on the three preceding consecutive accountability reports published for the school. Specify that a school transferred to the OSPP may not be transferred out of the OSPP for five consecutive school years. Provide that the Commissioner may: (a) return operation and general management of the school to the MPS Board; (b) transfer operation and management of the school to an individual or group as a non-instrumentality charter; or (c) transfer operation and general management of the school to the governing body of a private school. Specify that the Commissioner may not return operation of a school to the resident district if either of the following applies: (a) the school remains an eligible school; or (b) MPS has received in the three most recent consecutive school years a grade of "fails to meet expectations," or its equivalent, on the school district accountability report. Prohibit the MPS Board from setting any limit on the enrollment of MPS pupils in non-instrumentality charter schools.

Require the Board to transfer to the Commissioner the possession, care, control, and management of all land, buildings, facilities, and other property that is part of the school being transferred immediately upon the transfer of a public school to the OSPP.

Specify that schools in the OSPP operated by the governing board of a private school would be included in the statutory provisions regarding transfer of pupil records, adoption of pupil academic standards, pupil assessments, the volunteer health care provider program, and the notification by courts of correctional placements.

Specify that the list of statutory provisions that apply to a school district in a city of the first class would not apply to the Commissioner or any school transferred to the OSPP unless

explicitly provided by law or in the terms of a contract.

Specify that the Commission would follow the same expulsion policy as established by the MPS Board.

Require the MPS Board to include the amount spent to operate OSPP schools and the amount spent to repair and maintain OSPP school buildings and equipment as part of the budget transmitted annually to the Common Council.

Require the MPS Board to specify the net proceeds from the sale of an eligible school building or from the sale of a school building to an individual or group participating in the OSPP that was deposited into the school operations fund in the immediately preceding school year as part of the budget transmitted annually to the Common Council. Specify that these moneys would be included in the school operations fund, and would be used in the same manner as the school operations fund under current law. Specify that these moneys would not be deposited in the school construction fund.

Require the MPS Board to prepare an inventory of all school buildings in the district within 30 days of the effective date of the bill and annually thereafter, with information sorted by the use of the building at the time the report is prepared. Specify that the inventory would include all of the following: (a) the total square footage of and number of classrooms; (b) the portion of the total square footage used for direct pupil instruction; (c) the total number of pupils the building can accommodate and the number of pupils receiving instruction in the building; (d) the name of the principal and the number of full-time instructional staff; (e) the manner in which the school building is being used, if not for direct pupil instruction, including whether the building is vacant or is being used for administration, storage, or professional development; (f) the duration of time in the past 36 months that the school building has been used for direct pupil instruction or for other purposes; (g) whether the MPS Board has identified the building as surplus, underutilized, or vacant on any resolution within the previous five years; and (h) facility condition index information, including estimated short-term and long-term maintenance costs. Require the MPS Board to submit a copy of this inventory to the Commissioner, the City Clerk, DPI, and JFC. In addition, the Board would be required to notify the Commissioner, City Clerk, DPI, and JFC annually any time a change is made to the use of a school building.

Specify that the Common Council could designate a person to act as the agent of the City with respect to the sale of an eligible school building. Define an eligible school building as any school building that has been designated as surplus, underutilized, or vacant in a resolution adopted by the MPS Board within the previous five years unless the board is able to demonstrate that the designation no longer applies, or a building that has been unused or underutilized for a period of 12 consecutive months, including the 12 months preceding the effective date of the bill. Define an underutilized building as one at which less than 40% of the capacity of the school building is used for instruction of pupils on a daily, school day basis if any of the following applies: (a) the school is not part of an active expansion plan in which the MPS Board can demonstrate to the Common Council that expansion will occur in the following school year; (b) pupil enrollment in the school has declined in at least two of the three immediately preceding school years; or (c) the school was placed in one of the two lowest performance categories on the

school accountability report published for the school year in which less than 40% of the capacity of the school building is used, and there is another MPS school building located within five miles that serves the same or similar grade levels and at which no more than 60% of the building's capacity for pupil instruction is being used. Alternatively, define an underutilized school building as one which is not staffed on a full-time basis by a principal and instructional staff assigned exclusively to the school building, unless the building is staffed on a full-time basis by instructional staff assigned exclusively to that building but shares a principal with another school, or as a school in which the number of hours of pupil instruction offered in the previous school year was less than 80% of the number of hours required under current law.

Provide that only education operators could purchase an eligible school building. Define an education operator as any of the following: (a) the operator of an independent "2r" charter school; (b) the operator of a private school; (c) the operator of a charter school that is not an instrumentality of MPS; (d) an individual or group that is pursuing a contract with an entity under (a) to operate a charter school; (e) a person that is pursuing a contract with the board to operate an independent "2r" charter school; or (f) any entity or organization that has entered into a written agreement with any of the operators in (a) through (d) to purchase or lease a building within which the operator will operate a school.

Specify that if the Commissioner submits a letter of interest within 60 days after receiving the inventory or change notice, the Common Council must immediately proceed with the lease to the Commissioner. Specify that the existing lease would continue, but allow the Commissioner to be added to the lease as an agent of MPS. Provide that if the Commissioner has not submitted a letter of interest, the City Clerk would be required to post a public notice on the City's Internet site no more than 30 days after receipt of the inventory or notice of changes in the use of a school building. Specify that the public notice would include the following for each building identified as an eligible school building: (a) the address; (b) the total square footage of and number of classrooms in the building; and (c) facility condition index information. Require that the public notice include a request for and instructions for submitting letters of interest from persons interested in purchasing an eligible school building.

Following the receipt of a letter of interest, the City Clerk would be required to update the public notice to indicate the receipt of the letter and inform other interested education operators that they may also submit letters of interest within 28 days. If no other letters are received, the Common Council or its agent would be required to do the following within a period of 60 days: (a) confirm that the prospective buyer meets the definition of an education operator; (b) make information about the building available and show the building to the education operator; (c) consider the financial capability of the education operator; and (d) negotiate a reasonable purchase price, based upon an appraisal of the building or the purchase price paid for comparable school buildings sold within the past five years, considering differences in useable square footage, age, condition, and location; and (e) complete the sale of the building. The Council or its agent could condition closing of a sale on any of the following: (a) proof of financing for the purchase and any improvements proposed for the building; or (b) inclusion of a reversionary clause permitting the Council to recapture a building that remains unoccupied 24 months after the date of closing due to the failure of the purchaser to complete proposed improvements.

If multiple education operators submitted letters of interest within the 28-day period, require the Common Council to initiate a competitive request-for-proposal process and identify members of a committee to select the most suitable buyer for the building within 50 days after the other education operator submits a letter of interest. Specify that the Common Council could not consider the organizational status or type of proposed school when selecting a buyer, but could consider the nature of proposed improvements and investments in the building, the quality of the proposed design for the building, and the financial capability of the education operator. Provide that once a buyer was selected, the Common Council would proceed with the selected buyer using the same procedure as if only one interested operator had submitted a proposal.

Provide that any person could submit a letter of interest to purchase a school building that has qualified as an eligible school building for more than 24 consecutive months. Require that, upon receipt of a letter of interest, the Common Council proceed with the prospective buyer using the same procedures as for other prospective buyers. Specify that this provision would first apply to a school building that qualifies as an eligible school building on the inventories for the 2014-15 and 2015-16 school years.

Provide that the net proceeds from the sale of any eligible school building would be deposited into the school operations fund.

Require the MPS Board to retain an attorney if the Mayor, the Common Council, the City Attorney, or the Board determine that any of the following conditions are met: (a) the matter requires specialized legal expertise not possessed by the City Attorney; (b) the City Attorney does not have sufficient staff to adequately represent the board; or (c) there is a conflict of interest. Require the City Attorney to notify the board as soon as a determination is made that the City Attorney is unable to represent the Board.

### **Administrative and Other Funding**

40. *Long Term Vacancies (Paper #535)*. Adopt Alternatives 2a and 2b, which would modify the Governor's recommendation by reducing funding by \$80,500 FED and \$163,600 PR annually to reflect the salary and fringe benefits associated with 1.30 vacant FED positions and 1.95 vacant PR positions that would be deleted under the bill.

41. *Pupil Assessments (Paper #536)*. Adopt Alternatives 1A and 2B, which would approve the Governor's recommendations and reduce funding by \$574,000 GPR annually to reflect the decrease in costs associated with administering only one assessment to ninth grade pupils.

42. *Alternative Assessments (Paper #537)*. Require DPI to request a waiver from the federal Department of Education to allow the state to approve between three and five assessments, with each school district, independent "2r" charter school, and private choice school able to select an assessment to administer in each year from the approved list.

Specify that the funding provided in the bill, equal to \$750,000 GPR annually, would be held in the Committee's appropriation until a waiver were granted. Provide that the funding would be immediately distributed to DPI following federal approval of the waiver request.

Require DPI to request from VARC a list of nationally recognized, norm-referenced alternative assessments that are acceptable for statistical comparison with the assessment adopted or approved by the State Superintendent within 30 days of the date on which a federal waiver was granted, and require VARC to evaluate and approve at least three and no more than five alternative assessments and submit the list of approved assessments to DPI within 180 days of the date on which the waiver was granted. Specify that school districts, independent "2r" charter schools, and private choice schools could administer the alternative assessment instead of the assessment chosen by the State Superintendent beginning in the first full school year following the date on which VARC submitted the list of approved assessments to DPI.

43. *Requirements for Statewide Assessment System.* Require DPI to review and approve a summative assessment system for federal and state accountability purposes beginning in 2015-16. Specify that the system would be used to assess pupils in grades three through ten in the subjects of English, reading, writing, science, and mathematics. Specify that the assessment would be administered to all public school pupils in specified grades, including those students as required under the federal Individuals with Disabilities Education Act and by Title I of the Elementary and Secondary Education Act.

Require that the assessment system meets the following criteria: (a) be a vertically-scaled, standards-based system of summative assessments; (b) document student progress toward national college and career readiness benchmarks derived from empirical research and state standards; (c) be capable of measuring individual student performance in the following subject matter areas: English, reading, writing, science, and mathematics; (d) be able to be administered primarily in computer-based format, with paper and pencil format available for limited circumstances; and (e) be a predictive measure of student performance on college readiness assessments used by institutions of higher education.

44. *Allow Districts to Select Assessment of Reading Readiness.* Require each school district or independent "2r" charter school operator to administer a reading assessment selected by the district or charter school operator to assess the reading readiness or grade-level reading achievement of pupils enrolled in four-year-old kindergarten through second grade, beginning in the 2016-17 school year. Specify that school boards or charter school operators could administer computer adaptive assessments. Provide that current law requiring each school district and independent "2r" charter school to annually assess each pupil enrolled in four-year-old kindergarten through second grade with an assessment of literacy fundamentals selected by DPI would continue to apply in the 2015-16 school year.

Require DPI to pay to each school district the per pupil cost of the assessment selected by the school board or independent "2r" charter school operator multiplied by the number of pupils assessed in the school district or "2r" charter school from the appropriation for assessments of reading readiness. Specify that if funding in the appropriation was insufficient in any year, payments would be prorated.

45. *Civics Assessment Requirement for High School Graduation.* Specify that a school board, independent "2r" charter school operator, and private choice school may not grant a high school diploma and the State Superintendent may not grant a declaration of equivalency of high

school graduation to an individual unless he or she has successfully completed a civics assessment, beginning in the 2016-17 school year.

Require that the civics assessment consist of 100 questions that are identical to the 100 questions that may be asked of an individual during the process of applying for U.S. citizenship by the United States Citizenship and Immigration Services. Require that pupils correctly answer at least 60 of those questions. Specify that a pupil may retake the assessment until the pupil obtains a passing score on the assessment. A school board, operator of an independent "2r" charter school, or governing body of a private choice school could determine the format of the test and when in the school year the test would be administered.

Specify that the State Superintendent would be required to approve any school board's high school graduation standards policy that meets current law requirements and includes the civics assessment requirement. Specify that the school board would be required to grant a diploma to a pupil who satisfies current law requirements for high school graduation in addition to the civics assessment requirement regardless of if the pupil satisfied all or some of the requirements while attending a technical college or another high education institution under the youth options program.

Specify that a pupil for whom an individualized education program is in effect would be required to complete the civics assessment, but would not be required to successfully complete the assessment prior to graduation. A limited-English proficient pupil could take the civics test in the pupil's language of choice. Specify that the civics assessment requirement would not apply to a high school diploma awarded to a veteran meeting specific requirements specified in current law.

Require school boards, independent "2r" charter school operators, and private choice schools to periodically review and revise their written policy specifying criteria for granting a high school diploma. Specify that the written criteria would be required to include successful completion of the civics assessment.

46. *Alternative Teacher License (Paper #538)*. Delete current provisions of the bill. Require DPI to grant an initial teaching license to teach a technical education subject, including technology education and any technology related occupation, to an individual who scores at least 100 points based on a point system, with at least 25 points based on the individual's experience in a technical field and at least 25 points based on pedagogical experience, and agrees to complete a curriculum determined by the school board of the district in which the individual would teach. Specify that an individual granted a teaching license under this provision would not be required to possess a bachelor's degree.

Specify that the following point values would be assigned based on the individual's experience in a technical field: (a) for a bachelor's degree in any science, technology, engineering, or mathematics (STEM) field and any teaching license or permit, 100 points; (b) for a bachelor's degree in any STEM field, 75 points; (c) for a bachelor's degree in another field, 65 points; (d) for industry certification, 90 points; (e) for industry experience in a trade or technical field, five points per 40 hours worked up to a maximum of 90 points; (f) for an internship in a trade or technical field, 25 points; (g) for being mentored in a trade or technical skill by a colleague or a Wisconsin Technology Education Association approved mentor, 25 points; and (h) for an apprenticeship in a trade or technical field, five points per 40 hours worked up to a maximum of 90 points.

Specify that the following point values would be assigned based on the individual's pedagogical experience: (a) for a bachelor's degree in technical or technology education, 100 points; (b) for a bachelor's degree in a non-STEM field and any teaching license or permit, 75 points; (c) for credit earned at an accredited institution of higher education or technical college, three points per credit up to a maximum of 75 points for technical or technology education courses and STEM courses and three points per credit up to a maximum of 75 points for education and pedagogical course; and (d) for completing at least 100 hours of training in pedagogy, five points per 50 hours up to a maximum of 75 points.

Require DPI to verify the applicant's qualifications using the following: (a) the applicant's transcript for the applicable degree or credits, for bachelor's degrees or credits earned at an accredited institution of higher education or technical college; (b) the applicant's industry certificate, for industry certification; (c) the signature of a supervisor, employer, or other reliable observer, for industry experience, an internship, or mentoring; or (d) verification by a course instructor, transcript, or certificate for pedagogy training. Provide that if the individual is unable to provide the required verification, DPI could use any other proof of the applicant's experience approved by DPI.

Specify that the individual must agree to complete the curriculum determined by the school board of the school district in which the individual would teach during the term of the license. Specify that an initial teaching license granted under this procedure would be valid for three years. Require that DPI issue to the license holder a professional teaching license to teach the technical education subject if the individual successfully completed the curriculum, as determined by the school board of the school district.

Require DPI to approve or deny an application for a technical education license no later than 15 business days after receipt of the application. Require DPI to provide, in writing, the reason for the denial if the application is denied. Specify that if DPI does not act within 15 business days, the application would be considered approved and the applicant considered a licensed teacher until DPI approves or denies the application.

Specify that these provisions would not prohibit DPI from granting a teaching license or permit to teach a technical education subject under current law provisions. Provide that a permit to teach industrial arts subjects could be issued to an applicant who is certified by the technical college system board to teach an industrial arts or similar subject.

Additionally, require DPI to issue a teaching license to teach English, social studies, mathematics, or science to any individual with a bachelor's degree, if the school board, operator, or governing body of the school district, independent "2r" charter school, or private choice school in which the individual intends to teach determines that the individual is proficient in each subject that he or she intends to teach and that the individual has relevant experience in each subject that he or she intends to teach.

Require DPI to issue a teaching permit to an individual in any subject area excluding English, social studies, mathematics, or science if the school board, operator, or governing body of the school district, independent "2r" charter school, or private choice school in which the individual intends to teach determines that the individual is proficient in each subject that he or she intends to teach and that the individual has relevant experience in each subject that he or she

intends to teach.

Specify that a license or permit issued under this section would authorize an individual to teach only the following: (a) the subject or subjects for which a school board determines the individual is proficient and possesses sufficient experience; (b) in the school district governed by the school board that determines the individual is proficient and possesses relevant experience; and (c) pupils in grades 6 through 12. The license would be valid for three years, and would be renewable upon a request made jointly by the school board and license or permit holder. Specify that DPI could not impose additional requirements for a license or permit issued based on these requirements.

Require DPI to make an online teacher training program consisting of at least 40 hours of instruction available to any individual holding a license or permit based on the determination of a school board.

47. *Teacher License Based on Completion of Montessori Teacher Education Program.* Require that DPI grant an initial license to teach to an individual who meets the following requirements: (a) has a bachelor's degree; (b) successfully completed a teacher education program accredited by the Montessori Accreditation Council for Teacher Education; (c) successfully completed an introductory course in special education for which the individual earned at least three postsecondary credits; and (d) earned a passing score on any standardized examinations required by the State Superintendent for a license to teach the same educational levels and subjects issued in accordance with existing state law regarding teacher licenses, and on an examination identical to the foundations of reading test administered in 2012 as part of the Massachusetts tests for educator licensure. Specify that other current law requirements regarding teacher licensing would not apply, except that the individual would be required to undergo a background investigation equivalent to that of other candidates for licensure.

Specify that the teaching license would authorize an individual to teach the educational levels for which the individual has successfully completed a teacher education program accredited by the Montessori Accreditation Council for Teacher Education at a school that uses the Montessori method as its primary method of instruction. The State Superintendent would be required to treat an initial license to teach granted under this proposal in the same manner in which the State Superintendent treats initial licenses granted under existing state law.

48. *Regional or National Accreditation of Teacher Education Programs.* Require the State Superintendent to accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. Department of Education or by a programmatic accrediting agency, if the State Superintendent requires that an institution of higher education be accredited for the purpose of granting a license to teach or for approving a teacher preparatory program.

49. *Requirements to Renew a Teaching License.* Require DPI to accept credits earned at any institution of higher education, as defined in federal law, if credits from an institution of higher education are required to renew a license to teach.

50. *Virtual Marketplace for Textbooks.* Provide \$10,000 GPR in 2015-16 to fund a contract with a vendor or vendors to develop and add content to a digital textbook marketplace and

resource center. The marketplace would allow authorized personnel from public school districts, independent "2r" charter schools, and private schools, as well as home school educators, to purchase digital educational resources, including the following: (a) electronic textbooks; (b) individual sections or chapters from electronic textbooks; (c) supplemental resources, including handouts, chapter reviews, or quizzes; and (d) other digital offerings available from content providers or publishers, such as videos. Provide that the marketplace would be hosted by DPI.

Specify that districts could obtain content through the marketplace on a neutral platform, with content from multiple major education publishers. Provide that districts would have the option to license the content at a tiered rate for one year, three years, or six years, or purchase a permanent license.

Require that materials be able to work on the major operating systems and devices including iOS, Windows, and Android.

51. *Microsoft IT Academy.* Require DPI to designate one individual to serve as a coordinator for the Microsoft IT Academy.

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Note:

The following table shows the net fiscal effect of the motion:

	<u>2015-16</u>	<u>2016-17</u>	
<b>General School Aids and Revenue Limit</b>			
3. School Levy Tax Credit	\$0	-\$105,600,000	GPR
<b>Categorical Aids</b>			
6. Per Pupil Aid		196,182,700*	GPR
11. Special Education Transitions Incentive Grants	0	100,000	GPR
12. High Cost Special Education Aid	0	5,000,000	GPR
<b>Choice, Charter, and Open Enrollment</b>			
13. Private School Choice Program Expansion			
GPR	18,400,000	29,400,000	GPR
Aid Reduction	<u>-18,400,000</u>	<u>-29,400,000</u>	GPR-Lapse
Net GPR	\$0	\$0	
14. Per Pupil Payments for Choice Programs			
GPR	385,300	3,629,300	GPR
Aid Reduction	<u>-123,000</u>	<u>-1,203,500</u>	GPR-Lapse
Net GPR	262,300	2,425,800	
22. Charter School Oversight Board			
GPR	0	-4,037,500	GPR
Aid Reduction	<u>0</u>	<u>4,037,500</u>	GPR-Lapse
Net GPR	\$0	\$0	
24. Per Pupil Payments for "2r" Charter Schools			
GPR	108,000	1,140,000	GPR
Aid Reduction	<u>-108,000</u>	<u>-1,140,000</u>	GPR-Lapse
Net GPR	\$0	\$0	
<b>Administrative and Other Funding</b>			
40. Long-Term Vacancies	-\$80,500	-\$80,500	FED
	-163,600	-163,300	PR
41. Pupil Assessment	-574,000	-574,000	GPR
50. Virtual Marketplace for Textbooks	<u>10,000</u>	<u>0</u>	GPR
Total	\$18,329,300	\$125,240,500	GPR
	<u>-18,631,000</u>	<u>-27,706,000</u>	GPR-Lapse
	-\$301,700	\$97,534,500	Net GPR
	-80,500	-80,500	FED
	-163,600	-163,300	PR

\*\$126,842,300 of these moneys would be paid in July of 2016 on a one-time basis to fund \$150 of per pupil aid in 2015-16.

