



WISCONSIN LEGISLATIVE COUNCIL

2005-06 SESSION IN REVIEW

Education (K-12)

The Wisconsin Legislature considered many items in the 2005-06 Session relating to K-12 education. Because of the large number of proposals, the number summarized in the memorandum is limited. Legislative Council Act Memos provide a more thorough description of the acts described in this memorandum and are available at www.legis.state.wi.us/lc.

The 2005-06 Legislature enacted legislation relating to the SAGE and Choice Programs, special education, school board and Department of Public Instruction (DPI) requirements, single-sex schools and courses, and charter schools. In addition, several additional bills relating to charter schools were considered but were either vetoed or failed to pass both houses.

SAGE Program - The Student Achievement Guarantee in Education (SAGE) Program provides five-year renewable grants to eligible school districts which are then required to reduce class sizes in SAGE schools to 15 pupils to one regular classroom teacher in grades kindergarten through three and to have the SAGE schools meet other criteria (including keeping the school open certain hours, collaborating with community organizations, providing rigorous curriculum, and creating staff development and accountability programs).

2005 Wisconsin Act 125 provides that, in the 2007-08 school year and any subsequent school year, the amount of a renewal grant is based on \$2,250 (rather than the current \$2,000) multiplied by the number of low-income pupils enrolled in grades eligible for funding in each SAGE school in the school district.

Initiatives relating to SAGE that were *not enacted* include the following:

- 2005 Senate Bill 68 (vetoed by Governor Doyle), which would have permitted schools in districts in which no more than 50% of the pupils are eligible for free or reduced-price lunch to choose not to reduce class size in grades two or three and forego aid under the SAGE program for those pupils.
- 2005 Assembly Bill 519 (Senate Bill 937), which would have provided for a SAGE evaluation.

Choice Program - The Milwaukee Parental Choice Program (Choice Program) provides that state funds are used to pay for the cost of some children from low-income families who reside in the

City of Milwaukee to attend, at no charge, private schools in the City of Milwaukee that meet certain criteria and choose to participate in the Choice Program (Choice schools).

Act 125's changes to the Choice Program include the following:

- Changes the maximum participation limit to 22,500 full-time equivalent (FTE) pupils, rather than 15% of Milwaukee Public Schools (MPS) membership. The Act deletes the proration requirement that applied under prior law and instead provides that whenever the State Superintendent of Public Instruction (State Superintendent) determines that the 22,500 limit is reached, the State Superintendent must issue an order prohibiting the Choice schools from accepting additional pupils until the State Superintendent determines that the number of Choice pupils has fallen below 22,500 FTE pupils.
- Subject to the Act's newly created exception for siblings, retains the Choice eligibility criterion that the pupil must be a member of a family whose total family income does not exceed 175% of the federal poverty level (FPL), but provides that if the family income increases while a Choice pupil is attending school, the pupil remains eligible under the Choice Program as long as the family income does not exceed 220% of FPL. Act 125 further provides that siblings of a Choice pupil are subject to the 220% of FPL criterion, rather than the 175% of FPL criterion.
- Eliminates the prior year status eligibility criterion which previously required that for a pupil to attend school under the Choice Program, the pupil must have been one of the following in the prior school year: (a) enrolled in MPS; (b) attending school under the Choice Program; (c) enrolled in grades kindergarten to three in a private school located in the City of Milwaukee other than under the Choice Program; or (d) not enrolled in school.
- Creates an additional requirement for Choice schools, namely that the school must either: (a) have been approved for scholarship funding for the 2005-06 school year by Partners Advancing Values in Education; or (b) achieve accreditation, by December 31 of the third school year following the first school year that begins after June 30, 2006, in which the school participates in the Choice Program, from one of the following: Wisconsin North Central Association; Wisconsin Religious and Independent Schools Accreditation; Independent Schools Association of the Central States; Archdiocese of Milwaukee; Institute for the Transformation of Learning at Marquette University; or any other organization recognized by the National Council for Private School Accreditation.

If a school's application for accreditation has been denied by an accrediting agency or if a school has not achieved accreditation within the required time, the Act provides that the State Superintendent may (but is not required to) issue an order prohibiting the school from participating in the Choice Program in the following school year. The Act imposes deadlines for applying for accreditation and consequences for failing to do so.

- Requires that every Choice school administer a nationally normed standardized test in reading, mathematics, and science to Choice pupils in the 4th, 8th, and 10th grades. The school may administer additional standardized tests to Choice pupils. Beginning in 2006 and annually thereafter until 2011, the school must provide the scores of all standardized tests that it administers to the School Choice Demonstration Project.

If the School Choice Demonstration Project provides any standardized test score data to the Legislative Audit Bureau (LAB), the Act requires the LAB to review and analyze the standardized test score data received from the School Choice Demonstration Project. Based on its review, the LAB is required to report to the Legislature in 2007, and annually thereafter until 2011, on this and other test data.

Special Education - Act 218 requires DPI, in cooperation with the Department of Workforce Development and the Department of Health and Family Services, to establish a clearinghouse for information about the special education transition services and vocational opportunities offered in each county. Information about the clearinghouse must be posted on each department's Internet site.

Act 258 includes changes recommended by a group of stakeholders representing various interest groups convened by DPI to review changes made to the federal Individuals with Disabilities Education Act in 2004 (IDEA 2004) and to discuss what changes should be made to Wisconsin special education law in response to IDEA 2004.

Act 258 makes extensive changes to Wisconsin's special education law as described in detail in the Legislative Council Act Memo. The changes relate to:

- DPI's duties.
- The duties of the local educational agency (LEA) (commonly, but not always, the school district in which the pupil resides).
- Membership of the individualized education program (IEP) team established for each pupil with a disability who needs special education and related services.
- IEP team meetings.
- What is included in the IEP that must be developed for each child with a disability who needs special education and related services.
- The timeline for evaluating a child and developing an IEP.
- The evaluation and reevaluation process.
- Procedural safeguards for parents.
- Mediation and due process hearings which may occur under certain circumstances when there is a disagreement between a pupil's parents and the LEA.
- Definitions used in the special education statutes.

School Board and DPI Requirements - Act 220 eliminates various school board and DPI requirements, including:

- The requirement that a school board adopt rules prohibiting a pupil from using or possessing a paging or two-way communication device while on school premises, subject to certain exceptions as permitted by the school board. The Act allows, but does not require, a school board to adopt rules prohibiting a pupil from using or possessing an electronic communication device while on school premises.

- The requirement that each public and private school file a report annually pertaining to fire drills with the Department of Commerce and with the local fire department. The Act requires each public and private school to keep a record of each fire drill for at least seven years.
- School district requirements to: report school bus accidents to DPI; report school district contracts with another school district to acquire or use the latter district's facilities or equipment; annually adopt a policy on access to extracurricular and recreational school programs and activities; and maintain a mailbox if located on a rural mail route.
- DPI requirements to: coordinate the exchange of teachers; promote public awareness of, access to, and training of health professionals for rural and underserved urban areas; and report to the Legislature every three years on all cooperative educational service agency programs and services.

Single-Sex Schools and Courses - Prior law provided that no person could be denied admission to any traditional public school or charter school or be denied participation or discriminated against in any school program or activity on the basis of the person's sex. Act 346 creates an exception to this general prohibition by authorizing a school board or an entity authorized to establish or contract for the establishment of an independent (also known as a "2r") charter school to operate one or more schools that enroll only one sex or provide one or more courses that enroll only one sex *if* the school board or 2r chartering entity makes available to the opposite sex under the same policies and criteria of admission, schools or courses that are ***comparable*** to each such single-sex school or course.

Charter Schools - Current law allows school boards to establish or enter into contracts to establish charter schools which operate with fewer constraints than traditional public schools. Current law also permits the University of Wisconsin (UW)-Milwaukee, the UW-Parkside, the Milwaukee Area Technical College, and the City of Milwaukee to establish charter schools directly or to contract for the establishment of charter schools.

UW-Parkside is authorized to establish or contract for the establishment of only one charter school, which may not operate high school grades (9 to 12). Prior law limited enrollment at the school to 400 pupils. Act 111 increases the enrollment limit at UW-Parkside charter school to 480 pupils.

Initiatives related to charter schools that were ***not enacted*** include the following:

- 2005 Assembly Bill 1060 (vetoed by Governor Doyle) related to licensure of teachers in virtual charter schools. The bill defined "virtual charter school" as a charter school in which instruction is provided primarily through means of the Internet and the pupils enrolled in and instructional staff employed by the charter school are geographically remote from each other. The bill clarified the definition of instructional staff for virtual charter schools, providing that, for purposes of licensing, teaching meant assigning grades or credits to pupils. The bill also would have changed current law (which prohibits charter schools from charging tuition) to permit a charter school to charge tuition for pupils who are not residents of the state but who are admitted to the charter school. This provision would have applied to all charter schools, including those that are not virtual charter schools.
- 2005 Assembly Bill 631 and Senate Bill 302, which would have created an independent state agency, the Tribal Charter School Authorizing Board, consisting of members representing each of the 11 federally recognized American Indian tribes in the state. The bills authorized

the board to contract for the establishment of 2r charter schools and required that any such charter school be located on a reservation or off-reservation trust land. Only pupils who resided in the attendance area established by the board for that charter school could attend the charter school.

- 2005 Assembly Bill 947, which would have authorized any college or university located on a reservation or off-reservation trust land and accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools to establish or contract for the establishment of 2r charter schools. The bill would have required that any such charter school be located on a reservation or off-reservation trust land. Only pupils who resided in the school district in which the charter school was located would have been eligible to attend the charter school.
- 2005 Assembly Bill 730 (vetoed by Governor Doyle) and Senate Bill 96, which would have permitted any baccalaureate or graduate degree granting institution within the UW System to operate or to contract for the operation of a 2r charter school with the approval of the UW Board of Regents. With exceptions for the UW-Milwaukee and the UW-Parkside (to which current law continues to apply), the bills would have permitted the chancellor of any other such UW institution to establish or contract for the establishment of up to five 2r charter schools. However, the bills limited the number of such UW institutions that may do so to five. The bills also would have provided that the State Superintendent was responsible for approving the first five requests from UW institutions and maintaining a waiting list of other requests. Additionally, Assembly Bill 730, as amended before passage, would have permitted any pupil who resides in the state to attend such a charter school. Assembly Bill 730 was passed by the both the Assembly and Senate but ultimately vetoed by the Governor. The Legislature failed to override the Governor's veto, so the bill did not become law.
- 2005 Assembly Bill 768, which would have permitted the UW-Madison to establish or contract for the establishment of a 2r charter school in Dane County. The bill would have permitted only one such school and limited enrollment to no more than 700 pupils in its first year of operation and no more than 1,400 pupils in any school year after that. Under the bill, only pupils who resided in Dane County were eligible to attend this charter school.