

# State of Wisconsin



2015 Senate Bill 32

Date of enactment:  
Date of publication\*:

## 2015 WISCONSIN ACT

AN ACT *to amend* 20.255 (2) (cu), 118.38 (1) (a) 9., 118.43 (6) (b) 10. and 118.43 (7); and *to create* 118.43 (2) (f), 118.43 (6) (b) 11., 118.43 (9) and 118.44 of the statutes; **relating to:** achievement gap reduction contracts requiring participating schools to implement strategies for improving academic performance of low-income pupils in reading and mathematics, granting rule-making authority, and making an appropriation.

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

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

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

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

This bill creates a program entitled "Achievement Gap Reduction" (AGR) under a new section of the statutes. The new program is similar to the SAGE program and incorporates many existing aspects of the SAGE program; however, it prevents DPI from entering into any new SAGE contracts or renewing any existing SAGE contracts.

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

- The AGR program targets funding to schools with low-income students. Participating schools are subject to a five-

year contract between the school district and DPI. The contract requires the school to meet certain conditions.

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

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

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

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

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

- The AGR program allows a school to meet its obligations under the contract by using one of three strategies, or a combination of these strategies: (a) one-to-one tutoring provided by a licensed teacher; (b) instructional coaching for teachers provided by a licensed teacher; or (c) maintaining 18:1 or 30:2 classroom ratios and providing professional development on small group instruction. Unlike SAGE, the AGR program does not require all participating grades to meet the 18:1 or 30:2 classroom ratios in order to receive funding.

- The AGR program requires a participating school to create performance goals, including reduction of the achievement gap between low-income students in that school and students in the same grade and subject statewide.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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

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

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

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

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

**SECTION 2.** 118.38 (1) (a) 9. of the statutes is amended to read:

118.38 (1) (a) 9. The requirements established for achievement guarantee contracts under s. 118.43 and for achievement gap reduction contracts under s. 118.44.

**SECTION 2b.** 118.43 (2) (f) of the statutes is created to read:

118.43 (2) (f) The department and a school board may agree to extend an achievement guarantee contract entered into or renewed in the 2010–11 school year for one year under existing contract terms.

**SECTION 2d.** 118.43 (6) (b) 10. of the statutes is amended to read:

118.43 (6) (b) 10. In Beginning in the 2010–11 school year and any subsequent school year ending in the 2015–16 school year, \$2,250 multiplied by the number of low-income pupils enrolled in a grade eligible for funding, and in a class in which the class size has been reduced in the manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m), in each school in the school district covered by contracts under sub. (3) (at) and (av) and by renewals of contracts under sub. (2) (g).

**SECTION 2f.** 118.43 (6) (b) 11. of the statutes is created to read:

118.43 (6) (b) 11. For the 2016–17 school year and any subsequent school year, the amount determined under s. 118.44 (6) multiplied by the number of low-income pupils enrolled in a grade eligible for funding, and in a class in which the class size has been reduced in the manner required under sub. (3) (a), (am), (ar), or (at) or permitted under sub. (3m), in each school in the school district covered by renewals of contracts under sub. (2) (g).

**SECTION 2m.** 118.43 (7) of the statutes is amended to read:

118.43 (7) EVALUATION. Beginning in the 1996–97 school year and ending in the 2014–15 school year, the department shall arrange for an evaluation of the program under this section and shall allocate from the appropriation under s. 20.255 (2) (cu) \$250,000 for that purpose.

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

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

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

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

**118.44 Achievement gap reduction; state aid. (1)**

DEFINITIONS. In this section:

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

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

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

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

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

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

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

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

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

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

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

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

a. No more than 18.

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

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

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

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

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

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

(c) *Goals.* Each contract entered into under sub. (3) shall include a description of the performance objectives for the academic achievement of the pupils enrolled in participating grades in each participating school and the formative and summative assessments that will be used to evaluate success in attaining those objectives. The school board and participating schools shall identify specific, measurable, and achievable performance objectives, including reducing the achievement gap in math and reading in each participating grade.

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

NOTE: Contracts signed under the AGR program must require a participating school to implement one of three strategies, or a combination of the three. The three strategies include: (a) small class sizes of 18:1 or 30:2 and professional development related to small group instruction; (b) data-driven instructional coaching for teachers; or (c) data-in-

formed one-to-one tutoring for students at risk of difficulty with math or reading.

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

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

Finally, an AGR contract must require a school to describe its implementation of the program and report its objectives and its success in achieving them to the school board every semester.

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

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

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

(6) **STATE AID.** (a) In this subsection, "amount appropriated" means the amount under s. 20.255 (2) (cu) in any fiscal year less \$125,000.

(bm) From the appropriation under s. 20.255 (2) (cu), for each low-income pupil enrolled in a participating grade, the department shall pay to a school district that has entered into a contract with the department under this section an amount determined annually by the department as follows:

1. Determine the total number of low-income pupils enrolled in participating grades in all school districts that have entered into a contract with the department under this section and for which the department is required to make a payment under this subsection.

2. Add to the number of low-income pupils under subd. 1. the number of low-income pupils for whom the department is required to make a payment under s. 118.43.

3. Divide the amount appropriated by the sum of low-income pupils under subd. 2.

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

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

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

(f) *Limitations on payment.* If a school fails to implement the requirements under sub. (4) (a) in a participating

grade for which the department has made payment, the school board of the district shall, upon the request of the department, reimburse the department the amount paid for the participating grade on the school's behalf for the school year in which the requirements were not implemented.

NOTE: Largely maintains language related to state funding and evaluation from the SAGE statute. The SECTION applies the existing appropriation and funding for the SAGE program to the newly created AGR program, but changes the appropriation from a sum certain to a sum sufficient to provide the per-pupil amount awarded to schools participating in SAGE in the 2013-14 school year. While current law establishes a maximum per-pupil payment of \$2,250 for each low-income SAGE pupil, the current appropriation of \$108.9 million was not sufficient to provide the full per-pupil payment and therefore payments were prorated for 2013-14 at 90.1 percent, resulting in a per-pupil payment of \$2,027.25.

Unlike the SAGE program, the AGR program requires the school district to return the funds paid for a participating grade for any school year in which the school does not imple-

ment the strategies required under the AGR contract under sub. (4) in that grade.

As in the SAGE statute, the SECTION maintains the \$250,000 allocation for evaluation of the program and requires DPI to promulgate rules regarding payment of state aid.

(7) EVALUATION. (a) Beginning in the 2017-18 school year, the department shall arrange for an annual evaluation of the program under this section and shall allocate from the appropriation under s. 20.255 (2) (cu) \$125,000 for that purpose.

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

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