



## 2015 BILL

1     **AN ACT** *to repeal* 115.385 (1) (a) 2., 118.42 (2), 118.42 (3) (b) and (c) and 118.42  
2         (4); *to renumber and amend* 118.40 (3) (b), 118.42 (1), 118.42 (3) (a) (intro.)  
3         and 118.42 (3) (a) 1. to 5.; *to amend* 115.385 (1) (a) (intro.), 115.385 (1) (a) 1.,  
4         115.385 (1) (a) 3., 115.385 (1) (b), 115.385 (2), 118.40 (2r) (e) 2p. (intro.), 118.42  
5         (title), 118.60 (2) (a) (intro.), 119.04 (1), 119.23 (2) (a) (intro.) and 121.006 (2) (d);  
6         and *to create* 13.94 (1) (n), 13.94 (1s) (c) 9., 15.07 (2) (o), 15.105 (20), 15.375 (3),  
7         16.105, 115.385 (1) (a) 1m., 115.385 (1) (a) 4., 115.385 (1) (c), 118.40 (2r) (e) 4.,  
8         118.40 (3) (b) 2., 118.41, 118.42 (1d), 118.42 (1m) (a) 5., 118.42 (1m) (b), 118.42  
9         (2m), 118.57, 118.60 (2) (bt), 119.23 (2) (bt) and 121.006 (2) (e) of the statutes;  
10        **relating to:** the school and school district accountability report, chronically  
11        failing schools and school districts, and educational options information.

---

### *Analysis by the Legislative Reference Bureau*

#### SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORT

Under current law, the Department of Public Instruction (DPI) must annually publish a school and school district accountability report (annual accountability

**BILL**

report) that includes (a) an index system to identify a school's level of performance and to annually place each school into one of five performance categories and (b) the following measures, which are used to determine a school's performance or a school district's improvement:

1. Pupil achievement and growth in reading and mathematics
2. Measures of college and career readiness for high school pupils and measures indicative of being on track for college and career readiness in the elementary grades.
3. Gaps in pupil achievement and rates of graduation, categorized by race, English language proficiency, disability, and income level.

Current law requires DPI to include independent charter schools and private schools participating in a parental choice program (PCP) in the annual accountability report one year after the independent charter school or PCP school begins using a student information system for the standardized collection of student data. Current law requires independent charter schools and PCP schools to begin using a student information system in the 2015–16 school year.

Under the bill, DPI must include in the school and school district accountability report (a) an index system to identify a school's level of performance and a school district's improvement and to annually place each school and school district into one of five performance categories, (b) a definition for each of the five performance categories, and (c) the following measures, categorized by race, English language proficiency, disability, and income level, which are used to determine a school's performance or a school district's improvement:

1. Pupil achievement in reading and mathematics.
2. Growth in pupil achievement in reading and mathematics, calculated using a value-added methodology.
3. Gap closure in pupil achievement in reading and mathematics and, when available, in graduation rates.
4. Rates of attendance or of high school graduation.

The bill also clarifies that DPI must include independent charter schools and private schools participating in a PCP in the annual accountability report that is due by September 2016, and that DPI must use the same criteria to evaluate all schools included in the annual accountability report.

**CURRENT LAW: LOW-PERFORMING SCHOOL DISTRICTS AND SCHOOLS; STATE  
SUPERINTENDENT INTERVENTIONS**

Under current law, if the state superintendent of public instruction (state superintendent) determines that a school district has been in need of improvement for four consecutive school years the following apply:

1. The school board of the school district must employ a curriculum aligned with the state's model academic standards, use pupil academic performance data to differentiate instruction to meet individual pupil needs, implement a system of academic and behavioral supports and early interventions for all pupils, and provide additional learning time to address the needs of pupils who are struggling academically.

2. The state superintendent may direct the school board of the school district to do one or more of the following:

**BILL**

- a. Implement or modify any requirements described above.
- b. Implement a new instructional design, including expanded school hours and additional pupil supports and services.
- c. Implement professional development programs focused on improving pupil academic achievement.
- d. Make personnel changes.
- e. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent.

Under current law, if the state superintendent determines that a school was in the lowest five percent of all public schools in the state in the previous school year and the school is located in a school district that has been in need of improvement for four consecutive school years the following apply:

1. The school board of the school district must use rigorous and equitable performance evaluations for teachers and principals, adopt criteria to evaluate the distribution of teachers and principals within the school and throughout the school district, establish teacher and principal improvement programs, and adopt placement criteria for principals that include performance evaluations and pupil achievement measures.

2. The state superintendent may direct the school board of the school district to do one or more of the following:

- a. Implement a new instructional design, including expanded school hours and additional pupil supports and services.

- b. Create a school improvement council, the members of which include the state superintendent, the school board president, the school principal and representatives of certain labor organizations, to make recommendations about improving the school to the state superintendent.

Current law authorizes DPI to withhold state aid from a school district that fails to comply with a directive made by the state superintendent to the school board of a low performing school or school district.

The bill replaces these provisions with the interventions for chronically failing schools and school districts described below.

**CHRONICALLY FAILING SCHOOLS AND SCHOOL DISTRICTS*****Identifying chronically failing schools and school districts***

Under the bill, a chronically failing school or school district is a public school, including a charter school, or school district that is placed in the lowest performance category in three consecutive annual accountability reports. The bill creates the public and charter school accountability board (PCAB), which is attached to DPI, to review annual accountability reports and identify chronically failing schools and school districts. The PCAB must notify the school board of a chronically failing school district and the school board of each school district in which a chronically failing school is located, or the operator of a chronically failing independent charter school, that the school district or school has been identified as a chronically failing school or school district. Within 30 days of receiving notice, a school board or operator may appeal its identification as a chronically failing school or school district. On appeal, the PCAB may choose not to identify a school or school district as a chronically failing

**BILL**

if the board determines that exceptional circumstances justify the school or school district's performance on the annual accountability reports.

***Improvement plans and interventions***

Under the bill, the school board of a school district in which a chronically failing school is located, or, in the case of a chronically failing independent charter school, the operator of the independent charter school must develop and submit an improvement plan to the PCAB that describes the steps that the school board or operator will take to improve the school's performance. The school board of a chronically failing school district must submit an improvement plan to the PCAB that employs a curriculum aligned with the state's model academic standards, uses pupil academic performance data to differentiate instruction to meet individual pupil needs, implements a system of academic and behavioral supports and early interventions for all pupils, and provides additional learning time to address the needs of pupils who are struggling academically. The PCAB must review and approve improvement plans submitted by schools boards and operators of independent charter schools. A school board or operator of an independent charter school must comply with an approved improvement plan until the PCAB removes the chronically failing school or school district label from the applicable school or school district. If a school district is identified as a chronically failing school district for three consecutive school years, the PCAB may, with the approval of the state superintendent, direct the school board of the school district to do one or more of the following:

- a. Implement or modify any requirements required to be in a school district improvement plan.
- b. Implement a new instructional design, including expanded school hours and additional pupil supports and services.
- c. Implement professional development programs focused on improving pupil academic achievement.
- d. Make personnel changes.
- e. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent.

The bill authorizes DPI to withhold state aid from a school district that fails to comply with an improvement plan for a chronically failing school or school district or with a directive made by the PCAB to the school board of a chronically failing school or school district. Additionally, the contract for an independent charter school that is identified as a chronically failing school in the penultimate year of a contract term, may not be renewed.

**CHRONICALLY FAILING CHOICE SCHOOLS**

Under the bill, a chronically failing choice school is a private school that at least 20 pupils are attending under a PCP and that is placed in the lowest performance category for three consecutive annual accountability reports. The bill creates the parental choice school accountability board (choice accountability board), which is attached to DOA, to review annual accountability reports and identify chronically failing choice schools. The choice accountability board must provide DPI with a list of the chronically failing choice schools the board identifies and notify the governing

**BILL**

board of each private school that the private school has been identified as such. Within 30 days of receiving a notice, the governing board of a private school may appeal its identification as a chronically failing school. On appeal, the board may choose not to identify the private school as a chronically failing choice school for one school year if the board determines that exceptional circumstances justify the private school's performance on the annual accountability reports.

A private school that the choice accountability board identifies as a chronically failing choice school may not accept any new students under a PCP beginning in the school year the private school is identified as a chronically failing choice school. However, any pupil attending the private school under a PCP at the time the private school is identified as a chronically failing private school may continue to attend the private school under a PCP. Three school years after being identified as a chronically failing choice school, a private school may reapply to DPI to begin accepting new students under a PCP. For purposes of applying to begin accepting new students under a PCP, the private school must apply to DPI in the same manner as a new private school applying to begin participating in a PCP.

**EDUCATIONAL OPTIONS**

This bill directs each school board to annually post on its Internet site educational options available to children residing in the school district who are between the ages of 3 and 18.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 13.94 (1) (n) of the statutes is created to read:

2           13.94 (1) (n) No later than January 1, 2017, and biennially thereafter, perform  
3 a performance evaluation audit of the school and school district accountability report  
4 system under s. 115.385, including an evaluation of whether the index system used  
5 to identify a school or school district's performance is being consistently applied. The  
6 legislative audit bureau shall file a copy of the report of the audit under this  
7 paragraph with the distributees specified in par. (b).

8           **SECTION 2.** 13.94 (1s) (c) 9. of the statutes is created to read:

**BILL**

1           13.94 (1s) (c) 9. The department of public instruction for the cost of an audit  
2 performed under sub. (1) (n).

3           **SECTION 3.** 15.07 (2) (o) of the statutes is created to read:

4           15.07 (2) (o) The state superintendent of public instruction or his or her  
5 designee shall serve as the chairperson of the public and charter school  
6 accountability board.

7           **SECTION 4.** 15.105 (20) of the statutes is created to read:

8           15.105 (20) PARENTAL CHOICE SCHOOL ACCOUNTABILITY BOARD. There is created  
9 a parental choice school accountability board, attached to the department of  
10 administration under s. 15.03. The board shall consist of the state superintendent  
11 of public instruction or his or her designee and 8 members appointed for 3-year  
12 terms. Of the 8 appointed members, 4 shall be nominated by the governor and  
13 appointed with the advice and consent of the senate and one each shall be appointed  
14 by the speaker of the assembly, the senate majority leader, and the minority leader  
15 in each house of the legislature.

16           **SECTION 5.** 15.375 (3) of the statutes is created to read:

17           15.375 (3) PUBLIC AND CHARTER SCHOOL ACCOUNTABILITY BOARD. There is created  
18 a public and charter school accountability board, attached to the department of  
19 public instruction under s. 15.03. The board shall consist of the state superintendent  
20 of public instruction or his or her designee and 8 members nominated by the state  
21 superintendent of public instruction and with the advice and consent of the senate  
22 appointed for 3-year terms.

23           **SECTION 6.** 16.105 of the statutes is created to read:

24           **16.105 Parental choice school accountability board.** (1) Under this  
25 section:

**BILL**

1 (a) “Accountability report” means the school and school district accountability  
2 report under s. 115.385.

3 (b) “Board” means the parental choice school accountability board.

4 (c) “Chronically failing choice school” means a private school participating in  
5 the program under s. 118.60 or 119.23 that satisfies all of the following:

6 1. At least 20 pupils are attending the private school under the program under  
7 s. 118.60 or 119.23.

8 2. The department of public instruction placed the private school in the lowest  
9 performance category in the most recent accountability report and in the preceding  
10 2 accountability reports.

11 (2) Annually, by December 31, the board shall review the accountability report  
12 and identify chronically failing choice schools. The board shall provide a list of the  
13 chronically failing choice schools it identifies to the department of public instruction  
14 and notify the governing body of each chronically failing choice school that the school  
15 has been identified as such under this section.

16 (3) The governing body of a private school may, within 30 days of receiving  
17 notice under sub. (2), appeal the private school’s identification as a chronically failing  
18 choice school to the board. On appeal, if the board determines that there are  
19 exceptional circumstances to justify the private school’s performance on the  
20 accountability reports, the board may choose not to identify the private school as a  
21 chronically failing choice school for one school year even though the private school  
22 satisfies the definition of a chronically failing choice school under sub. (1). The board  
23 shall decide any appeal received under this subsection by April 30. If the board  
24 chooses not to identify a private school as a chronically failing choice school under  
25 this subsection, the board shall immediately notify the department of public

**BILL**

1 instruction of its action and the department of public instruction shall remove the  
2 private school from the list of chronically failing choice schools it received under sub.  
3 (2).

4 **SECTION 7.** 115.385 (1) (a) (intro.) of the statutes is amended to read:

5 115.385 (1) (a) (intro.) Multiple measures to determine a school's performance  
6 or a school district's improvement, including all of the following categorized by  
7 English language proficiency, disability, income level, and race or ethnicity:

8 **SECTION 8.** 115.385 (1) (a) 1. of the statutes is amended to read:

9 115.385 (1) (a) 1. Pupil achievement ~~and growth~~ in reading and mathematics.

10 **SECTION 9.** 115.385 (1) (a) 1m. of the statutes is created to read:

11 115.385 (1) (a) 1m. Growth in pupil achievement in reading and mathematics,  
12 calculated using a value-added methodology that includes demographic controls.

13 **SECTION 10.** 115.385 (1) (a) 2. of the statutes is repealed.

14 **SECTION 11.** 115.385 (1) (a) 3. of the statutes is amended to read:

15 115.385 (1) (a) 3. ~~Gaps in~~ Gap closure in growth in pupil achievement in  
16 reading and mathematics and, when available, rates of graduation, ~~categorized by~~  
17 ~~race, English language proficiency, disability, and income level.~~

18 **SECTION 12.** 115.385 (1) (a) 4. of the statutes is created to read:

19 115.385 (1) (a) 4. Rates of attendance or of high school graduation. The  
20 measure under this subdivision shall include a measure of improvement in addition  
21 to a measure of attainment.

22 **SECTION 13.** 115.385 (1) (b) of the statutes is amended to read:

23 115.385 (1) (b) An index system to identify a school's level of performance and  
24 a school district's level of improvement and annually place each school and school  
25 district into one of 5 performance categories.



**BILL**

1           **SECTION 14.** 115.385 (1) (c) of the statutes is created to read:

2           115.385 (1) (c) A definition for each of the 5 performance categories in par. (b).

3           **SECTION 15.** 115.385 (2) of the statutes is amended to read:

4           115.385 (2) ~~Beginning one year after a charter school established under s.~~  
5           ~~118.40 (2r) or a private school participating in a parental choice program under s.~~  
6           ~~118.60 or 119.23 begins using the student information system under s. 115.28 (12)~~  
7           ~~(b), or begins using a system that is interoperable with that system, the~~ no later than  
8           the annual school accountability report due by September 2016, the department  
9           shall include ~~the school~~ in its annual school accountability report under sub. (1)  
10          charter schools established under s. 118.40 (2r) and private schools participating in  
11          a parental choice program under s. 118.60 or 119.23. The department shall use the  
12          same criteria to measure the performance of all schools included in the annual school  
13          accountability report.

14          **SECTION 16.** 118.40 (2r) (e) 2p. (intro.) of the statutes is amended to read:

15          118.40 (2r) (e) 2p. (intro.) ~~In~~ Except as provided in subd. 4., in the 2015–16  
16          school year and in each school year thereafter, from the appropriation under s. 20.255  
17          (2) (fm), the department shall pay to the operator of the charter school an amount  
18          equal to the sum of the amount paid per pupil under this paragraph in the previous  
19          school year; the amount of the per pupil revenue limit adjustment under s. 121.91  
20          (2m) for the current school year, if positive; and the change in the amount of  
21          statewide categorical aid per pupil between the previous school year and the current  
22          school year, if positive. The change in the statewide categorical aid per pupil shall  
23          be determined as follows:

24          **SECTION 17.** 118.40 (2r) (e) 4. of the statutes is created to read:

**BILL****SECTION 17**

1           118.40 **(2r)** (e) 4. The department may not pay an operator of a charter school  
2 under this paragraph upon determining that the operator is not in compliance with  
3 its improvement plan approved under s. 118.41 (4).

4           **SECTION 18.** 118.40 (3) (b) of the statutes is renumbered 118.40 (3) (b) 1. and  
5 amended to read:

6           118.40 **(3)** (b) 1. A contract under par. (a) or under subs. (2m) or (2r) may be for  
7 any term not exceeding 5 school years and, except as provided in subd. 2., may be  
8 renewed for one or more terms not exceeding 5 school years. The contract shall  
9 specify the amount to be paid to the charter school during each school year of the  
10 contract.

11           **SECTION 19.** 118.40 (3) (b) 2. of the statutes is created to read:

12           118.40 **(3)** (b) 2. A contract under sub. (2r) may not be renewed if all of the  
13 following apply:

14           a. The contract has been renewed at least once.

15           b. The charter school established under the contract is identified as a  
16 chronically failing school under s. 118.41 in the penultimate school year of the  
17 contract term.

18           **SECTION 20.** 118.41 of the statutes is created to read:

19           **118.41 Public and charter school accountability board.** (1) Under this  
20 section:

21           (a) “Accountability report” means the school and school district accountability  
22 report under s. 115.385.

23           (b) “Board” means the public and charter school accountability board.

**BILL**

1 (c) “Chronically failing school” means a public school, including a charter  
2 school, that the department placed in the lowest performance category in the most  
3 recent accountability report and in the preceding 2 accountability reports.

4 (d) “Chronically failing school district” means a school district that the  
5 department placed in the lowest performance category in the most recent  
6 accountability report and in the preceding 2 accountability reports.

7 **(2)** (a) Annually, by November 30, the board shall review the accountability  
8 report and identify chronically failing schools and chronically failing school districts.  
9 The board shall notify the school board of a chronically failing school district that the  
10 school district has been identified as such under this paragraph and the school board  
11 of a school district in which a chronically failing school is located or, if the chronically  
12 failing school is a charter school established under s. 118.40 (2r), the operator of the  
13 charter school that the school has been identified as such under this paragraph.

14 (b) The board shall maintain a cumulative list of schools and school districts  
15 identified as chronically failing schools and chronically failing school districts under  
16 par. (a). The board may remove a school or school district from the list only if the  
17 department did not place the school or school district in the lowest performance  
18 category in the most recent accountability report and the board determines that the  
19 school or school district has met the goals of its improvement plan. A chronically  
20 failing school or school district shall comply with an improvement plan approved  
21 under sub. (4) until the board removes the school or school district from the list of  
22 chronically failing schools and school districts under this paragraph.

23 **(3)** A school board or operator of a charter school may, within 30 days of  
24 receiving a notice under sub. (2) (a), appeal a school or school district’s identification  
25 as a chronically failing school or chronically failing school district. On appeal, if the

**BILL****SECTION 20**

1 board determines that there are exceptional circumstances to justify the school or  
2 school district's performance on the accountability reports, the board may choose not  
3 to identify the school or school district as a chronically failing school or chronically  
4 failing school district for one school year even though the school or school district  
5 satisfies the definition of a chronically failing school or chronically failing school  
6 district under sub. (1). The board shall decide an appeal under this subsection within  
7 30 days of receiving the appeal.

8 (4) The board shall review an improvement plan submitted under s. 118.42.  
9 The board shall approve the improvement plan if the board determines that the  
10 improvement plan is likely to improve the school's or school district's performance  
11 on the measures in s. 115.385 (1) (a). If the board determines that the plan is not  
12 likely to increase the school's or school district's performance on the measures in s.  
13 115.385 (1) (a), the board may modify and approve the plan, as modified, or return  
14 the plan to the school board or operator for revision, in which case the school board  
15 or operator must submit a revised plan under s. 118.42 for approval.

16 **SECTION 21.** 118.42 (title) of the statutes is amended to read:

17 **118.42 (title) ~~Low-performing Chronically failing school districts and~~**  
18 **~~schools; state superintendent interventions.~~**

19 **SECTION 22.** 118.42 (1) of the statutes is renumbered 118.42 (1m) (a) and  
20 amended to read:

21 118.42 (1m) (a) ~~If the state superintendent determines that a The school board~~  
22 ~~of a chronically failing school district has been in need of improvement for 4~~  
23 ~~consecutive school years, the school board that receives notice under s. 118.41 (2) (a)~~  
24 ~~shall do, by April 30, submit to the public and charter school accountability board for~~  
25 ~~approval an improvement plan that does all of the following:~~

**BILL**

1           1. ~~Employ~~ Employs a standard, consistent, research-based curriculum that is  
2 aligned with the state’s model academic standards, as determined by the state  
3 superintendent, and across grades in all schools.

4           2. Use Uses pupil academic performance data, including data indicating  
5 improvement in pupil academic achievement and English language acquisition, to  
6 differentiate instruction to meet individual pupil needs. To the extent practicable,  
7 the school board shall assess pupils in the language and form most likely to yield  
8 accurate data.

9           3. ~~Implement~~ Implements for all pupils a system of academic and behavioral  
10 supports and early interventions, including diagnostic assessments, instruction in  
11 core academic subjects, different instructional strategies for different pupils, and  
12 strategies to improve reading and mathematics instruction and promote positive  
13 behavior.

14           4. ~~Provide~~ Provides additional learning time to address the academic needs of  
15 pupils who are struggling academically, including pupils whose proficiency in  
16 English is limited. The additional learning time may include an extended school day,  
17 an extended school year, summer school, or intersession courses.

18           **SECTION 23.** 118.42 (1d) of the statutes is created to read:

19           118.42 (1d) In this section:

20           (a) “Chronically failing school” means a school that the public and charter  
21 school accountability board has identified as a chronically failing school under s.  
22 118.41.

23           (b) “Chronically failing school district” means a school district that the public  
24 and charter school accountability board has identified as a chronically failing school  
25 district under s. 118.41.

**BILL****SECTION 24**

1           **SECTION 24.** 118.42 (1m) (a) 5. of the statutes is created to read:

2           118.42 **(1m)** (a) 5. Implements other strategies and interventions, as  
3 appropriate to improve school district performance.

4           **SECTION 25.** 118.42 (1m) (b) of the statutes is created to read:

5           118.42 **(1m)** (b) The school board shall comply with the improvement plan, as  
6 approved by the public and charter school accountability board.

7           **SECTION 26.** 118.42 (2) of the statutes is repealed.

8           **SECTION 27.** 118.42 (2m) of the statutes is created to read:

9           118.42 **(2m)** A school board of a school district in which a chronically failing  
10 school is located or an operator of a charter school established under s. 118.40 (2r)  
11 that receives notice under s. 118.41 (2) (a) shall, by April 30, submit to the public and  
12 charter school accountability board for approval an improvement plan that describes  
13 the steps that the school board or operator will take to improve the school's  
14 performance. The school board or operator shall comply with the improvement plan,  
15 as approved by the public and charter school accountability board.

16           **SECTION 28.** 118.42 (3) (a) (intro.) of the statutes is renumbered 118.42 (3)  
17 (intro.) and amended to read:

18           118.42 **(3)** (intro.) ~~If the state superintendent determines that a school district~~  
19 ~~has been in need of improvement for 4~~ is a chronically failing school district for 3  
20 consecutive school years, the ~~state superintendent~~ public and charter school  
21 accountability board may, ~~after consulting with the school board, the school district~~  
22 ~~superintendent, and representatives of each labor organization representing school~~  
23 ~~district employees, with the state superintendent's approval,~~ direct the school board  
24 to do one or more of the following in the school district:

**BILL**

1           **SECTION 29.** 118.42 (3) (a) 1. to 5. of the statutes are renumbered 118.42 (3) (a)  
2 to (e), and 118.42 (3) (a) and (e), as renumbered, are amended to read:

3           118.42 (3) (a) Implement or modify activities described in sub. ~~(1)~~ (1m) (a) to  
4 ~~(d)~~.

5           (e) Adopt accountability measures to monitor the school district's finances or  
6 to monitor other interventions directed by the state superintendent under subds. ~~1.~~  
7 ~~to 4~~ pars. (a) to (d).

8           **SECTION 30.** 118.42 (3) (b) and (c) of the statutes are repealed.

9           **SECTION 31.** 118.42 (4) of the statutes is repealed.

10          **SECTION 32.** 118.57 of the statutes is created to read:

11          **118.57 Notice of educational options.** Annually, by January 31, a school  
12 board shall post on its Internet site the educational options available to children who  
13 reside in the school district and are at least 3 years old but not yet 18 years old,  
14 including public schools, private schools participating in a parental choice program,  
15 charter schools, full-time open enrollment, youth options, and course options.

16          **SECTION 33.** 118.60 (2) (a) (intro.) of the statutes is amended to read:

17          118.60 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), ~~and~~ (bt), any pupil in grades  
18 kindergarten to 12 who resides within an eligible school district may attend any  
19 private school under this section and, subject to pars. (ag), (ar), (be), (bm), ~~and~~ (bs),  
20 and (bt), any pupil in grades kindergarten to 12 who resides in a school district, other  
21 than an eligible school district or a 1st class city school district, may attend any  
22 private school under this section if all of the following apply:

23          **SECTION 34.** 118.60 (2) (bt) of the statutes is created to read:

24          118.60 (2) (bt) 1. Except as provided in subd. 2., beginning in the school year  
25 a private school is identified as a a chronically failing choice school under s. 16.105,

**BILL****SECTION 34**

1 the private school may not accept any additional pupils under this section. Any pupil  
2 attending the private school under this section at the time the private school is  
3 identified as a chronically failing choice school may continue to attend the private  
4 school under this section.

5 2. No earlier than three school years after being identified as a chronically  
6 failing choice school under s. 16.105, a private school may apply to the department  
7 to begin accepting additional pupils under this section. A private school applying to  
8 accept additional pupils under this subdivision shall be considered a new private  
9 school applying to begin participating in the program under this section and shall  
10 comply with the requirements in sub. (2) (ag).

11 **SECTION 35.** 119.04 (1) of the statutes is amended to read:

12 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
13 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
14 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,  
15 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145  
16 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,  
17 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,  
18 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.51, 118.52, 118.53, 118.55,  
19 118.56, 118.57, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to  
20 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.21  
21 (3), and 120.25 are applicable to a 1st class city school district and board.

22 **SECTION 36.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

23 119.23 (2) (a) (intro.) Subject to pars. (ag) ~~and~~, (ar), and (bt), any pupil in grades  
24 kindergarten to 12 who resides within the city may attend any private school if all  
25 of the following apply:



**BILL**

1           **SECTION 37.** 119.23 (2) (bt) of the statutes is created to read:

2           119.23 (2) (bt) 1. Except as provided in subd. 2., beginning in the school year  
3 a private school is identified as a a chronically failing choice school under s. 16.105,  
4 the private school may not accept any additional pupils under this section. Any pupil  
5 attending the private school under this section at the time the private school is  
6 identified as a chronically failing choice school may continue to attend the private  
7 school under this section.

8           2. No earlier than three school years after being identified as a chronically  
9 failing choice school under s. 16.105, a private school may apply to the department  
10 to begin accepting additional pupils under this section. A private school applying to  
11 accept additional pupils under this subdivision shall be considered a new private  
12 school applying to begin participating in the program under this section and shall  
13 comply with the requirements in sub. (2) (ag).

14           **SECTION 38.** 121.006 (2) (d) of the statutes is amended to read:

15           121.006 (2) (d) Comply with a directive issued by ~~the state superintendent~~  
16 under s. 118.42 (3) ~~(a) or (b)~~.

17           **SECTION 39.** 121.006 (2) (e) of the statutes is created to read:

18           121.006 (2) (e) Comply with an improvement plan approved under s. 118.41 (4),  
19 as determined by the state superintendent.

20           **SECTION 40. Nonstatutory provisions.**

21           (1) PARENTAL CHOICE SCHOOL ACCOUNTABILITY BOARD. Notwithstanding section  
22 15.105 (20) of the statutes, as created by this act, the initial members appointed to  
23 the parental choice school accountability board under section 15.105 (20) of the  
24 statutes, as created by this act, shall be appointed as follows:

