



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4022/2
FFK:klm

2019 ASSEMBLY BILL 739

January 16, 2020 - Introduced by Representatives L. MYERS, CROWLEY, EMERSON, VRUWINK, HAYWOOD, KOLSTE, BILLINGS, C. TAYLOR, SINICKI, BROSTOFF, BOWEN, POPE and GOYKE, cosponsored by Senators L. TAYLOR, WIRCH and LARSON. Referred to Committee on Education.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 118.44 (4) (a) 2. and 3. and 118.44 (4) (b); *to renumber* 118.44
2 (4) (a) 1. a. and b.; *to renumber and amend* 118.44 (4) (a) (title); *to*
3 *consolidate, renumber and amend* 118.44 (4) (a) (intro.) and 1. (intro.); *to*
4 *amend* 118.44 (1) (d), 118.44 (4) (d), 118.44 (5) (b) and 118.44 (6) (f); and *to*
5 *create* 118.44 (4m) of the statutes; **relating to:** the requirements for an
6 achievement gap reduction contract.

Analysis by the Legislative Reference Bureau

Under the Achievement Gap Reduction program, a school board receives aid for low-income pupils who are enrolled in a participating grade at a participating school if the participating school complies with an AGR contract between the Department of Public Instruction and the school board. Current law requires that an AGR contract include, among other things, that the school board will implement one or more of the following strategies in the participating grades at a participating school:

1. Reduce class sizes to no more than 18 pupils, or 30 pupils if the classroom has at least two regular classroom teachers, and provide professional development for teachers related to small group instruction.
2. Provide data-driven instructional coaching for teachers.
3. Provide data-informed one-to-one tutoring for pupils at risk of difficulty with math or reading.

This bill eliminates the option for a school board to implement one or more of the strategies described above and instead requires that, under an AGR contract, a

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school board must reduce class size to no more than 18 pupils, or 30 pupils if the classroom has at least two regular classroom teachers, and provide professional development for teachers related to small group instruction. Additionally, the bill creates a process for a school board to obtain a waiver from this requirement during the first three years of an AGR contract if the school board makes a good faith effort to implement the small class size strategy.

Finally, under current law, a “participating grade” is defined as five-year-old kindergarten to third grade at a school that is subject to an AGR contract. Under the bill, four-year-old kindergarten is also a participating grade.

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.** 118.44 (1) (d) of the statutes is amended to read:

2 118.44 (1) (d) “Participating grade” means grade 4-year-old kindergarten,
3 5-year-old kindergarten, and grades 1 to 3 in a school subject to a contract under this
4 section.

5 **SECTION 2.** 118.44 (4) (a) (title) of the statutes is renumbered 118.44 (4) (am)
6 (title) and amended to read:

7 118.44 (4) (am) (title) ~~Strategies: class~~ Class ~~size; instructional coaching;~~
8 ~~tutoring.~~

9 **SECTION 3.** 118.44 (4) (a) (intro.) and 1. (intro.) of the statutes are consolidated,
10 renumbered 118.44 (4) (am) (intro.) and amended to read:

11 118.44 (4) (am) (intro.) ~~The school board to implement one or more of the~~
12 ~~following strategies in~~ For each class in each participating grade at each
13 participating school: ~~1. Provide,~~ provide professional development related to small
14 group instruction and reduce the class size to one of the following:

15 **SECTION 4.** 118.44 (4) (a) 1. a. and b. of the statutes are renumbered 118.44 (4)
16 (am) 1. and 2.

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1 **SECTION 5.** 118.44 (4) (a) 2. and 3. of the statutes are repealed.

2 **SECTION 6.** 118.44 (4) (b) of the statutes is repealed.

3 **SECTION 7.** 118.44 (4) (d) of the statutes is amended to read:

4 118.44 **(4)** (d) *School board review.* Each participating school to present
5 information regarding the school's implementation of the contract requirements
6 requirement under par. ~~(a)~~ (am), its performance objectives under par. (c), and its
7 success in attaining the objectives to the school board at the end of every semester
8 of the contract.

9 **SECTION 8.** 118.44 (4m) of the statutes is created to read:

10 118.44 **(4m)** **WAIVER.** In any of the first 3 years of a contract under sub. (3), a
11 school board may request a waiver from the requirement under sub. (4) (am). The
12 department shall grant the school board's request if the school board demonstrates
13 that the school board made a good faith effort to comply with the requirement under
14 sub. (4) (am). If a school board obtains a waiver under this subsection, the school
15 board is considered to have complied with sub. (4) (am) in the school year for which
16 the waiver is granted. This subsection does not apply to a renewal under sub. (5).

17 **SECTION 9.** 118.44 (5) (b) of the statutes is amended to read:

18 118.44 **(5)** (b) The Subject to sub. (4m), the department may not renew a
19 contract with a school district on behalf of a participating school if the department
20 determines that the school board has failed to comply with the terms of the contract
21 under sub. (4).

22 **SECTION 10.** 118.44 (6) (f) of the statutes is amended to read:

23 118.44 **(6)** (f) *Limitations on payment.* If Subject to sub. (4m), if a school fails
24 to implement the requirements under sub. (4) ~~(a)~~ (am) in a participating grade for
25 which the department has made payment, the school board of the district shall, upon

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SECTION 10

1 the request of the department, reimburse the department the amount paid for the
2 participating grade on the school's behalf for the school year in which the
3 requirements were not implemented.

4 **SECTION 11. Initial applicability.**

5 (1) This act first applies to a contract under s. 118.44 that is entered into,
6 renewed, or modified on the effective date of this subsection.

7 (END)